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REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Strengthening of international co-operation in the field  
of human rights

Report of the Secretary-General

Addendum

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## II. REPLIES RECEIVED FROM GOVERNMENTS

### BOTSWANA

[Original: English]

[27 September 1987]

1. It seems to the Government of Botswana that the problem of human rights cannot be solved if we concentrate our efforts on international co-operation. However, international co-operation and especially international accountability will no doubt serve as a valuable incentive to the observation of human rights. The Botswana Government proposes therefore that the problem should be approached in the following manner:

(a) At the international level. There should be an international agreement either constituting an improvement on the existing conventions on human rights or as a protocol to those conventions providing for:

- (i) An international machinery for the enforcement and monitoring of the observance of human rights. The machinery should consist of a Human Rights Commission whose responsibility should be the monitoring of observance of and reporting on human rights, and an international tribunal modelled on the European Human Rights tribunal, with power to deliver binding judgements against Member States and accessible to individuals from Member States;
- (ii) Imposition of obligation on Member States to live up to at least the minimum internationally acceptable standards in the protection of human rights;
- (iii) Some form of sanction in the event of failure to comply;

(b) At the municipal level. For co-operation to succeed at the international level, the parties have to first tidy their internal approach to the principle of human rights. Although a number of countries have incorporated bills of rights in their constitutions in the past, some of these have now either been watered down or replaced by some nebulous provisions which have led to the erosion of the protection of the individual as contained in the original constitutions. It is our view therefore, that Member States should be encouraged if not obligated by international agreement:

- (i) To adopt constitutionally entrenched and legally enforceable bills of rights;
- (ii) To create independent judiciary manned by legally qualified non-political judges with entrenched tenure to adjudicate on matters of human rights with power to declare acts of the executive and acts of the legislature unconstitutional;

(iii) To cultivate respect for the rule of law and inculcate upon the people the sense of fair play and the notion that the enjoyment of rights and freedoms is subject to the respect for the rights and freedoms of others.

2. It is accepted that international enforcement is not an easy thing to apply with respect to States, as in some cases, there may be power to ensure the carrying out of orders.

3. Similarly, the inclusion of bills of rights in constitutions does not guarantee respect for human rights. There is no easy route. The mere existence of law and preferably superior law binding the State to observe certain rules is a starting point towards strengthening the observance of human rights. Accountability to the international community and the embarrassment caused by adverse reports will also contribute to the observance of human rights. These proposals are therefore based on those two considerations.

#### ROMANIA

[Original: French]

[16 September 1987]

1. The Socialist Republic of Romania is in favour of conducting broad international co-operation in the field of human rights within the framework of the international instruments concluded and the internationally accepted forms of co-operation, for the purpose of promoting human rights and fundamental freedoms, principally through an exchange of views carried out in a constructive spirit. Such co-operation is likely to help bring peoples closer together, strengthen friendly relations, co-operation and understanding among States, and achieve the goals of maintaining and consolidating international peace and security.

2. Pursuant to its overall conception of human rights and fundamental freedoms, Romania has taken part in various international forums, taking initiatives and making its own proposals on ways of promoting such rights and freedoms or supporting those of other States. For instance, at the Vienna meeting, Romania proposed the convening of European conferences on the status of women and young people, education and training and questions pertaining to crime, alcoholism and drug addiction, especially where young people are concerned. It also proposed that a meeting of experts should be organized to deal with unemployment.

3. At the United Nations, Romania initiated an extensive inquiry into problems concerning youth, which culminated in 1985 in the International Youth Year: Participation, Development, Peace; the United Nations World Conference for the International Youth Year; and the adoption of guidelines for further planning and follow-up in the field of youth.

4. Likewise, following the proposal which Romania submitted to the United Nations, attention was given to the implementation of the right to education, with activities in that field being pursued more specifically by the United Nations Educational, Scientific and Cultural Organization.

5. Romania believes that the exchange of views and experiences on human rights and humanitarian problems, and all forms and methods of co-operation in that field, must be based on the strict observance of the fundamental principles of contemporary international law - foremost among which are national sovereignty and independence, equality of rights and non-interference in the internal affairs of States - and on the respective covenants, conventions and other international instruments in force.
6. In the context of their co-operation in this field, States must direct their concerted efforts towards combating such massive and flagrant violations of the rights to peace, life and free and independent development as colonialism, neo-colonialism, apartheid, racism and racial discrimination, aggression and threats to national sovereignty, unity and territorial integrity, alien domination and foreign occupation.
7. Moreover, international co-operation in the field of human rights must pursue the urgent task of overcoming the grave problems which are endangering the fundamental rights of large human communities involving millions of persons. These include famine, poverty, unemployment, inadequate housing and illiteracy, as well as drug addiction, crime and similar phenomena which gravely impair physical and mental health and undermine the personality and dignity of human beings.
8. In this context, States are required to co-operate among themselves to ensure the effective and unimpeded exercise by people in general of their fundamental rights to work, education and culture, health and social security, a clean environment and full participation in social and political life.
9. Co-operation among States in international organizations and in bilateral and multilateral negotiations must begin with respect for the complete equality of rights among all citizens, without distinction as to sex, race, nationality, religion or for other reasons, and with the elimination of all forms of discrimination.
10. A sound international approach to the problems of human rights must be based on the notion that the entire range of rights and freedoms forms a coherent whole. It must also take into account the indissoluble bond which exists between human rights and duties; the human being as a member of the society, people and nation to which he or she belongs; and the need to reconcile individual interests with society's collective interests.
11. Although an advocate of international co-operation in the field of human rights, Romania nevertheless feels that the actual approach to and solution of problems involving human rights fall within the internal competence of States. These problems can be thoroughly examined and effectively solved only within a specific national context, by means specific to each State, in the context of the political, economic, social and cultural characteristics of each country at a given stage of its socio-economic development, just as a country's requirements concerning independence, security and development must be examined in the context of the international factors which characterize its position in the world.

12. Co-operation among States presupposes the renunciation of all attempts or tendencies to use human rights and humanitarian questions as an excuse to infringe upon the sovereignty of other States, to interfere in their internal affairs, and to challenge, directly or indirectly, the inviolability of their borders and territorial integrity.
13. Bona fide co-operation among States in the field of human rights also precludes recourse to human rights issues as an excuse for repeating and promoting nationalist, racist, revanchist and chauvinist theories and practices used in the past.
14. Romania believes that the attempts to raise false and imaginary issues involving human rights, with the aim of dividing States and peoples, should be firmly rejected by all States. Such attempts are contrary to the letter and spirit of the relevant international documents, including General Assembly resolution 41/155 of 4 December 1986, entitled "Strengthening of international co-operation in the field of human rights", and the Charter of the United Nations Charter.
15. In the field of human rights there are now a large number of legal instruments and a huge network of international standards. The problem which arises on the level of international co-operation is to ensure the universal application of these standards, the accession of all States to the major conventions, especially the human rights covenants, and, most important of all, the elimination of massive and flagrant violations of human rights.
16. Likewise, the large number of organizations operating in this field constitute an adequate framework for international co-operation. It is necessary to ensure that these organizations operate in accordance with the legal instruments by which they originated, and to eliminate duplication and inconsistency, so that none of these organizations deviates from the principles of international law and the fundamental rules governing human rights, as established in, for example, the human rights covenants.
17. Lastly, human rights and fundamental freedoms can hardly be dealt with in isolation from the major problems confronting humanity. The creation of the internal and international conditions required to ensure the exercise of human rights, especially the fundamental rights to life, peace, work, education and development, depends on the settlement of the serious problems impeding the discontinuation of the arms race and the implementation of firm measures towards disarmament, including nuclear disarmament. It also depends on the settlement of all conflicts, the elimination of the use of force and recourse to wars in solving international disputes, the elimination of underdevelopment and the establishment of a new international economic order.
18. In the light of these principles and policies, Romania will continue to engage in international co-operation in the field of human rights, in a spirit of mutual understanding and respect, in accordance with the purposes and principles of the Charter of the United Nations and with the Universal Declaration of Human Rights, the two covenants on human rights and other existing instruments in this field, and in strict observance of the fundamental principles of international law.