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DRAFT INTERNATIONAL COVENANTS ON HUMAN RIGHTS

Explanatory paper on measures of implementation
prepared by the Secretary-General

Observations from Governments

1. In accordance with General Assembly resolution 1843 B (XVII) of 19 December 1962, the explanatory paper on measures of implementation (A/5411) was transmitted by the Secretary-General to Governments of Member States for their comments. As at 15 August 1963, replies were received from seven Governments.
2. The Governments of Cambodia, Denmark, Nepal and Norway stated that they had no observations to make on the explanatory paper. The observations of the Governments of Austria, of the Union of Soviet Socialist Republics and of the United Kingdom of Great Britain and Northern Ireland are reproduced below:

AUSTRIA

[Original: English]

Austria would welcome in principle the adoption of the measures of implementation of the two Covenants on Human Rights basically in the same form as drafted by the Commission on Human Rights.

The Austrian Government is of the opinion that it would be useful to differentiate as far as the provisions of implementation are concerned between the Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights, mainly because it is commonly recognized that those measures relating to civil and political rights should differ from those for the implementation for economic, social and cultural rights.

Austria agrees fully with the proposed reporting system and takes this opportunity to stress that she has regularly, on request of the Secretary-General, forwarded for his Annual Report, as well as for the United Nations Yearbook on Human Rights, information on the situation of human rights in Austria. Nevertheless the Austrian Government would consider a biennial instead of an annual report as appropriate.

The envisaged creation of a permanent organ for supervising observance of the Covenants, to which complaints could be submitted by States, would be appreciated by Austria. But she is of the opinion that all available domestic procedural remedies should be invoked and exhausted before an appeal to the permanent organ takes place.

Austria believes that the concept of the exhaustion of domestic procedural remedies is sufficiently defined in the generally recognized norms of international law to permit the cancellation of the restriction as contained in the second clause of article 41 as well as the word "normally".

Finally the Austrian Government thinks that the contents of article 46, which eventually provides an appeal to the International Court of Justice, might be defined more precisely. In particular it should be clarified in what form the opponents should submit concrete matters concerning human rights to the International Court of Justice and what provisions could be invoked to prove the competence of the Court.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

[Original: English]

Her Majesty's Government do not consider it necessary to comment in detail on this useful document. However, they wish to express their agreement with the distinction made in the draft covenants, and referred to in paragraphs 4 to 6 of the Secretary-General's explanatory paper, between the measures of implementation appropriate to the Covenant on Civil and Political Rights and those appropriate to the Covenant on Economic, Social and Cultural Rights. Her Majesty's Government also take this opportunity to reiterate their support for the proposal, embodied in the draft Covenant on Civil and Political Rights, for the establishment of a Committee on Human Rights to deal with inter-State complaints of violations of that covenant.

UNION OF SOVIET SOCIALIST REPUBLICS

[Original: Russian]

The Soviet Union takes an active part in the preparation of the Covenants on Human Rights, which after their entry into force will become legally binding on States parties to them and thereby promote respect for the right of peoples and nations to self-determination as well as the maintenance of human rights and fundamental freedoms.

Colonialism, that shameful blot on the conscience of mankind, has still not disappeared from the earth, and even in some highly developed countries people are still deprived of elementary human rights because of their racial origin or the colour of their skin and are subjected to outrageous insults and humiliations, which throw civilization back hundreds of years to the Dark Ages.

For these reasons the conclusion of the Covenants on Human Rights as quickly as possible is an urgent necessity.

At the present time it is important to ensure that the conclusion of the Covenants is not unduly delayed by the consideration of measures of implementation.

The draft Covenants must therefore contain measures of implementation which correspond to the generally recognized norms of international law and the principles of the United Nations, i.e. which take into account the sovereign rights, the particular economic, social and national characteristics of the various States. The inclusion in the draft Covenants of any measures of implementation that would open the door to interference in the internal affairs of States would be contrary to the Purposes and Principles of the United Nations, would complicate still further the consideration of this urgent question unjustifiably, and would not contribute to ratification of the Covenants by the largest possible number of States.

The measures of implementation should be founded on the obligation of States to adopt appropriate internal legislative, administrative, social and other measures for the maintenance and protection of human rights. That obligation together with the additional obligation of States to inform the United Nations regularly of the measures they are taking in conformity with the Covenants would form a proper basis for achieving the human rights provided for in the Covenants.