

United Nations
**GENERAL
ASSEMBLY**

TWENTY-FIRST SESSION

Official Records



**1496th
PLENARY MEETING**

Friday, 16 December 1966,
at 3 p.m.

NEW YORK

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President: Mr. Abdul Rahman PAZHWAQ
(Afghanistan).

AGENDA ITEM 62

Draft International Covenants on Human Rights
(concluded)

REPORT OF THE THIRD COMMITTEE (A/6546)

1. The PRESIDENT: We shall continue hearing the explanations of vote on this item.
2. Mr. EGAS (Chile) (translated from Spanish): My delegation will vote in favour of the Covenants on Human Rights and the Optional Protocol contained in the report of the Third Committee (A/6546, para. 627), for the following reasons: first, because Chile has always taken a clear, unambiguous stand in defence of human rights, which are recognized in our Constitution and national legislation and protected by effective jurisdictional measures; secondly, because the codification of human rights in the international instruments before us enhances the dignity of mankind and therefore has high moral significance; thirdly, because the Covenants and the Optional Protocol embody the essential elements for developed procedural machinery to safeguard human rights, permitting the strengthening and improvement of the measures and procedures envisaged; fourthly, because

these instruments are intended to achieve the full integration of the human person through the realization of all his evolutionary potentialities, without social, cultural or economic handicaps and without political or civil impediments; fifthly, because man thus acquires a new cultural dimension, representing also a new scale of values oriented in all respects towards the maintenance of peace and coexistence, the preservation of freedom in full measure in all regions of the world and the granting to each individual of what is justly his.

3. Finally, we recognize that these Covenants represent a challenge to the capability of the human mind to absorb its true genius, its intrinsic message, in short its word; only to the extent that these are understood by the rulers and the governed shall we have scaled the heights to which mankind aspires in its desire to realize its potentialities.

4. Mr. RICHARDSON (Jamaica): The twenty-first session of the General Assembly and this day in particular, 16 December 1966, will go down in the history of international co-operation as being among the most important periods and the most important days in the history of civilized mankind, because it is at this session and on this day that the Member States of the United Nations have managed to complete the harmonization of their respective interests and have joined in fulfilling one of the dearest hopes with which this Organization was brought into being twenty-one years ago. There is no need for the Jamaican delegation to multiply the words spoken in congratulating the Members of this Assembly, the members of the Social, Humanitarian and Cultural Committee of this Assembly and its Chairman on having managed to achieve a goal which had eluded us for more than a decade.

5. The Jamaican delegation is pleased indeed that the draft Covenant on civil and political rights and the draft Covenant on economic, social and cultural rights are now before us for approval. It goes without saying that the Jamaican delegation will readily approve draft resolutions A and B which have been submitted to us by the Third Committee. I wish to explain my vote particularly in regard to draft resolution C.

6. During the examination of the draft Covenant on civil and political rights in the Third Committee, the Jamaican delegation, at the 1436th meeting, proposed that an additional article, in a new self-contained section, should be added to that Covenant. Under the provisions of the proposed new article, each State party to the covenant would undertake to establish a national commission on human rights within its territory. The exact nature of the proposal and the precise functions which the commissions would be established to discharge were set out in the article.

7. With your permission, Mr. President, I should like to read the text of that proposed new article:

"1. Each State Party undertakes to establish or designate in accordance with its constitutional processes a National Commission on Human Rights or another appropriate institution which shall perform throughout the territories under its jurisdiction the functions set out in this article:

"(a) It shall study and keep under review the status of the legislation, judicial decisions and administrative arrangements for the protection of the rights recognized in this Covenant and shall prepare and submit to the Head of State and the appropriate authorities of the Government an annual report on the progress made during each year in giving effect to the provisions of this Covenant;

"(b) It may also advise the Government on any question referred to it by the Government in regard to the protection of the rights recognized in this Covenant;

"(c) Copies of the report referred to in subparagraph (a) of this article shall be transmitted to the Human Rights Committee established under article 27 of this Covenant. The Committee may communicate to the Government concerned its confidential comments of a general character on the report thus submitted.

"2. Every member of the Nations Commission or other institution referred to in paragraph 1 of this article shall be a person of recognized competence and experience in the field of human rights.

"3. During their term of office the members of the National Commission or other institution referred to in paragraph 1 of this article shall be guaranteed the independent exercise of their functions." [A/6546, para. 557.]

8. The Jamaican delegation was prompted to put this proposal forward by the progress which we saw being made at this particular session of the General Assembly on the implementation clauses of the covenants, clauses on which the United Nations had been unable to make any progress for close upon ten years. We were prompted also by our conviction that the main burden of the responsibility for preserving, protecting and effectively guaranteeing human rights must rest with the people of each of our countries themselves. Only the citizens themselves can keep the performance of their Governments responsive to the high ideals expressed in their constitutions or fundamental laws, and consistent with the obligations which, we hope, they will solemnly undertake when they ratify the Covenants.

9. International measures and institutions for implementing the Covenants represent indeed an acknowledgement of the indivisibility and the universality of human rights, but they can at best do no more than supplement and support the institutions and measures established and maintained at home. Moreover, Jamaica believes that in the immediate future the best hope of progress in securing human rights lies in supporting and encouraging the efforts of individuals and groups within each State who accept the ideological basis and the fundamental principles of their own

social systems to work for the implementation of such rights as their own systems acknowledge.

10. The Third Committee gave preliminary consideration to the proposal for the new article, and many delegations expressed the opinion that it had valuable and useful elements. Unmistakably, however, the discussion in the Committee disclosed that many delegations could not comfortably pronounce upon a proposal which had not yet been subjected to expert and dispassionate examination by that United Nations organ whose duty it is to consider matters relating to human rights. I refer, of course, to the Commission on Human Rights. So it was decided [see A/6546, para. 621] that the proposal should be referred to the Commission on Human Rights through the Economic and Social Council for consideration and report.

11. The Committee considered it appropriate also that Member States to which the proposal might seem attractive, but which might have varying degrees of difficulty in regard to its constitutional implications, should have the opportunity of making their views known to the Commission on Human Rights in order that the Commission might take them into account in considering the proposal.

12. The discussion also revealed that some delegations would wish to see national commissions on human rights—if indeed they were being set up—given functions relating to the covenant on economic, social and cultural rights, as well as in relation to the other covenants. The recommendation in the report of the Third Committee reflects the recognition of this desire.

13. The proposed new article is not an amendment to the draft Covenants, and the historic documents which we are today approving—the draft Covenants on civil and political rights and on economic, social and cultural rights, together with their protocols—are complete in themselves. However, the possibility that additions might be made to one or another of these covenants in future years is not ruled out. Should the Commission on Human Rights eventually advise that a provision relating to national commissions should be added to one covenant or to both, the General Assembly will decide at that time in what appropriate form the addition should most properly be made.

14. The Jamaican delegation is grateful for the support which our proposal received from the two co-sponsors of the draft resolution which was eventually adopted in Committee [A/6546, para. 627, draft resolution C], namely, Pakistan and Nigeria. Jamaica welcomes the willingness of other delegations to see this proposal given detailed and expert consideration. My delegation appreciates the position even of those few delegations which found themselves unable to extend their support to the proposal that the matter be subjected to detailed study in the appropriate subordinate forum.

15. The Jamaican delegation proposes to vote for the draft resolution C in the report of the Commission and commends it to other Members of this Assembly.

16. Mrs. STEVENSON (Liberia): We are about to witness the successful culmination of nearly twenty years of arduous work by the United Nations to produce an international legal system that would give form

and practical content to the defence of human rights. The adoption of the draft international Covenants on Human Rights by the General Assembly today will constitute an extremely valuable contribution to the promotion of respect for human rights and fundamental freedoms. My delegation is indeed happy to have the opportunity of participating in this historic moment.

17. In an era of increasing tension and grave political, economic and social problems, the necessity of defending and confirming at every opportunity the values of the human person cannot be overemphasized. It is an undeniable fact that gross violation of human rights still persists in many parts of the world in the form of racial discrimination, apartheid and other forms of human deviation. Therefore, the implementation clauses of the draft International Covenants on Human Rights which we are about to complete are of the utmost importance in contributing to the full and harmonious development of the human person and restoring him to his rightful place in society. My delegation will vote in favour of the draft Covenant on Economic, Social and Cultural rights, and the draft Covenant on Civil and Political Rights because we feel that while the measures could have been improved in certain areas, on the whole they represent a decisive advance in the international protection of human rights and human dignity. The draft Covenants will give breadth and depth to the Universal Declaration of Human Rights.

18. My delegation finds difficulty in accepting the provisions contained in paragraph 3 of Article 2 of the draft Covenant on Economic, Social and Cultural Rights. The discriminatory measures are diametrically opposed to the principles of the Covenants and the "open door policy" of my Government. Non-nationals are fully protected by the law.

19. With regard to the optional Protocol to the draft Covenant on Civil and Political Rights, my delegation gave its views on the question when the item was discussed in the Committee. In our view, the individual should never be denied the right of petition when his rights, in accordance with the provisions of this Covenant, are violated by a State Party. However, the individual must be able to complain to a national tribunal with the power and machinery to grant him practical and effective redress. Such meaningful recourse has always been available through national tribunals and not through international bodies.

20. It would have been preferable had an article been included requesting the States Parties to the Covenants to bring their domestic legislation in line with the provisions of the Covenants to ensure the full exercise of the rights of the individual recognized under this Covenant. The optional nature of the Protocol does not rule out the possibility of intervention in the domestic affairs of a State. If the measures are put into effect too hastily, without taking into account the varying degrees of development of the countries represented here, the internal order of the weaker nations could be adversely affected by the abuse of the very rights which this instrument seeks to protect. In this connexion, my delegation will abstain in the vote on the Protocol.

Our vote on this instrument in no way prejudices the final position of our Government on the matter.

21. While the final stages of the Covenants will be completed today, the implementation machinery for the effective protection of human rights is just being set in motion. Respect for human dignity throughout the world has received a new impetus. The successful operation of the machinery will depend on the early entry into force of the instruments and their effective implementation. It is hoped that the goals which these instruments seek to achieve in the promotion of human rights and human dignity will be realized with minimum delay.

22. The PRESIDENT: Before I call on the next speaker, I should like, most respectfully, to remind Members of the Assembly that at this stage, in accordance with the decision taken by the Assembly, delegations may only explain their votes. I hope that Members will co-operate with me in abiding by their own decision, and will confine themselves to explanations of vote, avoiding any general statements at this stage.

23. Mr. CUEVAS CANCINO (Mexico) (translated from Spanish): Mr. President, in accordance with your request, I shall be very brief.

24. The Covenants on Human Rights, conceived of at the same time as the Organization itself, and initiated with the Declaration of 1948, have now been concluded. We have come to the end of a phase. Like a chrysalis, long enveloped in its cocoon, the Covenants now, spreading their glorious wings, are ready to improve the lot of mankind. But all our work will have been in vain if the Covenants, devoted to the cult of freedom, remain in the archives with treaties that are hardly even referred to in bibliographies and have never influenced the course of human history. We trust that the Covenants, like the Declaration, will be a source of pride to our peoples, and of glory to our jurists and will be repeated with devotion by future generations.

25. We therefore reaffirm our faith in a work that is just and should, furthermore, be useful; our faith that the Governments we represent will be determined to carry forward the high principles embodied in the Covenants. On this day, when mankind is living through a period of far-reaching change, in which neolithic man is left ever further behind, my delegation will express its faith by voting for the Covenants.

26. The torch of our confidence—that the individual and the development of his rights are the foundation of the mankind of tomorrow—is now passed to the hands of future generations who are impatiently clamouring at our doors. They must complete what we have barely started.

27. The PRESIDENT: The representative of Mexico was to have been the last speaker in explanation of vote before the vote. However, another representative has just asked to explain his vote. May I ask the Assembly's co-operation in this regard. If any other representative wants to explain his vote before the vote, I would ask him to indicate this to the Secretariat within ten minutes. After that, I shall take the liberty, with the Assembly's co-operation, of bringing to an end the explanations of vote.

28. Mrs. KUME (Japan): My delegation will vote in favour of the two Covenants, as a whole, and will abstain on the optional Protocol to the draft Covenant on Civil and Political Rights.

29. However, we shall either vote against or abstain on certain articles if they are put to a separate vote. Article 8, paragraph 1, sub-paragraphs (b), (c) and (d) of the draft Covenant on Economic, Social and Cultural Rights refer to the rights of the trade unions. In the opinion of my delegation, the inclusion of such rights in a Covenant which deals exclusively with the rights of an individual not only is inappropriate, but also impairs the integrity of the whole Covenant. My delegation will therefore abstain on sub-paragraphs (b), (c) and (d). Article 8, paragraph 2, ensures the rights referred to in paragraph 1 of the same article for members of the armed forces, the police, and the administration of a State. My delegation will abstain from voting on this paragraph since the scope of "members . . . of the administration of a State" covered by this article is not clear.

30. My delegation will vote in favour of article 2 of the draft Covenant on Economic, Social and Cultural Rights as a whole, but we shall vote against paragraph 3 of that article. This paragraph was adopted by the Third Committee at the seventeenth session [1206th meeting] with 41 in favour, 38 against, and 12 abstentions. My delegation cannot accept the inclusion of such a discriminatory provision in the Covenant.

31. My delegation cannot accept paragraph 2 of article 15 of the draft Covenant on Civil and Political Rights on the ground that it would undermine one of the basic principles of criminal law; that is, the principle of "no law, no crime" which protects individuals from being prosecuted and punished without the provision of law at the time of the commission of a crime. Moreover, the concept of international criminal law has not yet been crystallized.

32. As regards paragraph 2 of article 20 of the same draft Covenant, this provision may endanger freedom of thought, expression and religion, which are the foundation of any democratic society.

33. We shall abstain on article 25 of the draft Covenant on Economic, Social and Cultural Rights, and article 47 of the draft Covenant on Civil and Political Rights. Article 1, paragraph 2 of the draft Covenant on Economic, Social and Cultural Rights already ensures the right of peoples freely to dispose of their natural wealth and resources. The addition of article 25 not only duplicates article 1, paragraph 2, but also complicates its interpretation, for article 25 does not mention obligations arising out of international economic co-operation, based upon the principle of mutual benefit and international law.

34. The inclusion of article 47 in the draft Covenant on Civil and Political Rights is irrelevant. We shall also abstain on article 44 for the same reasons we have already given in the Third Committee [1434th meeting].

35. The PRESIDENT: Before we proceed to the vote, we shall first take a decision on the motion proposed by the delegation of Lebanon [1495th meeting, para. 96] that, if I understood it correctly, the General Assembly

should vote on each of the following texts as a whole: first, draft resolution A [A/6546, para. 627]; second, the draft International Covenant on Economic, Social and Cultural Rights; third, the draft International Covenant on Civil and Political Rights and the optional Protocol to the draft International Covenant on Civil and Political Rights; fourth, draft resolution B relating to those instruments, [*ibid.*], and finally draft resolution C [*ibid.*]. That motion is before the house.

36. I call on the representative of the United States on a point of order.

37. Mrs. HARRIS (United States of America): The delegation of Lebanon has made a motion that each of the instruments before us be voted on as a whole. My delegation proposes an amendment to that proposal, adding the following words at the end of the Lebanese proposal:

"... except that a separate vote shall be taken on article 2, paragraph 3 of the draft Covenant on Economic, Social and Cultural Rights."

38. Article 2, paragraph 3 of the draft Covenant on Economic, Social and Cultural Rights provides that developing countries may determine the extent to which they would guarantee the economic rights recognized in the Covenant to non-nationals. Such a provision has no place in this Covenant. It runs counter to the undertaking of the States Parties expressed in paragraph 2 of the same article by authorizing in virtually unqualified terms discriminatory treatment of non-nationals by a certain group of States, the developing countries, a term which is not defined in the draft Covenant. The implication of that provision seems to be that developed countries may not under this Covenant distinguish between their own nationals and aliens, whereas in fact all States have the right to make certain distinctions between their nationals and aliens with due regard to international law. A vote against that paragraph by a delegation which represents a developing country obviously would not imply a commitment by its Government to treat aliens in all respects in the same way as nationals. Rather, a negative vote would merely signify agreement that the paragraph, as it now stands, is a faulty legal formulation because it refers only to a select group of States. Obviously, the deletion of paragraph 3 would not in any way affect the existing right of all States to distinguish between their nationals and aliens.

39. Article 2, paragraph 3 creates a vague, double standard between developing and developed countries which cannot be reconciled with the spirit of universality and the sovereign equality of States found in the Universal Declaration of Human Rights and in the Covenant.

40. For those reasons, we are compelled to request a separate vote on paragraph 3.

41. The PRESIDENT: As you have heard, the representative of the United States has proposed an amendment to the Lebanese motion which I should like to repeat. That amendment consists of adding the following words at the end of that proposal:

"... except that a separate vote shall be taken on article 2, paragraph 3 of the International Covenant on Economic, Social and Cultural Rights".

42. Before I inform the Assembly of my intention on this point, I should like to call on the representative of Tanzania who has asked to speak on a point of order.

43. Mr. MALECELA (United Republic of Tanzania): My delegation raised this point of order because it was our hope that, when we were dealing with a human problem such as the adoption of a convention on human rights, we could at least on this point all stand together. Indeed, when the representative of Lebanon proposed that we vote on these items as a whole, she was indeed expressing the consensus of all the members of the Afro-Asian group. My delegation was therefore surprised that the representative of the United States should have chosen to suggest an amendment to that motion; indeed, such an amendment affects a particular paragraph to which we of the developing countries attach very great importance.

44. I must say very frankly and sincerely that we regret very much that the United States has singled out this particular paragraph. The reasons given were not only insufficient but completely irrelevant. After all, this paragraph refers only to the developing countries. Since it refers to the developing countries, I do not understand the reason why the representative of the United States should have singled it out, unless it was a manoeuvre to get the paragraph rejected.

45. In raising this point of order, I want to state that my delegation will vote in favour of the motion submitted by the delegation of Lebanon. It is our hope that all the Afro-Asian world will support that motion.

46. I should like to say that we shall vote against the United States amendment. We shall vote against that amendment simply because it constitutes a manoeuvre to reject this paragraph. Paragraph 3 is almost similar to a paragraph which has already been adopted by the Assembly on the question of the permanent sovereignty over natural resources. For the benefit of members, I should like to quote paragraph 4 of resolution 2158 (XXI):

"Confirms that the exploitation of natural resources in each country shall always be conducted in accordance with its national laws and regulations."

In our view, this paragraph is similar to the one we are now discussing. We believe that the paragraph should be included in the text.

47. Finally, I should like to say that these texts were drafted a long time ago. They were never adopted, however, because to have done so at an earlier time might have been against the interests of certain colonial Powers. Today, however, when we have come to the United Nations to adopt them, someone comes forward with a move that is aimed against the developing countries. We regret that this should happen on a subject like the one before us. Nevertheless, we must accept the challenge, and it is my hope that the developing countries will rally together to defeat this move and that the paragraph will be retained.

48. Mr. SPERDUTI (Italy) (translated from French): The Italian delegation would like to join in requesting that the amendment submitted by the Lebanese delegation should be modified and that a separate vote should be taken on article 2, paragraph 3, of the Inter-

national Covenant on Economic, Social and Cultural Rights. This request appears to us perfectly legitimate from the procedural point of view and is fully in accordance with rule 91 of the rules of procedure. Moreover, if it is accepted, as we earnestly hope it will be, it will allow all the delegations to state their position on article 2, without prejudice to their attitude to the Covenants as a whole. The drafting of this paragraph was the subject of lengthy discussion as far back as 1962, when the members of the Third Committee expressed their views on it.

49. The reasons which prompt me to suggest that we accept the sub-amendment to the Lebanese amendment are as follows. If it is not accepted, Italy intends to vote against paragraph 3.

50. Firstly, the covenants are aimed at guaranteeing the fundamental rights of individuals as such without distinction as to legal or other status, and therefore any discrimination in the matter of the enjoyment of those rights is a contradiction.

51. Secondly, the Italian delegation unhesitatingly shares the view that, in the present-day world in which people and ideas circulate freely, individuals should have the same economic, social and cultural rights and enjoy the same treatment regardless of the country in which they live and of the level of that country's development.

52. I hope that the Italian delegation's reasons for supporting the sub-amendment to the amendment submitted by the Lebanese delegation will be acceptable to the Tanzanian representative.

53. The PRESIDENT: I want to apologize to the representative of Lebanon, who has asked to speak. I cannot recognize him now, because, under rule 91 of the rules of procedure, only two speakers in favour and two speakers against the motion may be heard, and thereafter the motion must be put to the vote.

54. The Assembly will now proceed to the vote.

55. I put to the vote first the amendment submitted by the delegation of the United States to the motion made by the delegation of Lebanon.

The amendment was rejected by 67 votes to 16, with 23 abstentions.

56. The PRESIDENT: Before the Assembly proceeds to the vote on the recommendations of the Third Committee, I should like to suggest that, since several separate votes are involved and since roll-call votes might be requested, we might save time by having recorded votes. ^{1/} I hope that the Assembly agrees that the six votes we shall have to take now may be taken by recorded vote, and that therefore the delegations that had asked for a roll-call vote, having agreed to this procedure, will permit me to say that, with their co-operation, their request is now withdrawn.

It was so decided.

57. The PRESIDENT: I now invite Members to turn their attention to the draft resolutions recommended by the Third Committee [A/6546, para. 627]. We shall

^{1/} For the procedure for taking recorded votes, see 1495th meeting, paras. 31-32.

take up first draft resolution A and its annex. I propose to put to the vote each part of the annex, and then I shall put to the vote draft resolution A, followed by draft resolutions B and C. If there is no objection, and with the Assembly's agreement, we shall proceed accordingly.

It was so decided.

58. The PRESIDENT: We shall now vote on the text of the draft International Covenant on Economic, Social and Cultural Rights.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Democratic Republic of), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, France, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kuwait, Lebanon, Lesotho, Liberia, Libya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives Islands, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sudan, Sweden, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zambia.

Against: None.

The result of the vote was 105 in favour and none against.^{2/}

The International Covenant on Economic, Social and Cultural Rights was adopted unanimously.

59. The PRESIDENT: I next put to the vote the draft International Covenant on Civil and Political Rights.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republics, Cameroon, Canada, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Democratic Republic of), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, France, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kuwait, Lebanon, Lesotho, Liberia, Libya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives Islands, Mali, Mauritania, Mexico, Mongolia, Morocco,

Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sudan, Sweden, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zambia.

Against: None.

The result of the vote was 106 in favour and none against.^{3/}

The International Covenant on Civil and Political Rights was adopted unanimously.

60. The PRESIDENT: I now put to the vote the Optional Protocol to the International Covenant on Civil and Political Rights.

A recorded vote was taken.

In favour: Afghanistan, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Cyprus, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, France, Ghana, Guatemala, Honduras, Iceland, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Jordan, Kuwait, Lebanon, Lesotho, Libya, Luxembourg, Madagascar, Malawi, Maldives Islands, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama, Paraguay, Philippines, Somalia, Sudan, Sweden, Trinidad and Tobago, Tunisia, Turkey, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta, Uruguay, Venezuela, Yemen, Zambia.

Against: Niger, Togo.

Abstaining: Algeria, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Cuba, Czechoslovakia, Dahomey, Ethiopia, Greece, Guinea, Haiti, Hungary, India, Japan, Liberia, Malaysia, Mali, Mauritania, Mongolia, Nepal, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Spain, Syria, Thailand, Ukrainian Soviet Socialist Republics, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia.

The Optional Protocol to the International Covenant on Civil and Political Rights was adopted by 66 votes to 2, with 38 abstentions.^{4/}

61. The PRESIDENT: I now put to the vote draft resolution A.

A recorded vote was taken:

In favour: Afghanistan, Algeria, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Canada, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Democratic Republic of), Costa

^{3/} *Idem.*

^{2/} The delegation of the Central African Republic subsequently stated that it wished to have its vote recorded as having been in favour of the draft Covenant [see below, para. 149].

^{4/} The delegation of the Central African Republic subsequently stated that it wished to be recorded as having abstained in the vote on the Optional Protocol [see below, para. 149].

Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, France, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kuwait, Lebanon, Lesotho, Liberia, Libya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sudan, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zambia.

Against: None.

The result of the vote was 104 in favour and none against.^{5/}

Draft resolution A was adopted unanimously.

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

A recorded vote was taken.

In favour: Afghanistan, Algeria, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Democratic Republic of), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, France, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kuwait, Lebanon, Lesotho, Liberia, Libya, Luxembourg, Madagascar, Malawi, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama, Paraguay, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sudan, Sweden, Syria, Thailand, Trinidad and Tobago, Tunisia, Turkey, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zambia.

Against: None.

Abstaining: Malaysia, Niger, Togo.

Draft resolution B was adopted by 102 votes to none, with 3 abstentions.^{6/}

63. The PRESIDENT: Finally I put to the vote draft resolution C in the report of the Third Committee.

A recorded vote was taken.

^{5/} The delegation of the Central African Republic subsequently stated that it wished to have its vote recorded as having been in favour of the draft resolution [see below, para. 149].

^{6/} *Idem.*

In favour: Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Cameroon, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Democratic Republic), Costa Rica, Cyprus, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, Ghana, Greece, Haiti, Honduras, Iceland, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Jordan, Kuwait, Lebanon, Lesotho, Liberia, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Philippines, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sweden, Trinidad and Tobago, Turkey, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta, Uruguay, Venezuela, Yemen, Zambia.

Against: Algeria, Bulgaria, Byelorussian Soviet Socialist Republic, Congo (Brazzaville), Cuba, Czechoslovakia, Guinea, Hungary, India, Mali, Mongolia, Nepal, Poland, Romania, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania.

Abstaining: Afghanistan, Burundi, Ethiopia, France, Guatemala, Japan, Libya, Mauritania, Sudan, Thailand, Togo, Tunisia, Yugoslavia.

Draft resolution C was adopted by 76 votes to 18, with 13 abstentions.

64. The PRESIDENT: At this stage I should like to have your permission to express my deep appreciation of the work achieved by the members of the Third Committee, and I also wish to congratulate them. I think that those who realize the importance of this achievement would feel able to entitle me to congratulate the United Nations. I only have to confirm what I have already stated in this session in connexion with the importance of the universal respect and observance of human rights. Universal respect for human rights is inseparable from world peace. We each recognize that peace itself is indeed the supreme right of all. We should therefore recognize that at the root of all strife and tyranny, in the present as in the past, lies a violation of human rights in one form or another.

65. The steps taken in the field of human rights must be made effective. They cannot be made effective unless they are incorporated in international agreements which will impose strict legal obligations on the States parties.

66. I have said many times in the United Nations, and I should like to confirm it here again, that participation in such agreements should be universal and without reservations for we ought to expect that adherence to these agreements ultimately will become and should become a precondition for membership in all international organizations.

67. Before I declare that the consideration of this item has been concluded, I call on the Secretary-General who wishes to make a statement.

68. The SECRETARY-GENERAL: One year ago, on 21 December 1965, [1406th meeting] I welcomed from this rostrum the adoption by the General Assembly of the International Convention on the

Elimination of All Forms of Racial Discrimination. I reminded the Assembly on that occasion that since the adoption and proclamation of the Universal Declaration of Human Rights on 10 December 1948 the world has been anxiously awaiting the completion of all the parts of what was then envisaged as an International Bill of Human Rights consisting of the Declaration, one or more international conventions and measures of implementation.

69. The General Assembly will therefore understand my feelings of great satisfaction today when the Assembly has given its unanimous approval to two Covenants, one on economic, social and cultural rights and the other on civil and political rights, and has also adopted by a majority vote of its members an optional Protocol to the Covenant on Civil and Political Rights dealing with communications by individuals.

70. Today's decisions are the culmination and the outcome of sustained and complex preparatory work to which the United Nations has devoted itself since 1947. It was then decided that human rights and fundamental freedoms which had been referred to in general terms in the Charter and which were soon to be proclaimed "standards of achievement" in the Universal Declaration of Human Rights must be made the subject matter of legally binding obligations in international treaties.

71. Drafts of such instruments were elaborated by the Commission on Human Rights from 1947 to 1954 under directives from the General Assembly and the Economic and Social Council, and our thanks are due to the outstanding personalities, among whom were some of the most admired and cherished humanitarians, thinkers and lawyers of our times, who tirelessly searched for formulas expressing the conscience of the world as regards the legitimate aspirations of men for a worthy place in society.

72. The General Assembly itself has been seized of this text since 1954 and a warm tribute must be paid once again this year to the Third Committee and its distinguished Chairman, Madame Enbarek Warzazi, for persevering, over nearly eight weeks, to conclude the difficult work on a system of implementation and final clauses and endeavouring at all times to strike a proper balance between the requirement of effectiveness and the need to obtain a world-wide and early acceptance of the Covenants.

73. Mr. President, the instrument which you have adopted today will entrust upon its entry into force various responsibilities to the Secretary-General, not only functions of a ministerial character relating to the custody of the Covenants and the Protocol, but also the provision of services to the Human Rights Committee and other organs performing tasks of implementation. I gladly accept those responsibilities on my behalf and on behalf of the Secretariat.

74. Earlier this month, on the occasion of Human Rights Day 1966, I had occasion to recall that in the philosophy of the United Nations, respect for human rights is one of the main foundations of freedom, justice and peace in the world. I pointed out that peace and respect for human rights go hand-in-hand, as the President has just stated.

75. It is my sincere belief that our decision today will bring us nearer to the kind of world our Organization is committed to build. I earnestly hope that, by early action, which Member States alone can take, the International Covenants on Human Rights will soon become a living reality.

76. Before concluding, I want to make just one additional observation. Many representatives have expressed to the Secretariat their wish to have an early opportunity to sign the Covenants which the Assembly has just adopted. The Secretariat is therefore arranging for a ceremony to be held on Monday, 19 December, at 3.30 p.m. in the Trusteeship Council Chamber, at which the Covenants will be open for signature. It is doing so on the understanding that normal editorial changes and harmonization of language texts which cannot be completed by Monday will be permitted after that date. The representatives wishing to sign will be required to have the credentials specifying the instruments they are empowered to sign; cabled credentials will, of course, be accepted, on the understanding that credentials in proper form will be submitted thereafter, as soon as possible.

77. Mrs. ENBAREK WARZAZI (Morocco) (translated from French): I had not intended to speak, but after the tribute you paid to the Third Committee and, indirectly, to its Chairman, I too feel I must pay a tribute to the spirit which has at all times prevailed in our debates. Indeed, according to the rules of procedure, the Chairman is at the disposal of the Committee, and it is the Committee itself which is responsible for our success.

78. We have had long weeks of discussion and, as a witness who has tried to remain impartial throughout our debates, I am happy to be able to say that the members of the Third Committee have indeed made one of the greatest efforts that could be made in the field of human rights, finally culminating this year in the adoption of the covenants. Although our discussions have at times been protracted and difficult, they have always been imbued with that spirit of conciliation and friendship which is typical of the Third Committee. We were able to work in that excellent atmosphere because all the members of the Committee, without exception, have proved once again this year, but perhaps even more specifically, how the faith of our delegations prompts them to co-operate in the human cause.

79. After the unanimous adoption of these two covenants, I do not think I need to say that, despite the differences among our countries, our civilizations, our thinking and our ways of life, we have nevertheless succeeded in proving that, when we are all motivated by the desire to do well, to understand one another and to put ourselves in the position of others whenever necessary, we can accomplish a great task in accordance with the wishes of mankind in all its diversity.

80. Before concluding, I should also like to pay a tribute to the officers of the Third Committee, to all those who assisted the Chairman, the Vice-Chairman and the Rapporteur, to the Director of the Division of Human Rights and the Secretary of the Committee, as well as to all the members of the Secretariat who

have worked with us, sometimes until very late. Above all, I should like to pay a tribute to the Secretary-General of the United Nations and to the President of the General Assembly, who have given us their constant support.

81. The PRESIDENT: I wish to thank the representative of Morocco, the Chairman of the Third Committee, for the statement she has just made.

82. Before we proceed to hear the explanations of vote after the voting, I would request Members to bear in mind the heavy schedule we have for this afternoon. It will be very much appreciated if the explanations of vote are strictly confined to such explanations and are as brief as possible, in the interest of the work of the Assembly. If there are any statements of a general nature, which I am not able to permit at this stage, I can assure representatives that if they will communicate such statements to me, they will be recorded in the verbatim record of this plenary meeting. What I seek is their cooperation in being good enough to confine themselves to explanations of vote. Since this is a very important matter, I shall, as an exception, arrange that all the views of Governments will appear in the verbatim record. I hope that this is quite clear. In view of the length of the list before me, any representative who refrains from speaking on the basis of this understanding will have my particular appreciation.

83. I call those representatives who wish to speak in explanation of vote.

84. Mrs. SOUMAH (Guinea) (translated from French): I have asked to speak at this stage in our work in order to explain the votes of the delegations of Cuba and Guinea. First of all, I should like to say that the Governments of Guinea and Cuba attach great importance to and highly respect human rights and liberties, which constitute the very foundation of any society. With these considerations in mind, the Constitutions of Cuba and Guinea provide that human rights and fundamental freedoms shall be respected without distinction as to race, sex or religion.

85. The importance of the work on the covenants on Human Rights is apparent to all. The adoption of these instruments is a decisive turning-point in the development of the international community and will undoubtedly provide a reliable guarantee for mankind.

86. While the work done on these covenants has sometimes given rise to critical debates, it has provided clear evidence of the real power relationships existing between the different peoples of the world.

87. The efforts which the Third Committee has devoted to the covenants are praiseworthy, especially when we consider that the work on them began eighteen years ago, at a time when the majority of the States Members of our Organization were not independent. The delegations of Cuba and Guinea have on many occasions expressed their endorsement of a single system of implementation for the two covenants. Despite the non-acceptance of this idea, we should like to point out that our work has resulted in the production of three specific instruments. The Members of the Assembly will agree with me that this fine piece of work by the United Nations should be universally applied. Our countries, being fierce opponents

of inequality and injustice, have always advocated the universality of the instruments and conventions of the international Organization. All the communities of the world must work towards ensuring that the fundamental ideals of human rights triumph for the benefit of mankind.

88. Is it necessary to recall that it is those who claim to be the greatest champions of human rights who have prevented much of mankind from acceding to these covenants?

89. Our abstention in the vote on the optional protocol on individual petitions reflects our misgivings concerning the utilization of those rights for political or propaganda purposes. Moreover, a reasonable man will know that between illusion and reality there is room for reflection and realism. The young States have yet to guarantee human rights. They also know, better than anyone else, that there can be no individual rights without a State. That is why our countries are particularly concerned to ensure the security of the State, i.e. of the community at the expense of the individual.

90. We shall not elaborate any further on the various forms of evolution which certain so-called developed countries have passed through. But we remain convinced that each State will do its best to ensure that the covenants are implemented without making that a device for interfering in the affairs of other States.

91. Strict implementation of the covenants on human rights could rid our world of this shame of the twentieth century, which is a century of scientific revolution: at the very time when man is making contact with other parts of the cosmos, the shameful war continues in Viet-Nam; the fascist and inhumane policy of apartheid continues in South Africa; and the racial discrimination practised by the rebel government of Rhodesia continues, with the flagrant complicity of the United Kingdom. . . . Have not the men . . .

92. The PRESIDENT: It is not very pleasant for me to have to interrupt a speaker on such an important issue, but the statement the representative is making is much closer to a general statement than to an explanation of vote. That is why I made my appeal before I called on anybody. That statement will appear in the records not as an explanation of vote but as a separate statement. If the representative wishes to explain her vote, I would request her again please to confine herself to an explanation of vote.

93. Mrs. SOUMAH (Guinea) (translated from French): I apologize, Mr. President. I have heeded the appeal addressed to my delegation and I have nearly reached the end of my statement. With the permission of the President I shall conclude it.

94. I was saying that the adoption of these covenants could rid us of all the shameful practices we are now witnessing. Have not the men, women and children of those martyred countries the right to freedom, and are they not the equals of those who are exterminating them?

95. It is in the hope of seeing justice restored among peoples and men that the delegations of Cuba and the Republic of Guinea have contributed to the work on

the covenants. Our delegations hope that their contribution to that work will not be in vain.

96. Mr. PAOLINI (France) (translated from French): The French delegation voted in favour of the two draft international covenants on human rights and for the optional protocol relating to the draft international covenant on civil and political rights.

97. Having taken part for twenty years in the preparatory work of the Commission on Human Rights, the Economic and Social Council and the Third Committee, the French delegation welcomes the fact that the General Assembly has today taken a new and decisive step forward, twenty years after the Universal Declaration of Human Rights, by adopting the first international codification of those rights. However, my delegation regrets that for want of time diplomatic documents of such importance were not transmitted in full to the Governments of Member States before being put to the vote. The competent national authorities have therefore not had the opportunity to examine all the provisions of the covenants with the necessary care. Under the circumstances, my delegation would like to state that its vote in favour signifies approval in principle. Our vote does not prejudge the subsequent decision of the French Government which, like all other Governments, reserves to itself in particular the right to make its possible signature subject to whatever statements or reservations may appear necessary.

Mr. Tinoco (Costa Rica), Vice President, took the Chair.

98. My delegation voted in favour of the United States amendment to the procedural motion introduced by the Lebanese delegation, because it considered that, for a vote of such importance, the General Assembly should comply with its rules of procedure which stipulate, in rule 91, that any representative may request a separate vote on a proposal.

99. The French delegation would like to recall that at the seventeenth session we voted in the Third Committee, against article 2, paragraph 3, of the economic covenant, and that the adoption of that provision led it to abstain from voting on article 2 as a whole. It believes that that provision is doubly discriminatory, namely, with regard to States, of which only a few will be able to exempt themselves from the obligations of the covenant, and with regard to individuals, of whom some may be deprived of the exercise of their rights because of their nationality. We regret the retention of that article which is contrary to the principle of the universality of human rights.

100. Mr. SPERDUTI (Italy) (translated from French): The Italian delegation voted in favour of the two draft covenants and for the optional protocol on civil and political rights, because it is convinced that the Assembly could no longer put off the adoption of instruments which constitute a practical extension of the Universal Declaration of Human Rights.

101. Today, however, we must repeat the reservations already expressed during the debate in the Third Committee on some of the articles and paragraphs of the International Covenant on Economic, Social and Cultural Rights, particularly on article 2, paragraph 3. I should like to recall the reasons which I

have already given in this connexion, because my delegation considers that they should appear in the records of this session of the General Assembly.

102. On the one hand, my delegation believes that the draft covenants submitted to the Assembly today are designed to guarantee the fundamental rights of individuals as such, without any distinction based on legal or other considerations, so that any discrimination with regard to the enjoyment of those rights is a contradiction. On the other hand, we are entirely of the opinion that in the modern world in which people and ideas circulate freely, individuals should possess the same economic, social and cultural rights and receive the same treatment, regardless of the country in which they live or that country's level of development.

103. I repeat that the Italian delegation would be grateful if its observations and reservations were included in the records of the current session of the General Assembly.

104. Lady GAITSKELL (United Kingdom): The completion of the economic, social and cultural covenants and the civil and political covenant is a proud moment for the United Nations and for those delegations that have worked so hard on these instruments. This is not a time to give praise with one hand and take it away with the other; nothing can detract from the satisfaction and triumph of those delegations that have succeeded in obtaining the universal adoption of these covenants.

105. We have voted for both these instruments as a whole, because we strongly support their objectives and purposes and the bulk of their detailed provisions. The concept of international legal instruments covering a broad range of human rights has always been firmly advocated by the United Kingdom.

106. The very breadth of these instruments does, of course, mean that countries will be likely to face difficulties on certain points. It was for this reason that we should have preferred the question of reservations to have been specifically dealt with in each instrument. We regret that the Third Committee did not feel able to discuss the matter at all for the civil and political Covenant. I should like to state the understanding on which our positive vote is based. First, I must make it clear that in one respect the International Covenant on Civil and Political Rights falls short of our hopes. We should have preferred the provisions for implementation in articles 40 and 41 to be mandatory, so that a State, on becoming a party to the Covenant, would incur an automatic obligation to accept these procedures, but it became clear in our debates that that would not command majority support, and therefore the United Kingdom accepted the view that States should be allowed an option in the matter.

107. Then there are some detailed provisions in both instruments which cause us difficulty and to which we shall have to give further consideration. I wish to refer to two of these, and first to article 1 of each covenant. Our views on the concept of self-determination, both in the wider context and in that of Non-Self-Governing Territories, have been made known on many occasions in the United Nations. This is a highly complex question, as the differing views recorded in

the debates show. I need say here only that we continue to base our attitude on the question of self-determination, in each of the contexts in which it has arisen, upon the Charter of the United Nations.

108. The United Kingdom voted against article 2, paragraph 3, of the International Covenant on Economic, Social and Cultural Rights when it was adopted in the Third Committee. We appreciate, however, some of the reasons which prompted the supporters of that provision, and it is our assumption that all countries in the application of it will have full regard for obligations arising under existing agreements and the general rules of international law.

109. My delegation has voted in favour of the protocol to the civil and political covenant because of my Government's general support for international measures of implementation in the field of human rights.

110. Our vote is without prejudice to the matter of signature of the Protocol by the United Kingdom. This remains for my Government entirely an open question which would require most careful consideration at any future date.

111. With respect to article 7 of the Protocol, I should like to say that the vote of my delegation is not to be interpreted as in any way altering or detracting from statements made by United Kingdom representatives in the Third Committee and in other United Nations bodies setting forth the position of my Government on the matter of petition in respect of the various instruments mentioned in article 7 of the present Protocol.

112. The conception of the covenants dates from the earliest days of United Nations action on human rights questions. The basic aim is the adoption of international instruments which would impose legal obligations with respect to the wide range of rights set out in the Universal Declaration. That was an ambitious aim, and progress towards it has been slow. Perhaps some of us set our hopes too high and did not take into account the many prevalent fears in the world community. Our children and grandchildren may marvel at the modesty of these covenants. Nevertheless we can all hope that they will become a fertile field for the ever-increasing proliferation and protection of human rights to all those peoples in the world that are still denied them.

113. Mr. HAMBRO (Norway): The brief explanation of vote I am going to give will be given on behalf of not only the Norwegian delegation but also the delegations of Denmark, Finland, Iceland and Sweden.

114. Our delegations have indeed been very happy to join all the other Members of the United Nations in the unanimous and historic vote for the adoption of the International Covenant on Economic and Social Rights and the International Covenant on Civil and Political Rights as well as the Protocol on individual communications appended to the latter Covenant.

115. In addition to the explanation of vote we gave in the Third Committee [1456th meeting], we should like to give some brief explanation of our vote in the plenary meeting. Our delegations abstained on the motion for a separate vote on article 2, paragraph 3, of the International Covenant on Economic, Social and

Cultural Rights. Our vote was determined by our desire to maintain the network of consensus and compromise on which these important international instruments are based.

116. On the other hand, we find this particular stipulation to be very unsatisfactory indeed because we deem it to be of a discriminatory nature, and the discrimination made possible in this article may also be used against citizens from other developing countries. In our opinion, such discrimination is contrary to the spirit of such a universal covenant. For that reason we should have liked to see it eliminated from the Covenant, and if a separate vote had been taken we would have voted for the deletion of that paragraph, as we did in the Committee in 1962.

117. Mr. MOHAMMED (Nigeria): On behalf of the Government and people of Nigeria I should like to begin by congratulating you, Mr. President, and through you, all the Member States of the United Nations in this moment of history, on the culmination of eighteen years of deliberation and preparation of the International Covenants on Human Rights. We believe that in these Covenants lie all the aspirations, the hopes and the protection of the human person. All people the world over, I am sure, will now congratulate the United Nations on this singular and most important achievement since the adoption of the Universal Declaration of Human Rights in 1948.

118. We, the young nations of the world, are fortunate in many respects, just as we are indeed unfortunate in many others. In the field of human rights, Nigerians are among the most fortunate in that their Constitution is one of the most recent; and in that Constitution a whole chapter has been devoted to the protection of human rights. That chapter of the Nigerian Constitution is as elaborate in its specifications of the rights of the human person in Nigeria as are the Covenants which we have now adopted in respect to the rest of the world.

119. My country was not a member of the United Nations when the preparation of these Covenants began. We are therefore most proud to feel that we did become a Member of the United Nations in time to make our meager contribution to the final drafting of the document. We consider the Covenants, both in relation to ourselves and to the rest of the world, as a guiding line for this and many future generations.

120. It is important to have a document such as this in existence. If we are to avoid the conditions which force the human being into rebellion and terrorism because his rights are not recognized or protected, if we are to live together in peace and harmony, if we are to work together to achieve the common aims of progress for the human being—whether it be social, economic or political—it is most necessary that we should understand each other and respect each other. This is one of the many points on which the Covenants which we have just adopted seek to give us guidance. It is our hope that before long all States Members of the United Nations will adopt and implement these Covenants with respect to their own countries and peoples.

121. There is one vital element regarding the implementation of these Covenants as far as the individual

human being is concerned. This vital element is embodied in a separate Protocol to the Covenant on Civil and Political Rights. It is one element which seeks to revolutionize the status of the individual in the achievement of his own rights. This Protocol seeks to give him, although on an extremely limited basis, the right to submit communications when his rights are violated under the Covenant. We believe in this, looking to the future when, it is our hope, the faithful compliance with the provisions of these Covenants will lead to greater understanding between peoples, when it will become necessary for the human being to emerge in the light of what he is and what he should be. The idea of petitions is not new. What is new in the Protocol—which is in fact the right to submit communications—is that it deals with the idea of the submission of communications by an individual to an international body with very limited powers. That is a long leap forward, if we take into consideration the fact that there are countries in Africa today where the people are not even allowed the right of petition within the domestic legal systems of their own countries. We are therefore grateful to see that both Covenants have been adopted unanimously and that the optional Protocol has been adopted by a majority vote of this Assembly.

122. Mrs. HARRIS (United States of America): The United States delegation joins in congratulating this Assembly upon the completion of the International Covenants on Human Rights, which represent the culmination of twenty years of work.

123. The United States voted in favour of each Covenant and of the optional Protocol to the International Covenant on Civil and Political Rights because we believe that the United Nations must move forward in the field of human rights if it is to fulfil the promise of the Charter to promote and encourage "respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion".

124. We recognize the importance of each of the rights specified in these Covenants whether they be in the nature of goals for progressive achievement, as in the International Covenant on Economic, Social and Cultural Rights, or of obligations which States undertake to respect and ensure immediately upon becoming Parties, as in the International Covenant on Civil and Political Rights.

125. Our affirmative votes do not, of course, express our agreement with or approval of every part of the Covenants.

126. It is not necessary to repeat the comments which were made by my delegation last week in the Third Committee [1455th meeting] in explanation of our votes on the draft covenants. At that time I set forth my Government's position with respect to article 2, paragraph 1 of the International Covenant on Economic, Social and Cultural Rights, which deals with international assistance and co-operation. I also pointed out our concern with article 25 of that Covenant—which is repeated as article 47 of the International Covenant on Civil and Political Rights—dealing with permanent sovereignty over natural wealth and resources.

127. My delegation deplores the fact that the Assembly decided to deny the request for a separate vote on article 2, paragraph 3 of the International Covenant on Economic, Social and Cultural Rights. We regret the utilization of large majorities in this Assembly to prevent the taking of a separate vote in accordance with the traditionally accepted democratic procedures of this Organization. This paragraph, when voted on in Committee, was adopted by a vote of 41 in favour, 38 against, and 12 abstentions. Thus, less than half of those present approved the paragraph.

128. A vote here today might have dispelled the cloudy nature of this action, and we regret that it was denied by a procedural motion, especially because article 2, paragraph 3, is seriously defective. It authorizes, in virtually unqualified terms, discriminatory treatment of non-nationals by a select group of States, namely, the "developing countries"—a term not defined in the Covenant.

129. Thus formulated, the text runs contrary to many existing treaties and is inconsistent with generally recognized principles of international law. International law and specific treaties recognize the right of States to make appropriate distinctions with regard to non-nationals in certain respects. This right is clearly recognized for all States, regardless of their stage of economic development, and finds expression in numerous constitutions and laws in both developing and developed countries.

130. Moreover, article 2, paragraph 3, also appears to imply that there is no standard of international law and practice on which an alien may rely, whereas there is in fact a standard of law binding on all States. Confusion on this point could stand in the way of international co-operation in every phase of economic and social development.

131. For these reasons, we must firmly reject the implications of article 2, paragraph 3.

132. I should also like to recall our concern with article 20 of the International Covenant on Civil and Political Rights, which has serious implications for the fundamental right of citizens freely and fully to express their views on any subject, regardless of whether the ideas are obnoxious to others or opposed to government policy. We are also concerned with related provisions, such as article 19 of the same Covenant, which might be construed to fall below the standards established by the United States Constitution.

133. Article 5 of each Covenant provides that there shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State on the pretext that the Covenant does not recognize such rights, or that it recognizes them to a lesser extent. This is an important concept, because, in a number of countries, including the United States, the standards governing many of the rights recognized in the Covenants are higher than those of the Covenants themselves.

134. The Covenants could not authorize or sanction any measures in the United States which do not conform to the clear provisions of the United States Constitution, such as that protecting freedom of speech, or those defining the established constitutional relation-

ship between the Federal Government and the several States.

135. Notwithstanding our difficulties with certain aspects of these instruments, we welcome their adoption by the General Assembly. Although none of our votes, including that of my delegation, carries any implication with regard to signature or ratification, the early entry into force of the instruments will add a new dimension to the protection of human rights.

136. The President of the General Assembly at this session recently gave expression to a feeling which we all share, when he said, on the occasion of Human Rights Day, that: "If the United Nations can be said to have an ideology, certainly that ideology, surpassing all others, must be Human Rights". Only when we have achieved universal respect for human rights will we be in a position to ensure world peace, and in our action today we have taken a long step in that direction.

137. Mr. NASINOVSKY (Union of Soviet Socialist Republics) (translated from Russian): The Soviet delegation voted with great satisfaction in favour of the adoption by the General Assembly and of the opening for signature of the covenants on human rights, the Covenant on Economic, Social and Cultural Rights and the Covenant on Civil and Political Rights.

138. It is not our intention to enter any special reservations to the substance, the material provisions, of these two important documents. We can say with pride that it was the Soviet Union, where for the first time in history men became truly free and equal, free from exploitation, national oppression and other similar violations of the human person, human rights and human dignity, it was the Soviet delegation which advocated consistently and successfully throughout the entire eighteen-year period of the preparation of the covenants the inclusion in these covenants of the principles of the self-determination of peoples, the inalienable rights of peoples over their national resources, the equality of all people regardless of colour, property, sex, political beliefs and so forth and which advocated the affirmation of truly democratic freedoms and human rights in the Covenants.

139. With the adoption of the Covenants, a very important stage in the work of the United Nations in the field of human rights has been concluded, and a major step forward has been taken towards the achievement of the purposes set forth in the Charter of the United Nations with regard to co-operation in the encouragement and promotion of respect for human rights and fundamental freedoms for everyone. For the first time, multilateral international treaties have been drawn up which state in a form legally binding on States, a large number of human rights and freedoms and give a full interpretation in international law of the principle of the self-determination of peoples, that sacred principle which is so well defended now by all the countries of Africa and Asia.

140. The Covenants also contain a legal prohibition of war propaganda and show that the protection of human rights is directly dependent on the maintenance of peace and security in the world; they establish the inseparable link and interrelationship between political, civil, economic and social rights, which—under the influence of the socialist world, which has

made these rights effective—are being increasingly transformed from remote ideals for other countries into real achievements, and the struggle for the attainment of these rights is being waged on a front that is growing wider and wider.

141. We have voted in favour of the Covenants on Human Rights because they are a reflection of the progress which has been made in comparison with the Declaration on Human Rights proclaimed in 1948. This progress is also symbolized by the fact that while the Declaration was adopted by just over fifty States, the States which have voted in favour of the Covenants today number well over 100.

142. The countries of Africa, as was rightly pointed out at a recent African seminar, took virtually no part, for well-known reasons, in the drafting of the Declaration. This time, many of them have been able, like the Asian countries which were in a similar position, to make a very valuable and substantial contribution to the task of completing the preparation and the adoption of the Covenants.

143. While we are legitimately satisfied with the results achieved, now that the Covenants have been adopted, we cannot help noticing the obstacles which certain forces placed in the way of these important documents. Even now, when the attempt to prevent the drafting of the Covenants, or the adoption of their most progressive provisions has failed, some delegations are engaging in all kinds of manoeuvres in order to avoid complying with the Covenants and are putting forward legally worthless arguments to the effect that because of the existence of particular legislation or some strange relationships between federations and their constituent parts, important provisions of the Covenants need not be implemented. Doubts and reservations are already being expressed with regard to a whole lot of very important and significant provisions of these documents, which have only just been unanimously approved.

144. Naturally, all the States which drew up and voted for these Covenants will have, if they sign them and ratify them, to comply with these important international treaties, because pacta sunt servanda, that is to say, treaties must be observed. Even the jurists of ancient Rome were aware of this; it seems, however, that some zealous advocates of the so-called free Western world have not yet learnt this truth. We understand of course that it is much easier for them to make pompous statements about respect for human rights, to make all kinds of tempting promises in this field, especially during electoral campaigns, than to discharge fully as States their obligation under international instruments—international agreements—and above all under such important international agreements as agreements on human rights.

145. All this shows how vital it is to ensure strict observance of these Covenants. Not only has our work not been completed with the adoption of the Covenants but it has now acquired new objectives and assumed new dimensions, because our task now is to see to it that these new Covenants are strictly observed everywhere. This presumably will be the main direction which United Nations activities in the field of protection of human rights and freedoms will now take.

146. At this solemn moment we should like to stress that our delegation and our country have always consistently advocated the principle of universality, and we regret that this principle has not been embodied sufficiently fully and clearly in these covenants, as should have been done in the case of such important documents. In point of fact, article 48 of the Covenant on Civil and Political Rights and article 26 of the Covenant on Economic, Social and Cultural Rights contain discriminatory provisions which do not permit each State in the world, all countries of the world, or to become parties to these important documents in the field of human rights. It is natural that this irregular situation should have attracted serious attention from the large number of countries which have expressed their views on that matter.

147. Mr. VELASCO (Bolivia) (translated from Spanish): My delegation voted in favour of the draft Covenant on Economic, Social and Cultural Rights, the Covenant on Civil and Political Rights and the Optional Protocol relating to Civil and Political Rights.

148. My delegation considers that the adoption of the Covenants represents a historic milestone in the life of the United Nations. Although the instruments are far from perfect, my delegation believes that they are the result of great effort and constitute a step forward on the long road towards the universal recognition of human rights. At the same time, we hope that this great step will be followed by other measures to improve these instruments, so that in the not too distant future all the peoples of the earth will fully enjoy human rights, thus realizing one of mankind's most cherished aspirations.

149. Mrs. FRANCK (Central African Republic) (translated from French): Owing to circumstances beyond my control, my delegation was unable to take part in some of the votes which have just been taken. It goes without saying that the Central African Republic is a resolute champion of human rights, especially since the revolution of 1 January 1966. Therefore, I should like to ask the President if he will consider the Central African Republic as having voted in favour of the two draft covenants and draft resolutions A and B, and as having abstained in the vote on the optional protocol. I ask this statement to be included in the record of this meeting.

AGENDA ITEM 11

Report of the Security Council

150. The PRESIDENT: The report of the Security Council [A/6302] to the General Assembly covers the period from 16 July 1965 to 15 July 1966.

151. The Assembly has before it in this connexion a draft resolution submitted by Argentina and Jordan [A/L.509] proposing that the Assembly take note of this report. If I hear no objection, I shall take it that the General Assembly adopts this draft resolution.

The draft resolution was adopted without objection.

AGENDA ITEM 34

The policies of apartheid of the Government of the Republic of South Africa: report of the Special

Committee on the Policies of Apartheid of the Government of the Republic of South Africa

REPORT OF THE SPECIAL POLITICAL COMMITTEE (A/6579)

152. Mr. GONI DEMARCHI (Argentina), Rapporteur of the Special Political Committee (translated from Spanish): The Special Political Committee has concluded its consideration of agenda item 34, "The policies of apartheid of the Government of the Republic of South Africa: report of the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa". As Rapporteur of the Special Political Committee, I have the honour to introduce the Committee's report (A/6579) on its discussions and conclusions.

153. In the course of the exhaustive discussion, all aspects of the policy of apartheid were examined. The Special Political Committee had the benefit of two reports of the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa (A/6356 and A/6456), the report of the United Nations Human Rights Seminar, held in Brasilia from 23 August to 4 September 1966 (A/6412), and the report by the Secretary-General on the United Nations Trust Fund for South Africa, to which was annexed a report by the Committee of Trustees of the Trust Fund (A/6494).

154. The Special Political Committee heard statements by the Rapporteur and Chairman of the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa and by the Chairman of the Committee of Trustees of the Trust Fund. It also heard a statement by Mr. Ngcobo, Treasurer-General of the Pan-Africanist Congress, whose petition was brought before the Committee at the request of the representative of Guinea.

155. At its 537th meeting, a draft resolution covering various aspects of the question of apartheid was submitted by forty-three countries (A/6579, para. 7) and subsequently amended orally. At the following meeting, six countries submitted a second draft resolution (*ibid.*, para. 9) dealing with the United Nations Trust Fund for South Africa.

156. Having approved the two draft resolutions, the Special Political Committee recommends them for adoption by the General Assembly. The texts appear in paragraph 14 of the Committee's report (A/6579).

Pursuant to rule 68 of the rules of procedure, it was decided not to discuss the report of the Special Political Committee.

157. The PRESIDENT: Before proceeding to the vote on the two draft resolutions recommended in the report of the Special Political Committee, I should like to inform the Members of the Assembly that it was agreed at our meetings this morning and this afternoon on other items of the agenda that recorded votes would be held instead of roll-call votes. I would suggest that this procedure, if members of the Assembly agree, should be followed on the items that we have before us this afternoon. /

/ For the procedure for taking recorded votes, see 1495th meeting, paras. 31-32.

158. The PRESIDENT: We shall first take up draft resolution A and proceed to take a recorded vote, unless there is any objection. I would draw the attention of the Assembly to the report of the Fifth Committee [A/6599]. The Assembly will now vote on draft resolution A [A/6579, para. 14].

A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Bolivia, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Congo (Brazzaville), Congo (Democratic Republic of), Cyprus, Czechoslovakia, Dahomey, Denmark, El Salvador, Ethiopia, Finland, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Liberia, Libya, Madagascar, Malaysia, Maldives Islands, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Spain, Sudan, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Upper Volta, Venezuela, Yemen, Yugoslavia, Zambia.

Against: Portugal, South Africa.

Abstaining: Australia, Austria, Belgium, Canada, France, Italy, Japan, Luxembourg, Malawi, Netherlands, New Zealand, United Kingdom of Great Britain and Northern Ireland, United States of America.

Draft resolution A was adopted by 84 votes to 2, with 13 abstentions.^{8/}

159. The PRESIDENT: The Assembly will now take a recorded vote on draft resolution B.

A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Central African Republic, Chad, Chile, China, Congo (Brazzaville), Congo (Democratic Republic of), Cyprus, Czechoslovakia, Dahomey, Denmark, El Salvador, Ethiopia, Finland, France, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Liberia, Libya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives Islands, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Spain, Sudan, Sweden, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Upper Volta, Venezuela, Yemen, Yugoslavia, Zambia.

^{8/} The delegation of Argentina subsequently informed the Secretariat that it wished to have its vote recorded as having been in favour of the draft resolution.

Against: South Africa.

Abstaining: Portugal.

Draft resolution B was adopted by 90 votes to 1, with 1 abstention.

160. The PRESIDENT: I shall now call on representatives who wish to explain their votes.

161. Mr. Quarles van UFFORD (Netherlands): The delegation of the Kingdom of the Netherlands has never left any doubt as to its total rejection of the policy of apartheid. Our point of view has again been expressed in unequivocal terms during the debates in the Special Political Committee and in the plenary meetings of the General Assembly last year. It seems therefore superfluous to dwell at length upon our basic rejection of apartheid at this moment.

162. It is with all the more regret that my delegation found itself unable to vote for resolution A, just adopted. Although we condemn the policy of apartheid, we could not vote for a resolution which we consider to be incorrect in several respects with regard both to the provisions of the Charter and to the facts.

163. This resolution, in the first place, contains provisions going beyond the powers of the General Assembly. I refer here to operative paragraphs 2 and 7, which state that the situation in South Africa constitutes a threat to international peace and security. The determination of a threat to international peace and security is a privilege appertaining exclusively to the Security Council, and we feel, therefore, that the General Assembly is not entitled to make such a statement, nor should it try to prejudge the Council's decision in advance; the Council should be left unfettered in its establishment of such a fact. In case the Security Council should decide that the situation in South Africa does constitute a threat to the peace, it is likewise the Council which will also have to decide upon specific measures to be taken.

164. My delegation also has objections to operative paragraphs 3 and 4, because they contain sweeping, unfounded and unproven criticisms of the trading partners of South Africa.

165. We likewise have objections to operative paragraph 5 (b) because it tries to establish elements of economic sanctions, which is the exclusive competence of the Security Council. Furthermore, we feel that paragraph 5 (c) is of too wide a tenor in appealing for "material assistance to all those combating the policies of apartheid".

166. As for operative paragraph 6 (a), my delegation cannot see what practical purpose can be served by the contemplated seminar, since already so many United Nations bodies have been or are engaged in dealing with the problems of apartheid.

167. Those were the major objections which obliged my delegation to abstain on the resolution as a whole.

168. Mr. NGUZA (Democratic Republic of the Congo) (translated from French): Apartheid is for us a test, a test of the sincerity of the objectivity of the feelings which certain States claim to have with regard to the black communities and of the objectivity of their sympathy for democracy in whose name so many

human and material resources have been sacrificed and continue to be sacrificed.

169. In South Africa apartheid has already been given tangible expression in the reservations, and in Rhodesia apartheid is also becoming the systematic practice of the doctrine concocted by the masterminds of South Africa. The political consequences is the systematic and carefully executed violation of democracy in those countries.

170. The black majority which, according to the idea of democracy, has the right to exercise power, is systematically prevented from managing the territory's public affairs for the benefit of a white racist minority who, by reason of their colour alone, think they have the monopoly of knowledge and wisdom, without realizing that by so doing they are only confirming the only thing of which they can claim a monopoly, namely, folly and stupidity.

171. This Organization which, as stated inter alia in Article 1 (3) of the Charter, was established in order to "achieve international co-operation... in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion", has merely been a passive witness to South Africa's violation of this basic principle of the Charter.

172. Certainly, resolutions have condemned apartheid in severe terms. Representatives have come to this rostrum, on behalf of their Governments, to inveigh against South Africa's policy. But, when it comes to specific action to put pressure on South Africa, the same representatives have come up with specious arguments claiming that the United Nations cannot impose such action upon them; or else they have justified their reservations by the gravity of the consequences which a direct confrontation with South Africa might entail.

173. Hence they must believe that South Africa is capable of challenging their strength and power. But, on the other hand, we see the same Powers lightly running the risk of armed conflict with a Power of which the least that can be said is that it has nuclear weapons. Are we to believe that South Africa is militarily more powerful than a military Power? Certainly not.

174. But the truth lies elsewhere. Democracy is certainly violated in South Africa but this violation does not endanger the economic and financial interests of those Powers; on the contrary. On behalf of my delegation I have the courage to declare before this Assembly that our consciences are disturbed by the conflict between our desire to retain the friendship of some and the disdain aroused by the position of self-interest on which their policy is based, when confronted with such a revolting practice as apartheid in South Africa.

175. We dare to hope, however, that wisdom and justice will one day triumph over the selfishness of those who are in a favoured position, and that on that day might will no longer be on the side of the financial and economic interests which are a travesty of democracy, but on the side of true democracy which is based on justice, not injustice.

176. Mr. ACHKAR (Guinea) (translated from French): Permit me to say a few words on the resolution which the General Assembly has just adopted. You will fully appreciate the reasons which prompt my delegation to make this statement at this stage in our proceedings, at a time when, thanks to the support of the forces which are on the side of racial equality, and despite the abstention of the inveterate forces of conservatism and the negative vote of the reactionary forces, the General Assembly has just decided, by an overwhelming majority, to endorse the draft resolution recommended by the Special Political Committee.

177. In submitting the draft resolution to the Special Political Committee (537th meeting), I said that it chiefly provided for practical measures within the limits of the General Assembly's competence. These practical measures are, of course, limited; they are not decisive in themselves.

178. I should like to repeat here that we proposed these measures not because the situation itself has improved in any way, or that there is any hope of a peaceful solution in the offing, but because the situation has seriously deteriorated in South Africa and throughout the southern part of Africa, owing to the hardening of the racist régime's position and the inaction or complicity of the foreign Powers allied to the oppressors of Pretoria.

179. The danger of violent conflict is greater than ever. The responsibility for this tragic situation lies on the Western Powers which refuse to co-operate with the United Nations in formulating and taking effective action under United Nations auspices. I repeat that we are firmly convinced that economic sanctions under Chapter VII of the Charter are the only peaceful way to solve the problem of apartheid, that colonialist hydra.

180. In this connexion, it is apposite to recall what was said in the Security Council on 12 December 1966 by Mr. Goldberg on the Rhodesian question:

"... they"—mandatory sanctions—"are now necessary in order to drive home to the illegal régime that the international community will not tolerate the existence of a discriminatory system based on minority rule in defiance of the United Nations and its principles".^{2/}

181. This statement by the United States representative very clearly expresses the reasons why we are calling for sanctions against South Africa. Unfortunately, Mr. Goldberg was forced to resort to an artificial, nay, specious argument, in order to come to the conclusion that Rhodesia's case was in some way different from that of South Africa.

182. And yet, as the Norwegian representative said in the Special Political Committee (542nd meeting), if the Rhodesian situation constitutes a threat to peace, the situation prevailing in South Africa should be considered even more serious. While the overwhelming majority of Member States are firmly convinced that economic sanctions under Chapter VII offer the only effective peaceful solution, we cannot

^{2/} Official Records of the Security Council, Twenty-first Year, 1333rd meeting.

be unaware of the fact that such sanctions imply action by the Security Council and sincere co-operation between the three great Western Powers and South Africa's other trading partners. We have no indication that such co-operation will be forthcoming.

183. On the contrary, we have noted in this Assembly that the three great Powers concerned, namely, the United States of America, France and the United Kingdom, have opposed our suggestions, while at the same time declining to put forward a single alternative solution for combating apartheid which all of them seem to condemn.

184. We are bound to say that we find the policy of, for example, a great multiracial country like the United States, singularly contradictory. The United States representative stated in the Committee that so long as South Africa continues on its dangerous course, none of us will be able to live in the atmosphere of peace and freedom to which we are entitled.^{10/} We are entirely in agreement with this view, but we are compelled to note that the United States of America, together with the bloc of which it is the leader, has not proposed any alternative action to combat what they themselves say is disturbing the atmosphere of peace and freedom to which we are entitled.

185. On the other hand, I should like to express our satisfaction at the favourable vote of the Scandinavian countries, not to mention the socialist countries which have always been on the side of freedom in South Africa. As regards the Scandinavian countries, you will perhaps recall that Denmark and Sweden voted in favour of General Assembly resolution 2054 (XX); Finland, Iceland and Norway have now joined them, to the greater honour of that part of Europe and of racial harmony in the world. I should like to express our satisfaction at the vote cast by Ireland, that noble little country with its glorious tradition of struggle for freedom from the imperialism of Britain, that supporter of the South African régime.

186. We are even more gratified because we are convinced that the serious problem of South Africa should be the concern not of Africa alone, but of all mankind. Africans have no intention of fighting the white man, or men of any other colour—blue, yellow or red. They are fighting only for equality and dignity, for the legitimate aspiration of all men.

187. In submitting the draft resolution, we wished to avoid raising false hopes in the hearts of the oppressed South African people. For a long time these people have been disappointed by the resolutions of the United Nations; it would be criminal to cause them any further disappointment. We wish to make it quite clear to them that, because of the selfish attitude of some Powers, there is no hope of the international community taking any decisive action at this stage.

188. At the same time, we wish to assure them that we, the great majority of Member States, will do everything in our power within the United Nations to help them in their legitimate struggle. For us, each provision of the resolution, and particularly para-

graphs 5, 6 and 8, is a direct pledge to the oppressed people of South Africa which we shall uphold to the best of our ability.

189. The resolution adds considerably to the burden of the Special Committee on the Policies of Apartheid, over which I have had the honour to preside for two years. The Special Committee will study with the greatest care the provisions of this resolution and of other resolutions relating to its terms of reference and activities, and will redouble its efforts in order to carry out its mandate. It will intensify its endeavours to give maximum publicity to the responsibility of various Powers and foreign economic interests which impede the course of justice in South Africa.

190. The Committee over which I preside will do everything in its power to encourage world public opinion, especially in the Western countries which maintain close relations with South Africa, to realize the facts of the situation and resolutely support the action of the United Nations. The Special Committee will give appropriate priority to the problem of the dispatch of military equipment in violation of the embargo decreed by the Security Council (resolution 232 (1966)), and to ways and means of putting an end to this dangerous trade. It will give its full support to assistance for the victims of apartheid, including aid to the families of prisoners and the education and training of non-whites. It will devote all its attention to the question of political, moral and material assistance—and I repeat: "material", with apologies to the Netherlands delegation—to all those combating the policies of apartheid. The Committee will co-operate fully with the Secretary-General to ensure that the proposed conference or seminar on southern Africa, to which we attach very great importance, attains its objectives, namely, to initiate more effective and better co-ordinated action by the United Nations.

191. The resolution also confers heavy responsibilities on the Secretary-General. Knowing how much he takes the problems of southern Africa to heart and knowing his great solicitude for the Special Committee on the Policies of Apartheid, for which I should like once again to express our gratitude, we can be certain, I am sure, that he will discharge his new responsibilities effectively.

192. Finally, I should like to stress that the usefulness of this resolution and the achievement of its aims depend mainly on the co-operation of Member States in implementing the essential provisions, especially those set forth in paragraph 5.

193. Today, when we are launching the international campaign against apartheid, as recommended by the Special Committee on the Policies of Apartheid, we declare that the cause of the oppressed people of South Africa is not only that of 250 million Africans, but also the cause of the United Nations and all of peace-loving mankind. This cause transcends race, colour, religion and ideology. It is a sacred cause for all intelligent men.

194. We address a solemn appeal to all States, organizations and individuals, wherever they may be, to help us in ending this grave danger which is destroying southern Africa and which, if it is not checked in time,

^{10/} This statement was made at the 540th meeting of the Special Political Committee, the official records of which appear in summary form.

will involve the African continent and the entire world in a bloody conflict. I call upon all the Members of the General Assembly to ponder the grave consequences of this evil and to reflect on the miserable plight of the oppressed South African people and on ways and means of freeing them.

195. I beseech the General Assembly to consider every possibility of impressing on the people of South Africa, black and white, the significance of our efforts and the nature of our aims and our determination. No effort should be spared to come to the aid of these people in their fight to establish a racial democracy in their country, and we should leave no stone unturned in persuading all Governments of the need to co-operate in taking effective action under the auspices of the United Nations. Our sole purpose is to help the people of South Africa, without distinction as to race or colour, to decide the future of their country, so as to eliminate the danger which is threatening us from that part of Africa. We should do this not only in the interest of the Africans, but in the interest of all peoples, including the white minority of South Africa, provided that the latter demonstrates its loyalty to Africa and its respect for the principles of the United Nations.

196. We salute Chief Luthuli, Robert Subokwe, Nelson Mandela, Walter Souzouli, and Abraham Fischer, and the thousands of African prisoners and the millions of fighters who are oppressed by apartheid. We also call upon the 3 million whites to come to their senses and to revise their thinking in order to build a non-racial society.

197. I say this from this rostrum, knowing full well that in our midst sit the representatives of the Pretoria régime who do not claim to represent anyone except the white minority of South Africa. These men have no right to represent South Africa, and yet we have tolerated their presence here in order not to offend the susceptibilities of some of our friends. These friends have advised us to admit the representatives of Pretoria because their presence, we are told, would in some sense help in the search for a peaceful solution to the problem of apartheid. Let those representatives whom I call our friends convey our expressions of goodwill to the white community of South Africa through the South African delegation, but also our firm determination not to tolerate any longer the indignity of racism to which the coloured people of South Africa are subjected.

198. For this reason, on behalf of the oppressed people of South Africa, on behalf of all the African peoples, in the name of the co-operation which governs the relations between Africa and the white world, and out of love and respect for the fundamental principles of the United Nations, I venture to invite all those present to join with us in the search for a final solution to the problem of apartheid so that equality and liberty may triumph.

199. Long live the African revolution!

200. The PRESIDENT: The representative of Guinea was the last speaker on my list. If there is no other representative who wishes to make a statement at this stage, I shall, with the permission of the Assembly, declare concluded the consideration of item 34 of our agenda.

AGENDA ITEM 85

Draft Declaration on the Right of Asylum

REPORT OF THE SIXTH COMMITTEE (A/6570 and Corr.1-3)

AGENDA ITEM 86

Technical assistance to promote the teaching, study, dissemination and wider appreciation of international law: report of the Secretary-General

REPORT OF THE SIXTH COMMITTEE (A/6576)

Mr. Arangio-Ruiz (Italy), Rapporteur of the Sixth Committee, presented the reports of that Committee and then spoke as follows:

201. Mr. ARANGIO-RUIZ (Italy), Rapporteur of the Sixth Committee: In view of the fact that, as felt by many, the Sixth Committee had not had sufficient time to consider in detail and depth all the very delicate legal problems involved in a Declaration on the right of territorial asylum, the draft resolution submitted to the Assembly on this item [A/6570, para. 46] is simply of a procedural character. It requests the Secretary-General to transmit to Member States the text of a draft Declaration on territorial asylum together with the report of the Sixth Committee thereon for their further consideration. The text of this draft declaration was drawn up by a working group established by the Sixth Committee for the purpose of preparing such a draft on the subject of territorial asylum.

202. The working group had referred to it the draft declaration on the right of asylum adopted by the Commission on Human Rights in March 1960, the preamble and article 1 of a declaration adopted by the Third Committee at the seventeenth session of the General Assembly and a number of proposals, one comment, and amendments submitted to the Sixth Committee at the current session. All those texts are set out or referred to in the report of the working group which forms an annex to the report of the Sixth Committee.

203. The draft resolution also proposes that an item entitled "Draft Declaration on Territorial Asylum" should be placed on the agenda of the twenty-second session of the General Assembly with a view to the adoption of a declaration on that subject. It was the general view in the Sixth Committee that after Governments had had the time available before the twenty-second session to reflect on the new text prepared this year by the working group, it could be hoped that there would be no obstacle to adopting a declaration next year.

204. At its last session the General Assembly established, under resolution 2099 (XX), a United Nations programme of assistance in the field of international law. The Secretary-General was requested to report to the present session on the steps which he had taken, or which he recommended, in order to implement that resolution. The Advisory Committee, established under resolution 2099 (XX), made a number of recommendations to the Secretary-General, which he accepted, and which are contained in the Secretary-General's report [A/6492]. Those recommendations are in turn embodied in a draft resolution, which the

Sixth Committee adopted unanimously [A/6576, para. 22].

205. The draft resolution proposed by the Sixth Committee authorizes the Secretary-General to carry out in 1967 the activities specified in his report, including, in particular, the holding of a regional training and refresher course jointly with the United Nations Educational, Scientific and Cultural Organization; the award of ten fellowships; the provision of United Nations legal publications to up to fifteen institutions; and the provision of advisory services of experts, if requested by developing countries within the framework of existing technical assistance programmes. In addition, it is recommended that the General Assembly should accept the generous offer of the United Republic of Tanzania to provide facilities for the 1967 regional course. Appreciation is expressed of the willingness of UNESCO and the United Nations Institute for Training and Research to undertake activities in the field, in response to the requests previously expressed by the General Assembly. The Secretary-General is asked to report to the twenty-second session of the General Assembly on the preparation and execution of the items of the programme envisaged for 1967 and 1968. Lastly, it is proposed that the programme established under resolution 2099 (XX) shall henceforth be known as "The United Nations programme of assistance in the teaching, study, dissemination and wider appreciation of international law", and included in the provisional agenda of the next session under that title.

206. No major points of disagreement arose during the debates of the Sixth Committee. All speakers supported the programme and expressed their appreciation of the efforts made by the Secretary-General to find means for its implementation. I believe that I summarize the views of members when I say that the common attitude was one of confidence that the Secretary-General, acting in co-operation with the Advisory Committee, would take the necessary steps to ensure that the programme would be capably executed during 1967.

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

207. The PRESIDENT: I call on the representative of Israel in explanation of vote.

208. Mr. ROSENNE (Israel): My delegation is happy to be able to vote here in the plenary meeting in favour of the draft resolution submitted by the Sixth Committee [A/6570, para. 46], as we did in the Sixth Committee itself. However, as will be seen from Corr.1 to the report of the Sixth Committee, and as the Rapporteur of the Sixth Committee, himself, has just hinted, the somewhat substantial report of the

working group—to whose Chairman, the distinguished representative of the United Republic of Tanzania, Mr. Seaton, we should like to pay our tribute—was discussed a little hurriedly at the Committee's 953rd meeting on 9 December, together with the draft resolution which was adopted by the Committee at that meeting.

209. On re-examining that report of the Sixth Committee, in the light of the earlier debate, we have noted that the draft resolution which was introduced in the Committee on 8 December, that is, the day before the discussion took place in the Committee, requests the Secretary-General to transmit to States Members of the United Nations only the report of the Sixth Committee on this agenda item to which the report of the working group is annexed. In the view of my delegation it would be appropriate in this case for the Secretary-General also to transmit to the Governments concerned or otherwise explicitly bring to their attention the summary records of the discussions in the Sixth Committee this year on this important agenda item. It is on the understanding that he will do so that my delegation can support the draft resolution proposed by the Sixth Committee.

210. We should also like to take this opportunity to express our thanks to the Rapporteur of the Sixth Committee, Mr. Arangio-Ruiz of Italy and the members of the Secretariat staff who assisted him, for the valuable and lucid reports on the Committee's work which he has submitted and to express the hope that they will find their way into the United Nations Juridical Yearbook.

211. The PRESIDENT: The General Assembly will take up first the recommendation of the Sixth Committee on agenda item 85 [A/6570, para. 46].

212. The draft resolution was adopted unanimously in the Sixth Committee. May I take it that the General Assembly also adopts it unanimously?

The draft resolution was adopted unanimously.

213. The PRESIDENT: The report of the Sixth Committee on item 86 is contained in document A/6576. The financial implications which would result from the adoption of the draft resolution recommended therein by the Sixth Committee will be taken into account by the Fifth Committee in the budget estimates.

214. The Assembly will now proceed to vote on the draft resolution recommended by the Sixth Committee [A/6576, para. 22].

The result of the vote was 74 in favour and none against.

The draft resolution was adopted unanimously.

The meeting rose at 6 p.m.