

rights of the People's Republic of China in the United Nations, said that the resolution had not been implemented by certain organizations in which the seat of the People's Republic of China had been usurped by the Chiang Kai-shek clique. Paragraph 1 of article 15 as it stood would open the door to that clique, and the Chinese delegation could not accept it for that reason.

89. Mr. KHMIL (Ukrainian Soviet Socialist Republic) thought that the formula used at the end of paragraph 2 was not consonant with that used in legal documents and that it would be better, instead of saying "which have signed it", to say "which have signed this Convention". Furthermore, he did not think that there was a clear indication that ratification was necessary.

90. Mr. ROPOTAN (Romania) agreed that the universality of the convention should be stressed and that all States should have the right to accede to United Nations conventions.

91. Mr. VON KYAW (Federal Republic of Germany) said that he would prefer the wording of paragraph 1 to remain unchanged. If some other formula were used, there would be a danger that any entity could declare itself to constitute a State.

92. Mr. SMIRNOV (Union of Soviet Socialist Republics) said that there was no reason whatever in the context of article 15 to open a discussion as to what

constituted a State—a concept that was well understood in international law. The formula "by all States" appeared in numerous conventions; if difficulties arose, they would not be legal difficulties but difficulties born of discriminatory political manoeuvres.

93. Mr. NENEMAN (Poland) said that the previous 10 years had proved that the so-called Vienna formula had become outmoded and therefore invited the sponsors to accept the formula "by all States".

94. Mr. BOURGOIN (France) pointed out that the so-called Vienna formula used in paragraph 1 was an extended version since it read "and by any other State which has been invited by the General Assembly of the United Nations to become a party to the Convention". In any case, the phrase in question was not peculiar to the convention. As members of the Committee knew that they would reach no decision on the draft articles at the current meeting, he proposed that they should wait until the following meeting to begin a debate on the formula used.

95. As to the question of ratification, he pointed out in reply to the Ukrainian delegation that in paragraph 2 of the French version the expression "shall be subject to ratification" was in conformity with current practice. Perhaps the Russian text should be revised.

The meeting rose at 6.05 p.m.

1996th meeting

Monday, 15 October 1973, at 10.45 a.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.1996

AGENDA ITEM 54

Human rights in armed conflicts: protection of journalists engaged in dangerous missions in areas of armed conflict: report of the Secretary-General (continued) (A/9073)

DRAFT INTERNATIONAL CONVENTION ON THE PROTECTION OF JOURNALISTS ENGAGED IN DANGEROUS MISSIONS IN AREAS OF ARMED CONFLICT (concluded)

1. The CHAIRMAN invited the Committee to continue its consideration of the articles of the draft convention on the protection of journalists engaged in dangerous missions in areas of armed conflict (A/9073, annex I).

Article 16

2. Mr. CEDE (Austria), noting that under paragraph 2 of the article, the convention would enter into force for each State ratifying or acceding to it after the deposit of the thirtieth instrument of ratification or instrument of accession, said that his delegation considered that the number specified was too large and should be reduced.

3. Mr. BOURGOIN (France) said that the number of 30 had been chosen in order to take into account an

amendment submitted by Canada. The French delegation also thought the number was too large for a humanitarian convention.

Article 17

4. Mr. SMIRNOV (Union of Soviet Socialist Republics) said that the provision in paragraph 1 of the article was unsatisfactory, since disputes should be referred to the International Court of Justice for decision only when both parties to the dispute so agreed. For that reason, the phrase "at the request of any of the parties to the dispute" should be replaced by the words "with the consent of all the parties to the dispute". There would then be no need for paragraph 2. In addition, it would also be possible to settle disputes in other ways with the agreement of all the parties.

5. Mr. BOURGOIN (France) said that article 17 was optional and concerned only the two parties concerned. Moreover, paragraph 1 explicitly stated that the disputants could "agree to another mode of settlement".

Article 18

6. Mr. SMIRNOV (Union of Soviet Socialist Republics) thought that the third sentence of the article should be deleted, since it had no justification. The usual procedure for the denunciation of a convention should be followed.

7. Mr. GRAEFRATH (German Democratic Republic) supported the USSR suggestion and pointed out that the article conflicted with article 5, paragraphs 4 and 5, which specified that the card would lose its validity after a period of 12 months and that it might also be withdrawn before the expiry of that period. Article 18 was superfluous and infringed on the sovereignty of States.

Articles 19, 20 and 21

8. The CHAIRMAN said that, since there were no comments on those articles, he would consider that the Committee had completed its article-by-article consideration of the draft convention.

9. Mr. BOURGOIN (France) thanked all the delegations which had participated in the discussion and expressed opinions on the draft convention.

CONSIDERATION OF A DRAFT RESOLUTION

10. Mr. COSTA COUTO (Brazil) announced that, after consulting the sponsors of the draft convention and a number of other delegations, his delegation and that of Pakistan had decided to submit a draft resolution¹ expressing the common desire to formulate a convention which would be accepted and implemented by the entire international community. It was still too early for a vote to be taken on the draft convention, but the debates held in the Committee since the twenty-sixth session had been very useful and had given the sponsors a general picture of the position of Governments. Thanks to the spirit of compromise displayed by the sponsors, the text had been considerably improved. In the opinion of the delegations of Brazil and Pakistan, the decision on the draft convention should be postponed until after the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, which was scheduled for 1974. The text could then be considered for the fourth time, in the light of the results of that Conference.

11. The CHAIRMAN said it was his understanding that the draft resolution was procedural and reflected the view of the majority of delegations. The Committee would be able to take a decision at the following meeting, when the text had been circulated.

AGENDA ITEM 56

Observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights (A/9133 and Add.1 and 2)

12. Mr. SCHREIBER (Director, Division of Human Rights) said that it was particularly appropriate that the Committee should be considering at that stage in its deliberations the measures and activities undertaken or contemplated at the international and governmental levels in connexion with the observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights. A quarter of a century was a very short period of time from the point of view of the history of the world, but in the present age man's evolution was proceeding at a more rapid pace. Over 25 years, the political map of the world had been transformed, and

the extraordinary advance of science and technology—which had reduced distances and facilitated contacts, exchanges and communications—had helped to universalize economic, social and humanitarian problems and to make men in all countries aware of the basic unity of their aspirations and their anxieties. Nevertheless, the Universal Declaration was still regarded as an instrument which could make a useful contribution to the universal and effective observance of human rights, which was one of the principal objectives of the Charter of the United Nations.

13. There was no denying that the Universal Declaration of Human Rights had helped men, women and children and had guided and inspired statesmen and legislators. Many constitutions and national laws promulgated after the adoption of the Declaration reflected its provisions or reproduced its terminology. For their part, the organs of the United Nations, of the specialized agencies and of the regional organizations had given it their constant and unreserved support. Thanks to that support at the governmental level, maintained and encouraged by private organizations in all sectors of human activity, the prestige of the Universal Declaration had been enhanced and its authority had been strengthened. Among other instruments, the Proclamation of Teheran,² which had received the unanimous support of the representative of 84 States, and the solemn Declaration on the Occasion of the Twenty-Fifth Anniversary of the United Nations, adopted unanimously on 24 October 1970 (General Assembly resolution 2627 (XXV)), showed how much ground had been covered since 1948. The original concept of a common ideal and the original common conception of rights and freedoms had gradually given way to the idea of an obligation to be fulfilled, of an inescapable duty for all mankind.

14. Even States which had not participated in 1948 in the formulation of the Universal Declaration, because they had not yet attained independence or had not been Members of the United Nations, had completely accepted its provisions and actively contributed to the formulation of new international instruments on the subject of human rights. In addition, whenever there had been an opportunity to discuss with young people the Universal Declaration of Human Rights and other United Nations instruments on the subject, the young people had unreservedly accepted the validity and relevance of its principles and had offered to promote its implementation. There was thus no doubt that, among the positive achievements of the United Nations, a prominent place was occupied by the definition, in the sphere of human rights, of an ethic which transcended cultural, political and legal differences and which highlighted the basic human values.

15. In pursuance of resolution 2860 (XXVI), the Secretary-General had submitted to the General Assembly, at the twenty-seventh session, a report which had contained suggestions for a programme of activities to celebrate the twenty-fifth anniversary of the Universal Declaration of Human Rights.³ The suggestions made in that report had stressed that the anniversary should not only be an occasion for ceremonies or commemora-

¹ Subsequently circulated as document A/C.3/L.2009.

² *Final Act of the International Conference on Human Rights* (United Nations publication, Sales No. E.68.XIV.2), chap. II.

³ A/8820 and Corr.1.

tive events but should also promote activities which would effectively serve the cause of human rights. In order to obtain maximum concrete results, the Secretary-General had suggested that consideration be given to four well-defined objectives. Firstly, the programme of activities should stimulate measures designed to accelerate, at the national level, the preparatory studies and interdepartmental consultations leading to speedy ratification and entry into force of the International Covenants on Human Rights. Secondly, it should enable the world community to make definite progress towards the elimination of the modern scourge of racial discrimination. Thirdly, there should be an extension in the teaching of the international system of protection of human rights, not only at the university level but also at the intermediary and specialized levels of education. Lastly, seminars should be held under United Nations auspices at which, after adequate consideration of human rights problems in the light of past and anticipated developments, further areas and fresh priorities would be identified for United Nations action.

16. With regard to the first objective, the International Covenants had been ratified by only 19 States, although several others were about to deposit their instruments of ratification. For example, the Minister for Foreign Affairs of the Soviet Union had recently announced in the General Assembly (2126th plenary meeting) that the Presidium of the Supreme Soviet of the USSR had ratified the Covenants. It was to be hoped that before 10 December other States would be able to announce that they had deposited their instruments of ratification or accession or that they were about to do so, so that the world community would be closer to the day when the Universal Declaration of Human Rights would become the International Charter of Human Rights, a decisive element for the implementation of Article 56 of the Charter of the United Nations.

17. With regard to the second objective, the General Assembly, acting on the recommendation of the Third Committee, had decided in resolution 2919 (XXVII) to launch the Decade for Action to Combat Racism and Racial Discrimination and to inaugurate the activities thereof on 10 December 1973, the twenty-fifth anniversary of the Universal Declaration of Human Rights. The Third Committee had just approved the programme for the Decade; its implementation at the national, regional and international levels and within the United Nations system should culminate in the eradication of racial prejudice and in the elimination of racist policies and régimes.

18. The Commission on Human Rights was actively concerning itself, in co-operation with UNESCO, with the need to develop the teaching of human rights in order to ensure that the principles proclaimed in the Universal Declaration and reflected in legal and practical terms in other international instruments were publicized and made known both to those who were to apply them and to those who would benefit from them. At its twenty-ninth session the Commission had considered in particular means of promoting teaching and research in the field of human rights in universities and in its resolution 17 (XXIX)⁴ had requested UNESCO to continue to extend its activities along those lines. In that

resolution it had also drawn the attention of the Economic and Social Council to the fact that it favoured the establishment of a centre for teaching and research in the field of human rights within the framework of the United Nations University established by General Assembly resolution 2951 (XXVII).

19. Finally, with reference to meetings which would enable the United Nations to plan its future human rights activities in the light of the problems which were of high priority or particular urgency in the various parts of the world, the Secretary-General, pursuant to an invitation from the Government of the United Republic of Tanzania, was organizing under the programme of advisory services in the field of human rights the first seminar of that character, to be held at Dar es Salaam the following month. As other such invitations were received, new seminars or meetings having the same purpose could be held in other regions during the coming year and the years thereafter.

20. In accordance with General Assembly resolution 2906 (XXVII), the Secretary-General had transmitted his report on the programme for the observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights³ to Governments, specialized agencies and other intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council for such action as they wished to undertake in order to give effect to the suggestions contained in that report. At the same time the Secretary-General had been authorized to take the necessary measures for the implementation of those suggestions which fell within his area of responsibility.

21. In conformity with that same resolution, the Secretary-General had submitted to the General Assembly at its current session a progress report on the preparations made and the measures taken to observe the twenty-fifth anniversary of the Universal Declaration of Human Rights (A/9133 and Add.1 and 2). Chapter II of that report set forth the information submitted by Governments concerning activities undertaken or contemplated in observance of the anniversary. So far about 20 Member States had submitted such information. It was to be hoped that communications from other Member States would be received before 10 December. The communications which had been received demonstrated the direct and specific interest of the various countries in the observance of the anniversary. Apart from the purely ceremonial aspect of the commemoration, it was evident that various measures had been taken, some of them quite original, to ensure that the observance would produce practical and effective results and, above all, to enable the population as a whole, and particularly young people, to associate themselves with it. In some countries all the information and communications media had been requested to co-operate in making the general public aware of the event. In addition, humanitarian measures, such as the release of political prisoners, were contemplated.

22. Chapter III of the report outlined the measures and activities undertaken or contemplated by the United Nations. The suggestions adopted by the General Assembly were being given effect through measures which had been designed so as to make them as effective as possible. Thus, in resolution 2906 (XXVII) the General Assembly had decided to hold a special meet-

⁴ See *Official Records of the Economic and Social Council, Fifty-fourth Session, Supplement No. 6*, chap. XX.

ing on 10 December 1973 at which the Decade for Action to Combat Racism and Racial Discrimination would be launched. Preparations for the holding of that special meeting were currently under way and it was hoped that, as in the past, Governments would include in the delegations attending that meeting persons who had participated in the drafting of the Universal Declaration of Human Rights. At that solemn meeting various prizes would be awarded to persons who had made outstanding contributions to the promotion and protection of human rights and fundamental freedoms. The winners would be selected by a special committee composed of the President of the General Assembly, the President of the Economic and Social Council, the Chairman of the Commission on Human Rights, the Chairman of the Commission on the Status of Women and the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. The prize would consist of a metal plaque bearing the United Nations seal and an artistic design, engraved with an appropriate citation. Governments, the specialized agencies and other international organizations had been invited to submit nominations for the prizes.

23. The task of distributing and disseminating the Universal Declaration of Human Rights and familiarizing the public with the activities undertaken by the United Nations to promote the implementation of the principles set forth in the Declaration was basically the responsibility of the Office of Public Information. Paragraphs 13 to 39 of the Secretary-General's report described the diligent efforts made by the Office along those lines. A wide variety of publications and documents in different languages had been prepared and distributed to the regional offices and information centres. Audio-visual media had also been used. That great publicity effort was also being co-ordinated with the corresponding activities of the information services of the specialized agencies and other United Nations bodies concerned.

24. The Division of Human Rights had prepared two publications. The first was the revised and expanded edition of the compilation of international instruments of the United Nations⁵ which had been published in 1968, the International Year for Human Rights, for the purposes of the International Conference on Human Rights, held at Teheran. The second, which would be published in the near future, was an updated study of the measures taken and methods applied in the United Nations in the field of human rights,⁶ based on mimeographed documents which had likewise been prepared for the 1968 Conference. Those two publications would make available to specialists, teachers, journalists and all other interested persons information which would doubtless be of use to them and which they could help to disseminate in an appropriate manner. The United Nations Postal Administration, for its part, was to issue a commemorative stamp on the occasion of the twenty-fifth anniversary and a special cancellation would be used starting on 3 December 1973.

25. The Secretary-General intended to deliver a special message on the occasion of the anniversary. In

addition, messages had been sent by the Director-General of WHO, the Executive Director of UNITAR, the United Nations High Commissioner for Refugees and the Administrator of UNDP, the texts of which were contained in chapter III of the Secretary-General's report.

26. Similarly, the specialized agencies, notably the ILO, UNESCO, UPU, WHO and FAO, had made diligent preparations for the celebration of the twenty-fifth anniversary. Chapter IV of the Secretary-General's report gave details of those efforts. As to activities of the regional intergovernmental organizations, chapter V dealt with the projects of the Council of Europe and the Organization of American States.

27. Chapter VI of the Secretary-General's report described the way in which non-governmental organizations intended to participate individually and collectively in the commemoration. Various organizations which were particularly interested in human rights were considering the possibility of holding a special conference at United Nations Headquarters in celebration of the twenty-fifth anniversary to evaluate the work accomplished with respect to the promotion and protection of human rights and to discuss the new problems which had arisen in that sphere. The United Nations welcomed the idea of such a conference, and would do everything it could to contribute to its success. Moreover, the non-governmental organizations had taken the initiative in a great variety of commemorative activities and programmes within their respective spheres of competence. The World Federation of United Nations Associations was to some extent providing guidance in those endeavours and through its affiliates and special committees would seek to stimulate activities aimed at educating young people in the spirit of human rights.

28. The activities organized by States and international organizations for the celebration of the twenty-fifth anniversary of the Universal Declaration of Human Rights, as described in that general preliminary outline, would undoubtedly meet the desire expressed by the General Assembly that the occasion should be observed by the world community in an appropriate manner. The effectiveness of the Declaration would thereby be enhanced and extended. However, the celebration should not be simply an ephemeral ritual demonstration. It was essential to make the Declaration better known and more generally recognized. Even more, it was necessary to make of the Declaration a living document that would permeate the consciousness of everyone and determine national policies and individual and collective conduct. Only thus would it be possible to put an end to the affronts to human dignity which the world witnessed powerlessly almost every day, the odious forms of discrimination which still existed, the violence and brutality which were perpetrated in defiance of the most elementary legal standards, and the challenges to civilization and progress represented by hunger and illiteracy. Tenacious and persevering effort at all levels would be required if the great message of the Universal Declaration of Human Rights was to be heard and put into practice by everyone for the good of all mankind.

The meeting rose at 11.40 a.m.

⁵ *Human Rights: A Compilation of International Instruments of the United Nations* (United Nations publication, Sales No. E.73.XIV.2).

⁶ To be issued as a United Nations publication, Sales No. E.74.XIV.2.