



General Assembly

A

Distr.
LIMITED

A/C.3/43/L.31
9 November 1988

ORIGINAL: ENGLISH

Forty-third session
THIRD COMMITTEE
Agenda item 104

ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED
NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF
HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

United States of America: draft resolution

Respect for the right of everyone to own property alone as well as
in association with others and its contribution to the economic and
social development of Member States

The General Assembly,

Recalling its resolution 41/132 of 4 December 1986, by which it expressed the conviction that the full enjoyment by everyone of the right to own property alone as well as in association with others, as set forth in article 17 of the Universal Declaration of Human Rights, 1/ is of particular significance in fostering widespread enjoyment of other basic human rights and contributes to securing the goals of economic and social development enshrining in the Charter of the United Nations,

Recalling further Commission on Human Rights resolution 1987/17 of 10 March 1987, 2/ by which the Commission urged States, in accordance with their respective constitutional systems and in accordance with the Universal Declaration of Human Rights, to provide, where they have not done so, adequate constitutional

1/ Resolution 217 A (III).

2/ See Official Records of the Economic and Social Council, 1987, Supplement No. 5 (E/1987/18 and Corr.1 and 2), chap. II, sect. A.

and legal provisions to protect the right of everyone to own property alone as well as in association with others and the right not to be arbitrarily deprived of one's property,

Reaffirming the right of States and their peoples freely to choose and develop their political, social, economic and cultural systems and to determine their laws and regulations,

Recognizing the value of constructive dialogue in the national context on the ways and means by which States can promote the full enjoyment of the right of everyone to own property alone as well as in association with others,

Recognizing in this context the importance of enabling everyone to acquire property, alone or in association with others, by taking practical actions that assist the economic development of developing countries,

Convinced that the right to own property alone as well as in association with others, as set forth in article 17 of the Universal Declaration of Human Rights and as reaffirmed in paragraph 4 of the Declaration on the Rights of Disabled Persons 3/ and in article 16, paragraph 1 (h), of the Convention on the Elimination of All Forms of Discrimination against Women, 4/ is of particular significance in fostering widespread enjoyment of other basic human rights,

Reaffirming, in accordance with article 29 of the Universal Declaration of Human Rights, that, in the exercise of his or her rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society,

Noting the report of the Secretary-General on respect for the right of everyone to own property alone as well as in association with others and its contribution to the economic and social development of Member States, 5/

Noting further that the comments of Member States, specialized agencies and other competent bodies of the United Nations system, as outlined in that report, mainly consisted of summaries of legal principles associated with the right to own property and that there was relatively little attention to the role of the right of everyone to own property, alone as well as in association with others, in ensuring the full and free participation of individuals in the economic and social systems of States,

3/ Resolution 3447 (XXX).

4/ Resolution 34/180, annex.

5/ A/43/739.

1. Recognizes that there exist in Member States many forms of legal property ownership, including private, communal, social and State forms, each of which should contribute to ensuring effective development and utilization of human resources through the establishment of sound bases for political, economic and social justice;

2. Affirms, in accordance with article 30 of the Universal Declaration of Human Rights, that nothing in the Declaration, including the right of everyone to own property alone as well as in association with others, may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth therein;

3. Considers that further measures may be appropriate at the national level to ensure respect for the right of everyone to own property alone as well as in association with others and the right not to be arbitrarily deprived of one's property, as set forth in article 17 of the Universal Declaration of Human Rights;

4. Urges States, therefore, in accordance with their respective constitutional systems and in accordance with the Universal Declaration of Human Rights, to provide, where they have not done so, adequate constitutional and legal provisions to protect the right of everyone to own property alone as well as in association with others and the right not to be arbitrarily deprived of one's property;

5. Requests the Secretary-General to seek the views of Member States, specialized agencies and other competent bodies of the United Nations system on how and to what degree the right to own property alone as well as in association with others contributes to the development of individual liberty and initiative which serve to foster, strengthen and enhance the exercise of other human rights and fundamental freedoms;

6. Suggests that Member States, specialized agencies and other competent bodies of the United Nations system, in the context of their remarks on the impact of the right to own property alone as well as in association with others, may wish to address, in particular, the right to own the following types of property:

(a) Personal property, including the residence of one's self and family;

(b) Economically productive property, including property associated with agriculture, commerce and industry;

7. Requests the Secretary-General to report his findings to the General Assembly at its forty-fifth session, within existing resources;

8. Decides to consider this question at its forty-fifth session under the item entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms".
