

UNITED NATIONS



1968



International Year for  
HUMAN RIGHTS

0119  
Distr.  
GENERAL

A/CONF.32/SR.1-13  
15 November 1968

ENGLISH  
Original: ENGLISH AND FRENCH

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INTERNATIONAL CONFERENCE ON HUMAN RIGHTS

Teheran, 22 April - 13 May 1968

Volume I\*

SUMMARY RECORDS OF THE FIRST TO THIRTEENTH MEETINGS

held at the New Majlis Building, Teheran,  
from 22-30 April 1968

The list of participants is to be found in the Final Act of the International Conference on Human Rights (A/CONF.32/41) (United Nations publication, Sales No.: E.68.XIV.2), annex I.

Temporary President:

U THANT

Secretary-General of the  
United Nations

President:

H.I.H. Princess Ashraf PAHLAVI

Iran

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\* The summary records of the fourteenth to twenty-seventh meetings, held from 30 April to 13 May 1968, are contained in volume II.

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SUMMARY RECORD OF THE FIRST MEETING

held on Monday, 22 April 1968, at 11 a.m.

Temporary President: U THANT

Secretary-General of  
the United Nations

President: H.I.H. Princess Ashraf PAHLAVI

Iran

## OPENING OF THE CONFERENCE (item 1 of the provisional agenda)

In the presence of H.I.M. The Shahinshah Aryamehr and of H.I.M. Farah Pahlavi, Shahbanoo of Iran, the TEMPORARY CHAIRMAN declared open the International Conference on Human Rights, 1968. The Conference was highly honoured by the presence of H.I.M. The Shahinshah Aryamehr, who had graciously consented to deliver the opening address.

## ADDRESS BY H.I.M. THE SHAHINSHAH ARYAMEHR

H.I.M. The Shahinshah ARYAMEHR delivered the opening address.<sup>1/</sup>

## ADDRESS IN COMMEMORATION OF THE TWENTIETH ANNIVERSARY OF THE ADOPTION OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS (item 3 of the provisional agenda)

U THANT (Secretary-General of the United Nations) delivered an address in commemoration of the twentieth anniversary of the adoption of the Universal Declaration of Human Rights.<sup>2/</sup>

## ELECTION OF THE PRESIDENT (item 2 of the provisional agenda)

Mr. CASSIN (France) proposed Princess Ashraf Pahlavi (Iran) for the office of President. Princess Ashraf Pahlavi had given ample proof of her interest in the cause of human rights, both in her own country and in the United Nations, and was thus eminently fitted to guide the deliberations of the Conference.

Mr. NEDBAILLO (Ukrainian Soviet Socialist Republic), Mr. PANT (India), Mrs. AHMED (Pakistan), Miss BENITEZ (Philippines), Mr. KHALEF (Iraq) and Mr. MOHAMMED (Nigeria) supported the nomination.

Princess Ashraf Pahlavi (Iran) was elected President by acclamation.

Princess Ashraf Pahlavi took the Chair.

The PRESIDENT wished first to express her gratitude for the confidence that the Conference had shown in her in electing her to office. The Conference, she was sure, wished through her to honour her country and people, who were engaged in a major economic and social revolution, the main object of which was to create the requisite conditions for the full implementation of human rights in Iran.

If she were called upon to describe the Conference in a few words, she would say that it was one of recall, questioning and decision. It would be one of recall, for there could be no human enterprise without memory. Those among the participants who had taken part in the drafting and adoption of the Universal Declaration of Human Rights

<sup>1/</sup> The text of this address appears in the Final Act of the Conference, annex II, A.

<sup>2/</sup> The text of this address appears in the Final Act, annex II, B.

would know what she meant. Twenty years had passed since the vote on that document, which the General Assembly had described as a historic act designed to strengthen world peace through the efforts of the United Nations to free the individual from the oppression and illegal constraints to which he was all too often subjected. Almost twenty years had passed since the General Assembly, meeting in Paris on 10 December 1948, had solemnly proclaimed the thirty articles of the first universal moral code. It was impossible not to recall the conditions obtaining at that far-distant epoch, when the world had just passed through the terrible trial whose devastating effects had still been felt almost everywhere. The generous impulse of the General Assembly had given rise to great hopes among the suffering peoples, who had seen the spectre of destruction and misfortune fading away. At the outset of its work, the Conference should recall all those things and should spare a grateful thought to the memory of all the men of good will who had worked to bring the Declaration into being.

The Conference must also be one of questioning. Twenty years was the time for coming of age, the time at which to question the road one was following. The Declaration, although universal in scope, had come into being at a specific date in the development of the United Nations; indeed, only much later had most of the then colonial countries achieved independence. It also corresponded to a certain moment in the evolution of ideas about human rights. Although the principle of economic and social justice was implicitly recognized in it, the nature and scope of the rights in question had been left unspecified. Moreover, in that relatively short period of time, the world, borne in the wake of one of the most explosive scientific and technical revolutions in history, had adopted accelerated rhythm of an unprecedented change. It was therefore only natural to wonder whether the Declaration and the programmes undertaken by the United Nations family in the field of human rights since 1948 had lived up to their promises. Fortunately, an assessment of that kind was provided for under items 9 and 10 of the agenda. Without wishing to prejudge the result of that review, she felt that she could rightly say that, while much had been done, still more remained to be accomplished.

Over the past twenty years, thanks to the Declaration and to the efforts made by the United Nations and the specialized agencies, there had developed a global concept of human rights, going beyond the "classic freedoms" to embrace also economic, social and cultural rights. It represented a vast programme. "Declarations" relating to one or other right had come into existence. Two important Covenants, on civil and political

rights and on economic, social and cultural rights, had been adopted by the General Assembly in 1966. Conventions and recommendations relating to discrimination in education and in employment had been produced. Lastly, the non-governmental international organizations and various national associations had done effective work.

While all those were encouraging achievements, there was still great cause for concern. Racism with its train of misery and injustice was still rampant in many parts of the world. Intolerance of every kind still kept many human groups apart. The gap between the rich and the developing countries continued to grow. More than one third of the world's population was still beset by hunger, disease and ignorance.

In view of that state of affairs, the Conference was obliged to ask itself some questions. It behoved the Conference to identify the main obstacles to the full implementation of human rights at both the international and the national level. It was its duty to appraise the effectiveness of the methods and of techniques employed hitherto. Above all, it was called upon to draw up a programme of effective and coherent action that would lead to decisive progress towards true and full respect for the dignity of the human person.

Item 11 of the agenda would enable the Conference to assess the immensity of the task yet to be accomplished. In the world of today large regions still suffered hunger and hundreds of millions of illiterates had no means of obtaining education. It was a world where discrimination and hatred still flourished, where some countries were adopting racism as a method of government, despite United Nations decisions, and where educated men dared to justify the odious form of segregation known as "apartheid". It was a world where the cannon still thundered, where deadly armies still threatened millions of human lives, where peoples were still subjected to the colonial yoke, and where more than half of the population were deprived of their most elementary needs. In those circumstances, the provisions of the Universal Declaration were still, for vast numbers of people, no more than promises.

If, however, the vast means provided by science and technology were used in a more reasonable and equitable fashion, they would enable those promises to be kept within a relatively short period of time. It was in that sense that the Conference became one of decision. It was called upon to overcome obstacles to the full implementation of human rights. The will to succeed must be its inspiration. She would urgently appeal for that will to be strengthened to the full. It was the sacred duty of the Conference to draw up an effective and powerful programme of action before it came to a close. For the



majority of the world's inhabitants, the Declaration was still no more than theory. It must be constantly borne in mind that a theory which was not put into practice ended by condemning its supporters.

The moment had come to promote the forceful measures needed to give full effect to human rights. She was sure that all the participants were fully aware of the immensity and importance of the task. They had not come to the Conference to produce polished texts or weak compromises; they had come to deal with a problem that brooked no delay, the problem of the human condition. The Conference must become the spearhead in the great struggle for human justice. It must demonstrate to the world its determination to put an end, once and for all, to the remaining vestiges of hatred, racism, hunger, disease and ignorance.

#### SPECIAL MESSAGES ADDRESSED TO THE CONFERENCE

At the request of the President, Mr. SCHREIBER (Executive Secretary of the Conference) read out the text of messages received from H.H. Pope Paul VI, the President of the Twenty-second Session of the General Assembly, the President of the Republic of Finland, the President of the Republic of Turkey, the President of the United States of America, the President of the Council of Ministers of the Union of Soviet Socialist Republics, the Prime Minister of the United Kingdom of Great Britain and Northern Ireland, the Minister for Foreign Affairs of Sweden<sup>3/</sup> and the Chairman and members of the World Council of Churches.

#### TRIBUTE TO THE MEMORY OF THE REV. DR. MARTIN LUTHER KING, JR.

On the proposal of Mr. KANYEIHAMBA (Uganda), the members of the Conference observed one minute's silence in tribute to the memory of the Rev. Dr. Martin Luther King, Jr.

Mr. WILKINS (United States of America) said that he was sure he was speaking for all the members of his delegation, as also for the millions of Americans who had been outraged, saddened and shocked by the tragedy that had overcome their country, in expressing thanks for the tribute paid to a fellow-countryman who at the same time had been a countryman of every human being in the world.

The meeting rose at 1 p.m.

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<sup>3/</sup> The complete text of these messages appears in the Final Act of the Conference, annex III, A to H.

SUMMARY RECORD OF THE SECOND MEETING

held on Tuesday, 23 April 1968, at 11.30 a.m.

President:

H.I.H. Princess Ashraf PAHLAVI

Iran

## SPECIAL MESSAGES ADDRESSED TO THE CONFERENCE

Mr. SCHREIBER (Executive Secretary of the Conference) read out messages received by the Secretariat since the opening of the Conference from Marshal Tito, President of the Socialist Federal Republic of Yugoslavia, Mr. Lübke, President of the Federal Republic of Germany, and Mr. Boye, Chairman of the Commission on Human Rights at its twenty-fourth session.<sup>4/</sup>

## ORGANIZATION OF WORK

The PRESIDENT invited the Conference to consider items 4, 5, 6 and 7 of the provisional agenda. The draft rules of procedure (A/CONF.32/2) had been drawn up by the Preparatory Committee for the Conference established in pursuance of General Assembly Resolution 2081 (XX) of 20 December 1965 and had been considered by the General Assembly and modified by resolution 2339 (XXII) of 18 December 1967. With regard to the election of other officers, she said that, as the delegations had not yet been able to agree on the nomination of Vice-Presidents, it would no doubt be preferable to postpone the election to a later meeting.

Mr. CHIKVADZE (Union of Soviet Socialist Republics) deplored the discriminatory nature of the invitations sent out for a Conference whose object was essentially universal. He thought it inadmissible that a country like the German Democratic Republic, which had done so much to counter the re-emergence of Nazism and had recently enacted a basic law proclaiming the rights of workers, should not be represented and that no invitations had been extended to sovereign States which, although not at present Members of the United Nations, were nevertheless entitled to take part in the work of the Conference. The situation was all the more iniquitous in that the seats to which those States were entitled were in fact occupied by representatives of governments artificially supported by certain Western States, governments which could not in any way be considered as the legitimate governments of China, Vietnam and Korea.

Mr. Tsing Chang LIU (China) registered his delegation's strong objection to the remarks of the representative of the Union of Soviet Socialist Republics regarding the representation of China. He pointed out that the Government of the Republic of China was the only legitimate Government of China freely elected by the people of the whole of China according to the Constitution of the country, and was recognized as such by a majority of the Sovereign States of the world, as well as by the United Nations and all its specialized agencies. Furthermore, the General Assembly alone had the power to settle the question, which was outside the competence of the Conference.

<sup>4/</sup> The text of these messages appears in the Final Act of the Conference, annex III, I, J and K.

Mr. RESICH (Poland) considered it inadmissible that, twenty years after the proclamation of the Universal Declaration of Human Rights, the People's Republic of China and the German Democratic Republic were still denied the right to take part in the work of a Conference which concerned them as much as other States.

Mr. CASSIN (France) said that, in the opinion of the French Government, the place reserved for China should be occupied by a representative of the Government of the People's Republic of China and not by a representative of the Taipei authorities.

Mr. BUU (Republic of Viet-Nam) said that his Government was a legitimate and democratic one and had been elected by the people of South Viet-Nam as a whole, whose will had been freely expressed at the 1966 and 1967 elections. The constituent assembly then elected had adopted a constitution whose articles 1 to 29 reproduced almost all the human rights set out in the 1948 Universal Declaration.

Mr. Suh Chan LO (Republic of Korea), replying to the representative of the Union of Soviet Socialist Republics, said that the Republic of Korea had been set up in 1948 under the auspices of the United Nations and that the people had expressed their will at general elections; the United Nations had recognized the legitimacy of the elected government in the same year. The Republic of Korea, which contained more than two-thirds of the Korean people, had diplomatic relations with eighty States and was a member of several specialized agencies and of more than one hundred international organizations. The Conference had been convened to promote and protect fundamental human rights, and it would be distressing if valuable time were wasted in political discussions which were outside its competence.

Mr. OULD EREBIH (Mauritania) regretted that 700 million Chinese were systematically barred from international organizations, and in particular from the Conference, to the work of which they could have made a useful contribution. He added that it was astonishing that States which refused to apply General Assembly resolutions and openly flouted human rights had not realized that they were out of place at the Conference.

Mr. WILKINS (United States of America) pointed out that the General Assembly had decided on the participation of States in the Conference. All States Members of the United Nations family of organizations, including the Republic of China, the Republic of Korea, the Republic of Viet-Nam and the Federal Republic of Germany, were entitled to be represented at the Conference. He called upon the Conference to refrain from political discussion and proceed with its work.

Mr. YAZID (Algeria) said that the internal situation in the countries concerned should be taken into account in the decision concerning the participation of States in the Conference. For example, the puppet government of Saigon could not be accepted as representing the people of South Viet-Nam, who were courageously fighting for their independence. Nor could the representative of the Taiwan government be considered as the legitimate representative of the People's Republic of China.

Mr. DAUDY (Syria) regretted that important and sovereign States, such as the People's Republic of China, the Democratic Republic of Viet-Nam, and the Democratic Republic of Korea had not been invited to the Conference. He protested against the presence at the Conference of the representative of the Government of Israel, which was guilty of numerous violations of human rights and of aggression against States Members of the United Nations and which was following a policy of terror and intimidation towards the Arab minorities and the inhabitants of the occupied Arab territories.

Mr. WAMBURA (United Republic of Tanzania) said that the meaning of human rights should be defined. If those words had any meaning, how could one speak of human rights when the doors were closed to the representatives of 750 million human beings entitled to take part in the work of the Conference? As a member of the international community, Tanzania deplored that situation.

Mr. MASUD (Pakistan) said that his delegation could not accept the presence of the representative of the Tel Aviv government at a Conference whose object was to promote the respect of human rights. He added that the Chinese people could only be represented at the Conference by an envoy from the People's Republic of China.

Mr. ZELTNER (Israel) protested at the accusations made against his Government. In reply to the representative of Syria he said that in 1967 the Syrian radio had broadcast a call for the extermination of the Jews in Palestine. As to the treatment of the Arab minorities, he said that the Arabs living in Israel and Israel-occupied territory had a higher standard of living than those in the Arab countries and enjoyed more rights than the inhabitants of any other Arab country.

Mr. KASSE (Mali) said it was regrettable that seats at the Conference were occupied by persons who represented only themselves, instead of by the true representatives of the peoples of Viet-Nam, China and Korea.

Mr. BYSTRICKY (Czechoslovakia) said that the Declaration of Human Rights had been called "universal" and not "international" in order to emphasize its true intention. Some ten years ago the United Nations had itself published a booklet defining the concept

of universality. The policy of political discrimination pursued by the United Nations, which excluded a third of the world's population from the Conference on Human Rights, contradicted that principle.

Mr. DAUDY (Syria) stated that he had too much respect for the ideal inspiring the dignity and the work of the Conference to use terms such as "contempt" which were used by the representative of the Tel Aviv authorities. The record of the occupying forces in Palestine was a series of aggressions and violations of every norm of decency and human rights. With regard to the alleged broadcast by Radio Damascus, inciting the Arabs to be vigilant, he pointed out that prior to that time the Chief of the General Staff of the Israeli Army had announced his Government's intention of invading Syria and occupying Damascus. It was natural, therefore, that the Syrian people had to be warned.

Furthermore, the remarks about the higher standard of living of Arabs in occupied areas confirmed what the Arabs had always said, namely, that Israel was a colonialist in the Arab homeland. What other argument did the Portuguese and the white racists in South Africa and Rhodesia use to justify their presence in those territories, except that of raising the standard of living of the original inhabitants of the land?

Mr. KHALAF (Iraq) said he shared the views of those representatives who had affirmed that only representatives of the People's Republic of China were entitled to represent the Chinese people at the Conference. He agreed with what the Syrian representative had said about Israel and mentioned that Iraq had hesitated to send a representative to a Conference in which a country with unclean hands would be participating. He considered such participation as an affront to the United Nations as a whole and to the Conference in particular. Referring to the Radio Damascus broadcasts which had been criticized, he mentioned a Tel Aviv newspaper report of a survey conducted amongst children of school age before the events of June 1967, which had shown that 98 per cent of those under the age of fifteen years thought that all Arabs should be massacred. He considered that highly revealing of the feelings of hatred against the Arabs in the population of the country in question and stated that such a country had no right to give lessons in the observance of human rights.

Mr. YAZID (Algeria) felt that Algeria, as an Arab country, had been incriminated by the person speaking on behalf of Tel Aviv. The real debate between Israel and the Palestinian people was taking place elsewhere. The Palestinian people was struggling to assert its right to exist and to free its territory, and the right of every country to economic, political and social justice as evoked by H.I.M. the Shahinshah in his address inaugurating the Conference. He was convinced that, thanks to the Palestinian resistance movement, it would be Palestine which would take part in the future work of the international community.

The persons speaking on behalf of Tel Aviv, in referring to the satisfactory standard of living of Arabs in occupied territory, had seemed to want to give lessons to certain countries. Algeria knew by experience that countries which had fought colonialism encountered serious economic difficulties, due to the loss of capital and technicians, and that such difficulties were the price of independence, as the countries of Africa and Latin America also knew. There was no doubt that, with will and effort, the countries of the Third World - today the proletarians of the international community - would overcome their difficulties.

Mr. MEDANI (Sudan) said he greatly deplored the presence of delegates from South Korea, South Viet-Nam and Formosa as representatives of the peoples of Korea, Viet-Nam and China at the Conference. The People's Republic of China, which Sudan was proud to have recognized, was alone entitled to represent the Chinese people. Furthermore, he drew the attention of a gathering that had met to uphold human rights to the atrocities of which Arabs in occupied territories were victims and to the disastrous condition of refugees in those territories. Clearly, those were flagrant violations of human rights.

Mr. ZELTNER (Israel) said that the use by previous speakers of terms such as "the person speaking on behalf of Tel Aviv" or "a country with unclean hands" showed the lack of a conciliatory spirit in certain quarters.

As regards the so-called justified statements by Radio Damascus, he pointed out that Israel had attacked no one and that it was not his country that had asked the Secretary-General to withdraw the United Nations forces from the area. As to the alleged statement by the Chief of the General Staff of the Israeli army that Israel had intended to occupy Damascus, he said that Israel had not done so, although such an action would probably have been feasible.

Mention of the standard of living of Arabs in Israel had given rise to criticism but just as much criticism would have been levelled had nothing been said. Observers for international bodies in the area had seen that the Arab population was not being exploited. The Jews, themselves oppressed for so long, would not oppress other peoples.

He asked for particulars of the alleged atrocities which, according to one representative, were being committed against Arabs in occupied territories. The representative in question was hardly qualified to utter such allegations; perhaps he could say how many Negroes had been massacred in his country over the past few years and what he meant by genocide.

APPOINTMENT OF THE CREDENTIALS COMMITTEE (item 6 of the provisional agenda)

The PRESIDENT said that under article 4 of the draft rules of procedure a Credentials Committee should be appointed at the beginning of the Conference, consisting of nine members to be appointed by the Conference on the proposal of the President. The Committee was to examine the credentials of representatives and report to the Conference without delay.

She suggested that, having regard to the composition of the Credentials Committee appointed by the General Assembly, the Committee for the Conference should consist of the representatives of Ceylon, Ireland, Japan, Madagascar, Mali, Mexico, the Union of Soviet Socialist Republics, Uruguay and the United States of America.

It was so decided.

The PRESIDENT requested the Credentials Committee to report to the Conference as soon as possible.

The meeting rose at 12.55 p.m.



SUMMARY RECORD OF THE THIRD MEETING  
held on Tuesday, 23 April 1968, at 3.35 p.m.

President: H.I.H. Princess Ashraf PAHLAVI of Iran

## SPECIAL MESSAGES ADDRESSED TO THE CONFERENCE

At the request of the President, Mr. SCHREIBER (Executive Secretary of the Conference) read out the texts of messages received from the President of the Republic of Italy and the President of Pakistan.<sup>5/</sup>

REVIEW OF PROGRESS ACHIEVED AND IDENTIFICATION OF MAJOR OBSTACLES ENCOUNTERED, AT THE INTERNATIONAL, REGIONAL AND NATIONAL LEVELS, IN THE FIELD OF HUMAN RIGHTS SINCE THE ADOPTION AND PROCLAMATION OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS IN 1948, PARTICULARLY IN THE PROGRAMMES UNDERTAKEN BY THE UNITED NATIONS AND SPECIALIZED AGENCIES (item 9 of the provisional agenda)

General debate

Mr. PAZHWAQ (Afghanistan) expressed his delegation's thanks to the host country for its gracious reception of the Conference. It was a source of particular satisfaction to his delegation that the Conference was being held in the continent of Asia and in Iran, a country with which Afghanistan shared a culture which date from the very beginning of civilization.

He associated himself with the sentiments expressed on the previous day by the representative of Uganda concerning the death of the Reverend Martin Luther King Jnr. who, following in the footsteps of Mahatma Gandhi, had preached the way of non-violence and brotherly love.

He regretted the absence of representatives of many nations and institutions, owing to obstacles which were not always of their own making, and called for the understanding and sacrifices needed to remove such obstacles.

Although the participants in the Conference represented their Governments, they should also pause as individuals to consider their responsibility to humanity. Those present at the Conference were not, as in other international gatherings, divided into 'haves' and 'have-nots', for with regard to fundamental rights and freedoms all were 'have-nots'. From the beginning of recorded history there had been vilations of one man's rights by another. The subject of human rights had been discussed for centuries; many promises had been made, but there was a glaring lack of accomplishment. In modern times official pronouncements had been made in individual countries and since the Second World War the United Nations had led the way in drawing up declarations and covenants concerning human rights. That was a monumental achievement, but the promises inherent in those statements had never been fulfilled.

<sup>5/</sup> The text of these messages appears in the Final Act of the Conference, annex III, L and M.

The centuries-old inaction over injustice must be overcome and the Conference must prove that history need not be repeated. He hoped that the present occasion would be remembered for the results of its efforts.

The contradictions in the nature of mankind must be overlooked. It had been said that man had to elbow his way through the world, giving and receiving offence. The world was divided into different political, economic and theological groups, and national sovereignty was interpreted in many different ways. There was, however, reason for hope in the many constitutions, declarations, conventions and covenants drawn up in recent years.

It was of the utmost importance to ensure that the principles set forth in those instruments were implemented. The Conference's first duty was to call for full ratification of all instruments concerning human rights already adopted. It might also suggest ways in which those conventions and declarations might be made more complete. Consideration should be given to the dangers to human rights inherent in the technological revolution of the last two decades: the problems raised by the advances made in genetics, how to ensure privacy of communications and how to prevent abuse of computers were all problems which concerned human rights.

Governments had paid little attention to the measures proposed for the protection of human rights and should be urged to give them more prominence. The Conference should call on all countries to strengthen the action of the United Nations in regard to human rights. The Universal Declaration of Human Rights would be more effective if the principles it proclaimed were incorporated in international agreements which imposed legal obligations on the signatories. Participation in such agreements should be universal and without reservation, and adherence to them should ultimately become a pre-condition for membership in international organizations.

One of the greatest achievements of the age had been the lifting or casting-off of the yoke of colonialism. It must not be forgotten, however, that millions of people were still living under alien domination and that even in countries that had thrown off the colonial yoke there were still people who were deprived of their rights. A world in which all countries were independent, all economies fully developed and in which wars had ceased would be of no value unless the rights of the individual were protected. The remedies for the tyranny of poverty, disease and ignorance were known, but the challenge now before mankind was to act against more subtle tyrannies.

Ignorance was widespread, but all men knew when their fundamental rights and freedoms were being violated. Those rights and freedoms must be made an equal, integral part of every man's life everywhere.

In conclusion, he suggested the following goals for the Conference: (1) A total commitment to action for the universalization of human rights - that was the first imperative and sole justification for the Conference; (2) The urging of ratification without delay of the legal instruments already adopted; (3) The urging of the adoption of an internationally binding instrument in the field of freedom of information and the Press; (4) The urging of further implementation at the domestic level and the need for judicial machinery to protect individual rights; (5) The establishment of an office of High Commissioner for Human Rights; (6) The drawing up of judicial norms in the field of human rights; (7) Consideration of a permanent tribunal to deal with particular situations; (8) Consideration of machinery for impartial and independent examination of human rights problems - a supernational authority attending to the details of each particular case; (9) Review of the complaints of individual petitioners without their having to fear reprisals from their Governments; (10) Assistance to Governments themselves concerning human rights problems and to non-governmental organizations, particularly in the less-developed countries.

His country hoped to co-operate in the achievement of those goals. He appealed to the participants in the Conference to work in harmony and to remember that in working for all men they were also working for themselves, since all were part of mankind.

Mr. CASSIN (France) said that his country had applauded the decision of the United Nations to review the progress achieved and to identify the major obstacles encountered since the Universal Declaration of Human Rights had been formulated twenty years earlier. As mankind moved towards a greater unity the need had been felt for a statement of common morality and the Universal Declaration had provided a working basis. During the twenty years which had followed, three phenomena in particular had modified the world situation: there had been a great increase in productive forces, and particularly in the population of the world; scientific discoveries, particularly in communications, had brought men ever closer together; and political freedom had everywhere become a greater reality as more peoples had achieved independence. In the field of human rights, people had become more aware of their rights and several

international bodies had been created to protect them. Not only had many international conventions and covenants been drawn up for that purpose, but regional bodies such as the Council of Europe had produced their own agreements. In all, about thirty-seven instruments had now been adopted, but ratification of those instruments was by no means general.

The machinery created by various United Nations instruments must be put into operation, and the disparities eliminated by means of a comparative analysis. The United Nations Commission on Human Rights, for instance, had in the past prepared texts and to some extent instituted a form of supervision over the execution of conventions and over respect for human rights, by means of periodic reports from States. But its powers had recently been extended to include inquiry into specific violations of human rights. It would be useful if the General Assembly were to define those powers more precisely. Moreover, the manner of application of the general international instruments should be in harmony with the regional conventions, such as that concluded in Europe in 1950. Human rights could not be different for Europeans, Africans, Americans and Asians.

Many conventions, including that on the Prevention and Punishment of the Crime of Genocide were either not being applied or were not fully respected. No effective measures of implementation had as yet been worked out for the Genocide Convention. One of the first things that the Conference should do was to remedy that situation. There was no equivalent of a public prosecutor or impartial official body representing the public conscience, at the International Court of Justice. The institution of a High Commissioner for Human Rights offered an opportunity to take a first step in that direction; the modest powers which would be granted to the Commissioner, to be exercised if necessary on a collective basis, should earn the approval of a large majority of the Members of the United Nations.

In the second place, it was necessary to avoid the existence of two categories of human rights applicable to developed and to developing countries and to avoid a widening gap between countries with existing administrative, technical and economic organizations and those which were still establishing them. Human rights should be equal for all, although supervision of their manner of application might vary from country to country. His country was conscious of its duties towards other members of humanity, not only in technical and cultural co-operation but also in economic assistance. Article 28 of the Universal Declaration showed the importance of

administrative organization for the full realization of human rights. Furthermore, declarations and conventions should not serve only one category of human beings. Thought should be given to providing better protection for innocent civilians during wars, both inter-State and civil. In that connexion, it was regrettable that the Red Cross had decided to withdraw its delegates from certain countries.

Finally, modern scientific discoveries were presenting new problems for human rights. Radio and television raised problems of the extent of the freedom of information and its effect on national and international interests; medical discoveries were threatening the integrity of the human body. Although the Conference would be unable in the short time at its disposal to solve those problems, it should at least consider them and make suggestions for studies to be undertaken.

As the senior participant, not only in age but also in experience in the struggle for human rights, he wished to make a personal appeal to States not to confuse independence from the economic or political domination of other States with absolute sovereignty over the rights of their subjects. They were subject to the rules of international law, which should be established impartially and with due caution. Similarly, article 29 of the Universal Declaration pointed out that the individual had a duty towards the community and towards his fellow men and the Declaration in general laid great emphasis on the right to education. History had shown that persecution did not pay, that human rights could not be fully respected during wars and that wars were often the result of violations of human rights. He was convinced that it was possible to defend human rights without having recourse to violence.

Mr. WILLIAMS (Jamaica) said that his country's Prime Minister, who had first suggested the idea of an International Year for Human Rights to the United Nations, greatly regretted that pressing business of national importance had prevented him from attending the Conference.

The Universal Declaration of Human Rights had been preceded for centuries by declarations by philosophers and leaders, whose teachings had influenced the attitudes of all civilizations, and it was fitting that the first International Conference on Human Rights should be held in a country with a long history in connexion with the ideals of human rights.

In adopting the Universal Declaration in 1948, the international community had tried to lay down specific principles to guarantee rights and freedoms to all individuals throughout the world. Although it had no legal standing, the Declaration had exerted a moral force surpassed by few, if any, legal instruments. It had been

reflected in the constitutions and laws of many nations and was the basis of much international action. Yet although great progress had been made in some areas, the provisions of the Declaration were far from being fulfilled. Advances in technology presented new problems for which it would be necessary to find new solutions.

Nations had come to realize that war must be prevented because it was a denial of human rights and inflicted unbearable suffering on innocent victims. They had agreed in principle that the machinery set up for economic co-operation and assistance was designed to benefit individual human beings and that, unless they succeeded in that respect, economic organs had no reason for existence. It had been accepted that the right of a country or a people to self-determination and independence was a prerequisite of other individual rights and that people could only develop if they were sure that they would have the opportunity to achieve their fundamental rights and freedoms. Governments had had to acknowledge that unless rights and freedoms were progressively granted there was no hope of internal stability and it had been proved that without stability within nations there could be no peace. It was true that the United Nations had helped to prevent any world-wide conflict in recent years, but war between and within nations was common.

It was disquieting that the goal of genuine international economic co-operation had not been achieved or even approached and that no machinery had been found to close the widening gap between rich and poor.

The Universal Declaration had proclaimed standards that had later been embodied in multilateral treaties with binding and effective measures of implementation. However, since the adoption of the International Covenants on Human Rights and their Optional Protocol, no State had been able to ratify any of those instruments. That showed, not only that the membership of the United Nations had changed or that many sovereign States had difficulty in agreeing to legal obligations, but also that the legislative approach must be complemented and balanced by other approaches.

Various temporary techniques had been employed in the interim period. The system of periodic reporting had been successful and would continue to serve until the Covenants, with their own reporting system, were universally accepted. The Advisory Services Programme had shown valuable potentials and had proved that it was a complementary technique which should be developed and expanded. The idea, inherent in that Programme, of sharing experience and helping each other to overcome common problems was closer to the concept of Chapter IX of the Charter than a purely legislative approach could ever be.

The human rights organs of the United Nations had recently placed increasing emphasis on two further techniques: fact-finding and the publication of those facts, which they had been impelled to use in connexion with the problem of southern Africa. Conditions in that sub-continent were much worse than they had been when the Declaration had been adopted. Apartheid was spreading; to combat it, the facts must be established and given the widest publicity so that the conscience of all mankind might be engaged in the struggle. Racial intolerance was not, however, limited to southern Africa; it was a universal disease which must be eradicated wherever it appeared.

Twenty years after the adoption of the Universal Declaration, not one of its provisions had been universally and completely observed. The Conference could not solve the human rights problems of the world in three weeks, but it could make a beginning, especially if it approached the problems in a spirit of genuine mutual respect and understanding.

Mr. NEDBAILO (Ukrainian Soviet Socialist Republic) recalled the various tasks which the Conference had been assigned by the General Assembly. The completion of those tasks would mark a new phase in international efforts to promote respect for human rights and fundamental freedoms. A review of past activities showed that over the last twenty years the United Nations and the specialized agencies had performed useful work by drawing up a series of documents setting forth basic rights and freedoms. Despite certain defects, that work was of great importance, since the texts in question formed an international juridical basis for the struggle for human rights and for world peace and security. In addition to the Universal Declaration itself, he wished to draw attention to the Declaration on the Granting of Independence to Colonial Countries and Peoples, which had been of great assistance in the struggle against colonialism, and the Declaration (and later the International Convention) on the Elimination of all Forms of Racial Discrimination, which had given a more practical form to the struggle against apartheid. Thus the work of the United Nations and other intergovernmental bodies had played a positive part in achieving greater respect for human rights.

Nevertheless, the actual situation with regard to human rights and freedoms was unsatisfactory in many parts of the world. The only way to remedy that situation was to ensure that the decisions of the United Nations were implemented, by juridical or other means, taking into account the peculiarities of individual countries. The



fact was that, despite all the efforts of the United Nations, racial discrimination, segregation and apartheid were still widely practised. The policy of apartheid of the South African Government was none other than a form of genocide, since its purpose was to liquidate certain racial and ethnic groups of the indigenous population of South Africa and Southern Rhodesia. The ruling circles of South Africa were planning the mass destruction of the African peoples in order to achieve numerical "equality" between the white and black populations by the year 2000. It was the duty of the Conference to propose practical measures for the complete elimination of racial segregation and apartheid.

In the present age, economic, social and cultural rights were as important as civic and political rights, as the General Assembly had acknowledged in resolution 421 E (V) of 4 December 1950. Since that time other important texts, such as the International Covenant on Economic, Social and Cultural Rights, had been adopted, but the question had not received sufficient emphasis in the activities of the United Nations. The Seminar on the realization of Economic and Social Rights, held in Warsaw in 1967, had drawn attention to the importance of those rights in bringing about the full development of the human personality. Social and economic rights were increasingly reflected in the constitutions and legal systems of many countries. States and national organizations such as trade unions were paying greater attention to the question and their action was of great importance, since the primary obligation fell on individual countries.

He also wished to draw attention to the dangerous rise of nazi and neo-nazi organizations, in particular the National Democratic Party of the Federal Republic of Germany, which represented a real threat to world peace. Thirty-five per cent of its members and 76 per cent of its leadership consisted of former Hitlerites. The party's policy was based on Hitler's ideas and methods, and its aims were revanchiste and racist. Yet both the General Assembly and the Commission on Human Rights had condemned Nazism and called upon all countries to take steps to eliminate it. The fight against Nazism required constant vigilance and it might be useful to make 1 September an International Day of Remembrance for the Victims of Nazism. International legal measures were needed to combat the rise of Nazism and militarism.

With regard to the effectiveness of the methods used by the United Nations in the field of human rights, he considered that the investigation of problems and the preparation of general recommendations had proved satisfactory. In his view, conventions, which placed strict legal obligation on the signatories, were the best

legal means of protecting human rights. There had recently been talk of the United Nations taking up specific cases involving human rights in particular countries. That was not the function of the United Nations, which, under Chapter VII of the Charter, could intervene in particular countries only when world peace was threatened. Such was the case in South Africa and Southern Rhodesia, where the policy of apartheid constituted a serious threat to world peace and security. In Asia, too, human rights and freedoms were being violated by the war of aggression waged by the United States of America against the Viet-nameese people and by the aggression of Israel against the Arab populations. He felt convinced that peace talks to end the war in Viet-Nam would bear fruit and lead to a normalization of the situation in the whole of South East Asia. As for the Near East, the Security Council resolution calling for the withdrawal of troops from all occupied Arab territories should be implemented.

The chief task facing the Conference was to ensure that the decisions taken by the United Nations were carried out. His delegation took the view that the basic responsibility lay with individual States, both for economic and social rights and for the traditional political and civic rights. In particular, respect for the principle of equality before the law could be achieved only by the State. His country had made every effort to ensure that each citizen's rights and freedoms were respected, and the socialist economic system was the best guarantee of that. Unemployment had become a thing of the past; the state system of education provided full access for all citizens to every branch of science and culture; medical and social services were improved every year. The experience of his own and other socialist and developing countries could be drawn upon as examples of the role of the State in securing respect for human rights and freedoms.

The international defence of human rights, like international law, must be based on the principle of national sovereignty and non-interference in internal affairs. The decisive factor was national legislation, although the international implementation of international instruments need not be rejected, provided there was no infringement of sovereignty. International bodies could be established on that basis, on the lines of the Conciliation and Good Offices Commission instituted by the United Nations Education Scientific and Cultural Organization (UNESCO) in connexion with the Convention against Discrimination in Education. The Commission

on Human Rights, however, should not be turned into a supra-national body but should continue its work of making recommendations to Governments. Another means of implementation consisted in submitting periodic reports on progress in human rights and on the obstacles that had arisen. Some countries, instead of taking action at home, persistently advocated the creation of international bodies to supervise the application of the principles of human rights, or the appointment of a High Commissioner. Such measures were not provided for in the Charter and would lead to a breakdown in international collaboration. The international defence of human rights could only be based on the principles of the Charter, which was quite adequate for that purpose. The present system had justified itself and there was no need for a fundamental revision. Fuller use should be made of existing methods through better organization of work, better planning and more equitable representation of the developing and socialist countries.

Mr. MAHEU (Director-General, United Nations Educational, Scientific and Cultural Organization) said that it was a great pleasure to address the present Conference in Teheran, where in September 1965, at the invitation of H.I.M. The Shahinshah of Iran, UNESCO had organized the World Congress of Ministers of Education on the Eradication of Illiteracy.

The first declarations of human rights had affirmed the dignity of man in general and defined the abstract principles which flowed from that dignity. The 1948 Declaration, however, had attempted to be both universal, by admitting of no discrimination of any sort between human beings, and concrete, by setting forth the conditions without which man's dignity could not become a reality.

First of all, it was necessary to define what was meant by the "man" whose rights were being proclaimed. He was not a zoological species, a "race" or even "mankind". He was a human being, regardless of his sex, the colour of his skin or even his physical, intellectual and moral aptitudes and gifts. He was man as a free and responsible being capable of inventing and performing actions, unravelling or imposing meanings, appreciating, preferring and judging. He did not necessarily do all those things, but he was capable of doing them. In other words, he possessed an inexhaustible potentiality. That definition meant that the Universal Declaration was ultimately concerned with hope, and he who hoped endeavoured to create the conditions which might bring his hopes to fulfilment.

Everyone knew, in general terms, what those conditions were. Man needed a minimum supply of food, shelter, and some measure of order and security to protect him from the menace of the outside world. That explained why all efforts to overcome hunger and insecurity helped to promote human rights. The point could not be made too often: below a certain standard of living, human beings not only underwent material privation, but their humanity itself was denied and degraded. Consequently, development and the defence of human rights were closely linked. Development found its deepest meaning not in the power and wealth of the State, or even in the comfort and well-being of the community, but in the emancipation and fulfilment of human beings.

Once man's most elementary needs were satisfied, he could not be really free unless he was able to understand the world around him, to communicate with others and to receive and transmit experience, knowledge and intentions. That had been true at all periods but was even more true at the present time, when science and technology were transforming life on earth. Nobody was capable of understanding the whole of the modern world, but he who renounced the effort to understand became nothing more than a passive object. To be able to understand, and hence to choose, it was necessary to know how to read. The illiterate had no way of taking their place in their environment, of defending their rights, of choosing work and of influencing the transformation of that environment. That did not mean that there was no culture without reading or writing, but the illiterate were ignorant of the laws which could protect them and were completely dependent on other people. The constitutions of certain countries deprived the illiterate of the right to vote and in other countries that right was empty because for the illiterate the necessary right to information was null and void. Nor could the illiterate exercise the right to a free choice of employment, for they could obtain only unskilled labour and were the first to be affected by unemployment.

More than 700 million adults were still illiterate. Inspired by the recommendation of the General Assembly in 1964 and the Congress of Teheran in 1965, UNESCO had instituted in 1966 an experimental world literacy programme designed to stimulate reading through the requirements of development and to accelerate development through literacy. Eight pilot projects were under way and others were in preparation. They should make it possible to evaluate the effects of literacy on development and to draw up a strategy of functional literacy with the help of international

co-operation. The programme was intended above all to prepare the ground for a world campaign to eliminate illiteracy; its success or failure would affect the universality of the Declaration of Human Rights.

For a man to exercise his rights, it was not enough for him to be able to read. He could not exist as a person without knowledge of contemporary problems and understanding of the rights which governed his own and other people's liberty. Such knowledge of the rapid changes of modern times called for continuous education, which the Universal Declaration rightly said should be available to all without discrimination.

In 1960, the UNESCO General Conference had adopted a Convention and Recommendation against Discrimination in Education, providing for primary education to be free and compulsory, for secondary education to be generally available and accessible to all, and for higher education to be accessible to all on the basis of individual capacity. It also laid down certain principles concerning the importance of education, the rights of parents, religious and moral education and the rights of members of national minorities. The Convention, which had so far been ratified by forty-one member States, had been completed in 1962 by the adoption of a Protocol setting up a Commission to seek a settlement of any disputes arising between States Parties to the Convention. States had been invited to fill in a detailed questionnaire concerning the measures they had adopted to implement the Convention or Recommendation and a special committee of the Executive Board was to study those reports in June 1968 and submit a critical evaluation to the General Conference in October. Such control machinery should be extended to cover all forms of human rights.

It was not enough to provide educational facilities. The education should help people to find themselves, for without a personality and principles, it was impossible to exercise one's rights. UNESCO was therefore endeavouring to help people all over the world to preserve their cultural heritage and enrich it with the addition of that of other countries. It had instituted a long-term programme on the right to culture, one of the basic rights, and would amplify the provisions of article 27 of the Universal Declaration by specifying the rights of the individual and the duties of the State in that respect.

According to the Declaration, everyone had the right to take full advantage of his capabilities. At the present day mankind had a growing need for powerful and developed intelligences. It was therefore necessary that more and more people should benefit from higher education, even beyond the normal university standard.

Human rights themselves had to be taught. That question had been included in the agenda of the thirty-first session of the Conference on Public Education to be held at Geneva in July 1968. It was more important that the general idea of the inalienable right should be understood than that certain individual rights should be analysed. If human rights were to be respected, that respect must be absolute and no reason, either good or bad, should be able to prevent it.

No restriction by any force other than that of law, no intimidation, no technique of humiliation or segregation were compatible with the principle of human rights. The importance of the results already achieved was undeniable but their violation had recently been too general and too widespread for it to be possible to be content with past achievements. It might be even more important to awaken or adapt men's minds to the idea of human rights than to ensure the implementation of those rights.

Throughout the years, words had lost their meaning through being uttered mechanically and human rights were at present in danger of losing their prestige and inspiration without even having been fully understood. It was said in some countries that those rights were out of date in a revolutionary epoch where it was natural to sacrifice present justice and happiness to future prosperity. Others said that they were unsuitable for a technological society where productivity was the main virtue and where the two important problems were those of the increase and distribution of goods. Others merely proclaimed the end of man and in any case that of humanism. That such opinions should be held twenty years after men had died to defend those same rights was a matter for deep thought. It was to be hoped that the Conference would stimulate the defence of those rights through a more thorough study of the ideas and a stricter application of the rules set forth in the Universal Declaration.

The meeting rose at 6.30 p.m.

SUMMARY RECORD OF THE FOURTH MEETING

held on Wednesday, 24 April 1968, at 10.55 a.m.

President: H.I.H. Princess Ashraf PAHLAVI Iran

## SPECIAL MESSAGES ADDRESSED TO THE CONFERENCE

At the President's request, Mr. SCHREIBER (Executive Secretary of the Conference) read out the text of a message received from the Government of Peru under the signature of the Minister of Foreign Relations.<sup>6/</sup>

REVIEW OF PROGRESS ACHIEVED AND IDENTIFICATION OF MAJOR OBSTACLES ENCOUNTERED, AT THE INTERNATIONAL, REGIONAL AND NATIONAL LEVELS, IN THE FIELD OF HUMAN RIGHTS SINCE THE ADOPTION AND PROCLAMATION OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS IN 1948, PARTICULARLY IN THE PROGRAMMES UNDERTAKEN BY THE UNITED NATIONS AND THE SPECIALIZED AGENCIES (item 9 of the provisional agenda) (A/CONF.32/8 and 9, A/CONF.32/10 and Corr.1, A/CONF.32/12, A/CONF.32/13 and Corr.1, A/CONF.32/16; A/CONF.32/L.9-L.11 (continued))

General debate (continued)

Mr. SALAS (Philippines) considered it a good augury for the success of the Conference that it was being held in a progressive country like Iran, which was actively engaged in far-reaching land reform and literacy programmes.

The principles enunciated in the Universal Declaration of Human Rights had been embodied in many national constitutions; they represented the moral force backing individual, national and international decisions. The twenty years since the adoption of the Universal Declaration had shown that injustice could exist irrespective of political systems or material achievements. Promotion of human rights went beyond ideology and technology, and ways must be sought to ensure that the inherent principles were not invoked merely when it was convenient.

Concern for human rights was the most binding factor in human relations, and the bond could be progressively strengthened if every country set itself to apply the lofty principles affirmed in the Universal Declaration. It was to be hoped that a review of past accomplishments would serve to reinvigorate the resolve to eliminate prejudices, inequalities and injustices still existing. The most easily identifiable of the obstacles to universal application of the principles laid down in the United Nations Charter and the Universal Declaration, assuming that national policy was disposed to their enforcement, was correct interpretation. Admittedly, the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights had given greater precision to the abstract general definitions in the Universal Declaration, and some rights had been made the subject of separate conventions. Nevertheless, further studies were needed to define the scope of each of the provisions concerned, and the technique of using special rapporteurs was one that deserved to be endorsed in that connexion.

<sup>6/</sup> The text of this message appears in the Final Act of the Conference, annex III, IV.



One formidable obstacle to the universal enjoyment of human rights and fundamental freedoms was where national policy was inconsistent with or in violation of the Charter and the Universal Declaration, e.g. the present racist policies of some Governments and the anachronistic colonial and neo-colonial policies of a few others.

Such problems illustrated the difficulty of promoting human rights by national legislation. Where the legislation in itself involved violations, the remedy was amendment or repeal by government action. But where the obstacle lay in tradition or custom, the ultimate remedy would be re-education or reorientation of the masses, backed by legislation. Mass media and public information techniques were especially appropriate in such situations. In the same connexion, he would emphasize the important role of community development in ensuring that the under-privileged received their due share of the bounties of civilized society. His own country would be willing to share its experience and modest know-how in that field.

In 1966, the Regional Seminar on the Status of Women held at Manila had resolved to draw up long-term programmes for the advancement of women which he thought would greatly assist in the implementation of the Declaration on the Elimination of Discrimination against Women. By participating in the socio-economic development of their countries, women would hasten their full enjoyment of human rights; in recognition of that fact, the Philippines was creating a commission on the participation of women in national development in lieu of a commission on the status of women, and his country would watch with keen interest the progress of the long-term programme for women's advancement recently announced by Iran.

Special measures were sometimes warranted in order to allow cultural minorities to catch up with the dominant groups; but the protection of minorities should not go beyond such gestures of belated justice lest separatism or secession be encouraged. Basic rules sanctioned by the United Nations would go a long way towards preventing oppression or rebellion and thus maintaining the sometimes delicate and precarious balance.

One common feature of the plight of developing countries was that national will and self-reliance were often not enough to ensure the enjoyment of economic and social rights essential to a decent standard of living. There was a built-in apathy in the United Nations towards international assistance in promoting economic and social rights. The tactical mistake of separating those rights from civil and political rights in drawing up international covenants had created an unfortunate psychological

climate of acquiescence in the status quo in economic and social matters, making it even more difficult for the developing countries to obtain the requisite international assistance - witness the reluctance of the developed countries to contribute their due share toward fulfilment of the objectives of the United Nations Development Decade. Notwithstanding the basic principles of international co-operation between the developed and the developing countries formulated at the first session of the United Nations Conference on Trade and Development, the second session of the Conference had found itself no nearer the goal of transforming accepted principles into living reality. The developed countries were well aware of the need to bridge the ever-widening gap in economic growth and production separating them from the developing countries; but the bitter fact was that they lacked the will or foresight to take the urgent action needed. It was time that article 28 of the Universal Declaration was implemented. By now, the developed countries must have realized that they could not long survive in peace and prosperity while more than two-thirds of the world's population was living in desperate want.

One lesson that had emerged over the past twenty years was that the concept of human rights was a dynamic and not a static one. During that period, the matter of enforcement of those rights had moved beyond the exclusive domestic jurisdiction of States. The aspirations of man to achieve the full enjoyment of human rights had become as irresistible a force as the drive of the colonial peoples towards self-government and independence. The international evolution of the concept demanded a parallel evolution in the techniques and procedures for the universal enforcement of human rights. Revision of discriminatory legislation and practices was no longer enough: the goal should be condemnation, prohibition and punishment of discrimination by law.

Overhaul of the United Nations bodies dealing with human rights was also called for. After twenty years, the bodies in question should surely be able to hear and investigate complaints against Member States concerning violations of the provisions of the Universal Declaration that lay outside the competence of the organs established by the international covenants and other international instruments on human rights. The Conference should formulate and adopt recommendations in that sense.

The world was said to be witnessing at the present time three revolutions of vital importance for the future of mankind: the technological achievements ushered in by man's mastery of the secret of the atom; the ideological conflict between capitalism and communism; and the revolution of rising expectations among

the emerging new nations. The Conference would fail in its purpose if it ignored the far-reaching implications of those three movements insofar as they affected the dignity and worth of the human being.

Mr. MESTIRI (Chairman, Special Committee on the Situation with regard to the Implementation Declaration on the Granting of Independence to Colonial Countries and Peoples) said that the General Assembly, by its resolution 2326 (XXII), had wished to give the Conference the opportunity of making an up-to-date assessment of the situation of the millions of human beings still under the colonial yoke.

The clause in the Universal Declaration of Human Rights stating that the principles embodied therein should apply equally to colonial peoples might never have been adopted, to judge from its effect in the subject territories, where individual and collective freedoms were still being cynically violated and trodden under foot with impunity. How could the situation be otherwise, when the very philosophy of colonialism and the methods it used were directly opposed to the Declaration's ideas and principles? How could the notion of all human beings being born free and equal in dignity be accepted in the face of the belief in inferior subject races? Inequality based on race, colour, language and religion lay at the root of all the injustices and abuses practised in the colonial countries. And the colonial peoples, deprived of all other recourse, had in many instances been forced to resort to justifiable resistance against tyranny and oppression, thus bringing on themselves still greater measures of repression.

Items of particular interest for the work of the Special Committee of Twenty-Four included the International Covenants on Human Rights and the International Convention on the Elimination of all Forms of Racial Discrimination, adopted by the General Assembly in 1966 and 1967 respectively, and resolution 2144 (XXI), in which the General Assembly had expressed its growing concern regarding violations of human rights, including those practised under the policy of racial discrimination, segregation and apartheid, as applied particularly in colonial and dependent territories.

But the mere adoption of declarations and covenants was not enough: what was needed was ratification as appropriate and translation of the adopted principles into legally binding rules under national legislation. Regrettably, Member States had failed to take the necessary action as speedily as was desirable, but even so, it was of great significance that universal recognition was accorded within the United Nations to the right of every individual to respect for his dignity as a human being

in all spheres of life. Plainly, that was a prerequisite for the progressive attainment of universal peace and peaceful economic and social co-operation and development as laid down in the United Nations Charter.

The United Nations had thus come to feel a particular sense of urgency regarding the elimination of colonialism and the task of combating racial discrimination. The colonial situation in southern Africa was still characterized by the most flagrant and anachronistic mass violation of human rights and fundamental freedoms. As the Secretary-General had recognized, the collective determination of the United Nations to bring colonialism to an end seemed to have come up against a solid wall of defiance in that part of the world. Nor had there been any abatement in the persistent violation of the right of self-determination; the national liberation movements were still being savagely repressed by the authorities concerned, in collaboration and collusion with certain vested economic and other interests.

The reasons for that state of affairs were not difficult to determine. They lay in the deliberate opposition and continuing non-cooperation of the administering Powers concerned and in the reluctance of certain other States to collaborate with the United Nations in applying effective solutions to outstanding colonial problems. The international community should not, and would not, accept that situation as irrevocable; it must redouble its efforts to eliminate colonialism in all its manifestations. The United Nations would remain the focal point for that noble endeavour, to which the Special Committee of Twenty-Four would, he was sure, continue to make a positive contribution. Indeed, on its initiative, the General Assembly had in recent years taken a number of decisions that marked a new and important stage in the development of the principles and the process of decolonization. Important steps included the expansion in 1965 of the concept of the inalienable rights of colonial peoples to self-determination and independence to include recognition of the legitimacy of their struggle to achieve effective exercise and enjoyment of those rights; and the Special Committee of Twenty-Four had appealed to all States to give the colonial peoples the moral and material support needed for that purpose.

In 1967, the Special Committee had noted with satisfaction the progress made by the national liberation movements in the territories under Portuguese administration, both in the basic struggle and in reconstruction programmes in liberated areas, and had asked that international assistance to the victims of Portuguese military operations be rendered in co-operation with those movements, thus implying recognition of the role the liberation movements could and should play in freed areas.

The increasing concern of the United Nations regarding colonialism was also reflected in the affirmation made by the General Assembly in 1965 and reiterated subsequently, to the effect that the continuation of colonial rule and the practice of apartheid, as well as all other forms of racial discrimination, threatened international peace and constituted a crime against humanity. In that context the Special Committee and the General Assembly had intensified efforts to enlist the active support and involvement of the Security Council in decolonization matters, by asking the Council to put into effect appropriate measures binding on all States and directed at the offending régimes in Southern Rhodesia, South-West Africa, the territories under Portuguese administration, and Aden to ensure the implementation of the relevant United Nations decisions.

Commenting on the close relationship and differences in emphasis that undoubtedly existed between the question of decolonization and the question of human rights, with particular reference to the elimination of racial discrimination and apartheid in southern Africa, he pointed out that the full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples necessarily implied the exercise of the right of self-determination and the transfer of all powers to the colonial peoples concerned. Since the General Assembly had recognized in resolution 1850 (XVII) that racial discrimination and segregation in non-self-governing territories could be eradicated fully and with the greatest speed by the faithful implementation of that Declaration, it followed inescapably that the solution to the human rights problem insofar as colonial territories were concerned lay in the total and speedy implementation of the Declaration. He accordingly hoped that the Conference would strongly stress that aspect in its conclusions under agenda item 11 (b).

The urgency of the need for stronger action in regard to the colonial territories could not be over-emphasized, for several million people were still today living under colonial rule and mostly under régimes offering no hope of early emancipation. For those people, confidence in the United Nations might readily be replaced by bitter disillusion if effective action was long delayed.

Mr. COMAY (Israel) said that Iran was both an admirable host to the Conference and a living example of its theme. Under the leadership of H.I.M. The Shahinshah, it was carrying out a remarkable bloodless revolution which was steadily raising the social, economic and educational standards of its people, while maintaining the stability of the realm.

His delegation would make every endeavour to conform to the Secretary-General's plea for avoidance of political recrimination during the Conference. Unfortunately, issues arising out of the Middle East conflict, which was being dealt with by other competent United Nations organs, had been raised by representatives of Arab States, who had launched their customary vilifying attacks on his country in an attempt to discredit it. The Middle East situation had been discussed in the United Nations for six months in 1967, and the Special Representative of the Secretary-General was currently engaged in the delicate task of peace-making. Israel had welcomed the fact-finding mission sent to the conflict area in 1967 and would likewise welcome the new mission which the Secretary-General had asked the Governments involved in the conflict to agree to, since it had nothing to hide regarding the administration of Israel-occupied territories or the measures which the Israel Government was taking for the safety and welfare of the civilian population there. On the other hand, Israel was concerned about the ill-treatment of Jewish communities in Arab countries and was glad that that situation would also be covered by the fact-finding mission.

He would remind the representative of the Ukrainian Soviet Socialist Republic that his observations on the Middle East situation reflected proposals which had been rejected by the United Nations. He hoped that the subject could be left to the appropriate United Nations organs to deal with. If not, there was a danger that the work of the Conference would be disrupted and prejudiced.

Over the past twenty years much solid work had been done to promote human rights at the international level; but that was not a reason for pious self-congratulation, for the hardest part of the task lay ahead. The United Nations could put forward great ideals more easily than it could convert them into reality. The norms of international behaviour it recommended became binding only to the extent to which sovereign States subscribed to them, and the precepts contained in the Universal Declaration were still a long way from being universal commitments.

United Nations concern with the subject of human rights had begun with the drafting of the Charter at San Francisco, at a time when Europe had just been freed from Hitlerism and all the bestiality of the Nazi system lay exposed. Tens of millions of people had been deprived of their most elementary rights as human beings on racial, religious or political grounds and it was considered essential to reaffirm the dignity and worth of the human person and to re-state the fact that human beings had the right to be free. Those concepts had accordingly been expressly written into the Charter, and the basic human rights and freedoms into the thirty articles of the Universal Declaration of Human Rights.

In 1965 an important milestone had been reached in the International Convention on the Elimination of all Forms of Racial Discrimination, and a convention on religious intolerance was now in draft form. However, it had not been considered practicable or desirable for the contents of the Universal Declaration to be developed in a piecemeal manner. Hence the task of spelling out its abstract principles in two comprehensive covenants had been undertaken with the aim of binding States to agreed international norms. The work had taken twelve years to accomplish, but an even more difficult phase had now been entered. The Universal Declaration had had great moral force, but only moral force. With the completion of the Covenants, Member States had to decide whether they were prepared to assume a binding commitment and to bring their own laws and practices into line with agreed international standards.

On the key issue of implementation, only the first experimental steps were being taken. In the case of the Covenant on Economic, Social and Cultural Rights, signatory States were left to furnish their own reports. The Covenant on Civil and Political Rights provided for the establishment of an international committee, but it would not be competent to consider complaints by another State and still less by individuals, except in cases where the States concerned had voluntarily agreed to that procedure.

Israel had in the past supported the idea of a United Nations Commissioner for Human Rights and continued to believe that the concept could be reconciled with the principle of national sovereignty. The Commissioner could have a constructive influence without being a judge.

The Jewish people had made a distinctive contribution to the recognition of human rights and the dignity and personality of man, and contemporary civilization had drawn heavily on the inspiration of the Old Testament and the Hebrew prophets, with their insistence that all men were brothers and equal. When H.I.M. The Shahinshah had referred to Cyrus the Great as a pioneer of human rights, the Jewish people's struggle for liberty and nationhood in the same areas of the world thousands of years ago had at once come to mind. Iran and Israel represented two ancient and continuous civilizations with ties of history, culture and friendship that went back for twenty-five centuries. The region in which both States were located was one of rich diversity of race, nationality, faith, tradition and language and could never be exclusively identified with any one people or dominated from any one centre.

With the renewal of independent Jewish nationhood twenty years earlier, the Israel Declaration of Independence had guaranteed equality of social and political rights to all inhabitants of the State, which was to be based on freedom, justice and peace as envisaged by the prophets of Israel. Humanistic ideals had gained international validity with the general spread of enlightenment and liberal thinking after the French Revolution, and at the end of the First World War, they had been written into the Minorities Treaties. The emphasis at that time had been upon international protection of minority groups. What had been relatively overlooked had been the need for international protection of individual human beings, even if they made up the majority groups in any State. The significance of the United Nations Charter was that it treated all men and women on an equal footing. Yet there was room for concern lest the swing from minority rights to individual rights might have gone too far.

It was true that in recent years individual rights had been balanced by a major emphasis on self-determination and the right of each people to political independence. That process was perhaps the most striking event of the present age. Yet somewhere between the respective right of persons and of peoples there was also the right of a distinctive group within a State to maintain its own character and identity if it so chose. His delegation considered that in the broad advance on the human rights front, insufficient attention had been paid to that particular aspect. The sub-commission of experts set up in 1946 by the Commission on Human Rights to advise it on two related topics - the prevention of discrimination, and the protection of racial, national, religious and linguistic minorities - had stated at its first session that it understood the second of its tasks to be the protection of non-dominant groups which, while wishing in general for equality of treatment with the majority, desired a measure of differential treatment in order to preserve basic characteristics which they possessed and which distinguished them from the majority of the population. It was a pity that, after some initial studies the subject had been neglected by United Nations organs. The Sub-Commission itself had hardly touched upon it since 1954.

Israel's concern with that aspect of human rights was not simply academic but was reinforced by the tragic experience of Jewish minority groups elsewhere.

The Jews had survived as a distinctive people, with a common ethnic origin, common religion and shared traditions, culture and language. For many centuries and in many countries Jewish minorities had been persecuted for clinging to the



faith of their forefathers. But in Nazi-occupied Europe 6 million Jews had been sacrificed by the Nazis on the altar of their racial gods. It was little wonder that Jews remained intensively aware of fresh manifestations of anti-semitism. It was shocking to note that at the present time anti-Jewish sentiment had been revived for internal political purposes on soil soaked with the blood of Jewish victims of Hitlerism. The Jews also refused to take lightly any revival of neo-Nazi tendencies wherever they might occur. Moreover, they remained sensitive to the form of discrimination which denied to a minority group the free exercise of its own distinctive faith and culture and were deeply disturbed at the fact that a large section of the Jewish people were at present suffering from such cultural deprivation and did not enjoy even the same degree of religious autonomy as was still extended to other faiths. For those reasons his delegation welcomed the inclusion of article 27 in the Covenant on Civil and Political Rights.

The subject was even more relevant to contemporary realities in 1968 than it had been in 1946. However, it was necessary to re-assess the classical approach to the question of minorities in one vital respect. People were far more conscious today of situations where the so-called dominant group was a minority and the so-called non-dominant group formed the majority of the inhabitants. That was the position in southern Africa, where apartheid and inequality were based on a claim to separate development. His people abhorred all discrimination based on race and totally rejected any doctrine or policy whereby a man's place in society was determined by the colour of his skin.

As far as group rights were concerned, the primary question was not whether a distinctive group within any State was a minority or a majority. The principle was that a distinctive group should be given the means of maintaining its own characteristics if it so chose, while at the same time its members should enjoy complete equality with other nationals of the State and owe the same duty of loyalty to the State itself. Unity could not be equated with uniformity; diversity should be regarded as enriching national life, not weakening it. His delegation urged that interest be revived in the special field of collective group rights.

It was well that expectations concerning the outcome of the present Conference should be sober. It was a fact that not many Governments were yet ready to accept international scrutiny of and intervention in the internal regulation of human rights in their countries. Nor did past history encourage the belief that the formulation of declarations or covenants could eliminate from the hearts of man the cruelty and greed, or the lust for power, privilege and domination, which lay at the root of the problem. The struggle for human freedom was never finally won. Yet it would be

wrong to be cynical or defeatist. By the most realistic assessment significant progress had been made by the United Nations in the last two decades, not least in the creation of a climate of international concern and a sense of international accountability transcending frontiers between States. At the present moment of taking stock, the steps forward already taken should be noted with satisfaction and an effort made to rise above the conflicts and overcome the barriers that divided man from man.

Mr. ENTEZAM (Iran) said that, while the present Conference commemorated a great anniversary, the relevant General Assembly resolutions and the agenda for the Conference showed clearly that it was not an institutional commemoration. On the contrary, the Conference was asked to evaluate the effectiveness of the work done by the United Nations and the specialized agencies in the field of human rights over the past twenty years. He himself had helped to prepare the Universal Declaration, and he was now asked to be a judge of what had been achieved since 1948; he was glad to welcome to Teheran a number of distinguished representatives who were in the same position. That showed the importance which States attached to the subject of human rights. He paid a tribute to those pioneers in the work that had led to the adoption of the Universal Declaration who were no longer living. The apostle of the peaceful struggle for respect for human rights - the Reverend Martin Luther King - would also be remembered long after his death.

The Universal Declaration had not only retained all its symbolic value but also had far-reaching moral and practical influence throughout the world. Inter-governmental treaties, national legislation, legal decisions and Constitutions referred to it and hundreds of millions of copies had been issued, in almost every language.

After twenty years, it was time for stock-taking. It was clear that the United Nations had done very useful work in the promotion of human rights, as the documents prepared by the Secretariat (A/CONF.32/5 and 6) showed. They gave a detailed description of the methods and techniques used by the United Nations and the specialized agencies and showed that they had fulfilled their commitments. An impressive number of declarations and covenants had given specific form to and supplemented the principles codified in 1948. It was now incumbent on States to accede to those instruments, to give them practical meaning at the national as well as the international level. The Conference should appeal urgently to all Member States to do so.

That was the positive side of the picture, however; in many parts of the world respect for human rights was not observed. Racism in its most hateful form, apartheid, was still practised in defiance of the decisions of the General Assembly and the Security Council. At a time when the most impressive scientific discoveries, particularly in the biological field, showed the absurdity of any racial prejudice, it was sad to see groups of human beings practising segregation of their fellow human beings because they were of a different ethnic origin.

In Asia, Africa and Latin America, hundreds of millions of human beings were threatened by the spectres of hunger and disease. That was unjustifiable in view of the immense possibilities afforded by technological progress. Vast numbers of men and women who lived in ignorance were unable to share in the benefits of education and culture.

It was true that the United Nations and the specialized agencies were very much concerned about that intolerable situation; but the action which they advocated was not commensurate with the injustices which had to be fought against, and their efforts came up against insuperable barriers. He hoped that the Conference would pay particular attention to that aspect of the problem. It was essential to identify the obstacles preventing the full implementation of human rights rapidly and to work out effective remedies for overcoming them. There was nothing worse than disappointed hopes, and the disinherited masses had heard too many speeches and promises. Now they expected decisive action.

He considered that under-development was one of the most important topics to be dealt with by the Conference. Moreover, the Preparatory Committee had asked the Conference to pay particular attention to human rights problems in developing countries. His delegation considered that the promotion of human rights was directly related to economic and social progress. Unless the conditions necessary to ensure the most basic human rights, the right to adequate food, to health and education, were created it would be impossible to ensure full enjoyment of human rights in two-thirds of the world. He recalled what H.I.M. The Shahinshah had said on the subject in his book The White Revolution of Iran and in his inaugural address.

The world was divided into two groups - the rich and the poor - and the gap between them was widening. The Development Decade had not fulfilled its promises, and little had been achieved by the second United Nations Conference on Trade and Development. A tremendous effort was required by both rich and poor countries to

ensure that all the under-developed countries achieved a level of life compatible with human dignity. The Conference should advocate greatly increased assistance to developing countries and should urge the developed nations to adopt a really bold attitude which would find an echo in the less-developed countries.

Iran, under the leadership of its sovereign, was engaged in a great pacific revolution. It had abolished the feudal system by land reform. It had started a general programme of industrialization and of mechanization of agriculture. It was waging war on illiteracy. Its efforts were bearing fruit. In the last three years the annual growth rate had averaged 11 per cent and it was generally held that Iran had started well.

But the nature of the problems now preoccupying mankind made it necessary to consider them on a global basis. The promotion of human rights required international and general action. The obstacles should be overcome simultaneously. The United Nations was faced with the greatest task in history, to evolve a new method of international co-operation involving general development. The implementation of human rights could not be separated from other aspects of development. In the developed world a revolution of the greatest importance was under way, and the under-developed peoples would derive benefit from that progress; but if they were to benefit fully from it they would have first to reach a certain level of development, and there was no certainty that they would. The Conference would have to work out a long-term plan to overcome the greatest obstacle preventing the attainment of full human rights. His delegation intended to make some specific proposals to the Conference on that subject.

Mr. WILKINS (United States of America) said that he was grateful for the opportunity of meeting in Iran, a focal point in world history, and enjoying the hospitality of a progressive sovereign dedicated to the achievement of human rights.

During the Second World War, President Roosevelt and Mr. Churchill had proclaimed the "Four Freedoms": freedom of speech, freedom of religion, freedom from want and freedom from fear, and all the human rights since enumerated were embodied within those four freedoms. Proclamation of the four freedoms during a total war had constituted a recognition of the truth later stated by President Kennedy, namely: what was peace but a matter of human rights? A secure peace could only be founded upon respect for human dignity. The authors of the four freedoms had recognized that civil and political rights and economic and social rights were interdependent and had enunciated the four freedoms to serve as an inspiration and a stimulus to the world.

In 1941, his country had possessed a political and civil framework within which injustice, though undeniably present, would not permanently endure; substantial progress had since been made towards fuller human rights. Outlining the path by which his country had progressed towards a fuller achievement of human rights, he said that in 1787, when the United States Constitution had been written, it had been very advanced for its time, but its protection had been limited to civil and political rights. From most of those rights one quarter of the population had been excluded as slaves and one half as women. In the 1860's, after the Civil War, the Constitution had been amended to abolish slavery, but the black man had soon found its promises illusory. Segregation, inequality and discrimination had persisted in other forms. From 1876 until 1947, the American ideal had remained a dream for the black man.

In 1947, shortly before the proclamation of the Universal Declaration, the report of the Civil Rights Commission had contained the revolutionary sentence: "Racial segregation must be eliminated from American life". An executive order had abolished racial segregation in all branches of the armed services in 1948, and from that date on the nation had moved from apathy to action.

In 1954 the Supreme Court had outlawed differentiation between citizens on the basis of race, and between 1957 and 1968, Congress had enacted five civil rights bills. Progressive as they were, those bills had not completed the fabric of human rights.

The attention focused by public information media on violations of human rights had destroyed apathy and spelt the eventual doom of discrimination in the United States. In 1964, federal law had opened up places of public accommodation to all Americans but the battle had not been completed, since poverty, often the end product of discrimination, prevented the enjoyment of newly-gained economic and social rights. The United States was now, however, beginning to implement the full range of economic and social rights, and despite the recent civil rights disturbances he had full confidence in the glittering future offered by his country to men of all creeds and races.

In the international field, more human rights had been proclaimed than had been implemented. The unlimited claim of national sovereignty was partly to blame; surely, under the United Nations Charter, no nation was entitled to wrong its own citizens. He did not agree with the view that the United Nations was not competent to discuss human rights violations except in Southern Africa, or in association with hostilities. His country, for example, had benefited from criticism in the United Nations forum. Much of it had been ill-informed, some even mischievous, but no actual harm had been done and much good had been accomplished.

What he had said did not detract from the United Nations efforts to wipe out colonialism and apartheid, and he predicted the end of apartheid in South Africa if South Africa were to survive. The United Nations, however, lacked the machinery to implement its human rights standards, and he had been deeply interested in the Costa Rican proposal for a United Nations High Commissioner for Human Rights.

At that meeting on the twentieth anniversary of the Universal Declaration of Human Rights he was confident that in another twenty years great progress would have been made. Although there would be national differences, there would be aspirations for equality and opportunity which would overleap all boundaries. Change, both domestic and international, would require a commitment to action - in the words of the President's National Advisory Commission on Civil Disorders, "a commitment to action - compassionate, massive and sustained - new attitudes, new understanding, and above all, new will". That commitment and will must mark the way internationally if the world was to fulfil the promise of the unprecedented step taken by the United Nations in 1948.

Mr. HEINEMANN (Federal Republic of Germany) said that nearly two decades had passed since the adoption of the Universal Declaration of Human Rights, a unique document of mankind's aspiration to freedom, and numerous international agreements had since confirmed the rights and freedoms which it proclaimed.

In his country, the universal significance of the International Year for Human Rights was recognized and respected. Only if the individual enjoyed the protection of human rights in his own country could those rights become effective in the international sphere and mutual trust reign in relations between nations.

Before the founding of the United Nations the securing of human rights had been a domestic affair of individual states, and international law had dealt only with relations between states. The transition from that epoch to the new epoch in which the individual came within the purview of international law was an extremely important stage of development. A similar trend could be observed within individual states, in that constitutional law now also concerned itself increasingly with the individual. That idea had been taken up with particular vigour in his own country due to the memories of a dark chapter in its history, and the Constitution enacted in 1949 proclaimed the principle of inviolable and inalienable human rights as the basis of every community, of peace and of justice in the world.

It was thus obvious that the principles of the Universal Declaration had to a large extent become a living reality in his country's law. The ideas embodied in article 8 of the Universal Declaration had been put into practice - a step which

constituted an almost revolutionary development in the protection of human rights. Any person in the Federal Republic of Germany who claimed that his basic rights had been violated could now go to an independent court before which all public authorities must account for their actions in the same way as ordinary citizens.

The wide freedom granted to citizens of his country sometimes enabled extremist groups to give expression to views which were not to the liking of his Government. That was part of the price paid for liberty and did not mean that such extremist groups in any way represented the majority of Germans. He agreed with the Ukrainian representative in his condemnation of Nazism but did not share his views on the importance of Neo-Nazism in Germany.

In addition to civil liberties which were safeguarded by the judicial system, fundamental social rights were safeguarded under his country's new legislation; it had therefore been possible for his Government to accept the European Social Charter with only minor reservations. His country had also made considerable efforts to ensure international control of domestic basic rights by ratifying the European Convention on Human Rights and Fundamental Freedoms, and the Supplementary Protocol to the Convention on the Guarantee of Property, of the Rights of Parents, and of Free Elections. The rights and freedoms guaranteed in the European Conventions gave to every individual in the country, whether German or alien, the right to assert his claims directly before national courts.

In addition, his Government had made separate declarations recognizing the competence of the European Commission of Human Rights to deal with individual complaints and subjecting itself to the jurisdiction of the European Court of Human Rights. The close relationship between the European Human Rights Convention and the European Social Charter on the one hand and the United Nations Covenants on Civil and Political Rights as well as on Economic, Social and Cultural Rights on the other, would make it easy for his Government to accede to those Covenants as well. The same was true of the United Nations Convention on the Elimination of all Forms of Racial Discrimination, which his Government intended to ratify in the near future.

His Government particularly welcomed the stress laid on the right of self-determination of nations in article I of the two Human Rights Conventions concluded in 1966. That right had opened up the way to independence for many States; moreover, it reaffirmed the right of those nations whose national unity had been torn

asunder by international events to decide freely about their political status and national unity. In that connexion he recalled the reference made by the President of the United Nations General Assembly in his message on the occasion of the International Year for Human Rights, to the need to guarantee respect for the personality of all nations and their right to choose their own social system without any interference from outside.

However gratifying the progress so far achieved, a really durable basis for peaceful co-operation between nations could only be created through constant progress in the field of human rights. Even today, twenty years after the proclamation of the Universal Declaration, acts were being committed which showed how much remained to be done for the full implementation of internationally recognized principles of human rights. The Conference should direct an appeal to world public opinion against force and cruelty in any form.

His Government supported the appointment of a High Commissioner for Human Rights and was convinced that a central agency of that kind would be of inestimable value.

With regard to racial discrimination, his Government, upon ratifying the United Nations Convention on the Elimination of all Forms of Racial Discrimination, had expressed itself as being fully in accord with the aims of that Convention, and it was determined to apply all its energy in counteracting any form of racial discrimination. His Government further intended to make a tangible contribution to the International Year for Human Rights by signing the 1966 Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights.

Mr. YAZID (Algeria), speaking in exercise of the right of reply, said that he felt bound to reject the unjustified attack made on the Arab States by an earlier speaker. The Arab States were inspired in their action by the highest humanitarian motives and could not be accused of injecting political considerations into the Conference's deliberations.

The meeting rose at 1.5 p.m.



SUMMARY RECORD OF THE SIXTH MEETING  
held on Thursday, 25 April 1968, at 10.55 a.m.

President:

H.I.H. Princess Ashraf PAHLAVI

(Iran)

REVIEW OF PROGRESS ACHIEVED AND IDENTIFICATION OF MAJOR OBSTACLES ENCOUNTERED, AT THE INTERNATIONAL, REGIONAL AND NATIONAL LEVELS, IN THE FIELD OF HUMAN RIGHTS SINCE THE ADOPTION AND PROCLAMATION OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS IN 1948, PARTICULARLY IN THE PROGRAMMES UNDERTAKEN BY THE UNITED NATIONS AND SPECIALIZED AGENCIES (item 9 of the provisional agenda) (A/CONF.32/4, A/CONF.32/5 and Add.1, A/CONF.32/7 and Add.1 and 2, A/CONF.32/8 and 9, A/CONF.32/10 and Corr.1, A/CONF.32/12, A/CONF.32/13 and Corr.1, A/CONF.32/16, A/CONF.32/L.9-11) (continued)

General debate (continued)

Mr. EL-SAYAD (United Arab Republic) said that for people all over the world the adoption of the Universal Declaration of Human Rights twenty years earlier had been as important an event as the adoption of the United Nations Charter. The present Conference should become another milestone along the path of human progress. It should examine not only the achievements of the United Nations in the field of human rights during the last twenty years, but also those areas where it had not been possible to achieve all the objectives and the reasons for failure. The United Nations had, for example, solemnly declared its responsibility for the people of South West Africa. Yet it had failed to implement that declaration because a Member State had defied its decisions. Failure to comply with United Nations decisions had since become a common phenomenon and it would be no exaggeration to say that it threatened the very existence of the United Nations.

It was the duty of the Conference to examine the causes of those failures, and it would be useful to set up a special working party for that purpose. Only by entrusting difficult questions to such small working parties could tangible results be achieved.

There had been several references to Israel in many previous interventions and there were likely to be many more. Having created Israel, the United Nations had a duty both to protect its offspring and to prevent it from harming others. The foundation of Israel had been marked by the assassination of Count Bernadotte, the United Nations representative in Jerusalem. As in the case of other later acts of violence, it had been said that the assassination had been the work of extremists: moderates, it seemed were carefully kept in the background in Israel.

At the 5th meeting, the spokesman for Israel had said that Mr. Jarring, the Special Representative of the Secretary-General, was carrying out a delicate task in seeking peace in the Middle East pursuant to the resolution adopted unanimously by the Security Council on 22 November 1967, but, perhaps unintentionally, he had failed to

mention what that unanimous decision of the Security Council had been about. Pursuant to the terms of operative paragraph 1 of that resolution, great efforts had been made to persuade the Israel authorities to accept that resolution, but they had persistently refused. Acceptance of it would be a much more convincing sign of good faith than merely to consent to meet the representative of the Secretary-General. The historical references that the Israel representative had made to the condition of the Jews allegedly enslaved in Egypt under the Pharaohs could hardly be taken seriously and, in any case, he might have done well to recall that Abraham was the forefather of the Arabs and the Jews. The Conference had not been convened to discuss ancient history or even political problems on which the Security Council had made the most emphatic and irrevocable pronouncements. Its duty was to deal with all matters affecting human rights and that was why the delegation of the United Arab Republic felt it had a duty to draw the attention of the present Conference to the gross violations of such rights in the areas under Israel's occupation.

Those violations had been reported in several newspaper articles, including one by Mr. Michael Adams, published on 26 January 1968 in The Guardian, a newspaper well known for its Zionist sympathies, and another in The Observer which corroborated what had been said in The Guardian; on 14 March 1968 The Times had published a letter from Mr. Shimon Tzabar, who expressed surprise that the Israel authorities could deny the charges of discrimination against Arabs in the occupied territories.

The Commission on Human Rights had been distressed by those reports and had taken an exceptionally drastic step in sending to the Government of Israel, through the Secretary-General, a telegram expressing its deep anxiety about the treatment to which the Israel authorities were subjecting the Arab civilian population in the areas occupied after the hostilities of June 1967 and calling upon the Government of Israel to desist from such practices and to respect human rights and fundamental freedoms.

If the Commission on Human Rights felt it had to take such a step, surely it was the duty of the Conference to give special attention to those violations of human rights. For that reason, he suggested that a working party should be instructed to examine all the reports and evidence so that the Conference, in full knowledge of the facts, might submit a resolution on the subject to the General Assembly.

Mr. PATIJN (Netherlands) said that the International Year for Human Rights and the Conference should provide the opportunity not only for the expression of satisfaction at the successes achieved in the field of human rights since 1948 but also, and particularly, for appealing and warning countries against the increase of violence and brutality which were the worst advocates of the cause of human rights. His delegation hoped that the Conference would make a positive contribution to strengthening universal respect for human rights and the commitments embodied in the Charter and that it would not degenerate into a sterile political debate or a kind of exercise in recrimination in which each representative would give vent to his ill-feeling. All were aware, however, that there were few countries which had never infringed the principles now laid down in the standards established for human rights by the United Nations.

Although the United Nations had made progress in establishing standards for the respect of human rights - and in that respect emphasis should be placed on the value of the Universal Declaration of 1948 and the International Covenants adopted in 1966 - the time had come, as had been pointed out by Mr. Elias of the Federation of Nigeria (A/CONF.32/L.3), to pass from legislation to practical action and to set about the establishment of the machinery required for the implementation of the human rights and basic freedoms which the United Nations had defined in its various instruments. For that purpose, two means could be employed: the first would be based directly on the United Nations Charter and the second on the additional international treaties. Unfortunately, as was clear from a document prepared by the United Nations Institute for Training and Research (UNITAR) (A/CONF.32/15), few States had as yet acceded to or ratified those treaties. As the document suggested, it would be advisable to seek first the means to facilitate wider acceptance of the existing treaties instead of contemplating the drafting of new ones. The time was not ripe for the establishment of new international machinery or for recourse to new procedures to ensure the protection of human rights, firstly because, as Mr. Cassin had rightly remarked in an article in the December 1967 issue of the Journal of the International Commission of Jurists, the initiation of too many devices and procedures was liable to cause duplication of work and to encourage inertia on the part of Governments reluctant to ratify the 1965 Convention and the 1966 Covenants, and, secondly, because the institution of machinery which appeared perfect in theory but which was not viable in practice should be avoided.

The long experience of the International Labour Organisation (ILO) showed that the supervision of the application of human rights standards by international bodies was a gradual process which pre-supposed mutual confidence. As the Director-General of the ILO had stated in his report to the Conference (A/CONF.32/9, p.24), the competent committees had "done their utmost to ensure, by persuasion as well as exerting their moral authority, that governments make a constructive contribution towards bringing about fuller application of these standards".

To sum up, emphasis should be placed on the importance of an early and effective implementation of the International Convention on the Elimination of all Forms of Racial Discrimination and of the International Covenants, so that a practice of international supervision of existing human rights standards could develop with the minimum delay in an atmosphere of confidence and co-operation. Pending the establishment - which seemed premature for the time being - of an International Court of Human Rights with full jurisdiction on a world-wide scale, all means of ensuring the protection of human rights at a regional level should be applied, including the establishment of regional human rights courts, on the understanding that the functions of the regional bodies and of the world bodies would complement each other.

His delegation considered that there were two initiatives which would have a beneficial effect within the United Nations framework: the first, already proposed to the General Assembly by the Economic and Social Council, would consist in the institution of a United Nations High Commissioner for Human Rights, whose main task would be to promote human rights by giving advice and assistance, by providing expert services and by making recommendations where appropriate; the other possibility would be to establish a central body on human rights of the same rank as the Economic and Social Council and the Trusteeship Council. The Commission on Human Rights was apparently unable to perform certain essential functions, while the Economic and Social Council made no substantial contribution in the field of human rights, with the result that the Third Committee of the General Assembly was overburdened with drafting work to the detriment of its other social, humanitarian and cultural tasks. Such a central body would be able to remedy the deficiencies of the present structure, secure a better co-ordination within the United Nations system and among the regional organizations, and make it possible to deal with human rights affairs at the high level which they deserved.

Mr. BRNCIĆ<sup>X</sup> (Yugoslavia) stated that the establishment of the United Nations after the turmoil of the Second World War reflected the aspirations of mankind towards the political, economic and social development of individuals and peoples and the firm resolve of the nations to build a peaceful world based on respect for human dignity. The Universal Declaration of Human Rights had marked a fresh step towards that goal; it was encouraging to note that public opinion, a powerful force for peace and progress, was becoming increasingly aware of the importance of the principles proclaimed therein, and that those principles were gradually being embodied in national constitutions and laws. Yugoslavia, for its part, had done its best at the national level to protect human rights - not only political rights but also economic, social and cultural rights; at the international level, it had for years championed the cause of peaceful co-existence, advocated the establishment and development of all forms of international co-operation on the basis of mutual respect and friendship, supported peoples struggling for independence and rejected the use of force in international relations.

In spite of the progress achieved over the past twenty years, there were still many situations which not only were incompatible with the principles solemnly proclaimed and the obligations officially assumed but were a direct and overt violation of human rights and of the rights of nations. Mankind should effectively condemn wars of aggression, colonialist policies, racial discrimination and apartheid and stamp out all those centres of unrest which at the present time were a terrible threat to world peace. The Viet-Nam war and the Middle East situation were the most striking examples, together with the fatal policies pursued in South Africa, Southern Rhodesia and the Portuguese colonies, despite the Conventions which had been signed. It was in the countries most cruelly visited by poverty and hunger that human rights were most flagrantly flouted by those who enjoyed a higher standard of living. All progressive forces throughout the world should therefore agree on a specific programme of action, the broad outline of which should be mapped out at the present Conference. The Yugoslav delegation would be glad to assist in that undertaking. Efforts should in the first place be focussed on the establishment of material conditions calculated to promote the development of the economic and social rights of individuals; the Final Act of the Conference should stress that highly important facet of the problem. At a time when mankind was threatened with unprecedented disaster, there was no nobler task than to work for the preservation of peace, which was the vital prerequisite for the continuation of modern civilization and the effective promotion of human rights.

Prince Sadruddin AGA KHAN (United Nations High Commissioner for Refugees) said that the world was witnessing a recrudescence of selfishness, intolerance and discrimination, which had caused particular suffering to the millions of unfortunate people who had been forced to flee their country to escape persecution. Persecution did not always take the extreme form of a threat to life and liberty. It was also persecution when a person was hindered in the exercise of his economic activity because he belonged to a particular social group or a particular religion or because of his ethnic origin. It had unfortunately to be recognized that the causes of the refugee problem were not diminishing and that doubtless many people would continue to seek asylum outside their own country. The Universal Declaration of Human Rights granted them that basic human right in Article 14, which stated "Everyone has the right to seek and to enjoy in other countries asylum from persecution". The granting of asylum to those whose lives and liberty were threatened had always been regarded as a moral duty on a par with the obligation to assist anyone in physical danger. In other words, the act of granting asylum was basically a humanitarian gesture, not a political one. Not until 1967 had the nations managed to agree on a new declaration, which gave Article 14 a new dimension: the Declaration on Territorial Asylum, unanimously adopted by the General Assembly on 14 December 1967 (resolution 2312 (XXII)), setting out a whole series of basic principles. That Declaration, however, like the Universal Declaration of Human Rights, was not a legally binding instrument. Of course, a number of States had provisions relating to asylum in their legislation, similar to those appearing in the Declaration on Territorial Asylum, but many others had not. There was therefore an important field for action open to the Governments and Parliaments of all nations during the International Year for Human Rights, and he had been glad to hear that several regional organizations were drafting legally binding instruments on asylum.

He also wished to draw attention to an international instrument which had force of law and to which fifty-three countries had acceded: the 1951 United Nations Convention relating to the Status of Refugees, which, by incorporating the principle of non-refoulement ensured that no refugee would be returned to a country where he feared persecution. The Convention was based on the principle that all men, without distinction, should enjoy fundamental rights and freedoms. It contained provisions against refoulement, stated the conditions for being granted the status of refugee, and outlined a standard of treatment that guaranteed fundamental freedoms to refugees and gave them the possibility of participating in the economic and social life of the country of asylum. Experience

had shown that that instrument afforded a basis of humanitarian action applicable everywhere, the more so in that it had now been supplemented by the 1967 Protocol, which extended its scope to persons who had become refugees as a result of events subsequent to 1 January 1951.

The international community would be making a positive contribution to respect for human rights if all Governments acceded to the 1951 Convention and the 1967 Protocol and to the various other international instruments mentioned in the report that his Office had submitted to the Conference (A/CONF.32/12). A general accession to those instruments would have moral and psychological repercussions on the behaviour of nations in regard to refugee problems and would help to remove the political aspects of those problems and to reduce tension by creating more favourable conditions for peace and understanding.

Turning to the problems of the refugees in Africa, he paid a tribute to the spirit of solidarity displayed by the Governments of African countries in so generously accepting refugees despite the burdens which that imposed upon them. That attitude had enabled the Office of the High Commissioner to devote itself fully to the resettlement of the refugees, who could thus be given an opportunity of participating in the task of development on which depended the future of the African continent. Obviously the most satisfactory solution of the refugee problem was their voluntary return to their own country, but that was in many ways a delicate matter. There were at present no universally recognized rules governing the voluntary repatriation of refugees, nor was there any international provision guaranteeing the refugee full security on his return home. Moreover, there was no internationally recognized principle whereby Governments for whom the return of refugees meant serious material difficulties could have a moral claim to the assistance of the international community. He appealed to all Governments, and particularly to the United Nations specialized agencies and to Governments which had bilateral aid programmes in the countries concerned to give sympathetic consideration to any appeals which might be addressed to them by Governments which needed help in resettling their returning nationals. Moreover, the refugee who elected to settle in another country should not be condemned to remain a refugee all his life. A family which was permanently settled and participating fully in the economic and social life of the country of election should have the possibility to become a full member of the national community.



To expedite the naturalization of refugees was a fitting task for the International Year for Human Rights. The Executive Committee of the Office of the High Commissioner had expressed the hope that during that Year governments and organizations would bear in mind the refugee problem, with special emphasis on asylum, non-refoulement and accession to legal instruments of benefit to refugees. It was in that area that the Office of the High Commissioner was actively co-operating with other United Nations organizations, including more especially the Commission on Human Rights and with non-governmental organizations the Council of Europe and the ad hoc Committee on Non-Governmental Organizations in Geneva. The recommendations prepared for the Conference by the non-governmental organizations were of special importance to the work of the Office of the High Commissioner.

Mr. LANNUNG (Denmark) noting that the provisional agenda called for an evaluation of the effectiveness of methods and techniques employed in the field of human rights at the international and regional levels, said he would like to comment on the regional aspect, on the basis of his own experience as Chairman and Rapporteur of the Legal Committee of the Assembly of the Council of Europe and as a representative at the United Nations General Assembly.

The report submitted to the Conference by the Council of Europe (A/CONF.32/L.9) gave an excellent account of the implementation of both the European Convention on Human Rights signed at Rome in 1950 and the European Social Charter of 1961, designed to protect economic and social rights. The European Convention was based on the Universal Declaration and constituted the "first steps for the collective enforcement of certain of the rights stated in the Universal Declaration". The success of the European experiment was, moreover, due to the fact that the Convention and its first Protocol not only protected the rights and freedoms of all persons within the jurisdiction of the Contracting Parties but also set up international machinery of control to ensure that the obligations were respected. The European Commission of Human Rights examined complaints brought by individuals against States which recognized the right of individual petition and by States against other States. The cases were referred for a final and binding decision to the European Court of Human Rights or the Council of Ministers.

That experience had proved that it was easier to set up effective machinery for the protection of individual rights on a regional than on a world-wide basis, and the recent case brought by Denmark, Norway, Sweden and the Netherlands against the Government of Greece had shown that disputes between States could also be dealt with within a regional framework. Furthermore, there need be no conflict between a regional arrangement and a world-wide system. The Charter of the United Nations, which recognized the resort to "regional agencies or arrangements" (Article 33), invited countries to "make every effort to achieve pacific settlement of local disputes through such regional

arrangements or by such regional agencies before referring them to the Security Council" (Article 52), and the International Covenant on Civil and Political Rights recognized that its provisions "shall not prevent the States Parties ... from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them" (Article 44). A series of regional conventions throughout the world could relieve the United Nations Commission on Human Rights of an excessive burden of work and the Covenant could then be held in reserve for cases where a suitable regional remedy did not exist or where the right concerned was not covered by the regional convention, and also for the settlement of disputes between States which were not parties to one and the same regional arrangement.

That method had recently been recommended by conferences of lawyers in Africa and Asia, and at its twenty-third session at Geneva in 1967, on the proposal of five African States, the United Nations Commission on Human Rights had adopted a resolution (resolution 6(XXIII)) in which, "noting that two regional inter-governmental commissions on human rights have been established for many years [in the Council of Europe and the Organization of American States] and believing that it is timely to give encouragement to the formation of regional commissions on human rights within or outside the United Nations system", it had decided "to set up an ad hoc Study Group of eleven of its members ... to study in all its aspects the proposal to establish regional commissions on human rights within the United Nations family ... and report to the twenty-fourth session of the Commission". The Study Group had met in New York in January 1968 and had submitted a report (E/CN.4/966) to the Commission on Human Rights. After taking note of the report, the Commission had decided to transmit it for comment to Governments. It would appear to merit examination and discussion by the Conference.

Under item 11 (f) of the provisional agenda, the Conference might consider the setting up of international machinery for the effective implementation of international instruments in the field of human rights. The institution of regional machinery would not involve any modification of the definition of the rights to be protected; the various regional conventions could develop the contents of the definitions, thus helping to build up a universal system to provide citizens throughout the world with the protection of which they stood so much in need.

The PRESIDENT invited the representative of the Organization of American States (OAS) to address the Conference.

Mr. BIANCHI (Organization of American States) said that in response to the invitation in resolution 2081 (XX) adopted by the General Assembly on 20 December 1955, OAS had transmitted a report to the Preparatory Committee for the Conference A/CONF.32/L.10). In his capacity as President of the Inter-American Commission on Human Rights, he would like to give a brief survey of the progress made by that body since its establishment in 1960.

Appreciating the duties inherent in its two-fold terms of reference - covering both the promotion and defence of human rights - the Inter-American Commission had undertaken studies on the following subjects: the effect of economic, social and political factors on human rights; the improvement of electoral methods and measures designed to guarantee the freedom, integrity and political effectiveness of the right to vote; the most effective means of protecting human rights in the American States through the courts; action to expand and guarantee freedoms with respect to research, opinion, speech and the dissemination of ideas; the rights of the child; the state of siege and human rights; the right of petition in the American countries; fundamental human rights; and peace and human rights. As an advisory organ of OAS the Commission had submitted to the Council studies and reports on the draft Inter-American Convention on Human Rights drawn up in 1959 by the Inter-American Council of Jurists and in 1967 had compared the draft with the drafts submitted by the Governments of Chile and Uruguay at the Inter-American Conference held at Rio de Janeiro in November 1965. It had also compared the draft with the European Convention for the Protection of Human Rights. It had further endeavoured to promote the establishment of national commissions on the American continent and had decided to organize a series of courses on human rights in various universities. The first series of lectures, scheduled for the coming November, would be given at the Free National University of Mexico by professors of international repute. Whenever the Commission had met away from its usual headquarters, its members had taken advantage of the occasion to give lectures, especially in university circles.

In the narrower field of protection of human rights, the Commission had had occasion to take effective action in the Dominican Republic, in the dramatic circumstances following the death of President Trujillo and the revolution of 1965. For fourteen months it had worked to further respect for human dignity by visiting prisons, camps, hospitals and courts of law and by inducing the two opposing Governments to make categorical commitments. It had left the territory of the Dominican Republic only when free elections had produced a constitutional Government. Apart from that very dramatic

case, it had had to deal with thousands of complaints submitted to it and in every instance it had requested clarification from the Governments concerned to enable it to evaluate the petitions placed before it. In some cases it had recommended Governments to bring their legislation into line with the provisions of the American Declaration of the Rights and Duties of Man.

He had no doubt that the present Conference, with 123 States represented, would find in the contemplation of the progress made over the past twenty years a challenge for the future and encouragement to persevere with the international protection of fundamental rights and freedoms, which was the primary guarantee of peace and development for mankind.

Mr. BONI (Ivory Coast) said that nations had never been so concerned about human rights as in the second half of the twentieth century. The Teheran meeting, whose purpose was to seek ways and means of applying the principles set forth in the Universal Declaration of Human Rights, was signal proof of that. Nevertheless, man had never been so much held in contempt, ill-treated and tortured. True, efforts had been made, sometimes with success, to improve the lot of human beings. International bodies such as the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO), the Food and Agriculture Organization of the United Nations (FAO) and the ILO, had joined efforts to that end and the fact that nations recognized the need to co-operate in seeking ways and means of enabling the under-privileged to achieve a minimum of material well-being represented considerable progress. However, crimes continued to be perpetrated against the human person and against mankind. Admittedly, in all the countries throughout the world people were reacting against such misdeeds, and a sort of common denominator of moral censure was emerging. It would be useful if the extent of that common denominator could now be determined, and a list drawn up of the acts unanimously reprobated and condemned by all men worthy of the name. It would then be easy to institute an international system for investigating and stamping out those acts. At the outset, such an organization would of course have very limited competence and powers; but it was better to act immediately in a restricted field than to cherish the ambition to settle the problem as a whole without the means of doing so.

The international organization in question might include, under the auspices of the United Nations, a central study and documentation body to be set up by a human rights council as proposed by the International League for the Rights of Man. The competent jurisdictional body might be the International Court of Justice. The central United Nations body would be instructed to draw up general documentation, to carry out studies and to keep a sort of dossier of human rights. Complaints would be placed before that body by States and even, under rules to be laid down, by individuals. It would consider the complaints and ask its regional representatives, acting as examining magistrates so to speak, to investigate them. The investigation procedure followed by the regional representatives would, of course, have to be established in the light of the problems posed by State sovereignty. The central body would then meet in general assembly to decide whether the case should be filed or pursued. If the case was filed, no publicity would be given it. If the case was pursued, the central body would transmit the file to the International Court of Justice, which would pass judgement. In present circumstances, the Court could not be given genuine powers of enforcement. The legal decision would therefore be no more than a universal declaration of guilt pronounced against those perpetrating violations of human rights, who would thereby be so to speak pilloried by the nations. On the basis of that declaration of guilt, each State would through its own legal system apply the penalties provided for in its municipal law for the acts in question.

Quite clearly, the adoption and establishment of such a system would necessitate studies and the drafting of texts concerning two matters: first, definition of acts involving the competence of the jurisdictional body thus provided for, and second, rules for the organization, functioning and procedure of the system. Two working committees might be established, one to define those basic international infringements of human rights, and the other to establish the necessary organizational structure.

It was high time that rules of law were drawn up for the suppression of violations of human rights. If an agreement could be reached on a system such as that proposed, the Conference would have done much for universal peace.

Mr. COMAY (Israel) said he had hoped that the disputes and controversies of the previous day would die down, but he realized today that his optimism had been unfounded. Further accusations had been made against Israel, and he was regrettably compelled once again to use his right of reply in order to set the record straight.

The representative of the United Arab Republic had proposed that the Conference set up a special study group to examine the thorny questions which placed certain countries at loggerheads, such as the problem of refugees and the Israel-Arab conflict.

Such a procedure was inadmissible since the Conference was not competent to deal with political questions at present before the Security Council and the United Nations General Assembly.

He recalled that in the 1940's, 75,000 to 80,000 Jews had been living in Egypt. In 1967, on the eve of the Israel-Arab war, their number had dwindled to 2,500; all the rest had sought refuge in other countries because they were being persecuted. When the war broke out, most of the Jews still in Egypt were interned in concentration camps, where they were ill-treated and half-starved; the rest were expelled and forced to abandon all their possessions. There were 250 Jews still in custody in such camps. If study groups were to be set up as suggested by the representative of the United Arab Republic, they might take up those matters.

In the field of human rights, Israel was prepared to compare its achievements with those of any Arab country. In the Gaza Strip, for example, the Israel armies had found a distressing situation. At present, calm and order reigned in the Israel-held areas. There was no restriction on the movement of individuals, farmers went on peacefully tilling their land; schools were open; markets were well stocked; and the majority of Arab officials had kept their posts. Naturally there were still emotional problems, and people were worried about the future, but the situation was better than it had been a few months earlier. Despite all the difficulties, Israel would continue its work in that area, along the lines of the General Assembly resolutions, until peace was restored.

The representative of the United Arab Republic had spoken at great length on the Security Council resolution of 22 November 1967 and had read out the first operative paragraph. Israel accepted the central theme laid down in that resolution for the establishment of a just and lasting peace; the issue of withdrawal was placed by the resolution within such a framework of peace and not as a prior condition to settlement.

The representative of Syria had quoted an extract from an obscure publication alleging that an unnamed Israel soldier claimed to have witnessed atrocities committed by Israel's armies. Such reports should be treated with the contempt they deserved.

Finally, Arab delegations had spread the rumour that Israel had sought to be elected as one of the Vice-Presidents of the Conference, but had withdrawn for fear of a boycott by the Arab countries. He categorically denied the rumour; his country was not a candidate for any office at the Conference.

Mr. EL-SAYAD (United Arab Republic), exercising his right to reply, referred to the accusations against the United Arab Republic concerning ill-treatment of the Jews in its territory. He flatly rejected such accusations, which were belied by the evidence of persons of international standing.

The Government of Israel had issued currency in the occupied Arab territories in contravention of international law. The Government of the United Arab Republic strongly protested against that unlawful practice.

With regard to conditions in the Gaza Strip, he recalled that it was Arab land and that all Arabs were brothers.

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The meeting rose at 1.25 p.m.

SUMMARY RECORD OF THE SEVENTH MEETING  
held on Thursday, 25 April 1968, at 3.45 p.m.

President:

H.I.H. Princess Ashraf PAHLAVI

Iran



REVIEW OF PROGRESS ACHIEVED AND IDENTIFICATION OF MAJOR OBSTACLES ENCOUNTERED, AT THE INTERNATIONAL, REGIONAL AND NATIONAL LEVELS, IN THE FIELD OF HUMAN RIGHTS SINCE THE ADOPTION AND PROCLAMATION OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS IN 1948, PARTICULARLY IN THE PROGRAMMES UNDERTAKEN BY THE UNITED NATIONS AND SPECIALIZED AGENCIES (item 9 of the provisional agenda) (A/CONF.32/4, A/CONF.32/5 and Add.1, A/CONF.32/7 and Add.1-2, A/CONF.32/8-9-10, A/CONF.32/12, A/CONF.32/13 and Corr.1, A/CONF.32/16; A/CONF.32/L.9-11) (continued)

General debate (continued)

The PRESIDENT invited the Observer for the League of Arab States (LAS) to address the Conference.

Mr. NOFAL (League of Arab States) drew the attention of the Conference to the reports that had been distributed outlining the activities of LAS in the field of human rights.

The LAS had been set up on 22 March 1945, a few months before the United Nations, and shared with the latter its principles and concepts and the circumstances which had led to its creation. During the past twenty-three years it had achieved considerable success in guaranteeing the economic, social and cultural rights of man. Multilateral agreements had been concluded on economic and cultural unity, on the establishment of an Arab common market, and in health, labour and social affairs. Co-operation between LAS and the United Nations was covered by an exchange of correspondence, and agreements had been concluded with the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Food and Agriculture Organization of the United Nations (FAO), the World Health Organization (WHO) and the International Labour Organisation (ILO). In addition, in commemoration of the International Year for Human Rights, a permanent commission for human rights had been established.

The Arab countries were following the work of the present Conference with keen interest, the more so because the history of the Arabs had been a long struggle for the defence and fulfilment of human rights. Their interest in the subject stemmed from a constant aggression, which had reached its climax in an unprecedented violation of the rights of the Arab man. In the middle of the twentieth century the people of Palestine had been subjected to an aggression which had evicted half of them from their homeland and usurped their sacred right to live in their country and to own their land. For twenty years the minority which had remained in occupied territory had been subject to martial law and racial discrimination. In 1967 the rest of the Palestinian people had been exposed to a worse aggression, as a result of which the remaining part of their homeland had been occupied. Half a million Arabs had been rendered homeless and three Arab countries had been attacked. The acts committed against humanity during the past ten months exceeded in atrocity the Nazi and Fascist crimes.

The present Conference had been convened by the United Nations, which had adopted several resolutions condemning the violation of the rights of the Arab man. Yet the forces of aggression were still challenging the United Nations, violating human rights and international laws and values. The LAS therefore hoped that the Conference would contribute to the restoration of the Arab man's rights in Palestine and the occupied territories around it, and would take positive steps to protect human rights in every part of the world where they were being violated.

Mr. KAMENOV (Bulgaria) said that although his country had not been a Member of the United Nations in 1948 and consequently had been unable to take part in the preparation of the Universal Declaration of Human Rights, it had supported the many measures connected with its application. Bulgaria's interest in human rights was a natural concomitant of its socialist system, which reflected the great ideals of freedom, fraternity, equality and well-being for all. The struggle for socialism was inseparably linked to the struggle for democracy and for the liberation and fulfilment of the individual. It was untrue to say, as certain critics of Marxism had maintained, that socialist countries were partisans of violence and destruction. Whenever the conditions existed for peaceful development towards socialism, the working class and the socialist parties had always chosen peaceful means. The fight for national liberation of colonial peoples was a case in point: it was only because the colonialists had resorted to violence that the colonial peoples had been obliged to take up arms.

The chief task of Marxists in human rights was to give practical expression to rights and freedoms, which were often formally recognized in the constitutions and laws of capitalist countries but generally remained a dead letter. The chief obstacle to the fulfilment of human rights in the capitalist countries lay in the very nature of capitalism, which as an economic and social system transformed those rights in most cases into a pure formality. The constitution and laws of the People's Republic of Bulgaria, on the other hand, recognized and guaranteed to citizens all the rights and freedoms set forth in the Universal Declaration and allied texts. It was true that most of those rights had also existed under the former bourgeois Constitution, but as a result of the different conditions then obtaining they had been meaningless. For example, under the capitalist system, the right to education had held no meaning for the children of millions of workers and peasants, who could not afford to send their children to school and had often been obliged to put them to work for the upkeep of the family. At the present time the right to education in Bulgaria was a real right extended to all children. Illiteracy had been

practically eradicated and more than 20 per cent of the population were receiving education. The same could be said of the right to employment, which had been an empty phrase for tens of thousands of unemployed workers under the former capitalist system. In other words, under one system rights and freedoms had a purely formal sense, while under the other there were genuine guarantees of their application in practice.

Discussions between representatives of the two different systems and the criticisms they levelled at each other could be constructive only if each side bore in mind the basic differences between them. The representatives of socialist countries had to realize that the capitalist system restricted the actual implementation of certain human rights for broad sections of the community, while the representatives of the western countries had to realize that under the socialist system there were no opposed classes and exploitation had been eliminated. The socialist State represented the supreme form of public organization, in which the interests of society and the individual were united and harmonized. Whichever system was preferred, it was useless to try and impose the principles applicable to one upon the other.

The main task of the Conference was to draw the attention of public opinion to the worst violations of human rights. In Viet-Nam the most fundamental rights were being being trampled underfoot and no civilized man could close his eyes to the acts of barbarism which were being committed upon the heroic Vietnamese people. The second black spot in the list of violations of human rights was racial discrimination and its most degenerate form - apartheid. The United Nations had condemned racial discrimination as a crime against humanity and had denounced apartheid as an international crime and a threat to peace. Nevertheless, racial discrimination was still rampant in certain former colonial territories and was becoming an increasingly serious problem in some civilized countries. The weak point in the struggle against apartheid was the failure to apply the sanctions that had been decided. It was to be regretted that certain western Powers were blatantly violating the resolutions of the United Nations, thus robbing sanctions of their effectiveness. The Smith regime in Southern Rhodesia and the racialist Government of South Africa had managed to stay in power only as a result of the political, economic and military aid given by certain western countries. In addition, the most shameful form of colonialism was still practised in such countries as Angola, Mozambique and so-called Portuguese Guinea. A further problem arising from the violation of human rights was that of the Arab refugees, who were obliged to live in conditions unworthy of human beings. The most astonishing fact for the present generation, which had witnessed the barbaric treatment of the Jews

by Hitler, was that the Jews themselves had become the agents of racism and aggression. It was high time to put an end to the intolerable situation created by Israel's aggression in the Near East. Lastly, neo-Nazism was a further danger now threatening human rights and freedoms.

The Bulgarian delegation considered that the Conference should make an appeal to all countries which had not yet signed or ratified the United Nations instruments and texts on human rights to do so as soon as possible. It was absolutely essential to take effective steps to ensure compliance with the resolutions concerning racial discrimination and apartheid, the liquidation of the aftermath of colonialism and the application of economic sanctions, and to adopt new measures to that end. The Bulgarian delegation hoped that the Conference would find a way of overcoming the obstacles to the application of the principles of human rights so that the present meeting would be known as the historic Conference of Teheran.

The PRESIDENT invited the Observer for the Council of Europe to address the Conference.

Mr. MODINOS (Council of Europe) said that from its inception and in accordance with its Statute the Council of Europe had been associated with the United Nations. Furthermore, when the General Assembly had adopted the Universal Declaration of Human Rights, the Council of Europe had been the first to respond by drawing up the European Convention on Human Rights. Signed on 4 November 1950, the European Convention had for the first time in the history of law provided for collective enforcement and set up international organs to ensure the observance of the engagements undertaken by States. It had been followed on 18 October 1961 by the European Social Charter. For their part, the United Nations and the specialized agencies had produced a series of agreements and conventions which formed an impressive corpus of human and social law, supplemented by the Covenant on Civil and Political Rights, the Optional Protocol thereto and the Covenant on Economic, Social and Cultural Rights. It was clear that the same spirit inspired all those instruments, which were inter-related and complementary. Any rivalry between them was unthinkable.

The Council of Europe considered that the regional protection of human rights was bound to further the purposes of the United Nations covenants, since what could not be achieved at world level might be accepted by a group of States. Having the same customs, usages and interests, countries of a single region could more easily

bind themselves together by treaty obligations. A comparison of the enforcement system established by the European instrument with that provided for in the Covenant on Civil and Political Rights would demonstrate that fact. At Strasbourg any application lodged by a contracting party or an individual person led to an "opinion" of the European Commission, followed by a "judgment" of the European Court or a "decision" of the Committee of Ministers. Under the European system each complaint was investigated and judged. That action at the regional level could not but further the efforts made at the world level.

It was of vital importance to avoid any conflict which might arise between the various instruments designed for the protection of human rights and freedoms. Conflicts of jurisdiction or discrepancies in the definition, interpretation or application of the same right could only bring confusion into a subject which ought to be clear and precise. He therefore thought that the time had come to set up an international centre for documentation and information on the whole question of instruments and bodies concerned with human rights.

The Council of Europe's report (A/CONF.32/L.9) explained at length the workings of the European Convention on Human Rights and the European Social Charter. Those two instruments were timely reminders that political democracy could not exist without social democracy. They had led to an innovation in international law inasmuch as certain countries had brought their Constitutions and laws into line with them. The whole concept of national sovereignty was modified if the jurisdiction of the European Court was accepted. By 30 March 1968 the Secretariat of the European Commission had registered 3,570 applications from individuals and seven applications by States. The Commission had already given more than 3,000 decisions on the admissibility of those applications and after investigation had formulated fifty opinions on whether or not there had been a violation of the Convention. So far, the European Court had given two judgments, while there were five other cases pending. The Committee of Ministers had taken nine decisions to date. Although some delays and shortcomings had arisen in the operation of the Convention, nobody could deny its effectiveness. It could even be affirmed that among European States, human rights and freedoms now had the force and quality of international constitutional rules. What was being done at the Council of Europe must necessarily serve the protection of the same rights and freedoms at world level. In that connexion, he wished to stress

the importance of the right of individual appeal. After all national sources of redress had been exhausted, the individual should have the right to appeal to an international body and, in his opinion, a judicial organ was better placed to judge such issues than a political one.

The participation of the Council of Europe in the International Year for Human Rights was a further token of its loyalty to the United Nations, which had been officially recorded in resolution 314 of the parliamentary Assembly of the Council of Europe and in resolution (67) 15 of the Committee of Ministers. The Council of Europe considered that a common respect for social and political rights was the best, indeed the only, way of securing peace within and between States.

Mr. NÚÑEZ ARISTIMÚÑO (Venezuela) said that his Government welcomed the holding of the present Conference on Human Rights, for it considered that discussion of human rights would further friendly relations between States.

The individual had for a long time been ignored in international law. Towards the end of the eighteenth century, however, there had been certain pronouncements in which the rights of the individual as a citizen of the world, independently of his status as a citizen of a State, had been recognized. Slowly but surely that idea had gained ground and had been expressed in various declarations, beginning with the American Declaration of Independence in 1776. Later the constitutions of the South American nations had incorporated the same ideas.

The rights of citizens were expressed in most constitutions of the present day, but they were not guaranteed because of a lack of adequate instruments to provide for their effective implementation. The provisions were usually unilateral and had no backing in sanctions if the rights of the individual were violated, especially by the State itself.

The adoption in 1948 of the Universal Declaration of Human Rights had been a great step forward in fulfilment of the determination expressed in the Preamble to the United Nations Charter to reaffirm faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women. The Declaration had its sole foundation in the belief that the contracting States would not confine themselves to statements. It was true that some international jurists of repute held the Declaration to be a text of international law, but some States maintained that it had only moral force. In practice, States had done little

to advance the cause of human rights since 1948 and it was for that reason that, in 1965, the General Assembly had decided to convene the present Conference to evaluate the effectiveness of United Nations methods in the field of human rights and to prepare a programme to be undertaken subsequent to the celebrations of the International Year for Human Rights.

His country hoped to co-operate in providing firmer foundations for human rights by formulating guarantees which would make those rights a reality. As a member of the Organization of American States (OAS), Venezuela had agreed to promote human rights. Moreover, since the beginning of the nineteenth century the Venezuelan Constitution had contained express provisions for the maintenance of the rights of the individual. In particular, the present Constitution included a promise to co-operate with other nations in securing the rights of the individual. Moreover, it stated that the enumeration of certain rights did not mean that others which, being inherent in the human person, were not explicitly mentioned could be disregarded.

The aim of the present Conference was to make the promises in that Constitution, and in those like it, become realities. There were, however, obstacles to such realization in the preeminence given in national law to the interests of the State. Many countries had no legal statute providing for the protection of human rights, while in others practice was in flagrant contradiction with precept. At the international level, when States were questioned about their protection of human rights they tended to invoke Article 2 (7) of the Charter, claiming that their conduct in the matter was within their domestic jurisdiction. Even when the protection of human rights was provided for in domestic jurisdiction, there were ample possibilities of evasion which could only be overcome by international rules, for the right of the individual was derived not from his status as the citizen of a State, but from his position as a human being.

His country was participating in the Conference in the firm conviction that means would be found for the protection of human rights at both the national and the international level. In particular, it hoped that there would be a better balance in the trade between developed and developing countries, so that the latter might obtain a fair price for their raw materials which would enable them to raise the level of living of their people and thus promote the exercise of their rights.

Mr. BOWEN (Australia) said that the present Conference was of historic significance in that it denoted greater recognition of the importance of human rights. Moreover, contemporary history had shown that disregard of human rights was a source of potential instability and conflict.

His country was proud that an Australian, Dr. Herbert Evatt, had presided over the third session of the General Assembly at which the Universal Declaration of Human Rights had been adopted. The Universal Declaration might be regarded as a turning point in history, as for the first time an international declaration had concerned itself not simply with the relations between States, but with the position of individual human beings.

Now, twenty years later, representatives of the world community had come together to reappraise objectives and reconsider methods and techniques. His country hoped that the Conference would make a further contribution towards securing human rights and fundamental freedoms for individuals and towards establishing the pre-conditions for the peace of mankind. The period which had elapsed since the adoption of the Universal Declaration had seen the formulation of many declarations and instruments. It might be described as the stage of definition. Common standards of rights for persons of all countries had been defined, notwithstanding their different political, social, religious, ethnic and cultural backgrounds. Technical assistance programmes had in many cases enabled the principles established to be translated into practice.

Much had been done in the field of implementation, but much remained to be done. One of the most important tasks facing the Conference must be consideration of the techniques for implementing human rights. Greater uniformity of procedure might be desirable, yet the capacity to experiment must not be lost. Were nations ready to accept the idea embodied in the optional Protocol to the Covenant on Civil and Political Rights, under which private citizens might lodge a complaint direct to an international body? His delegation supported the proposal for the appointment of a High Commissioner for Human Rights in principle, but considered that further consideration should be given to the adequacy of existing machinery. It doubted whether Members were yet ready to accept an international court of human rights.



Until the world accepted the authority of supra-national bodies, the protection of human rights would depend mainly on the degree of enforceability in the domestic courts of Member States. It might be necessary to incorporate the Human Rights Covenants in domestic law and to give the individual the right to invoke them in securing or defending his rights. The feasibility of such changes should be examined.

Thus, the next twenty years might prove to be the stage of implementation. In view of the natural reluctance of Member States to accept supra-national authority, twenty years might not be long enough. One difficulty lay in the present state of education in the world; priority should therefore be given to raising the levels of education throughout the world. The problem was not only one of illiteracy, but of increasing awareness of the content and purpose of the Universal Declaration and other instruments. As Mr. Brohi had stated in his study on "United Nations and Human Rights" (A/CONF.32/L.4), there should be specific teaching aimed at making an international concern for human rights and freedoms an essential part of the general culture of the whole of mankind. Member States might be encouraged to develop such education and to examine State laws and institutions to see how far they met the requirements of United Nations texts. The United Nations could provide information to appropriate national bodies and the legal profession was well-placed for playing an active role in the field of human rights. Thus the next twenty years might become the stage of education instead of the stage of implementation - or perhaps both.

He did not consider that economic, social and cultural rights were of more importance than civil and political rights, for while the latter were of little use to a hungry man it was equally true that it was of little satisfaction to a man to be well fed if he was subjected to arbitrary arrest and detention or to execution without trial. Member States were becoming more conscious of the need to help each other in the economic and social field. The developing countries required technical assistance as well as economic aid, but the development of trade was an even more important requirement.

His delegation was ready to participate in discussion of practical solutions to the enormous problems confronting the world. By acting in the spirit of brotherly love so eloquently expressed by the representative of Afghanistan, the Conference would have some prospect of discharging its duty to mankind.

Mr. SZABÓ (Hungary) said that his country attached great importance to human rights and fundamental freedoms, insisted on their implementation in its own State and strove to see them implemented throughout the world. The present Conference would provide the occasion for a review of the human rights situation.

There had been general progress in human rights as a whole, but they must be considered in their social context, for it was the prevailing social conditions and the state of peace or war in the world that determined which human rights needed particular attention at any stage in history. Peace favoured, war hindered their implementation. The unjust aggression against the Viet-Nameese people had not only retarded the cause of human rights in Viet-Nam but had had unfavourable results in the aggressor country. Similarly the aggression in the Middle East had aggravated the problem of the Palestinian refugees and had liquidated the human rights of those living in occupied territory.

A second factor influencing human rights at the present day was the massive liberation of oppressed peoples from colonialism. Peoples who had recently gained independence were clamouring for human rights, while certain States endeavoured to hold them back by various economic and political methods which conjured up the spectre of neo-colonialism. The struggle for human rights must be fought side by side with the fight against colonialism, especially in regions where the policy of apartheid affected millions of men.

The need to implement human rights was felt with equal urgency in countries having different social systems, although they did not attach the same importance to the different categories of rights. For instance, while agreeing that civil and political rights were fundamental, the socialist countries attached special importance to economic, social and cultural rights. Such disparities of emphasis complicated efforts to safeguard human rights at the international level, particularly as changing circumstances were continually producing new problems calling for international action.

The United Nations had from its very inception concerned itself with human rights. While his delegation appreciated what had been done in that respect, it could not but draw attention to certain deficiencies in those activities. For example, it was to be regretted that in the most recent instruments civil and political rights had been separated from economic, social and cultural rights.

Moreover, those rights should not only have been set forth in covenants, but steps should have been taken to ensure their being put into effect in the internal jurisdiction of States. It was time to take stock and to consider whether the United Nations was proceeding in the right direction.

The Hungarian People's Republic had proceeded from the principle that all categories of human rights were of equal importance and had endeavoured to develop them equally. The socialist States admittedly placed greater emphasis on economic, social and cultural rights at international gatherings, but that was because of the backward state of those rights and was designed to compensate the citizens of non-socialist countries to some degree for the disadvantages they suffered in connexion with those rights.

His delegation hoped that the Conference would make a detailed study of the results attained so far and would carefully examine the possibilities of future action, with particular emphasis on those parts of the world where such action was urgently needed. It would thus be laying the foundations of further constructive work by the various United Nations bodies concerned with human rights.

Mr. MARTINEZ BAEZ (Mexico) said that, although his delegation agreed with the statements made by other delegations on the gravity of the situation in the Middle East and the effect of that conflict on human rights, he considered that an account of the experience of his country in the juridical, political, economic and social spheres and its dogmatic formulation of individual liberties might be more useful to the work of the Conference and appropriate to the human rights programme.

His country had not only had to fight for its independence from a European colonial Power but had been obliged to remedy the effects of a social organization based on inequalities of classes and castes, the effects of which were felt in all aspects of human life. The political Constitution of Mexico of 5 February 1857 had not only included in its first chapter a declaration of individual freedoms and human rights, but had established a simple, rapid and effective judicial procedure to enable the inhabitants of the country to defend themselves against any violation of the Constitution by the authorities. His country was therefore pleased to recognize in article 8 of the Universal Declaration a formulation which directly evoked that adopted over ninety years earlier in its own Constitution.

Mexico was also the country which for the first time in constitutional history had inserted in its basic law various human rights in the economic and social fields. The Federal Constitution of 5 February 1917 had instituted a new regime of nationalization of the most important natural resources, laid down the principles of agricultural reform in favour of the peasants and the fundamental rights of workers and established the basis of education at various grades. Those contributions to human rights and individual freedoms made by his country so many years before might serve as an example to countries which had recently achieved independence.

His country had followed with deep interest the successive steps towards the achievement of human rights made since the adoption of the Universal Declaration. To celebrate the International Year for Human Rights it had set up a national committee to promulgate the principles of the Declaration and of the United Nations Covenants.

At the twenty-second session of the General Assembly, Mexico had voted in favour of the Declaration on the Elimination of Discrimination against Women, in accordance with its policy of granting complete equality to women in the legal, economic and social spheres. In December 1967, the Federal Senate had introduced legislation to remove the remaining discrimination against women, who between 1947 and 1953 had obtained full citizenship and the right to vote. His country considered that legal, political and social equality for women was a goal which should be attained as soon as possible throughout the world and that all countries should make an effort to eliminate prejudices, which were unacceptable at the present day.

Since 1967 his country, using modern communication media such as television, had intensified its campaign against illiteracy, which was one of the most serious obstacles to the full enjoyment of the essential attributes of human dignity.

From the moment that it had become independent, his country had supported the human rights movement to protect all people against the consequences of social injustice, ignorance and disease, to defend workers against their employers and to give land to peasants and free them from out-of-date slavery.

Mr. DAUDY (Syria), speaking in exercise of the right of reply, said that his answer to the accusations of the Israel representative was directly connected with violations of human rights in the occupied Arab territories, a subject which several delegations were going to submit for inclusion in the agenda of the Conference.

The Arab countries sought justice for their people and for others. Their condemnation of acts of injustice was in no way chauvinistic, nor could their denunciation of persecution be limited to their own region or to their Palestinian brothers.

The Israel representative had said that none of his delegation had heard of the bulletin Israel Imperial News, March 1968, which the Syrian delegation had quoted. That bulletin, as its publishers described it, was an information bulletin about the Middle East in general and about Israel with its newly created colonies in particular. It was edited and published by Israelis, the majority of them natives, living temporarily abroad. As he knew no Hebrew he was obliged to rely on foreign publications which reproduced statements and articles appearing in the Israel Press. He would in future quote from magazines and documents which could not be unknown to the Israel delegation.

The Israel representative had attempted to refute statements on the persecution of Arab inhabitants in the occupied areas and had boasted of the so-called glorious record of the Israel army, its composition, discipline and code of conduct with regard to human rights. As deeds spoke louder than words, he proposed to review what was true in the statement by the Israel representative and what was not.

In a letter to the New York Times published on 17 July 1967, a senior minister of the Methodist Christian Church, the Rev. H.A. Bosleyn, had said that Israel's present territorial claims and policies towards peoples in occupied territories should not expect and would not receive general support from Christian groups in the United States. In a letter to the Los Gatos Times on 31 August 1967, the Jewish author, Moshe Menuhin, the father of the famous violinist, Yehudi Menuhin, had said that the Jewish nationalists were not Jews as far as he was concerned but Jewish Nazis who had lost all sense of Jewish morality and humanity and that anti-Zionism was not anti-Semitism. Although ill and aging, he had refused what was perhaps the last opportunity of attending one of his son's concerts because he was appearing with the Israel Philharmonic Orchestra for the benefit of the Israel Emergency Fund, under the patronage of the Foreign Minister of Israel. Mr. Menuhin had quoted the Jewish philosopher Martin Buber who, not long after the first Sinai-Suez war, had said "The majority of the Jewish people preferred to learn from Hitler rather than from us. Hitler showed that history does not go the way of the spirit but the way of power and, if a people is powerful enough, it can kill with immunity".

The Iranian paper Kayhan International in its issue of 23 April 1968 had quoted an article from a Polish paper Sztandar Mlodych charging Israel with treating its Arab population as Jews were treated under Hitler.

Israel's so-called respect for the United Nations was refuted by an article written by S.Z. Abramov in the June issue of the American Zionist, which said that the United Nations should be eliminated as an active factor in the Israel-Arab controversy, since it had proved to be a peace-preventing instrument.

In the context of human rights, he thought it appropriate to quote the United Nations Commission on Human Rights press release dated 8 March 1968 entitled "Human Rights Commission approves telegram to Israel on destruction of Arab houses; adopts resolution against Nazism and apartheid", and read out the text of the telegram.

An Agence France Presse despatch quoted a declaration protesting against repression in the Arab areas occupied by the Israel army, signed by 87 Israeli citizens on 23 March 1968 and sent to the Italian Communist weekly Rinascita.

Lastly, he quoted a speech made by Professor Vincent Monteil of Dakar University which referred to diaries kept by two French missionaries who had lived for ten years in Palestine, working with both Jews and Arabs. The diaries had been published in the French newspaper Témoignage chrétien of 27 July 1967. In June 1967 the two missionaries had been afraid that the Jews would be exterminated by the Arabs but what they had seen was that the Israel army acted in the Arab areas like an army of occupation. He read out several passages from the two diaries testifying to the atrocities committed against the Arab population by the occupying forces which had been witnessed by the missionaries.

Mr. COMAY (Israel) said that he did not propose to exercise his right of reply since he considered a general debate on the Middle East would not be in the interests of the work of the Conference. He also strongly opposed the inclusion of a separate item on the Middle East in the agenda; it would simply reopen an acrimonious debate and serve no constructive purpose. It would give representatives no opportunity of ascertaining the real facts of the situation and would cut across the action being taken by the Secretary-General.

ELECTION OF OTHER OFFICERS (item 5 of the provisional agenda)

The PRESIDENT announced that agreement had been reached on the composition of the General Committee. She thanked all concerned for the co-operative spirit in which they had approached the discussions. It had been proposed that the General

Committee should be composed of five members from the African countries - Ivory Coast, Mauritius, Nigeria, United Arab Republic, United Republic of Tanzania; four from the Asian countries - India, Iraq, Pakistan, Philippines; three from the Latin American countries - Argentina, Brazil, Jamaica; two from the socialist countries of Eastern Europe - Poland, Union of Soviet Socialist Republics; and four from the western European and other countries - Australia, France, the United Kingdom and the United States of America. Those countries would therefore be asked to provide Vice-Presidents. That recommendation had been made in view of the special nature of the present Conference and on condition that it did not create a precedent for other conferences. Although it would involve amendment of rule 6 of the draft rules of procedure, in the absence of any objection she would take it that the Conference agreed to the proposal.

It was so decided.

CONSTITUTION OF COMMITTEES AND WORKING GROUPS, AS NECESSARY (item 7 of the provisional agenda)

The PRESIDENT said that, since there was a general consensus in favour of the creation of two main committees, in the absence of any objection she would take it that that proposal was accepted.

It was so decided.

The PRESIDENT pointed out that it would be necessary to revise rules 13 and 45 of the draft rules of procedure in consequence.

ADOPTION OF THE RULES OF PROCEDURE (item 4 of the provisional agenda) (A/CONF.32/2)

The PRESIDENT said that, in the absence of any objection, she would take it that the Conference agreed to the adoption of the draft rules of procedure (A/CONF.32/2), with the accepted amendments to rules 6, 13 and 45.

The draft rules of procedure, as amended, were adopted.

The meeting rose at 6.50 p.m.

SUMMARY RECORD OF THE EIGHTH MEETING

held on Saturday, 27 April 1968, at 11.35 a.m.

President:

H.I.H. Princess Ashraf PAHLAVI

Iran



REVIEW OF PROGRESS ACHIEVED AND IDENTIFICATION OF MAJOR OBSTACLES ENCOUNTERED, AT THE INTERNATIONAL, REGIONAL AND NATIONAL LEVELS, IN THE FIELD OF HUMAN RIGHTS SINCE THE ADOPTION AND PROCLAMATION OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS IN 1948, PARTICULARLY IN THE PROGRAMMES UNDERTAKEN BY THE UNITED NATIONS AND THE SPECIALIZED AGENCIES (item 9 of the provisional agenda) (A/CONF.32/4, A/CONF.32/5 and Add.1, A/CONF.32/7 and Add.1 and 2, A/CONF.32/8-10, A/CONF.32/12-13 and Corr.1, A/CONF.32/16; A/CONF.32/L.9-11) (continued)

General debate (continued)

The Very Rev. Fr. HESBURGH (Holy See) said there was little he could add to the personal message sent by Pope Paul VI that would further bring out His Holiness's deep and compassionate concern for the successful outcome of the Conference. Pope Paul had given the world his own thoughts on the intimate and organic connexion between economic, social and cultural rights on the one hand and political and civil rights on the other, in his recent encyclical "Populorum Progressio", which had followed upon the classic encyclical "Pacem in Terris" of Pope John XXIII. As could be seen from the document on the Church in the world today, issued by the second Vatican Council, all the moral and spiritual strength of the Catholic Church was necessarily aligned on the side of those suffering deprivation of their fundamental rights in any part of the world. The Church also maintained that the powerful and rich in the world must now join in safeguarding the rights of the weak and the poor. The Holy See accordingly welcomed the past achievements of the United Nations and would give full moral and spiritual support to further endeavours to inspire mankind's conscience in matters of human rights and development.

His delegation greatly favoured the suggestion for a High Commissioner for Human Rights, possibly to become a world ombudsman on the strength of recognized personal integrity and high moral leadership. Such a High Commissioner, if backed by a representative committee of high competence, by adequate national and regional support and by ultimate juridical support from national, regional and international courts, could become the personal focus for efforts to translate hopes and ideals into reality. Obviously, the Conference's success depended on arriving at realistic mechanisms to achieve that purpose. Agreement on the need for a High Commissioner would be a minimum step in the right direction.

The younger generation was deeply concerned that inequalities, prejudices and flagrant discrimination, together with racism, should still flourish throughout the world, and lack of effective action would leave them with no alternative but violence.

The real choices facing humanity today, young and old, were love or hatred, peace or violence, order or disorder; and continuing apathy in the face of worldwide and inhuman injustice would certainly lead the young to doubt the sincerity and courage of the older generation. Indeed, the much-abused concept of love had a contribution to make to the Conference's work.

The Universal Declaration of Human Rights had represented a great rhetorical victory not to be underestimated; but at the crossroads now reached, the Conference was called upon to decide as to the future direction of efforts: more rhetoric, or effective implementation. The deepest aspirations of mankind were being negated in many different ways in every country of the world, and frustration led to the tendency to accuse others of shortcomings rather than to look deeply into one's own conscience, individual or national. An honest attempt by each country to measure its own achievements against the great ideals enunciated in the Universal Declaration would do wonders for the Conference's work.

What every individual, irrespective of nationality, religion, language, sex or colour, wanted was to be a person in his own right, secure in his human dignity, accepted in fraternity and firm in hope for the future. One single human being was more important than all the money in the world, all the power and the glory of man-made nations or empires. If that truth were recognized, surely no Government could do less than grant all its citizens the reality of the ideals expressed in the Universal Declaration and the International Covenants on Human Rights.

Many eloquent words had been spoken about the Rev. Martin Luther King. Dr. King had been a man of spiritual insight, deeply concerned for his fellowmen everywhere. Eschewing violence as wrong, he had been willing to work, to suffer and to die for his belief in man's inherent dignity, convinced as he was that his dream of universal justice could not be achieved without suffering. Perhaps more might be accomplished if every individual were to search his own heart and decide how much he would be willing to suffer to ensure personal justice for all in his own country. The actions of a single person could move millions, as witness the effect of the lives of Dr. King, Gandhi and Pope John XXIII, and no country in the world today was perfect in providing the full ideal of human opportunity for all its citizens. Unless it aspired to make the Universal Declaration of Human Rights truly universal in the hearts of men, in their families, schools, churches, national programmes and international relations, the Conference would be missing a great opportunity.

Mr. BASOV (Byelorussian Soviet Socialist Republic) said that the most important problem before the Conference was how to promote and ensure respect for human rights and fundamental freedoms, and to enlist the collaboration of States in that field. The many important steps taken in recent years testified to the determination of most of the countries Members of the United Nations to fight for the emancipation of millions of people from colonial slavery and the eradication of all forms of racial discrimination. But, those aims entailed a radical change in the nature of United Nations activities in the field of human rights.

There were too many human rights problems still unresolved twenty years after the Universal Declaration of Human Rights. There were gross violations in Asia and the Near East. Certain imperialist countries were depriving millions of people of their elementary rights and freedoms, and even of their lives.

The danger of the revival of Nazism could not be ignored in Europe, where the doctrine was being openly preached. Such activities were reminiscent of the coming of Hitler's party to power, and determined efforts were needed to suppress all forms of neo-Nazism.

In South and South West Africa the criminal policy of apartheid was still continuing and presented a serious threat to peace and international security. In Southern Rhodesia the African population played practically no part in the administration and lived like pariahs.

The elimination of colonial and racial oppression should be based on the enforcement of the rights of nations to self-determination and free and independent development. His delegation endorsed the thorough-going recommendations of the International Seminar on Apartheid, Racial Discrimination and Colonialism held recently in Zambia. The Warsaw Seminar too constituted an important contribution to the programme of the International Year for Human Rights by recommending that the International Conference on Human Rights should strive to make the International Year for Human Rights effectively the year of realization of economic and social rights.

That was important, for despite positive achievements, the United Nations had no very definite results to show in ensuring the vital rights to work, education, rest, and social security, and it systematically declined to exercise its authority and influence in the direction of social and economic rights on the inadequate pretext that certain specialized agencies were dealing with those problems. The results achieved by the United Nations in that direction could best be evaluated by the speed and effectiveness with which its various instruments on the subject were put into effect.

The realization of human rights and fundamental freedoms depended primarily on the social and economic structure of society. Experience demonstrated that socialism was best able to ensure real equality in the political, economic and cultural spheres. In under fifty years of existence, the Byelorussian Soviet Socialist Republic had raised the literacy level of its people, developed modern industries, mechanized its agriculture, introduced universal education and created conditions for the workers to attain socialist rights and political freedoms. The rights enjoyed by the citizens in regard to work, education, rest, old-age pension, free medical assistance, etc. showed that, under socialism, freedom and all-round development of personality were built on a sound economic foundation. In addition, workers enjoyed wide political rights and freedoms like the right to elect and be elected, the right of association, freedom of speech, press, assembly and meetings and other freedoms forming an inseparable part of socialist democracy. The building of a new society was not the only achievement of socialism; it carried new ideas and principles into the world arena, and in the United Nations, the socialist countries fought for peace, national independence, security and freedom of peoples.

The United Nations should constantly oppose the gross violations of human freedoms and rights which went with imperialist interference in the internal affairs of other countries, colonialism and neo-colonialism, apartheid, racial discrimination, neo-Nazism and neo-Fascism.

The activities of the United Nations in the defence of human rights and fundamental freedoms were being threatened by the attempts of certain Western countries to distort the nature of the activity of its agencies dealing with those problems. The proposal to appoint a United Nations High Commissioner for Human Rights and to set up other similar super-governmental bodies would serve no purpose and would violate the principles and aims of the United Nations Charter. His delegation had hopes that the Conference might prove to be an important step forward in further strengthening and developing respect for human rights and fundamental freedoms and thereby ensuring peace throughout the world.

Mr. HAYTA (Turkey) said that organized Turkish society throughout the long history of the Turkish people had always been based on justice and tolerance; even when the sovereign had had absolute powers, the fundamental rights of his subjects had been respected. More recently, the Turkish Republic, convinced that human rights and fundamental freedoms constituted the foundations of peace and security not only at

the national level but throughout the world, had never departed from the principle that peace within the country meant peace in the world. More than forty years earlier, Kemal Ataturk had been convinced that a new era of harmony and mutual understanding would prevail in the world, with no discrimination as to colour, religion or race. Under the Turkish Constitution, all citizens were equal before the law, and no individual, family, group or class enjoyed special privileges. Women in Turkey had enjoyed full civil and political rights for several decades; they could enter the government service and the liberal profession on equal terms with men.

Thus, ever since the United Nations had been established, Turkey had fully supported every effort to promote and develop human rights and was a party to almost all the international conventions (see A/CONF.32/4). Turkey was a staunch supporter of the International Year for Human Rights and had carried out the recommendations contained in the relevant General Assembly resolutions. As a member of the Council of Europe, it had signed and ratified the European Convention on Human Rights and Fundamental Freedoms.

His delegation would have further comments to make when the various agenda items were discussed. At the present juncture he would underline one topic only, namely racial discrimination, to which the world as a whole was devoting particular attention, as the Declaration and Convention on the Elimination of all Forms of Racial Discrimination showed. Turkey's views on the subject of apartheid were well known, and it had voted for all the resolutions condemning that policy.

While in the twenty years since the adoption of the Universal Declaration a considerable number of international instruments concerning the protection of human rights had been adopted, other measures must be taken wherever it proved necessary, to ensure the protection of human dignity.

Mr. STRANEO (Italy) after expressing his appreciation of Iran's devotion to the cause of human rights, as demonstrated on many occasions, said that the starting-point for the Conference agenda was the Universal Declaration of Human Rights, which was a landmark in the history of human rights. It could not be expected that in the twenty years which had passed since its adoption, the principles it laid down would be fully implemented. The road was inevitably long and arduous. The advent of many new States and the rapid progress of science and technology had engendered needs never before felt or even imagined. Furthermore, the international community had only recently given cautious approval to the first tentative steps towards some

form of international control in the field of human rights. Another difficulty lay in the very nature of fundamental human rights and the problems involved in the establishment of the conditions necessary for their full implementation. As the Italian Constitution stated, the elimination of obstacles to the enjoyment of economic and social rights was a condition for the effective recognition of civil and political rights, and the removal of those obstacles was a function of the State. Indeed, only full-scale balanced development in the economic and social fields could ensure the full enjoyment of fundamental human rights.

It was the task of the Conference to strike a balance between a pessimistic assessment of the position with respect to human rights in many parts of the world and over-optimism based on the progress made by the international community during the past twenty years.

It would be unwise to concentrate solely on specific topics in the field of human rights on which the agenda laid special emphasis. Those topics undoubtedly called for immediate attention; but his delegation would have preferred a discussion based on the two broad fields of human rights: civil and political rights; and economic, social and cultural rights. Racial discrimination, self-determination of peoples and slavery, together with any other forms of denial of human rights or impediments to their effective recognition, could easily have been dealt with within that framework.

When the Commission on Human Rights at its twenty-fourth session had expressed the hope that the Conference would pay due attention to economic, social and cultural rights, it had in fact been expressing concern at a certain lack of balance in the Conference agenda. The Italian delegation regretted that the eradication of illiteracy had not been listed as an actual agenda item. It hoped nonetheless that the Conference would give careful attention to the subject.

On the question of evaluating methods and techniques used in the enforcement of human rights, and drawing up a programme for the future, he thought that the documentation prepared by the Secretariat was objective in its approach and systematic in its arrangement. The human rights situation in various parts of the world was far from satisfactory and a common effort had to be made to ascertain what more could be done. In that connexion, regional reports were particularly useful in that they encouraged comparisons and sometimes showed how a start could be made in areas where

nothing had yet been achieved. The expert studies carried out had at least one idea in common: the importance of action at the educational level. That indicated one possible line of future action. However, great efforts would be required if new methods were to be developed. A still more difficult task would be to identify and adopt new measures and new techniques to speed up the tempo of international protection of human rights.

Various proposals had already been formulated and some were in an advanced stage of study by organs of the United Nations. Others again had been made in the studies prepared by experts, and still others might be suggested during the Conference. The Italian delegation was ready to examine all such proposals, since it was well aware that any action that might contribute concretely and in an orderly manner to the promotion and protection of human rights was a necessary condition for world peace.

The Italian Government was by no means opposed to the establishment of some form of international control to protect human rights; but such control must be kept within bounds by essential juridical safeguards, to ensure that there was an objective evaluation of the facts, and that the task of political evaluation, which was the responsibility of the General Assembly, was not transferred to technical bodies.

With regard to the relationships between the various international or regional organs and institutions which had been or were to be set up for the protection of human rights, his delegation felt that there was a growing need for the functions of those bodies to be co-ordinated and harmonized as soon as possible. It hoped the Conference would find time to examine that problem and would pay particular attention to the co-ordination of the work done at the international and regional levels.

As the President of the Italian Republic had said in his message to the Conference, the road to peace lay in respect for human rights, and the Italian delegation hoped that that principle would guide the Conference in its work.

#### SPECIAL MESSAGES ADDRESSED TO THE CONFERENCE

At the President's request, Mr. SCHREIBER (Executive Secretary of the Conference) read out the text of messages received from H.H. the Amir of Kuwait and from the President of Czechoslovakia.<sup>7/</sup>

The meeting rose at 1.10 p.m.

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<sup>7/</sup> The text of these messages appears in the Final Act of the Conference, annex III, O and P.

SUMMARY RECORD OF THE NINTH MEETING

held on Saturday, 27 April 1968, at 4.30 p.m.

President:

H.I.H. Princess Ashraf PAHLAVI

Iran



REVIEW OF PROGRESS ACHIEVED AND IDENTIFICATION OF MAJOR OBSTACLES ENCOUNTERED, AT THE INTERNATIONAL, REGIONAL AND NATIONAL LEVELS, IN THE FIELD OF HUMAN RIGHTS SINCE THE ADOPTION AND PROCLAMATION OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS IN 1948, PARTICULARLY IN THE PROGRAMMES UNDERTAKEN BY THE UNITED NATIONS AND SPECIALIZED AGENCIES (item 9 of the provisional agenda) (A/CONF.32/4, A/CONF.32/5 and Add.1, A/CONF.32/7 and Add.1 and 2, A/CONF.32/8 and 10, A/CONF.32/12, A/CONF.32/13 and Corr.1, A/CONF.32/16, A/CONF.32/L.9-L.11) (continued)

General debate (continued)

Mr. ROBERTS (United Kingdom) said he was happy that the Conference was being held in a country with such a historical awareness and under the chairmanship of a personage in whom the nobility of ancient tradition was united so finely with an ardent devotion to the well-being of her fellow women. He thanked his colleagues for his election as a Vice-President and expressed particular pleasure at the election of the representative of Jamaica as another Vice-President, for Jamaica had played a great part in the activity of the United Nations in furtherance of human rights.

If one drew up a balance sheet of that activity, he noted on the negative side that, surprisingly and regrettably, world opinion appeared to have lost its original interest in United Nations human rights activity. Conceived in the aftermath of the Second World War, which had provided cruel evidence of the relationship between personal liberties and the cause of peace, the United Nations Charter had given pride of place to the promotion of human rights, second only to the preservation of peace. As the representative of France had so eloquently said, the two aims were intimately linked. Governments which did not respect the wishes of the people had suppressed the free expression of opinion and all other liberties had been shown by history to be the worst threat to world peace. The campaign for civic and political rights was therefore vital. An influence had to be brought to bear on the relationship between Governments and their citizens. That was the key area and if there had not been progress there then there had not been much progress at all.

But freedom was indivisible, and civic and political rights were inseparable from economic and social rights. If a man was hungry he was not free, and the freedom of his neighbour was precarious. Consequently, in his opening address, H.I.M. The Shahinshah had placed the need for economic and social progress in the forefront of the responsibilities of the Conference.

While economic and social progress had been almost unbearably slow, the pace of change in other fields had been very rapid. Technological progress brought benefits but also problems of its own. Pervading all those changes was the developing struggle for racial equality and racial harmony. United Nations human rights activity had not always been geared to those realities.

The defects in United Nations bodies and in their procedures were the last of the debit items. It was doubtful, for example, whether the Third Committee of the General Assembly was a suitable body to engage in detailed drafting work. As had been said by the representative of the Netherlands, it was far from certain that the Economic and Social Council was capable of giving human rights the attention they deserved. It was imperative that the backlog of items on the agenda of the Commission on Human Rights should be cleared. The Conference should assess the efficiency of the various bodies with a view to streamlining their machinery.

On the credit side of the balance sheet, was the Universal Declaration of Human Rights, the raison d'être of the International Year for Human Rights and of the Conference itself. Its implementation was the principal concern of the Conference. Forty-eight out of fifty-six States had voted for it in 1948. In 1949, it had provided the inspiration for the Charter of Bogotá, the first example of the great Latin American interest in human rights. That had been followed by reaffirmation of its principles in the Joint Communiqué of the 1955 Bandung Conference and the Charter of the Organization of African Unity in 1963. The constitutions and laws of numerous States were powerfully influenced by the principles of the Universal Declaration.

Important codification work had taken place in those twenty years and had produced a body of instruments. The outstanding ones were surely the International Covenants on Human Rights adopted unanimously in 1966 which opened up the prospect of a reasonably effective universal system for the protection of human rights.

The International Year for Human Rights was itself a positive factor that had done much to arouse public interest. In the United Kingdom over a hundred local committees had been formed under the auspices of the National Committee, which had received £10,000 in support from Government funds. Activities included public meetings, film shows, and the construction of temporary housing for the homeless. There was special interest in the rights and status of women and enthusiasm for all theoretical and practical problems involving human rights.

The fourth item on the credit side was the practical experience acquired by some States since 1948, and it was important that the experience should be used to solve such problems as that of race relations.

As to the future programme of work, he said that above all it was necessary to recapture the idealism which had fired the Universal Declaration of Human Rights. What had to be found were practical methods of enlisting public support and particularly the younger generation and its sound spirit of criticism and protest.

First priority should be accorded to the promotion of personal freedom. Six of the ten points in the programme of action proposed by the representative of Afghanistan bore directly on that goal. Freedom being indivisible, the whole range of rights enumerated in the Universal Declaration had to be promoted universally, since it would be inequitable to treat some principles or areas as being more important than others.

On the subject of racial discrimination, he said that racism as an official government policy deserved special attention. The detestable policy of apartheid laid down the principle that black and white should live separately, but that only white people were entitled to decide on the fundamental issue. It was the duty of the Conference to deal with such policies.

Even in the case of societies based on a goal of racial equality, however, problems existed and they required separate treatment in the United Nations. Many honest people were still troubled by doubts about the form that a multi-racial society should take if human rights were to be guaranteed. No country had yet found the right formula. The recent murder of Martin Luther King and the wave of violence that it set in motion were a reminder of the dangers of treating the problem of racial tensions lightly. There was no doubt that those dangers menaced peace, stability and prosperity in many areas. As the Secretary-General had stated, racial conflict might grow into a destructive monster compared to which the religious or ideological conflicts of the past and present would seem like small family quarrels. It was vital to confront the danger with an alliance of all that was capable of defeating it. The British Parliament, for example, now had before it a Bill intended to put an end to discriminatory practices, particularly in the field of housing and employment, and in combination with the Race Relations Act, 1965, it would provide a sound legislative framework. The United Kingdom therefore had some experience which it was ready to make available to other

States. In turn, it would be glad to have the benefit of experience in other States. It was most desirable that such an exchange should be organized and it should be a principal task of the Conference to devise a United Nations programme to facilitate such exchanges.

In the future programme the implementation of the right of self-determination should find its place. The British Government and the Labour Movement - to which he belonged - attached great importance to the final disappearance of colonialism.

The implementation of economic and social rights was as important a step in the promotion of personal freedom as was the respect of civic and political rights.

He supported the spirit if not all the details of the proposal by the Attorney-General of Nigeria for the establishment of dynamic machinery for the implementation of the rights and freedoms that had been so carefully defined. The representative of Denmark had been right to stress the importance of regional efforts which should be based on the standards contained in the Universal Declaration and the Human Rights Covenants.

The United Kingdom had supported and would continue to support the human rights work of the United Nations. On its own behalf and on behalf of most of its overseas territories, it was already party to fourteen of the twenty-one principal international instruments. It had now decided to sign the International Covenant on Economic Social and Cultural Rights and the International Covenant on Civil and Political Rights. With the introduction of its new Race Relations Bill the United Kingdom now would give activity study to the possibility of ratifying the Convention on Racial Discrimination which it had already signed. The United Kingdom was about to accede to the Protocol relating to the Status of Refugees. It was party to the European Convention for the Protection of Human Rights and Fundamental Freedoms. Together with most of its overseas territories, it had accepted the compulsory jurisdiction of the European Court of Human Rights and recognized the rights of individuals to petition against violation of rights under the Convention.

It also supported the Advisory Services Programme. As a demonstration of that support it would welcome participants from twenty-six countries to London in June for an International Seminar on Freedom of Association. That was a field in which it was expected to break new ground. While the ILO had done solid work on the trade union aspects, there were several others that had not yet been studied in detail by the United Nations. It would therefore be valuable to have an exchange of views.

In conclusion, he said that the United Kingdom would support all practical efforts to combat violations of human rights and it was in favour of the proposal for the appointment of a High Commissioner for Human Rights.

Mr. CASELY-HAYFORD (Ghana) associated his delegation with the tribute paid to the memory of Martin Luther King, apostle of peace and victim of violence. It was a sad thing to say, but it was only his death, occurring just after the celebration of the United Nations International Day for the Elimination of Racial Discrimination and just before the opening of the Teheran Conference, which had brought home to public opinion the realization of the legitimate rights of mankind.

The twentieth anniversary of the Universal Declaration of Human Rights was a historic date and a milestone. The time had come to take stock of the progress achieved during the twenty years that the United Nations, the specialized agencies, the Member States and the regional organizations had been engaged in putting the principles of the Declaration into effect.

The status of women had definitely improved owing to the activities of the Commission on the Status of Women, which had in particular drawn up the Declaration on the Elimination of Discrimination against Women, adopted by the General Assembly on 7 November 1967, and owing to the seminars organized under the Advisory Services Programme in the field of human rights.

As far as racial discrimination was concerned, the principles serving as the basis of the major international treaties already signed were admirable, but it still remained for the Member States to ratify those instruments and to apply the principles involved.

Ghana was in fact doing so. It had become party to most of the Conventions. It was applying the economic and diplomatic sanctions voted against South Africa. It was contributing to the trust fund for the freedom fighters of South Africa as a means of helping to stamp out apartheid and the violation of human rights.

The campaign against apartheid - the system which denied to millions of individuals the exercise of their most elementary rights - was making little progress: the victims of racial discrimination were excluded from political life and hence debarred from economic and social emancipation. The South African and Rhodesian régimes continued, in defiance of the resolutions adopted by the United Nations, to carry out arbitrary arrests and sentences. The recent executions at Salisbury were reminiscent of the sinister massacre of Sharpeville in 1960, when African nationalists had demonstrated

peacefully against apartheid. In refusing to admit the United Nations Committee on South West Africa to that territory in order to establish United Nations authority which had been recognized by the International Court of Justice, the South African Government displayed its intention, in defiance of world opinion, of persisting in its policy of racial oppression in the very year of the twentieth anniversary of the Universal Declaration of Human Rights. The economic sanctions imposed on South Africa and Rhodesia by the United Nations had failed because various States which traded with those two countries had refused to apply them.

Furthermore, Portugal continued to pursue colonialist policies and to deny to the peoples of Angola, Mozambique and Portuguese Guinea the liberty of expression and movement and even the fundamental right to self-determination.

The continued existence of racial discrimination, apartheid and colonialism threatened international peace and security. An explosion of racial violence in countries like South Africa, South West Africa, Rhodesia and the so-called Portuguese territories was liable, in view of their geographical situation, to set off an uncontrollable chain reaction. Every means should therefore be employed to put an end to the activities of those who systematically flouted the rights of their fellow men and to aid those who would, sooner or later, by force if necessary, conquer their legitimate and inalienable rights.

The Conference should seek practical results. It was concerned not so much with defining human rights or taking stock of the achievements to date as with devising machinery for eradicating flagrant violations of human rights which threatened world peace, in particular violations in the form of racial discrimination.

It was time to put an end to the hypocritical practices of certain States which subscribed to United Nations resolutions only to violate them subsequently and which, not content to maintain trade links with South Africa, were supplying that country with arms. Under its Charter, the United Nations was empowered to use force to secure the implementation of its decisions. If, within a year or two, the situation showed no appreciable improvement, such a solution should be seriously contemplated.

Mr. CHALMERS (Haiti), speaking on behalf of the President of Haiti, wished the Conference success in its deliberations. He said that the Republic of Haiti was the only country to have emerged from slavery to the full and complete exercise of a dearly

bought independence. He recounted his country's history from the proclamation of independence, on 1 January 1804, up to modern times and described the gradual evolution of the essential human rights throughout that period, a process which had culminated in the François Duvalier Labour Code, the François Duvalier Land Code and the establishment of numerous social institutions, achievements consolidated and guaranteed by the 1964 Constitution. Articles 5, 6, 7 and 8 of chapter I of the Constitution related to the right to life and liberty, to the full and complete exercise of civic and political rights, to education and to all social and economic rights. He cited articles 17, 18, 19, 20 and 21 of the Constitution, which referred to liberty of the individual, to security in general and to the guarantees of fair trial, articles 26 and 31, dealing with the freedom of expression and assembly, articles 32 and 36, concerning the right of association and asylum, and articles 23, 24 and 25 relating to economic and social rights. He pointed out, however, that the exercise of those rights was not unlimited, being subject to restrictions for reasons of national or public security or the safeguard of morality and health.

The François Duvalier Code represented, according to the experts, a veritable monument of labour legislation, establishing a harmonious balance between employers and labour unions. The Code covered contracts, working conditions and conflicts of interest, social organizations, and so forth. He quoted extracts from the law putting the Code into effect.

After his survey of Haitian legislation on human rights, he said that Haiti was in the vanguard of progress in the field of labour and the defence of union rights, contrary to the claims of his Government's enemies. The Declaration of Human Rights had never been contradicted by any Member State since its proclamation. There was, however invariably a certain gap between the formulation of principles and their application. That was why the Conference had met to attempt to remedy the evils which remained.

In response to the criticisms levelled at the Haitian Government, he pointed to the statements against apartheid and all forms of discrimination which the President of Haiti, an unchallenged leader of the negro world, had made at the United Nations. Despite Haiti's solidarity with the Organization of American States, he wished to protest against the defamatory attacks directed at his country in the report submitted by that Organization (A/CONF.32/L.10) to which his delegation was circulating a reply. The Government of President Duvalier had been elected by the universal and free suffrage of

the citizens. The revolution of 1946, consolidated by that of 1956, had aroused the awareness of people in all walks of life by proclaiming the right of each citizen to dignity, sweeping away the age-old myths of class superiority. It was based on the Universal Declaration of Human Rights, of which he quoted certain extracts.

Referring to General Assembly resolution 2081 (XX) which had designated 1968 as International Year for Human Rights, he submitted his Government's proposals for an action programme under agenda item 11.

With reference to paragraphs (e), (f) and (g) of item 11, the Haitian Government proposed:

(a) the study and adoption of measures aimed at detaching from the Economic and Social Council the Commission on Human Rights, which would become an organ of the United Nations, with its own statute and regulations (Council on Human Rights);

(b) the organization, at the international and national levels, of bodies having virtual jurisdiction in the field of human rights (International Court for Human Rights and corresponding national courts);

(c) the elimination or the supervision of the activities of individuals whose anonymity was evidence of bias and partiality; that would be effected by means of observers representing the Council on Human Rights in Member States;

(d) the strict subordination of the activities of regional bodies to those of international bodies;

(e) intensified efforts to instruct young persons and the public in human rights questions.

With regard to agenda item 11 (a), relating to the elimination of all forms of racial discrimination, the President of Haiti proposed that the United Nations:

(a) endeavour to secure the ratification by all the Member States of the Conventions for the prevention of discrimination;

(b) prevail upon the permanent members of the Security Council and the nations trading with South Africa to change their policies;

(c) endeavour to inculcate in the rising generations disapproval of the practices of racial discrimination;

(d) endeavour to promote measures designed to inform the public as widely as possible of the effects of discrimination;



(e) give moral and material support to the victims of racial discrimination and apartheid;

(f) endeavour to secure the repeal of all legislation likely to encourage apartheid.

With regard to agenda item 11 (c) and (d) relating to the question of slavery and women's rights, the Haitian Government took the view that the United Nations should organize seminars, carry out on-the-spot inquiries and adopt a policy calculated to eliminate practices such as slavery and forced labour, supervise the implementation of the Conventions already adopted in the field of women's rights and disseminate more widely the General Assembly's Declaration of 7 November 1967 on the Elimination of Discrimination against Women.

Under item 11 (b) regarding the universal realization of the right of peoples to self-determination and the speedy granting of independence to colonial countries and peoples, the Haitian Government proposed that the measures adopted by the General Assembly with regard to the colonial régimes still in existence should be strengthened by:

(a) the presence of a United Nations Commissioner in the territories of colonial countries;

(b) increasing participation of the indigenous populations in the administration of those countries;

(c) implementation of the recommendations mentioned under item 11 (a), concerning the elimination of all forms of racial discrimination.

Referring to the recent assassination of Martin Luther King, the outbreaks of violence and hatred which were a daily occurrence in various parts of the world, discrimination against and persecution of minority groups and the fate of the poor peoples, who were victims of international competition which benefited the prosperous countries, he stated that in spite of such a gloomy picture, men of goodwill were continuing to struggle for human progress and the betterment of the lot of the underprivileged.

Mr. WAMBURA (United Republic of Tanzania) said that at the very time of a meeting to mark the twentieth anniversary of the proclamation of human rights, millions of human beings were suffering injustice and violation of their fundamental rights. Among the hardest hit were the 5 million refugees whose plight had been described by the High Commissioner and whom the Conference would consider before closing.

The Tanzanian delegation earnestly besought all delegations present to endeavour to find out why so many resolutions and principles of the United Nations had remained a dead letter in the area of human rights and also in other areas. The Conference should redefine the meaning of the term "human rights"; its members should look the truth in the face and act in conformity with the ideals of justice and the principles which they professed. In particular, he said, there was no ideological, religious or other reason for the continued non-representation of mainland China at the United Nations. He urged the Conference to recommend that the General Assembly at its next session should revise its previous attitude to the admission of mainland China.

The Universal Declaration of Human Rights had been the first step taken internationally to relieve human suffering. Mindful of its immense importance, Tanzania had drawn on the Declaration for inspiration in drafting its own Constitution, especially its preamble. Yet, despite the Declaration, situations still occurred all the world over - particularly in South Africa and Southern Rhodesia and in the Portuguese territories - which were a blot on humanity. Those situations would not be remedied by adopting resolutions that would not be implemented. What was needed was that the States Members of the United Nations should agree to put into practice the principles which they professed. Without such a change in attitude, it would be idle to convene further conferences in the future. It was for the participants to convince their governments of the need to see realities in a new light.

As for the creation of a post of High Commissioner for Human Rights, he said that machinery was already in existence in the United Nations framework which was not being used to the full. Positive results could not be expected to flow automatically from the mere creation of a new body, which would moreover add to the expenses of the United Nations. His delegation accordingly saw little point in establishing such a post for the time being.

Mankind depended largely for its survival on the nations which were in a position to put an end to injustice in the field of human rights. He urged them to take action to that end.

Mr. STEELE (Canada) said that the whole world had been saddened by the tragic and violent death of the Reverend Martin Luther King, whose life and example stood as an inspiration for all who were concerned with mankind's struggle for dignity and freedom.

His delegation was convinced that all participants in the Conference could contribute to its work by pooling their experience in the field of human rights. Canada had taken the opportunity offered by the International Year for Human Rights to take stock of progress in that area, to re-examine its goals and to renew its endeavours. Since 1948, the Federal Government and the Governments of nine of the Provinces had enacted legislation prohibiting discrimination based on race, colour, creed or national origin in living practices, conditions of employment, trade union membership and public accommodation. Laws alone, however, were not adequate for the effective elimination of discriminatory practices. He described action taken in his country to make good that inadequacy, among them the establishment in three Canadian Provinces of Human Rights Commissions, the concentration of a good part of the country's resources on extending and improving the social security and education systems, the appointment by two Provinces in 1967 of Ombudsmen to protect individuals from possible abuse of administrative authority, and the enactment in 1960 of a Bill of Rights which had had a significant psychological and moral impact. At the Federal level, a Royal Commission had submitted recommendations on bilingualism and biculturalism; another Royal Commission was expected to make recommendations on women's rights; and at the provincial level, the Royal Commission of Inquiry into Civil Rights had made suggestions which were of considerable importance to human rights.

At the national level, Canada had made every effort to respond fittingly to the United Nations call to observe the International Year for Human Rights: the Federal Government had, for example, encouraged the formation of an independent non-governmental association to co-ordinate the country's International Year activities, the outcome of which had been the establishment of a Canadian Commission for the International Year for which the Canadian Government had made a grant of \$100,000. In each region in Canada the activities for the Year were being co-ordinated by autonomous provincial committees. He gave some particulars of the projects and activities sponsored by the committees and undertaken by schools; universities and voluntary associations. In one Province the efforts of the regional International Year Committee had encouraged consideration by the provincial Cabinet of a proposal to establish an official human rights commission.

In addition, at a gathering held in Montreal, in March 1968, leaders in the human rights field had produced a number of recommendations which his delegation hoped would be considered by the Teheran Conference. The Canadian Commission had formally initiated the International Year by organizing a conference of governmental and non-governmental agencies in December 1967. Since then, it had distributed a periodic newsletter throughout the country and had plans for a conference at the end of the Year which would receive reports from every part of the country on what had been accomplished, what difficulties had been encountered and what needed to be done to ensure the continuing involvement of Canadian citizens in human rights activities after 1968.

Turning to the various conventions adopted under the auspices of the United Nations he said that Canada had been considering the International Covenants and the optional Protocol to the Covenant on Civil and Political Rights with a view to becoming a party thereto at the earliest possible date. A substantial number of the provisions of the Covenants fell within provincial jurisdiction, and consultations were in progress with provincial governments on the matter. The possibility that Canada might accede to the Convention on the Status of Refugees and to the Convention relating to Refugee Seamen before the end of International Year was under active consideration; as required by its constitution, his Government was in the process of consulting the Provinces concerning the ratification of the Convention on the Elimination of all Forms of Racial Discrimination which it had signed.

There was a collective obligation upon all countries to seek new ways and means of protecting human rights at the universal and regional as well as at the national level. To achieve that, the role of the United Nations in the human rights area needed strengthening. The Conference might usefully consider examining afresh the relationship between the Universal Declaration, the two international Covenants, the various regional instruments and the many declarations in existence with a view to reconciling their provisions and co-ordinating methods of implementation with the object of guiding member countries and the Organization itself towards common goals.

The time had probably come for a re-examination of the procedures set forth in Economic and Social Council resolution 728 F (XXVIII), regarding communications on

human rights. That resolution, which prohibited the Commission on Human Rights from taking significant action in regard to any complaint concerning human rights, appeared to be somewhat out of date and to call for re-examination in the light of developments since 1959. The same was true of the provision of information by States on progress achieved in the field of human rights.

Governments should be invited to provide meaningful information, and information of general interest should be widely disseminated. Likewise the United Nations bodies responsible for examining reports should be given the power and the technical facilities to draw appropriate conclusions from those reports.

Greater efforts should be made to compare the success of various international organizations, such as the ILO, the regional human rights commissions, the Office of the United Nations High Commissioner for Refugees and the International Red Cross, with a view to assessing the usefulness of certain of their procedures for the protection of human rights. Consideration might well be given to the establishment of a United Nations co-ordinating office with a mandate to investigate those methods.

The proposal for establishing a post of High Commissioner for Human Rights deserved widespread support. The High Commissioner would have certain positive functions to fulfil but he would have no authority to interfere without invitation in the internal affairs of Member States, thus holding a balance between the mounting interest of the international community in human rights on the one hand, and the need scrupulously to respect national sovereignty on the other. The High Commissioner would also accelerate the United Nations programme in the field of human rights.

Further consideration should be given to the right of petition; for that purpose it might be instructive to study the practices of the ILO, of the Trusteeship Council and of the Special Committees on apartheid and colonialism as well as the experiences of the European and Inter-American Commissions on Human Rights. His delegation favoured discussion of that concept by the Conference.

Governments should be encouraged to give priority to the development of a comprehensive legal aid system for the more effective protection of human rights and fundamental freedoms. His delegation hoped to introduce a draft resolution on that subject at a later stage.

His Government hoped that the Conference and the programmes which would emerge from it would produce the greatest possible impact on the public at large. In that regard, the fullest use should be made of the United Nations potential in the educational field, and efforts should be made to enlist the co-operation of non-governmental organizations, artistic groups and all institutions and societies in a position to develop programmes of study on human rights.

All the resources of the academic community should be utilized and a publicity drive should be mounted through the press, radio and television so as to build up a body of informed opinion throughout the world.

A great deal remained to be done and the experience of other countries could be of very great benefit. Canada was ready to work together with all delegations to achieve positive solutions to the urgent problems of the day in the human rights field.

Mr. YAZID (Algeria) thanked the delegations which had expressed their sympathy to the Algerian delegation after the heinous attempt on the life of the Head of the Algerian Government.

He wished, without passion or hatred, to make a sincere and positive contribution - which would not offend any man of goodwill - to the work of the Conference. In 1948, the United Nations had adopted the Declaration of Human Rights in special circumstances. Many countries which had since become independent had then been absent, and it was natural that the region to which those countries belonged should seize the occasion to express its human rights philosophy and to say that it was not always satisfied with the progress made or with the manner in which it had been brought about.

The Declaration of Human Rights had been a help and an inspiration to those who were coming of age at the time of its adoption, but it was not the sole cause of the progress made, especially the liberation of the African peoples. Events since 1948 had shown that man had progressed only through struggle. Men of goodwill had drafted the principles of the Declaration, but others had striven for the triumph of those principles, sometimes by shedding their blood. The discussion could not be academic. The most important factor was the challenge to human rights. Whenever one people wished to dominate another, one religion to eradicate another, or one class to subjugate another, those rights were negated. The proclamation of human rights could not be separated from man's struggle to win respect for principles. In actual fact, rights were not granted; they had to be won.

The Conference was meeting at a time when men were being denied their rights and when international assemblies had failed to create the proper stimulus for bringing about the necessary progress. Economic and social rights were natural rights, but they were threatened and infringed by force and violence. That was why individuals and peoples often had also to resort to violence to obtain respect for those rights.

The Conference must not give vent to hatred, but realities must be taken into account. It was impossible to talk about human rights without speaking of apartheid and referring to the Portuguese territories, Zimbabwe, Cuba, which was defending its right to exist and to achieve a better society, or Viet-Nam, where a people had risen up in the South to choose the government it desired. Nor was it possible to ignore the Palestine question, which the Conference would have occasion to discuss if it was included in the agenda.

The Algerian delegation would be pleased if the Teheran Conference adopted a declaration taking account of developments in the past twenty years. Small States might then take heart and participate more willingly in United Nations work in the human rights field.

There would always be men capable of sacrificing themselves for their convictions. Martin Luther King had fallen victim to the same reactionary forces as those which had killed Gandhi, Lumumba and Guevara. However, convictions must be affirmed and propagated. He recalled the realistic counsel he had received at the beginning of his career: "Speeches can change convictions, but they have never altered a vote"; today, he was asking of the Conference nothing other than its conviction.

#### ORGANIZATION OF WORK

#### ADOPTION OF THE AGENDA (item 8 of the provisional agenda)

The PRESIDENT invited the Conference to consider the first report of the General Committee (A/CONF.32/20) chapter by chapter.

#### Chapter I. Organization of the Conference

Chapter I was adopted without comment.

#### Chapter II. Adoption of the agenda

Mr. KANYEIHAMBA (Uganda) said he could not agree to the amendment to item 11 (c) suggested by the General Committee in paragraph 7 of its report. He proposed that the original text should be retained.

The PRESIDENT put the proposal of the representative of Uganda to the vote. The proposal was adopted by 28 votes to 17, with 13 abstentions.

Mr. AWAD MOHAMED (United Arab Republic), explaining his vote, pointed out that he had proposed the amendment in the General Committee because, since apartheid was worse than any slavery and could entail sanctions, the two matters deserved separate treatment. However, owing to the objections raised by the representative of Uganda, he had himself also voted for the retention of the original text.

Chapter II, as amended, was adopted.

Chapter III. Allocation of agenda items

Chapter III was adopted without comment.

The meeting rose at 6.45 p.m.



SUMMARY RECORD OF THE TENTH MEETING  
held on Sunday, 28 April 1968, at 3.30 p.m.

President:

Mr. CASAL

Argentina

In the absence of the President, Mr. Casal (Argentina), Vice-President, took the Chair.

SPECIAL MESSAGES ADDRESSED TO THE CONFERENCE

At the President's request, Mr. SCHREIBER (Executive Secretary of the Conference) read out the text of messages received from the Prime Minister of Afghanistan and the Secretary-General of the International Telecommunication Union<sup>8/</sup>.

REVIEW OF THE PROGRESS ACHIEVED AND IDENTIFICATION OF MAJOR OBSTACLES ENCOUNTERED, AT THE INTERNATIONAL, REGIONAL AND NATIONAL LEVELS, IN THE FIELD OF HUMAN RIGHTS SINCE THE ADOPTION AND PROCLAMATION OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS IN 1948, PARTICULARLY IN THE PROGRAMMES UNDERTAKEN BY THE UNITED NATIONS AND SPECIALIZED AGENCIES (agenda item 9) (A/CONF.32/4, A/CONF.32/5, and Add.1, A/CONF.32/7 and Add.1 and 2, A/CONF.32/8-10, A/CONF.32/12, A/CONF.32/13 and Corr.1, A/CONF.32/16, A/CONF.32/L.9-L.11) (continued)

EVALUATION OF THE EFFECTIVENESS OF METHODS AND TECHNIQUES EMPLOYED IN THE FIELD OF HUMAN RIGHTS AT THE INTERNATIONAL AND REGIONAL LEVELS (agenda item 10) (A/CONF.32/6 and Add.1):

- (a) INTERNATIONAL INSTRUMENTS: CONVENTIONS, DECLARATIONS AND RECOMMENDATIONS;
- (b) IMPLEMENTATION MACHINERY AND PROCEDURES;
- (c) EDUCATIONAL MEASURES;
- (d) ORGANIZATIONAL AND INSTITUTIONAL ARRANGEMENTS

General debate (continued)

Mr. PANT (India) said that the Universal Declaration of Human Rights was a crystallization of values and concepts that were the common heritage of mankind. Since its adoption in 1948, the United Nations and the specialized agencies had made spectacular progress in the field of codification. The last twenty years had also witnessed the retreat of imperialism and colonialism, a trend of which the United Nations and the specialized agencies might justly feel proud. Furthermore, many of the principles of the Universal Declaration had been written into the Constitutions of several newly emergent nations.

The time had come for a stocktaking of the situation and the conclusion must be that the battle for human freedom and dignity had yet to be won. For the first time in history, mankind was in a position to meet the basic material requirements of all, yet the world was faced with the widening gap between the developed and the developing countries. The fulfilment of human rights in the modern world could not be achieved without economic and social development. At the present time, economic disparities were growing not only within States but also between groups of States, thus adding to global disharmony and tension. The process of development depended not only on the

<sup>8/</sup> The text of these messages appears in the Final Act of the Conference, annex III, Q and R.

removal of internal causes of poverty but also on the pattern of international economic relations. There was thus a close relationship between human rights and international economic relations. There was thus a close relationship between human rights and international trade. Like peace, prosperity was ultimately indivisible. The human being, who stood at the heart of the process of development, was often lost sight of in abstract generalizations or statistics, yet man was crying out for the basic necessities of life and his fundamental right to human dignity.

He wished to pay his respects to the memory of Dr. Martin Luther King, who had lived and died in the crusade against prejudice, fear and hatred of man by man. It was on men of good will, like Dr. King, that human rights must depend for their protection and support. Such men were to be found in every part of the world and it was to them that the Conference must address itself.

He expressed his condemnation of the gross violation of human rights perpetrated in various parts of the world as a deliberate exercise of State power. The spirit of Nazism was still alive and found ready accomplices in the rulers of Pretoria, Salisbury and Lisbon. India's stand against colonialism and all forms of racial discrimination, including apartheid, was a matter of common knowledge. His country had been a pioneer in the world-wide crusade against those evils, both inside and outside the United Nations, and he therefore felt entitled to appeal to the conscience of all those who still associated in one way or another with the authors of that particular crime against humanity. He also wished to recommend that the Conference should consider effective sanctions to bring down the régimes which practised apartheid.

The last two decades had also been marred by local conflicts in various parts of the world. War was the greatest violation of human rights, in that it created a climate in which their partial or wholesale curtailment became inevitable. The world had also had to contend with the atmosphere of the cold war, in which every human rights issue had tended to be clouded by political considerations. Human rights had been a casualty of political instability, and freedom of expression in many parts of the world had been throttled. Those conflicts had left in their wake tremendous problems of resettlement and reconstruction. The problem of the Palestine refugees was a blot on the conscience of mankind and the continued occupation of Arab territories by Israel in defiance of the resolutions of the United Nations constituted a flagrant denial of the rights of the inhabitants of those territories. The situation called for immediate rectification along the lines laid down in those resolutions.

He also wished to draw attention to the situation of the people of Tibet, whose fundamental rights were being ruthlessly suppressed. It was high time that the civilized nations of the world considered the tragedy of Tibet, where a peace-loving people were slowly being liquidated by an authoritarian régime.

The Indian Constitution exemplified his country's total commitment to the cause of human rights. India was the home of many races, languages and religions, and of people at different stages of social and cultural growth. Nevertheless, the Constitution guaranteed equal rights to all and provided constitutional and judicial remedies against any infraction of those rights. It also gave recognition to the rights of cultural, linguistic and religious minorities and directed State action towards the development of the backward elements of the community. The political system was based on universal adult franchise and the judiciary was independent. There was freedom of the Press and within the rule of law every citizen was guaranteed the right of dissent. In matters of economic and social development India was dedicated to achieving a well-balanced economy which would ensure a rising level of living for the entire population. Without claiming spectacular progress by his country, he wished to state that at least it had clearly perceived its goal. In his view, the achievement of complete equality before the law and freedom from discrimination for all members of the national community represented the first stage in the establishment of a harmonious world order.

The Conference was also concerned with a review of international machinery for ensuring the universal observation of human rights. The world had already reached the stage where even those who showed little respect for the provisions of the Universal Declaration in practice, rarely questioned its authority in principle. Nations no longer insisted on the classical interpretation of the doctrine of domestic jurisdiction. The theory that international law was confined to governing relations among States had been eroded and individuals had clearly emerged as subjects of international law. Nevertheless, the introduction of international enforcement machinery would naturally depend on the willingness of States to accept international regulation in human rights. The recommendations of the Conference would undoubtedly serve as a guide for future action and it was therefore essential to consider carefully what direction international efforts should take. At the present stage he merely wished to suggest that any action taken should carry the support of the greatest majority of the nations of the world. The international community was already engaged in various experimental measures in the field of implementation. There would not be much point in

adding to the number of existing agencies until their role had been fully evaluated or in adopting premature measures which might break down in practice.

In conclusion, he wished to make a few suggestions to help the Conference in its work. In his view, the Conference should (1) urge the competent United Nations bodies to complete their work of codification; (2) call upon States to ratify as soon as possible the international instruments to which they had not yet acceded; (3) consider ways of strengthening the methods and techniques already employed by the United Nations for the supervision of human rights throughout the world; (4) examine specific lines of action by individual States to ensure the protection of human rights within their borders by appropriate constitutional, legal and administrative safeguards; (5) urge States to foster respect for human rights in the minds of the younger generation through education; (6) express its total commitment to rapid economic development of the emergent nations and to a corresponding reorientation of the terms of trade and aid and the flow of resources; (7) consider the creation at the appropriate time of a United Nations body responsible for human rights, to take over the responsibilities of the Economic and Social Council; (8) recommend to the United Nations and its competent bodies the need for an effective programme of world-wide publicity and mass education in the field of human rights; (9) direct its moral authority towards the immediate eradication of apartheid and colonialism; and (10) recommend a programme of research into new problems of human rights posed by the advance of technology.

Mr. HAKIM (Lebanon) expressed his gratitude to the host country, which had made remarkable progress in the fields of human rights and economic development.

His own country's concern for human rights and fundamental freedoms stemmed from the very nature of the Lebanese community and the very essence of its Constitution. The fundamental freedoms of conscience, worship, expression, political democracy and social and economic liberty were the basic conditions of individual life and national progress in Lebanon. His country was deeply committed to the promotion of respect for human rights and their universal recognition and observance. Lebanon had played its part in the preparation of the Universal Declaration of Human Rights and other instruments adopted by the United Nations.

The Universal Declaration was one of the greatest achievements of the United Nations. Its wide use as a basis for national legislation and the extent to which it had been invoked by people all over the world were sufficient testimony to the high regard in which it was held. It had been used for the elaboration of declarations, conventions and covenants that constituted an impressive contribution to the body of international law. In particular, he wished to draw attention to the principle of

non-discrimination, which had become the source of several important international instruments, the chief of which was the Declaration and Convention on the Elimination of all Forms of Racial Discrimination. That work of elaboration of articles of the Universal Declaration should continue with a view to establishing a body of well-defined norms of international behaviour.

It had been argued that international instruments on human rights were not enough, since there still remained the question of implementation. It was essential to recognize the limitations of the international community in that respect. National sovereignty remained the dominant factor in international relations and the United Nations Charter itself embodied the two principles of sovereign equality of Member States and non-intervention in their domestic affairs. In the last analysis reliance had to be placed on international co-operation and the pressure of world opinion in order to make progress in the matter of implementation. The Lebanese delegation was prepared to consider any proposal for the creation of international machinery for implementation. Its effectiveness and its limitations would have to be examined and an answer found to the question whether it would have greater effect on Governments than debates in the United Nations and the pressure of public opinion. At the present stage it might be preferable to work for the improvement of national machinery and institutions for the effective protection of human rights. The Conference could recommend ways of improving existing national machinery and procedures, or the establishment of new institutions. The purpose of such reforms should be to provide appropriate arrangements for the investigation of complaints regarding the denial of human rights and the provision of redress. Articles 7 and 8 of the Universal Declaration could be elaborated into a declaration and/or convention on the provision of effective national remedies for violations of human rights.

There were two categories of rights in the Universal Declaration: civil and political rights on the one hand, and economic, social and cultural rights on the other. In December 1966, the General Assembly had adopted international covenants for each of them. Article 22 of the Universal Declaration clearly indicated the link between human rights and economic development. The developing countries needed to provide the organization and resources necessary for the realization of the economic, social and cultural rights indispensable to human dignity. Those objectives could be achieved not only through national efforts by the developing countries themselves but also through international co-operation.

The Universal Declaration and the Declaration on the Granting of Independence to Colonial Countries and Peoples had had a great impact on the world. The right of all peoples to self-determination was now generally recognized and as a result the character and structure of international relations had been modified. The great importance of those two Declarations lay in the ideas they embodied, for which men such as Dr. Martin Luther King were prepared to fight and die. Men demanded freedom and justice, and sooner or later they obtained them. It was therefore most important to continue defining and propagating human rights and fundamental freedoms. Many new nations had been born in Africa, Asia and Latin America, and the struggle for self-determination was still going on in many parts of the world. The peoples of southern Africa were fighting against colonialism and apartheid and would eventually win their right to freedom and equality.

In the Middle East the Arabs of Palestine were struggling for their human rights, first and foremost the right to self-determination. He did not propose to discuss the Arab-Israel conflict with which the Security Council and the General Assembly had been dealing. He felt bound, however, to call attention to the denial of human rights to the Arabs of Palestine. Their struggle for freedom under the British Mandate and after the Second World War had been frustrated by colonialism and Zionism. Israel continued to deny the right of self-determination to the Arabs of Palestine. The creation of the State of Israel in 1948 had resulted in the expulsion of the majority of the Arabs of Palestine from their ancestral homeland. Those who had remained were considered second-class citizens and suffered from various forms of discrimination. Again in 1967 almost half a million Arabs had been driven from their homes and the territories occupied by the Israel armed forces. Twice in a life-time many Arabs had been forced to become refugees.

Article 13 of the Universal Declaration accorded everyone the right to leave any country, including his own, and to return to his country. On 11 December 1948 the General Assembly had adopted a resolution on the Palestine question offering the Arab refugees the choice of returning to their homes or receiving compensation for the property they had left behind. That right to repatriation or compensation had been reaffirmed every year for the last twenty years. After the June 1967 war, the Security Council and the General Assembly had confirmed the right of the new refugees to return to their homes in Israel-occupied territory, but Israel had denied the Arab refugees that right. Israel had also violated the human rights of the civilian population in occupied territories. There had been numerous cases of arbitrary arrest,

detention and exile and there had been much destruction of Arab property. During its latest session, in February 1968, the Commission on Human Rights had called on Israel to respect the rights of the Arab inhabitants of the occupied territories and to refrain from destroying their property.

The question facing the Conference was whether any occupying authority was free to disregard the human rights of the civilian population under its temporary jurisdiction. The Universal Declaration did not make any exceptions for colonial rule or military occupation or even for conditions of war. The value of human rights was absolute and did not depend on the particular situation of the persons or peoples concerned. The denial of human rights to a people by a foreign Government was even more serious and dangerous than the denial of rights to people by their own Government, since it contained the seeds of conflict between peoples. It endangered the maintenance of international peace and security; that was why colonial rule had been condemned.

The greatest success in the field of human rights in the past twenty years had been the national liberation of the peoples of the Third World. The United Nations had made a historic contribution in helping to speed up the process of decolonization and more than half its Member States were newly independent nations. Important tasks had still to be carried out. The remaining colonial territories should be helped to achieve independence. Racial discrimination and its extreme form of apartheid should be eliminated. International co-operation should be intensified so as to secure greater respect for political and civil rights everywhere and to help the developing countries in particular to achieve a higher level of economic, social and cultural rights.

Mr. VALTICOS (International Labour Organisation) said that, after fifty years spent in protecting many of the rights set out in the Universal Declaration and the International Covenants on Human Rights, the International Labour Organisation (ILO) was well aware that the conditions in which men lived could not be transformed in a year or even in a generation. Although the ILO had many impressive achievements to its credit, it was fully conscious of the magnitude of the task still to be performed.

As early as 1919, the original text of the ILO Constitution had stated that "universal and lasting peace can be established only if it is based on social justice" and had listed the fields in which action was necessary to counteract injustice, poverty and privation. A Declaration adopted in Philadelphia in 1944 and incorporated in the ILO Constitution stated that "labour is not a commodity", that "freedom of expression and of association are essential to sustained progress" and that "poverty anywhere



constitutes a danger to prosperity everywhere". It emphasized in particular that "all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity" and that it was in the light of that fundamental objective that national and international economic and financial policies and measures should be viewed.

In addition to their moral weight, such declarations could have legal value, particularly when they were incorporated in constitutional texts. They had enabled the ILO to take vigorous action in certain fields. In 1964, the International Labour Conference, in a Declaration on the Policy of Apartheid in the South African Republic, had reaffirmed its condemnation of that racist policy and had approved a detailed programme to eliminate the policy of apartheid in connexion with labour questions. The Director-General had since presented a special report on the subject to each session of the International Labour Conference, proposing the positive measures which would be necessary should there be a change in the situation in South Africa, in order that economic and social life should continue in a society which respected the freedom and equality of all human beings. The fourth report was to appear in May 1968 and would deal with the question of apartheid against the background of the international action undertaken during Human Rights Year. The ILO would continue to impress on public opinion, both inside and outside South Africa, the necessity and possibility of a different policy, which alone could lead to a peaceful solution.

Concerted international action must be based on more than principles, however, and the ILO had therefore tried to express those principles in international instruments which would create formal obligations on the part of the States which ratified them. It had formulated some 130 different Conventions and an equal number of recommendations intended to guide the social policy of its Member States, thus constituting an international labour code. Those Conventions had obtained nearly 3,400 ratifications and 1,200 declarations of application to different territories. Six of them, which had received an average of seventy-seven ratifications, referred to fundamental rights: the Conventions of 1948 and 1949 on freedom of association for trade union purposes, those of 1930 and 1957 on forced labour, that of 1951 on equal remuneration for men and women and that of 1958 on discrimination in employment and occupation.

It was not enough, however, for conventions to be ratified; they had also to be implemented. The ILO had therefore instituted a system of supervision which included procedures for the submission of complaints and for the examination of periodic reports

by Governments. Moreover, special machinery for the protection of trade union rights had been set up in 1950, in agreement with the Economic and Social Council; it enabled complaints to be examined even when they concerned States which had not ratified the relevant conventions. The general principle of supervision was that it commanded general respect and was exercised accurately, impartially and efficiently.

Supervision machinery, however, was not sufficient to overcome the economic or administrative difficulties encountered by States in ensuring the protection laid down by international standards. For instance, certain countries, in an effort to speed up their development, had felt it necessary to limit various human rights such as freedom of association and freedom of work. The ILO had in those cases suggested ways of reconciling freedom and efficiency.

With regard to technical co-operation, the action of the ILO had been devoted to the problems of developing countries. In 1969 it was to launch a world employment programme, with the aim of giving all men the opportunity to contribute to the development of the society in which they lived and to enjoy the fruit of that development. The programme would be designed to prevent the expression "human rights" becoming a mere formula for those who had no possibility of obtaining remunerative and productive employment.

The ILO had also instituted a programme of education, information and action to gain recognition of the principle of non-discrimination in employment and occupation and to promote equality of opportunity and treatment, not only in the countries which deliberately practised discrimination and racial segregation but also in those in which discrimination arose from prejudice and was often the result of social and economic differences.

The ILO realized the necessity for concerted action at both the national and the international level. There were no priorities in human rights; all should advance together to achieve balanced economic and social development. The ILO had therefore welcomed the United Nations action on human rights and was determined to give it its undivided support. In two resolutions adopted in 1966 and 1967, the International Labour Conference had undertaken to ensure its continued co-operation with the United Nations in that respect. It had welcomed the adoption of the International Covenants on Human Rights, noting that some of their provisions were directly related to questions within the competence of the ILO. It had invited the States members of the organization to study the possibility of ratifying the International Covenants on Human Rights and of ratifying and implementing the conventions on human rights adopted by the ILO as soon

as possible. It had requested employers' and workers' organizations to intensify their efforts to achieve the aims of the Universal Declaration and had decided that, as soon as the Covenants came into force, they would be taken into account in the ILO's future work. It had expressed its satisfaction that the Director-General of the International Labour Office should make the action of ILO in connexion with human rights the theme of his report to the next session of the Conference in June 1968.

The ILO's contribution to the common work of protecting and promoting human rights could be valuable in that it had been dealing with various aspects of those rights for many years. While the Covenants specified that they did not affect the responsibilities and procedures of the specialized agencies, they allowed for the possibility of those agencies making a contribution to the implementation procedure. The ILO would indeed contribute wholeheartedly to the implementation of the Covenants and to all United Nations action in the sphere of human rights. At a time when the progress of science and technology increased the dangers but also the hopes for humanity, when the evolution of economic and social systems and men's aspirations to a better life often posed old problems in new terms, it would be impossible to devote too much effort to such a task. Governments, international organizations, organizations representing workers, employers and various sectors of enlightened opinion should all contribute to it with determination and a sense of responsibility.

He hoped that the present Conference would be an important milestone in mankind's struggle for peace, justice and freedom.

Mr. RESICH (Poland) said that, as was stated in document A/CONF.32/5, the events of the Second World War had resulted in particular importance being attached to human rights and fundamental freedoms. For the first time in the history of his country, a lasting foundation had been laid for the protection of human rights and fundamental freedoms in the political, economic, social and cultural spheres. Polish legislation was indeed often in advance of the work undertaken by the United Nations in that field.

It was regrettable that the efforts of the United Nations and of many countries were still encountering obstacles which were hindering, and in some cases preventing, the realization of those rights. The United Nations should not only adopt instruments to guarantee human rights, but should contribute to the establishment of a political climate suitable for their implementation. The most noble legal principles could not become effective so long as brutal violence of the rights of the individuals went unpunished. The American aggression in Viet-Nam, the sufferings to which the Arab refugees were subjected - and that by a people which had itself been a victim of

Nazism - the defiance of the Governments of South Africa and Portugal and the racist régime in Southern Rhodesia, as also the racial segregation practised in the United States, made any realization of human rights impossible and hampered United Nations efforts to protect them.

If declarations were to be more than mere words and if respect for human rights and fundamental freedoms was really to be achieved, it was not enough for there to be a list of principles and legal standards or a supervisory machinery. Mankind must be assured of such political, economic and social conditions that the principles and instruments adopted by the United Nations would become not only the letter but also the practice of the policy of all countries.

There was one basic weakness in United Nations practice: accession to its various instruments was limited to a certain category of States. That was incompatible with the contemporary idea of international law, particularly since the instruments in question were of humanitarian importance not only for States Members of the United Nations but for the whole international community. The principle of the equality of nations and States was one of the fundamental principles of the Charter.

The Universal Declaration of Human Rights took into account not only rights and freedoms in the traditional meaning of the word, but also economic and social rights. Only by establishing a close link between economic, social and political guarantees and legal standards was it possible to guarantee fundamental human rights.

Poland's legislation conformed to the stipulations of the Universal Declaration in the matter of political, civil, economic, social and cultural rights. Its Constitution guaranteed all the rights and fundamental freedoms of its citizens and those guarantees were reflected in detailed legislation. The new draft Penal Code which had recently been submitted to the Diet included a separate chapter on crimes against freedom of conscience and belief, and another on crimes against peace, humanity and international relations.

The right to work was fully assured. Social insurance was universal and free.

Those were but a few examples of the results achieved by Poland in the protection of the rights of its citizens. Those rights were accorded also to Polish citizens of other origins. Poland had always been tolerant of the national convictions of its citizens, and accorded them equal rights and recognized their right to preserve their national, cultural or religious individuality. That was equally true of Polish citizens of Jewish origin, who considered Poland their country. Poland's attitude towards citizens of other nationalities was therefore fully in accordance with the principles

outlined by the representative of Israel at the fourth meeting. It was obvious, however, that no group of citizens could enjoy the privileges of a country without fulfilling their fundamental duties, especially that of loyalty to the State.

In Poland, the work of the State was gradually being taken over by the citizens themselves. Hence the protection of the rights of the people was passing into their own hands.

One of the essential tasks to which the Conference should give priority was the elimination of all forms of racial discrimination. Despite universal condemnation and innumerable resolutions by the General Assembly and the Security Council, apartheid - a crime against humanity - was still the active policy of the Government of the Republic of South Africa. It would not, however, be able to defy the people of the whole world were it not for its alliance with the last champions of colonialism - Portugal and the racist régime in Southern Rhodesia - and its close links with foreign monopolies, especially those of the United States, the United Kingdom and the Federal Republic of Germany. It was essential that effective steps, including the imposition of compulsory economic sanctions, should be taken immediately by the international community against apartheid and that the economic interests of the Western Powers in South Africa should be eliminated.

Definite progress had been achieved in decolonization, thanks to the persevering efforts of the United Nations and especially of the Special Committee on the situation with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, of which Poland was an active member. At the same time, however, efforts were being made to renew foreign domination either in other forms or through strengthening the régimes in the last bastions of colonialism in Africa.

Political independence should be accompanied by economic independence and the sovereignty of the people of the country over their natural resources.

The Convention on the Elimination of All Forms of Racial Discrimination called for the condemnation of discrimination in the legislation of all countries. In the spirit of that Convention, work had been initiated to prohibit the activities and propaganda of Nazism and Fascism, those dangerous manifestations of racism. The importance of the threat of Nazi activity, which was clearly expressed in General Assembly resolution 2331 (XXII), should not be disregarded, especially in the Federal Republic of Germany.

In considering the obstacles to the full realization of human rights, an essential problem should not be overlooked - that of the punishment of war criminals and persons guilty of crimes against humanity. That was why the Polish delegation had suggested to

the United Nations the idea of an international convention on the period of limitation for the trial of war crimes and crimes against humanity, to which the twenty-second session of the General Assembly had rightly given priority.

Another problem which required rapid solution was that of compensation for the victims of war crimes and crimes against humanity. Twenty-three years after the end of the Second World War the question had not yet been settled. There should be no discrimination between the nationals of one country or another but justice should be done to the millions of victims throughout the world.

It was Poland which had proposed the drafting of a declaration, subsequently adopted by the Commission on the Status of Women, which stated that discrimination against women constituted an offence against human dignity and which included several decisions giving women rights of which they had hitherto been deprived. Poland had also contributed to the drafting of the Declaration of the Rights of the Child.

The adoption of the International Covenants on Human Rights, which guaranteed all human rights and fundamental freedoms in the political, economic, social and cultural spheres, was the concrete expression of the principles of the Universal Declaration. Poland had signed the Covenants and their principles were embodied in the Polish Constitution and legislation.

Recognizing the importance of economic and social rights, Poland had agreed to act as host in 1967 to a United Nations seminar on the realization of the economic and social rights proclaimed in the Universal Declaration. The Polish and other delegations had subsequently submitted to the twenty-fourth session of the Commission on Human Rights a draft resolution concerning the work of the United Nations on the realization of economic and social rights, which was an essential condition of the realization of political rights. That question should be one of the main subjects to be discussed by the Conference.

His delegation considered that the United Nations should once again call upon States to ratify and implement the international instruments for the protection of human rights. Should there be a contradiction between the clauses of those instruments and national legislation, the latter should be modified to conform with the Covenants. If States were to adopt suitable legislative, administrative, social and other measures to guarantee the respect and protection of human rights and were required to make regular reports to the United Nations on the steps taken to implement the Covenants, that would provide a suitable basis for the protection of human rights.

His delegation would in due course present its views on the broad lines to be followed in future work on human rights. He hoped that the Conference would transform words into deeds, that the work already begun would be continued with even greater determination and that the scourge of human injustice which was the shame of contemporary life would soon disappear.

Mr. FERNANDEZ ARTUCIO (Uruguay) said that his country regarded the State as the institution designed to serve the moral, social, economic and cultural needs of the individual and had never allowed the dignity of the human person to be used as a means to achieve unworthy ends. It had accordingly supported all measures designed to protect the human person as a subject of domestic law and as a subject of international law.

The present Conference afforded a great opportunity for examining the progress made in human rights and for outlining future programmes for strengthening them in the light of the confrontation of various cultures and historical traditions.

Uruguay had made its contribution to the progress so far achieved at all stages and at both the regional and the international levels. It had supported the view that declarations on human rights should be placed under effective international jurisdiction. It had taken the lead in urging the authors of the Universal Declaration to insist that human rights and freedoms should only be limited by laws conducive to the well-being of a democratic society and in recognizing that the individual should have the right to refuse to belong to an association along with the parallel right of freedom of association. At the fifth session of the General Assembly it had suggested that the possibility of creating an office of High Commissioner for Human Rights, to receive complaints from individuals or groups, should be considered.

On the American continent, since the incorporation of the principles of the Declaration of Chapultepec in the Charter of the Organization of American States, human rights were being accepted as a proper subject of international law. It was also understood that approval of an inter-American agreement or convention for the purpose of ensuring respect for human rights did not violate the principle of non-intervention.

It had been stated at the Conference that, while acceptable progress in human rights had been made during the last twenty years, the political and material conditions of man's life had undergone profound changes. As a result, it would be necessary to view the very notion of human rights in a new light.

In particular, the Conference should pay special attention to devising legal, economic, social and cultural means of enabling the international community to remove the remaining expressions of racial, religious and colonial discrimination. The

Conference was being held at a time when a great effort was being made by the international community to define aspirations, norms and instruments for progress. Yet the world was still witnessing some of the worst forms of discrimination such as apartheid and anti-semitism. What was worse, recourse to violence for the settlement of international disputes was becoming more frequent. Problems arising from the disequilibrium of the world's economic structure were raising new barriers to international economic development and social change. All these developments were making the implementation of human rights more difficult and it was imperative to find means, both at the regional and international level, for continued progress.

Uruguay was encouraged by the progress that had been made during the last quarter of a century, but it considered that those achievements should be regarded as a minimum. It would continue to participate in all the efforts of the international community to perfect an international system based on human rights and to eliminate all forms of discrimination.

Mr. KHALAF (Iraq) said that the pace at which the cause of human rights had progressed during the last twenty years had been too slow. In spite of conventions, declarations and recommendations, when it came to implementation the picture was not as bright as might have been expected. There was need for more co-operation, comprehension and, indeed, selflessness before all men could enjoy their human rights to the full. Political, social, economic, religious, cultural and legal rights were inter-related and the attainment of some was useless without the others.

The Conference should not be content with mere debate but should make a thorough examination of the lot of different individuals and groups in different parts of the world as far as their human rights were concerned. It was true that in all parts of the world there were areas where people were still denied their human rights. The condition of the peoples of South Africa, South West Africa and Southern Rhodesia was striking evidence of the inefficiency of international machinery for the protection of human dignity. To give tacit support to the racial discrimination and apartheid existing in those territories was not only to violate the United Nations Charter and the Universal Declaration of Human Rights, but to endanger peace. Participants in the Conference should beware of applying a double standard with regard to those territories.

In the Arab homeland Zionist settlers were violating human rights and continuing to perpetrate acts of oppression. They had ignored the telegram sent by the Commission on Human Rights calling upon them to desist from destroying the homes of Arab civilians



and had protested that the question was not one for the Conference to discuss since it was being dealt with by other United Nations bodies. If the Commission on Human Rights had deemed it necessary to take up the question of the human rights of the inhabitants of the occupied Arab territories, surely the International Conference on Human Rights could not shut its eyes to the sufferings of those people. Israel's defiance of the United Nations and world public opinion was a continuing threat to peace and security. Although Israel had protested that with the exception of the Sinai desert it had annexed no territory, it had issued new maps of Greater Israel. It was even thought that Israel was working on the production of an atomic bomb.

There could be no justification for holding an International Conference on Human Rights if it failed to give attention to the condition of the two million refugees in the world, most of whom were Arabs.

Mr. KASSI (Mali) said that, immediately upon attaining independence after more than half a century of foreign domination, his country had drawn up legal instruments guaranteeing its citizens their fundamental human rights and had set about building a classless society in which all would be offered equal opportunities. A massive literacy campaign had been undertaken with the help of the United Nations Educational, Scientific and Cultural Organization and had produced encouraging results but much remained to be done, for until education had eliminated the differences between individuals and groups, human rights could not be truly achieved. All people should have equal educational opportunities in order that man's potentialities might be fully developed.

The President of the Conference had described the Conference as one of recall, questioning and decision. Participants should recall the martyrdom of millions of victims of oppression, discrimination and denial of human rights. They should ask themselves whether they could speak of human rights without shame when they recalled the condition of the majority of the inhabitants of South Africa, Southern Rhodesia and the territories under Portuguese administration, the violence engendered by racial discrimination in the United States of America and the pillaging and inhuman treatment inflicted on the Viet-Nameese people. The fact that three-quarters of the human race were suffering from hunger, disease and ignorance should make the international community determined to take more decisive action.

Among the many obstacles to a full realization of equal human rights, racism was particularly dangerous. That hateful phenomenon afflicted more than half the inhabitants of the planet, whether practised openly or in more subtle forms. It was

significant and distressing that not all States had ratified the Convention on the Elimination of All Forms of Racial Discrimination. African opinion was outraged and powerless before the racial atrocities committed in its continent. The citizens of Mali felt that their own freedom was inseparable from the freedom of the whole of Africa, just as their dignity was inseparable from African dignity.

His country was also disturbed by the tragic and growing gap between the rich nations of the world and the countries where dwelt the impoverished masses. Just as in the highly developed nations every individual had the right to education, health, and work, so the nations of the Third World had the right to development, which should be accepted not only as a moral imperative but as a legal obligation.

His country would spare no effort to co-operate in the implementation of the principles set forth in the Universal Declaration of Human Rights. For his part, he considered that the essential need was not to create new bodies, but to show a sincere determination to bring about a world society in which man would have full opportunity for development.

The meeting rose at 6.35 p.m.

SUMMARY RECORD OF THE ELEVENTH MEETING  
held on Monday, 29 April 1968, at 10.55 a.m.

President:

Mr. BOWEN

Australia

In the absence of the President, Mr. Bowen (Australia), Vice-President took the Chair.

REVIEW OF THE PROGRESS ACHIEVED AND IDENTIFICATION OF MAJOR OBSTACLES ENCOUNTERED AT THE INTERNATIONAL, REGIONAL AND NATIONAL LEVELS, IN THE FIELD OF HUMAN RIGHTS SINCE THE ADOPTION AND PROCLAMATION OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS IN 1948, PARTICULARLY IN THE PROGRAMMES UNDERTAKEN BY THE UNITED NATIONS AND THE SPECIALIZED AGENCIES (agenda item 9) (A/CONF.32/4, A/CONF.32/5 and Add.1, A/CONF.32/7 and Add.1 and 2, A/CONF.32/8-10, A/CONF.32/12, A/CONF.32/13 and Corr.1, A/CONF.32/16, A/CONF.32/L.9-L.11) (continued)

EVALUATION OF THE EFFECTIVENESS OF METHODS AND TECHNIQUES EMPLOYED IN THE FIELD OF HUMAN RIGHTS AT THE INTERNATIONAL AND REGIONAL LEVELS (agenda item 10) (A/CONF.32/6 and Add.1) (continued)

- (a) INTERNATIONAL INSTRUMENTS: CONVENTIONS, DECLARATIONS AND RECOMMENDATIONS;
- (b) IMPLEMENTATION MACHINERY AND PROCEDURES;
- (c) EDUCATIONAL MEASURES;
- (d) ORGANIZATIONAL AND INSTITUTIONAL ARRANGEMENTS

General debate (continued)

Dr. TABA (World Health Organization) said that for the World Health Organization (WHO) one of the most encouraging developments in recent times had been the increasing interest shown by Governments throughout the world in the well-being of their citizens. Article 12 of the International Covenant on Economic, Social and Cultural Rights recognized "the right of everyone to the enjoyment of the highest attainable standard of physical and mental health", and indicated the steps which should be taken to achieve the full realization of that right. Article 25 of the Universal Declaration of Human Rights proclaimed the right to a standard of life adequate for health and the right to medical care, and since its inception WHO had devoted all its efforts and available resources to the realization of the right to health in the sense of physical, mental and social well-being. It had consistently striven to deepen the search for agreement on health requirements and to ensure that the right to health should be exercised in the light of contemporary technical and scientific progress. It was assisting Governments to co-ordinate and upgrade their existing services and to extend coverage and improve quality in an orderly manner as resources became available. Maternal and child health, nutrition, nursing, health education and environmental health activities and programmes, and programmes to combat specific diseases, were playing an important role in preparing the way for the establishment of basic health services.

In pursuing their specific aims, member States had introduced modern health measures in areas which until then had known nothing of modern medicine. They had carried out training programmes for various categories of workers to operate and expand the basic health services. The good work done by the Health Corps in Iran was an excellent example of what was being done.

WHO recognized in the provision of that assistance the desire of all people for health facilities within easy reach of their home or place of work, and the need of all health authorities for local machinery through which they could implement national health programmes and from which they could receive information about local health conditions. The growing concern of Governments, the rising expectations of the population and the techniques available to public health authorities now provided the necessary conditions for planning the orderly development of basic health services once the required manpower and funds were available.

The two inter related objectives of economic and social progress were the concern of the entire modern world, and health was assuming a steadily growing importance in the evolution of a strategy for growth. That was natural, since investment in health improved the quality of human resources one of the three major sources of economic growth.

The right to health raised complex problems which called for a variety of diversified but co-ordinated solutions within a global policy. Techniques for the physical and mental protection of individuals required constant adaptation, with due regard to the rapid progress of scientific research and the consequences of the social changes which were taking place more and more rapidly in all countries. While there was a need to increase and diversify the infrastructure of health care services, techniques and institutions should be established which provided equal opportunities to the inhabitants of urban and rural areas to obtain preventive and curative health services of uniform quality.

Mrs. RUSSEL (Sweden) considered the praise which previous speakers had bestowed on the Universal Declaration well warranted. The Declaration had served both as an inspiration and as the starting point for urgent tasks to be carried out by the international community.

The documentation before the Conference provided evidence of the wealth of international legislation which had come into being since the adoption of the Universal Declaration, on the initiative either of the United Nations itself or of the specialized agencies. Among the major instruments, her delegation regarded the Covenant on Economic, Social and Cultural Rights, the Covenant on Civil and Political Rights and its Optional Protocol, and the Convention on the Elimination of All Forms of Racial Discrimination as the culmination of the efforts to transform the exhortatory provisions of the Universal Declaration into legally binding obligations. The Swedish Government had been among the first to sign those instruments and intended to ratify all of them.

But while much had been achieved, a great deal still remained to be done, and guidelines and priorities must be established. Some work had been done on freedom of information and on the elimination of all forms of intolerance and discrimination based on religion or belief, but the final results would not appear for some time to come, and the position would probably be the same in the case of discrimination in regard to political rights and discrimination against persons born out of wedlock.

Her Government had been disappointed by the scanty progress made in regard to the implementation of the various instruments in the field of human rights. Among the ways in which the United Nations tried to follow developments concerning respect for human rights in various parts of the world, the most widely used and most successful method had been periodic reporting. The preparation of the reports called for self-analysis, and the publicity and comparisons which the system entailed exerted healthy pressure. Of the other methods proposed but not tried out, the most important, in her delegation's view, was the proposal to resort more extensively to regional machinery to safeguard human rights. The council of Europe had achieved some success in that direction. Her delegation agreed that a world-wide system of commissions, each set up by countries with a common background and outlook, would be able to solve most problems within the group of countries concerned. There would, however, also have to be as final authority a central United Nations body, whether a High Commissioner for Human Rights, an international court for human rights or some other institution.

She did not share the view that the various measures and proposals with regard to implementation necessarily constituted a duplication of effort. It could be useful to test out various methods of implementation simultaneously for some time.

Meanwhile, until it had been decided which methods were the most satisfactory, the Commission on Human rights would have to act as co-ordinator. Her delegation felt strongly that questions of implementation should for some time to come be given much more prominence than had recently been the case.

With regard to priorities in the future work programme, her Government felt, first of all, that apartheid in South Africa and South West Africa and the form of racial discrimination existing in Southern Rhodesia should be treated with particular urgency as constituting violations of all norms of decent behaviour and of the Charter. To achieve the best results, co-ordination between the organs specifically concerned with human rights, the Security Council, and the General Assembly, should be as close as possible. Secondly, the campaign against illiteracy deserved special attention. The ability to read, which enabled an individual to acquire a knowledge of contemporary problems and of the rights which governed his and other people's liberty, was a prerequisite for the achievement of full human rights.

Suitable prominence should also be given to efforts, in particular those of the United Nations Children's Fund (UNICEF), to assist those who were most vulnerable and in need of help. Similarly, the plight of refugees had continued to be one of the priority areas of Swedish assistance activities, and Sweden fully subscribed to the statement made by the High Commissioner for Refugees and pledged its continued wholehearted support to him.

Her delegation was glad to see that the rights of women constituted a special item on the agenda, but regretted that it was still necessary to deal with human rights and the rights of women as though they were two different topics, and her country would work individually and within the United Nations to eliminate the distinction. Sweden's aim was the development of the world into a society of true equality without discrimination of any kind. Men and women should work together, from planning for the well-being of the family to the formation of society as a whole, in the political and administrative organs which would have to make and implement the relevant decisions. Sweden's active interest in the question of family planning was well known. In recent years, whenever the question was dealt with in the General Assembly or elsewhere, attention had been concentrated on the inter-relationship between population growth and economic development. There were reasons for that, but the fact remained that the population situation of any country was the sum total of the situations of countless individual families of human beings.

On the question of capital punishment, she expressed the hope that the Conference would make appropriate reference to the subject when formulating its recommendations to the General Assembly.

As from the end of 1968 Sweden would no longer be a member of the Commission or of the Economic and Social Council, and she would like to conclude with a few general observations based on her own experience and on Sweden's participation in the work of those two bodies. She hoped that the letter and the spirit of the Universal Declaration would guide all future efforts towards a truly positive outlook. Thus, the treatment of the question of freedom of information must not turn into an exercise on the control of information, nor freedom from discrimination into freedom to discriminate. The principles laid down in the Universal Declaration on those and other matters were admirable as they stood, and any elaboration of them in a restrictive direction would be a retrograde development.

The very fact that human rights constituted a highly political question rendered the drafting of legal provisions particularly difficult. While it was natural for any delegation to endeavour to see that any point it wished to safeguard was explicitly covered in a text, that resulted in provisions characterized by political compromise rather than juridical clarity. While it might no longer prove possible to draft conventions in the simple and exalted language of the Universal Declaration, she thought efforts would have to be made in the direction of a more general and less specific way of drafting.

Sweden was concerned that political considerations, which fell within the competence of other United Nations organs, were increasingly occupying the time of organs specifically concerned with human rights. Although the intentions of those who introduced such considerations were worthy, that was bound to result in a decline in the United Nations authority and usefulness and in the general public's confidence in it, which was the main element in the moral force of the Organization.

There might be something to be said for equitable geographical distribution when the problem was to make known the viewpoints of different regions of the world; but it was a different matter when chairs around the committee table were constantly empty, while people ready and qualified to participate were kept out from the deliberations. She hoped that in future when the question of candidatures was discussed, steps would be taken to make certain that the countries to be elected could nominate as their representatives fully qualified persons able to attend all meetings.



The growing tendency to label representatives as Westerners, Asians, etc., was regrettable. Admittedly, the attitude of a delegation was often influenced by its regional background, but it was not always so. She hoped that it would prove increasingly possible for representatives to consider each other first and foremost as human beings, each and every one striving to improve conditions for mankind as a whole.

Mr. ALFARAS (Cuba) said that the present Conference provided a suitable setting in which to analyse basic human rights. All were aware of the wide gap between the aims of the Universal Declaration and the actual state of affairs in the world.

The Universal Declaration recognized the right to an adequate standard of living; yet only one third of the world's population had enough to eat. In Latin America, which should be a wealthy continent, large number of people were under-nourished, lived in wretched hovels, were illiterate and received no medical attention. As the heroic leader Ernesto Che Guevara had said, the development of his continent was stifled and retarded by the vicious circle of inflation, unemployment, and foreign indebtedness resulting from its relations with the United States of America. Every year \$2,000 million extracted from the impoverished Latin-American economy found their way into yankee coffers. The yankee imperialists spoke of Latin American inferiority but, in the words of Fidel Castro, that inferiority was the hunger imposed on their peoples of Latin America by imperialists and colonialists.

The Universal Declaration recognized the right to health, but under present conditions over 10 per cent of children died before the age of one, and malnutrition, disease and epidemics were rampant. The right of the sick to medical and hospital attention must be proclaimed. The Declaration recognized the right to education and culture, yet more than 700 million adults in the world were illiterate and more than half the children of school age did not receive even a primary education. The Declaration postulated the right to universal justice, yet the majority of the world's population, particularly in Asia, Africa and Latin America was exploited and subjected to conditions of unemployment and under-employment akin to slavery.

How was it possible to speak of the rights of children and of the family when imperialism had embraced the so-called "population explosion" theory with its Neo-Malthusian implications: The imperialists wished to put an end to poverty by eliminating the poor, but surely in the present state of knowledge no limit could be set to the number of human beings which the earth could support.

How could the ideal of the free human being be recognized unless the minimum conditions existed to enable every human being to enjoy his basic rights? How were human rights to be enjoyed under the criminal conditions imposed by colonialism, neo colonialism and imperialism? How could those who violated their legal international obligations be expected to respect an instrument like the Universal Declaration of Human Rights whose force was merely moral? While human dignity and human rights were incompatible with those who distorted, alienated and violated all rights, Cuba's President had challenged anyone to deny that in his country all the material and economic measures to guarantee the exercise of human rights were being implemented.

It had been agreed that the present Conference should devote particular attention to the rights set out in articles 2, 3 and 4 of the Universal Declaration. Indeed the international community had achieved a virtual consensus on the problems of discrimination and apartheid -- that ignoble system characterized by forced labour, poverty, malnutrition and racial tension. The Security Council and the General Assembly had adopted many resolutions on those subjects, and the Bandung Conference of 1955, the Belgrade Conference of 1961 and the Cairo Conference of 1964 had all condemned racial discrimination.

The problems of racial discrimination and apartheid were closely related. There was, moreover, a close link between imperialism and racism which was manifested in a common ideology, common economic aims and complementary political and military structures. Strategic reasons made the United States imperialists declare that the frontiers of the United States and the Western world ran through the Azores, Angola, Mozambique and Portuguese Guinea.

The Special Committee on the situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples had condemned the activities and financial methods of the international companies which exploited the natural resources and those of the African population for their own exclusive benefit. But the imperialist Powers supported racist policies and ignored the United Nations recommendations, with the support of imperialist foreign interests and the financial backing of foreign monopolies ostensibly contributing to the material progress of the territories concerned. Moreover, it was authoritatively established that foreign economic and financial activities in southern Africa were not restricted to investment and trade but also helped to strengthen discriminatory labour policies and exploitation of the population. As well as supporting racist Governments, the imperialists were overtly opposing action to implement human rights and the right of self-determination.

The United States Government used the pretext that United States trade and other economic activities in South Africa were carried on by private interests beyond its control. It was, however, well known that the United States Government had ordered the suspension of trade with Cuba, so that the explanation could not be accepted.

Racism was an instrument of imperialism, and its elimination must be prefaced by that of imperialism, which used racism as a basic tool of oppression and exploitation and took advantage of cheap labour in many Asian, African and Latin American countries in an attempt to convert the countries of the Third World into a vast hinterland dominated by its interests. Imperialism rejected the universally proclaimed principle that all men are born free and equal in dignity and rights and reaffirmed racist doctrines which constituted a recrudescence of the Nazi theory of Aryan superiority.

In the light of the recent resolution adopted by the United Nations Commission on Human Rights condemning racist ideologies, it might be well to consider the brutal discrimination practiced throughout the United States of America. It should not be forgotten that the United States imperialists made more than \$4,000 million a year out of the oppression of the North American negro and inequality in his working conditions. The response of the North American negroes had varied from the Civil War for the freeing of the slaves to the armed and violent disturbances of the present day. They were closing ranks for the struggle, and the days of white supremacy in the United States were numbered.

Latin America was an exploited continent in which the chief victims were the indigenous populations: negro and half-caste, who were subjected to all sorts of discriminatory laws and practices. There, likewise, the Puerto Ricans came under United States colonial domination. The United Nations must realize that the continuation of the policy of discrimination and apartheid constituted a crime against humanity and a serious threat to world peace and security. The great majority of Member States were agreed that the United Nations must effectively promote the implementation of human rights and denounce the growing collaboration between racist and colonialist regimes and the assistance they received from certain foreign Powers and economic interests. They urged the implementation of the Security Council and General Assembly resolutions on the situation in South Africa, and believed that the Security Council must adopt measures of coercion under Chapter VII of the Charter and impose compulsory universal sanctions in all the regions of the world in which racism and discrimination held sway. Cuba had made its attitude

to the problem of discrimination and apartheid clear by denouncing the material assistance that the imperialists, principally the yankees, gave to the racists and colonialists.

The legislation of Cuba, a multi-racial country, formally proscribed discrimination of all kinds; but it was only with the triumph of the revolution that discriminatory practices had disappeared forever with the suppression of the economic and social factors which engendered them.

In the international sphere, the revolutionary Government was carrying on a continuing campaign against imperialism, colonialism and neo-colonialism which were the sources of all violations of human rights, particularly racial discrimination. Like the Special Committee, Cuba had denounced both the close link between South African racism and the interests of the imperialist monopolies which controlled the natural resources of southern Africa, and the link between the United States and the racist regime in Pretoria. It was hardly surprising that where segregation in schools and lynchings and assassinations of negroes were tolerated, the United Nations resolutions should be flouted. The efforts of all States interested in peace and freedom must be co-ordinated in order to defeat the United States machinations and offer active support to those fighting for national freedom or resisting imperialist aggression. Cuba did not believe that the General Assembly should condemn the racist régime in South Africa alone; it must also condemn the fundamental bulwark of colonialism, racism and reaction - United States imperialism.

The ideology of imperialism had two bases: racism and colonialism. There were still nations in Africa, the Middle East and Latin America under the colonial yoke. The case of Puerto Rico, incidentally, had been placed upon the agenda of the Special Committee.

He went on to describe the characteristics of neo-colonialism, quoting the statement by President Dorticos, at the 1961 Belgrade Conference, that perfidious and violent methods were used to ensure the survival of forms of colonial exploitation or to create new forms of imperialist domination.

In his delegation's view, the chief of the "major obstacles" referred to in agenda item 9 was imperialism, and above all yankee imperialism. The serious crisis in the Middle East was due to that policy of intervention, aggression and plunder carried out by Yankee imperialism everywhere. He wondered how it was possible to speak of human rights in connexion with those who were the perpetrators of the aggression and plunder of which the Palestinian people had been and were the

victims, or their accomplices. He then quoted the Minister of Foreign Affairs of Cuba who had said that the grave crisis which had arisen in the Near East was also attributable to the policy of intervention, aggression and plunder pursued by Yankee imperialism everywhere and had declared that Cuba wholeheartedly supported the Arab peoples in their struggle to reconquer the territories occupied by Israel.

He wondered how those who were the perpetrators of the criminal aggression which Yankee imperialism was carrying out against the Vietnamese people or their accomplices could speak of human rights; that aggression constituted a flagrant example of genocide. In Viet Nam the United States had unleashed a war, the motives for which were despicable, and whose aims were unlawful and methods criminal.

The United States had committed in Viet Nam a series of crimes defined and condemned by international law, and was as guilty as those it had itself accused at Nuremberg.

In the face of colonialism, neo-colonialism and imperialism, the peoples of the world must demonstrate their revolutionary solidarity with those who were fighting to eliminate such evils, and the armed struggle should form a unifying and enlightening element from which a new consciousness of human rights would emerge. General Assembly resolutions 2189 (XX) and 2202 (XX) recognized the legitimacy of the struggle of peoples under colonial domination and under the régime of apartheid to implement their right to independence and equality, and that recognition extended to all the peoples who were combating imperialism engendered by colonialism and fascism. The disdain of the colonialist and imperialist Powers for the United Nations recommendations and for world opinion must not be allowed to pass unchallenged. The General Assembly had called upon all Member States to give moral, political and material assistance to movements of national liberation in southern Africa, and the greatest contribution which could be made by States sincerely desiring to enforce respect for human rights was to give the maximum moral and physical support to peoples which, with weapons in their hands, were fighting for the conquest of those rights.

Mr. PAUS (Norway) expressed the thanks of his Government for the generous hospitality extended to the Conference by the Government of Iran.

The Conference, although convened to observe the twentieth anniversary of the adoption of the Universal Declaration of Human Rights, had in addition a more serious task, namely the promotion and the safeguarding of human rights. Work in that area was one of the main tasks of the United Nations and a basic duty in its efforts to maintain peace. Wars and other international conflicts very often were the direct result of lack of respect for human rights. His delegation had come to the Conference

with high hopes that tangible measures would emerge which would represent a forward step in the endeavours of the United Nations to ensure protection and respect for man's fundamental rights and freedoms. It would give full and loyal support in all such efforts.

It was difficult to deal with human rights problems with detachment. His delegation hoped, however, that emotions would be held in check in the discussions and would not hinder positive work on that unique occasion.

Before commenting on aspects of human rights which he believed to be of particular relevance to the Conference, he wished to express appreciation of the excellent work done by the Preparatory Committee and to thank Secretariat members and others who had prepared useful background material.

The holding of an International Year for Human Rights would undoubtedly bring results. Norway had set up an Action Committee for celebration of the International Year, with the active support of the Government. Its work had resulted in increasing public interest in human rights questions and a growing awareness of the many problems involved, thus giving a new impetus to action at the national level.

There was a strong need for spreading knowledge about human rights matters, about the various international instruments in that field, about the work undertaken by the United Nations and the specialized agencies and, lastly, about the obligations governments had undertaken. It was not propaganda he had in mind but real education of the people. The day would probably come when the teaching of human rights would form part of the curriculum in educational institutions throughout the world. Protection of human rights could not rely solely on international instruments, however useful those might be, nor even on national legislation. Public opinion would be the decisive factor in ensuring full respect for the fundamental rights and freedoms of fellow individuals and fellow nations.

He agreed with previous speakers that, while progress had been made since the adoption of the Universal Declaration, there was no reason to rejoice unduly, particularly in view of the persistence of racial discrimination.

The statements by the Director-General of the United Nations Educational Scientific and Cultural Organization (UNESCO) and the United Nations High Commissioner for Refugees had particularly impressed him. The magnitude of the battle against illiteracy and the problems of the refugees were indeed striking, and it might well be that the solution of those problems would prove to be among the most pressing tasks in the field of human rights. His Government would continue to support all efforts in that direction.

Norway was a party to more international instruments in the human rights field than any other State, and had recently signed the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol and hoped to be able to ratify them shortly. Their entry into force was of the utmost importance and he trusted that it would not be long delayed.

While the adoption of the International Covenants in 1966 had been a welcome step forward, much remained to be done. Increased attention should be paid to questions related to the status of women and the status of children, particularly those born out of wedlock.

In his Government's view, the system for the protection of human rights laid down in the International Covenants and the Optional Protocol, owing to the lack of efficient international machinery for implementation, was not satisfactory. His Government was well aware of the persisting and understandable reluctance to accept supra-national jurisdiction, but the magnitude of the obstacles should not be allowed to prevent attempts to find ways of overcoming them. Norway had, in fact, become subject to international control in recognizing the competence of the European Court of Human Rights.

He thought that a United Nations High Commissioner for Human Rights might provide an efficient non-bureaucratic international control of a non-judicial nature.

He agreed that the time had come to pay more serious attention to the problems created in the field of human rights by technological developments.

Mr. WEITZ (Food and Agriculture Organization) speaking on behalf of the Director-General of the Food and Agriculture Organization (FAO), who had unfortunately been unable to attend the Conference personally, said that food stood first among the material needs of man. The right to adequate food and to an adequate standard of living was a fundamental human right, as proclaimed in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights. Food, which was FAO's business, had to be considered in the complex human, social, cultural, commercial and political relationships of today, as existing in a world of misunderstanding and conflicts and divergent interests. With the instant communication that now spanned the globe, new means of destruction could bring a common annihilation, and gigantic famines and pestilences could ravage vast regions and urban areas. No equivalent moral or social community had been achieved to counterbalance these facts of physical proximity. The peoples of the world had

not yet discovered how to live together. The Conference's task was to reaffirm the universal principles uniting all and thus to forge anew the will to act together for the common good.

Since its inception, FAO had been engaged in helping to achieve the fundamental goal set out in the Universal Declaration. Under its basic Charter, it was committed to promoting the common welfare and in particular to raising nutrition levels and living standards, improving production and distribution of food and agricultural products and bettering the conditions of rural populations. Twenty years after its founding, FAO's Constitution had been amended to state that its objective was to ensure humanity's freedom from hunger; and at its fourteenth session the FAO Conference had adopted a declaration regarding the International Year for Human Rights, proclaiming that the future of mankind and the peace of the world could not be secure unless man's fundamental right to freedom from hunger was universally recognized, and that the granting of that basic right would further the achievement of all other human rights as defined in the Universal Declaration.

Human rights did not exist in a vacuum; nor could they be effectively promoted or safeguarded unless ordinary people had access to goods and services exceeding bare minimum needs. FAO's primary concern was with people engaged in agriculture in all its phases. In many parts of the world those people continued to live at a subsistence level, and FAO's efforts were aimed at changing the existing cycle of low productivity, malnutrition, poverty and disease.

Social justice for the individual required national social justice, and in the world order, a rational mobilization and distribution of resources. The accomplishment of those ends in turn required changes in attitudes and practices, for which adequate political and moral motivation was needed.

The Freedom from Hunger Campaign had a twofold objective: to create worldwide understanding of the nature, gravity and urgency of the world food situation and thereby to create the will to take essential action for solving that problem. As the second United Nations Conference on Trade and Development had recognized, the conscience of the world had been alerted to the dangers and urgency of the problem, and it was now for the present Conference to lay the foundations for practical action on the basis of political and moral motivation.

The growing youthfulness of the world was another factor that was prompting FAO to increase the tempo of its work. The age-group of twenty five years and under, now standing at between 40 and 50 per cent of the total population in most countries, would by another decade or so become as high as 60 per cent. The implications of



that development in terms of employment, education, housing and social facilities were obvious, yet most national development plans were failing to take them into account. The most happy augury in that situation was the world-wide demand for social justice coming from the young everywhere. They were refusing to accept the undesirable as inevitable and indeed were questioning the very bases on which affairs were arranged. Welcoming that healthy phenomenon, FAO had instituted a special programme, The Young World Appeal, designed to involve that generation more effectively in development.

Acute human suffering and hardship attended the grim food problem. The problem was not merely a humanitarian one but was closely linked with aid, trade and the process of economic development. Although it would decline in relative importance as overall economic activity grew, nonetheless agriculture would remain for a long time to come the largest sector of the economy in nearly all developing countries. The rate of growth in those countries would be largely determined by the rate of growth in agriculture, a main source of foreign exchange earnings.

The Conference was concerned with the human problem and must bear in mind that half of the world's population was suffering from hunger or malnutrition or both. Those food deficiencies were reflected in reduced activity or capacity for work and, in children, in retarded physical development. The world protein gap was growing a particularly serious matter for the physical and mental development of children. Indeed, mortality among children, although often ascribed to more medically or socially acceptable causes, was often at root due to hunger or malnutrition.

Owing to the population explosion, the problem of increasing world food supplies was both one of removing existing deficiencies and of providing food for a rapidly growing population. The task was a formidable one when reckoned in terms of the capital costs for social services, health, education and non-productive investment such as housing. For that reason, FAO had constantly argued that population growth and food supplies must be considered together and that international and other action should be taken in the full light of the close link between the two.

To give some idea of the dimensions of food demand for the future, the projected population increase would require a 60 per cent increase in food supplies by 1985 in the developing countries, merely to maintain existing consumption levels. In order to close the nutritional gap and to meet the rising demand for food following upon rising incomes, as well as to reduce the impact on budgets caused by large food imports, food supplies in the developing countries would have to grow at the rate of 4 per cent

per year, assuming an over-all growth rate of approximately 6 per cent and a population growth of 2.5 per cent.

Undoubtedly the goal could be attained, given the courage and the will to act. Sufficient land and water resources were available; what was needed was to improve land tenure and utilization practices, eliminate shifting cultivation and uneconomic land-use patterns and make available water supplies for double or triple cropping where that was feasible. Technology and science could provide the answers. For instance, revolutionary new varieties of wheat and rice had been developed which with careful adaptation could offer yields three to four times greater than the traditional varieties. Wide-scale investments, going far beyond anything which countries were now making available, were needed, together with the provision of credit, extension services and marketing, transport and storage facilities. Waste due to disease and pests must also be combated.

As for the role of the developed countries in eliminating hunger and malnutrition, food aid would continue to be of the greatest importance. In the long run, dependence on such aid must cease, but for the time being it could make an important contribution to agricultural and general development. Secondly, there was need for increased technical and financial assistance. A rapid rate of economic growth required adequate savings and investment of as much as 20 to 25 per cent of national income. The goal of 1 per cent of national income to be made available by the developed world, set by the United Nations General Assembly, had been raised by the second United Nations Conference on Trade and Development to 1 per cent of the gross national product. The level of international assistance was still well below either target.

The third and most important factor was trade. The FAO commodity projections to 1985 indicated that imports of agricultural products into the developed countries were likely to grow at less than 2 per cent per year. Accordingly, solutions had to be found to replace policies which protected high-cost farming, discouraged increased consumption of agricultural products by taxation, and discriminated against the movement between countries of processed or semi-processed products. New and improved commodity agreements and arrangements, financial schemes relating to international deficit payments, diversification, new approaches in regard to synthetics, improved productivity in natural products, assistance to facilitate the development of agricultural processing industries in the developing countries - those and other steps were essential.

In the general context of agriculture, man's rights undoubtedly acquired a special and specialized significance. Man was traditionally reliant upon the land and the work of his hands, a fact often overlooked in the thermonuclear age. The persistence of hunger and malnutrition must be regarded as a continuing social injustice of concern to all bodies and individuals.

The PRESIDENT invited the representative of Israel to speak in exercise of the right of reply.

Mr. KHALAF (Iraq), speaking on a point of order, said he was reluctant to take up the Conference's time at that late stage of the meeting, but felt bound to protest against once again having to hear the representative of a country that was committing aggression against States Members of the United Nations. The representative of Israel, far from refraining from exercising the right of reply in accordance with his stated intention, was seeking the floor day after day, and if he was to be heard every time he wanted to attempt to justify his Government's aggressive policies, that would be tantamount to putting a premium on crime. His own country had been hesitant about attending the Conference at all, for it had not wished to be present at meetings in which an aggressor State was also participating. The Governments of Portugal and South Africa, however dishonest their policies towards their subject populations, had been honest enough at least not to attend.

The PRESIDENT, interrupting, requested the representative of Iraq to keep to his point of order.

Mr. KHALAF (Iraq), continuing, said he would ask the President on procedural grounds to deny the right to speak to the representative of Israel, for exercise of the right of reply would not right the wrongs perpetrated by his Government; indeed, in the circumstances, the so-called right of reply violated the rules of procedure and the work of the Conference should no longer be delayed by discussion of the political matters which would undoubtedly be the subject of the reply.

The PRESIDENT stated that the rules of procedure contained no restriction which would support the objection made; he would accordingly rule it out of order and invite the representative of Israel to speak in exercise of the right of reply.

Mr. COMAY (Israel) said that the representative of Iraq obviously preferred that those who were attacking Israel should not have to listen to a legitimate defence. If the representative of Iraq and all other representatives of Arab States would cease launching vicious attacks on Israel, there would be no need for his delegation to put the record straight. On that occasion, however, the representative of Iraq had leapt to the false assumption, for the remarks he had to make had no reference either to Iraq or to the situation in the Middle East.

His delegation had listened with deep sadness to some of the remarks made on the previous day by the Polish representative. Poland had a special place in the history of the Jewish people. Before the Second World War, its Jewish community, which had been established in Poland for generations, had numbered three and a half million. Despite problems of poverty and anti-semitism, the community had been a vigorous and creative one. The Nazi occupation of Poland had led to Hitler's so-called "final solution of the Jewish question", i.e. the physical genocide of the Jews; and the Polish Jews had constituted about half of the six million Jews slaughtered at that time. The death camps of Poland formed a monstrous roll of dishonour on Polish soil.

Today, there were only some twenty-odd thousand Jews left in Poland, and it was shocking to note the revival of anti-semitic attacks upon them. They were being made the pawns of an internal power struggle and the scapegoats for current unrest, as well as the butt to bolster an unpopular stand on the Middle East conflict. Even communist parties elsewhere in Europe were expressing concern at that development, which was a source of revulsion among decent and civilized men everywhere. His delegation did not believe that that ugly phenomenon was an authentic expression of the spirit of the Polish people, a people that had given so much to the world's culture and had struggled so tenaciously in the past for its national freedom.

He would refrain from giving chapter and verse in support of his assertions and in conclusion would merely cite a report appearing in that day's issue of Tehran Journal, quoting moving words about the current wave of anti-Jewish hysteria in Poland uttered by the world-famous concert pianist Arthur Rubinstein, who himself was a Jew of Polish origin.

The meeting rose at 1.10 p.m.

SUMMARY RECORD OF THE TWELFTH MEETING  
held on Monday, 29 April 1968, at 3.15 p.m.

President:

Mr. CASSIN

France

In the absence of the President, Mr. Cassin (France), Vice-President, took the Chair.

REVIEW OF PROGRESS ACHIEVED AND IDENTIFICATION OF MAJOR OBSTACLES ENCOUNTERED, AT THE INTERNATIONAL, REGIONAL AND NATIONAL LEVELS, IN THE FIELD OF HUMAN RIGHTS SINCE THE ADOPTION AND PROCLAMATION OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS IN 1948, PARTICULARLY IN THE PROGRAMMES UNDERTAKEN BY THE UNITED NATIONS AND SPECIALIZED AGENCIES (agenda item 9) (A/CONF.32/4, A/CONF.32/5 and Add.1, A/CONF.32/7 and Add.1 and 2, A/CONF.32/8-10, A/CONF.32/12, A/CONF.32/13 and Corr.1, A/CONF.32/16, A/CONF.32/L.9-L.11) (continued)

EVALUATION OF THE EFFECTIVENESS OF METHODS AND TECHNIQUES EMPLOYED IN THE FIELD OF HUMAN RIGHTS AT THE INTERNATIONAL AND THE REGIONAL LEVELS (agenda item 10) (A/CONF.32/6 and Add.1) (continued):

- (a) INTERNATIONAL INSTRUMENTS; CONVENTIONS, DECLARATIONS AND RECOMMENDATIONS;
- (b) IMPLEMENTATION MACHINERY AND PROCEDURES;
- (c) EDUCATIONAL MEASURES;
- (d) ORGANIZATIONAL AND INSTITUTIONAL ARRANGEMENTS.

General debate (continued)

Mr. SAARIO (Finland) stated that the campaign for the defence of human rights and fundamental freedoms had gone beyond the stage of definition and was entering the phase of implementation, which alone would give meaning to the results of the first stage. The Universal Declaration of Human Rights had achieved a status which transcended the early expectation of its drafters. It was reflected in many national constitutions and international instruments. The Covenants were even more effective instruments than the Declaration, since their provisions were binding on the States which ratified them. They actually went beyond the scope of the Declaration, in that they laid down principles such as that of the right of peoples to self-determination and to dispose of their natural wealth and resources - a principle which had assumed crucial importance in the last decade and which extended the scope of human rights beyond individuals to certain national entities.

Furthermore, the Covenant on Civil and Political Rights made provision for the protection of minorities, which were not to be denied their cultural, religious and linguistic rights. The weak point of the Covenants was that their provisions were binding only on the States which became parties to them; and States which were unable or unwilling to assume the responsibilities entailed by the Covenants would not ratify them. It would seem appropriate, therefore, that the Universal Declaration of Human Rights should cease to be merely a solemn recommendation but should become an integral part of international law and as such binding on all States.

For that purpose, it was necessary to devise implementing machinery which would be accepted by all States. It was true that the Covenants as well as the Convention

on the Elimination of Racial Discrimination already made provision for such machinery, but their applicability was limited to those States which were parties to them; the Conference should endeavour to devise universal machinery.

There existed already a fund of experience of various types of implementing machinery. The reporting system of the United Nations had proved particularly useful in a number of specific instances; it had been less effective in connexion with reports of a general nature. A second system was that of communications, by which a government would report the failure of another government to fulfil its obligations; world opinion would thus be aroused, which might induce the offending government to correct violations.

An effective implementing machinery, if universally accepted, would be one that permitted aggrieved individuals and groups to petition or complain to international courts about violations of human rights. As yet, that possibility was provided for in only a few specific cases, for example in the Optional Protocol to the Covenant on Civil and Political Rights.

In keeping with its traditions, Finland had signed the Protocol and was preparing to ratify it; it wished to confirm its willingness to assume its international and national obligations. However desirable it was that all the States which ratified the Covenant on Civil and Political Rights should accept the Protocol as well, it would scarcely be realistic to expect that the right of petition would be universally recognized soon and that States would abandon their conservative attitude with regard to the concept of national sovereignty. The paradoxical consequence was that, while it was generally admitted that respect for and observance of human rights were of international concern, national sovereignty precluded any intervention by an international organ in the event of a violation of human rights. To facilitate recognition of the right to petition, it would perhaps be advisable to set up national machinery, then regional machinery and, when appropriate, the necessary international machinery.

Finland had experience of two institutions with which it had reason to be satisfied: the long-established institution of the ombudsman, who was elected by parliament, independent of the executive branch and competent to hear complaints and whose supervisory functions extended to the courts, administrative bodies and other public authorities; and that of the Chancellor of Justice, who was competent to supervise the administration of justice, particularly in the field of human rights. The implementing machinery laid down for the processing of petitions under the

European Convention on Human Rights exemplified an effective method at regional level, as did the co-operation between the Nordic countries with regard to legislation concerning human rights.

If one looked at the achievements since 1948, one could see that the various United Nations bodies had been particularly active in the field of discrimination on grounds of sex. In addition to various studies and recommendations, there existed six Conventions on that subject, and the General Assembly had adopted a Declaration in November 1967. That was a great step forward. At the theoretical level, considerable progress had been achieved; but much remained to be done through legislative and other measures to ensure the observance of women's rights, and to secure equality in the fields of education, vocational training and remuneration.

Referring to another fundamental right - that of family planning - he said he had been glad to hear the Secretary-General stress the matter in his inaugural speech. Whatever the methods adopted, the utmost importance should in any case be attached to educational measures, for only they would bring about the de facto respect of human rights, of the dignity of the human person and of his fundamental freedoms. In that connexion he expressed satisfaction with the programme of advisory services in the field of human rights, and expressed the hope that modern educational techniques would be placed at the service of the promotion of human rights and fundamental freedoms.

Mr. OZGUR (Cyprus), after referring to the aims of the Teheran Conference (which reflected the words of the United Nations Charter), said that its task was a difficult one for it concerned relations between human beings. The Conference should make every effort to adopt positive steps for the defence, protection and implementation of human rights.

It was mankind's boast that it had reached the highest degree of civilization in its entire history; it should strive collectively to combat inequality; yet there survived discriminatory racial practices which were an affront to civilization. The elimination of such practices was a task in which his country, anxious to comply with the decisions of the United Nations, was doing its part. Another form of discrimination was colonialism; in that field, however, it was gratifying to note certain advances in recent years, several countries having at last obtained independence. The United Nations had played an important part in the process of emancipation. Even so, the process of decolonization was not yet completed; it was important that it should be completed as soon as possible.

The United Nations had also made every endeavour to awaken mankind to the realization that the protection of human rights was an international responsibility,



and it had endeavoured to formulate measures to discharge that responsibility. He enumerated the various instruments adopted by the United Nations in the field of human rights; Cyprus had ratified most of them and indeed intended to ratify them all.

The Conference should review the remaining obstacles, evaluate the effectiveness of the methods used and formulate a programme of measures to be taken to achieve its aims. One of its most urgent tasks was to ensure the effective implementation of the principles and rights which had received universal acceptance in theory.

It was true that among the organizations of the United Nations family extensive machinery was in existence for dealing with human rights. That machinery should be evaluated, expanded and where necessary improved, but care should also be taken to avoid conflicting and overlapping procedures. He was convinced that a well-balanced and carefully co-ordinated international system, acting in co-operation with regional organizations in the field, would prove to be one of the major assets of the United Nations.

The Conference had aroused great hopes which ought not to be betrayed. It should write a new chapter in the history of human rights; it was in that spirit that his delegation would try to make its contribution.

Mr. LINDT (Switzerland) regarded it as a hopeful sign that the Conference was being held in a country which was handling the major problems of the day with such skill and vigour. The concept of human rights was not new, but it had been left to the twentieth century and the United Nations to amalgamate the ideas in one Universal Declaration. Human rights were a vast mosaic composed of elements whose importance varied from country to country and which could be expanded from generation to generation. To translate the concept of human rights into reality was a veritable labour for Sisyphus, for wars were constantly undoing what had been achieved; even the International Year for Human Rights, had been a very testing time for many men, owing to wars.

Switzerland, for example, had attained its present serene and stable condition after long years of struggle and thanks to a spirit of mutual tolerance. Yet, even the Swiss constitution still contained certain vestiges of religious intransigence and, it had to be confessed, made no provision for women's suffrage; the Swiss Government was, however, firmly resolved to remedy those two anachronisms.

In addition to the old yet still topical problem of the protection of minorities, he referred briefly to new psychological problems: technocrats tended to sacrifice the individual to the efficiency and rapidity of material achievements; at the same time there was no hope of convincing the young people of the day of the value of

human rights unless those rights became more than mere talk and could be seen to be a reality. In that respect, a very heavy responsibility rested on the Conference. He touched on a third problem of a general nature: the wholly new questions arising out of the dynamic expansion of science and technology. Men were probing further every day into nature's secrets but were not very capable of assessing the social and human repercussions - beneficial or deleterious - of those discoveries. In those new domains, no very clearly defined law was yet in existence; it was important to define the law, or else the traditional human rights might well be gradually eroded. The need arose, therefore, for the creation of a body of international law for all which would take account of the new powers with which science had endowed man. In conclusion, he pointed out that there had been unanimity in the ideas expressed during the general discussion. If that unanimity could but be translated into positive proposals, the Conference would not be a mere commemorative meeting but would instead mark a turning point in the development of human rights.

Mr. MEDANI (Sudan) said that underlying all men's endeavours to advance and improve their lot was the idea that all human beings had the same rights irrespective of race, colour, sex or social or national origins.

The signature of the Charter in 1945 and the Proclamation of the Universal Declaration in 1948 had been based on the recognition of human rights; unfortunately some Governments like that of South Africa and the régime in Rhodesia did not see these rights except in the light of their own local laws. Hence it was for the United Nations to work for the overthrow of those régimes which constituted a threat to peace and security.

In the course of twenty years, the Universal Declaration of Human Rights had become part of international law.

Sudan had set up a committee of thirty eminent Sudanese for the defence of human rights. There was too little time to consider his country's Constitution in detail or to compare its provisions with those of the Universal Declaration on Human Rights. However, it was worth remarking that fundamental rights and liberties were embodied in article 5, paragraph 1, of the Constitution which prevailed over all existing or future laws. The provisions of the Universal Declaration which had not been embodied in the Constitution of the Sudan were only minor ones and the forthcoming Sudanese Assembly for which elections were just about to be held would consider how best to make good those deficiencies.

In his first statement he had mentioned the atrocities committed against Arab refugees. Instead of replying to that point, the representative of Israel had

launched into an attack on Sudan, accusing it of massacring millions of negroes in the southern districts of the country. That was absurd.

What had happened was that when British troops had left Sudan in 1955 a localized mutiny had broken out in the south; most of the victims, however, had been Sudanese from the north. In any case, the responsibility for the situation lay with the colonial Power, since the Sudan had not attained independence until 1956. The Sudanese suspects arrested on that occasion had been tried in court and defended by lawyers; those found innocent had been released, others had been sentenced to terms of imprisonment.

In that connexion, he referred to the Closed District Acts, the legal code in force at the time in southern Sudan under the colonial Power; their aim was to hinder contact between north and south, and after the proclamation of independence they had been repealed. Their object had been to foster hostility between the two parts of the country.

After an unfortunate interlude lasting from 1958 to 1964 under a military government, the Sudanese nation had restored a civilian Government, which had re-enacted a Constitution that recognized the rights of all citizens. Sudanese had returned from exile, and all the political parties in the country had held a Conference to settle the country's problems in a peaceful and democratic manner. Other African countries had sent participants to the Conference and thereby played their part in its success.

General elections were at the moment taking place in the Sudan in an atmosphere of liberty and democracy. All parties and all areas were taking part and 60 out of 210 of the seats were allocated to the southern part of the country. The facts spoke for themselves, and the Sudan was open to visitors who could see the true situation for themselves.

Breaches of human rights by Israel, however, could not be defended. He had with his own eyes seen attempts made to intimidate Arab leaders who were resisting the occupation of their country. The Conference would surely condemn Israel's attitude. The fact that the Jews had been oppressed in the past was no reason for them to oppress other nations now. The whole world, including the Arabs, had contributed towards the defeat of Nazism and the liberation of the Jews. African nations including Sudan had also experienced oppression and massacre during the colonial era. Yet they had not claimed, on attaining independence, the right to maltreat other peoples.

The Israel representative had said that his country had assisted Mr. Jarring in every possible way. . . Actually if Israel had taken notice of United Nations decisions it had been very much more to violate than to apply them.

The representative of Israel had seen fit to attack Sudan. The Sudanese delegation had endeavoured to describe the situation as it was.

Mr. FENAUX (Belgium), after paying tribute successively to His Majesty the Emperor, to Iran, to Princess Ashraf and to the President, Mr. Cassin, said that the ample documentation, published in good time in the working languages, had enabled participants to have a better grasp of the purpose of General Assembly resolution 2081(XK) of 20 December 1965.

The Conference was expected to review the achievements, evaluate the methods used and to prepare a programme for the future.

In performing its task, it had to act in the spirit of the United Nations Charter. According to the preamble of the Charter, the fundamental human rights were the main issue, with emphasis on the dignity and worth of the human person.

The Universal Declaration was not a manifesto of any one doctrine, dogma, party or system any more than the Charter was.

In one simple article the Charter dealt with the maintenance of international peace and security, the principle of equal rights of peoples and international co-operation, in other words respect for human rights and fundamental freedoms for all, and described the United Nations as "a centre for harmonizing the actions of nations in the attainment of these common ends."

That article overshadowed the others. For that reason, the representatives of France and Italy had drawn attention to the link between respect for man and protection of his rights on the one hand and world peace on the other.

Beyond all others, it was the main permanent universal problem of respect for human rights and fundamental freedoms which the Conference had to face. Mankind was threatened by various perils, including over-population and poverty, subjugation to the machine, the enslaving influence of science and technology, the dulling of minds by the force of propaganda in police States and by commercial publicity in systems under which persuasion was the rule, the tendency of the State radio to monopolize information, the concentration of newspaper ownership in the hands of a few private owners, and, last but not least, the monstrous growth of the power of destruction and the proliferation of new weapons of war which inevitably gave more and more specialized military technicians power of decision and execution that might usurp the responsible civilian authority.

Those were the real problems and if the Conference forgot that they were far and away the most important, its work might be futile and lead to nothing but a few trifling, ornate resolutions.

In his message from the rostrum of the United Nations General Assembly the Pope had, more than ever in the past, committed the Roman Catholic Church, whose spiritual authority, like that of other religions, would contribute to the advancement of world-wide respect for human rights.

The seriousness and sense of responsibility of many statements during the general discussions had been most remarkable, whatever their ideological inspiration had been. That sense of responsibility was the future hope for the United Nations and for peace, and it was right that political issues should be kept within limits. As Mr. Cassin had said, the smouldering problems would burst into flame if no solutions were found to objective problems.

Decisions taken by unanimous or nearly unanimous votes had the advantage of advancing human rights. Such quasi-unanimity, however, could only be achieved if reasonable and objective positions were taken up, and the recommendations that the Conference would formulate would carry weight and have validity and authority only if they reflected a reasonably general feeling.

In the matter of respect for human rights and fundamental freedoms, there was no State wholly beyond criticism for its past or present actions. Indeed, if there was any one issue where it was wise not to be self-righteous, it was surely that of human rights. It was debatable whether real progress had been made, at one extreme, in cases where maximum social equality was accompanied by minimum personal freedom, or at the other where human dignity was highest and where there was a minimum of police to control society.

For the historian, the advent of economic, social and cultural rights was chronologically more recent than that of civil and political rights. But, in real terms, civil and political rights were a guarantee of other rights; they were better defined and less subject to change.

Current events proved that where the authorities had given the people the fullest economic and social rights, the latter clamoured loudly for the civil and political liberties which they did not enjoy. As had been hinted at by the representative of Hungary, the imponderables had to be taken into account.

The same relativity was apparent in the exercise of the right to self-determination, which had been satisfied in Europe and Latin America in the nineteenth century and

recognized more recently in other continents by the historical effect of decolonization which was reaching its final stages. From the point of view of human rights, however, self-determination was not the final word. Personal servitude had been known to have returned, or to have been introduced, with national liberty. Independence was only a form of enfranchisement from foreign countries.

Belgium, for example, had taken four generations after its independence to achieve a democracy with an egalitarian suffrage; it had then carried out economic and social reforms and, more recently, granted equal rights to women and achieved a balance between different language communities. There was a time for everything. Wisdom called for early action.

In that connexion, he said it would be unfair in a year when human rights were being assessed not to pay homage to the enormous efforts made in Europe during the nineteenth century and the first half of the twentieth to emancipate the workers of the world and to establish international co-operation for peace among nations. That great movement for social and international peace had a world-side impact and repercussions. It was the origin of the International Labour Office and then the International Labour Organisation (ILO), whose positive achievements and programme had been described by its representative.

Belgium had always had a tradition of internationalism. It had constantly supported the ILO, and played its part in the work of peace in general and the work of promoting human rights in particular. At the tenth anniversary of the Universal Declaration, a Belgian had submitted a draft resolution on teaching the principles of the Declaration as a means of combating discrimination in education.

He pointed out, incidentally, that international co-operation had come about in the first instance as a result of the initiatives of the private sector whose own efforts had come before government efforts. It was the magnificent network of non-governmental institutions that had led to the creation of inter-governmental organizations. By their varied social characteristics, non-governmental organizations were a direct and spontaneous form of democracy. They were the shapers of opinion, which they educated and guided in a number of human disciplines. In that respect, they were a valuable auxiliary in the defence of human rights. For the implementation of the covenants and their incorporation in national law, it would be useful to be able to count on the co-operation of such organizations, which by their very nature were deeply concerned with fundamental human freedoms.

With regard to governmental responsibilities, he said the soundest foundations for the Conference's work were to be found in the regional organizations. For

example. the Council of Europe described in its report the first measures taken to transform, on a regional basis, the rights and freedoms set out in the Universal Declaration into legal obligations binding on States and, at the same time, to set up international machinery to ensure that those obligations were respected.

As the representative of Denmark and the Deputy Secretary-General of the Council of Europe had said, the European Covenants represented the culmination of the progress made in the field of human rights and followed the same lines as the universal Covenants.

That two-dimensional international structure was bound to raise functional problems of co-existence and harmony, and it was essential to prevent the universal systems and the regional systems of protection from operating in different and possibly divergent ways.

Certain problems might arise in that connexion when the definitions formulated - regarding the very substance of the rights guaranteed - were not uniform in the international covenants and in the regional instruments. However, even more complex problems might result from the existence, at each level, of institutional machinery for the more or less effective control of the respect for human rights in the various States.

His delegation did not question that, as far as the substance was concerned, the instruments drawn up in the United Nations gave excellent definitions, possibly even more satisfactory and more complete in certain respects than those in the older regional conventions. But it was to be hoped that those covenants would be implemented as widely as possible and that the regional systems of protection would not continue to fall short of the guarantees formulated within the universal framework of the United Nations.

On the other hand, with regard to the institutional machinery in cases where the protection of human rights was to take the form of the establishment of bodies, powers and procedures that would effectively guarantee the observance of such rights, the provisions adopted so far in the United Nations did not appear so satisfactory as those which had already been established and implemented on a regional basis, especially the provisions of the European Convention on Human Rights. The latter provided for binding decisions by the European Court of Human Rights or the Committee of Ministers of the Council of Europe, whereas the procedures set out in article 41 of the International Covenant on Civil and Political Rights and in the Optional Protocol thereto did not lead to such results.

By maintaining and developing the supervisory machinery set up on a regional basis and by continuing to ensure that it functioned effectively and efficiently, the States or groups of States concerned were giving evidence of their will to ensure optimum respect for human rights and fundamental freedoms. It was to be hoped that their example, which was in line with the provisions of article 44 of the International Covenant on Civil and Political Rights, would be followed and that one day equally satisfactory, if not better, machinery could be set up within a framework that would become universal.

Conscience demanded that the utmost be done to ensure observance of human rights and fundamental freedoms for all.

All that should be at issue were the progressive stages and methods, ways and means - precisely what the Teheran Conference was expected to discuss. But the work of the Conference had to take as its framework and basis the problems of peace as a whole.

Bergson had expressed the basic facts of the current problems very well when he had asked: would there materialize a universal society, respectful of human rights, open to the whole of humanity and transcending the "closed society" of the city and the nation, or would peace and freedom never be more than a period of respite and preparation for war?

According to Bergson, primitive instinct could be repressed or diverted, since even if that instinct existed by itself it nevertheless clung to rational motives. It was for the Conference to discover those rational motives, which sociology was reducing to more and more discernible causes, mainly of an economic and demographic nature.

Again according to Bergson, the main task of an international body aiming to abolish war was to eliminate such causes or to attenuate their effect. The Conference would be a milestone in the annals of peace if it made a contribution to that humanitarian work.

Mr. BYSTRICKY (Czechoslovakia) said that the Conference was taking place at a time when his country was going through a social process of direct relevance to the problems before the Conference. The object of the national discussion taking place today was the preparation of new standards in the field of human rights and civic liberties.

Over the past twenty years, his country had experienced contradictory development, with numerous positive achievements, especially with regard to economic, social and cultural rights and the abolition of social injustice; on the other hand, human rights



and political liberties that had been limited or suspended during the revolutionary changes, had not all been re-introduced when they should have been.

The events taking place in his country did not challenge the socialist nature of the national system but were directed at its renaissance. It was the socialist system which created the necessary conditions for the full development of the freedom of the citizen and the rights of man, the creator. His country's aim was to make full use of the possibilities inherent in socialism and to build a society in which socialism, freedom, democracy and humanism formed a unity of ideas and reality. Far from being a rigid system, socialism was capable of changes and development, a concept expressed in the programme of the new Czechoslovak Government which aimed to develop the rights and freedoms of its citizens, especially their political rights and freedoms, and which considered the rights of the individual as the cornerstone of the socialist State. A wide range of legislative and institutional changes were being prepared and significant changes were being made in the political and economic system. Fundamental civic and political rights, in particular the freedoms of assembly and association and the freedom of opinion and expression were already being exercised more than ever before.

The Czechoslovak Government, aware of the scientific and technical revolution that was under way, had also set itself the task of amalgamating socialism and scientific and technical progress with democracy and humanism, in a way in keeping with the finest traditions of the Czechoslovak people. For that, it had to devise a system of placing science and technology at the service of mankind.

Socialism did not aim merely to overthrow the obsolete, but to adopt, re-adapt and develop further the values, rights and freedoms that were part of mankind's common heritage. His delegation was convinced it had much to gain in that respect from the Conference and from the experience of the participating nations.

Internationally, Czechoslovakia highly appreciated the Universal Declaration of Human Rights which succeeded in harmonizing the fundamental notions born of the English, American and French revolutions with those born of the great October revolution. The Declaration had played a very positive part in securing progress in the field of human rights; but hunger, disease, ignorance and many other scourges were still a sad reality as was evident from the documents of the various specialized agencies. Moreover, the enormous advances in technology and the abundance of consumer goods had not made for a happier or more balanced life in the wealthy countries, whose citizens suffered from nervous breakdowns, depression, frustration and alienation from society. Sociological research had established that one of the causes for such a state of

affairs was the formal character of many social institutions and the ineffectiveness of the people's participation in the government of their country and in the administration of industrial civilization.

The whole world was certainly facing tremendous economic, social and moral problems, which could only be solved by long-term programmes of action. New problems doubtless demanded new solutions, but energy and goodwill were all that was required for many current problems. That was why it was so regrettable that at the time of the twentieth anniversary of the Universal Declaration millions of human beings were still victims of colonialism, racism - particularly apartheid - and imperialist aggression. While progressive forces were being persecuted in some countries, in others war criminals were parading freely, protected by their governments. It was the duty of the United Nations to strive ceaselessly to put an end to such a situation; Czechoslovakia hoped the Conference would recommend effective measures in that connexion.

The Czechoslovak people, the first victims of nazism, were disturbed to see their western neighbour tolerating the existence of a neo-nazi movement. Such an attitude could not be justified by freedom of the press, of expression or of assembly, for nazism had been responsible for the Second World War and for the extermination of millions of human beings.

As far as the international protection of human rights was concerned he considered the adoption of Human Rights Covenants had been a success which proved that ideological differences should be no obstacle to international co-operation. His delegation was pleased to announce that Czechoslovakia would shortly sign the Covenants; it was of the greatest importance that as many States as possible should also sign such instruments. It was a mistake that the Covenants were not open to accession by all States; while emphasizing the principle of non-discrimination, they contained articles discriminating against one-third of the world's population. The Conference should recommend that the General Assembly should exercise its rights under articles 26 and 48 of the Covenants and invite all States, without distinction, to accede to those instruments. The same should apply also with regard to all other treaties on human rights.

International bodies had an important part to play in the control and implementation of human rights. The protection of those rights was the concern of the main United Nations organs and the subsidiary bodies set up under Article 22 of the Charter, and of the bodies set up by a number of specialized agencies; their authority and competence could, if necessary, be extended to the limits set by the Charter.

The creation of a post of High Commissioner for Human Rights would, of course, be useful, but his competence should not go beyond the Charter, and an atmosphere of mutual confidence should prevail.

The United Nations should promote economic, social and cultural rights, stressing their interdependence, and should concern itself especially with the growing dissatisfaction of youth with its status in society and its disillusionment with institutions.

His delegation hoped that the Conference would help create throughout the world an atmosphere in which acts contrary to the Universal Declaration would meet with general condemnation. The greatest success the Conference could achieve would be to succeed in awakening the conscience of men so as to protect human rights not through institutions but through the people themselves. His delegation was willing to take its share of the responsibility.

Mr. BUU (Republic of Viet-Nam) said that as an Asian he was pleased that the Conference on Human Rights was being held in an Asian country which had proclaimed those rights twenty-five centuries earlier.

He stressed that the Republic of Viet-Nam had always condemned racial discrimination both in theory and practice, and the policy of apartheid in particular.

He then described his country's achievements in the field of human rights. Viet-Nam had had a constitution since 1956. The 1956 constitution had been replaced by another in 1967. Both constitutions guaranteed to the South Viet-Nameese people typical rights of a true democracy, in particular the free operation of parliamentary institutions.

The 1967 constitution represented progress in the implementation of fundamental human rights and essential freedoms. Article 2 proclaimed the equality of all citizens without distinction as to sex, creed, origin or ideology. A number of seats in the House of Representatives were reserved for the ethnic minorities of the high plateaux and the delta region. Article 6 guaranteed respect for and protection of human dignity, freedom, life, property and honour. Article 7 guaranteed the right of defence and prohibited torture and arbitrary detention. Subsequent articles acknowledged the freedoms of religion, expression, information, assembly, association, movement and residence and guaranteed the inviolability of the home and correspondence, and above all freedom of education. The right to work and to a fair remuneration was

also recognized. In that connexion, he said that the land reform undertaken in 1956 ensured a fairer distribution of land and enabled farmers to become the owners of the land they cultivated. Article 16, which contained the essential principles of the family code adopted in 1959, guaranteed protection of the family - the basis of society - the interests of the children and women's rights, identical to those of men. The constitution furthermore protected the independence of justice without which human rights would be no more than a hollow expression.

Those were the principles of the constitution, and he failed to see how some could allege that the South Viet-Nameese people were oppressed. Journalists from all over the world had been able to observe the course of the 1966 and 1967 elections. Saigon's policy was an open and democratic one, in strange contrast to the policy of Hanoi.

He denounced régimes which outlawed individual freedoms, imposed a one-party system, controlled education and information and overwhelmed their peoples with propaganda until they were no longer aware of being oppressed.

He hoped that the Conference would consider such practices, which were a violation of human rights and which in his opinion were a scourge comparable to illiteracy, and that it would seek means of putting an end to them. It was the business of the United Nations to fight for the restoration of justice at the national and international levels and to help underprivileged and exploited peoples to emerge from their apathy, ignorance and poverty.

His country was in a position to appreciate how much the feeling of universal fraternity and international solidarity had developed since the Second World War. Having suffered the ravages of war for ten years, it was grateful to the nations and international non-governmental organizations that had given it assistance.

Mr. QUENTIN-BAXTER (New Zealand) said that no nation in the world loved equity more than his and none had done more to guarantee the right of all to education, social security and protection against poverty. It had, apparently succeeded; there were no great disparities in wealth, and its society, while multi-racial, was fully integrated, although the Maoris did not enjoy the benefits of education, medical care and hygiene to the same extent as the population of European origin.

New Zealand, which practised respect for human rights at home, was capable of defending them abroad when the occasion arose. It had participated in the great world conflicts out of devotion to that ideal, even though its geographical remoteness might have permitted it to remain aloof. In peace-time, it had ardently championed first the League of Nations, then the United Nations. In the economic and social fields, too, it was contributing to the major international agencies. For instance, it traditionally assisted the United Nations Children's Fund (UNICEF).

Turning to questions of direct interest to the Conference, he spoke about the international instruments designed to guarantee respect for human rights and fundamental freedoms. The first point to note on the credit side was that those instruments existed. They did not perhaps contain anything very new, nor could they rival the clarity and humanity of the Universal Declaration, but that was not their purpose. They answered primarily a desire for codification. In that respect they were satisfactory and acceptable to most States. Precisely because the instruments existed, no State in the world could treat its citizens arbitrarily without having to render account to international society.

The second advantage of international legislation was that it was rooted in the United Nations and the specialized agencies, which were exerting an unprecedented influence. No doubt, nations might be jealous of their sovereignty and sensitive concerning the prerogatives of international organizations. He thought, however, that the contradiction was not unsurmountable. Mentioning the role played in some countries by the ombudsman, whose sole function was to place certain disputes before the parliament, but who was so useful that government agencies were seeking his collaboration, he expressed the opinion that a High Commissioner for Human Rights might well be able to play a comparable role. The creation of such a post would be an important step forward in international law, whose main beneficiary would be the individual. The conquest of individual freedoms marked a turning point in world history of such magnitude that its full import could not yet be assessed.

Mr. NORBERG (United Nations Children's Fund) associated himself with the gratitude which had been expressed to H.I.H. Princess Ashraf when she had accepted the Presidency of the Conference; as UNICEF representative in Iran, he had had occasion to admire her devotion to causes related to the aims of the Conference and of UNICEF.

In the report by UNICEF (A/CONF.32/13), delegations would find the history of the Fund, one of the major milestones of which had been the adoption by the General Assembly in November 1959 of the Declaration of the Rights of the Child; and an analysis of the types of action evolved by the States which had been collaborating in the Executive Board of UNICEF for twenty-one years. He would therefore confine himself to mentioning several of the major fields in which UNICEF provided assistance to Governments in carrying out programmes fulfilling the basic aims of the Bill of Human Rights, especially those defined in articles 25 and 26 of the Universal Declaration of Human Rights and articles 11 to 14 of the International Covenant on Economic, Social

and Cultural Rights, all of which were particularly applicable to children inasmuch as they dealt with health, nutrition and education.

The activity of UNICEF was founded on two principles: first, that children, owing to their physical and intellectual immaturity, were in need of special protection and care in normal times and particularly in times of crisis; and, secondly, that since children would be the men and women of tomorrow, they would themselves have to use the instruments which humanity was striving to forge in order to ensure itself a better future. UNICEF entrusted the execution of the programmes in which it participated to the States concerned, for its assistance took the form mainly of the provision of material aid and of training qualified staff at the medium and auxiliary levels.

UNICEF's first vocation was to protect the mother and the child; it participated, with the technical collaboration of the World Health Organization (WHO), in many national public health programmes primarily concerned with hygiene for mothers and infants - the best way to give individuals a good start in life and to protect them against the irremediable deficiencies of earliest childhood. Some means of action were especially important in that connexion particularly the subordination of births to the free choice of the parents, and immunization against or control of the major endemic diseases. UNICEF's contribution took the form of the provision of medical equipment, vaccines, drugs and means of transport, as well as the training of paramedical staff.

UNICEF was also engaged, in close collaboration with the Food and Agricultural Organization (FAO), in the campaign against dietary deficiencies. It participated, for instance, in programmes for the production, hygienic processing and distribution of milk and protein-rich foods for newly-weaned infants; jointly with FAO and WHO, it concerned itself with the nutritional education of mothers and children.

In the field of education, UNICEF was devoting a growing share of its budget to the execution, in collaboration with the United Nations Educational, Scientific and Cultural Organization (UNESCO), of programmes of primary education. It took an interest, for example, in the schooling of rural children, especially girls. Its participation took the form of the provision of basic school equipment, printing materials for text-books, scholarships and audio-visual materials for the training and advanced training of teaching staff. It further collaborated with other United Nations specialized agencies where national authorities wished to include notions

of hygiene, nutrition, home economics and social studies in primary education as a preparation for community life.

For some years, UNICEF had been urging the developing countries to take account, in their national plans, of the needs of children and young persons and it collaborated to that purpose with the planning authorities of several countries.

UNICEF's means were limited, its action being dependent on the co-operation of national authorities. Accordingly, he appealed to Governments to do their utmost to guarantee to the men and women of tomorrow the full development of their physical, intellectual and emotional faculties. He hoped that the Conference on Human Rights, which should, as the President had said, be a Conference of decision, would provide vital inspiration to the Executive Board of UNICEF, which was to meet in less than a month's time.

The meeting rose at 6.15 p.m.

SUMMARY RECORD OF THE THIRTEENTH MEETING  
held on Tuesday, 30 April 1968, at 11 a.m.

President

Mr. SALAS

Philippines



In the absence of the President, Mr. Salas, (Philippines), Vice-President, took the Chair.

ORGANIZATION OF WORK (A/CONF.32/21)

The PRESIDENT invited the Conference to consider the second report of the General Committee (A/CONF.32/21), recommending the inclusion of a new item in the agenda, entitled "Respect and implementation of human rights in occupied territories". It further recommended that the new item should be considered at plenary meetings of the Conference.

Mr. COMAY (Israel) said that, Israel being a participating State having a direct interest in the subject matter of the proposed new item, it would have been in accordance with accepted United Nations practice for his delegation to be heard in the General Committee during discussion of the proposal; its request to state its views there had been blocked by the vote of the Arab representatives promoting the item, together with that of certain other delegations that had identified themselves with the Arab side in its conflict with Israel. He would leave decent opinion in the Conference to draw its own conclusions from that attempt to prevent his delegation from expressing its views on a blatantly anti-Israel initiative; but his delegation had no intention of allowing itself to be muzzled at the Conference even out of deference to the representative of Iraq. It would take the present opportunity of expressing its views regarding the inclusion of the item in the agenda and would reserve the right to place before the Conference the whole truth about the Middle East situation and to reveal the naked propaganda and political intent underlying the pressure for the additional item. It was noteworthy that the impartial members of the General Committee had preferred to abstain on the proposal, showing perhaps understandable reluctance to vote against any matter connected with human rights. The result in the General Committee had therefore been a Pyrrhic victory, revealing a pronounced lack of enthusiasm for the item.

There was no real justification for including the item at all; to do so could only impair the value of the Conference. The General Assembly had rules of procedure governing the placing of additional and supplementary items on its agenda. No such provision was made in the Conference's rules of procedure, and he would suggest that that omission was not accidental. The planning of an international conference like the present one normally took two or three years, to allow its scope and subject

matter to be carefully and precisely formulated well in advance, in the form of a provisional agenda which then served as a basis for the requisite preparatory work. In the present case, the Preparatory Committee had been set up by the General Assembly over two years in advance, and its proposals for the agenda had been considered by two successive sessions of the General Assembly. A new item, injected after the start of the Conference, could only disrupt and disorganize its time-table and plan of work. Moreover, it would inevitably lead to confused and superficial debate not based on any preliminary studies, discussion or fact-finding.

Safeguards written into the General Assembly's rules of procedure included the provision in rule 15 which expressly limited the possibility of adding an additional item less than thirty days before the opening of a session to items "of an important and urgent character". There was nothing "urgent and important" for the Conference about a question which had existed for a long time and which in any case was being dealt with by the Security Council and the General Assembly through the Secretary General. Accordingly, even on the analogy of the General Assembly rules of procedure, the proposed item would not be receivable. In any case, it was superfluous. There was nothing to be said or proposed about it which could not be said or proposed in the course of the twenty-year review of human rights under agenda item 9. Indeed, Arab representatives had already been taking up a great deal of time under that item with their anti-Israel obsession, and had in no case been ruled out of order. The proposal did not therefore arise from the need to fill a gap in the agenda but simply and solely from the desire to make propaganda.

The Arab proposal vividly illustrated the pitfalls of injecting a new and controversial item not previously considered or prepared for. For instance, it raised a fundamental question of policy, namely, whether the Conference should concern itself only with general principles relating to human rights or whether it should also become involved with specific local situations, thus creating a dangerous precedent - though, for understandable reasons, he did not intend that observation to apply to the topic of apartheid. The general wording of the item was mere camouflage, as was clear from the sponsorship and the terms in which it had been put forward in the General Committee.

It was unlikely that any representative present was deceived as to the item's intent. There were a vast number of specific situations and conflicts involving human rights, which might have formed separate items for the Conference's agenda. Was the Conference, even in principle, willing to include items and take specific action on, for example, the Negro problem in the United States, political freedoms in Eastern Europe, conflicts in Latin America, Africa or Asia, or the special needs and problems of that or the other specific minority group? To take only the region of which Israel formed part: when an Egyptian expeditionary force of 65,000 men had been engaged for years in a squalid colonial war in Yemen, when villages had been blasted from the air, civilians massacred and attacked with poison gas, had the Yemenis believed that their human rights were being respected and implemented by their Arab brothers? And what about the Egyptian fallah who continued to live in squalor and wretched poverty, while the substance of his country was squandered on planes, tanks and guns? Why should not the Conference concern itself with those matters?

Two days before, the representative of Iraq had had some unpleasant things to say about Israel's respect for human rights. Would he agree to adding an item to the agenda on the decimation of the Kurdish minority in Iraq?

Mr. KHALAF (Iraq), speaking on a point of order, recalled that he had had occasion on the previous day to put the Conference on guard against the tactics being employed by the representative of Israel, who obviously, because of that statement, had merely postponed by one day what he had then wanted to say. The representative of Israel, who was in fact of South African origin, was now taking it upon himself to lecture the Conference on what it should do about a variety of situations throughout the world. His remarks about Yemen represented unjustifiable interference in Arab affairs and should have been ruled out of order, the more so as Yemen was not represented in the Conference. In referring to minorities in different parts of the world, he had mentioned the treatment of Negroes in the United States; he could adduce ample documentary evidence of how the Israel representative and his cohorts regarded the Negroes in the United States, but he did not wish to interrupt the Conference's work by talking about matters not before it. The Israel representative had also mentioned another matter which was not before the Conference and consideration of which would undoubtedly be opposed by many of the participants.

The question under consideration was the recommendation made by the General Committee. He must therefore protest against the introduction by the representative of Israel of matters which were unconnected with that recommendation and were not before the Conference. He would also ask the President not to allow the representative of Israel to meddle in the internal affairs of other States, for if he was permitted to do so many delegations would be bound to object.

The PRESIDENT, inviting the representative of Israel to continue his statement, requested him to confine his remarks to the subject under discussion.

Mr. COMAY (Israel) remarked that the representative of Iraq had once again demonstrated how ready he was to make nasty remarks about other countries while at the same time displaying extreme sensitivity to references to his own.

He had been trying to show, by giving pertinent examples of other situations that might warrant examination by some impartial body, how far inclusion of the proposed item might lead the Conference. His delegation would welcome an additional item on respect for and implementation of human rights in the Middle East, and would ask how many of the States in that area shared the desire to live in peace with its neighbours, as also the concern for the common man, that marked the policies of Iran today. Israel was imperfect, as were all peoples; but its friends knew that it was striving to build up a decent, free, progressive and humane society, and it was in that spirit that it dealt with all the populations for which it was responsible: Jews, Arabs or others. Those who had come to the Conference to criticize others should be prepared to establish their own moral credentials to do so. It was questionable whether any Arab spokesman present could make such a claim.

The immediate issue, however, was whether the Conference had been convened in order to take up all those various specific problems, conflicts and situations; if not, what justification was there for attempting to bring in one single local situation which was already being fully dealt with by other United Nations bodies? The only sensible answer was that the Conference should regard such situations as outside its competence, as it had neither the time, the means, the capacity nor the authority to take them up and thereby commit itself to accepting responsibility for them. Any other course could only completely discredit the Conference and destroy its ability to carry out the general tasks entrusted to it. It would be regrettable to set a precedent to the contrary,

simply out of unwillingness to take a clear and firm stand. Delegations entertaining honest doubts about the wisdom of the item should register those doubts by at least abstaining in a vote on its inclusion. His delegation, for its part, would make no attempt to amend the item or to participate in the vote on it.

Even if it should choose to deal with a specific situation, the Conference was not in a position to do so without a thorough advance investigation of the facts on the spot, which it had no means of making. It was plain from the earlier meetings that the discussion of the matter would continue to be emotional, demagogic and based on such flimsy evidence as newspaper clippings and similar materials, without reference to verified facts.

A further question of policy arose, namely, whether the Conference should attempt to deal with matters already engaging the attention of other competent United Nations organs. Again, he would except the question of apartheid. Confusion of competence could only undermine the authority and moral power of the United Nations. In the case in question, both the Security Council and the General Assembly had already adopted resolutions concerning the humanitarian aspect of the general situation in the Middle East, the conditions and welfare of the civilian populations in the conflict area. Furthermore, the area of conflict included not only occupied territories but certain Arab countries as well. The Secretary-General had been entrusted with the task of reporting and he himself did not presume to fulfil that task without first sending his own representative to the area in order to obtain the relevant facts - the only rightful course open to him.

The wording of the proposed item as compared with that of existing United Nations resolutions was deliberately slanted. The idea, in effect, was to confine the discussion to territories administered by Israel, whereas the relevant Security Council and General Assembly resolutions covered the civilian population in the whole area of conflict, including the Arab countries surrounding Israel. Nowhere in any of those resolutions was there any mention of "occupied territories". As for some of the territories currently held by Israel, the point arose as to when "occupation" had started, for they had been occupied by the armed forces of Egypt and Jordan in 1948 and hence had been "occupied territories" from that time onwards.

In carrying out his task of following up and reporting on the implementation of the Security Council and General Assembly resolutions, the Secretary-General had sent a Special Representative in July 1967 on a fact-finding mission which had not been confined to Israel-held territories alone but had extended as well to the plight of civilian groups, especially Jewish minorities, in the surrounding Arab countries. His Government had co-operated with that Special Representative; it had nothing to hide. Now, the Secretary-General was about to initiate a second fact-finding mission and in that connexion had addressed a note to Israel and also to the United Arab Republic, Syria and Jordan. It was plain from the text of that note and the replies to it that the terms of reference of the Secretary-General's Representative would specifically include the treatment of the Jewish minorities in the Arab countries concerned, both during and subsequent to the war of June 1967.

The strategem in the slanted wording of the item, designed to shirk accountability for the situation in the Arab countries concerned - a situation with which the United Nations was seized - would not work. The Israel-held territories did not exist in outer space; they were elements in a certain situation, and their administration by Israel had to be set in the context of the background to the conflict and the regional circumstances. If there was to be discussion about the impact of the conflict on human relations, that discussion must relate to both sides of the cease-fire lines. Moreover, his delegation had not come to the Conference to figure as prisoners in the dock, facing Arab prosecutors. Those wishing to criticize the behaviour of others must subject their own behaviour to scrutiny. Israel's administration of the territories in question should in all right be measured by the standards previously obtaining there and the standards of the area as a whole.

The general wording given to the proposed item was merely a tactical device, designed to make its inclusion more palatable for a number of delegations. Serious discussion on it would call for a vast amount of research and documentation about human rights in occupied territories in the world, past and present, including the Nazi occupation of Europe, the post-war occupations of Germany, Japan and other areas, the Geneva Conventions of 1949, military occupations in recent years in different parts of the world, the relevance of continued occupation of colonial territories and many other complicated aspects. The term "occupied territory" would also have to be defined with greater precision. It would be interesting, for instance, to ascertain whether India

and Pakistan regarded the area of Kashmir held by the other State as "occupied territory". The primordial question that arose was whether the proposed item related to territories occupied as a result of aggression, the aggression having been determined by the Security Council; if so, the item had no relevance to Israel-held territories, for all attempts in the Security Council to have the events of June 1967 labelled as aggression by Israel had been firmly rejected. Indeed, the whole exercise was nothing more than an attempt by the Arab delegations to obtain a convenient peg for continuing anti-Israel propaganda. From the very first day, some of the Arab delegations, though not all, had shown themselves willing to sacrifice and exploit the Conference for their own political ends - a matter for disapproval and concern on the part of other delegations, because of the harm thus being done to the Conference's legitimate purposes.

Many delegations had hoped that by now Middle-East politics would have run their course at the Conference. His own had tried its best to contribute to that prospect by exercising restraint under attack and, eventually, by refraining altogether from reply or reaction. Yet the Conference was being deliberately asked to revive those polemics. Surely it should consider whether it was in the best interests of its work to do so. The destructive impact on the Conference's work and prospects for success would be threefold: valuable time and energy would be consumed; the atmosphere would continue to be poisoned with political recriminations, and the attention of the press and of public opinion would be engaged, adding to the unfortunate impression already given that the Conference was taken up more with superficial polemics on political issues than with serious and organized work on its planned and prepared agenda.

Promotion of human rights needed quiet, steady, even tedious, work in a climate of co-operation if positive results were to be obtained. Unfortunately, there was little news value in that arduous process compared with heated public clashes. The plenary meetings for the next week or two would be beset by the whirling verbiage that served as a kind of semantic substitute for military victories - an exercise that had already done much to lower the Conference in public esteem. That would be a tragic outcome for all the hard work put into the Conference by so many devoted people.

As had been so wisely said, in the last resort human rights depended on conditions of peace. That truth applied with special force to the strife-torn Middle East area and to the welfare and security of its civilian populations.

In the light of the formidable list of objections he had cited, the Conference would have little cause for satisfaction in having the proposed new item forced upon it by one group of its members.

Mr. ABO GHAZALEH (Jordan) said he would like first to exercise his right of reply to a statement made on 24 April by the Israel representative, concerning peace in the Middle East.

Jordan had time and again reiterated that its position was based on certain principles, namely a unified stand and full co-operation with its sister Arab States, as decided upon by the Arab Summit Conference, more particularly at Khartoum; and support of the resolutions and efforts of the United Nations concerning the withdrawal of Israel forces from occupied Arab territories, together with the upholding and protection of the right of the Palestinian Arabs to their homeland.

Jordan was one of the sponsors of the new item now being recommended by the General Committee. In the occupied Arab areas, gross violations of human rights were taking place, involving life, liberty and property, that fully justified inclusion of the item in the Conference's agenda. The mere fact of a nation's being under aggressive occupation by another was an infringement of human dignity and liberty. While some might hold that the question was a political one and as such should be taken up by the General Assembly or the Security Council, the fact remained that the inhuman acts being committed in the Arab occupied areas had a human aspect, and it was on that ground that the proposal had been made.

A few examples would plainly establish the case that violations of human rights were occurring in the Arab occupied areas. In Arab Jerusalem, private and religious trust properties in the old city had been destroyed. A complete quarter had been razed to create an open square opposite the Wailing Wall, the people living there having been given only a few hours' notice to leave their homes. Furthermore, huge areas of private land had been expropriated under so-called defence regulations. All those acts were being committed in defiance of United Nations resolutions concerning Jerusalem.

With no legal investigation or reasonable proof, Arab houses were being blown up on the mere suspicion of harbouring members of the Palestine Liberation Movement. Failure to abide by the United Nations resolution providing for their return to their



homes was compelling many thousands of Arab refugees to live in misery and degradation. Persecution, fear or economic destitution was causing thousands more to leave the Gaza Strip and the Western Bank of the Jordan for the Eastern Bank. The official Jordanian figure for the numbers involved in March 1968 was over 5,000.

Under the screen of defence regulations, prominent Arab personalities were being deported by force; one recent case in point had been the ex-mayor of Arab Jerusalem, whose forefathers had lived in that city for hundreds of years. Again, no legal investigation of his case had been made and no charges preferred against him.

Recently, Arab women in Jerusalem had been arrested while peacefully demonstrating against Israel's unlawful decision to proceed with a military parade in both sectors of the city. Those women were appealing for human support and help from the Conference. The Security Council resolution regarding the parade was apparently, like other United Nations resolutions, falling on deaf ears. The parade would be an act offensive to Arab feelings and to world opinion in general.

In all the cases he had cited, the rule of law had been suppressed and the dignity of the human person disregarded.

He would refrain from further narration of violations of human rights and fundamental freedoms suffered by the Arabs in the occupied areas, and would simply propose that the Conference should approve the General Committee's recommendation to place the proposed item on the agenda. By doing so, it would give hope to peoples living in anguish.

Mr. MEHDI ben ABDELJALIL (Morocco) said that the problem was not the discussion of Israel's aggression in the Middle East, which was being considered by other competent United Nations Organs but that of human rights which every human being should enjoy wherever he happened to be. The Palestine people had not only been deprived of the most elementary human rights, but their very existence as a people was threatened. The Universal Declaration had been promulgated at a time when the torturing of people under the Nazi occupation was still fresh in the minds of the whole world; today an entire people was being martyred. He appealed to the whole of mankind and to all Jews throughout the world to denounce the methods employed by the Israel Government in Israel-occupied territories as being at variance with the Charter and the Universal Declaration.

Mr. OULD EREBIH (Mauritania) said that Mauritania had voted in favour of the recommendation to include the proposed item in the agenda not because it upheld the Arab thesis; indeed, there were Arab countries which did not recognize the existence of Mauritania, but in order to signify its agreement that the question of human rights should be discussed whenever and wherever they were being denied. The Universal Declaration laid down the principle: "no one shall be arbitrarily deprived of his property", and there was no question that the Arab refugees had been deprived of their property. The topic of human rights in occupied territories was not on the agenda of any other United Nations organ, and he therefore thought it should be discussed by the Conference.

Mr. BRNCIC (Yugoslavia) said that his delegation had supported the request for the additional item because the subject was one involving fundamental human rights. History has shown the tragic plight of people everywhere who were unable to protect themselves against aggression and destruction. Only too often occupying forces had ill-treated prisoners of war, old people, women and children, as Yugoslavia was well aware from its own tragic experiences. His delegation believed that discussion of the topic by the Conference would throw light on the situation in Viet-Nam, the Middle East and other areas where human rights were threatened by war.

The PRESIDENT put to the vote the recommendation contained in paragraph 5 of the second report of the General Committee.

At the request of a number of representatives, the vote was taken by roll-call.

The Republic of Viet-Nam, having been drawn by lot by the President, was called upon to vote first.

In favour: Romania, Saudi Arabia, Spain, Sudan, Switzerland, Syria, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Venezuela, Yugoslavia, Zambia, Afghanistan, Algeria, Bulgaria, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Chile, China, Cuba, Cyprus, Czechoslovakia, Federal Republic of Germany, France, Greece, Hungary, India, Indonesia, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Malaysia, Mali, Mauritania, Mongolia, Morocco, Pakistan, Philippines, Poland.

Against: None.

Abstaining: Republic of Viet-Nam, Sweden, Thailand, Turkey, Uganda, United States of America, Uruguay, Argentina, Australia, Austria, Belgium, Brazil, Canada, Costa Rica, Denmark, Finland, Ghana, Holy See, Ireland, Italy, Ivory Coast, Jamaica, Japan, Kenya, Liberia, Madagascar, Mexico, Netherlands, New Zealand, Nigeria, Norway, Republic of Korea.

The recommendation was adopted by 46 votes to none, with 32 abstentions.

Mr. BOKER (Federal Republic of Germany) said he had voted for the inclusion of the item in the agenda because his delegation had felt for some time that the formulation of principles and laws governing respect for human rights in occupied areas was very necessary. The Covenants lacked clear provisions on the subject, which was of special interest to Germany, not only because of past and present grievances but also because of what had occurred when the Nazi regime had claimed to represent all Germans. He did not feel, however, that the purpose of the Conference would be served by considering the issue of individual or national grievances, however deeply they might be felt. What was required was the creation of machinery to implement human rights in that field, and his Government was prepared to support every effort to that end.

Mr. CASSIN (France), pointing out that he had voted in favour of the General Committee's recommendation on the grounds that there was a need to be alert whenever or wherever an attack on human rights occurred, said that international provisions to safeguard persons in occupied territories were not always observed, and indeed often they were not adequate. His delegation had agreed to the proposal on the assumption that the discussion would deal with the subject in a general way. Specific cases were being dealt with by the competent United Nations organs, and in any case no situation could be judged until the necessary investigations had been carried out. Hence, he hoped that the debate would be general and on humane lines and that there would be no reference to particular cases.

Mr. DAUDY (Syria) said that by including the item in its agenda, the Conference had recognized that the question of respect for human rights in occupied territories was of great importance to the international community.

He expressed appreciation of the note submitted by the Commissioner-General of the United Nations Relief and Works Agency UNRWA (A/CONF.32/22), which provided a brief account of the plight of Arab refugees, the victims of aggression by Israel.

The Secretary-General of the United Nations, in the introduction to his annual report to the twenty-second session of the General Assembly, had stated "It seems to me that there are certain fundamental principles which have application to the issues of the Middle East and which no one would be disposed to dispute as to their intrinsic worth, soundness and justness, at least when taken separately . . . people everywhere, and this certainly applies to the Palestine refugees, have a natural right to be in their homeland and to have a future..." (A/6701/Add.1, para. 49).

Mr. STRANEO (Italy), explaining his delegation's abstention in the voting, said that it had noticed with growing concern a tendency to add to an already heavy agenda, in which moreover there was a lack of balance between political and technical issues. Italy was anxious to have constructive discussion as soon as possible on the agenda items already agreed upon, and very much doubted whether the Conference was the appropriate forum for the full discussion of the item it had just decided to include in its agenda.

Italy's ties of friendship with the Arab countries and with all peoples living around the Mediterranean afforded evidence of its earnest desire for the establishment of lasting peace in the area. Now that the item had been included in the agenda, his delegation would participate in the discussion at a general level and in a humanitarian spirit.

Mr. LINDT (Switzerland) said that the new item proposed was clearly related to human rights, and his delegation had therefore voted for its inclusion. He regretted that the General Committee had not seen fit to allow the Israel representative to put his Government's case before it, and he was glad that permission had been given to speak in the plenary meeting.

Mr. NUNEZ ARISTIMUNO (Venezuela) said he had abstained on the vote in the General Committee on procedural grounds, but had voted in favour of discussion of the item in plenary, since it would have been contrary to the traditions of Venezuela not to consider any aspect of human rights anywhere. Indeed it was incumbent on the international community generally to consider all aspects of human rights. It was his understanding that the political aspects of the situation would not be dealt with by the Conference since they were being discussed by the competent United Nations organs.

Mr. LUARD (United Kingdom) said his delegation had always believed that the Conference should concern itself primarily with general questions relating to human rights, in accordance with its terms of reference, and avoid discussion of political and contentious topics especially as the agenda was already heavy. Genuine and undeniable human rights issues arose in the Middle East and other parts of the world, but his delegation was anxious that, if the proposed item were included in the agenda, it should not impede discussion of the major items already on the agenda, and further that discussion on the item should be general in nature and not manifestly directed to

any specific area or any particular case. Hence the United Kingdom proposal in the General Committee, designed to prevent discussion of the item in either of the major committees, which already had heavy agendas. That proposal having been rejected, his delegation had abstained from the vote in the General Committee. However, once the General Committee had made it clear that the matter would be discussed in plenary, it had voted for the inclusion of the item.

His delegation regretted that the Israel representative had not been permitted to speak in the General Committee on matters which were of vital interest to his country, and it was glad he was able to do so in plenary.

Mr. YAZID (Algeria) said that his delegation had voted in favour of the inclusion of the proposed item in the light of his country's experience, since discussion of the Algerian question in international forums had led to a peaceful solution. Similarly, he hoped that discussion of the Palestine question would lead to a peaceful solution now being delayed by those Governments which did not accept the United Nations recommendations. His delegation supported the proposal that the Secretariat be requested to circulate all relevant United Nations resolutions and documents dealing with the subject.

Mr. BARRIA (Chile) said that his delegation had voted for the inclusion of the proposed item on the grounds that violations of human rights should be investigated wherever they occurred. He agreed that it would be useful to discuss the topic with a view to evolving general principles and rules, and his delegation had been glad to note that the item was framed in general terms and did not refer to any specific case.

Mr. WALDRON (Ireland) said his delegation had abstained in the voting for a number of reasons. He did not deny nor did he think that it could be denied, that major issues of human rights were involved. However, he did not consider that any useful progress could be made on that matter at the present Conference, and that discussion of the item might, if anything, make more difficult the already difficult problems confronting the Secretary-General and his representatives in the Middle East. He feared that their discussion by the Conference would not be conducive to the atmosphere of moderation, restraint and objectivity to which the Secretary-General had referred.

Mr. COMAY (Israel) said that, as had already been pointed out, the proposed item was of universal application. In his delegation's view, the Conference lacked adequate preparation and documentation, without which there could be no sensible or intelligent discussion of the item. The minimum documentation necessary was a historical survey of the subject; a comprehensive list of occupied territories; a list of all relevant international instruments with their texts and degree of implementation; and a juridical analysis of the concept of an occupied territory. He formally proposed that that documentation should be prepared by the Secretariat.

He endorsed the view that discussion of the item should deal only with general principles and that it should be left to other United Nations bodies to discuss specific situations. He noted, incidentally, that the results of the voting had amply vindicated the misgivings he had expressed before the vote was taken, since only forty-six countries had voted for the inclusion of the new item in the agenda, while thirty-two, by abstaining, had expressed their misgivings.

Mr. KHALAF (Iraq) pointed out that the voluminous documentation requested by the Israel representative might well take years to prepare. The Arab countries wished to confine themselves to the humanitarian aspects of the question, and their request as framed by the Algerian representative had been that the Secretariat should provide a list of relevant recommendations and other United Nations documents.

Mr. SCHREIBER (Executive Secretary of the Conference) said that while the Secretariat was entirely at the disposal of the Conference and would provide the resolutions adopted on the subject by the competent United Nations organs and other already existing documents, he very much doubted whether the new legal or historical studies mentioned by the Israel representative could be provided in time.

Mr. COMAY (Israel) suggested that if the Preparatory Committee for the Conference was still in existence it should be requested to prepare the documentation he had mentioned. The so-called Palestine question had been under discussion by the United Nations for over twenty-one years and hundreds of resolutions on the subject had been adopted. If background documentation was to be made available to the Conference, it should be made available in toto and not on a selective basis, except in respect of the exchange of correspondence between the representative of the Secretary-General and the four Governments with whom he had communicated about sending a representative on a fact-finding mission, and the two so-called humanitarian resolutions - the Security Council resolution of 14 June and the General Assembly resolution of 4 July.

Mr. KHALAF (Iraq) regarded the Israeli representative's insistence on the preparation of an absurdly unreasonable mass of documentation as a tactical effort to prevent discussion of the item. Since the subject under discussion was the territory occupied by Israel since the June aggression, there was no need to delve into history; the two humanitarian resolutions and a few other United Nations reports which could be readily provided by the Secretariat would be ample documentation. It would be contrary to normal United Nations practice to provide substantive studies on a controversial subject. He therefore urged that the Conference proceed with the discussion of the item on the basis of the documents which the Secretariat could provide.

Mr. SCHREIBER (Executive Secretary of the Conference) said that the Preparatory Committee was no longer in existence. He asked delegations to facilitate the Secretariat's work by indicating precisely which documents they wished to have circulated.

Mr. DAUDY (Syria) formally proposed that the Secretariat distribute to the Conference the Security Council resolution of 14 June, the General Assembly resolution 2253 (ES-V) of 4 July 1967, the record of the discussion of the subject in the Commission on Human Rights, and the note submitted by the Commissioner-General of UNRWA.

Mr. PATIJN (Netherlands) speaking on a point of order, moved the closure of the debate, on the grounds that it was impossible for such a large gathering to discuss the documentation to be submitted.

It was so decided.

The CHAIRMAN drew the meeting's attention to the General Committee's recommendation in paragraph 6 of its report that the new item should be considered at plenary meetings of the Conference.

The recommendation was unanimously approved.

Mr. TURBANSKI (Poland), exercising the right of reply, said that the unfounded accusations made by the Israel representative against the Polish Government constituted an attempt to interfere in Poland's internal political affairs, and his delegation protested most emphatically. There was no legal basis for anti-Semitism in Poland

and it gave rise to no problems. The campaign of slander against Poland had begun the previous June when the Polish Government had formally condemned Israel's aggression. At that time, some Polish citizens of Jewish origin occupying important posts had not shown proper loyalty to the State which had saved them from extermination. The Polish Government had thus been compelled to make certain changes dictated by the requirements of security and public order; but that did not mean that there had been any change in the Polish attitude towards Jews who were loyal to Poland. The Israel representative had spoken of the terrible fate of the Jews in Poland during the Second World War; but he would point out that the Jewish survivors owed their lives to the Polish citizens who had succoured them.

The meeting rose at 1.25 p.m.