

delegation's draft resolution to be adopted unanimously.

61. Mr. AL-QAYSI (Iraq) said that, although he appreciated the spirit of understanding shown by the representative of Ireland in accepting amendments to her draft resolution, there was now a contradiction between operative paragraphs 2 and 3 of that draft resolution. If his delegation accepted the words "at future sessions of the General Assembly" in operative paragraph 2, it could not agree that it should be specified, in operative paragraph 3, that the item should be included in the provisional agenda of the twenty-ninth session of the General Assembly. In an effort to reach a real compromise, he proposed that, in operative paragraph 2, the words "at future sessions of the General Assembly" suggested by the representative of Ireland should be deleted and that, in operative paragraph 3, the words "the twenty-ninth session" should be replaced by the words "the thirty-first session". He hoped that those amendments would be acceptable to the Irish delegation.

62. The CHAIRMAN asked the representative of Iraq whether he wished to maintain his amendments.

63. Mr. AL-QAYSI (Iraq) said that he did, but that his delegation was consulting with that of Ireland.

64. Mrs. WARZAZI (Morocco) expressed the satisfaction of her delegation at the spirit of compromise shown by the representatives of Ireland and Iraq and expressed the hope that further consultations would be fruitful. Since the views on both sides had already been expressed at length by several delegations, she proposed the closure of the debate under rule 121 of the rules of procedure of the General Assembly. She also appealed to the sponsors of draft resolutions A/C.3/L.2075 and A/C.3/L.2092, as well as the sponsors of amendments, to withdraw their proposals.

65. The CHAIRMAN, noting that there were no speakers against the motion to close the debate, put it to the vote.

*The motion was adopted by 69 votes to 3, with 24 abstentions.*

66. Mrs. HEANEY (Ireland) said her delegation was prepared, in order to accommodate the delegation of Iraq, to accept the replacement of the words "twenty-ninth session", in paragraph 3 of the draft resolution, by the words "thirtieth session".

67. The CHAIRMAN said that the Irish draft resolution had thus been revised in the following manner: the additional preambular paragraph proposed by Iraq had been incorporated into the text; operative paragraph 1 was unchanged; operative paragraph 2 was replaced by the Iraqi wording, except that it ended with the words "fundamental freedoms"; in operative paragraph 3 the words "twenty-ninth session" had been replaced by "thirtieth session" and the title of the item was replaced by the wording contained in the text proposed by Iraq for paragraph 2.

68. Mrs. WARZAZI (Morocco) asked the Chairman to appeal to the sponsors of the other draft resolutions to withdraw them.

69. The CHAIRMAN said that he would take it that the sponsors of draft resolutions A/C.3/L.2075 and A/C.3/L.2092 would not press for a vote on their texts. He then suggested that the Committee should unanimously adopt draft resolution A/C.3/L.2079/Rev.1, as orally revised.

70. Mrs. SELLAMI (Algeria) asked for a separate vote on the words "thirtieth session" in operative paragraph 3. If the words were deleted, they should be replaced by the word "future".

71. The CHAIRMAN pointed out that, under the rules of procedure, members could only speak on a point of order. No further amendments or suggestions could be made.

72. After a procedural discussion in which Mr. ALFONSO (Cuba), Miss FAROUK (Tunisia), Mr. PAPADEMAS (Cyprus), Mrs. SELLAMI (Algeria), Mr. N'DIAYE (Senegal), Mrs. KOROMA (Sierra Leone), Mr. NENEMAN (Poland) and Mr. MACKENZIE (United Kingdom) took part, the CHAIRMAN invited the Committee to proceed to a separate vote on the words "thirtieth session", as requested by the representative of Algeria.

*The words "thirtieth session" were retained by 52 votes to 7, with 36 abstentions.*

*Draft resolution A/C.3/L.2079/Rev.1 as a whole, as orally revised, was adopted by 75 votes to none, with 25 abstentions.*

*The meeting rose at 6.25 p.m.*

## 2049th meeting

Wednesday, 5 December 1973, at 10.50 a.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2049

### AGENDA ITEM 57

**Creation of the post of United Nations High Commissioner for Human Rights (concluded) (A/9074, A/C.3/L.2081)**

1. Mr. BUCKLEY (United States of America), speaking in explanation of his vote on draft resolution

A/C.3/L.2079/Rev.1 and the amendment thereto proposed by Iraq (A/C.3/L.2093/Rev.1), considered at the previous meeting, said that it was his delegation's understanding that the purpose of the Third Committee was to devise means of promoting human rights around the world. The arguments adduced by those who were opposed to the creation of the post of High Commissioner for Human Rights appeared to centre on their

concern that the High Commissioner would interfere in the internal affairs of their countries. His understanding, however, was that suitable precautions against such interference, which would violate the Charter, were built into the proposal. On the other hand, it could not be denied that in a certain sense the mere espousal of human rights in an international organization was to interfere philosophically with the internal affairs of some countries. Human rights were an ideal to which all paid lip service, but which in some societies was served with such studied unsuccess as to raise doubts as to whether human rights were really a shared ideal. The United States Government regretted that all the work that over the preceding eight years had gone into the creation of the post of High Commissioner for Human Rights had apparently been to no avail, and it also regretted that the draft resolution proposed by the delegations of Sweden and Costa Rica (A/C.3/L.2075), for which his delegation would have voted enthusiastically, had not been submitted to the Committee for action.

2. The United States had abstained in the vote on draft resolution A/C.3/L.2079/Rev.1 above all because it felt that it lacked clarity: for example, it was not clear what was meant by the phrase "alternative approaches" as used in operative paragraph 3 of the text, as revised. The term "alternative" suggested the possibility of a choice; however, it was not very clear what the choice lay between, since the idea of creating the post of High Commissioner had not been rejected. It was likely that the majority of members of the Committee intended the phrase "alternative approaches" to mean "supplementary approaches", in other words, approaches for improving the effective enjoyment of human rights and fundamental freedoms which—without excluding the creation of the post of High Commissioner—went beyond those already institutionalized in the United Nations. However, even if that ambiguity had been clarified, the United States Government would not have been able to vote in favour of the draft resolution because it did not agree that the promotion of human rights should be put off until the thirtieth session of the General Assembly. As various speakers had suggested the previous day, and as others were ready to suggest, it was infinitely disappointing to the people of the world that the United Nations did not take more concrete measures to serve the cause of human rights. It was grotesque that the United Nations should formally decline to consider the problem until 1975.

3. Although, for all those reasons, the United States had not been able to vote in favour of the draft resolution, it could also not vote against any resolution which committed the Organization to the search for means of improving the enjoyment of human rights and fundamental freedoms at any time. Accordingly, his delegation had abstained in the vote on draft resolution A/C.3/L.2079/Rev.1, as revised.

4. Mrs. DE BARISH (Costa Rica) regretted that she had not been present at the time when, unexpectedly, the vote had taken place at the previous meeting; she was not surprised, however, that, despite the promises that had been made at the beginning of the session, a sudden proposal had been made to suspend the debate and proceed to a vote, since throughout the history of the item under consideration that had been the attitude

of those who had not wished to hear all the arguments and ideas for and against the question.

5. Her delegation, in keeping with the position adopted by the Foreign Minister of Costa Rica at the 2136th plenary meeting of the General Assembly, had decided to co-sponsor the new draft resolution (A/C.3/L.2075) which contained the substantive proposal concerning the creation of the post of United Nations High Commissioner for Human Rights, a proposal that was, moreover, based on a General Assembly resolution—resolution 2841 (XXVI)—in which it had been decided that consideration should be given to the item at the twenty-eighth session. Although her delegation would have preferred the draft resolution to have been adopted, it was ready to work towards the adoption by the Committee of any proposal which would take a positive approach to the search for new measures to ensure universal realization of human rights and fundamental freedoms, as recommended in operative paragraph 1 of draft resolution A/C.3/L.2079/Rev.1. In its original form, the draft resolution had represented the minimum desirable which the Organization could do to be consistent with its own tenets and principles. Her delegation would also have supported the first amendment in document A/C.3/L.2093/Rev.1; on the other hand, it could not have accepted the second of those amendments, because it weakened the original text, nor the third, because its purpose was to delete a paragraph of the draft resolution which was of great importance. Despite the efforts which the delegation of Iraq had made to improve the approach in those amendments, if it had been present during the vote, her delegation would have abstained on the draft resolution as revised.

6. With regard to the draft resolution introduced by Bulgaria (A/C.3/L.2092), her delegation viewed it as an attempt to prevent any movement or progress in the search for alternatives which might represent an advance in the promotion of human rights. Accordingly, her delegation had not supported it.

7. Finally, it had been shown that what was political was not the proposal but the attitudes of those who did not wish even to allow an opportunity for a wide-ranging discussion. The Committee had not devoted four meetings to the item, as had been decided at the beginning of the session. The debate, as far as it had gone, had been serious and interesting and she therefore regretted that it had not been possible, at least, to continue consideration of the question at the current session.

8. Lord GAINFORD (United Kingdom) said that the United Kingdom supported the idea of the creation of the post of High Commissioner for Human Rights because it was clear that, despite all the efforts made by the international community, human rights and fundamental freedoms continued to be denied and violated. Throughout the session, members of the Committee had emphasized the gap between principle and practice, between national adherence to international declarations and instruments on human rights and the widespread existence of situations and practices which contradicted their provisions or fell short of the standards they proclaimed. That contradiction had convinced his delegation of the need to find an alternative approach. Although it did not believe that a High Commissioner would be able to deal immediately and with

spectacular success with all the problems, it did believe that the right person, given appropriate terms of reference, might well be able to make headway where discussion, resolutions, committees and existing instruments had failed.

9. He conceived of the High Commissioner as an independent and impartial individual of high ability and tact, backed by the authority of the United Nations, and given the task of keeping an eye on the whole human rights situation, advising, at their request, United Nations bodies and Member States, and, in general, working behind the scenes whenever and wherever his presence might be useful. Moreover, the experience of other figures of international stature—such as the United Nations High Commissioner for Refugees—in dealing with complex situations had demonstrated what might be done by a High Commissioner for Human Rights.

10. His delegation did not expect the General Assembly to be able to take a decision of substance on the High Commissioner during the current year, and it had therefore been prepared to support draft resolution A/C.3/L.2079/Rev.1. That draft resolution would have offered the Committee the possibility of a wider-ranging and more objective discussion the following year on the modalities of any further action by the United Nations in the field of human rights. While his delegation had been prepared to go a long way to achieve a compromise, it had not been able to accept the notion that the debate should be postponed until the thirtieth session of the General Assembly. In the view of his delegation, that kind of review should be a regular item on the agenda of the General Assembly, in keeping with the purpose of the Committee and the obligations of all Member States under Articles 55 and 56 of the Charter. Since the draft resolution as revised had fallen short of that ideal, his delegation had felt obliged to abstain in the vote on the draft resolution.

11. Mr. MURDOCH (New Zealand) regretted that his delegation had been obliged to abstain in the vote on draft resolution A/C.3/L.2079/Rev.1 and the amendments thereto, since it was fully conscious of the diligence with which the delegations of Ireland and Iraq had sought to reach a compromise. However, bearing in mind the New Zealand Government's desire to see the creation of the post of High Commissioner for Human Rights, it had felt that the original text submitted by Ireland had in itself been a compromise. As revised, the text did not meet his delegation's point of view that the General Assembly should remain seized of the specific issue involved, and not as one of a series of yet-unknown alternatives. Accordingly, his delegation's abstention reflected its disappointment that the Third Committee had seen fit to relegate a proposal which, if implemented, would have constituted a milestone in the progress of the General Assembly towards the effective realization of the mandate given to all Member States in the Universal Declaration of Human Rights.

12. Mr. NENEMAN (Poland) said that, in his delegation's view, sovereign countries alone could cede part of their sovereignty, through agreements, covenants and other international instruments, to legally constituted organs. Other procedures were unacceptable and, particularly if not adopted by consensus, would be a further cause of friction and problems. His delegation had voted in favour of draft resolution

A/C.3/L.2079/Rev.1, with the amendment by Iraq (A/C.3/L.2093/Rev.1), since it offered other possible approaches which might be the only ones compatible with the sovereignty of States.

13. Mr. NASSER-ZIAYEE (Afghanistan) said that his delegation had abstained in the vote on the draft resolution submitted by Ireland (A/C.3/L.2079/Rev.1) because the adoption of that draft resolution would not lead speedily and unequivocally to the creation of the post of United Nations High Commissioner for Human Rights, a measure which, in its opinion, was of the utmost importance. His delegation's position in the matter was duly reflected in draft resolution A/C.3/L.2075 and it regretted that it had not been consulted regarding the submission of that draft resolution, which it would have liked to co-sponsor. For his delegation it was a matter of principle, since it had always been a staunch supporter of the creation of the post of United Nations High Commissioner for Human Rights.

14. Mr. VAN WALSUM (Netherlands) said that, having supported draft resolution A/C.3/L.2075, his delegation could have accepted the Irish draft resolution (A/C.3/L.2079/Rev.1) as a reasonable, or at least realistic, compromise. In its final form, however, that draft resolution had no longer been acceptable to his delegation, which had accordingly abstained in the vote. His delegation could not accept the notion that the Third Committee, which discussed so many items each year without adding many new elements to their consideration, should not consider ways and means to improve the effective enjoyment and implementation of human rights during the twenty-ninth session of the General Assembly. Moreover, his delegation had had some difficulty with the term "alternative approaches", which might be taken to mean alternatives to the High Commissioner concept. It had been informed, however, that that term simply referred to all the alternatives, without excluding any of them, and it had taken note of the fact that the representative of Bulgaria had felt that even his delegation's draft resolution (A/C.3/L.2092), if adopted, would not have excluded the consideration of any proposal in the future.

15. It was clear that the High Commissioner concept could not be discarded. The draft resolution which would have led to the creation of the post of High Commissioner had never been put to the vote in the General Assembly. If it were so abundantly clear that, as had been claimed by some delegations, the majority of Member States were opposed to the creation of that post, he wondered why the opponents had devoted so much energy and skill to avoiding a vote on the substantive draft resolution.

16. Mr. FØNS BUHL (Denmark) said that at the preceding meeting his delegation had expressed its support for draft resolution A/C.3/L.2075 and it regretted that that proposal had not been adopted.

17. His delegation had voted in favour of draft resolution A/C.3/L.2079/Rev.1, which represented an acceptable compromise between the divergent opinions on the subject by ensuring that there would be further discussion on appropriate alternative approaches and ways and means for improving the international protection of human rights and fundamental freedoms. The draft resolution left open the possibility of creating a post of United Nations High Commissioner for Human Rights as one of the means of promoting and strengthen-

ing human rights and fundamental freedoms, if and when the Members of the United Nations agreed upon such a measure, and at the same time it ensured that other possible measures would be taken into consideration. His delegation regretted, however, that the Committee had decided to postpone until 1975 further consideration of that item, which in its opinion was a question of such crucial importance that it deserved to be kept under annual review by the Committee. His delegation had abstained in the vote on that particular point and had voted against the motion for closure of the debate on the item. The Committee had allocated four meetings for consideration of the item and there was no valid reason why delegations which had wanted to express their views on the three draft resolutions should have been prevented from doing so. He considered it regrettable that a majority of members of the Committee had chosen to cut short a dialogue which could have been of great benefit to all.

18. Mr. BRUNO (Uruguay) said that his delegation had abstained in the vote on the Irish draft resolution (A/C.3/L.2079/Rev.1), although it considered it a technically good draft resolution from the point of view of form. His delegation had joined the sponsors of draft resolution A/C.3/L.2075, which had provided for the creation of the post of High Commissioner for Human Rights, and had consequently considered the text submitted by Ireland inadequate. Nevertheless, it wished to state definitely that it had an open mind and favoured the struggle for the effective implementation of human rights, whether through the creation of the post of High Commissioner or in any other way that might be appropriate.

19. Mr. SMIRNOV (Union of Soviet Socialist Republics) said that for more than 20 years his country had been expounding the legal, political, practical and financial disadvantages that the creation of a post of High Commissioner for Human Rights would entail. It had repeatedly drawn attention to the contradictions existing in the efforts directed towards that end, particularly since the activities of such a High Commissioner's Office might not be in harmony with the activities of other bodies already in existence. Moreover, the creation of that post could not be considered separately from the procedure followed by a certain group of countries which had tried to do away with several United Nations bodies that dealt with human rights.

20. The question had arisen at a time when fundamental changes had been taking place in the world, when the African and Asian States had been beginning to form part of the international community, having freed themselves from the colonial yoke, and had consequently not only increased the membership of the various United Nations organs but had produced a qualitative change in the manner of dealing with certain crucial problems, such as colonialism, racial discrimination and *apartheid*. That new orientation had been reflected in the fact that the International Convention on the Elimination of All Forms of Racial Discrimination had been drawn up at the twentieth session of the General Assembly and had been adopted and opened for signature at the twenty-first session. Other fundamental decisions for the implementation of human rights had been successively adopted. The statements made by various delegations showed that many of those which were advocating the creation of a post of United Nations High Commissioner for Human Rights were coun-

tries which had not yet signed the important instruments designed to protect human rights: the International Covenants on Human Rights and the Optional Protocol, which would enter into effect very shortly.

21. Currently the majority of delegations were aware that the creation of a post of High Commissioner could not in any way prevent the most terrible violations of human rights. For that reason the Soviet Union had opposed the creation of such a post and had not supported draft resolution A/C.3/L.2075. It had certainly supported the draft resolution submitted by Bulgaria and Democratic Yemen (A/C.3/L.2092), which reflected the new trends in the matter of human rights and international co-operation and at the same time made it clear that what was important was not the number of bodies dealing with human rights but their effectiveness in co-ordinating the efforts of the United Nations in that sphere, on the basis of the Charter and of the relevant international agreements.

22. Furthermore, many delegations which supported the creation of the post of High Commissioner had said that the High Commissioner's Office would have to operate behind closed doors and had referred to silent diplomacy. His country, however, considered that questions of human rights should be discussed openly and collectively in the representative bodies already established in the United Nations.

23. His country had supported the Irish draft resolution (A/C.3/L.2079/Rev.1), with the amendments submitted by Iraq (A/C.3/L.2093/Rev.1), and it was grateful to both those countries for the efforts they had made to arrive at a compromise solution.

24. Mr. VALDERRAMA (Philippines) said that his delegation had voted in favour of the amended text of operative paragraph 3 of draft resolution A/C.3/L.2079/Rev.1 and in favour of the draft resolution as a whole, in line with its policy of support for the creation of a post of High Commissioner for Human Rights. It considered that the reasons why the creation of that post was necessary had already been explained by many delegations, but at the same time it understood the position of the delegations which, like the Saudi Arabian, had difficulties in that respect. The amended draft resolution represented a reasonable compromise, since it provided for the consideration of alternative approaches and possible ways and means of improving the effective enjoyment of human rights. His delegation hoped that a consensus could be reached on the question as soon as possible, and certainly during the thirtieth session of the General Assembly.

25. Miss CAO PINNA (Italy) said that her delegation regretted that it had not been possible to vote on draft resolution A/C.3/L.2075. It had abstained on the motion for closure of the debate because of the importance of the question which had been under discussion, because various delegations had still been on the list of speakers and because four meetings had been allocated to the consideration of that item.

26. Her delegation had voted in favour of draft resolution A/C.3/L.2079/Rev.1 because that text reflected a broader approach to the question of adopting further measures to ensure the recognition of human rights and fundamental freedoms, including a more thorough consideration of the subject of the creation of the post of High Commissioner for Human Rights. Her delega-

tion had, however, abstained in the vote on the words "thirtieth session", because it considered that the recognized need for further measures required a continuous review of all possible approaches, with no interruption.

27. Mrs. BONENFANT (Canada) said that her delegation had voted in favour of draft resolution A/C.3/L.2079/Rev.1 because it had always supported in principle the noble project of creating the post of High Commissioner for Human Rights and believed that such a step would contribute effectively to the protection and promotion of the human rights and fundamental freedoms enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights.

28. Her delegation was aware that opinions differed on the question and that some polarization had resulted from the concentration of the debate on a single aspect of the broad field of the protection and promotion of human rights. It therefore considered it desirable to expand the basis of the Committee's examination of the matter, taking into account the possibility of improving the functioning and efficiency of the machinery and ways and means that already existed in the United Nations for guaranteeing the enjoyment of and respect for human rights. In taking that position, her delegation did not wish to imply that the idea of a High Commissioner should be put aside entirely; the question could be taken up in the future.

29. Mr. PETROV (Bulgaria) said that Bulgaria shared and supported the idea of further measures for improving the effective enjoyment and implementation of human rights; it believed, however, that the purpose would be better achieved by the implementation of the provisions of article 28 of the International Covenant on Civil and Political Rights. Bulgaria had abstained in the vote on draft resolution A/C.3/L.2079/Rev.1 because it disagreed with the inclusion of the words "thirtieth session" in the last operative paragraph and also had serious misgivings concerning the words "alternative approaches", which might be so interpreted as to raise once more the question of the creation of the post of High Commissioner for Human Rights.

30. Mr. OFER (Israel) expressed regret at the fact that draft resolution A/C.3/L.2075 had not been put to the vote, since his delegation had intended to vote for it. Consequently, Israel had voted against the closure of the debate and in favour of retaining the reference to the thirtieth session in the text adopted by the Committee, since otherwise there would have been the danger of an indefinite suspension of consideration of the item. For the same reason, it had voted in favour of the Irish draft resolution (A/C.3/L.2079/Rev.1); as revised, despite the shortcomings, since it ensured consideration of the item even if much later than Israel would have wished.

31. Mr. BAL (Mauritania) said that his delegation vigorously opposed and would continue to oppose the creation of the post of United Nations High Commissioner for Human Rights. There were many reasons for that opposition: firstly, reasons of efficiency, realism and common sense and, secondly, financial reasons. In the matter of efficiency, it was the Member States and the peoples constituting them that were in the best position to help promote and encourage respect for human rights. The financial reasons were not the least important, since the creation of such a post would re-

quire at least 98 million CFA francs, a sum which could pay for carrying out a great many projects in behalf of the developing countries.

32. Only a month earlier, the countries supporting the creation of the post of United Nations High Commissioner for Human Rights had opposed the establishment of the Committee on the Decade for Action to Combat Racism and Racial Discrimination. In view of that fact, his delegation would have voted against the Swedish-Costa Rican draft resolution (A/C.3/L.2075) if it had been put to the vote and also would not have supported the Irish draft resolution (A/C.3/L.2079/Rev.1) in its original form. His delegation would have asked that as much time as possible should be allowed for considering all the political implications of the question. It would have voted in favour of the Algerian proposal concerning the words "thirtieth session" and would have abstained on the Irish draft resolution as a whole. He requested that his delegation's position should be stated in the summary record of the meeting.

33. Mrs. BERTRAND DE BROMLEY (Honduras) said that in her delegation's view, the creation of the post of United Nations High Commissioner for Human Rights was very necessary, and it would have liked an opportunity to vote in favour of draft resolution A/C.3/L.2075. Her delegation had voted in favour of the Irish draft resolution (A/C.3/L.2079/Rev.1) as a way of keeping alive the concept that other ways to achieve and safeguard human rights must be found.

34. Mrs. KOROMA (Sierra Leone) lamented the fact that in its haste to complete its programme of work, the Committee had executed and concluded in whirlwind fashion some of the most important items, which affected a large percentage of mankind. If the primary object of creating the post of High Commissioner for Human Rights was to obtain more effective implementation of the numerous ideas advanced for improving the enjoyment of human rights and fundamental freedoms for all, more consideration should be given to the detailed preparations involved.

35. The issue was not the principles of the creation of the post of High Commissioner for Human Rights but the timing of its creation; in her delegation's opinion, the time was not yet ripe. It was undeniably far more important to bring into force the International Covenants on Human Rights and the Optional Protocol and then consider the question of creating the post of High Commissioner for Human Rights. There were certain implementational procedures which would come into being if and when those instruments came into force. It was rather anomalous that some of those who professed to have the political will to create the post of High Commissioner for Human Rights had not yet ratified the Covenants and the Optional Protocol in sufficient numbers to bring them into force. Indeed, one would have expected that the first step would be the universal acceptance of the obligations of Member States under the Universal Declaration; after that, it could be decided whether new machinery was needed for effecting the implementation of their provisions. In that connexion, it was pertinent to observe that there were enough States Members of the United Nations even within the Organization of African Unity to bring those instruments into force if they wished to.

36. The problems involved in the realization of human rights according to the standards demanded in the Universal Declaration must be considered realistically. It was one thing to accept the ultimate objective from a long-term point of view, but it was quite another to expect or demand the immediate application of those standards. In most of the developing countries the social and economic preconditions that would facilitate the realization of human rights—such as, to mention but a few, the right to work, the right to a decent standard of living and the right to good health and education—were currently lacking. It was therefore obvious that a regional approach to the problem would be more consistent with the realities of the situation.

37. In conclusion, while her delegation did not want to call the proposal ambitious, it did not hesitate to question whether the timing was right at the moment.

38. Mr. LÖFGREN (Sweden), explaining his delegation's abstention in the vote on draft resolution A/C.3/L.2079/Rev.1, said that from the beginning Sweden had given it support to the idea of creating a post of High Commissioner for Human Rights. Its interest had been genuine, and it had tried to promote that idea, on its own great merits, with sustained efforts and patience.

39. Sweden had always declared itself willing to discuss the various details of the proposal with all other delegations, and the draft resolution submitted in 1971 and introduced again two days before the current meeting by his delegation (A/C.3/L.2075) was the result of extensive consultations in which a very great number of delegations had taken active part. He was disappointed, however, not so much at the draft resolution finally adopted as at the way the question had been handled. With regard to the draft resolution itself, his delegation had for six weeks followed with interest and sympathy the preparatory work done by the Irish delegation, although it believed that the Third Committee would have discharged its duty in a worthier manner if it had discussed and acted upon the Swedish draft resolution. His delegation continued to regard the proposal to create a post of High Commissioner as part of Sweden's general policy to work for the strengthening of the United Nations and the promotion of human rights.

40. His delegation was not inclined to procedural or tactical games, and it had not had any plans to engage in such games in the present case. It had never intended to force a vote upon the Committee, and in introducing the draft resolution he had said that if other delegations, although looking with positive interest on the proposal, wanted yet another year to study it, the Committee should naturally listen to them. Similarly, his delegation had tried to take part in as many informal consultations as possible. At the twenty-sixth session 10 meetings had been assigned to the item, but in fact only three and a half had been devoted to it. At the current session four meetings had been allotted, and that was perhaps not very much, but his delegation had been surprised in any case at the motion for closure of the debate. In those circumstances, his delegation had felt that non-participation in the vote on the motion—although an unusual way for his delegation to act—was the most appropriate manner to show its total disassociation from that way of proceeding. In the same circumstances, it had had no choice but to accept a few mo-

ments later the fact that its draft resolution would not be put to the vote. The item should have been treated in a businesslike manner, not simply because it was important but also in order to give it the same treatment as any other item. The way in which the Third Committee had solved, or rather shelved, the problem hardly enhanced the credibility of the United Nations in the field of human rights, to which the Secretary-General had referred in the introduction to his report on the work of the Organization (A/9001/Add.1).

41. That sombre assessment of what had happened must not discourage anyone. One of the lessons was perhaps that next time, interested delegations should try to establish, as in 1971, an informal working group in order to prepare for more constructive action, since the work might be more positive if done in a working group. He was convinced that it was not the proposal itself that was politicized but rather the atmosphere around it. Consequently his delegation felt not only disappointed but encouraged as well and would continue its work in the same direction with equal dedication. Although many thought that the idea of a High Commissioner was dead, his delegation felt that it was very much alive, and he would not be surprised to see the idea make a formidable comeback in 1975.

42. Miss FAROUK (Tunisia)\* said that her delegation was sufficiently familiar with United Nations practice to know that the draft resolutions submitted by Costa Rica and Sweden (A/C.3/L.2075) and by Bulgaria and Democratic Yemen (A/C.3/L.2092) would not be put to the vote but that a vote would be taken on the draft submitted by Ireland (A/C.3/L.2079/Rev.1) and the amendments of Iraq (A/C.3/L.2093/Rev.1). Her delegation had had instructions to abstain. However, since it always favoured the conciliation of differing viewpoints among the delegations most concerned over an item, it wished to hail that agreement by voting in favour of the Irish draft. However, it felt that it would be too soon, at the thirtieth session, to give serious study to the impact, at various levels, of the draft that had been adopted and it supported the views expressed by the delegation of Mauritania. She thought it unfortunate that, during a discussion of respect for human rights, greater respect had not been shown for the rights of representatives. Lastly, she requested that her statement should be reported fully in the summary record of the meeting.

43. The CHAIRMAN said that, if there were no objections, the statement by the representative of Tunisia would be reported *in extenso* in the record of the meeting.

*It was so decided.*

44. Mr. HUMAM (Democratic Yemen) said that his delegation was a sponsor of draft resolution A/C.3/L.2092. However, in a spirit of compromise, it had had to withdraw it and vote for draft resolution A/C.3/L.2079/Rev.1, as revised, as it provided for alternative approaches that could be accepted by sovereign States.

45. The idea of the creation of the post of United Nations High Commissioner for Human Rights had found no acceptance among many delegations in the past, and the current opposition to it was overwhelm-

\* The statement by the representative of Tunisia is reproduced *in extenso* in accordance with the decision taken by the Committee.

ing. The maintenance of human rights implied non-intervention in the internal affairs of States and the promotion of friendly relations between them. Most, if not all, countries which had opposed the creation of the post of United Nations High Commissioner for Human Rights had no doubt that the proposed office would lead to intervention in their internal affairs, widen the rift between nations and create discord among the Members of the United Nations. The position of those countries was based on experience and full awareness of the unproclaimed intention behind the creation of the post. The delegation of Democratic Yemen, among many others, believed that human rights could be better protected and respected by applying the relevant international instruments in existence than by yielding to the attempt of certain Western Powers to impose their conceptions of human rights on other States through the creation of the post of High Commissioner. It was ridiculous that some of the countries which were among the most ardent supporters of the establishment of the office were also among those that violated human rights or helped those, like the racist régimes of South Africa, Rhodesia, Israel and Portugal, that violated them, by providing arms and other kinds of assistance.

46. The members of the Committee would recall that, only a few weeks earlier, when a vote had been taken on the draft resolution on the draft Convention on the Suppression and Punishment of the Crime of *Apartheid*, some delegations had not only abstained but had voted against it, contending that the draft Convention raised profound problems for their Governments, or that it made no positive contribution to existing international law, or even that it would actually violate international law. Could anyone be expected to believe that measures against *apartheid* would violate international law while the creation of the post of High Commissioner would promote human rights and safeguard them? His delegation opposed, and would continue to oppose the creation of such a post, for those reasons and for the reasons stated by the representative of Mauritania.

47. Mr. KABINGA (Zambia) said that his delegation had abstained in the vote on draft resolution A/C.3/L.2079/Rev.1 because, although it recognized the importance of human rights, it thought that greater attention should be paid to the underlying causes of violations of such rights. In its opinion, the creation of the office would do nothing to eliminate those causes. Besides, there seemed to be some strange connexion between the interest shown by certain countries in the protection of human rights and the success of the liberation movements in Africa. Also, to speak of the protection of human rights when in southern Africa most people had no rights to protect, implied an interest in protecting the interests of a minority that was oppressing the majority.

#### AGENDA ITEM 66

**Measures to be taken against ideologies and practices based on terror or on incitement to racial discrimination or any other form of group hatred (A/9077)**

#### AGENDA ITEM 53

**Elimination of all forms of racial discrimination (concluded)\* (A/9003 and Corr.1, chaps. XXIII,**

**sect. A.1 and A.2 and XXX, sect. B; A/9018, A/9094 and Corr.1 and Add.1 and 2, A/9095 and Add.1, A/9139, A/9177, A/C.3/L.2097):**

**(d) Status of the International Convention on the Elimination of All Forms of Racial Discrimination: report of the Secretary-General (A/9139, A/C.3/L.2097)**

#### AGENDA ITEM 65

**Status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights: report of the Secretary-General (A/9140 and Add.1, A/C.3/L.2096, A/C.3/L.2098)**

48. Mr. SCHREIBER (Director, Division of Human Rights) referred the members of the Committee to the note by the Secretary-General on item 66 (A/9077), and said that the General Assembly, in its resolution 2839 (XXVI), had decided to place the item on its agenda and under continuing review. The Economic and Social Council had decided to transmit that resolution to the Commission on Human Rights, which had included it in the agenda for its twenty-eighth session. At its twenty-eighth session, the Commission had decided to postpone consideration of the item until its twenty-ninth session, and at that session it had deferred it until its thirtieth session.

49. On the subject of item 53 (d), the Committee had before it the Secretary-General's report in document A/9139. At the current session, the General Assembly had again invited States to accede to the International Convention on the Elimination of All Forms of Racial Discrimination, or to ratify it, when it had discussed item 56, on the observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights and considered, under item 53 (c), the report of the Committee on the Elimination of Racial Discrimination (A/9018). As of 1 September 1973, the Convention had been signed by 75 States, 54 of which had ratified it, while 20 States had acceded to the Convention and 1 State had given notice of succession to it. Subsequently, Trinidad and Tobago had deposited its instrument of ratification, on 4 October 1973.

50. Furthermore, under operative paragraph 7 of draft resolution A/C.3/L.2078 on the report of the Committee on the Elimination of Racial Discrimination, recommended by the Third Committee to the General Assembly for adoption, the Assembly would again urgently request all States which were not yet parties to the Convention to ratify or accede to it as soon as possible. It was therefore to be hoped that, in view of the repeated appeals and requests by the General Assembly, there would be further ratifications during the coming year that would bring the application of the Convention closer to universality.

51. On the subject of agenda item 65, he recalled that, in accordance with the provisions of General Assembly resolution 2200 A (XXI), reports had been submitted to the General Assembly since its twenty-second session on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights. The Secretary-General's re-

\* Resumed from the 2037th meeting.

port to the General Assembly at its current session was to be found in document A/9140, annexed to which was a list of the States that had signed or ratified the Covenants and the Optional Protocol or acceded to them as of 1 September 1973. Since that date other States had either signed or ratified both Covenants. Document A/9140/Add.1 indicated that the Covenants had been signed by Ireland on 1 October 1973, and that instruments of ratification had been deposited by the Union of Soviet Socialist Republics on 16 October 1973, by the German Democratic Republic on 8 November 1973, and by the Byelorussian Soviet Socialist Republic and the Ukrainian Soviet Socialist Republic on 12 November 1973. Therefore, as of 30 November 1973, 50 States had signed the International Covenant on Economic, Social and Cultural Rights; 49 States had signed the International Covenant on Civil and Political Rights; 23 States had ratified the Covenants or acceded to them and 9 States had ratified the Optional Protocol or acceded to it. It would be recalled that the General Assembly, in resolution 3025 (XXVII), had expressed the hope that Member States would find it possible to take appropriate action with a view to accelerating the steps that would enable them to deposit their instrument of ratification or accession if possible by 10 December 1973. Moreover, in its resolution 3060 (XXVIII), of 2 November 1973, on the observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights, the Assembly had invited States that had not yet done so to ratify, among other instruments, the International Covenants and the Optional Protocol. According to the provisions of the Covenants, each of them would enter into force after three months had elapsed from the date on which the thirty-fifth instrument of ratification or accession was deposited with the Secretary-General of the United Nations.

52. The CHAIRMAN said that no draft resolutions had been submitted and no one had asked to speak on item 66, entitled "Measures to be taken against ideologies and practices based on terror or on incitement to racial discrimination or any other form of group hatred", and he suggested that the Committee should recommend to the General Assembly that consideration of the item should be postponed until the Commission on Human Rights discussed it and took a decision on the matter.

*It was so decided.*

53. Mr. PAPADEMAS (Cyprus), introducing draft resolution A/C.3/L.2097 on the status of the International Convention on the Elimination of All Forms of Racial Discrimination, observed that many speakers had already dwelt on the importance of the Convention, and that the matter was discussed in detail in the report of the Committee on the Elimination of Racial Discrimination.

54. The question of racial discrimination was of great importance not only to the Third Committee but also other United Nations forums, since it was a problem relating to the human rights of millions of people the world over. The Convention had already been ratified by 75 countries, and for the first time in history there was a United Nations international convention under which a Committee was set up as an instrument to which countries delegated part of their sovereignty. Draft resolution A/C.3/L.2097, a procedural draft in which the Secretary-General was requested to continue

to submit to the General Assembly annual reports in accordance with its resolution 2106 A (XX), implied a solemn appeal to the effect that more countries should sign and ratify the Convention. He hoped the text would be adopted unanimously.

55. Mr. VALDERRAMA (Philippines) noted with approval that, according to the Secretary-General's report (A/9139) and the statement by the Director of the Division of Human Rights, 75 States had already ratified or acceded to the International Convention on the Elimination of All Forms of Racial Discrimination. His Government had signed the Convention on 7 March 1966 and deposited its instrument of ratification in September 1967, as was indicated in annex I to the Secretary-General's report. He hoped that more States would ratify the Convention in time for the celebration of the twenty-fifth anniversary of the Universal Declaration of Human Rights. His delegation would vote for draft resolution A/C.3/L.2097.

56. The CHAIRMAN said that in the absence of any objection he would take it that draft resolution A/C.3/L.2097 was adopted unanimously.

57. Mr. MOREIRA (Portugal) requested that the draft resolution be put to the vote.

*The draft resolution was adopted unanimously.*

58. Mr. PAPADEMAS (Cyprus) thanked all the members of the Committee, and particularly the representative of Portugal for having requested the vote.

59. Mr. PETROV (Bulgaria), introducing draft resolution A/C.3/L.2096 on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights, recalled that in a few days the twenty-fifth anniversary of the Universal Declaration of Human Rights would be solemnly observed. That was particularly important for the Third Committee, the United Nations organ dealing specifically with humanitarian questions, which had found constructive solutions to many major humanitarian issues. The fact that the item was last on the Third Committee's agenda in no way diminished its significance. Although the International Covenants had not yet entered into force, there was general agreement that they were a corner-stone of all action to promote respect for human rights, and that it was important to do everything possible to ensure their final entry into force. The first step towards that goal, and probably the easiest one, was to appeal once more to all Member States which had signed the Covenants but had not yet ratified them to take appropriate action with a view to accelerating the process of their ratification.

60. He was pleased to announce that the delegations of the German Democratic Republic and Australia had become sponsors of the draft, the adoption of which would be an appropriate way of underlining the cause of human rights, especially during the celebration of the twenty-fifth anniversary of the Universal Declaration.

61. Mr. FØNS BUHL (Denmark), introducing an amendment (A/C.3/L.2098) to draft resolution A/C.3/L.2096, said that the sponsors of the amendment had particularly welcomed the fact that the draft resolution was designed to accelerate the process of entry into force of the International Covenants on Human Rights,



and explained that the proposed change in no way detracted from the ideas set forth in that draft. However, the sponsors of the amendment felt that the instruments the draft referred to should be mentioned in the operative part.

62. Mr. BIRBAUM (Austria) wished again to stress the particular value and importance Austria attached to the International Covenants on Human Rights and the Optional Protocol. The Covenants and the Protocol transformed into legally binding norms essential parts of the Universal Declaration of Human Rights, and were thus a logical consequence of the Declaration and instruments to shape a future more adequate to human aspirations. In Austria, the majority of the rights enshrined in the Covenants were provided for by legal rules of a national and international character. Among the latter, the most important instrument was the European Convention on Human Rights. European countries, concerned with studying the relationship between the European Convention and the International Covenants, had tried to establish the consequences and necessary changes which accession to the Covenants would entail for them. As a result of that work, his Government was in a position to take new concrete steps and, as a contribution to the observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights, it would sign the International Covenants on Human Rights and the Optional Protocol on 10 December 1973, in the hope that that would reinforce the process of acceleration of accession to those international instruments. His delegation would support draft resolution A/C.3/L.2096, with the amendment proposed in document A/C.3/L.2098.

63. Mr. BRUNO (Uruguay) said it was greatly to be regretted that seven years after the adoption of General Assembly resolution 2200 A (XXI), the International Covenants on Human Rights were still not in force for want of sufficient number of ratifications. Uruguay, for its part, had ratified both the Covenants and the Optional Protocol in 1969.

64. The Charter referred to human rights not only in the Preamble but also in the body of the document. In accordance with its provisions, Member States had approved the International Covenants on Human Rights in 1966, and his delegation would be very pleased if States accelerated the legal process of ratification and accession to them.

65. His delegation fully supported draft resolution A/C.3/L.2096 and the amendment contained in document A/C.3/L.2098.

66. Mr. KHMIL (Ukrainian Soviet Socialist Republic) said that the Presidium of his country had signed the International Covenants on Human Rights on 19 October 1973 and had deposited its instrument of ratification with the Secretary-General on 12 November. That ratification reflected the Ukrainian SSR's position, and showed the complete harmony existing between the obligations laid down in the Cov-

enants and the domestic policy of his country, which was always prepared to safeguard fundamental freedoms. At the same time, the Ukrainian SSR attached particular importance to the Covenants as a means of preventing the flagrant violations of human rights inherent in colonialism, racial discrimination and *apartheid*. The eradication of those evils and the full realization of human rights for all required the intensification of international co-operation in the area, and that would largely depend on the rapidity with which the Covenants entered into force. For those reasons, his delegation supported draft resolution A/C.3/L.2096 and had joined its sponsors.

67. Mr. PETHERBRIDGE (Australia) said that the number of ratifications required for the entry into force of the International Covenants on Human Rights had not yet been reached because many countries had legal problems. There were also problems involving the machinery of government which made it difficult to accelerate the ratification process. His own Government had encountered both types of problems, with the legal ones predominating. Nevertheless, a few weeks after the change of Government, Australia had signed the two Covenants on 18 December 1972, and had immediately set in motion the processes of ratification.

68. Australia had a federal system, and legislation relating to human rights varied from one state to another. Accordingly, it had been decided to use the powers the Government possessed in external affairs to give effect to the provisions of the Covenants on a uniform basis throughout Australia. His country considered it preferable to adapt legislation to the Covenants before ratification, even though the International Covenant on Economic, Social and Cultural Rights provided for the gradual fulfilment of obligations.

69. The Australian Government had set as its goal for ratification the twenty-fifth anniversary of Human Rights Day, on 10 December, and had already prepared the necessary legislation, which was currently under consideration by Parliament. The latter had before it two bills, one relating to the Covenants and the other providing for the positive legislation to prevent discriminatory practices which was required for ratification of the International Convention on the Elimination of All Forms of Racial Discrimination. An interesting aspect of the Australian legislation was that it provided for the appointment of a Human Rights Commissioner with powers to investigate and prosecute. The creation of that post would ensure that breaches of human rights in Australia were fully exposed, and that Australia's obligations under the Covenants were met in the open way in which all questions relating to human rights should be approached. If the Covenants were applied in a cynical way, Governments might seek to exempt themselves from certain obligations, on the pretext of national interest or limitations imposed by some other national law.

*The meeting rose at 12.55 p.m.*