



**OFFICIAL RECORDS OF THE GENERAL ASSEMBLY
TWENTY-EIGHTH SESSION**

THIRD COMMITTEE

SOCIAL, HUMANITARIAN AND CULTURAL QUESTIONS

SUMMARY RECORDS OF MEETINGS

19 SEPTEMBER-5 DECEMBER 1973

UNITED NATIONS



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New York, 1975

INTRODUCTORY NOTE

The *Official Records of the General Assembly* for a given session consist of records of meetings, annexes to those records, supplements, certain documents specifically identified as *Official Records*, the *List of Delegations* and the *Check List of Documents*. Information on other documents, issued in offset or mimeographed form, is given in the *Check List* and the relevant annex fascicles.

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Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

ABBREVIATIONS

FAO	Food and Agriculture Organization of the United Nations
IAEA	International Atomic Energy Agency
ILO	International Labour Organisation
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	Office of the United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNIDO	United Nations Industrial Development Organization
UNITAR	United Nations Institute for Training and Research
UPU	Universal Postal Union
WFP	World Food Programme
WHO	World Health Organization
WMO	World Meteorological Organization

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AGENDA

The General Assembly, at its 2123rd plenary meeting, held on 21 September 1973, decided to allocate to the Third Committee for consideration and report the following items on the agenda of the twenty-eighth session. (The number of the agenda item is indicated in brackets.)

1. Report of the Economic and Social Council [chapters V (section A), XXI (sections A and C), XXII to XXV, XXIX and XXX (section B)] [12].
2. Elimination of all forms of racial discrimination [53]:
 - (a) Decade for Action to Combat Racism and Racial Discrimination;
 - (b) Draft Convention on the Suppression and Punishment of the Crime of *Apartheid*;
 - (c) Report of the Committee on the Elimination of Racial Discrimination;
 - (d) Status of the International Convention on the Elimination of All Forms of Racial Discrimination: report of the Secretary-General.
3. Human rights in armed conflicts: protection of journalists engaged in dangerous missions in areas of armed conflict: report of the Secretary-General [54].
4. Elimination of all forms of religious intolerance [55]:
 - (a) Draft Declaration on the Elimination of All Forms of Religious Intolerance: report of the Secretary-General;
 - (b) Draft International Convention on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.
5. Observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights [56].
6. Creation of the post of United Nations High Commissioner for Human Rights [57].
7. Question of the elderly and the aged: report of the Secretary-General [58].
8. Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights: report of the Secretary-General [59].
9. Principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity [60].
10. Crime prevention and control [61].
11. World social situation of youth: report of the Secretary-General [62].
12. Human rights and scientific and technological developments: report of the Secretary-General [63].
13. Freedom of information [64]:
 - (a) Draft Declaration on Freedom of Information;
 - (b) Draft Convention on Freedom of Information.
14. Status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights: report of the Secretary-General [65].
15. Measures to be taken against ideologies and practices based on terror or on incitement to racial discrimination or any other form of group hatred [66].
16. Report of the United Nations High Commissioner for Refugees [67].
17. Assistance in cases of natural disaster and other disaster situations: report of the Secretary-General [68].

GENERAL ASSEMBLY

TWENTY-EIGHTH SESSION

THIRD COMMITTEE

**Summary records of the 1976th to 2050th meetings,
held at Headquarters, New York, from 19 September to 5 December 1973**

1976th meeting

Wednesday, 19 September 1973, at 9 p.m.

Temporary Chairman: Mr. Leopoldo BENITES' (Ecuador).

A/C.3/SR.1976

Election of the Chairman

1. Mr. GIAMBRUNO (Uruguay) nominated Mr. Yahya Mahmassani (Lebanon) as Chairman.
2. In the absence of further nominations and in accordance with rule 105 of the rules of procedure of the General Assembly, the TEMPORARY CHAIRMAN declared Mr. Mahmassani (Lebanon) elected Chairman by acclamation.

Mr. Yahya Mahmassani (Lebanon) was elected Chairman by acclamation.

The meeting rose at 9.10 p.m.

1977th meeting

Monday, 24 September 1973, at 3.20 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.1977

Statement by the Chairman

1. The CHAIRMAN expressed his gratitude for the honour paid to him. He considered his election as Chairman of the Third Committee to be a tribute to his country, Lebanon, for its contributions to humanitarian and social objectives. He paid a tribute to Mr. Carlos Giambruno of Uruguay, Chairman of the Third Committee at the twenty-seventh session of the General Assembly, whose ability and outstanding personal qualities had been demonstrated by the manner in which he had directed the work of the Committee. He also expressed his confidence in all the members of the Secretariat, with whom he intended to work closely.

2. On behalf of the Committee, he welcomed the delegations of the German Democratic Republic, the Federal Republic of Germany and the Commonwealth of the Bahamas, which were taking part in the Committee's work for the first time.

3. The questions which the Committee would be considering were of the highest importance to all the peoples of the world. Its task would be to endeavour through dialogue, understanding and co-operation to ensure the protection of human rights and fundamental freedoms, to reaffirm faith in the dignity and worth of the human person and to promote social progress and justice and better standards of life. The twenty-fifth

anniversary of the Universal Declaration of Human Rights would be celebrated during the current year, and he was particularly happy to be presiding over the Committee on that occasion because, in 1948, when the Committee had adopted the Declaration, its Chairman had been Mr. Charles Malik, also of Lebanon. He expressed the hope that the anniversary would see the coming into force of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights.

4. In conclusion, he said that the Committee should consider all items on an equal footing and should try to give equal attention to each of them.

Election of the Vice-Chairmen

5. The CHAIRMAN said that he had been asked by the chairmen of the regional groups to postpone the election of the two Vice-Chairmen until a later meeting. If there was no objection, he would take it that the Committee agreed to that postponement.

It was so decided.

Election of the Rapporteur

6. Mrs. WARZAZI (Morocco) nominated Mr. Aykut Berk (Turkey) as Rapporteur.

Mr. Aykut Berk (Turkey) was elected Rapporteur by acclamation.

Organization of work (A/C.3/L.1993)

7. The CHAIRMAN drew the attention of the members of the Committee to document A/C.3/L.1993, which listed the items of the agenda of the General Assembly which had been referred to the Third Committee.

8. Mr. BADAWI (Egypt) said that it would be useful if the Secretariat could indicate the situation with respect to the availability of documentation for all the items, so that the Committee could decide in what order they should be considered.

9. Mr. LÜTEM (Secretary of the Committee) said that document A/C.3/L.1993 contained information regarding the status of documentation. With respect to item 53 (c), the report of the Committee on the Elimination of Racial Discrimination (A/9018) would be distributed about 15 October. Of the two documents relating to item 55 (Elimination of all forms of religious intolerance), the note by the Secretary-General (A/9134) would be ready for distribution on 28 September and the report of the Secretary-General (A/9135) under General Assembly resolution 3027 (XXVII) would be available on 5 October. Document A/9133, relating to item 56 (Observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights), would be distributed on the morning of Tuesday, 25 September. The report of the Secretary-General (A/9126) on item 58 (Question of the elderly and the aged) would be ready for distribution on 8 October. With regard to item 59 (Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human

rights), document A/9154 would be available to members of the Committee on 28 September. The note by the Secretary-General (A/9032) on item 61 (Crime prevention and control) would be ready for distribution on 8 October, and the report of the Secretary-General (A/9140) on item 65 (Status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights) would be available on the morning of 25 September.

10. Mr. BADAWI (Egypt) said that his delegation considered that the items relating to the observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights should receive the highest priority. Accordingly, item 53 (a), concerning the Decade for Action to Combat Racism and Racial Discrimination, would be a good point of departure. The Committee could then consider item 56, followed by item 59, to which his delegation attached the utmost importance.

11. Mr. MACRAE (United Kingdom) said that since all the items to be considered by the Committee were important and some compromise would have to be reached on their relative priority, they should be considered in the same order in which they were listed in document A/C.3/L.1993.

12. Mr. BAROODY (Saudi Arabia) said he did not know on what basis the Secretariat had established the order of items in document A/C.3/L.1993. However, experience indicated that the Committee would be unable to deal with 17 items and, since all were important, a selective and common sense approach was necessary. The time had come to give item 64 (Freedom of information) the attention it deserved and to conclude the preparation of the Convention on Freedom of Information. There was no reason to relegate the item to thirteenth place, since the background and documentation required for its consideration had been ready for many years. The time had come to take some action with respect to freedom of information, and, for that and the other reasons he had cited, it should be given high priority.

13. It had been the Committee's custom to deal first with item 12 (Report of the Economic and Social Council), thereby allowing time for the preparation of the remaining items and the distribution of the necessary documents. The question dealt with under item 55 merited high priority by virtue of its importance and topicality. On the other hand, item 61, which was more relevant to the Sixth Committee's work, should be deferred until 1974. Item 57 (Creation of the post of United Nations High Commissioner for Human Rights) should have no priority whatever, as it had financial implications and its consideration would give rise to political problems. It was a costly and impractical idea and should therefore be placed last on the list of items.

14. Mr. BUCKLEY (United States of America), speaking on a point of order, said that the Committee was discussing the order of the agenda items and that statements should therefore not deal with the substance of items. He asked the Chairman to rule on the matter.

15. The CHAIRMAN said that traditionally delegations had been permitted to refer to the agenda items at the current stage of the debate. He invited the representative of Saudi Arabia to continue his statement, but

drew his attention to the United States representative's observation.

16. Mr. BARODY (Saudi Arabia) said that it was not sufficient in a discussion of the organization of work for each delegation to state its preferences; the reasons for those preferences should be given. Reverting to the agenda, he said it was most important to bear in mind the number of meetings which the Committee would hold in order to allot sufficient time to items and thus ensure that all would be dealt with, even if, in his view, there were too many items. The Committee should proceed immediately to consider item 12. It should then consider item 55, provided that all the relevant documents were available. The Committee should next deal with item 56 and then with item 64. The Chairman and the officers, in consultation with the other members of the Committee, should establish the final order and the number of meetings to be devoted to each item.

17. Mr. SCALABRE (France) pointed out that the General Assembly had agreed almost unanimously to give high priority to item 54 (Human rights in armed conflicts: protection of journalists engaged in dangerous missions in areas of armed conflict), as was accurately reported in document A/C.3/L.1993. He proposed that the order of items in that document should be respected in principle, without prejudice to any decision that the Committee might later take.

18. Mr. VELA (Guatemala) said that the Secretariat had provided useful guidelines for preventing loss of time in the organization of the Committee's work and had taken into account the experience of previous years. He had only two objections to the organization of work proposed in the Secretariat document (A/C.3/L.1993): the target date for the conclusion of the Committee's work, which should be decided on at a later stage on the basis of the progress made, and the position on the list of item 56, from the discussion of which valuable suggestions on the other items might emerge. Given the number of items on its agenda, the Committee should exercise restraint and avoid digressions and the repetition of arguments. He was therefore in favour of considering the agenda items in the order suggested in the Secretariat document, with the exceptions he had referred to.

19. Mr. LÖFGREN (Sweden) said that he accepted the order of items suggested in document A/C.3/L.1993. There appeared to be agreement on the fact that it would not be possible to consider all the items at the meetings of the Committee; in any case, most of the work was usually carried out in working groups. It would therefore be advisable to consider forthwith the possibility of establishing such working groups on, for example, items 55 and 57.

20. Mrs. WARZAZI (Morocco) said that, since it was difficult to satisfy everyone, it would be sensible to alternate controversial and uncontroversial items. She accordingly proposed that the items should be dealt with in the following order: item 53, item 56, item 59, item 54, item 62 (World social situation of youth), item 12, item 63 (Human rights and scientific and technological developments)—an item which had not been dealt with before and which her delegation considered particularly important, item 64—the importance of which had been underlined by recent events, particularly the Conference on European Security and Co-operation, item 57, item 68 (Assistance in cases of natural

disaster and other disaster situations), and item 67 (Report of the United Nations High Commissioner for Refugees). The order in which the remaining items were considered would be left for the Chairman and the Committee to decide.

21. Mr. BAL (Mauritania) agreed with the representative of Egypt on the importance of the item concerning elimination of all forms of racial discrimination and *apartheid*. He suggested that, for practical reasons, items 56 and 59 could be combined into a single item.

22. With regard to item 68, he pointed out that his country, like others in western Africa, had for years been beset by misfortunes. The situation in the region was catastrophic and it was therefore extremely important to take that item first or second, since it involved the survival of millions of people.

23. He believed it would be a mistake to create the post of United Nations High Commissioner for Human Rights—the financial implications of which would be enormous—at a time when other crucial problems remained unsolved.

24. Mr. VAN WALSUM (Netherlands) said that his delegation found the order of the agenda items in document A/C.3/L.1993 generally acceptable. With regard to item 55, however, his delegation had submitted a draft declaration on the elimination of all forms of religious intolerance (see A/9134/Add.1), in which it had endeavoured to take into consideration the views expressed in the Third Committee and other organs in previous years. He therefore proposed that when the text of that document became available in all languages, i.e. on 5 October, the Committee should suspend work on the item under consideration at that time and set up an informal working group to study the draft declaration. Consideration of the item would then be postponed until the Committee had received the conclusions of the working group. That procedure, which had been followed on other occasions, would make it possible to consider a technical matter without impeding the Committee's work.

25. Mr. COSTA COUTO (Brazil) said that he found the Mauritanian suggestion concerning item 68 interesting. Without affecting the high priority accorded to that subject, the order of the agenda in document A/C.3/L.1993 could be followed in the Committee's discussions. He also found the suggestion made by the representative of the Netherlands acceptable and constructive. In his view, there was no point in considering the item on the post of High Commissioner for Human Rights again, since, to all intents and purposes a consensus had been reached on the matter in 1971. There were other items which deserved higher priority, such as item 61. In his view, item 56 could be considered at a later stage.

26. Mr. VON KYAW (Federal Republic of Germany) thanked the Chairman for his words of welcome. His delegation believed that the Committee's time-table should be flexible, so that it could consider as many items as possible. In his view, agenda item 53 was fundamental and should be given maximum priority. Items 54 and 55 were also important, and he welcomed the suggestion by the representative of the Netherlands concerning the latter. He expressed his country's interest in items 56, 57, 64, 67 and 68.

27. Miss ILIĆ (Yugoslavia) expressed the view that the Committee was morally obliged to consider item 53, and particularly subitem (a) on the Decade for Action to Combat Racism and Racial Discrimination. It was regrettable that the document on the twenty-fifth anniversary of the Universal Declaration of Human Rights was not available, since it was an uncontroversial item. Her delegation attached special importance to items 59 and 62. Members should know when the United Nations High Commissioner for Refugees would be able to submit his report, so that the Committee could consider item 67 at that time.

28. Mr. VELLA (Malta) said that his delegation had a special interest in item 58 and could not therefore agree with the order of priorities proposed by the representative of Morocco. Items of global importance should not be viewed from narrow national angles. He was not asking that item 58 should be given top priority, but it should be discussed midway through the Committee's programme of work.

29. Mr. SMIRNOV (Union of Soviet Socialist Republics) said that his delegation agreed with the Moroccan proposal concerning the first items. However, it wished to stress that at the previous session the General Assembly had attributed considerable importance to the principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity; those principles had also been given careful consideration by the Commission on Human Rights. Those bodies had accomplished valuable work and the relevant documents were available in final form. Item 60 should therefore be considered immediately after the item on youth within the scheme proposed by the representative of Morocco. The Committee would then deal with item 12, followed by item 58, which his delegation also considered very important. Some time would have to be allocated to items 67 and 68.

30. With regard to the informal working group proposed by the representative of the Netherlands in connexion with item 55, he would not oppose its establishment when the matter was discussed as a whole or when the draft declaration prepared by the Netherlands was studied. However, experience showed that the establishment of working groups of that kind presented problems for many delegations, which were unable to participate in them for practical reasons; consequently, instead of being facilitated, progress was delayed.

31. He stressed that it was important for the members of the Committee to have an approximate idea of the number of meetings that could be devoted to the various items on the agenda.

32. Mr. WIGGINS (United States of America) said he realized that many delegations wished priority to be given to the consideration of item 53, and firmly supported the underlying concept and the programme for the Decade for Action to Combat Racism and Racial Discrimination. As for the question of the creation of the post of United Nations High Commissioner for Human Rights, his delegation hoped that it could be studied thoroughly at the current session, so that the post could be created. Priority should also be given to item 55. He also shared the view of the representative of Saudi Arabia that the time had come to conclude consideration of the question dealt with under item 64. Finally, he wished, like the representative of the Soviet

Union, to draw attention to the desirability of preparing an approximate time-table indicating the number of meetings that could be devoted to each item.

33. Mr. MOUSSA (Niger) said that item 68 was the most important to his delegation, since the Niger was an underdeveloped country which had been plagued by natural disasters. Accordingly, he requested that item 68 should be given priority.

34. Mr. FØNS BUHL (Denmark) felt that the order in which the items appeared in document A/C.3/L.1993 afforded a proper balance between the various topics. However, he could certainly support the proposal by the representative of Egypt and others that item 53 (a) should be discussed first. On the other hand, he would prefer item 56 to be postponed until later in the session, so that it could be studied in greater detail. With regard to item 55, he recalled that the General Assembly, in resolution 3027 (XXVII), had decided to give priority at its twenty-eighth session to the elaboration of a Declaration on the Elimination of All Forms of Religious Intolerance with a view to the adoption, if possible, of such a Declaration as part of the observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights. He therefore felt that it would be appropriate to establish a working group to consider the draft Declaration, so that the latter could be examined before 10 December, which was the date of the twenty-fifth anniversary of the Universal Declaration of Human Rights. He also thought that priority should be given to items 68 and 67; their consideration should be timed to coincide with the presence in New York of the United Nations Disaster Relief Co-ordinator and the United Nations High Commissioner for Refugees respectively. Lastly, he supported the proposal that an attempt should be made to adopt a provisional programme for the allocation of meetings to the various items.

35. Mr. BRUNO (Uruguay) said that the order of the items should not be regarded as an indication of their importance. He suggested that the Committee might begin by considering the less controversial items, in the following order: item 65, item 53, particularly subitem (a) on the Decade for Action to Combat Racism and Racial Discrimination, item 59, which was connected with the item on terrorism allocated to the Sixth Committee; item 55, item 62, and item 57, an item to which his delegation attached importance, without expressing any opinion as to the priority it should be given, in view of the fact that the time had come to deal with the effective protection of human rights. He trusted in the experience of the Chairman to determine a proper order for the agenda items.

36. Mr. VALTASAARI (Finland) said he felt that a consensus was emerging to the effect that priority should be given to the items on the elimination of all forms of racial discrimination and the report of the Economic and Social Council. He shared the view of the delegations of France and Morocco that importance should be attached to item 54. Unlike a previous speaker, he felt that item 61, on crime prevention and control, was appropriate for the Third Committee, not the Sixth, to discuss, since it was connected with general social defence policy. He also trusted in the experience of the Chairman to determine the order of the agenda items.

37. Mr. LOSHCININ (Byelorussian Soviet Socialist Republic) said he disagreed with those who attached importance to item 56, on the observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights, since consideration of the item would be meaningful only if the decisions adopted had effective consequences for human rights. Consideration should first be given to items 53—with special reference to the Decade for Action to Combat Racism and Racial Discrimination and the draft Convention on the Suppression and Punishment of the Crime of *Apartheid*, 59, and 60. Those were items which should present no problems and which would provide a practical and concrete conclusion to the celebration of the twenty-fifth anniversary of the Universal Declaration of Human Rights. Item 54 should be considered next. A question which was becoming increasingly topical was that relating to human rights and scientific and technological developments, dealt with under item 63. The establishment of working groups to deal with particular items entailed the risk that the documents prepared by those groups might not reflect the views of the Committee, since small delegations could not be represented at meetings of the working groups, but only in the general debate, and it should be noted that the opinion of the Third Committee emerged only from the general debate.

38. Mr. KABORÉ (Upper Volta) said that in October, the President of the Upper Volta would make a statement in the Third Committee; after that date, it would be possible to decide when item 68, on assistance in cases of natural disaster, would be considered. The Minister for Foreign Affairs of the Upper Volta would speak about the same question in the Second Committee on 26 September. He emphasized the importance of deciding on the chronological order of the discussions and preparing a time-table indicating the number of meetings to be devoted to each item.

39. Mr. BOOTHE (Jamaica) expressed the hope that the Chairman would suggest an order of priorities that would be acceptable to all members of the Committee. He agreed with the representatives of Mauritania and the Niger that the Committee should give high priority to item 68, and considered that it should be taken up immediately after the statement by the President of the Upper Volta. He could agree to the Netherlands proposal that the Committee should set up a working group on item 55, since it would afford an opportunity to start giving the question serious consideration. He had listened carefully to the remarks made by the representative of the Byelorussian SSR, but did not think that the establishment of a working group would give rise to difficulties, since it could meet on days when the Committee was not meeting. Item 63 also deserved high priority.

40. The CHAIRMAN emphasized that all the items were important and should be considered on an equal footing. A working group could be set up only at a later stage, because the Committee had first to approve its programme of work. The Disaster Relief Co-ordinator and the High Commissioner for Refugees would only be in New York in November, so that the last week of that month would have to be set aside for consideration of items 67 and 68.

41. In view of the opinions which had been expressed, he suggested that the order of the items and the number

of meetings to be allocated to each of them should be the following: item 53 (a), eight meetings; item 54, eight meetings; item 56, three meetings; item 53 (b), eight meetings; item 55, seven meetings; item 59, three meetings; item 60, five meetings; item 58, three meetings; item 62, five meetings; item 61, one meeting; item 53 (c), four meetings; item 12, four meetings; item 64, four meetings; item 57, four meetings; item 63, three meetings; item 66, one meeting; item 53 (d), one meeting; item 65, one meeting.

42. Mr. ALFONSO (Cuba) thought that the order of items suggested by the Chairman was in principle satisfactory, since it took into account the importance of the various questions and the realities of the situation with regard to the availability of documentation. Nevertheless, in order to give delegations time to reflect on some aspects of the suggestion, he requested that a decision concerning it should be postponed until the next meeting.

43. Mrs. WARZAZI (Morocco) asked, in reference to item 68, whether the Committee could submit a special draft resolution to the General Assembly concerning the situation of the Sudano-Sahelian populations before the arrival of the Disaster Relief Co-ordinator, since she believed that the Committee had followed that procedure in a similar situation in the past.

44. Mr. LÜTEM (Secretary of the Committee) confirmed that there was such a precedent, although it related to a special item. He pointed out that item 101, concerning the Sudano-Sahelian region, had been allocated to the Second Committee, whereas consideration of chapter XXIV, section A, of the report of the Economic and Social Council, dealing with aid to the Sudano-Sahelian populations threatened with famine, had been allocated to the Third Committee.

45. Mr. HASSAN (Sudan) said that he could accept the Chairman's suggestion concerning the order of items, but doubted that it would be possible to conclude consideration of item 63 in three meetings. He agreed with the delegation of Morocco that the item was very important for the developing countries. However, the available documentation was not conducive to in-depth consideration of the question nor did it provide an up-to-date picture of the situation. For example, document A/9075 made no mention of the establishment of the Committee on Science and Technology for Development. He therefore suggested that the report of the Committee on Science and Technology for Development should be included among the documents to be considered by the Committee in connexion with item 63.

46. Mr. ALFONSO (Cuba) said that if the Committee wished to take a decision on the organization of work at its current meeting, he would not insist on his proposal that the decision should be postponed.

47. The CHAIRMAN thanked the representative of Cuba for withdrawing his proposal and said that, if there were no objections, he would take it that the Committee approved the suggested programme of work.

It was so decided.

48. The CHAIRMAN said that the programme of work could be completed only if the Committee worked with the maximum efficiency and co-operation, so that the rules of procedure could be applied in a flexible

manner and the proceedings accelerated. Time was lost if meetings began late and ended early and if draft resolutions were not submitted in good time. In order to overcome those difficulties, he requested delegations to co-operate to ensure that meetings began on time, that the work was evenly distributed, that representatives entered their names promptly on the list of speakers for each item, that statements were kept short and that informal consultations were held in order to reach agreement. He would always be ready to take part in any consultations designed to achieve a positive result. The officers of the Committee would keep the pro-

gramme of work under review in order to avoid any delays.

49. Mrs. WARZAZI (Morocco) suggested that the Secretariat should organize matters in such a way as to reduce the amount of free time in the early stages of the session and ensure that the Committee's work proceeded at a regular pace.

50. Mr. COSTA COUTO (Brazil) expressed concern over the late distribution of the documents and asked that they might be circulated as soon as possible.

The meeting rose at 6 p.m.

1978th meeting

Tuesday, 25 September 1973, at 10.50 a.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.1978

Election of the Vice-Chairmen (continued)

1. The CHAIRMAN said that the other Committees were still holding consultations for the election of their Vice-Chairmen. He therefore suggested that the election of two Vice-Chairmen of the Third Committee should be postponed until the meeting of the following day.

It was so decided.

AGENDA ITEM 53

Elimination of all forms of racial discrimination (A/9003, chaps. XXIII, sect. A.1 and A.2 and XXX, sect. B; A/9094 and Corr.1, A/9095, A/9139):

(a) Decade for Action to Combat Racism and Racial Discrimination (A/9003, chaps. XXIII, sect. A.1 and XXX, sect. B; A/9094 and Corr.1)

GENERAL DEBATE

2. Mr. SCHREIBER (Director, Division of Human Rights) said that, at previous sessions, he had described the efforts which the United Nations had been making for a long time in order to bring about the elimination of racism and racial discrimination. Particularly for the benefit of those who were attending the General Assembly for the first time, he recalled the main stages of that struggle. He referred to the Charter, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples and said that, in its very first resolutions, the General Assembly had recognized that all human beings were equal in dignity and rights and had urged that racial and religious discrimination should cease. In 1960, with the admission of a large number of new African and Asian States, there had been an intensification of the efforts of the United Nations in that field. That stage had been marked by two major events, namely, the adoption, in 1963, of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination (General Assembly resolution 1904 (XVIII)), which stated, *inter alia*, that any doctrine of racial differentiation was scientifically false, morally

condemnable and socially unjust, and the adoption, in 1965, of the International Convention on the Elimination of All Forms of Racial Discrimination (General Assembly resolution 2106 A (XX)), to which some 75 Member States were now parties. The Third Committee would have to consider the report¹ of the Committee established by that Convention on the way in which it had carried out its functions during the preceding year.

3. He then turned to the draft programme for the Decade for Action to Combat Racism and Racial Discrimination (A/9094 and Corr.1, annex I). In that connexion, he said that, in March 1972, in accordance with General Assembly resolution 2784 (XXVI), the Commission on Human Rights, in its resolution 1 (XXVIII),² had requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to prepare suggestions and draw up a draft programme to be followed during the Decade for Action to Combat Racism and Racial Discrimination and had given it a number of guidelines for that purpose.

4. As he had been requested in that resolution, the Secretary-General had prepared a note,³ in consultation with the specialized agencies, in the light of those guidelines and the experience gained during the International Year for Action to Combat Racism and Racial Discrimination, and on the basis of replies available from Governments to the message sent by the President of the twenty-sixth session of the General Assembly to Heads of State or Government, containing an outline of a long-term programme of international action to combat racism, *apartheid* and racial discrimination.

5. In August 1972, the Sub-Commission on Prevention of Discrimination and Protection of Minorities had drawn up and, in its resolution 3 (XXV),⁴ submitted to the Commission on Human Rights a draft programme for the Decade for Action to Combat Racism and Racial Discrimination. In accordance with the request of the Sub-Commission, the Secretary-General had brought that text to the attention of the General Assembly,

¹ Subsequently circulated as document A/9018.

² See *Official Records of the Economic and Social Council, Fifty-second Session, Supplement No. 7*, chap. XIII.

³ E/CN.4/Sub.2/325 and Add.1.

⁴ E/CN.4/1101, chap. XIV.

which had therefore already considered some of its aspects at its twenty-seventh session. At that time, it had, in particular, supported the idea of launching the Decade in 1973 and had stressed the need to mobilize and co-ordinate all the resources of the world community.

6. In addition, the Third Committee had accepted a suggestion that Member States desiring to express their views on the draft programme should submit them, through the Secretary-General, to the Commission on Human Rights or to the General Assembly. Two of those replies were reproduced in the report of the Secretary-General (A/9094 and Corr.1). An addendum to that document, due to be issued on 26 September, would contain replies from Iraq, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics.

7. In resolution 2919 (XXVII), the General Assembly had decided to launch the Decade for Action to Combat Racism and Racial Discrimination and to inaugurate the activities thereof on 10 December 1973. Arrangements would be made in consultation with the President of the General Assembly to give effect to that decision during the special meeting which would mark the twenty-fifth anniversary of the Universal Declaration of Human Rights.

8. At its 1849th meeting, the Economic and Social Council had decided to transmit General Assembly resolution 2919 (XXVII) to the Commission on Human Rights and had requested it to grant the highest priority to the consideration of the draft programme for the Decade, and to submit it to the Council at its fifty-fourth session.

9. At its twenty-ninth session, the Commission on Human Rights had considered and lightly revised the draft programme prepared by the Sub-Commission. There had been some differences of opinion, particularly with regard to the convening of a world conference on combating racism and racial discrimination, which had evoked reservations on the part of certain members, with regard to the international fund financed by voluntary contributions to help the peoples struggling against racial discrimination and *apartheid*, whose objectives had been questioned by other members, and with regard to the establishment of a special committee which would assume responsibility for co-ordinating the programmes and evaluating activities during the Decade.

10. In its resolution 1 (XXIX)⁵, the Commission on Human Rights had submitted the draft programme to the Economic and Social Council, which, at its 1858th meeting, had decided to submit it to the General Assembly.

11. In addition, in resolution 1783 (LIV), the Council had requested its Committee on Non-Governmental Organizations to draw up appropriate recommendations regarding the role of non-governmental organizations in the programme and to submit them to the General Assembly at its twenty-eighth session. Those recommendations were contained in annex II to the report of the Secretary-General (A/9094 and Corr.1). The suggestions of the Committee of Non-Governmental Organizations on Human Rights were contained in

annex III to that document. In a decision adopted at its 1877th meeting, the Council had requested the Secretary-General to examine the possibilities of assisting non-governmental conferences in the field of action to combat racism and racial discrimination, including the provision of conference facilities, such as interpretation and documentation, and to report thereon to the General Assembly at its twenty-eighth session. He informed the Third Committee that a report on that matter was being prepared.

12. The Secretariat of the United Nations had held some very interesting consultations with the specialized agencies, particularly UNESCO and the ILO. He would, however, leave it to the representatives of those bodies to describe those consultations in the statements they would make to the Committee.

13. Although he would not analyse the various parts of the draft programme for the Decade for Action to Combat Racism and Racial Discrimination, he wished to draw attention to some of its provisions. The goals and objectives of the Decade were described in paragraphs 8 and 9. The programme listed a number of activities which might be undertaken at the national, regional, international and other levels. Paragraph 13 provided for the convening of a world conference on combating racism and racial discrimination, which would be one of the main features of the Decade; it should be convened as soon as possible, but not later than 1978. In addition, paragraph 17 dealt with an international fund financed by voluntary contributions to help the peoples struggling against racial discrimination and *apartheid*. Under the heading of co-ordination, review and appraisal, and reporting, the programme provided, *inter alia*, for the establishment of a special committee and entrusted a number of tasks to that new committee, the Secretary-General and the Economic and Social Council. That part of the programme warranted very careful study because it would certainly require some clarifications.

14. The last provision of the draft programme stated that the Secretary-General would provide the special committee with such assistance as might be necessary for the performance of its functions; adequate resources would be made available to the Secretary-General for that purpose and, generally, to enable him to undertake the activities entrusted to the Secretariat under the programme. In that connexion, he stressed that the Secretary-General might not be able to undertake and complete some of the activities envisaged unless sufficient additional resources were made available. The Secretariat would submit a statement of the financial implications of the decisions proposed to the General Assembly as they became available. The cost of some parts of the programme could be estimated at present, but, for other parts, it would be necessary to wait until they had been worked out in greater detail. For example, the financial implications of the organization of an international conference depended on where it would be held, the participants, the languages used, and so forth.

15. In conclusion, he said that he would be happy to answer any questions the members of the Committee might like to ask him and that he would subsequently like to refer in greater detail to some of the points he had made.

⁵ See *Official Records of the Economic and Social Council, Fifty-fourth Session, Supplement No. 6*, chap. XX.

16. The CHAIRMAN suggested that, since he had no speakers on his list for the meeting of the following morning, that meeting should be cancelled.

It was so decided.

17. The CHAIRMAN said that the General Committee had recommended that the Committees should

complete their work by 7 December. If he heard no objection, he would consider that the Committee approved that deadline.

It was so decided.

The meeting rose at 11.25 a.m.

1979th meeting

Wednesday, 26 September 1973, at 3.30 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.1979

AGENDA ITEM 53

Elimination of all forms of racial discrimination (*continued*) (A/9003, chaps. XXIII, sect. A.1 and A.2 and XXX, sect. B; A/9094 and Corr.1 and Add.1, A/9095, A/9139):

(a) **Decade for Action to Combat Racism and Racial Discrimination (*continued*)** (A/9003, chaps. XXIII, sect. A.1 and XXX, sect. B; A/9094 and Corr.1 and Add.1)

GENERAL DEBATE (*continued*)

1. Mr. NENEMAN (Poland) said that his country had given and would continue to give its support to the just and legitimate struggle of peoples against racial and colonial oppression. In that spirit, it welcomed the idea of launching a sustained international drive to combat racism and racial discrimination, as presented in the report of the Secretary-General (A/9094 and Corr.1 and Add.1) and introduced by the Director of the Division of Human Rights at the preceding meeting. The programme (A/9094 and Corr.1, annex I) contained a number of detailed and concrete proposals defining various courses of action against the racism and racial discrimination which still survived in some parts of the world. In view of the ineffective, unsystematic and incomplete nature of the steps undertaken thus far, an attempt should be made to achieve better co-ordination of the activities of United Nations organs as well as other international organizations, so as to attain the desired ends. The draft programme should be more explicit about the practical measures to be taken at the national, regional and international levels in order to secure more effective action. Every effort should be concentrated on actions which might contribute to the rapid and complete elimination of racial discrimination, through the full implementation of the relevant United Nations decisions and the preparation of adequate legislative instruments at the national level which would explicitly ban all forms of racial discrimination.

2. The Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity (General Assembly resolution 2391 (XXIII), annex) had described the policy of *apartheid* as a crime against humanity. Poland, in line with its previous policy, supported the adoption of the draft Convention on the Suppression and Punishment of the Crime of *Apartheid* (A/9095, annex), which would rep-

resent an important contribution to the struggle of progressive humanity against *apartheid*, racism and colonial domination.

3. With reference to the suggestion in paragraph 18 of the draft programme, concerning the appointment of a special committee to co-ordinate and evaluate the practical implementation of the programme, he suggested that, rather than cause a further proliferation of new bodies, it would be more useful to entrust those tasks to existing United Nations organs, such as the Economic and Social Council or the Commission on Human Rights. His delegation had certain reservations about the world conference to be convened by the General Assembly by 1978, proposed in paragraph 13 of the programme. Such a conference did not seem to be the best way to combat racism and racial discrimination. There were already many forums where the problem could be discussed, and the amount of money required for holding such a conference could be better spent on scholarships for youth in territories where discrimination existed, on the development of studies and publicity for the programme, and on regional seminars and other such activities.

4. He welcomed the participation of non-governmental organizations in the programme of action to combat racism and racial discrimination, and expressed the hope that the Decade would be marked by the accession of many more countries to the International Convention on the Elimination of All Forms of Racial Discrimination and to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity. During that period there should be a further increase in the isolation and condemnation of the racist and colonial régimes in southern Africa, which were a disgrace to humanity and must feel that they were universally condemned. His country was strictly complying with all the Security Council and General Assembly resolutions on that subject. Poland maintained no diplomatic, economic, cultural or other relations with the Republic of South Africa; nor had it extended recognition to, or established relations of any kind with, the illegal racist régime in Southern Rhodesia. In addition, it had made public its condemnation of the colonial policy of the Government of Portugal. In pursuance of its policy of supporting all peoples struggling for their freedom, national independence and the elimination of all forms of racial discrimination, Poland had provided and would continue to provide the necessary support to peoples in their just

and legitimate struggle against racial and colonial oppression.

Organization of work

5. Mr. LÜTEM (Secretary of the Committee) drew attention to the provisions of General Assembly resolu-

tions 2292 (XXII) and 2538 (XXIV) on publications and documentation of the United Nations, with special reference to the reproduction of statements *in extenso* and to documents submitted for reproduction.

The meeting rose at 3.45 p.m.

1980th meeting

Thursday, 27 September 1973, at 10.55 a.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.1980

Election of the Vice-Chairmen (concluded)

1. Mrs. DE BARISH (Costa Rica) nominated Mrs. Luz Bertrand de Bromley (Honduras) for the office of Vice-Chairman.

Mrs. Luz Bertrand de Bromley was elected Vice-Chairman by acclamation.

2. Mr. CATO (Ghana) nominated Mr. Amre Moussa (Egypt) for the office of Vice-Chairman.

Mr. Amre Moussa (Egypt) was elected Vice-Chairman by acclamation.

AGENDA ITEM 53

Elimination of all forms of racial discrimination (*continued*) (A/9003, chaps. XXIII, sect. A.1 and A.2 and XXX, sect. B; A/9094 and Corr.1 and Add.1, A/9095, A/9139, A/9177):

(a) **Decade for Action to Combat Racism and Racial Discrimination (*continued*)** (A/9003, chaps. XXIII, sect. A.1 and XXX, sect. B; A/9094 and Corr.1 and Add.1)

GENERAL DEBATE (*continued*)

3. Mr. BAL (Mauritania) said he would comment on certain decisions of United Nations bodies to which reference was made in the introduction to the Secretary-General's report on the question (A/9094 and Corr.1 and Add.1).

4. The first was the decision contained in resolution 2784 (XXVI), which the General Assembly had adopted by an overwhelming majority in December 1971, despite the delaying tactics of certain delegations. Since that time, his delegation had viewed the years ahead as years of constant struggle against all forms and manifestations of racial discrimination and had resolutely undertaken to promote international solidarity with all those who were engaged in the same struggle.

5. His delegation noted with some bitterness that, despite the solemn appeal launched by the international community, racism continued to be rampant in Africa, Asia, Latin America and the Middle East.

6. Portugal continued to defy the decisions of United Nations organs, and to ravage and exterminate innocent people and burn villages in defiance of the most elementary principles of international law. Even if Portugal united with all those countries which gave it milit-

ary and other secret support, it would never be able to divert the course of history or alter the determination of the peoples in the Portuguese Territories. His delegation had never ceased to reiterate that Portugal owed its survival as a colonialist Power to the North Atlantic Treaty Organization (NATO).

7. In South Africa, Rhodesia and the Portuguese Territories, Africans were living in perpetual hardship and under the yoke of discrimination of every kind. The agonizing problem of racial discrimination also extended to the occupied territories of the Middle East. In all those countries and territories discriminatory principles were embodied in all legislation and policy affecting land tenure, town planning, manpower, public education and vocational training, and the distribution of national income.

8. In his delegation's view the importance of the problems of *apartheid* and racial discrimination could not be over-emphasized. He recalled that the Commission on Human Rights, in its resolution 1 (XXVIII)¹ of 15 March 1972, had welcomed General Assembly resolution 2784 (XXVI) and had requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities as its first priority urgently to prepare suggestions and draw up a draft programme to be followed during the Decade for Action to Combat Racism and Racial Discrimination.

9. In some parts of the world it was only minorities that were subject to discrimination, but in Rhodesia 200,000 whites of European origin were seeking to maintain their domination of the black majority for years to come, and in South Africa a white minority had long practised the ignoble policy of *apartheid* in defiance of international law and of the Charter of the United Nations.

10. The NATO countries should refrain from providing any type of assistance whatsoever to Governments whose policies were aimed at depriving indigenous peoples of their inalienable right to self-determination and independence.

11. He appealed to the United Kingdom to shoulder its responsibilities in Southern Rhodesia where, with its blessing, the illegal régime of Ian Smith continued to contravene the purposes and principles of the Charter and to suppress the resistance movements of the Zim-

¹ See *Official Records of the Economic and Social Council, Fifty-second Session, Supplement No. 7*, chap. XIII.

babwe people, whose struggle was supported by the United Nations.

12. The wave of strikes by African workers in Namibia had been followed with great interest in all quarters and the repressive measures adopted by the puppet South African administration had provoked profound indignation. The atrocities committed by the Portuguese régimes in Mozambique and Angola were also a matter of common knowledge and were vigorously condemned by his delegation.

13. He drew the Committee's attention to the report of the Committee on the Elimination of Racial Discrimination,² which contained a number of very important recommendations relating to the struggle against racial discrimination in Southern Rhodesia, Namibia and Spanish Sahara. He felt that the report should be made available to the members of the Committee, or that the recommendations it contained which related specifically to the problem of racial discrimination should be reproduced in full for their benefit.

14. Lastly, he expressed the wish that the specialized agencies of the United Nations should prepare a comprehensive study of the economic and social consequences of the practice of racial discrimination in Africa, the Middle East and the territories occupied by Israel.

15. Mr. GUERRERO (Philippines) said he feared that the Decade for Action to Combat Racism and Racial Discrimination would be merely the first in a series of similar Decades, unless the problem of racial discrimination could be precisely defined.

16. The draft programme for the Decade (A/9094 and Corr.1, annex I) was open to criticism on the ground that it raised issues peripheral or extraneous to racial discrimination as such. For example, in paragraph 1 reference was made to "the equal rights of men and women and of nations large and small". Discrimination on account of sex was clearly unrelated to racial discrimination, unless it could be maintained that women constituted one race and men another. Similarly, large nations could not be distinguished from small by the criterion of race. Further extraneous elements were introduced in paragraphs 3 and 10, which referred to religion and language, and paragraphs 12 and 15, which added "political or other opinion, national or social origin, property, birth or other status". While deploring discrimination on any of those grounds, he failed to see more than a casual connexion between those forms of discrimination and racial discrimination *per se*. He was, however, willing to admit that in certain cases religious persecution might conceal or mask racial discrimination. The adherents of one of the world's great religions, for example, claimed an exclusive heritage as God's chosen people, a doctrine which might be regarded as a possible source of racial discrimination in that special case. It should be borne in mind, however, that all other great religions claimed to be universal and to embrace all races of mankind.

17. If discrimination based on all those grounds—however odious, reprehensible and even criminal it might be—was to be included in the draft programme, the Decade would be tackling discrimination on all fronts and would run the risk of being too diffuse in its aims. He therefore felt that the Committee should base

its discussion of the draft programme on the definition of racism and racial discrimination suggested by the Committee of Non-Governmental Organizations on Human Rights (*ibid.*, annex III, para. 1). If it did not, he feared there would be considerable confusion as to what exactly the Decade was designed to combat.

18. Mr. ROPOTAN (Romania) recalled his delegation's consistent support for effective measures by the United Nations to help the peoples of southern Africa and the Portuguese colonial Territories in their struggle against racist and colonial régimes. It had fully supported the inauguration of the Decade for Action to Combat Racism and Racial Discrimination and wished to reaffirm its complete solidarity with the aims of the Decade and the principles which had inspired it.

19. The President of Romania, in his address to the International Conference of Experts for the Support of Victims of Colonialism and *Apartheid* in Southern Africa, had re-emphasized Romania's profound solidarity with the struggle of peoples against imperialism, colonialism, neo-colonialism, racism and *apartheid* and had promised his country's continuing support to national liberation movements and to colonial peoples fighting for their sacred right to self-determination and independent development.

20. Romania, like other peace-loving and progressive nations, was firmly committed to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and all other United Nations resolutions on the elimination of colonialism, racial discrimination and *apartheid*. His delegation therefore welcomed the decision to proclaim the Decade for Action to Combat Racism and Racial Discrimination, which it hoped would be a major step forward towards the liberation of peoples suffering under colonial and racist oppression and in the efforts of the international community to put an end to racist régimes. The need for intensified efforts by all countries to combat the scourge of racism and *apartheid* had been underlined by the massacres of civilians in Mozambique and the recent killing of several African miners, including nationals of Lesotho, at Carletonville, South Africa. Such incidents bore witness to the odious and criminal nature of racism, *apartheid* and colonialism. The urgent need to eradicate those evils lent additional importance to the Decade. The Decade should also be used to promote action aimed at strengthening the role of the United Nations with regard to the universal application of the principles of the Charter, punishment of those who violated them, strengthening of the peace and security of peoples threatened by racism and colonialism in southern Africa and promotion of respect for the human rights and fundamental liberties proclaimed in the Universal Declaration of Human Rights.

21. His delegation was grateful to the Commission on Human Rights and its Sub-Commission on Prevention of Discrimination and Protection of Minorities for preparing the draft programme, which set forth in a comprehensive manner action which, if undertaken consistently by all Member States, would doubtless be effective in combating racism and racial discrimination. His delegation would give favourable consideration to any proposal aimed at emphasizing the action-oriented nature of the programme and further clarifying the scope of the suggested measures, which were unques-

² Subsequently circulated as document A/9018.

tionably of value as means to combat racism and racial discrimination.

22. Certain measures were of particular importance for the achievement of the basic purpose of the Decade, which was to eliminate the racist régimes. One such measure envisaged the provision of assistance to national liberation movements and to peoples suffering from racism and racial discrimination (A/9094 and Corr.1, annex I, para. 13 (c) and (e)). The national liberation movements had a central role to play in combating racism and racial discrimination. Acting in conformity with the Charter and the relevant resolutions of the United Nations, his country was assisting liberation movements in southern Africa. The proposal to establish an international fund to help the peoples struggling against racial discrimination and *apartheid* was one which deserved full attention. The provision of assistance to the liberation movements was, in his view, an international obligation.

23. Another essential measure envisaged in the draft programme was the denial of all support to racist régimes (*ibid.*, para. 12 (a) (i) and 13 (d)). It should also be mentioned that all Member States were under an obligation to apply the sanctions provided for in the relevant Security Council and General Assembly resolutions. The main reason that the racist and colonial régimes of southern Africa were able to continue their defiance of the United Nations was that they were receiving military and economic aid from several countries which not only refused to cease, but were actually expanding co-operation with them. The effectiveness of the Decade would depend on the will of all countries to implement the measures provided for in the programme and, above all, to apply the sanctions imposed by the United Nations. In that connexion, his delegation welcomed the stress laid on the need to secure implementation of United Nations resolutions on southern Africa. Each year resolutions were adopted which, despite their value as an expression of the dedication of the majority of Member States to the purposes and principles of the Charter, remained without tangible effect. That situation could no longer be tolerated.

24. The failure to implement United Nations resolutions in the field of racism and colonialism was only one aspect of the general problem of the lack of effectiveness of many United Nations resolutions. The problem of finding ways and means, within the Charter, to ensure respect for and enforcement of the decisions of the United Nations was closely linked to the need to strengthen the role and enhance the prestige of the United Nations. Accordingly, his delegation welcomed the proposal made in the draft that the General Assembly should consider as soon as possible the adoption of ways and means for securing the implementation of the United Nations resolutions on racial discrimination, *apartheid* and decolonization.

25. His delegation fully agreed with the measures at the national level recommended in the draft (*ibid.*, para. 12), which were in line with measures his country had taken to combat racial and ethnic discrimination in all sectors of political, social and economic life and in the sphere of education and culture. His delegation attached special importance to the educational measures referred to in paragraphs 12 (b) and (c), which brought to mind Principle III of the Declaration on the Promotion among Youth of the Ideals of Peace, Mutual

Respect and Understanding between Peoples (General Assembly resolution 2037 (XX)). Only through combining political and legal measures with educational measures would it be possible effectively to combat and to eliminate racial discrimination.

26. An important question which the Third Committee should consider was the establishment of an institutional framework to co-ordinate activities related to the Decade.

27. Romania would give its full support and co-operation to the achievement of the objectives of the Decade and to the activities and measures envisaged in the programme. It was to be hoped that the Decade would mark a decisive stage in the struggle for national and social progress, for human liberty and dignity and for peace and co-operation among nations.

28. Mr. DAMMERT (Peru) recalled that his delegation had strongly and consistently supported the idea of instituting a decade for action to combat racism and racial discrimination as a means of continuing the work begun during the International Year for Action to Combat Racism and Racial Discrimination. His delegation welcomed the stress laid in the draft programme on securing universal implementation of United Nations resolutions on racial discrimination, *apartheid* and decolonization, as well as adherence to and ratification and enforcement of the instruments on human rights. Those instruments and the General Assembly and Security Council resolutions must complement each other if United Nations efforts at combating racial discrimination were to be effective.

29. One means of increasing the effectiveness of United Nations action to combat racial discrimination would be, as his delegation had pointed out on previous occasions, for the Office of Public Information to prepare Spanish editions of its publications and films dealing with racial discrimination and *apartheid*. Those materials could not be effectively disseminated in Latin America unless they were available in Spanish.

30. The suggestions made in the draft programme with regard to measures to be taken at the national, regional and international levels were fully consistent with the policies his country supported. Although some 75 States had already become parties to the International Convention on the Elimination of All Forms of Racial Discrimination, his delegation would welcome even broader adherence to the Convention. Accordingly, his delegation endorsed the appeal the draft programme made in that regard. Believing that all possible steps should be taken to educate the public on questions relating to respect for human rights and the evils of racism and racial discrimination, his delegation was pleased to note the detailed provisions concerning education, training and information in the draft programme (A/9094 and Corr.1, annex I, para. 16) and particularly welcomed the proposal that the subject of human rights should be included in the curricula of all schools and institutions of higher education of Member States.

31. It was well known that his Government condemned all violations of human rights and rejected the repressive practices of the racist régimes in southern Africa.

32. Mr. MUSAFIRI (Zaire) reaffirmed the support of the National Executive Council of Zaire of all efforts aimed at eradicating racial discrimination. His delega-

tion fully endorsed all United Nations resolutions on racial discrimination, *apartheid* and decolonization and vigorously condemned all manifestations of colonialism and racial discrimination in Africa or anywhere else in the world. Having adopted effective domestic legislation to prohibit racial discrimination, Zaire recommended that priority should be given at the

international level to action designed to put an end to racial discrimination wherever it might exist in other countries. The continued existence of racial discrimination was incompatible with the progress mankind had achieved in the twentieth century.

The meeting rose at 12.05 p.m.

1981st meeting

Friday, 28 September 1973, at 3.10 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.1981

AGENDA ITEM 53

Elimination of all forms of racial discrimination (continued) (A/9003, chaps. XXIII, sect. A.1 and A.2 and XXX, sect. B; A/9094 and Corr.1 and Add.1, A/9095, A/9139, A/9177, A/C.3/L.1995):

(a) **Decade for Action to Combat Racism and Racial Discrimination (continued)** (A/9003, chaps. XXIII, sect. A.1 and XXX, sect. B; A/9094 and Corr.1 and Add.1, A/C.3/L.1995)

GENERAL DEBATE (continued)

1. Mr. GRAEFRAETH (German Democratic Republic) thanked the Chairman for the kind words he had addressed to his delegation in connexion with the admission of the German Democratic Republic to the United Nations, and assured him that his country would do its utmost to contribute to the success of the Committee's work.

2. In the German Democratic Republic, the struggle to combat racism and to uphold and safeguard human rights had begun with the eradication of nazism, a régime which had made racism a State ideology to justify its plans for world domination. The Government of the German Democratic Republic had always supported all measures taken by the United Nations to combat racism in all its forms. It had complied with the sanctions against the colonialist and racist régimes in southern Africa and had practised active solidarity with the oppressed peoples in their struggle for liberation.

3. As soon as the German Democratic Republic had been able, it had acceded to such important conventions as the Convention on the Prevention and Punishment of the Crime of Genocide and the International Convention on the Elimination of All Forms of Racial Discrimination.

4. For the German Democratic Republic, the promotion and encouragement of respect for human rights was very closely connected with the safeguarding of peace on the basis of the sovereign equality of States.

5. Racism was not just a perversion of individuals or groups, or a national characteristic; it was one of the means which imperialism employed to oppress and enslave peoples, and it posed a danger to world peace and security. Various United Nations organs had rightly called the continued existence of the *apartheid* régime a threat to peace and a crime against humanity. With the

advent of socialism in the German Democratic Republic, the socio-economic roots of racism had been eliminated and social relations established which excluded racism and racial discrimination. That fact was reflected in the Constitution and laws, as well as in the everyday life of the country. United Nations representatives had witnessed that at the Tenth World Festival of Youth and Students, held at Berlin, German Democratic Republic, from 28 July to 5 August 1973. He referred to the report of the representative of the Special Committee on *Apartheid* to the Festival which that representative had submitted in his statement to the Special Committee.¹

6. His delegation attached great importance to the programme for the Decade for Action to Combat Racism and Racial Discrimination (A/9094 and Corr.1, annex I) which it considered to be an essential measure. But its implementation would require the active co-operation of all States and all international organizations. In that connexion, it would be very helpful if the States which had not yet done so acceded to the International Convention on the Elimination of All Forms of Racial Discrimination.

7. Effective and vigorous action was needed to overcome racism, as had been emphasized at the Fourth Conference of Heads of State or Government of Non-Aligned Countries, held at Algiers from 5 to 9 September 1973.

8. His delegation was pleased to note that the draft Convention on the Suppression and Punishment of the Crime of *Apartheid* (A/9095, annex) had explicitly been made a constituent part of the programme of action to combat racism. The implementation of the repeated calls of the General Assembly for sanctions against racist régimes belonged to the programme of action. Particularly important were all practical measures against racism, such as the complete isolation of the racist régimes and the prohibition of racial propaganda and racist organizations, and the German Democratic Republic strongly supported the demands of the International Conference of Experts for the Support of Victims of Colonialism and *Apartheid* in Southern Africa, held at Oslo in April 1973, that sanctions against the racist régimes should be reinforced and expanded. With regard to the programme of action approved at that Conference and contained in the report of the Secretary-General on agenda item 23 (A/9061, para. 49), his delegation had noted with interest the proposals

¹ See A/AC.115/SR.256.

formulated by the Syrian Arab Republic (see A/9094 and Corr.1), which referred to specific forms of the colonialist land-settlement policy pursued in former times by the Prussian colonizers against the Slavs, and currently applied by Israel, South Africa, Portugal and Southern Rhodesia. In addition, his delegation thought that wider use could be made of the non-governmental organizations to mobilize public opinion in support of the ideals and objectives pursued in that sphere. It therefore supported the proposals made by the Oslo Conference and the International Conference of Trade Unions against *Apartheid*, held at Geneva in June 1973, and was sure that the World Congress of Peace Forces, to be held in Moscow in October 1973, would have a substantial impact on the struggle against racism and racial discrimination.

9. Lastly, his delegation supported the idea of giving one single organ the responsibility for co-ordinating the various measures against racism, although it did not think it was necessary to establish a new committee for that purpose. It therefore endorsed the suggestion by the Committee of Non-Governmental Organizations on Human Rights that co-ordination should fall within the competence of the Economic and Social Council (*ibid.*, annex III, para. 2). The Commission on Human Rights would be the appropriate body to co-ordinate the programme of action, since it had the necessary experience in the promotion of human rights.

10. His delegation expressed the hope that the joint efforts of States which respected the Charter would lead to concrete and positive results in the struggle against racial discrimination, and was prepared to contribute actively to such efforts in a constructive approach.

11. Mr. NODA (Japan) said his delegation attached the highest importance to the Decade for Action to Combat Racism and Racial Discrimination and reiterated that his Government was opposed to all forms of racism, including *apartheid*. His delegation supported the main provisions of the draft programme for the Decade prepared by the Commission on Human Rights (A/9094 and Corr.1, annex I), although it had reservations about some points in the draft programme.

12. First, with regard to paragraph 13 (g) concerning the possible adoption of new international instruments regarding the elimination of racial discrimination, his delegation believed it would be more appropriate to secure wider application of existing treaties than to try to draw up new ones.

13. With regard to paragraph 17, concerning the establishment of an international fund on a voluntary basis to help the peoples struggling against racial discrimination and *apartheid*, he pointed out that there were already the United Nations Fund for Namibia, the United Nations Trust Fund for South Africa and the United Nations Educational and Training Programme for Southern Africa, so that the proposed fund might overlap the functions of those already in existence. If that was to be avoided, the guidelines for the new fund should be defined more clearly.

14. With regard to paragraph 18, concerning the establishment of a special committee to co-ordinate the programmes and evaluate activities during the Decade, his delegation believed that such a responsibility could and should be entrusted to the Economic and Social

Council rather than to a special committee. Moreover, his delegation was of the opinion that the struggle against racism and racial discrimination was not solely the responsibility of governmental bodies: non-governmental organizations could play an important part in carrying out the various activities envisaged in the draft programme. In that connexion, he noted the attention devoted to the draft programme by the Committee of Non-Governmental Organizations on Human Rights and its suggestions (*ibid.*, annex III) concerning possible modifications to the draft programme.

15. Mrs. LYKOVA (Union of Soviet Socialist Republics) said that the policies of *apartheid*, colonialism, racism and racial discrimination had repeatedly been severely condemned in numerous documents of United Nations bodies; nevertheless, despite the demands of the peoples and of the United Nations, inhuman racist theories were still being upheld in various parts of the world, entire peoples were still being humiliated and oppressed merely because their skins were of a different colour, crimes of *apartheid* were still being committed and segregation and other forms of racial discrimination were still being imposed. As had been emphasized by Mr. Andrei Gromyko, the Minister for Foreign Affairs of the USSR, in his statement in the General Assembly (2126th plenary meeting), the healthier the general climate in the world became, the more anachronistic were the remnants of colonialism and the last strongholds of *apartheid* and racial discrimination, the more vigorous was the condemnation they deserved and the more resolute must be the fight for their complete elimination.

16. The Soviet State had, throughout its history, consistently supported the struggle against racism, *apartheid* and racial discrimination in all its forms and manifestations. One of the first historic acts of the Soviet régime had been the adoption, in November 1917, of the Declaration of the Rights of the Peoples of Russia, which proclaimed the full equality of rights of all peoples. In his summary of the 50 years of the Union of Soviet Socialist Republics, L.I. Brezhnev had stated that on the basis of the profound social and political changes of the preceding half century, Soviet society had risen to a new qualitative level. It had fulfilled the great Lenin's prophecy that socialism would create new and higher forms of human coexistence. A new and historic human society—the Soviet people—had become a reality in the USSR. The Constitution of the USSR and those of the Republics affirmed the equality of rights of Soviet citizens irrespective of race or nationality. In no other State in the world did more than 100 nations and ethnic groups live in conditions of such friendship and mutual assistance.

17. The Soviet Union's ratification of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights was clear evidence of its sincere aspiration to international co-operation based on the equality of rights of States and on non-interference in the internal affairs of other States.

18. The Soviet Union attached great importance to United Nations activities aimed at combating colonialism, *apartheid*, racism and racial discrimination. Many decisions designed to combat those evils had been taken at the initiative of the USSR in the General Assembly, the Economic and Social Council and the

Commission on Human Rights. The Soviet Union was striving for full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted by the General Assembly in its resolution 1514 (XV), and for definitive action to deprive the racists and colonialists of any possibility of receiving aid from abroad, in particular from certain States Members of the United Nations.

19. Racism in any form was the ideology and instrument of the classes interested in the exploitation of man by man. Precisely for that reason, the imperialist forces and international zionism were using every possible means to maintain the colonialist and racist régimes in southern Africa and were giving them all the assistance possible. It was quite right therefore that a recent resolution of the Council of Ministers of the Organization of African Unity should firmly condemn the countries of the North Atlantic Treaty Organization that were continuing to give assistance to the régimes of Portugal and the Republic of South Africa.

20. Her delegation wished to emphasize that the Soviet Union had consistently attached great importance to steps taken within the framework of the United Nations to advance the struggle against racism and racial discrimination in all its forms and manifestations. As her delegation had already pointed out in previous statements, the position of the USSR in that matter had been clearly expressed in L.I. Brezhnev's report to the XXIVth Congress of the Communist Party of the Soviet Union, which stated that the United Nations decisions calling for the elimination of the remaining colonial régimes must be fully implemented. Manifestations of racism and *apartheid* must be universally condemned and boycotted.

21. Her delegation was, on the whole, in favour of the draft programme for the Decade for Action to Combat Racism and Racial Discrimination (A/9094 and Corr.1, annex I), which contained a set of provisions resolutely condemning racism, *apartheid* and racial discrimination. The programme should aim at the adoption of decisive measures to combat racism and racial discrimination. It was not enough to adopt measures in the sphere of education; decisive action must be taken at the national and international levels. Her delegation had just received the note by the Secretary-General (A/C.3/L.1995) on the administrative and financial implications of the draft programme and reserved the right to comment on it after studying its contents.

22. The main task of the competent organs of the United Nations should be to eradicate the flagrant large-scale violations of human rights resulting from wars of aggression and from colonialism and racism and to protect fundamental political and socio-economic human rights. Her delegation therefore believed that questions relating to the struggle against racism, *apartheid* and racial discrimination should be essential items on the agenda of the Economic and Social Council. To leave co-ordinating functions to a body outside the framework of the existing United Nations organs dealing with human rights would be to reduce the effectiveness of that important task.

23. As was known, the Soviet Union had proposed (A/9191) the inclusion of an additional item in the agenda of the current session entitled "Reduction of the military budgets of States permanent members of the Security Council by 10 per cent and utilization of part of

the funds thus saved to provide assistance to developing countries". Her delegation proposed that resources intended for economic assistance to developing countries should be channelled primarily to the countries of Asia, Africa and Latin America which had encountered great difficulties as a result of severe natural disasters, such as the droughts and floods, occurring in 1973.

24. Lastly, it would be desirable to delete paragraph 5 from the draft programme for the Decade, since it did not conform to the general spirit of that important international document and diverted attention for specific and effective measures designed to eliminate racism and racial discrimination.

25. Mr. MOUSSA (Egypt), after thanking the members of the Committee for electing him Vice-Chairman, said that the time had come for action on the draft programme for the Decade for Action to Combat Racism and Racial Discrimination and on the amendments submitted and views expressed in that connexion by some Member States and non-governmental organizations. Accordingly, he suggested that an informal open working group should be established as soon as possible in order to sort out all those ideas, arrive at an agreed formulation of the draft programme and prepare a draft resolution² on the question. The principal points to be dealt with by the working group might include the possibility of organizing a world conference on action to combat racism and racial discrimination and the date on which it might be held, the nature of the body that would supervise the implementation of the programme, and the definition of racism.

26. Mr. NASSER-ZIAYEE (Afghanistan) welcomed the representatives of the German Democratic Republic, the Federal Republic of Germany and the Commonwealth of the Bahamas and said that the membership of those three countries constituted a significant step towards achieving universality in the United Nations.

27. The Republic of Afghanistan, which was determined to bring about in the country a new society based on justice and equality for all citizens, rejected racial discrimination and considered it a flagrant violation of human rights. It thus supported every United Nations measure for achieving the rapid and total elimination of all forms of racial discrimination in general and of the policies of *apartheid* in particular. His delegation regarded the various ties of certain Powers with the racist régimes as serious obstacles to the struggle against all forms of racism. It therefore deplored such ties and called for their immediate severance. Furthermore, it extended its full support to the struggles of the peoples of South Africa, Zimbabwe and Namibia and fully supported the protection of the human rights of the peoples of territories under foreign occupation and alien domination.

28. Afghanistan had been a sponsor of the texts adopted as General Assembly resolutions 2784 (XXVI), which had provided the basis for the Decade for Action to Combat Racism and Racial Discrimination, and 2919 (XXVII), which had formally launched that Decade. It therefore fully supported the measures relating to that Decade which were contained in document A/9094 and Corr.1. With world-wide co-operation in its implemen-

² Subsequently circulated as document A/C.3/L.2001.

tation, the measures envisaged in the draft programme would prove to be most effective in eliminating all forms and manifestations of racism and racial discrimination. The delegation of the Republic of Afghanistan was prepared to give its full co-operation in making the Decade a real success and turning-point in the efforts to overcome the evils of racism and racial discrimination.

29. Mrs. YOUNG (United States of America) said that her Government strongly supported the concept of the Decade for Action to Combat Racism and Racial Discrimination. Referring to the civil rights struggle in the United States, in which her late husband had taken part as a leader, she said that there were some countries where the blatant denial of basic human rights was so inhuman that those who suffered most had the right to the highest priority for redress. The inhuman condition of the black peoples of southern Africa, which was already being given serious consideration by other United Nations bodies, was one of the justifiable and necessary items on the agenda for the Decade.

30. The concept on which racism was based presupposed a posture of superiority over another person, group or groups. Perhaps if the challenge of the eradication of racism and racial discrimination in the next decade was accepted, the consequences of such action might also affect class, caste, religious, tribal, sectional and sex discrimination. The issue could then move from the oppressor and the oppressed to that of brotherhood and the betterment of all mankind. With modern technology, a decade was nothing more than a brief interlude. It was therefore necessary to take up the task. The draft programme under consideration provided for the type of general action which her delegation believed to be necessary. It avoided extremes since it was a compromise, although it was a happy compromise which deserved the wide support it had received. Nevertheless, her delegation had three suggestions to make which were intended to improve the draft programme.

31. There was the danger that the proposed world conference and regional conferences would only duplicate the periodical meetings of the United Nations organs where racial discrimination was already being discussed in detail. The concept of those special conferences should not, however, be rejected. Rather, she saw in them the possibility of altering the traditional pattern of dealing with racism and racial discrimination and of approaching the problem in a new and more comprehensive way. New and more effective initiatives might result from such an approach. Her second suggestion related to the international funds referred to in paragraphs 13 (c) and 17 of the draft programme. Special funds for similar purposes had already been established within the United Nations system, so that the establishment of new funds might well do nothing more than divert resources from existing funds, reduce the total resources available and increase the cost of administering them. Her most serious concern was, however, the co-ordinating machinery recommended in paragraph 18. The original draft programme, as proposed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, had assigned responsibility for co-ordinating the Decade to the Economic and Social Council, which was the appropriate body to assume that function. In her delegation's opinion, there was no need to set up a special co-

ordinating committee because the Council already had that responsibility; however, if such a committee was established, it should be responsible to the Economic and Social Council. The necessary resources to support the Decade in the Secretariat must be found by whatever means necessary. The Decade should provide bold and creative approaches to an old and exasperating problem. The target date for launching the Decade was near. The next 10 years would be measured not by what was said, but by what was done, and it was necessary to begin to act.

32. Mr. CEDE (Austria) said that his delegation warmly welcomed the launching of the Decade for Action to Combat Racism and Racial Discrimination on 10 December 1973, on the occasion of the twenty-fifth anniversary of the Universal Declaration of Human Rights. Referring to the legal situation in respect of human rights in Austria, which had been laid down in the fundamental law on the general rights of citizens in 1867, he said that a social, political and legal philosophy of the Austrian people had been developing which condemned at the roots all forms of racial discrimination. For that reason, the Austrian Government had deplored and continued to deplore the practices of racial discrimination which still prevailed in various parts of the world.

33. His delegation was of the opinion that, as a first step, the decade of intensified action at the national, regional and international levels was a matter of high priority, and it expressed its support for the goal and philosophy underlying it. He pointed out, however, as the representative of the Philippines had done at the preceding meeting, that the scope of the draft programme (A/9094 and Corr.1, annex I) was too broad and included matters, such as sex, religious and language discrimination, which were not directly related to racism. In order most effectively to implement the policy measures set out in the draft programme, it would be necessary to limit its objectives strictly to racial discrimination.

34. With regard to action at the national level, Austria would have no difficulty in implementing the various measures contained in paragraph 12 of the draft programme. It was well known that Austria was already a party to the International Convention on the Elimination of All Forms of Racial Discrimination and, on the occasion of the observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights, the Austrian news media would widely publicize the principle of non-discrimination, which would, in addition, be included in the school curriculum of children and youth.

35. His delegation warmly welcomed the idea of convening a world conference on combating racism and racial discrimination by 1978 at the latest, as contained in paragraph 13. Such a conference would contribute effectively to the achievement of the over-all objectives. It was to be hoped that the convening of a world conference would not merely provide an opportunity for the reiteration of the noble principles proclaimed, but that it would also lead to the establishment of effective machinery for their implementation. With regard to the draft recommendations of the Council Committee on Non-Governmental Organizations on the role of non-governmental organizations in the programme for the Decade (*ibid.*, annex II) and with regard to the

suggestions made by the Committee of Non-Governmental Organizations on Human Rights concerning possible modifications to the draft programme (*ibid.*, annex III), he considered that the suggestion to use the definition of racism and racial discrimination given in article 1, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination was a very valuable one which would emphasize both the role and the achievements of that Convention. If the terminology of the Convention was accepted, it would not be necessary to hold endless discussions about what was meant by racial discrimination.

36. His delegation stressed its great interest in all the activities undertaken by States, non-governmental organizations and the United Nations. It was to be hoped that, during the next decade, those activities would bring about a definite improvement in the field of social justice throughout the world. The Austrian Government was more than willing to co-operate to that end.

37. Mr. KARHILO (Finland) reiterated the firm rejection by the Finnish Government and people of any form of racial discrimination, which was incompatible with the concept of human rights based on equality. The existence of institutionalized racism was even more to be condemned because it provided a basis for the systematic pursuance of racial discrimination. Among the institutionalized forms of racism, *apartheid* was unique because it was the very basis for a whole social system. His Government had often stated that the existence of the systematic practice of racism in its worst form in southern Africa constituted not only a permanent danger for the development of that region, but also a threat to the harmonious development of the world as a whole. Experience in the preceding 25 years in the field of human rights had proved that the struggle against racial discrimination was a long-term problem. The obvious conclusion was that it must be attacked on the basis of a comprehensive and systematic programme. His delegation therefore fully supported the proposal to launch, during the current session of the General Assembly, the Decade for Action to Combat Racism and Racial Discrimination. An essential prerequisite was the widest possible support of the Committee, which was the most direct link between the policy-making forces in Member States and United Nations machinery for implementing policy decisions in the field of human rights. If, at the end of the Committee's discussions, there were still too many delegations which were not convinced of the advisability of any of the main elements of the programme, the ultimate success of the Decade would be jeopardized.

38. In general, Finland supported the proposed programme and its main elements. It also believed in its success, provided that the necessary basic agreement could be reached, and it saw no reason why it should not be reached. In particular, it welcomed the importance attached in the draft programme to education, training, information and research, since the roots of racial discrimination were in the human mind. In order to be successful in the midst of so many other conferences, the proposed conference must be well prepared. The draft programme did not contain details concerning the preparations, but there would be time to look into that matter. With regard to the proposed voluntary fund, it seemed doubtful to what extent an additional fund in that field, where numerous funds already ex-

isted, would generate new contributions. Rather, it would seem that a proliferation of funds would leave the selection of the fund to be supported solely to the donor, while those who could best make that selection, namely, those who received assistance, would not participate in the decision, and that did not seem right. The main difficulty seemed to be in the organizational aspects of the programme. In order to achieve better co-ordination of United Nations activities in that field, he suggested that the review and appraisal of the Decade should be closely linked to the Economic and Social Council, especially since the Council now better represented all the Members of the United Nations.

39. Mrs. KINYANJUI (Kenya) said that the item under consideration was very important to Kenya, which had suffered discriminatory laws and practices under colonial and imperialist governments. Since its establishment, the United Nations had upheld the doctrine of the equality of all mankind. Measures had been taken every year against racism and against racial discrimination and, thus, in 1972, the General Assembly, in its resolution 2919 (XXVII), had reaffirmed that racial discrimination in all its forms and manifestations was a total negation of the purposes and principles of the Charter, and that it militated against human progress, peace and justice. The General Assembly had agreed that international action against all forms of racial discrimination was of vital importance, especially in securing peace and justice in the world. With that background, the Decade for Action to Combat Racism and Racial Discrimination would be launched on 10 December 1973.

40. The programme for the Decade called upon the world community to do everything possible to promote human rights and fundamental freedoms for all, without distinction of any kind as to race, colour, descent, national or ethnic origin or other status, especially by eradicating racial prejudice, racism and racial discrimination. The programme called for all States to take appropriate measures to implement fully United Nations instruments and decisions concerning the elimination of racial discrimination, to ensure support for all peoples struggling for racial equality and to eradicate all forms of social discrimination. The Government of Kenya had abrogated all the discriminatory laws imposed on its people by the colonial government as soon as the country had achieved independence. Article 82 of the Kenyan Constitution stipulated that no law should contain any provision that was discriminatory either in itself or in its effects.

41. It was to be hoped that those States which were not yet parties to the International Convention on the Elimination of All Forms of Racial Discrimination would become parties during the Decade and that as many States as possible would respond favourably to the appeals of the Decade by helping youth and the victims of racial discrimination and by publicizing as fully as possible the contents of the programme, using all available means. Her delegation also recognized the important role played by non-governmental organizations in the field of human rights and was convinced that those organizations would contribute enormously to the Decade. It was therefore in favour of their close co-operation with the United Nations and the specialized agencies.

42. The Kenyan Government unreservedly supported the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and was actively studying the International Convention, with a view to becoming a party to it. It was totally committed to taking all necessary measures and to co-operating with the United Nations in championing the cause of human rights and in achieving the goals of the Decade for Action to Combat Racism and Racial Discrimination.

43. Miss SHAHKAR (Iran) said that her country had always supported every initiative aimed at the elimination of racial discrimination in general and of *apartheid* in particular. That support had been expressed repeatedly, by a vote in favour of every resolution condemning racial discrimination and *apartheid* and by the ratification of relevant conventions.

44. She considered that the draft programme for the Decade for Action to Combat Racism and Racial Discrimination contained positive lines of action which permitted some degree of optimism with regard to the results hoped for. Nevertheless, she wished to make some comments concerning it.

45. With regard to the definition of racial discrimination, some delegations had said that the expression "discrimination" was too broad and had proposed that its definition should be brought into line with that contained in article 1, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination. In that paragraph, however, although the words "race" and "colour" were precise enough, the same was not true of the terms "descent" and "national or ethnic origin", so that the definition was not as restrictive as it might appear. It might be asked whether racial discrimination and *apartheid* as they existed in southern Africa were to be considered or whether the very concept of discrimination was to be combated, in which case the word "racial" would be understood in a broad sense and would cover problems of discrimination on grounds of descent and ethnic origin.

46. With regard to the problem of discrimination on grounds of sex, she recalled that it was basically a question of such rights as the right to vote, the right to education, the right to free choice of work and the right to equal pay. There were many countries where women were still deprived of those elementary rights, and during the Decade that problem could be tackled and the very roots of the concept of discrimination extirpated.

47. It was, unquestionably, urgently necessary to eliminate practices so shameful for mankind as *apartheid*, but it was no less important to protect future generations from the scourge of racial discrimination in its broadest sense, with all its prejudices and erroneous theories. For those reasons, her delegation considered that, while measures to eliminate the tragic situations existing in many parts of the world merited absolute priority, those set forth in paragraphs 12, 15 and 16 of the draft programme were also important.

48. With regard to the effectiveness of the draft programme, it was clear that questions of the co-ordination and evaluation of activities were fundamental. Nevertheless, the establishment of a special committee seemed neither necessary nor useful, and it would be more economical and perhaps more effective to submit those questions to an existing body, such as the

Economic and Social Council. With regard to the international conference proposed in paragraph 18 of the draft programme, she wondered whether, after the International Conference on Human Rights, held in Teheran in 1968, and the International Conference of Experts for the Support of Victims of Colonialism and *Apartheid* in Southern Africa, a new conference was really necessary. Finally, she stressed that the application of the measures contained in the programme would require active co-operation on the part of non-governmental organizations.

49. Mrs. MOHAMMED (Nigeria) said that her delegation felt that the Committee should proceed to examine the draft programme section by section, taking into account the suggestions and recommendations contained in annexes II and III to document A/9094 and Corr.1 and any suggestions made in the Committee. The Committee would then be in a position to ask the Secretariat to submit a revised draft programme, with the relevant financial implications, on which the Committee could take a vote or express a consensus. Alternatively, a working group might be appointed, as the Egyptian representative had suggested at the current meeting, and delegations could submit to it proposals for amendments to the draft programme. The working group would also have to examine the annexes referred to.

50. She recalled that Nigeria had been instrumental in the preparation of the draft programme for the Decade and that it had always been the policy of her Government to support every action aimed at the eradication of racial discrimination and its consequences.

51. The Special Committee on *Apartheid* had suggested, in its report to the General Assembly at its current session (A/9022, para. 282) that, under the programme of advisory services in the field of human rights and in consultation with the Special Committee, a seminar of leaders and scholars of various religions should be convened, in order to consider means to promote concerted action against *apartheid*. It had recommended also that the Secretary-General and the specialized agencies should be requested to provide the necessary assistance to the Special Committee so that it could establish and maintain closer contact with organizations of students, youth, women, lawyers and other groups, in order to promote concerted actions of solidarity with the oppressed people of South Africa. Her delegation commended those suggestions to the Committee for consideration.

52. The CHAIRMAN said he felt that the Egyptian representative's suggestion to establish an informal open-ended working group was useful. If there was no objection, he would take it that the members of the Committee agreed that the working group should be established.

It was so decided.

53. Mr. SCALABRE (France) said that his country, while respecting the principle of non-intervention in the internal affairs of those States which persisted in the practices of racial discrimination and *apartheid*, wished to affirm once again its strong condemnation of racial segregation and the doctrines on which it was based. France unreservedly supported General Assembly resolution 2054 B (XX), establishing the United Nations Trust Fund for South Africa for assistance to the vic-

tims of *apartheid*. Furthermore, on 7 July 1972, the French Parliament had passed a special law to punish manifestations of racism, which would be applied with the utmost strictness.

54. With regard to the Decade for Action to Combat Racism and Racial Discrimination, France had voted in favour of General Assembly resolution 2919 (XXVII), in which it had been decided that the launching of the Decade should be proclaimed on 10 December 1973. In the main, his delegation found the draft programme for the Decade acceptable. However, like the representative of Iran, he felt that the convening of a world conference on the combating of racism and racial discrimination was not altogether advisable. The Commission on Human Rights, the Economic and Social Council and

the General Assembly were sufficiently representative bodies, and questions relating to racial discrimination, *apartheid*, decolonization and human rights were considered by them every year. He did not feel, therefore, that better results could be achieved at a conference. Moreover, the financial implications of convening such a conference had to be taken into account.

55. The CHAIRMAN suggested that, since there were no more speakers on the list and it was not yet 6 p.m., the informal open-ended working group should begin to meet the same afternoon.

It was so decided.

The meeting rose at 5.05 p.m.

1982nd meeting

Monday, 1 October 1973, at 10.50 a.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.1982

AGENDA ITEM 53

Elimination of all forms of racial discrimination (*continued*) (A/9003, chaps. XXIII, sect. A.1 and A.2 and XXX, sect. B; A/9094 and Corr.1 and Add.1, A/9095, A/9139, A/9177, A/C.3/L.1995):

(a) **Decade for Action to Combat Racism and Racial Discrimination (*continued*)** (A/9003, chaps. XXIII, sect. A.1 and XXX, sect. B; A/9094 and Corr.1 and Add.1, A/9177, A/C.3/L.1995)

GENERAL DEBATE (*continued*)

1. Mr. KHMIL (Ukrainian Soviet Socialist Republic) said that his delegation warmly supported the idea of the Decade for Action to Combat Racism and Racial Discrimination, and in principle endorsed the draft programme for the Decade (A/9094 and Corr.1, annex I). In doing so, it based itself on the principle of internationalism, equal rights and friendship among peoples, which was a corner-stone of socialism and of the internal life and external policy of the socialist countries. Consistently faithful to that principle, the Ukrainian SSR decisively opposed, as it had always done, all forms of discrimination, particularly racial discrimination, which was one of the most shameful forms of the violation of human rights and dignity. His delegation considered that the concentration of effort provided for in the draft programme would contribute to the eradication of racial discrimination.

2. His delegation wished, however, to make certain comments which, if taken into account, should make the programme a more effective mobilizing force. In particular, it shared the view that paragraph 5 of the programme was inappropriate; that paragraph accorded neither with past efforts to combat racism and racial discrimination nor with the objective of the document, which was designed to intensify those efforts. The thought expressed in that paragraph accorded more with the view which the racists, co-

lonialists and their partners were trying to propagate: the South African racists and the Portuguese colonialists had for many years been waging a relentless propaganda campaign to present the view that the international community was growing increasingly disenchanted and that the role of the United Nations was constantly declining. Such propaganda was obviously designed to sow the seeds of doubt as to the possibility of overthrowing the racist and colonialist régimes in southern Africa and of eliminating racial discrimination. However, the course of events gave no grounds for belief in that propaganda or in the chances of its success. On the contrary, there were many indications of the growing belief of peoples in the rightness of the cause of eliminating racial discrimination. An indication of that attitude could be found in the current composition of the United Nations: the influx of new States had changed the existing attitudes on racism and racial discrimination; the front on which the struggle was being waged, hitherto limited to the socialist and a few other States, had been widened and a change had occurred in the atmosphere of the discussions and the nature of the decisions taken. The new alignment of forces in the early 1960s had led to the adoption of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, the International Convention on the Elimination of All Forms of Racial Discrimination and, later, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. In addition, the draft Convention on the Suppression and Punishment of the Crime of *Apartheid* had been prepared (A/9095, annex) and would, it was hoped, be adopted by the General Assembly in time for the commencement of the Decade. Furthermore, there was a consolidation of forces at the international, regional and national levels with a view to implementing United Nations decisions relating to racism, *apartheid* and colonialism. An impetus to such efforts had been given in 1971, the International Year for Action to Combat Racism and Racial Discrimination, and the General

Assembly, in its resolution 2784 (XXVI), had marked 1971 as the opening year of an ever-growing struggle against racial discrimination in all its forms and manifestations and for the purpose of promoting international solidarity with all those struggling against racism.

3. Faced with the continued existence of the racist régimes in southern Africa, the continued support given to them by international imperialism, and the fact that a number of other countries continued to practise racial discrimination, the world community was growing increasingly alarmed over the fate of peoples subject to imperialist exploitation and racial discrimination, and over the future of international peace and security. However, that alarm was not synonymous with "frustrations and disappointments". Humanity could not remain indifferent to such crimes as the massacre in the village of Viriama in Mozambique or the firing upon the miners at Carletonville in South Africa, but, as the world was aware, the racists and colonialists were resorting to such shameful acts out of despair, and one conclusion could accordingly be drawn, namely, that the struggle against racism and racial discrimination must be intensified.

4. The racist régimes in southern Africa were the most evil sources of racism in the present-day world, and the international community had a duty to the peoples oppressed by those régimes to eliminate them and establish equal rights and freedoms for all peoples. In that connexion, the implementation of United Nations resolutions concerning the severance of all relations with the South African racists and the embargo on the supply to them of arms and military equipment was of vital importance. It was well known that a large number of States Members of the United Nations, including those whose co-operation was decisive for the existence of the racist régimes, were completely ignoring those resolutions. According to information placed before the Special Committee on *Apartheid*, 24 States Members of the United Nations maintained diplomatic representation, while seven others maintained consular representation, in South Africa. In most of those countries South Africa had trade representation and information offices, and in many of them tourist and immigration offices. Western countries assisted South Africa in developing its war potential and they continued to supply that régime with weapons and equipment and to co-operate with it in developing new types of armaments, training military personnel and carrying out military manoeuvres.

5. Between 1962, when the United Nations had appealed for an end to trade with South Africa, and 1972, South Africa's imports had increased by 184 per cent and its exports by 133 per cent. Seventy-two and one half per cent of its trade in 1972 was carried on with 10 developed capitalist countries—its main trading partners. Despite the fact that the General Assembly had condemned the activities of foreign capital in South Africa and had appealed for an end to such activities, foreign capital investments not only continued but were increasing. According to *The Times* of London dated 15 March 1973, 70 per cent of direct capital investments in South Africa in 1970 came from abroad. Currently literally hundreds of industrial concerns and banks of the United Kingdom, the United States, the Federal Republic of Germany, Japan and certain other countries were active in southern Africa.

6. In the light of those facts, it was extremely important that the programme for the Decade should include a statement to the effect that the competent United Nations bodies, firstly, should call upon Member States to apply sanctions against the racist régimes and, secondly, should condemn the activities of foreign economic, financial and other interests which were impeding decolonization and the overthrow of racist régimes, and should appeal for an end to such activities. Those provisions should be included as separate subparagraphs in paragraph 2. In the section of the programme concerning basic measures to be taken at the national, regional and international levels, there should be a direct reference to the need for more specific measures to ensure that all Member States observed United Nations decisions and sanctions against the racist régimes and that foreign corporations and banks curtailed activities impeding the elimination of *apartheid*, racism and colonialism.

7. Some might consider that his delegation's proposals were excessively detailed since the draft programme included points such as those contained in paragraphs 2 (c), 12 (a) (i) and 13 (d). However, while those points might not require such detailed treatment for those directly engaged in United Nations activities relating to *apartheid* and other forms of racial discrimination, they were far from adequate in a programme aimed at mobilizing wide public support for United Nations decisions on those questions. In that connexion, it should be noted that the Commission on Human Rights, in adopting resolution 1 (XXVIII),¹ which related to the preparation of the draft programme, referred, in addition to the foregoing, to the need to consider ways and means of achieving the total international and regional isolation of racist régimes.

8. Too much stress was laid in the draft programme on such measures as the convening of international and regional seminars and conferences, the updating and developing of existing studies and research and the carrying out of further research and study. While his delegation did not object in principle to such measures, it considered that their adoption might strain the Organization's financial resources and that their actual utility was questionable. Past experience indicated that such conferences and research ended in academic discussion of the meaning of race, racial prejudices and racial discrimination, whereas the elimination of *apartheid* and racial discrimination required the massive mobilization of world public opinion, and United Nations efforts should be concentrated on specific measures that might produce such an effect. The centre of the struggle against racism and racial discrimination in the forthcoming Decade must be shifted from the level of academic discussion on racial discrimination to that of eradication of its causes and restraint of those who propagated it.

9. In countries in which racial discrimination existed, it was interpreted as deriving from human nature itself and, consequently, as existing in one form or another all over the world. Even some research carried out within the United Nations was not free from that interpretation. His delegation disagreed in principle with such interpretations. It was convinced that the basis for racial discrimination was to be found in social and

¹ See *Official Records of the Economic and Social Council, Fifty-second Session, Supplement No. 7*, chap. XIII.

economic exploitation, with the disappearance of which the preconditions for such discrimination would likewise disappear. That conviction was strengthened by experience in the Ukrainian SSR and other socialist countries, where the elimination of the exploitation of man by man had been accompanied by the disappearance of conflict based on race or nationality and by the creation of friendly relations and co-operation among peoples of all nationalities and races. A striking demonstration of that fact had been provided by the fiftieth anniversary of the foundation of the USSR, about which the USSR representative had spoken in detail at the preceding meeting. Research should accordingly concern itself with racial and national relations under various social systems in both socialist and capitalist societies.

10. Turning to the question of co-ordination and review and appraisal, he said his delegation fully shared the position of those delegations that opposed the establishment of a special committee for that purpose. The programme was aimed at accomplishing a task of paramount importance and embraced a whole range of activities; transfer of the functions of co-ordination and evaluation to a temporary body with limited possibilities would diminish its significance. Such control should be exercised directly by a representative, competent and authoritative body of the United Nations, and his delegation considered that that body should be the Economic and Social Council.

11. His comments reflected a sincere desire on the part of the Ukrainian SSR to co-operate in the speedy and full elimination of *apartheid*, racism and racial discrimination, and he hoped that they would receive due attention.

12. Mr. BOOTHE (Jamaica) said that UNESCO, the Economic and Social Council, the Commission on Human Rights, the Division of Human Rights of the Secretariat and the non-governmental organizations concerned were all to be commended for their work in preparing the draft programme (A/9094 and Corr.1, annex I).

13. However, great care would have to be exercised to ensure that the Decade did not turn out to be a pipe dream and, like a number of other loudly proclaimed decades, only a pale shadow of what had been intended. His delegation's words of caution should not be taken to indicate any lack of enthusiasm for the Decade on the part of his country. They simply expressed Jamaica's recognition of the great difficulties faced in finding the ways and means to implement the programme.

14. In his address to the Fourth Conference of Heads of State or Government of Non-Aligned Countries, held at Algiers in September 1973, the Prime Minister of Jamaica had suggested that all problems in human affairs required a summoning of political will. In the context of the programme, the questions of political will and financial will were of the greatest concern to his delegation. The Government and people of Jamaica were convinced that racial discrimination was wrong by whatever criteria one might judge it, and Jamaica's uncompromising opposition to racism and racial discrimination was well known throughout the world and was a matter of record at the United Nations. They had already done much and were ready to undertake whatever else was required in terms of international action. In the light of the comments made by some States in

other United Nations forums, his delegation could not but wonder whether the goodwill and political will of Member States with respect to the programme would be sufficient to ensure the success of the first of what Jamaica expected would be a number of decades of action for the elimination of racial discrimination.

15. His delegation took the view that the Committee should undertake a detailed consideration of the programme, but that its task in connexion with subitem 53 (a) should not be one of decrying racial discrimination. That could be done more appropriately when the Committee considered subitems 53 (b), (c) and (d). Rather, his delegation saw the Committee's task as one of carefully examining the programme and recommending it for adoption by the General Assembly.

16. It was clear that the main elements of the draft programme were, firstly, information; secondly, co-ordinated action; and, thirdly, assistance. With regard to information, his delegation attached the greatest importance to paragraphs 15, on research and study, and 16, on education, training and information; in fact, it considered them to be the very crux of the programme. It also felt that both UNESCO and the non-governmental organizations had a vital role to play in planning and implementing programmes for the Decade. His delegation eagerly awaited the presentation by UNESCO of its programme of action for research, training, information and normative action. Furthermore, his delegation hoped that, in their approach to and action on plans for the Decade, individual States would have sufficient political will to facilitate a frank study of the situation in their own territory in an endeavour to ensure that there were no unconscious factors that might contribute to the perpetration of racism and racial discrimination.

17. His delegation endorsed the national policy measures proposed in paragraph 12 of the programme, and was pleased to state that the great majority of those policy measures were already in effect in Jamaica.

18. With regard to paragraph 13, his delegation supported in principle the proposal for a world conference, which could be regarded as being akin to the highly successful International Conference on Human Rights held at Teheran in 1968. His delegation believed that such a conference would be one of the highlights of the Decade and would attract world-wide attention. The idea of such a conference commended itself to his delegation, and it was prepared to join in a careful assessment of that proposal.

19. The only proposed international policy measure in paragraph 13 with which his delegation had some difficulty was that referred to in subparagraph (g). Its reservation was based on the fact that the adoption of new international instruments on racial discrimination and the crime of *apartheid* depended on an exercise of political will; States could not be forced to adopt and implement such measures. One of the most important aspects of the Decade was the need to examine ways and means, as outlined in the programme, of obtaining the implementation of and compliance with existing international instruments and resolutions. It was pointless to continue to adopt such instruments and resolutions without being able to ensure the implementation of existing ones. He wished, however, to make an exception with regard to the preparation of the draft Convention on the Suppression and Punishment of the

Crime of *Apartheid* (A/9095, annex), on which much work had already been done, and which was a special case.

20. Turning to the question of co-ordination and review and appraisal referred to in paragraph 18 of the programme, he said that the discussions in the Commission on Human Rights and the Economic and Social Council indicated that there were three alternatives: the task could be entrusted to the Economic and Social Council, the Commission on Human Rights or a specially appointed committee. In that connexion, his delegation recognized fully the primacy of the Economic and Social Council in such matters. However, account should be taken of the fact that the Council had recently been entrusted with new duties with regard to the International Development Strategy and the review of the Strategy. It seemed to him that the Council had throughout the years tended, perhaps without realizing it, to give more consideration to economic than to social matters. The proposal for a special committee might therefore be a good one, and should be given further consideration.

21. However, he supported the proposal outlined in paragraph 18 (f) to the effect that the special committee should act as the preparatory committee for the world conference. The Economic and Social Council would not be able to undertake such a duty, even if it were ready to undertake the review and appraisal—which was highly doubtful, in view of its work schedule. Hence there was a good case for the establishment of a special committee.

22. With regard to the question of financial resources, he drew attention to paragraph 8 of the note by the Secretary-General (A/C.3/L.1995) on the administrative and financial implications of the draft programme, in which it was stated that its implementation would entail an additional workload for the Division of Human Rights. He wished to contrast that statement with the opinion expressed by the Advisory Committee on Administrative and Budgetary Questions in its first report on the proposed programme budget for 1974-1975 to the effect that the Division was clearly in a position to undertake the work in connexion with the proposed Decade without any additional posts, by utilizing its spare capacity.² Hence there was an obvious difference of opinion as to the availability of the necessary resources even before the Decade was launched.

23. In paragraphs 9 and 10 of that note, the Secretary-General stated that a phased addition to the manning table of the Division would be required for the programme, and that he had "no alternative but to reiterate the estimate presented to the Commission on Human Rights and subsequently to the Economic and Social Council at its fifty-fourth session". His delegation was gravely concerned that, at a time when the United Nations was about to launch the Decade, it was experiencing difficulties in finding the staff resources needed to make the Decade a success, and he urged all delegations to consider the matter most carefully.

24. In conclusion, he considered it very important that the draft programme should include a definition of racial discrimination, and supported the view that the definition contained in article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination should be used.

² Official Records of the General Assembly, Twenty-eighth Session, Supplement No. 8, para. 20.14.

25. Mrs. GEORGE (Trinidad and Tobago) said that the draft programme for the Decade for Action to Combat Racism and Racial Discrimination had already been accepted in principle through the endorsement of the relevant United Nations bodies to which it had been submitted for consideration. Her delegation had supported the decision in General Assembly resolution 2919 (XXVII) to launch the activities of the Decade on 10 December 1973. It viewed the Decade as a precursor to intensified activity and interest in the subject, which would lead to significant social change and, eventually, to the complete elimination of racism and racial discrimination.

26. Her delegation noted that in paragraph 12 (b) of the draft programme and in paragraph 4 of the draft recommendations of the Committee on Non-Governmental Organizations (A/9094 and Corr.1, annex II), a justifiable emphasis was placed on the education of youth in human rights and against racism and racial discrimination, while no adequate provision was made for the education of adults. An intensive programme of adult education in the field of human rights was needed to run concurrently with the planned education of youth during the Decade, since the attitudes of adult society constituted a decisive influence on human rights education. The involvement of adults in such education should be brought about through direct or indirect governmental action.

27. Her delegation could not accept the proposal made by the representative of the Philippines at the 1980th meeting that the reference to the equal rights of men and women should be deleted from paragraph 1 of the draft programme. He had argued that discrimination on account of sex was unrelated to racial discrimination, since women were not a separate race. That was quite true, but neither was youth a separate race. Her delegation viewed any manifestation of discrimination as having a bearing on racial intolerance; any attempt to deal with the problem, therefore, should take into account all aspects of discrimination in any form.

28. In that regard, her delegation formally proposed that consideration should be given to the particular involvement of women in the programme for the Decade, taking into account the programme envisaged for International Women's Year in 1975, and that the proposed activities for the celebration of that Year should be harmonized with the activities of the Decade, since the elimination of racism and racial discrimination was an integral part of women's crusade for equality with men.

29. There was a positive link between the inequality of women and the education of youth, since young people closely observed the relationship between men and women in society in seeking guidance in the formation of their own social attitudes. Thus, careful attention should be given to that problem in the proposed areas of research and study outlined in paragraph 15 of the draft programme.

30. With regard to paragraph 1 of the suggestions made by the Committee of Non-Governmental Organizations on Human Rights (*ibid.*, annex III) which stated that the definition of racism and racial discrimination for the entire programme should be based on the definition of racial discrimination given in article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination, her delegation felt that

the broader and more flexible approach embodied in the draft programme would help create a stronger base for achieving the desired objectives. Consequently, it would not agree to any definition that would limit the scope of the programme.

31. On the other hand, her delegation welcomed the interest shown by the non-governmental organizations in their effort to co-operate and participate in the implementation of the programme, and whole-heartedly endorsed paragraph 5 of the suggestions (*ibid.*) and paragraph 10 of the recommendations of the Committee on Non-Governmental Organizations (*ibid.*, annex II).

32. The implementation machinery would be one of the most decisive factors in the success of the programme. In that connexion, her delegation believed that the Social Committee of the Economic and Social Council should be given the responsibility for evaluating and co-ordinating all the activities carried out during the Decade.

33. Her delegation could not accept the proposal by the Ukrainian SSR and the Union of Soviet Socialist Republics in document A/9094/Add.1 that paragraph 5 of the draft programme should be deleted. It was true that the provisions of the paragraph were somewhat ambiguous, but any attempt to take a positive long-term course of action required that a realistic acknowledgement of *de facto* attitudes must be kept in focus.

34. Mr. COSTA COUTO (Brazil) said that the problems of racism and racial discrimination which, unfortunately, appeared on the Committee's agenda year after year deserved the high priority assigned to them. His delegation had repeatedly expressed its strong feelings on the subject, citing the historical origins of Brazil, the multiracial basis of its society and the non-existence within its frontiers of prejudices based on race. Racial integration in Brazil was so authentic and so natural that it would be impossible for any Brazilian to accept or even to understand discrimination against a human being because of the colour of his skin.

35. Under the Brazilian Constitution everyone was equal before the law, without distinction as to sex, race, employment, religious creed or political convictions. Racial prejudice was punishable by law. Measures had also been taken to widen the education of youth, and even children, on the subject of human rights, the equality of all human beings and the evils of racial discrimination.

36. In the international field, Brazil, a founding member of the United Nations, had actively participated in the Organization's activities against racism and had made significant contributions to the drafting of the Universal Declaration of Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination. His delegation had supported the setting up of the Special Committee on *Apartheid* and the United Nations Council for Namibia. It fully supported and applied Security Council resolution 282 (1970) calling for a general embargo on all arms shipments to South Africa.

37. His delegation had welcomed and supported the programme for the commemoration of the twenty-fifth anniversary of the Universal Declaration of Human Rights and the initiatives leading to the adoption of the draft programme for the Decade for Action To Combat

Racism and Racial Discrimination. Consequently, it had voted in favour of Assembly resolutions 2784 (XXVI), 2906 (XXVII) and 2919 (XXVII).

38. Because it had not had time at the fifty-fourth session of the Economic and Social Council to examine the draft programme now before the Committee, his delegation had refrained from participating in the debate and the voting on the draft. If the Council had been given enough time to improve on the draft—the objectives of which his delegation fully supported, many of the points raised by previous speakers would no doubt have been rendered superfluous.

39. At the 1980th meeting, the representative of the Philippines had criticized the draft programme on the ground that it raised issues extraneous to racial discrimination as such. That was the case in paragraph 1 of the draft programme, in which reference was made to "the equal rights of men and women and of nations large and small". He did not think that the repetition of parts of the Preamble to the Charter in paragraph 1 was necessary, since the programme should be direct, pragmatic and action-oriented. He felt that the various types of discrimination referred to in paragraphs 3, 8, 10 and 15 were extraneous to the problem under consideration and that reference to them should be deleted if the programme was not to lose its impact and the limited resources of the United Nations were not to be wasted in activities already undertaken under other programmes. A striking example was the preparation of studies of the type called for in paragraph 15 (d) (v). Such ambitious studies would put such a strain on the manpower and other resources of the Secretariat that its output might be seriously jeopardized. The draft programme also called for a substantial increase in the budget of the interested departments of the Secretariat, which seemed unrealistic in view of the current financial difficulties of the Organization.

40. In paragraph 13, it was stated that one of the main themes of the proposed world conference on combating racism and racial discrimination should be the adoption of ways and means for securing adherence to and ratification and enforcement of the instruments on human rights. Again, that proposal was unrealistic, given the multiplicity of such instruments.

41. His delegation endorsed the suggestion by the Committee of Non-Governmental Organizations on Human Rights that the definition of racial discrimination for the entire programme should be the one given in article 1, paragraph 1, of the International Convention; it also supported the proposal that non-governmental organizations should participate more fully in the struggle against racism.

42. His delegation interpreted paragraph 2 (d) of the draft programme in terms of the spirit of paragraph 6 (a) and (b); in other words, the struggle against racism should be carried out with full adherence to the purposes and principles of the Charter.

43. His delegation supported the holding of a world conference as a major feature of the Decade; it had an open mind with regard to the date, but would prefer it to be held by the middle of the Decade. It seemed advisable for the Committee to try to reach a consensus on the date for the conference.

44. Paragraph 13 (g) of the draft programme deserved careful scrutiny. Its provisions seemed to constitute a

blank cheque for the adoption of new international instruments. However, every instrument had to be examined on its own merits. For example, his delegation supported the objectives of the draft Convention on the Suppression and Punishment of the Crime of *Apartheid* (A/9095, annex) but felt that some of its articles needed to be carefully weighed from the standpoint of international law and the sovereignty of States. Accordingly, it considered that the reference to the crime of *apartheid* in paragraph 15 (d) (vii) of the draft programme was premature.

45. With regard to the question of financial resources, his delegation had supported the establishment of the funds already in existence and had been contributing regularly to one of them. All of those funds were directed against racism in southern Africa and their only limitation was the inadequacy of the resources available to them. The establishment of another fund would merely intensify the competition for scarce resources. Thus, instead of a new fund, he would prefer a drive to be made to encourage Member States to increase their contributions to the existing funds.

46. His delegation was deeply concerned at the fact that paragraph 18 barred the Economic and Social Council from the activities of the programme. The Council was one of the main bodies of the United Nations and had been established precisely for the purpose of dealing with both social and economic questions. Since it had been enlarged and strengthened, it was impossible for his delegation to accept a curtailment of its competence in such a fundamental field as the one under consideration.

47. There were a number of drawbacks to the proposal for the establishment of a special committee in paragraph 18 of the draft programme. Apart from the financial implications and the implications for the already overburdened calendar of meetings of United Nations bodies, consideration should be given to the possibility of overlapping with the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Commission on Human Rights and the extra burden that would be imposed on the small number of specialized staff from Member States and on the Secretariat.

48. Mr. ACEMAH (Uganda) said his delegation attached the utmost importance to the item under consideration, since Africa, more than any other continent, had long suffered from the scourge of racism and racial discrimination. Its peoples had been oppressed, exploited, tortured and treated as second-class citizens by foreigners in their own lands. That continued to be the reality in southern Africa.

49. His Government's stand on the issues of racism and racial discrimination was clear and well known. In the United Nations and other international assemblies it had consistently condemned racism and racial discrimination in all their forms and wherever they existed. It had supported all measures taken by the United Nations to eradicate those evils. However, it was distressed to observe that some countries, and particularly South Africa, Portugal and Rhodesia, had consistently defied the Charter of the United Nations, world opinion and international law, and had ignored the decisions and resolutions of the United Nations on those issues. Those racist régimes were only deceiving themselves if they thought that they could continue to suppress the

forces of self-determination, human equality and justice forever.

50. His Government had also condemned all those countries which had directly or indirectly encouraged the racist régimes in the crimes they had committed against humanity, and it continued to appeal to them to desist from giving any form of support to those régimes.

51. Uganda had consistently given both material and moral support to the just struggle of all peoples fighting against racism and racial discrimination, particularly in southern Africa and the Portuguese colonies in Africa. It had channelled assistance to Africans fighting for human dignity and equality through the Liberation Committee of the Organization of African Unity and directly to the various liberation movements active in those areas.

52. It was against that background that his delegation welcomed the draft programme for the Decade for Action to Combat Racism and Racial Discrimination and wished to congratulate all those who had been involved in the preparation of the programme, which, it trusted, would be adopted by the United Nations. There had been enough talk in the international community about racism and racial discrimination. Action to combat those anachronistic social evils was long overdue.

53. His own country was already implementing many of the policy measures set forth in the draft programme. It supported in principle establishing a special United Nations body to administer and co-ordinate the implementation of the programme. It hoped that all nations represented on the Committee would actively participate in the challenging task confronting it. Racism and racial discrimination posed a serious threat to world peace and security and a major racial conflict in southern Africa could be averted only through the active co-operation of the entire world community.

54. Lord GAINFORD (United Kingdom), welcoming the new States Members of the United Nations, recalled the statement by his country's Secretary of State for Foreign and Commonwealth Affairs in the general debate (2128th plenary meeting) that the entry of the two German States was a historic step which would undoubtedly have beneficial effects. His delegation greatly admired the generous manner in which the Federal Republic of Germany had compensated those who had suffered hardship under the Third Reich and hoped that the German Democratic Republic would find it possible to act in a similar spirit. The Bahamas and his country had strong historical ties and his delegation looked forward to continuing that warm association.

55. Racial discrimination was a world-wide problem which was not limited to any one country or continent and could not be eliminated overnight. Inevitably, it was associated in particular with the continent of Africa because that was where the most striking and blatant manifestations occurred. It was, however, important to bear in mind that it was universal and occurred in many different shapes and forms. Despite that variety, it could be said that racial discrimination was a product of racial prejudice, which in turn was a complex and imperfectly understood phenomenon. Much study was still needed to determine the precise causes of racial prejudice and the means to overcome them. Existing research, however, indicated that racial prejudice had its roots in fear and ignorance. There was no simple or

easy answer as to how to deal with such prejudices but its eradication could undoubtedly be facilitated by education and by more effective procedures for conciliation.

56. It was against that broad background that the Committee should consider the Decade for Action to Combat Racism and Racial Discrimination. The measures proposed must be truly constructive and serve to lessen racial prejudice and thus help to eliminate racial discrimination. The Committee must probe honestly and searchingly and must not content itself with suggestions for action which might at first appear likely to give rise to desired results but which, on closer analysis, might be counter-productive. Much thought and hard work had gone into the formulation of the proposals for the Decade and his delegation particularly welcomed the recognition implicit throughout the programme that racial discrimination was a world-wide problem and one which could not be solved quickly by a universal application of a single remedy. It also particularly welcomed the emphasis on education, research and information and on the need to take positive action to eradicate racial discrimination and to promote racial harmony.

57. The proposal in paragraph 13 (a) of the draft programme concerning a world conference was one of the central features of the programme. At first sight, the proposal appeared to fit in perfectly with the Decade and seemed certain to have useful results. Closer analysis, however, revealed that that was not necessarily so. What could the conference achieve that could not be achieved by another means? Was it certain to go beyond sterile debate? A world conference of the kind envisaged would inevitably be expensive and the question was whether, in its continuing financial straits, the United Nations could meet the cost of such a conference without a major call on its limited resources. His delegation therefore felt that while the cause was thoroughly praiseworthy, a world conference was likely to require a large financial outlay by an organization which could not afford it and to produce few, if any, positive results. It might be better, as suggested by the representative of Poland (1979th meeting), to devote some of the resources that would be needed for the conference to such valuable items as scholarships instead.

58. His delegation recognized that such a view might not be overwhelmingly supported. Therefore, if it was decided to hold a conference, every effort should be made to ensure that it produced positive results. Careful preparation to ensure that its scope was properly defined was therefore necessary. To that end, the conference must deal with the elimination of all forms of racial discrimination, not only of its most blatant manifestations. In that connexion, he wished to remind the Committee of the definition of racial discrimination as set out in article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination. The main theme of the conference should be ways and means to put an end to racial discrimination as defined in the Convention. Such a theme would focus attention on the many different possible manifestations of racial discrimination, would increase knowledge of the phenomenon of racial prejudice and would hold out the prospect of real and lasting achievements in that important area.

59. Some co-ordinating machinery for the Decade was necessary but its precise form was open to question. The programme advocated the establishment of a special committee to assume responsibility for co-ordinating the programmes and evaluating activities during the Decade. The Committee should ask itself whether the task to be done could not be adequately carried out with the existing machinery. His delegation felt that within the machinery of the Economic and Social Council adequate means could be found to carry out that task, perhaps by placing prime responsibility on the Council's Social Committee. Furthermore, the detailed provisions for the co-ordination and review and appraisal, and reporting of the Decade, as set out in paragraph 18 of the draft programme, seemed somewhat premature. There was no need for more frequent review and appraisal than in the case of the International Development Strategy, i.e. every two years. It should be sufficient if the Social Committee of the Economic and Social Council were charged with that responsibility every two years, devoting, perhaps, a week of its spring session to the Decade.

60. His delegation stood ready to help the informal open-ended working group to determine how the programme might be improved.

61. The Committee should approach its task with understanding and tolerance. The spirit which, 25 years before, had brought about the adoption of the Universal Declaration of Human Rights should be recalled, for, above all, it was important that the Decade should be seen to have the greatest measure of support behind it. If the Committee was ready to adopt a spirit of conciliation and harmony—so essential to the lessening of racial prejudice and the elimination of racial discrimination, his delegation had no doubt that it would succeed.

62. Mr. VAN WALSUM (Netherlands) said it was a matter of record that his delegation supported the proclamation of the Decade as well as the elaboration of measures designed to prevent it from falling into oblivion once it had been launched.

63. The draft recommendations and suggestions in annexes II and III of document A/9094 and Corr.1 were before the Committee by virtue of the Economic and Social Council's decision taken at its 1877th meeting. At the fifty-fifth session of the Council it had rightly been pointed out that the Council Committee on Non-Governmental Organizations had done admirable work despite such unfavourable circumstances as lack of time. His delegation therefore felt that annexes II and III deserved careful consideration, either in the Committee as a whole or in the informal working group. It had been a wise decision to limit the terms of reference of the working group, at the initial stage, to the four areas of dispute—the definition, the conference, the fund and the special committee—because it was obvious that the deliberations on those subjects would proceed better in such an informal atmosphere. The Committee should be aware, however, of the risk that the satisfaction produced by the efficiency of the working group procedure might lead to the belief that once those four issues had been settled the way would have been cleared for a unanimous adoption of the programme without further delay. While his delegation favoured unanimous adoption, it must be borne in mind that a responsible discussion should not be limited to four subjects which had been given privileged treatment.

only because they were controversial. The Committee owed it to the non-governmental organizations, whose full and active participation in the Decade was indispensable, to give serious consideration to the follow-up which their contributions required.

64. His delegation had some reservations on paragraph 6 of the draft recommendations in annex II. It felt, however, that that contribution could serve as a useful basis for either an annex to the programme, specifically dealing with the role of non-governmental organizations, or a separate resolution on the subject. His delegation therefore invited others interested in the further elaboration of that idea to join it in drawing up a generally acceptable text in one of the two forms indicated.

65. Annex III consisted of suggested modifications to the draft programme and should therefore be treated in the same manner as other such suggestions. Although, under its initial terms of reference, the working group had thus far tackled only the first of those suggestions, his delegation felt that it might be a good idea to invite that body to extend its consideration to all of annex III at a later stage.

66. On the matter of co-ordination, he noted that there was a strong trend in favour of reverting to the original proposal of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to entrust the Council with the task of supervising and co-ordinating the activities of the Decade. His delegation was inclined to share that view. There too, its considerations were based on the position of the non-governmental organizations. The problem with a special committee established by the General Assembly was that the relationship between such a body and the non-governmental organizations would not be automatically defined. In other words, in the context of the Decade, the non-governmental organizations would be, so to speak, deprived of their consultative status. Such a problem would not arise if the Economic and Social Council was charged with the task of co-ordination. If, however, the General Assembly should decide to establish a special committee for that purpose, there would be all the more need to make new and specific arrangements for non-governmental organizations, i.e. to determine their status and to strengthen their role.

67. Mr. VON KYAW (Federal Republic of Germany) expressed appreciation of the kind words of welcome extended to his delegation by previous speakers.

68. On the occasion of the admission of the Federal Republic of Germany to the United Nations, his country's Minister for Foreign Affairs had stated in the General Assembly (2119th plenary meeting) that every individual had the right freely to develop his personality and to live free from oppression and that his country therefore rejected all racial discrimination and colonial rule. A few days earlier, Chancellor Willy Brandt, addressing the Assembly (2128th plenary meeting), had condemned racism and colonialism in clear and unequivocal terms. Those statements reflected both the basic political concept of and the realities in the Federal Republic of Germany. Convinced that the realization of human rights began at home, the Federal Republic of Germany had made a great practical effort to abolish racial discrimination. The first and foremost principle of its Constitution was the inviolability of the dignity of the individual. All persons should be equal

before the law and no one might be discriminated against because of his parentage, race, homeland or origin. As far as his country was concerned, any kind of racial discrimination was unlawful and that principle was binding on the legislative, executive and judicial branches of the Government. Every individual, whether a German citizen or an alien, could take legal action to enforce his rights, including the annulment of unlawful administrative measures. Furthermore, there were both constitutional and penal law provisions and stipulations which gave the authorities the power, and indeed made it their duty, to take action against any violations of the principle of racial tolerance.

69. The Federal Republic of Germany had also become a party to the International Convention on the Elimination of All Forms of Racial Discrimination, to the Convention on the Prevention and Punishment of the Crime of Genocide and to the European Convention on Human Rights. The International Covenants on Human Rights were being examined by the Federal Parliament and his delegation was confident that it would be able to make a further announcement on that matter in the near future.

70. It was not his intention to be misleading by painting an idyllic picture of the situation in his own country while condemning racism in certain parts of the world. His delegation was fully aware that the evils of racial discrimination, oppression and exploitation were still to be found in many parts of the world. The dignity of man continued to be violated and the racial policies applied in the southern part of Africa were a particularly painful and intolerable example. It therefore followed that his delegation welcomed the draft programme for the Decade for Action to Combat Racism and Racial Discrimination. It would like to see the Decade make an effective contribution to the worldwide struggle against racial discrimination, thereby promoting better understanding for the dignity of man and his inalienable rights.

71. His delegation considered useful the suggestion in annex III of the Secretary-General's report (A/9094 and Corr.1) aimed at providing a clearer definition of the term "racial discrimination" by using the definition in article 1 of the International Convention. That definition had so far been accepted by 75 States. It also welcomed the proposal by the Soviet Union, in document A/9094/Add.1, that the function of co-ordination should be entrusted to the Economic and Social Council. It would prefer the Social Committee to deal with the matter, since the Commission on Human Rights was already overburdened with important work. It might be advisable to be a little more flexible with regard to the date of the proposed world conference in order to ensure the necessary preparation and to guarantee practical results. An agreement on a generally accepted programme would be the most noteworthy contribution which the Committee could make to the struggle against racial discrimination.

72. Mr. SHEN (China) said that racial discrimination in various forms still existed in some self-styled "civilized countries". Of course, the most intolerable crimes of racism and racial discrimination were to be found in the southern part of Africa. The people of Azania, Zimbabwe and Namibia had not only been deprived of their political, economic and cultural rights under prolonged colonialist and racist rule, but their

fundamental right to survival had also been trampled on. The racist régimes of South Africa and Rhodesia subjected the broad masses of African people under their domination to barbarous *apartheid* and Fascist rule. Recently innocent miners at Carletonville had been slaughtered in an attempt to suppress the African peoples' struggle against racist régimes. The Portuguese colonialists still occupied Angola, Mozambique and Guinea-Bissau, enforcing their ruthless colonial rule over 13 million Africans. Abetted by imperialism, the régimes of South Africa and Rhodesia had entered into a reactionary military alliance with the Portuguese colonial authorities for the purpose of suppressing and massacring the people in southern Africa who were striving for national liberation and the defence of their basic human rights. All countries and peoples that upheld justice had expressed their utmost indignation at, and had strongly condemned, those reactionary and brutal acts.

73. The evils of racial discrimination and *apartheid* in southern Africa were by no means isolated phenomena but were closely linked to the aggressive and colonialist policies of imperialism. Regrettably, while some Western Powers professed a desire to defend the principles of the Charter and to strengthen the role of the United Nations, they were daily trampling on the Charter and deliberately violating the relevant resolutions. They extended political, diplomatic, economic and military assistance to the white racist régimes in southern Africa. That was the basic reason why the racists dared to ignore the relevant United Nations resolutions in defiance of the universal will of the people. The African people must therefore integrate their struggle for national liberation with the struggle against imperialism, colonialism and neo-colonialism in order to eradicate the evils of racial discrimination and *apartheid*.

74. Some other countries which expressed their objection to racial discrimination were still maintaining relations with the racist régime of South Africa and were continuously increasing their investments in southern Africa. His delegation strongly condemned those countries which violated the General Assembly and the Security Council resolutions on sanctions, and demanded that those countries which gave political and economic support to the racist régimes in southern Africa should sever all contacts with them.

75. The people in southern Africa had never submitted to the sanguinary rule of the colonialists and racists. They had waged unremitting struggles in various forms, including armed struggle, against imperialism, colonialism and racism. They had emerged ever stronger in their struggles and continued to march forward. The Government of the People's Republic of China welcomed the birth of the Republic of Guinea-Bissau and had decided to recognize it.

76. His delegation was pleased to note that in the preceding year increasingly broader assistance had been given by the world community, particularly the African people, to the struggle of the people in southern Africa for national liberation. The African countries were becoming more closely united in giving strong

support to their brothers in the southern part of the continent. The Solemn Declaration on General Policy, adopted at Addis Ababa in May 1973, on the occasion of the tenth anniversary of the Organization of African Unity, reaffirmed the determination of African countries to eradicate colonialism and racism from African soil and emphasized the intensification of the armed struggle being waged by the liberation movements. The Declaration on the Struggle for National Liberation adopted by the Fourth Conference of Non-Aligned Countries strongly condemned imperialism, colonialism, neo-colonialism, racism and Zionism, decided to establish a support and solidarity fund to increase the effectiveness of the struggles of national liberation movements, and pledged to undertake in any circumstances to increase their military, material, political and moral aid to the liberation movements. That was a powerful encouragement to the people of southern Africa and was an expression of the strong determination of the peoples of Africa and the world to unite in defeating imperialism, colonialism and neo-colonialism and in winning national liberation and the eradication of racism. His delegation was convinced that if the people of southern Africa united with all the forces fighting against racism and persevered in that struggle, the three heavy burdens of imperialism, colonialism and racism would surely be lifted.

77. The Chinese people had deep sympathy for the plight of the people of Azania, Zimbabwe, Namibia, Mozambique, Angola and Guinea-Bissau and resolutely supported their just struggle against imperialism, colonialism, neo-colonialism and racism and for national liberation and basic human rights. Ever since the restoration of China's lawful rights in the United Nations, his delegation had consistently supported all positive resolutions in favour of that struggle. Proceeding from that consistent stand, his delegation generally supported the draft programme for the Decade for Action to Combat Racism and Racial Discrimination. It was willing to discuss specific provisions with other delegations in order to improve the text. On the question of convening an international conference, it supported the idea of some African delegations that it should be incorporated into the programme, and it proposed that the Economic and Social Council should proceed with the preparations for the conference at an early date. Furthermore, his delegation felt that the objective and task of the conference should be to review the implementation of relevant United Nations resolutions on racial discrimination and *apartheid* to see what had been done to assist the people of southern Africa and to oppose the racist régimes of South Africa and Rhodesia. The United Nations had adopted many resolutions on that matter. What remained to be done was to adopt concrete measures to ensure that those resolutions were scrupulously implemented.

78. The CHAIRMAN said that if he heard no objections, he would take it that the list of speakers for the general debate had been closed.

It was so decided.

The meeting rose at 12.55 p.m.

1983rd meeting

Monday, 1 October 1973, at 3.10 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.1983

AGENDA ITEM 53

Elimination of all forms of racial discrimination (*continued*) (A/9003, chaps. XXIII, sect. A.1 and A.2 and XXX, sect. B; A/9094 and Corr.1 and Add.1, A/9095, A/9139, A/9177, A/C.3/L.1995):

(a) **Decade for Action to Combat Racism and Racial Discrimination (*continued*)** (A/9003, chaps. XXIII, sect. A.1 and XXX, sect. B; A/9094 and Corr.1 and Add.1, A/9177, A/C.3/L.1995)

GENERAL DEBATE (*continued*)

1. Mr. ORSO (Mongolia) said that the exhaustive undertaking implicit in the draft programme for the Decade for Action to Combat Racism and Racial Discrimination (A/9094 and Corr.1, annex I) represented a further step towards the elimination of racism, racial discrimination and colonialism. At the twenty-seventh session of the General Assembly, the delegation of Mongolia had voted for resolution 2906 (XXVII) relating to the programme for the observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights and to the launching of the Decade. In keeping with its policy of friendship and co-operation between States and peoples, Mongolia had always opposed racism and racial discrimination, and its Constitution guaranteed the equality of all men, without distinction of any kind, it being Mongolia's belief that any discrimination directed against human dignity was an offence. Mongolia had also been one of the first countries to ratify the International Convention on the Elimination of All Forms of Racial Discrimination, and it had, in various international forums, expressed its desire to eliminate racism.

2. His delegation believed that, in the draft programme for the Decade, emphasis should be placed on the application of international instruments on that matter which had already been adopted. The problem lay not in the lack of conventions, declarations and resolutions but in how to ensure that they were complied with and yielded practical results. Moreover, racist Governments should be saddled with full responsibility for their crimes, and it was also essential to condemn those countries which provided economic and military assistance to such régimes. Those considerations should also be reflected in the draft programme. His delegation believed that the establishment of a special committee to co-ordinate the programmes and evaluate activities during the Decade would entail duplication of the functions of existing organs. Moreover, careful reflection was required regarding the convening of a world conference on combating racism and racial discrimination in order to determine whether that would be an appropriate forum and what would be the best time to hold such a conference in order to obtain optimum results.

3. Mr. SCOTLAND (Guyana) noted that the world scene had changed very little over the previous 10 years

as far as racism and racial discrimination were concerned, possibly because the Members of the United Nations were not as constant in their efforts to destroy racism and racial discrimination as they were in their readiness to condemn those twin evils.

4. Referring specifically to the goals and objectives of the draft programme for the Decade for Action to Combat Racism and Racial Discrimination, he drew attention to paragraph 12 (a) (i), regarding national policy measures which would necessitate "no support being given to Governments or régimes which practise racial discrimination that will enable them to perpetuate racist policies or practices". That provision not only embraced the whole range of intergovernmental relations but also covered relations with non-governmental bodies. Perhaps Governments would, during the Decade, feel more disposed to discourage contacts between their national sports bodies and similar organizations in countries with racist régimes.

5. With regard to the proposal, in paragraph 13 of the draft, to convene a world conference on combating racism and racial discrimination in 1978, he observed that 1978 represented the half-way mark in the programme and that the purposes detailed for that conference should be pursued from the very start of the Decade. Nevertheless, Guyana saw the conference as a means of focusing attention on the Decade and its objectives and would reserve its position on that question until a later stage.

6. With respect to the establishment of a special committee to co-ordinate the programme and evaluate activities during the Decade proposed in paragraph 18, Guyana did not accept the argument that the operational cost of a special committee of representatives of States rendered its appointment prohibitive. It believed that there was some merit in the establishment of such a committee, which might function under the aegis of the Economic and Social Council. Accordingly, it would not reject that proposal out of hand.

7. The fact that, over the previous 25 years, the United Nations had played an increasingly dominant role in the fight against racism and racial discrimination was conclusive evidence that those issues were matters of international concern, and Guyana did not agree that the plea of domestic jurisdiction could serve to prevent or limit action by the United Nations, either directly or through its organs; it was also unacceptable for a State to declare its commitment to the anti-racist objectives of the United Nations while at the same time contending that its national policy of non-interference in the internal affairs of other States prevented it from acting in accordance with its statements. Guyana, which was in the vanguard of the struggle against racism, pursued as a national policy and recognized in its fundamental law the elimination of racial discrimination, and provisions against racial discrimination were enforced with the full rigour of the judicial process. Furthermore, Guyana saw itself as unequivocally committed to the

cause of freedom in the struggle against colonialism in southern Africa, and had given moral and financial support to the African liberation movements.

8. A number of the policy measures envisaged in the draft programme for the Decade presupposed the willing co-operation of States Members of the United Nations. It was therefore pertinent to observe that without such co-operation, the Decade might become a decade of studies and resolutions, with little material progress.

9. Twenty-five years after the proclamation of the Universal Declaration of Human Rights, the United Nations was still adopting resolutions aimed at achieving the same objectives as that Declaration had been designed to achieve. That was due to the lack of political will on the part of Members to make the Declaration a living reality. The strength or weakness of the United Nations depended on how far the body of its Members were willing to regard their obligations under the Charter as a collective responsibility and to realize that the existence of racism and racial discrimination in any part of the world affected their well-being just as it affected the mental and physical well-being of its victims, that it was inimical to the success of the United Nations and that it could ultimately destroy it. In that connexion, the Minister for Foreign Affairs of Guyana had observed in the General Assembly (2127th plenary meeting) that "it is a mistake for any to believe that the United Nations can for long retain credibility and integrity . . . while condemned to a state of inertia in important areas of international concern". The programme for the Decade provided an opportunity to throw off inertia and to make resolute and swift progress towards the desired goal.

10. Finally, he observed that in the introduction to the report on the work of the Organization (A/9001/Add.1), the Secretary-General had called on Member States to examine "their own attitudes, their assumptions, their goals and their machinery". At the end of the Decade for Action to Combat Racism and Racial Discrimination, it would be possible to determine how deep had been the soul-searching, how strong the commitment to the eradication of racial discrimination and racism, and how strong the will to succeed.

11. Mrs. RANA (Nepal) said that the report of the Secretary-General (A/9094 and Corr.1 and Add.1) brought out the fact that the time had come to take concrete action rather than merely adopting resolutions and declarations. Although Nepal had never been under the sway of any colonial Power, and the concept of racism and racial discrimination was unknown in the history of the country, the Government of Nepal had always opposed the policies and practices of colonialism and racial discrimination. That being the case, it was ready to support or take the necessary action to combat those evils. However, racial discrimination could not be eliminated solely through laws or State or international instruments. It was necessary to create a suitable socio-cultural environment. In that connexion, her delegation welcomed Economic and Social Council resolution 1782 (LIV) relating to activities of non-governmental organizations to combat racism and racial discrimination, adopted on the recommendation of the Commission on Human Rights in its resolution 2 (XXIX),¹ and Economic and Social Council resolution

1783 (LIV) relating to the role of non-governmental organizations in the programme for the Decade for Action to Combat Racism and Racial Discrimination, which was the product of a Pakistani initiative in the Social Committee. The role of the non-governmental organizations in the Decade was of vital importance in the fight against all forms and manifestations of racial discrimination.

12. There were two types of discrimination in the world, namely, *de facto* and *de jure* discrimination, and both were equally dangerous. Regrettably, there were still many countries where women did not have equal voting rights or equal access to important posts. In that connexion, her delegation was pleased by the appointment of Mrs. Helvi Sipilä to the post of Assistant Secretary-General for Social Development and Humanitarian Affairs. With regard to *de facto* discrimination, it was necessary to use instruments which could change public opinion and put pressure on the reactionary sectors of society and on racist régimes. In that field, national and international non-governmental organizations should be encouraged to take an active part in combating racism and racial discrimination and they should be given the means and encouragement to organize seminars, conferences and clubs relating to that matter in various regions. Relevant publications in all national languages would also be very useful.

13. Her delegation condemned the policy of *apartheid* and all other forms of racial discrimination which existed in South Africa, Southern Rhodesia, Mozambique, Angola and Guinea-Bissau and urged the United Nations, during the observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights and the launching of the Decade for Action to Combat Racism and Racial Discrimination, to take serious action against those Member States which had so far failed to comply with Security Council resolution 181 (1963) on the arms embargo and economic co-operation with the *apartheid* régime.

14. Her delegation supported the draft programme for the Decade and her Government was determined to take any action which the United Nations considered necessary to combat racism and racial discrimination and make the Decade a great success.

15. Mr. PETHERBRIDGE (Australia) said that, since its establishment, the United Nations had been concerned with racial discrimination and human rights and would continue to be so concerned. However, no sooner had discrimination in one form been defined and outlawed than it appeared in another form. There was an infinite variety of discriminatory practices which would require constant and persistent attention. His delegation therefore supported the idea of a 10-year effort to unmask and combat racial discrimination in all its manifestations. In Australia, 1971 had been devoted to that cause and the results had been very useful. His Government had begun to take a series of preliminary steps to ensure a good start to the Decade and it was aware of the need to take consistent action both at the international and national levels.

16. Thus, when celebrating the International Day for the Elimination of Racial Discrimination on 10 March, his Government had reaffirmed its intention to ratify the International Convention on the Elimination of All Forms of Racial Discrimination as soon as the necessary legislative and other types of measures had been

¹ See *Official Records of the Economic and Social Council, Fifty-fourth Session, Supplement No. 6, chap. XX.*

completed. It had also signed the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights as a first step towards their ratification, and had ratified several ILO Conventions. In doing so, it had found it necessary to look for elements in its legislation which might be of a discriminatory nature or contravene the spirit of the Conventions. Such a task took time, but it showed that Australia did not ratify those Conventions lightly and that, when it did so, it intended to implement them fully. For example, the Convention on Discrimination required positive legislation against discriminatory practices and, to that end, methods of detecting such practices must be sought. There was no place in that process for negative action or for seeking refuge in narrow interpretations of the Conventions in order to prolong limitations on rights. The Decade must be launched as openly as possible for the ultimate elimination of discrimination and the full development of human rights.

17. Mr. CATO (Ghana) said that his Government's attitude towards racism and racial discrimination had been consistent and unambiguous. *Apartheid*, in particular, was so cruel that it must be fought by every means possible. Because *apartheid* was cruel, Ghana had never had any relations with the Republic of South Africa and it was for that reason that it would have hoped that other countries would sever their relations with that Government. The situation of the black population and other minority groups in South Africa, Namibia, Southern Rhodesia and the so-called Portuguese Territories had shown no improvement since the preceding session of the General Assembly. *Apartheid* was becoming increasingly callous and vicious and colonial repression was being intensified despite the persistent appeals of the international community. He hoped that, in view of the unanimity of feeling of the speakers who had preceded him, the Committee's discussions would be successful and that the programme for the Decade for Action to Combat Racism and Racial Discrimination (A/9094 and Corr.1, annex I) would be approved, thus striking another blow against the last outposts of *apartheid* and racial discrimination.

18. His delegation supported the draft programme for the Decade and, in order to avoid differences of opinion, was prepared to accept the suggestion made by other delegations to entrust to the Social Committee of the Economic and Social Council the responsibility for co-ordinating the programmes and evaluating the activities of the Decade. Actually, it had supported the proposal that the General Assembly should appoint a special committee to carry out those important functions and it hoped that, if it was decided to entrust those functions to the Economic and Social Council, the programme would receive the same amount of attention as it would have received had a special committee been established for that purpose.

19. The question of the proposed conference appeared to have been resolved. Although his delegation knew that it was necessary to economize on United Nations spending, that should not be done at the expense of such a crucial issue as drawing attention to racism and racial discrimination. A conference held in the middle of the Decade would make it possible to renew faith in the programme and adopt measures which might be necessary to remedy its shortcomings,

in accordance with its letter and spirit. The conference would be useful to the extent that the participants wished it to be. Ghana was prepared to ensure its success and invited other countries to make a similar pledge.

20. His delegation attached equal importance to the proposal to establish a fund to assist the victims of racial discrimination (*ibid.*, annex I, para. 17). The references which had been made to similar funds did not lessen the need for all to manifest their support for such victims in concrete terms. If the fund was entirely eliminated from the programme, it might deprive the Decade of an essential feature of its strategy. Support for those who were yearning for a life of dignity and equality should not be limited to mere condemnations and the adoption of resolutions; the material assistance offered should be considered as an invaluable weapon.

21. The fight against racist practices was a world problem which required universal attention. All Governments must play a role in the success of the Decade, as must the international organizations. In that connexion, his delegation noted with satisfaction the initiatives already taken by a number of non-governmental organizations for the cause of peace and racial harmony and expressed its support for the suggestions of the Committee of Non-Governmental Organizations on Human Rights (*ibid.*, annex III). In particular, it attached great importance to the value of education in the programme, since, like the representative of Finland (see 1981st meeting), it believed that the roots of discrimination existed in the human mind and must be attacked there.

22. The main obstacle continued to be the lack of political will and the non-implementation of relevant recommendations and programmes. His delegation therefore urged all Governments to legislate against all forms of anti-social behaviour during the Decade. Similarly, Governments must withhold assistance and support from countries which practised racial discrimination. Ghana desired peace in Africa, as well as in all corners of the world, but would spare no effort in the fight to ensure the creation in southern Africa of multi-racial societies in which every man, irrespective of his origin, race, colour or creed, would enjoy the same human dignity, rights, privileges, and equal opportunities and responsibilities with justice, peace and liberty. His delegation believed that all the members of the Committee shared that goal.

23. Mr. VARGA (Hungary) said that all forms and manifestations of racial discrimination were alien to the socialist system of Hungary. In accordance with the principles of its anti-imperialist and anti-colonialist foreign policy and in compliance with the relevant United Nations resolutions, his Government was giving moral and material support to the peoples and liberation movements fighting to obtain their national independence and fundamental freedoms. Hungary welcomed the launching of the Decade for Action to Combat Racism and Racial Discrimination in the belief that the Decade would offer a new opportunity for intensifying and making more effective the long and hard fight to eradicate all forms of racism. The need to intensify the fight against racism and its most vicious form, *apartheid*, on an international scale was also clear from the fact that the racist and colonialist Governments went to extremes in using the cruelest means possible in order

to maintain and prolong their rule. Progressive world opinion had been shocked by the news of the Carletonville massacre, in which several African mine workers had lost their lives. The Decade should be made an effective demonstration of the forces fighting against racism and, along with the adoption of concrete measures, should keep international public opinion constantly informed of the cruel and inhuman policies of the racist and colonialist Governments and should point to the responsibility of those who aided those régimes.

24. His delegation was of the opinion that the programme for the Decade, which had been discussed in detail in various United Nations bodies, was an appropriate basis for long-range, concentrated, internationally co-ordinated action aimed at the final elimination of all forms of racial discrimination. It attached special importance to some of the measures and objectives provided for in the programme. First, there were those which aimed at halting all assistance to the racist Governments. The cessation of economic and military aid to the racist and colonialist régimes was of fundamental importance for the success of the fight against racism. As was commonly known, it was the manifold assistance provided by certain Governments, in flagrant violation of United Nations resolutions, which made it possible for the South African and Rhodesian régimes to pursue their racist policies and practices. Those régimes, conscious of the support of some imperialist Governments, defiantly ignored United Nations resolutions on the matter.

25. His delegation resolutely supported paragraph 13 (g) of the draft programme, which related to the adoption of new international instruments regarding the crime of *apartheid* and the elimination of racial discrimination in all its forms. In that connexion, it was necessary that the draft Convention on the Suppression and Punishment of the Crime of *Apartheid* (A/9095, annex), which was the subject of item 53 (b), should be adopted without delay. His delegation also attached great importance to paragraph 13 (e) of the draft programme, which related to the support to be given to liberation movements and Governments struggling against colonialism and racism. He welcomed the active involvement of non-governmental organizations in the international struggle for the liquidation of the colonial system and all forms of racial discrimination. The participation of such organizations in the implementation of the programme in the Decade could increase its effectiveness.

26. Finally, he thought that the question of holding a world conference should be carefully considered so as to determine whether the probable results would justify the cost involved and whether it would not be more advisable to spend the money required for the conference on educational and assistance programmes of action against racism. Moreover, he felt that instead of establishing a new committee, existing United Nations organs—in particular the Economic and Social Council—should be entrusted with the task of co-ordinating and appraising the programme for the Decade.

27. Mr. BROMMELAND (Norway) said that the Government and people of Norway were firmly opposed to all forms and manifestations of racial discrimination and had consistently given their support to all United Nations instruments and decisions aimed at

eradicating racial discrimination and racism as well as to the victims of such practices, including refugees. His delegation endorsed the programme for the Decade for Action to Combat Racism and Racial Discrimination and expressed the hope that it would be adopted by a substantial majority, which was essential to the effective implementation of the programme.

28. The illusion of racial superiority thrived on prejudice and ignorance, and that was why his delegation laid special stress on the importance of the recommendations contained in paragraph 12 of the programme concerning measures to be taken at the national level for the purpose of educating and informing the public, continuously and systematically, in a spirit of respect for human rights, and in particular against all policies, practices and manifestations of racism and racial discrimination. Such action should be given priority from the very beginning of the Decade. He also endorsed the idea of an action-oriented world conference on combating racism and racial discrimination, proposed in paragraph 13 of the programme, which would highlight the goals and objectives of the Decade.

29. It was necessary to support the victims of racial discrimination and *apartheid* for basic humanitarian reasons. However, he questioned the proposal in paragraph 17 of the draft programme to establish a new international fund to assist the victims of racial discrimination and *apartheid*. His Government was already contributing to existing funds, and while it considered that both the United Nations Trust Fund for South Africa and the United Nations Educational and Training Programme for Southern Africa were indispensable, it had some doubt about the advisability of establishing another international fund of that kind.

30. As had already been pointed out in the Commission on Human Rights, the main elements of the programme for the Decade—information, co-ordinated action and assistance—also constituted the main items of the report of the International Conference of Experts for the Support of Victims of Colonialism and *Apartheid* in Southern Africa, held at Oslo in April 1973. His delegation felt that it would be very useful to consider the ideas put forward at that Conference when the Decade for Action to Combat Racism and Racial Discrimination came up for review and appraisal.

31. The Norwegian Government considered especially worthy of attention the efforts being made by the United Nations to provide a legal basis for the struggle against racial discrimination. In that connexion, the International Convention on the Elimination of All Forms of Racial Discrimination was of particular importance. He noted with satisfaction that 75 States had already become parties to the Convention and expressed the hope that the forthcoming twenty-fifth anniversary of the Universal Declaration of Human Rights would provide an incentive to accelerate the ratification process not only of the Convention but also of the International Covenants on Human Rights.

32. Mr. BENMEHAL (Algeria) said that the Algerian people, which had itself suffered the effects of racism and exploitation, could not remain indifferent to the injustices and the organized, planned massacres being visited upon the African peoples by the fanatical followers of Caetano, Vorster and Ian Smith. At a time when the international community was preparing for a solemn observance of the twenty-fifth anniversary of

the Universal Declaration of Human Rights, the Portuguese colonialists were coldbloodedly killing defenceless people in Mozambique. In Rhodesia and South Africa, trade union rights were being flouted and African workers murdered under a system of racist and protectionist laws which ran counter to the universally recognized labour legislation defined and codified by the ILO. In Palestine, the settlement policy of the Zionist régime, which refused to apply the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 and was seeking to change the character of the occupied territories, was also discriminatory and racist, since it was based on the claim to be a chosen people. It was, moreover, identical with the situation prevailing in Africa, and it was significant that the Zionists and segregationists resorted to the same methods of domination and exploitation, because in the final analysis they responded to the same requirements of a world-wide imperialist strategy.

33. The Oslo Conference, which reflected honour on the Government and people of Norway, had represented a new effort to accelerate the search for a solution to the serious problems of southern Africa and the entire African continent.

34. It had rightly been pointed out at the Conference that the Western countries belonging to the North Atlantic Treaty Organization were continuing to carry on a flourishing trade in advanced weapons with the racist régimes.

35. Algeria, which had ratified the International Convention on the Elimination of All Forms of Racial Discrimination and had outlawed racism throughout its national territory, endorsed the main lines of the programme for the Decade for Action to Combat Racism and Racial Discrimination and considered that the convening of a conference at mid-Decade would be essential to the success of the programme. Moreover, in view of the importance of the programme's objectives, he considered it indispensable to establish a special committee responsible for co-ordinating, appraising and preparing for the conference.

36. On the tenth anniversary of the Organization of African Unity (OAU), the African Heads of State, meeting at Addis Ababa, had once again drawn the attention of the world community to the threat to international peace and security posed by the racist régimes and the countries which continued to support them. The Heads of State and Government attending the Fourth Conference of Non-Aligned Countries at Algiers, in September 1973, had issued a solemn declaration in which they pledged to take all possible action at both the national and the international levels to isolate the racist régimes and called for the immediate implementation of the relevant United Nations resolutions.

37. The continued defiance of the international community by the racist minority régimes in Africa was a further reason why that community should make an effective contribution to the success of the Decade for Action to Combat Racial Discrimination. It should support the struggle of the national anti-apartheid committees and give the widest publicity to the evils of racism and apartheid.

38. Mr. PELLICER (Mexico) said that his country strongly condemned racial discrimination in any form;

its stand on the matter reflected not only a fundamental spirit of human solidarity but also the Mexican people's own historical experience. It accordingly supported all measures designed to promote respect for and ensure observance of human rights in conformity with the principles set out in the Universal Declaration of Human Rights and in the Mexican Constitution.

39. His delegation therefore hoped that the programme for the Decade for Action to Combat Racism and Racial Discrimination would help to bring about the complete elimination of such inhuman practices, even though it deplored that it was necessary in the middle of the twentieth century to draw up such long-term programmes to eradicate evils which, with goodwill and respect for human dignity, could be made to disappear immediately.

40. With regard to the proposed establishment of a special committee for co-ordination and review and appraisal of the Decade, his delegation considered that that responsibility should be given to one of the existing United Nations bodies in order to avoid duplication and the delay that the establishment of a new committee would entail. It would be helpful if the Secretariat presented a comparative table showing how the implications would differ as between the establishment of the proposed new body and merely assigning additional functions to an existing body.

41. His delegation considered that the functions of the world conference on combating racism and racial discrimination to be convened not later than 1978 should include the review and appraisal of activities under the programme for the Decade and also the proposal or adoption, as the case might be, of any further measures found necessary for implementation of the programme.

42. Miss PRODJOLALITO (Indonesia) said that although the United Nations had been concerned with the problem of discrimination since its inception, it had been unsuccessful in upholding the dignity and worth of the human person, and policies of racism and racial discrimination continued to exist and to threaten the peace and well-being of mankind. Most countries and peoples of the world declared that they were dedicated to eradicating racism, but if all those countries believed that to be true then the rhetoric should stop and action should be taken to alleviate the problem by the implementation of the many resolutions and pronouncements that had already been made.

43. Indonesia had been spared the ill-effects of that social problem, and its experience might serve as a model for other developing countries. There were many religions, regional languages and ethnic groups in Indonesia, but for the sake of self-preservation and survival as a country, each group had developed and practised tolerance for the others. Through education, Indonesia maintained national unity and identity to ensure the stability of the country as a whole by stressing the positive interests shared by all the groups. Indonesia's history showed that imperialism had been the cause of racial discrimination. The colonialists had tried to disrupt Indonesian culture and national identity by provoking conflicts between different ethnic groups in order to weaken national unity. Through that subterfuge, they had been able to exploit the country's resources. That trend had been reversed when Indonesia attained independence, because as a result of

nationalism and education the groups had ceased fighting and were encouraged to build a better nation.

44. Her delegation had always been firm in its belief that racial discrimination must be eradicated. In line with that policy Indonesia had made contributions to the United Nations Trust Fund for South Africa, the United Nations Educational and Training Programme for Southern Africa and the United Nations Fund for Namibia, and, recently, to the Liberation Committee of OAU. It had also participated actively in the United Nations Council for Namibia and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

45. With regard to the draft programme for the Decade for Action to Combat Racism and Racial Discrimination (A/9094 and Corr.1, annex I), her delegation wished to restate the results of the research done by UNESCO in which it had been shown that the definition of race and how it operated was not the same in all societies. Consequently, since few countries in the world had a homogeneous society, the measures to combat racial discrimination must be adapted to the particular configuration of each society.

46. Indonesia approved of the policy measures on the national level, particularly those mentioned in paragraph 12 (a) (vii) referring to the ratification of or accession to the International Convention on the Elimination of All Forms of Racial Discrimination by States which had not already done so. It also supported the measures proposed in paragraph 12 (a) (iv) on the granting of scholarships to the youth of territories where racial discrimination prevailed and in paragraph 12 (a) (vi) for "the wide publicizing of the contents of this programme by Governments and all institutions concerned". In addition, it was in agreement with the provisions of paragraphs 16 (a) and (b), on the education and training of children in order to eliminate the practice of racial discrimination. Her delegation believed that education was the best tool for giving the younger generations a better understanding and tolerance for all peoples of the world.

47. At the regional and international levels the measures mentioned in paragraph 13 of the draft programme merited consideration, especially those referring to seminars which would be held in line with the goals of the programme and the suggested world conference on combating racism and racial discrimination.

48. The fight against racism and racial discrimination would require a methodical and concentrated attack on the causes of inequality. The causes and the methods would differ from society to society and each country must seek its own answer based on its historical experience. Her delegation hoped that the implementation of the programme for the Decade would build a future in which all mankind would enjoy fundamental rights and all nations, large and small, would understand and cherish the dignity and worth of the human person.

49. Mr. AZIZ (International Labour Organisation), speaking at the invitation of the Chairman, said he believed that the ILO had a major and fundamental role to play in contributing to the programme for the Decade for Action to Combat Racism and Racial Discrimination. In a general way, most of the suggestions made in the programme were completely in line with ILO policy

as defined by the Conference and Governing Body. Many of the activities would in fact be undertaken, subject of course to decisions by the Governing Body and other appropriate organs of the ILO. Furthermore, the ILO would keep the programme under constant review with a view to contributing its utmost at all stages.

50. With regard to the world conference on combating racism and racial discrimination referred to in paragraph 13 (a) of the draft programme, the ILO would naturally be prepared to participate fully and actively and to submit a paper to it if that was thought desirable. With regard to the adoption of new international instruments on the elimination of racial discrimination, referred to in paragraph 13 (g), the Governing Body had placed the question of migrant workers on the agenda of the fifty-ninth session of the International Labour Conference, to be held in 1974, and it was hoped that that would lead, in 1975, to the adoption of a number of international instruments.

51. In the area of discrimination in employment, the ILO's basic standard was the Discrimination (Employment and Occupation) Convention,² adopted in 1958 and now ratified by 82 countries. Those countries were required by the Constitution to submit reports on the application of the instrument which were subject to scrutiny by the ILO Committee of Experts on the Application of Conventions and Recommendations and by a tripartite Committee of the Annual Conference. Special surveys on the application of the provisions of the Convention had been carried out by the ILO Committee of Experts, covering countries which had ratified it as well as those which had not ratified it, in 1963 and 1971. It might be possible to undertake another similar survey during the Decade, the results of which would of course be published, as those of the previous surveys had been. The ILO also proposed to continue its work on the dissemination of information on national policies designed to eliminate discrimination in employment, through the publication of studies in the *International Labour Review* and other publications. It would also continue its special studies on countries where problems in that field existed.

52. The Governing Body had also decided at its session in November 1972, to inform member States generally of the possibility of special surveys on national situations and how those could be used to their advantage; and to examine the effect to be given to any request for a special survey submitted by a member State, or a workers' or employers' organization, on specific questions of concern to them and, if the Government concerned agreed to such a survey, to settle the arrangements for carrying it out in agreement with the Government, subject to the safeguards required for the purpose of the survey, it being understood also that when any such survey was carried out the employers' and workers' organizations concerned would be consulted.

53. Paragraph 13 (b) of the draft programme envisaged the convening of international and regional seminars, conferences and other activities. The ILO intended to continue its cycle of regional seminars on promoting equality of opportunity in employment and combating discrimination. With regard to paragraph 13

² International Labour Organisation, *Conventions and Recommendations, 1919-1966* (Geneva, 1966), Convention No. 111.

(g) of the draft programme, following the adoption of the Declaration concerning the Policy of *Apartheid* of the Republic of South Africa and the ILO Programme for the Elimination of *Apartheid* in Labour Matters in the Republic of South Africa by the International Labour Conference in 1964, the Director-General submitted an annual report to the Conference on the application of the Declaration. That activity would continue throughout the Decade.

54. With regard to measures concerning education, training and information, referred to in paragraph 16 of the draft programme, in 1968 the ILO had published, in several languages, a workers' education manual entitled *Fighting Discrimination in Employment and Occupation*. The ILO would, of course, be prepared to examine the possibility of furnishing texts, documents or other materials for incorporation in the United Nations documents or programmes. With regard to the suggestion contained in paragraph 17 of the draft programme that the General Assembly should establish an international fund on a voluntary basis to help the people's struggle against racial discrimination and

apartheid, the ILO agreed that the creation of such a fund would certainly be an asset and would help to finance activities not provided for under its regular budget. With regard to the annual reports mentioned in paragraph 18 (b), it should be noted that in fact the ILO already furnished an annual memorandum to the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

55. In conclusion he wished to mention that the ILO had always been willing to co-operate fully with the Committee on the Elimination of Racial Discrimination and looked forward with confidence to the further development of that working relationship during the Decade.

56. The CHAIRMAN suggested that as it was not yet 6 p.m. the informal working group should meet when the Committee rose in order to study the presentation of a draft resolution, and he urged the delegations to participate in the work of that group.

It was so decided.

The meeting rose at 5 p.m.

1984th meeting

Tuesday, 2 October 1973, at 3.15 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.1984

AGENDA ITEM 53

Elimination of all forms of racial discrimination (*continued*) (A/9003, chaps. XXIII, sect. A.1 and A.2 and XXX, sect. B; A/9094 and Corr.1 and Add.1, A/9095, A/9139, A/9177, A/C.3/L.1995):

(a) **Decade for Action to Combat Racism and Racial Discrimination (*continued*)** (A/9003, chaps. XXIII, sect. A.1 and XXX, sect. B; A/9094 and Corr.1 and Add.1, A/9177, A/C.3/L.1995)

GENERAL DEBATE (*continued*)

1. Mrs. MANDARA (United Republic of Tanzania) said that her country was in the vanguard of the struggle against racism, *apartheid* and racial discrimination and, as one of the countries behind the initiative, fully supported the idea of a Decade for Action to Combat Racism and Racial Discrimination. The United Republic of Tanzania would not rest until all traces of racial discrimination were eradicated from the African continent and the entire world. The first step it had taken as an independent country had been to abolish all colonial government policies based on race, such as the maintenance of separate schools, hospitals and public places for Africans, Asians and Europeans. The external service of Radio Tanzania, which had been started in 1962, devoted 8 of its 18 hours of daily broadcasting to the struggle against human injustice in the form in which it was practised in South Africa, Rhodesia, Namibia and the Portuguese colonies. Radio Tanzania broadcast in six African languages of the oppressed peoples of southern Africa, as well as English. The Minister for Foreign Affairs of the United Republic of Tanzania had

invited the information services of the United Nations to use the facilities of Radio Tanzania as a contribution of that country to the fight against racism. The Committee might wish to give that proposal favourable consideration with a view to strengthening the service with the co-operation of the United Nations. The offices of the liberation movements of the oppressed peoples of South Africa, Rhodesia, Namibia and the Portuguese colonies were situated in Dar es Salaam, the capital of the United Republic of Tanzania, and all the commemorative dates of the liberation movements were very actively celebrated in her country.

2. The resolutions and conventions which reflected the unceasing efforts of the United Nations were not enough to halt racism and racial discrimination. Member States and parties to the International Convention on the Elimination of All Forms of Racial Discrimination should address themselves to the problem of fighting racism; accordingly, a Decade for serious and concrete action was very welcome. It was to be hoped that by the end of the Decade racism and racial discrimination would have been diminished significantly, if not wiped out completely.

3. With regard to the special committee, to which reference was made in paragraph 18 (a) of the draft programme for the Decade (A/9094 and Corr.1, annex I), her delegation supported its establishment for the purpose of co-ordinating the programmes and evaluating activities during the Decade, and recommended that it should be a committee of experts.

4. While the United Nations tirelessly adopted resolutions and conventions against racism, *apartheid* and racial discrimination, some countries that were mem-

bers of the North Atlantic Treaty Organization (NATO) continued to give moral, material and military support to the racist régimes of South Africa, Rhodesia and Portugal, without which those régimes would not have been able to survive, let alone flout world opinion. Her delegation condemned such fraternization with the racists and appealed to those countries to serve humanity by refraining from giving any kind of support to the racists, in deeds as well as words. The Decade should be a decade of concrete action to combat racism and racial discrimination, in which the population of the world learned that all men were equal and that any action that conflicted with the equality of men was to be condemned and fought until justice and peace had been achieved.

5. Mrs. KARPENKO (Byelorussian Soviet Socialist Republic) said that the question of racial discrimination was one of the most important items on the Committee's agenda. The Byelorussian SSR supported all those who were fighting against racism and racial discrimination, a stand which derived from the principles on which the structure of the Soviet State was based. The racists were committing atrocious crimes, the most recent of which had been the assassination of Cabral and the destruction of an entire village in Mozambique, and those crimes must not go unpunished. At the same time, the responsibility must be shared by the member States of NATO which were giving open support to the colonialist régimes. At the International Trade Union Conference against *Apartheid*, held at Geneva in June 1973, 130 countries, representing 180 million inhabitants, had urged the United Nations to apply compulsory measures against South Africa. The International Conference of Experts for the Support of Victims of Colonialism and *Apartheid* in Southern Africa, held at Oslo in April 1973, had been attended by representatives of 62 countries and of the national liberation movements of Mozambique, Angola, Guinea-Bissau, Zimbabwe and Namibia, and the report of that Conference (see A/9061) contained very useful recommendations. Moreover, the Fourth Conference of Heads of State or Government of Non-Aligned Countries, held in Algeria in September, had devoted attention to the situation of those peoples and had emphasized the need for co-operation with those who opposed colonialism and neo-colonialism. Two weeks earlier, Guinea-Bissau had been proclaimed a Republic, and her delegation wished it success on the road to national and social progress.

6. The Byelorussian SSR did not share the pessimism expressed in paragraph 5 of the draft programme for the Decade, which spoke of "frustrations and disappointments", and she proposed that that passage should be deleted or replaced by the following wording: "The United Nations is convinced that international détente will help to consolidate and promote national, regional and international efforts to eliminate colonialism, *apartheid*, racism and racial discrimination."

7. On the other hand, her delegation fully supported the measures at the national, international and regional levels proposed in paragraph 12 and 13 of the draft programme. However, paragraph 12 (a) (i) contained the term "perpetuate", which was inappropriate. Accordingly, she proposed the following wording for that paragraph: "No support being given in the political,

economic, military, cultural or other fields to régimes which practise *apartheid*, racism and colonialism". Furthermore, with a view to broadening the scope of paragraph 10, she proposed the insertion after the words "religion and language," of the following words: "political or other opinion, national or social origin, personal fortune or social class".

8. With regard to the proposal, in paragraph 18, that a special committee should assume responsibility for the task of co-ordination and evaluation, she considered that that function could be entrusted to the Economic and Social Council, which would submit an annual report to the General Assembly on the matter and also serve as a preparatory committee for the 1978 conference.

9. Mr. KEITA (Guinea) said that his delegation attached great importance to the question under consideration. Its inclusion as a priority item in the agenda of the Third Committee demonstrated the concern of the entire international community over that problem, which was growing throughout the world despite the manifold efforts of the United Nations against racial discrimination. *Apartheid* had become a State political system in southern Africa, especially in South Africa and Rhodesia. Because of their colour, African workers and miners were murdered in those countries for requesting a decent and fair minimum wage. The Governments of South Africa and Portugal would have to answer to world opinion for their crime of genocide. A few months earlier, the world had learned with horror of the wave of racial repression unleashed against African workers in western Europe. In France, dozens of them had fallen victim to the knives or bullets of the racists. In view of that recrudescence of racial hatred, the Government of Guinea, which was a party to the International Convention on the Elimination of All Forms of Racial Discrimination and an active member of the Special Committee on *Apartheid*, could only welcome the Decade for Action to Combat Racism and Racial Discrimination.

10. Generally speaking, his delegation approved of the proposals in the draft programme for the Decade. Like other delegations, it wished to stress the need for the ratification and full implementation of the instruments and decisions of the United Nations. It supported the idea of holding a world conference, and thought that non-governmental organizations, which had an important part to play in the dissemination of information, should co-operate closely with the United Nations in the organization of that conference. Seminars organized jointly by the United Nations, the specialized agencies and non-governmental organizations would be decisive factors in the Decade. His delegation hoped that the Division of Human Rights would obtain the necessary financial resources to improve its efficiency in that sphere, which had been seriously hampered by a shortage of funds. He further suggested that the programme of the proposed special committee should come within the purview of the Special Committee on *Apartheid*, since it largely coincided with the latter's activities. In that way additional financial implications would be avoided and the effectiveness of existing programmes would be enhanced.

11. Mrs. BONENFANT (Canada) said that her country was in agreement with the aims and objectives of the draft programme for the Decade and supported the

measures outlined for achieving them, since they were specific enough to yield concrete results and general enough to ensure the flexibility of implementation required by the great economic, political, social and cultural diversity of the peoples that made up the United Nations. However, an attempt should be made to ensure that the flexibility of the programme did not encourage excessive disparity in the efforts of different countries to implement it.

12. Although the draft programme was very broad, it could not anticipate all eventualities that might arise during the Decade. Her delegation thought, therefore, that a review of the programme should be made after a few years, and might be timed to coincide with the world conference which, according to the draft, would be held half-way through the Decade. At the same time it was important to emphasize the continuing nature of the struggle against racism and racial discrimination in all its forms.

13. The draft programme said little about the efforts already deployed by the specialized agencies, particularly the ILO and UNESCO, and her delegation considered that the General Assembly should invite those agencies to participate more actively in the preparations for the Decade.

14. The programme for the Decade was already being implemented in Canada, where it had aroused keen interest. Many of the proposed national measures had already been covered by legislation or administrative decisions. In the socio-economic, cultural and political field, Canada had, in 1970, ratified the international Convention on the Elimination of All Forms of Racial Discrimination, and the Federal Government had adopted the Canadian Bill of Rights and the Fair Employment Practices Statute and had prohibited hate propaganda. In addition, all the Canadian provinces and the two territories had passed anti-discrimination laws, particularly in the areas of employment, housing and public services. Most of the provinces had also set up human rights commissions that were responsible for supervising the implementation of such laws and, in general, for elaborating information, education and research programmes.

15. Mention should also be made of other positive activities designed to foster better understanding between the diverse groups that made up the Canadian mosaic. Those included programmes stressing the wealth of racial and cultural diversity and the values of the various groups of the population. In her delegation's view, the draft programme for the Decade did not attribute sufficient importance to that kind of positive action or to the role of research. In that connexion, priority attention should be given to the proposal to include the subject of human rights in teaching programmes. At the same time, information media should be utilized to the full in order to educate the public, and it would be advisable to encourage research on the effect of communications media on the spread of prejudice and the development of discriminatory attitudes and to take appropriate action on the basis of those findings.

16. With regard to the holding of seminars, conferences and other similar activities, her delegation believed that they should always have a practical orientation. Meetings might be organized to enable Member

States to exchange experience and agree on arrangements for concerted action. The programme for the Decade should also provide for exchanges between nationals of Member States; the possibility of such exchanges was not mentioned in the draft programme, although it offered considerable opportunities for better understanding and greater co-operation between nations.

17. Furthermore, while steps should be taken to ensure the widest possible dissemination of the results of research and study, every effort should be made to avoid the duplication or proliferation of reports to be submitted by Member States either to the United Nations or to the specialized agencies. Her delegation also suggested that a periodical bulletin on measures taken at all levels during the Decade should be distributed to Member States.

18. The Decade was geared mainly to one area of the Universal Declaration of Human Rights, namely the elimination of racism and racial discrimination. Canada was concerned over the possibility that other forms of discrimination, especially discrimination on the grounds of sex, religion and social origin, would not be accorded due attention during the following 10 years. It was important that all forms of discrimination as defined by the Universal Declaration should be combated by Member States.

19. Miss ILIĆ (Yugoslavia) observed that her delegation had already expressed its support for the draft programme for the Decade for Action to Combat Racism and Racial Discrimination (A/9094 and Corr.1, annex I), and had only a few comments to make on the salient points of the programme. With regard to co-ordination machinery, referred to in paragraph 18 of the draft, she believed that the Economic and Social Council should be entrusted with the task of co-ordinating activities during the Decade. If the majority of the Committee's members felt that, because of the importance of that task, the Social Committee of the Council should meet as a special committee, her delegation would support that idea.

20. With regard to the international fund, proposed in paragraph 17, her delegation was of the opinion that the essence of United Nations action for the eradication of colonialism and racism lay in extending all possible political and material assistance to the liberation movements, as the sole and authentic representatives of their peoples. Accordingly, it supported that proposal in the draft programme. Her delegation also supported the convening of a world conference, as proposed in paragraph 13 (a) of the programme, which could also undertake a mid-Decade review and appraisal.

21. The other activities proposed in the draft programme warranted equal support, particularly the activities designed to secure maximum publicity for the Decade at the national, regional and international levels—a goal that was essential to its success. The unanimous adoption of the proposed programme for the Decade and its prompt implementation would contribute substantially to the eradication of the evils and inhuman policies and practices of racial discrimination.

22. Mr. MIKOLAJ (Czechoslovakia) said that Czechoslovakia had always been in the vanguard of the fight against racism, and had always provided moral

and material assistance to the peoples struggling against oppression and racist and colonialist régimes; it also maintained no diplomatic, trade, cultural or other relations with the racist régimes of South Africa and Southern Rhodesia. The Czechoslovak educational system eliminated anything that might lead to racism, racial prejudice or racial discrimination; cultural exchanges, visits by young people, sportsmen and foreign students, and study courses for nationals of Asian, African and Latin American countries had become a regular custom in Czechoslovakia. The information media had always attached great importance to the struggle of the peoples against racial discrimination, racism and racial prejudice—concepts which were completely alien to the Czechoslovak people, who naturally opposed them, having been subjected to racist ideology and the practices of fascism during the Second World War.

23. With regard to the draft programme for the Decade, his delegation considered it unnecessary to establish a new committee, as was proposed in paragraph 18. In its view, it would be much more effective to use the organs which had already been established. Moreover, the financial implications stated in document A/C.3/L.1995 could not be disregarded.

24. Mr. ROUX (Belgium) said he shared the views on the defence and protection of human rights expressed by Mr. Morris Abram, former United States representative in the Commission on Human Rights and President of Brandeis University, in an article published in the January 1969 issue of *Foreign Affairs*. In that article, Mr. Abram observed, *inter alia*, that member nations must come closer to one another in terms of their human rights values, and must take more seriously their paper commitments. That meant, for the West, more conscientious co-operation in solving the economic problems of the poorer nations, and in helping them to develop their economies and raise their living standards, and more committed co-operation with efforts to end the vestigial colonialism in southern Africa. For the communist nations and many nations of Africa and Asia, it meant greater acceptance of the civil and political freedoms of traditional concern to the West. If catastrophe was to be averted, the domestic and foreign policies of all the Western nations must give top priority to the elimination of white racism, both inside and outside their borders; that goal must be pursued on a continuing, long-range basis, and not merely as a reaction to individual crises. At the same time, the non-white nations must recognize that decolonization and the eradication of *apartheid* in Africa were not the only human rights issues meriting world attention. They must be prepared to give ear to other problems in other lands which concerned deprivations of human rights and also to broaden their concept of discrimination to encompass more than racial issues alone. The Decade for Action to Combat Racism and Racial Discrimination appeared to correspond to the ideas expressed by Mr. Abram.

25. His delegation believed that racism and racial discrimination were the phenomena that could do the greatest damage to the democratic principles which the Western countries professed to apply. It would be recalled that racism and racial discrimination had been among the major causes of the Second World War. Moreover, it should be recognized that racism and racial discrimination did not always elicit the same indignation and were not always as severely castigated as

violations of other human rights. In most cases, manifestations of racial discrimination only sparked off sporadic protests. The adoption of more effective anti-racist legislation was thus important, but not sufficient. It was also necessary to ensure that customs did not hamper the application of laws. In that respect, the private associations and non-governmental organizations that were fighting against the various manifestations of racism were rendering society an irreplaceable service by seeking to ensure that attitudes, customs and usage were brought into line with the law, which would otherwise remain a dead letter. Such private organizations encouraged, prompted and induced the public authorities to safeguard non-economic interests, particularly in the case of racial justice and equality.

26. With regard to the draft programme for the Decade (A/9094 and Corr.1, annex I), his delegation attached special importance to two issues. Firstly, it was essential for public opinion to be made more aware of the malignant and destructive nature of racism. For that reason, he wished to draw particular attention to paragraphs 12 (b) and (c), which related to school curricula and the use of available media of information to educate the public in respect for human rights and, in particular, against all policies, practices and manifestations of racism and racial discrimination. In that connexion, the importance of paragraph 16, dealing with education, training and information within the United Nations system, should also be emphasized. Secondly, paragraph 12 (a) (iii) was of great significance for the more effective application of human rights through the establishment of recourse procedures to be invoked against any acts of racial discrimination. In that connexion, the United Kingdom delegation's suggestion made at the 1982nd meeting, regarding the establishment of more effective conciliation procedures was interesting.

27. On the other hand, the adoption of new international instruments, as proposed in paragraph 13 (g), did not seem to him to be a convincing way of guaranteeing the elimination of racial discrimination and racism. There were already many international conventions in existence, and the main problem was to see how they could be effectively applied.

28. In view of the important role that had been played by the non-governmental organizations in the struggle against racism and racial discrimination, his delegation would like consideration to be given to paragraphs 2, 3, 4 and 5 of the suggestions made by the Committee of Non-Governmental Organizations on Human Rights (*ibid.*, annex III). The purpose of those suggestions was to make specific provision in the text of the draft programme for the co-operation of the international non-governmental organizations.

29. Referring to the main questions considered by the informal working group, his delegation was of the opinion, firstly, that it would perhaps have been more logical and appropriate if, in the interest of clarity, the definition of racial discrimination given in article 1, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination had been included in the programme for the Decade. Secondly, it had been greatly impressed by the French delegation's objection, raised at the 1981st meeting, to the holding of a world conference on action against racism and racial discrimination. However, if it was decided, in spite of such objections to hold the confer-

ence, careful attention should be given to preparing for it, and its theme and scope should be clearly defined. His delegation would be in favour of the theme suggested by the United Kingdom concerning ways and means of eliminating racial discrimination.

30. As far as the machinery for co-ordination and appraisal of the programme for the Decade was concerned, he wondered whether it was necessary to set up a new special committee or whether its functions might not be entrusted to the Social Committee of the Economic and Social Council. Adoption of the second solution would avoid a proliferation of organs and unnecessary expenditure. However, it was important to consider whether it was really possible to be sure that the Social Committee would have sufficient time to carry out the task described in paragraph 18 of the programme. If it would not, or if there was any doubt as to whether it would, considerations of economy should not prevent the establishment of such an organ, even taking into account the financial situation of the United Nations. According to the annex to the note by the Secretary-General¹ to the fourteenth session of the Committee for Programme and Co-ordination, which contained a summary of the 1974-1975 programme budget for economic, social and human rights activities, the expenditures on human rights activities showed the smallest increase in 1974 and 1975. Of the total resources of the United Nations regular budget for 1974—approximately \$253 million—the sum of \$1.8 million was allocated to human rights. In 1975, the difference was even more appreciable. It was therefore not demagogic to recommend the establishment of a special committee for the Decade if it was really justified.

31. Mr. SÖYLEMEZ (Turkey) said that the Government of Turkey had supported the principle of the Decade for Action to Combat Racism and Racial Discrimination, set forth in General Assembly resolution 2919 (XXVII), and was fully convinced of the usefulness of the programme. The draft programme for the Decade (A/9094 and Corr.1, annex I) was imaginative and pragmatic, and his delegation found it acceptable in its general outlines, although there was room for improvement. The recommendations and suggestions regarding the programme (*ibid.*, annexes II and III) should be carefully examined with a view to including some of the useful provisions.

32. The Government of Turkey would do everything possible to translate the provisions of the draft programme into reality. At the national level, the Turkish Minister for Foreign Affairs had the previous year signed the International Convention on the Elimination of All Forms of Racial Discrimination and, following the general elections which were to be held in the current month, the Turkish Parliament would be in a position to ratify that Convention. In the context of international measures, Turkey had never supported the Government of South Africa or the illegal minority régime in Southern Rhodesia. It should be pointed out that the Constitution of Turkey of 1960 was among the most advanced Constitutions in the world as far as human rights were concerned. Racial discrimination and the dissemination of ideas based on racial superiority and hatred were offences punishable under the Turkish Criminal Code.

33. Moreover, Turkey had made symbolic modest contributions to the United Nations Educational and Training Programme for Southern Africa in the past and would continue to do so, as it believed in the usefulness of that Programme. In the Turkish educational system, which was practically free from the elementary level to the university level, there was no discrimination of any kind. During the Decade the curricula for children and youth would include the study of human rights and the equality of all human beings. Furthermore, the evils of racial discrimination and *apartheid* would be constantly emphasized.

34. Turkey was ready to support and participate in a world conference on action to combat racism and racial discrimination. Such a conference should be a major feature of the Decade. Turkey had participated in the International Conference of Experts for the Support of Victims of Colonialism and *Apartheid* in Southern Africa, and considered that a similar conference on a larger scale would unquestionably serve to promote a better understanding of the Decade for Action to Combat Racism and Racial Discrimination and to publicize it more widely. There was no doubt that the ultimate success of the Decade would depend on the full adherence of the membership to the universal observance of human rights without distinction as to a race, colour, descent or origin, and on the vigour and degree of co-operation with which action was taken by Governments.

35. In the opinion of his delegation, the activities during the Decade would have to be financed from the regular budget of the United Nations, as voluntary contributions could not usually be counted on. The co-ordination of those activities should be the most important practical aspect of the programme. Among the various alternatives, his delegation would be willing to support any proposal which made use of the existing organs of the United Nations, such as the Commission on Human Rights or the Economic and Social Council. The establishment of a new and independent committee for that purpose would only contribute to the proliferation of organs and the duplication of activities in the United Nations.

36. Mr. BRUNO (Uruguay) said he wished to state once again that, because of Uruguay's traditions and positive law, its attitude was one of opposition to any form of racial discrimination. Uruguay had been the first country to make the declaration provided for in article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination recognizing the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from those claiming to be victims of racial discrimination. Although there was no place for racial discrimination in Uruguay because of the country's history and its positive law, his delegation understood the problems which other countries might face in that connexion because of their traditions, their social environment, their history, or other factors, and it felt that the international community could not be indifferent to the question of whether those practices which violated fundamental human rights were declining or spreading, or to the absence of a trend towards the elimination of all possible forms of racial discrimination. The adoption of international standards for the abolition of racially discriminatory practices or any acts

¹ E/AC.51/70.

injurious to human rights was always a matter of high priority in Uruguay. In keeping with its position in the past, Uruguay had supported in the Committee all initiatives aimed at strengthening the impact of the Decade for Action to Combat Racism and Racial Discrimination.

37. In Uruguay, there was absolutely no racial discrimination, either in its legislation or as a tolerated or permitted practice. Uruguay's legislation and positive law embodied very liberal principles, such as freedom to enter the country and the right of aliens to vote, without discrimination on grounds of sex, race or religion. Consequently, Uruguay wished to reaffirm once more its desire to contribute, to the full extent of its means and resources, to the elimination of all forms of racial discrimination wherever they existed. There were still frequent infringements of human rights in the modern world and many other forms of discrimination on grounds of ideology, politics, religion or other factors, but no form of discrimination was more odious or reprehensible than that based on the colour of a person's skin.

38. Mrs. DE BARISH (Costa Rica) reaffirmed her country's vigorous rejection of discriminatory theories and practices. In general, she supported the draft programme for the Decade and she felt it very appropriate that it had been included as the first item on the Committee's agenda. She believed that emphasis should be given to the importance of the idea expressed in paragraph 15 (a) of the draft, relating to the updating of research and studies on the question of racial relations, the evils and results of racism, and *apartheid*. She recalled in that connexion the observation made by the representative of Peru (1980th meeting) that a large part of the material distributed by the United Nations had not been published in Spanish, thus limiting its dissemination in Latin America.

39. The measures proposed at the national level were timely and positive, particularly those relating to the inclusion of the subject of human rights in the curricula of children and youth. Of particular interest was the proposal to hold a world conference on action to combat racism and racial discrimination, which would constitute a very effective forum for those efforts. It should be emphasized that, in putting those proposals and the other suggestions included in the programme into effect, the Division of Human Rights should be provided with the resources to enable it to carry out the tasks assigned to it, without any detrimental effects on the activities for which it was responsible in the field of human rights.

40. Her delegation would be prepared, if the Committee so desired, to support the establishment of a special committee entrusted with the task of co-ordination, review and appraisal, and reporting, but it felt that the work to be carried out by the special committee could also be handled by the Economic and Social Council, as had already been observed. It was ready to co-operate with enthusiasm in the preparation of a programme enjoying the support of the majority of delegations, for the purpose of initiating a decade of intense action aimed at the earliest possible elimination of evil racist theories and practices, racial discrimination in all its forms and *apartheid*.

41. Mr. FØNS BUHL (Denmark) said that his delegation welcomed and supported the Decade for Action to

Combat Racism and Racial Discrimination, which would represent a significant step towards the fulfilment of the most important principles embodied in the Universal Declaration of Human Rights and in the Charter of the United Nations. The draft programme provided a constructive basis for action to be taken during the Decade at the national and regional levels under the guidance of the United Nations. However, in executing the programme it should be borne in mind that there were many forms of racism, and that the problems which were most urgent in one country would not necessarily be identical to those which were of primary concern to others.

42. On the whole, his Government supported the text of the draft programme for the Decade and the philosophy underlying it, and felt that it represented a compromise which struck a proper balance between the differing interests and views of the world community. With reference to the goals of the Decade set forth in paragraph 8 of the draft programme, he endorsed the definition of those objectives, which were the same as those contained in article 1 of the International Convention, but he would welcome a restatement of the basic objectives of the Decade in paragraph 13 (a) on the proposed world conference. In that way a more precise definition of the mandate of the body to be entrusted with the co-ordination and preparation of the conference would be obtained. Referring to paragraphs 9, 12 (b), 15 and 16, which stressed the need for education, especially of children and youth, in the field of human rights, he emphasized the importance that his country attached to that point in the programme, which it considered essential.

43. With regard to paragraph 17, Denmark did not consider it necessary to establish a new international fund which would have practically the same objectives as those of existing funds, and feared that a proliferation of funds would weaken their position and lessen interest in them. With regard to paragraph 18, it was important to maintain continuity in the work of existing United Nations bodies. Denmark endorsed the idea of entrusting the task of co-ordination and review and appraisal of the Decade to the Economic and Social Council, as proposed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in the original draft programme. The Social Committee of the Economic and Social Council would be a suitable body for carrying out that task. It would have the added advantage of enabling a large and representative number of Member States and non-governmental organizations to participate in the preparation of the Decade. If, for some reason, a special committee was established, non-governmental organizations should maintain continuing and specific relations with it, as proposed in paragraph 2 of the suggestions made by the Committee of Non-Governmental Organizations on Human Rights (A/9094 and Corr.1, annex III).

44. Mr. VARCHAVER (United Nations Educational, Scientific and Cultural Organization), speaking at the invitation of the Chairman, said that it gave him great pleasure to speak before the Third Committee, because the Executive Board of UNESCO, which was currently concluding its ninety-third session in Paris, had just given its approval to the outline programme for UNESCO's participation in the Decade for Action to Combat Racism and Racial Discrimination. That outline had been elaborated in close contact with the Sub-

Commission on Prevention of Discrimination and Protection of Minorities, with the Commission on Human Rights and, of course, with the United Nations Secretariat. It also reflected the views of a wide range of individuals and groups throughout the world, since the initial proposals for the Decade submitted by UNESCO to the Third Committee at the twenty-seventh session (1916th meeting) had been circulated to the national commissions of all member States, to all international non-governmental organizations having consultative status with UNESCO, to a number of research centres on race relations and to 220 individuals in academic life. Moreover, the programme would be supplemented by projects evolved by the national commissions of Argentina, Brazil, India, Malaysia and the United States, and by independent research programmes of 25 universities.

45. In view of current realities, there had been a deep feeling in UNESCO that the struggle against racism must take new directions, and that new planning would call not only for moral commitment, but also for scholarship and reflection at the highest levels. Developments in post-colonial and post-industrial societies posed new challenges and new ways of thinking were required to cope with the complexity of the problems of discrimination which had begun to emerge in the 1960s. Therefore a major UNESCO seminar on the race question, held in July 1972, had been entitled "The concepts of race, identity and dignity". The conclusions of that seminar, along with other investigations which had been undertaken as part of UNESCO's ongoing programme in race and human rights, would be reflected in a declaration on race and racial prejudice which would be submitted to the General Conference of UNESCO at its eighteenth session.

46. The deliberations of that seminar had also been a prime factor in the shaping of UNESCO's research plans for the Decade. A major part of the research would be directed to a reassessment of the usefulness of the integration model of societal development, which assumed that eventually, through a variety of processes, all the disparate groups within a society would be assimilated into a more or less homogeneous whole. A study of conflict models as well would provide a better understanding of such phenomena as separatist movements and a whole range of related problems which had to be faced in any realistic attempt to bend social change in the direction of equality. It would involve an examination of the mechanisms by which societies allocated different roles to differing groups. In that connexion, UNESCO planned to carry out a study of the ways in which new immigrants had recently been incorporated into industrialized areas.

47. It was also necessary to learn more about how the concept of "race" or "ethnicity" became a dividing line for competing segments within a society as well as how group boundaries were maintained in a plural society and how hostility operated between subordinate groups in such societies. The investigations would be further complicated by the fact that in most countries society was composed not of two ethnic groups but of a hierarchy in which some groups sometimes managed to change their rank or even to become dominant. Underlying all those problems was the question of culture, of the particular values of a society which engendered expectations about the role and behaviour of a differing group. UNESCO therefore planned to call upon social scientists, psychologists, historians and archaeologists to study the way in which prevailing social images affected dominant and dominated groups. UNESCO was shortly to issue several publications which dealt with significant aspects of those problems.

48. However, research had little meaning without reform, and reform in one field was often meaningless without reform in another. The situation of migrant workers posed complementary challenges to both the ILO and UNESCO. A group of experts would therefore be meeting at UNESCO House during the current month in order to draw up a long-term programme of education assistance to migrant workers and their children.

49. During the Decade UNESCO would intensify, in consultation with the liberation movements and through the Organization of African Unity, its assistance to the victims of the régimes of southern Africa in education and in training. It was essential to complement those necessarily limited efforts by stimulating public awareness as to the effects of racism on the very quality of life in southern Africa. To that end, UNESCO planned to continue with its programme of publications on the situation in southern Africa.

50. At its eighteenth session the General Conference of UNESCO would elaborate in further detail the plan which he had outlined for the Decade. UNESCO welcomed the initiative of the United Nations in launching the concept of the Decade, because it gave UNESCO's programme on race and human rights a new intensity born of the knowledge that the efforts made in its particular fields of endeavour would be complemented and strengthened by the co-ordinated efforts of all other members of the United Nations family.

The meeting rose at 5.40 p.m.

1985th meeting

Wednesday, 3 October 1973, at 10.55 a.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.1985

AGENDA ITEM 53

Elimination of all forms of racial discrimination (*continued*) (A/9003, chaps. XXIII, sect. A.1 and A.2 and XXX, sect. B; A/9094 and Corr.1 and Add.1, A/9095, A/9139, A/9177, A/C.3/L.1995):

(a) **Decade for Action to Combat Racism and Racial Discrimination (*continued*)** (A/9003, chaps. XXIII, sect. A.1 and XXX, sect. B; A/9094 and Corr.1 and Add.1, A/9177, A/C.3/L.1995)

GENERAL DEBATE (*continued*)

1. Miss CAO PINNA (Italy) commended the section of the draft programme for the Decade for Action to Combat Racism and Racial Discrimination (A/9094 and Corr.1, annex I) relating to research and study and, in particular, the various well-conceived pilot studies called for in paragraph 15 (d). Such studies would be of great scientific value and could make an important conceptual contribution to the implementation of the programme as a whole at all levels. Accordingly, her delegation considered that the section in question should be adopted and implemented. It was true that in the recent past the United Nations had placed increasing emphasis on educational activities, but no real effort had been made to use scientific studies in support of such activities. The recent studies undertaken by UNESCO were perhaps the only exception to the descriptive approach to the problem of racism and racial discrimination taken in the United Nations, in so far as they addressed themselves to the basic questions of the reason for the persistence of those evils and the best means to eradicate them.

2. Before the programme as a whole was adopted, it was essential that the Committee should consider the question of the timing of its various parts, and that the recruitment of outside consultants and the use of existing research centres should be given priority by the Secretariat over the establishment of additional professional posts. Her delegation was particularly anxious to ensure that sociologists and other social scientists participated in the programme from the outset.

3. With regard to the proposal, in paragraph 13 (a) of the draft programme, that a world conference on combating racism and racial discrimination should be convened by the General Assembly as a major feature of the Decade, she noted that the main concern underlying the proposal seemed to be the need to secure the universal implementation of the United Nations resolutions on racial discrimination, *apartheid* and decolonization. Such resolutions were legion, but many of them had not been adopted unanimously and were either not implemented at all or implemented only in part. There was no indication that the proposed conference could reverse that trend. A more imaginative approach was needed if the conference was to have a real impact on world public opinion. Her delegation shared the view

expressed by some that the Committee should strive to reach a consensus on a broader, widely acceptable formulation of the conference's terms of reference; the definition of racism and racial discrimination contained in article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination might be a useful starting point.

4. With regard to the proposal, in paragraph 18 of the draft programme, that the General Assembly should appoint a special committee to co-ordinate the programmes and evaluate activities under the Decade, her delegation considered that the several existing United Nations bodies with experience in the field of human rights, such as the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Social Committee of the Economic and Social Council, should be perfectly capable of assuming those responsibilities. Another possible alternative to the establishment of a special committee would be the establishment of a working group within one of the existing bodies. To take account of the concern that sufficient time should be devoted to the implementation of the programme, she proposed that the Decade should be included in the agenda of one or all of the existing bodies. She also objected to the establishment of a special committee on the ground that it would run counter to the general wish of Member States to expand the role of the recently enlarged Council. Under the Charter, the Council was uniquely empowered to conduct activities relating to the struggle against racial discrimination; yet the only function envisaged for the Council in paragraph 18 of the draft programme was that of providing "relevant information". Finally, the establishment of a special Committee would impose a further strain on the regular budget of the United Nations and on the already overburdened calendar of meetings of United Nations bodies.

5. Miss STOKES (New Zealand) said the existence of racial discrimination was rightly one of the major preoccupations of the United Nations. Her delegation would co-operate fully in the effort to ensure that the Decade for Action to Combat Racism and Racial Discrimination was a success.

6. The twenty-fifth anniversary of the Universal Declaration of Human Rights would provide an occasion for each country to take stock of its own internal racial situation. New Zealand intended to strengthen its multiracial community and to ensure that its various racial and cultural groups could live together in harmony. The internal racial situation in New Zealand was a very good one, though not perfect. In June 1973 a Special Rapporteur, appointed under resolution 8 (XXIV) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,¹ had been invited to visit the country and observe all aspects of its racial situation. Her Government looked forward to receiving his

¹ See E/CN.4/1070, chap. XII.

report with a view to improving the situation even further. By inviting scrutiny by the international community, New Zealand hoped to set an example for others.

7. Her delegation was equally committed to active participation in the campaign to eliminate racial discrimination at the international level. The New Zealand Government had in 1973 contributed to the United Nations Trust Fund for South Africa and the United Nations Educational and Training Programme for Southern Africa. In pursuance of United Nations resolutions, her Government had banned a tour of New Zealand by a South African rugby team selected on a racially discriminatory basis.

8. Her delegation supported the proposal for a Decade for Action to Combat Racism and Racial Discrimination, but stressed that such action should be a continuing process rather than being limited to one decade. With regard to the draft programme for the Decade, she wished to make the general comment that the proposals it contained should be streamlined so as to ensure that there was no overlapping with existing programmes and research activities within the United Nations. In the case of paragraph 17 in particular, her delegation would welcome the establishment of an international fund to help the peoples struggling against racial discrimination and *apartheid* but would like to see a more precise definition of the aims of such a fund, to avoid overlapping with other United Nations funds. She supported the proposal in paragraph 13 that a world conference on combating racism and racial discrimination should be convened by the General Assembly, but felt that the terms of reference for the conference should be more precisely defined in the draft programme; ideally, they should be related to article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination.

9. Her delegation considered that the Social Committee of the Economic and Social Council was the body best suited to assume responsibility for co-ordinating the programmes and evaluating activities during the Decade.

10. Mr. POJANI (Albania) said that his delegation had on various occasions condemned racial discrimination and *apartheid* as crimes against humanity and flagrant violations of inalienable human rights and the principles of the Charter. The struggle of the African people and other peoples of the world against racial discrimination was part of the great anti-imperialist and anti-colonialist struggle, which had the support and solidarity of all freedom-loving peoples and countries. The decisions taken at the Tenth Conference of Heads of State and Government of the Organization of African Unity, held at Addis Ababa in May 1973, and the Fourth Conference of Heads of State or Government of Non-Aligned Countries, held at Algiers in September 1973, testified to that solidarity.

11. Most of the resolutions adopted in various United Nations bodies condemning racial discrimination and *apartheid* and suggesting measures aimed at the eradication of all forms of racial discrimination had proved ineffective. Imperialist forces stubbornly continued to implement their policies of colonial and racial oppression and exploitation. The Fascist régimes of South Africa and Southern Rhodesia were intensifying those policies, thus denying the non-white people their most

elementary rights. Those States also served as the bases from which international imperialism was combating the national liberation and anti-colonial movements in Africa and undermining the political and economic independence of new African States. The recent aggression of Southern Rhodesia against Namibia and the massacres perpetrated in Mozambique and elsewhere by Portuguese colonialists illustrated that fact.

12. The imperialist Powers, particularly the United States, continued to give political, economic and military assistance to the racist régimes of southern Africa and Portugal, as well as to Israel and other reactionary régimes which were openly violating United Nations resolutions. Far from being subdued, the African and other peoples suffering under racial and colonial domination had intensified their resolute struggle for freedom, national independence and social progress. His delegation congratulated the people of Guinea-Bissau for the great victory represented by the establishment of their independent State through armed struggle against the Portuguese colonialists. Their victory provided encouragement to all peoples who were combating colonial and racial oppression. He hoped that those peoples too would soon attain their legitimate national aspirations and embark on the road to free and independent development.

13. Albania would support any concrete measure to promote the struggle for the eradication of all forms of racial discrimination and *apartheid*. His delegation vigorously condemned the imperialist Powers which were supporting the racist régimes of southern Africa and Portugal and reactionary forces in other parts of the world. The Albanian people stood staunchly behind the national liberation and anti-colonial struggle of the peoples of Namibia, Azania, Zimbabwe, Guinea-Bissau, Angola and Mozambique and would always resolutely support the just struggle of other peoples for freedom and national independence.

14. Mr. PAPADEMAS (Cyprus) reaffirmed his country's consistent and whole-hearted support for any action designed to eradicate racial discrimination. His delegation was on record as having supported all United Nations resolutions in the field of human rights, including those condemning racial discrimination. It had been among the first to sign and ratify the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and had supported the idea of a Decade for Action to Combat Racism and Racial Discrimination in the Third Committee at the preceding session.

15. It was to be hoped that the implementation of the draft programme for the Decade would greatly reduce racial discrimination in the world, particularly in southern Africa, where it had become a way of life. The measures to be implemented should be flexible enough to cover all parts of the world, including those where discrimination was based on factors other than colour.

16. The success of the programme would depend on the determination of all Member States to strive to attain its objectives and on the availability of the financial means to implement it. His delegation would go along with the majority view as to whether the task of co-ordination, review and appraisal and reporting

should be entrusted to a new special committee of the General Assembly or to an existing body of the Economic and Social Council. It would support a programme which received the resources necessary for its success, as well as other measures devised in the course of the Decade to expand the programme and ensure the participation of all Member States and the specialized agencies. In that connexion, he commended the ILO and UNESCO for their past and promised contributions. His delegation hoped that the programme could be launched on the occasion of the twenty-fifth anniversary of the Universal Declaration of Human Rights.

17. Mr. LÜTEM (Secretary of the Committee) drew attention to the suggestions concerning the draft pro-

gramme by Iraq, the Philippines, the Syrian Arab Republic, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics as contained in documents A/9094 and Corr.1 and Add.1.

18. Mr. COSTA COUTO (Brazil) suggested that the Committee should adjourn its meeting and continue the discussion of the suggested amendments in an informal working group to be presided over by the Chairman.

19. The CHAIRMAN said that, if there was no objection, he would take it that the Committee endorsed the Brazilian representative's suggestion.

It was so decided.

The meeting rose at 11.40 a.m.

1986th meeting

Wednesday, 3 October 1973, at 3.10 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.1986

AGENDA ITEM 53

Elimination of all forms of racial discrimination (*continued*) (A/9003, chaps. XXIII, sect. A.1 and A.2 and XXX, sect. B; A/9094 and Corr.1 and Add.1, A/9095, A/9139, A/9177, A/C.3/L.1995):

(a) **Decade for Action to Combat Racism and Racial Discrimination (*continued*)** (A/9003, chaps. XXIII, sect. A.1 and XXX, sect. B; A/9094 and Corr.1 and Add.1, A/9177, A/C.3/L.1995)

GENERAL DEBATE (*continued*)

1. Mr. KABINGA (Zambia) reiterated the resolute opposition of the Government and people of Zambia to racism and racial discrimination in all their forms and manifestations, whatever the justification and whether practised by a minority against the majority or vice versa. That firm and basic principle was embodied in the Constitution of Zambia which, *inter alia*, provided in article 25 that no law should make any provision that was discriminatory either in itself or in its effect. The Constitution also stated that the fundamental rights and freedoms embodied in it could not be withheld from any race or ethnic group on a discriminatory basis, provided that the members of that racial or ethnic group were citizens of the country. While aliens did not enjoy the same constitutional rights as citizens, they did enjoy the normal status of aliens generally accepted in progressive international law. In actual practice, great progress had been made in the course of the preceding decade in moving Zambia from a position of institutionalized racism which had existed during the colonial era to one of racial harmony under the humanist philosophy of the Zambian Government.

2. In the light of those considerations, his delegation condemned in the strongest terms the blatant manifestations of racism and racial discrimination that existed in South Africa and Zimbabwe and the colonialism practised by Portugal in Angola and Mozambique. It welcomed the defeat of Portugal in Guinea-Bissau and the Cape Verde Islands, and was sure that the heroic

people of the new Republic would eradicate the last vestiges of Portuguese colonialism. As the Minister for Foreign Affairs of Zambia had indicated in his statement to the General Assembly (2130th plenary meeting), the massacre of innocent people at Wiriyaumu and in other parts of Mozambique by the Portuguese forces had horrified the people and Government of Zambia. The systematic repression of the African majority in South Africa by the racist minority aroused similar indignation. The Carletonville massacre, which would go down in history as a patent act of racial bigotry, cruelly dramatized the economic exploitation of which Africans in South Africa were victims. Racism expressed itself in that country not only in economic terms; the theorists of *apartheid* continued to propagate artificial political, cultural and social differences between the races and ethnic groups.

3. With regard to Namibia, which continued to be occupied by South Africa, he pointed out that the United Nations must fulfil its responsibility to the oppressed people, and deplored the complicity of certain countries, especially Western countries, which continued to provide the South African régime with arms for reasons of ethnic, economic and military interest. For its part, Zambia would continue to honour its obligations under the Charter, by providing help to the refugees and scholarships to young people and by disseminating information about the cause for the benefit of the oppressed peoples of southern Africa.

4. The evils of racism and racial discrimination manifested themselves in their crudest form in southern Africa, but they also existed in other parts of the world, such as in the ghettos of North America and in some countries in South America, Europe, Africa and the Middle East, where they assumed various forms. Zambia did not accept the view that each State should solve its own racial problems, in the light of its own historical circumstances. Racism and racial discrimination were crimes against humanity and as such deserved the attention of the international community.

5. Zambia, which was a party to the International Convention on the Elimination of All Forms of Racial Discrimination, welcomed the report of the Secretary-General on the item (A/9094 and Corr.1 and Add.1), supported the recommendations contained in it and would do everything in its power at the regional and international levels to secure the achievement of the stated objectives. However, with regard to paragraph 13 of the draft programme (A/9094 and Corr.1, annex I) it would have preferred it if the year 1978 had been specifically set as the date for the convening of a world conference on combating racism and racial discrimination. It felt that the importance and scope of that conference justified the establishment of a special committee of the General Assembly. With regard to the adoption of measures at the national level, Zambia's position had already been stated; it need only be added that it had halted the flow of migrant workers to South Africa shortly after achieving independence.

6. Mrs. ESHEL (Israel) reiterated Israel's unequivocal opposition to any form of human discrimination and more particularly to that based on the abhorrent criterion of race. Her nation was particularly sensitive to that form of discrimination since it had suffered the longest and most cruel history of discrimination and persecution based on the heinous prejudice of racism. The inherent dignity and equality of man could not tolerate the notion of discrimination, whether based on race or colour, or on any other perverse invention. It was therefore with a deep sense of shame and anger that Israel witnessed the continued injustices which still affected millions of people on the African continent as a result of policies of racism and discrimination. She wished to place on record her country's solidarity with the struggle against all forms and manifestations of racism and racial discrimination, wherever they might occur, and its emphatic rejection of all doctrines based on the concept of racial superiority.

7. During the Second World War, Germany had perpetrated, in the name of racial superiority, the greatest mass murder of innocent people, putting to death 6 million of her people, including 2 million children. While the Federal Republic of Germany had recognized the heavy responsibility it bore for the holocaust, the German Democratic Republic had totally ignored its historical responsibility and moral obligation.

8. Knowing the dangerous and corrosive consequences of racial discrimination for any society and for the world as a whole, Israel strongly supported the decision to launch the Decade for Action to Combat Racism and Racial Discrimination. On the whole, it supported the aims and goals of the programme, and considered that it should be a continuous and vigorous one, not merely confined to a period of 10 years. With regard to the definition of racial discrimination, her delegation would have preferred to use the definition which appeared in article 1, paragraph 1, of the International Convention, since it felt that, if the scope of the definition was broadened, it could only dilute the aims. It should be borne in mind that the practices of racial discrimination took different forms in different countries and systems, and care should be taken to ensure that the programme for the Decade was pragmatic and practical.

9. Although Israel recognized the importance of holding a world conference, it doubted whether such a con-

ference could contribute substantially to the practical steps needed at the current stage. The conference should give adequate publicity to the activities of the Decade and serve as a summing-up of all the measures adopted under the programme. Consequently, her delegation would have preferred a later date for the world conference, towards the end of the Decade. It also attached great importance to all educational activities which, although they were long-term measures, constituted the only hope of eliminating discrimination at its very source.

10. She welcomed the statement made at the 1984th meeting by the representative of UNESCO, who had informed the Committee of that agency's plans to investigate the roots of the problem. It was to be hoped that, as a result of those programmes, a series of audio-visual kits would be developed for various age levels, so that the Member States could adapt them for their specific needs and situations for use in schools and community centres and by the mass media.

11. On the question of co-ordination and review and appraisal, her delegation did not think that a special committee was warranted, since it was necessary to avoid the danger of duplication and not to strain the financial resources. The Economic and Social Council, with the help of the Social Committee, could manage the programme adequately. Nor did her delegation consider the establishment of a special fund to be a realistic proposal, since the same objectives could be achieved by according high priority to the activities of the Decade within existing programmes of United Nations bodies, specialized agencies, non-governmental organizations and Governments. In that connexion, her delegation suggested that a list of specialists—such as researchers, film makers, writers, educators and sociologists—needed to implement the programme should be prepared and presented to Member States and non-governmental organizations, with the request that they designate suitable candidates as their contribution to the programme at their own expense, thereby alleviating the financial burden and bringing about a wider involvement in the Decade.

12. Mr. KRISHNAPPA (India) said it would have been deeply satisfying if it had been possible to celebrate in the current year not only the twenty-fifth anniversary of the Universal Declaration of Human Rights but also the complete elimination of all forms of racism and racial discrimination. However, those evils remained a grave menace, particularly in South Africa and southern Africa. The South African régime persisted in its racist policy and had intensified repression and torture in a desperate effort to consolidate its rule, despite the strong resistance to *apartheid* and the pronouncements of the international community. For its part India had consistently supported the General Assembly Security Council resolutions recognizing the gravity of the situation prevailing in South Africa and the legitimacy of the struggle of the oppressed African peoples for their liberation and for their human and political rights. India had always been in the vanguard of the struggle against all forms of racism and racial discrimination; as early as 1946 it had raised that question in the United Nations. Moreover, Mahatma Gandhi had been the first to champion the cause of the oppressed peoples of South Africa at the beginning of the century.

13. Referring to the draft programme for the Decade for Action to Combat Racism and Racial Discrimination (A/9094 and Corr.1, annex I), which was to be launched on 10 December 1973, he noted that the goals and objectives of the Decade had been enunciated very clearly; it was important that the measures decided upon should be fully and effectively implemented. Moreover, the competent organs of the United Nations must co-ordinate their efforts, in a manner which would avoid any duplication, in order to mobilize world opinion for the elimination of racial discrimination.

14. India trusted that the important recommendation in the draft programme concerning a campaign to enlighten and involve world public opinion in the struggle against racism and racial discrimination, emphasizing the education of youth in the spirit of human rights and fundamental freedoms and in the dignity and worth of the human person (*ibid.*, para. 9), would meet with the whole-hearted support of the Committee and all Member States. Furthermore, in view of the obvious need to update and develop the existing studies and research in the field of *apartheid* and racial discrimination, his delegation supported the recommendation regarding pilot studies in the economic, political, social and cultural fields to detect manifestations of racism and racial discrimination as early as possible and adopt preventive measures (*ibid.*, para. 15). It also supported the idea of enlisting the co-operation of international scientific organizations to analyse and study, during the Decade, all aspects of racial discrimination within their competence. It would also be appropriate to study the role which could be played by the Office of Public Information and by the Council Committee on Non-Governmental Organizations; those bodies could play a vital role in the programme.

15. India had always been active in the struggle against *apartheid*. It had already responded to the appeal contained in the draft programme for the denial of any kind of support to Governments or régimes practising racial discrimination (*ibid.*, para. 12). India had not hesitated to sacrifice its growing trade with South Africa for the sake of the cause of human dignity and freedom. It had also provided assistance to the United Nations Educational and Training Programme for Southern Africa and the United Nations Trust Fund for South Africa. In conclusion, he expressed the hope that the Committee would recommend the adoption of the draft programme for the Decade for Action to Combat racism and Racial Discrimination by consensus.

16. Mr. ILOY (Congo) said that it was not possible to consider manifestations of racial discrimination and *apartheid* without thinking of Africa. In its colonial policy in Angola, Mozambique and Guinea-Bissau, Portugal flouted Article 73 of the Charter. The Portuguese régime continued to ignore its international obligations and to reduce the peoples under its administration to servitude. The repression of the political aspirations of those peoples had reached such a point of cruelty that peaceable and unarmed populations were being killed and whole villages were being razed. The statements by the representatives of the liberation movements and other petitioners in the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples bore witness to the atrocities committed by the Portuguese authorities in Mozambique. Nevertheless, despite the

destruction of their culture, property and very lives, the peoples of the Territories under Portuguese administration would triumph. His delegation hailed the independent State of Guinea-Bissau on the occasion of the proclamation of its independence, and announced that the Government of the Congo had already recognized that State.

17. The policy of *apartheid* practised by the Pretoria authorities was undoubtedly the most criminal form of contempt for the human person and human rights. The export of that policy, its application in Namibia and its manifestations in Zimbabwe demonstrated the threat it presented to peace and security in southern Africa.

18. However, those responsible for destroying human life and sabotaging human rights and fundamental freedoms were the major western European Powers, which were giving substantial assistance to the racist colonial régimes and, by their complicity with Portugal, South Africa and Ian Smith, flouting international instruments and frustrating the purposes of the Charter of the United Nations.

19. His delegation reaffirmed its support for the legitimate struggle being waged by the liberation movements, which it would continue to provide with moral and material assistance. Moreover, it had always maintained that the representatives of the liberation movements were the only authentic representatives of the peoples for whom they were fighting.

20. With regard to the draft programme for the Decade for Action to Combat Racism and Racial Discrimination, he felt that the importance of information during the Decade should be emphasized. International seminars should be held for the purpose of promoting human rights and fundamental freedoms, identifying the regions in which such rights were still being violated and the countries that continued to obstruct, directly or indirectly, the application of instruments relating to human rights and fundamental freedoms, and determining specific action to be taken and means of securing the universal application of United Nations resolutions on racial discrimination, *apartheid* and decolonization. Such seminars should also emphasize the importance of accession to or ratification of, and also implementation of, human rights instruments. His delegation also supported the idea of organizing a world conference on combating racism and racial discrimination and expressed the wish that that conference should be held no later than 1978. With regard to the special committee for co-ordinating the programmes and evaluating activities under the Decade, it would be practical and appropriate for that organ to be directly subsidiary to the General Assembly as well as being established by it.

21. Miss MENESES (Venezuela) observed that, both at the regional and international levels, Venezuela had been a consistent defender of principles upholding the dignity and equality of all human beings, and in that spirit had given the firmest support to the measures proposed with a view to combat any form of racial discrimination. There had been no discrimination based on sex, creed or social status in Venezuela, since it had been declared a free and independent State in 1810. From that date on, a provision strictly prohibiting any kind of discrimination had always been included in all its Constitutions. Furthermore, titles of nobility and hereditary distinction were not recognized. Failure to respect the individual rights recognized in the Constitu-

tion was considered a violation of the Constitution and was regarded as a public offence.

22. From the outset her delegation had supported the idea of a Decade for Action to Combat Racism and Racial Discrimination, and had voted for General Assembly resolution 2919 (XXVII). The draft programme for the Decade was similar in format to the International Development Strategy for the Second United Nations Development Decade, consisting of a preamble, a section on goals and objectives and a section on policy measures. The draft programme took account of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, the International Convention on the Elimination of All Forms of Racial Discrimination and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations. The draft programme contained a fairly well-balanced and commendable set of provisions, and her delegation wished to congratulate its authors, particularly the delegations of Egypt, Ghana and Pakistan. However, it was regrettable that more time and thought had not been given to its formulation, as in the case of the International Development Strategy. The sections relating to education, training and information claimed particular attention and interest on the part of her delegation. In that connexion, it shared the view of the representative of Peru (1980th meeting) that the Office of Public Information and other offices should print their publications in other languages, especially Spanish.

23. With regard to the agreements arrived at in the working group, her delegation wished to state, firstly, that it would have liked the draft programme to contain a definition of racism and racial discrimination, possibly drawn from article 1, paragraph 1, of the International Convention. Since that did not appear to have been the general view, her delegation would be very glad if the wording of those paragraphs of the draft which referred to racism and racial discrimination—namely paragraphs 8, 10 and 12 (a)—could at least be made uniform.

24. Her delegation reaffirmed its support for the proposal to hold a world conference as a major feature of the Decade. In view of the consensus reached in that regard, it might be unnecessary to retain paragraph 18 (h). With respect to the organ for co-ordination and review and appraisal, her delegation believed that the establishment of a committee was justified in the current instance, although it was opposed to the unnecessary creation of bodies. It did not believe that the establishment of such a committee would infringe on the Economic and Social Council's competence under the Charter, and in any event a formula could be found to surmount that difficulty. The risk of entrusting the new task of supervising the Decade to the Council, which already had a large number of activities to deal with, should be avoided. As for the Commission on Human Rights, experience had amply demonstrated how little time it had each year to complete its heavy programme of work. There was therefore an obvious need to establish a new organ, and Venezuela had no objections to its being a subsidiary body of the Council.

25. Mrs. BERTRAND DE BROMLEY (Honduras) said that, in her view, it was most appropriate to dedicate a decade to the struggle against racism and racial

discrimination, since the intensive approach to the subject which it would entail might eliminate the evils of racism and racial discrimination. Happily, there was no racial discrimination in Honduras, either in legislation or in practice. The population was composed of a mixed race which was proud of its Spanish, Indian and African origin. However, Honduras was aware of the terrible problems caused by racial discrimination in the world, and it had always voted for United Nations decisions and resolutions condemning racism. It had also stated on many occasions that it considered *apartheid* the most odious form of racial discrimination and that it deplored the failure of some States to comply with the relevant United Nations resolutions.

26. Her delegation welcomed the participation of non-governmental organizations in the programme for the Decade, since it felt that it would be helpful in disseminating information on the objectives of the Decade at the international level. It also supported the convening of a world conference on combating racism and racial discrimination in order to sustain international interest in that vital problem during the entire Decade. With regard to the establishment of a special committee to co-ordinate programmes and evaluate activities during the Decade, her delegation would prefer that function to be assigned to the Economic and Social Council, in view of the latter's experience and the costs involved in establishing a new committee. It supported the provisions of the draft programme relating to education and training and the suggestion that the subject of human rights should be included in curricula.

27. In conclusion, she stressed that the views of her delegation were not inflexible. What was most important was to obtain the greatest possible majority when adopting the draft programme for the Decade, and to that end her delegation was prepared to meet the wishes of other delegations within the limits which she had indicated.

28. Mr. TSERING (Bhutan) said that the question of racism and racial discrimination had been a matter of concern to his Government in view of the fact that such practices continued to exist in some parts of Asia and particularly in Africa. It was appalling that some countries continued to practise such internationally condemned policies as their national policy with the help of a few economically advanced countries. In Bhutan, every human being was granted equal opportunities and dignity without discrimination of any kind. His delegation had supported General Assembly resolution 2784 (XXVI) and accordingly welcomed the draft programme for the Decade for Action to Combat Racism and Racial Discrimination. Bhutan had no intention of encouraging the racist régimes and condemned all régimes which continued to practise racism and racial discrimination. In order to reaffirm that policy, Bhutan had recently signed the International Convention on the Elimination of All Forms of Racial Discrimination, which it would ratify in due course. It also trusted that more countries would sign the Convention and take the necessary action to ratify it.

29. He felt that the establishment of a special committee for the Decade could be regarded as an ideal solution. However, if that proposal was not feasible, consideration might be given to the possibility of using existing organs and committees in the field of human rights. His delegation would support the draft Conven-

tion on the Suppression and Punishment of the Crime of *Apartheid* (A/9095, annex), since it was prepared to co-operate with the Committee in combating all practices of racism, racial discrimination and *apartheid*, which unfortunately still existed in many parts of the world. Every possible effort would have to be made at the international level to eradicate those evils so that every human being might live in dignity, equality and justice.

30. Mr. MOUSSA (Egypt) said that the programme for the Decade (A/9094 and Corr.1, annex I) had been conceived because, in spite of the many efforts made by the United Nations, the specialized agencies, intergovernmental organizations and many individual States, racial discrimination not only continued to exist but was even proliferating throughout the world. *Apartheid* had once been practised as an official policy in South Africa only, but it had also become the official policy in Southern Rhodesia. Zionism had formerly been practised in part of Palestine only, and today it was practised throughout Palestine and the occupied Arab territories. Colonialism continued to exist in many parts of Africa where the indigenous populations were denied all rights and national identity and were treated as second-class citizens in their own countries.

31. The United Nations had achieved some positive results, particularly as regards promoting a better understanding of the fallacy of racist dogmas and practices, although much difficult work remained to be done. It should continue the struggle against racism and racial discrimination, and that was the objective of the programme which the Committee had before it. Its goals were clear, and one of them was to "identify, isolate and dispel the fallacious and mythical beliefs, policies and practices that contribute to racism and racial discrimination". (*ibid.*, para. 8). That was the purpose of the action to be taken at the national and international levels and within the United Nations system.

32. Moreover, in no less than three paragraphs and subparagraphs the programme stated that racist régimes should be denied any support or assistance that could enable them to perpetuate their policies and practices. That point was an important one, since it was assistance to the racist régimes which led to the creation of other racist régimes despite all the efforts of the United Nations. Any appeal for so-called generosity could ultimately lead to the strengthening of any racist régime and was itself a policy of racism. Certain mistakes in that regard had been committed in the past, and he wished to urge all States to withhold any kind of assistance which, either directly or indirectly, might lead to the continuance, strengthening or expansion of racism. In that regard, what the representative of Israel had done was to launch a campaign of blackmail in order to collect funds in the name of human rights.

33. The draft programme called for the establishment of an international fund (*ibid.*, para. 17). Some members of the Committee had argued against the proliferation of such funds, noting that the United Nations already operated three funds established to assist the victims of colonialism, racial discrimination and *apartheid*. The first was the United Nations Educational and Training Programme for Southern Africa, which had been established in 1967 (General Assembly resolution 2349 (XXII)) for the purpose of consolidating and

integrating existing programmes for Namibia, the Territories under Portuguese administration and South Africa and now also covered Southern Rhodesia. Its purpose was to provide education and training to as many persons as possible from those countries and Territories so as to enable them ultimately to play a responsible role in their countries. However, those persons were only permitted to work under conditions of racial discrimination in their own lands. The second fund was the United Nations Trust Fund for South Africa, established in 1965 (General Assembly resolution 2054 B (XX)), which provided legal assistance, relief and aid for the training of persons persecuted under the discriminatory laws of South Africa and made grants to voluntary organizations. The third fund was the United Nations Fund for Namibia, established in 1970 (General Assembly resolution 2679 (XXV)) to finance educational and training programmes for Namibians. Like the other funds, it was financed by voluntary contributions, but in 1972 \$100,000 had been allocated to it from the regular budget of the United Nations.

34. Those funds had been established for specific areas and principally for the purpose of providing relief, training and assistance within them; however, the proposed fund would have to deal with racism and racial discrimination throughout the world, provide assistance to all those who were victims of racial discrimination, finance some activities which would take place during the Decade and, in general, help the peoples which were struggling to eliminate racism and *apartheid*. It was therefore different from the existing funds. Should it prove necessary and feasible at a later stage to amalgamate some or all of the existing programmes and funds into a single fund, there should be no hesitation about doing so in the light of the experience of the first two or three years of the Decade.

35. A broad and important programme like the Decade would require an organ, committee or body to supervise its work, follow its development and co-ordinate its activities. His delegation was open to suggestions in that regard but wished to make it clear that it was not prepared to go along with any attempt to make the task ambiguous or to refer it to another body with an already heavy work programme. It would prefer to see the co-ordinating activities entrusted to a special committee, whether under the aegis of the General Assembly or of the Economic and Social Council. In any case, the question should appear annually on the agenda of the Committee throughout the Decade so that it would remain under the direct supervision of the General Assembly. In conclusion, he appealed to all representatives to approve unanimously the programme for the Decade.

36. Mr. EVORA (Portugal), referring to the Decade for Action to Combat Racism and Racial Discrimination, said he assumed that the terms "racism" and "racial discrimination" referred to the moral, social, economic and religious aspects of life and not exclusively to the political aspects. History offered many examples of domination, exploitation, co-operation and the final fusion of different communities, tribes and peoples which today lived in harmony and without serious problems. It was right to combat racism and racial discrimination by acceptable means, but to attempt to build closed societies in order to combat racism was something different and even inconsistent, since a closed society led sooner or later to a new racism. What

must be achieved was a union of races in which all would enjoy freedom and security, as, for example, was the case in Brazil, Cape Verde, Angola, Mozambique and Portuguese Guinea.

37. After quoting the definition of the term "racial discrimination" contained in article 1, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, he asserted that a number of remarks directed against his country in the Committee were completely unfounded. Furthermore, he did not understand why some representatives linked racism and racial discrimination with the Portuguese system of government. Political systems, of themselves, did not necessarily lead to racism or racial discrimination; rather, it was the manner in which a political system was applied that determined the happiness or unhappiness, the prosperity or poverty of the various races and peoples living under it. In that connexion, some points of the draft programme for the Decade would not only fail to eliminate racial discrimination but, on the contrary, would strengthen it.

38. His country had been trying through the centuries to establish, in its several provinces in Africa, Asia and Europe, a society characterized by co-operation and the mingling of all races and based on the principle of mutual respect—a fact that had been attested to by politicians, journalists and well-known personalities. It was a paradox that a country like Portugal, the initiator of a multiracial system, stood accused of racial discrimination. It was determined to co-operate in the Third Committee in the task of eliminating the injustices of racial discrimination and sincerely hoped that, by the end of the Decade, its efforts would be rewarded.

39. Much had been done in the Portuguese provinces to reduce the social and economic gaps separating the different levels of the population, and everything possible was still being done to promote the well-being of the Portuguese people, whatever their origins. Some delegations had referred to the so-called massacres in Mozambique. His Government firmly refuted such accusations and wished to make it quite clear that those rumours had been originated for propaganda purposes by people linked to subversive movements. It regretted, however, that hundreds of innocent villagers had been victims of the mines and other weapons used in districts of Mozambique by elements coming from outside the Territory's borders.

40. Although his country was willing to co-operate in any constructive proposals aimed at putting an end to racial discrimination in the world, his delegation had reservations concerning some points of the programme which would be considered, if necessary, at the proper time.

41. Mr. EL-FATTAL (Syrian Arab Republic) said that his country was irrevocably committed to the peoples' struggle against racism and racial discrimination. Its enmity towards racism and the notion of racial superiority was deeply rooted in the universal and humanist traditions of Arab civilization, which was based on the common culture, language, history and aspirations of the Arab peoples, values which were neither exclusivist nor exclusionist, since their validity depended on the positive contributions that they made to the advancement of humanity. The injustices still plaguing Arab society were due to underdevelopment,

foreign occupation and aggression, and the legacy of the feudal and colonial period.

42. His country viewed the Decade for Action to Combat Racism and Racial Discrimination as an organized effort by the international community to assist the armed struggle of the national liberation movements against colonialism. It was essential to support that struggle and not to divert it from its goals; one must not be deceived by the diversionary tactics that were employed even within the Third Committee. His country gave priority to decolonization because it believed that *apartheid*, zionism and colonial occupation were inherently racist. As long as colonialism existed, racism and racial discrimination would also exist. It was unrealistic to ask Portugal not to discriminate against the people it dominated, since the mere occupation of African lands was an expression of racial supremacy. Neither could Israel be asked to stop discriminating against the Arabs, since zionism, like *apartheid*, was inherently racist. It was a mistake to neglect the roots of the evil, attacking only its outward manifestations.

43. The Fourth Conference of Heads of State or Government of Non-Aligned Countries, held at Algiers in September 1973, had fixed the priorities for the struggle against racism. In its general declaration it had emphasized that the primary concern of the non-aligned countries was to remove the yoke of colonialism and to eradicate *apartheid*, zionism and all other manifestations of oppression and racial discrimination. Moreover, it had stressed that the armed struggle was the only means of putting an end to foreign domination and racism. The programme of action for the Decade should take into consideration those aims and objectives proclaimed by that Conference, since the countries in question represented half the population of the earth.

44. The Syrian Arab Republic recognized the newly created Republic of Guinea-Bissau and would do its utmost to support that country's struggle until total victory was achieved. It would spare no effort, both inside and outside the United Nations, to ensure the consolidation of the new State and considered that the programme of action for the Decade should also assist in fulfilling the aspirations of the people of Guinea-Bissau. The programme of action should also include substantive provisions for the liberation of Mozambique and Angola. In addition, the situation in South Africa and Southern Rhodesia should be faced with more resolve and realism. Sooner or later, sanctions would have to be directed against the purveyors of assistance and arms to those two white racist régimes.

45. At the same time, the Decade should devote special attention to the racist ideologies and practices of the Israeli colonial régime. The Syrian Arab Republic, as it had stated in its comments contained in document A/9094 and Corr.1, considered that in the field of studies and research it was necessary to examine all the nefarious effects of the settler colonialism practised by Israel or other régimes. In the case of the Arab territories occupied by Israel, his delegation demanded that studies should be made of the policy of settler colonialism that was pursued there in order to establish the role of Zionist racism in the colonization process in the Middle East and determine the responsibility of Israel for its crimes. Moreover, the Decade should provide for concrete measures against Israeli colonial and

racist policies both in Palestine and in the occupied Arab territories. The Conference of Non-Aligned Countries had welcomed the decision of those States which had severed relations with Israel, and it had called upon the non-aligned countries that had not yet done so to sever their diplomatic, economic, military and cultural ties with Israel in accordance with Chapter VII of the Charter.

46. One delegation had seen fit to raise the question of compensation to be paid to the Israeli colonialist and racist régime. The Syrian Arab Republic deplored the fact that the question had been raised in the wrong context and for the wrong reasons. The correct procedure would be for the colonialist régimes to pay compensation to the victims of colonialism, *apartheid* and *zionism*. It would therefore be opportune to set up, under the programme for the Decade, a small body of experts to deal with the payment of compensation to those peoples which for years had suffered from colonial exploitation.

47. Mr. GAHUNGU (Burundi) said that racism had existed from time immemorial and that since its founding the United Nations had consistently opposed the despicable practices of racial discrimination, barbaric colonization and *apartheid*—practices which had no place in the modern era of advanced technology and planetary discoveries. His delegation, loyal to the principles of equality, independence and self-determination as defined in the Universal Declaration of Human Rights, the Proclamation of Teheran and other instruments in favour of peace, supported all the proposals made by other delegations for the purpose of ridding the world of any kind of discrimination. For the same reason, it condemned those Powers and organizations that maintained regular relations with the racist régimes and supplied them with material assistance in wiping out innocent people in their own countries, and it called for the implementation of Security Council resolution 253 (1968) concerning economic sanctions against the racist Salisbury régime. Furthermore, his delegation urged the immediate implementation of General Assembly resolutions 1514 (XV) and 2621 (XXV) and Security Council resolution 322 (1972), which were reaffirmed in the Declaration on the Territories under Portuguese domination adopted by the twenty-first ordinary session of the Council of Ministers of the Organization of African Unity in May 1973.

48. His delegation firmly supported General Assembly resolutions 2784 (XXVI) and 2919 (XXVII) instituting the Decade, and it supported the convening of a world conference on combating racism and racial discrimination. On the other hand, it considered that the co-ordination and review and appraisal of the programme for the Decade should be entrusted to the Economic and Social Council, or sub-committee appointed by its President, in order to avoid the duplication of activities and expenditure which would result from the establishment of a special committee.

49. Furthermore, his delegation endorsed the Jamaican proposal (1982nd meeting) that Member States should unite their political and financial efforts with a view to affording military and moral support to the peoples which were waging war. At the same time, it would be appropriate to launch an information and training campaign in order to direct world-wide attention to the sufferings of the oppressed peoples.

50. Every day brought further proof of the degree to which the United Nations was at the mercy of the five Member States which had the power to veto decisions in the Security Council. In order to prevent the continued obstruction of decisions aimed at achieving peace and the emancipation of peoples, that power should be accorded to a larger number of Members. There was also a need to amend the Charter so as to take account of current realities and the development of the international situation.

51. In conclusion, he paid a tribute to the valiant people of Guinea-Bissau for the relentless struggle it had carried on to achieve its independence, proclaimed on 24 September 1973. The Government of Burundi had already recognized the new State. It was an inspiration to other peoples to struggle for peace, and showed the extent to which the difficult task being carried out in the Third Committee and in the United Nations as a whole was benefiting and promoting the honour, dignity and fellowship of peoples.

52. Mrs. ESHEL (Israel), speaking in exercise of the right of reply, said that the problem of the human rights of Arabs in the administered territories would be fully examined by the Special Political Committee. She felt obliged, however, to reply to the utterly false accusations levelled at her country at the current meeting by the representatives of Egypt and the Syrian Arab Republic.

53. The situation prevailing between Israel and the Arab population in the administered territories was a direct outcome of the consistent refusal of the Arab States to fulfil their obligations under the Charter and to work for a peaceful solution of a purely political problem. It was a political problem and had nothing to do with human rights. The Israeli Minister for Foreign Affairs had said at the 2139th plenary meeting of the General Assembly:

“The plain fact is that the present Arab leadership is not satisfied with the verdict of history which has led to the constitution of 18 Arab States in an area of 11 million square kilometres with a population of 100 million. Arab leadership seems to be in an excited imperialist mood. It demands the elimination of Israel, a non-Arab nation, older in its roots within the Middle East than any other . . . But Israel is a Jewish and not an Arab entity. Therefore there are Arab leaders who cannot sustain its sovereign presence.”

Nor was *zionism* the heinous creation depicted by the Arab delegates, but the legitimate liberation movement of the Jewish people.

54. If Israel were the hell that some Arab Governments represented it to be, hundreds of thousands of Arabs would not go there to visit their families or ask to be reunited with them. Peaceful coexistence with the Arab population of the territories administered by Israel was a fact which the Governments of Egypt and the Syrian Arab Republic found unpleasant to face.

55. In conclusion, she expressed her conviction that peaceful coexistence between the Arab and Jewish peoples in the Middle East would come about by the will of those peoples, which would prove stronger than the policies of the Arab Governments.

56. Mr. BAROODY (Saudi Arabia), exercising the right of reply, said that the representative of Israel had

no right to claim reparations, since the Zionists from Central and Eastern Europe had confiscated Palestine and expelled the Palestinians from their country, thus giving rise to the whole Middle East conflict. Zionism was a colonialist movement which had begun in Central Europe and had been embraced only by the Ashkenazim in a non-Semitic people who had become converted to Judaism in the eighth century A.D., and not by the Sephardim, who were Semites. Arabs and Sephardim had lived together in peace for centuries in the Middle East. In that connexion, he recalled the pressure brought to bear on the United Kingdom during the 1940s by the Zionists in the United States, and quoted documents of that period. The United Kingdom had contributed to the creation of the Middle East problem by yielding to Jewish pressure and creating the State of Israel in Palestine. The Ashkenazim interfered in the affairs of all peoples. One day the world would grow weary of the Jewish problem. They were trying to put pressure on the Soviet Union to allow the Soviet Jews to emigrate to the Middle East. The Arabs considered that to be an unfriendly action.

57. Mr. BAL (Mauritania), exercising the right of reply, read the message from the President of the General Assembly to the Heads of State or Government, annexed to General Assembly resolution 2784 (XXVI), and referring to the unholy alliance between South Africa, Portugal and Southern Rhodesia to suppress the struggle of the peoples of that region and silence the protests throughout Africa against racism, *apartheid*, economic exploitation and colonial domination. He also quoted paragraphs from the report of the Committee on the Elimination of Racial Discrimination to the twenty-seventh session of the General Assembly,¹ which said that the existence of a state of what virtually amounted to martial law in the Territory of Angola and parts of Mozambique represented a denial of the right to justice and fair treatment, especially to the majority of the African population; that the waging of war by the Portuguese administration against the inhabitants of the three African Territories severely violated the right of the African population to security of person and protection against violence and bodily harm; and that political rights were greatly restricted since only a fraction of the indigenous population enjoyed the franchise while African participation in the Government and administration of the African Territories was nominal. Many other texts could be quoted in that connexion, and the representative of Portugal should have shown the minimum consideration for the members of the Committee by keeping silent.

58. Mr. EL-FATTAL (Syrian Arab Republic), exercising the right of reply, said that the only usurper in the Middle East area was Israel, which had usurped Palestine, and it was no coincidence that the statements that contained most propaganda were those of the representatives of Israel and Portugal, since Portugal dominated Territories vastly larger than its own, with millions of inhabitants, and Israel had deprived the 3 million inhabitants of Palestine of their freedom. He quoted Theodor Herzl, the founder of the Jewish State, as having said that the poorest segment of the Palestinian population should be transferred outside the frontiers of the Jewish State and found occupation in other countries. He also quoted a statement made by the Chief of

the Israeli General Staff on 16 February 1973, to the effect that there should be a minimum of refugees on the West Bank, and that the final solution would be for the Palestinians not to return. Finally, he referred to Mr. Dayan's statement that the Arabs might be right, but that no State could be created without hurting somebody. Israel was a racist and colonialist State, despite the statements to the contrary by the representative of Israel, and he could continue quoting many documents to prove it.

59. Mr. ILOY (Congo), speaking in exercise of the right of reply, said that after hearing the misleading statements of the representative of Portugal, his delegation considered that the union of races and their harmonious development was a dream which Portugal evoked in order to conceal the atrocities and genocide committed against the innocent people under its domination. The representative of Portugal had argued, on the one hand, that political systems did not necessarily lead to racial discrimination, and, on the other hand, that the dynamic application of a political system was what produced prosperity or poverty in a given society. In the face of such a contradiction, his delegation felt that Portugal would never be able to deceive world opinion or refute the mass of evidence against it. Portugal had the heavy responsibility of answering the charges brought against it by the peoples of Angola, Mozambique and Guinea-Bissau, until such time as those peoples at last achieved self-determination. Portugal should know, and it was well to recall it, that despite its barbaric repression, the peoples of the African Territories still under its shameful administration would ultimately emerge victorious.

60. Mr. KABINGA (Zambia), exercising the right of reply, said that Portugal had tried to draw a distinction between human rights and politics, which was a serious matter, not because Portugal adopted such a position but because many delegations had attempted to do so for years. He wondered what Portugal meant by human rights with reference to colonies where fundamental rights were flouted or trampled under foot. The representative of Portugal had said that racism was alien to his country, but experience had shown that there existed three basic divisions in the Territories under Portuguese administration—the settlers, a small assimilated group representing from 1 to 3 per cent of the population, and the African peoples—and those divisions arose not from cultural but from racial differences. He noted with surprise that Portugal regarded Brazil as an example of population groups living in harmony, and wondered what the representative of Brazil thought about that view. Portugal's denial of the massacres was not even worth mentioning, since so many official United Nations documents and impartial witnesses had confirmed them.

61. The CHAIRMAN said that the Committee had almost concluded the general debate on item 53 (a) of the agenda, to which it had devoted nine meetings, although only eight had been allocated to the consideration of the question. There had been a general consensus on the importance of the Decade for Action to Combat Racism and Racial Discrimination as a further United Nations activity for the elimination of all vestiges of racial discrimination, policies of racial segregation and *apartheid*. The representatives who had participated in the general debate had, in general, expressed their support for the draft programme contain-

¹ Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 18.

ed in annex I of document A/9094 and Corr.1. With regard to specific aspects of the draft programme, the views expressed had centred on four points: whether to include a definition of racial discrimination in the programme; whether and when to convene a world conference on racial discrimination; whether a new special fund should be established to help victims of racial discrimination; and whether a special committee should be set up to be responsible for co-ordination and ap-

praisal, or whether those tasks should be entrusted to the Economic and Social Council. On that last point no general agreement had been reached, although the consultations held showed a certain tendency towards a narrowing of the differences. He urged the delegations to continue their consultations and to reach agreement on the suggestions submitted to it.

The meeting rose at 6 p.m.

1987th meeting

Thursday, 4 October 1973, at 3.20 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.1987

AGENDA ITEM 33

Elimination of all forms of racial discrimination (*continued*) (A/9003, chaps. XXIII, sect. A.1 and A.2 and XXX, sect. B; A/9094 and Corr.1 and Add.1, A/9095, A/9139, A/9177, A/C.3/L.1995):

(a) **Decade for Action to Combat Racism and Racial Discrimination (*continued*)** (A/9003, chaps. XXIII, sect. A.1 and XXX, sect. B; A/9094 and Corr.1 and Add.1, A/9177, A/C.3/L.1995)

GENERAL DEBATE (*concluded*)

1. Mr. ALFONSO (Cuba) stressed the great importance which his delegation attached to the elimination of all forms of racial discrimination. Among the many resolutions that the United Nations had adopted over the years on that problem, special mention should be made of General Assembly resolution 2919 (XXVII), in which the Assembly had decided to launch the Decade for Action to Combat Racism and Racial Discrimination on the occasion of the twenty-fifth anniversary of the Universal Declaration of Human Rights. That decision was significant because it demonstrated the magnitude and relevance of the problem and the will to combat it.

2. Cuba was a party to the multilateral instruments adopted by the United Nations on that subject, in particular the International Convention on the Elimination of All Forms of Racial Discrimination, and had accordingly given its full support to the resolutions on the matter that had been adopted within the United Nations family and by non-governmental organizations. Moreover, it had missed no opportunity to denounce in the most diverse international assemblies the practices of racism, racial discrimination and *apartheid*, whether in connexion with the atrocities committed by the régimes in Pretoria, Salisbury and Lisbon against the indigenous African populations of South Africa, Namibia, Zimbabwe, Angola, Mozambique and the recently established Republic of Guinea-Bissau, to which the Government of Cuba had just accorded full recognition, or, in connexion with the Palestinian *fedayeen*, who had been forced to abandon their ancestral lands or were being subjected to discriminatory practices on the soil of the Arab fatherland occupied by military forces as a result of a war of aggression. Cuba had also shown

solidarity in both word and deed with Indians, Blacks, Chicanos, Asians, Puerto Ricans and, in general, all the so-called racial minorities which in the United Nations had first-hand experience of how the vaunted "American way of life" worked for them. That solidarity also extended to the Indians of Latin America, who in many countries of the continent were denied by society even the possibility of living in peace on its periphery. Cuba also expressed its special feelings of solidarity with all those Latin Americans in Chile who were currently suffering the most shameful repression at the hands of the subversive armed forces which had overthrown the legitimately constituted Government.

3. All those considerations strengthened his delegation's conviction that vigorous international action was required to combat the evil at its real source. As long as imperialism, colonialism and neo-colonialism persisted, the world would continue witnessing such scandalous violations of the fundamental human rights of peoples. The Decade that was about to commence constituted another front on which the long-term struggle against those evils should be waged.

4. With regard to the draft programme for the Decade for Action to Combat Racism and Racial Discrimination (A/9094 and Corr.1, annex I), his delegation expressed its total support for the aims and objectives of the Decade, as set forth in paragraphs 8 and 9. It agreed fully with the proposals contained in paragraph 12 of the draft programme for measures at the national level, which it felt constituted the minimum that would be acceptable. It was also pleased to observe that both the internal legislation and the actual situation in Cuba conformed with the letter and spirit of that paragraph. It was obvious that racism and racial discrimination could not be eliminated by decree; it was also necessary that the economic, social and political structures should guarantee to all citizens full access to all opportunities in their lifetime. In Cuba, before 1959, the condemnation of racial discrimination had been embodied in all the legal instruments in force. Nevertheless, there had prevailed the most hypocritical, subtle—and sometimes crude—form of discrimination, since economic opportunities and, consequently, the scarce educational facilities in existence, had not been equally available to all sectors of the population. Only with the foundation of a new society had the evil been eradicated once and for all.

5. Perhaps that assertion would place Cuba among those States Members of the United Nations which, according to the United States delegation, pointed only to the evils of others and not to their own. After piously acknowledging what remained to be achieved in that regard in its own territory, the United States delegation had described the terrible reality observed in other countries by well-known United States personalities who had struggled for the elimination of racial discrimination in their own country. It was necessary to mention that aspect of the statement by the United States delegation because it revealed a tendency which could serve in practice as a smoke screen to hide the real aims of the Decade and to divert its activities to goals far removed from those pursued by the majority of Governments. The United States delegation would have done better to go into an analysis, even in summary form, of the causes of the hunger and poverty that United States citizens had observed in many countries and to evaluate the extent to which the interests of the Government and of transnational United States companies were responsible for that situation, which was apparently causing it so much concern.

6. The measures at the regional and international levels envisaged in paragraph 13 of the programme were especially important. It was obvious to world public opinion that the political, economic and military support of the countries of the North Atlantic Treaty Organization was directly responsible for the perpetuation of racism and racial discrimination in southern Africa. Similarly, the protection of foreign investments in that area called for the continuation of such practices and the military reinforcement of those régimes. Paragraph 13 (e), which referred to support and assistance to liberation movements struggling against racism, was of particular significance to his delegation. The Revolutionary Government of Cuba intended to continue to provide fraternal aid to those movements by the means it considered most effective. It was also important to strengthen the legal framework for the condemnation of racism and racial discrimination, and his delegation considered that the adoption of an international convention on the suppression and punishment of the crime of *apartheid* would be an important element in the programme for the Decade.

7. With regard to the measures that should be taken within the United Nations system, his delegation supported the holding of a world conference on combating racism and racial discrimination early in the second half of the Decade. The participation of national liberation movements in that conference would be an extremely positive contribution to the success of its work. With regard to the proposed seminars, symposia and research activities, adequate measures should be taken to ensure that they were not confined to academic activities of no practical value and that the financial difficulties of the United Nations were not exacerbated by the recruitment of unnecessary personnel before the human resources already available to the Division of Human Rights had been exhausted, as was pointed out by the Advisory Committee on Administrative and Budgetary Questions.

8. With regard to the review and appraisal machinery for the Decade, described in paragraph 18 of the draft programme, his delegation considered that the setting up of a special committee of the General Assembly for

that purpose would have important drawbacks, both operational and financial. The enlargement of the membership of the Economic and Social Council and the opportunities which it presented made it advisable to seek a solution within that very important United Nations body.

9. Mr. KARASSIMEONOV (Bulgaria) said that the decision to take up the subject of the Decade for Action to Combat Racism and Racial Discrimination as the first item on the agenda showed the importance the United Nations attached to it. The Bulgarian Constitution, like the constitutions of all other socialist countries, condemned all practices of racial discrimination. Bulgaria had always supported the legitimate struggle of the national liberation movements against the colonialist and Fascist régimes. It had been one of the first countries to sign the International Covenants on Human Rights, had taken an active part in the preparation of the draft Convention on the Suppression and Punishment of the Crime of *Apartheid* (A/9095, annex) and had made various suggestions which had been welcomed in the General Assembly and the Committee. His delegation considered that the current political situation was favourable to the consolidation of international peace and security.

10. At the preceding session his delegation had in principle supported the draft programme for the Decade and it was therefore glad that the Committee had that text before it at the current session (A/9094 and Corr.1, annex I). It was to be hoped that the collective action of the United Nations would promote the adoption by all nations of means of overcoming that evil and eliminating the racist régimes. The resolutions and decisions previously adopted by the General Assembly and the Security Council indicated the possible nature of such means. It was certain that the implementation of the provisions relating to the isolation of the racist and colonialist régimes would contribute effectively to their elimination, since the trade carried out with them by some countries was a form of support for such régimes. On the whole, the draft programme for the Decade was a milestone in the activities of the United Nations.

11. His delegation considered that the task of coordinating the Decade should be entrusted to the Economic and Social Council, which had the necessary resources and experience to carry it out successfully. It fully supported the view of those delegations which had stated that the continuation of the activities of the racist régimes should not be regarded as cause for discouragement and it was convinced that international action against racial discrimination would open up favourable opportunities for the national liberation movements.

12. Mr. COSTA COUTO (Brazil), replying to a question raised by the representative of Zambia at the 1986th meeting, thanked him for the interest he had shown in Brazil's felicitous racial experience and referred him to statements made in the past by the Brazilian delegation in the General Assembly and the Third Committee describing the historical background of Brazil, the multiracial basis of its society and the absence within its frontiers of prejudices based on race.

13. At the 2124th plenary meeting of the General Assembly, during the current session, the Minister for Foreign Affairs of Brazil had addressed the following words to the President of the Assembly:

“As a Latin American, I am aware that your personal attributes are highly representative of the long lineage of statesmen and internationalists who have built up the cultural and political heritage of our continent. The historic deeds of those statesmen and leaders mirrored the common cultural origins of Iberia—the discoverer of seas and continents, the sower of civilizations, the heiress to and propagator of the Mediterranean cultures—the Luso-Spanish Iberia which intermingled with the aboriginal races of America and acquired a new dimension through the contribution of the blood and cultural values of Africa, as exemplified by my own country, Brazil, where all these influences were amalgamated, rendering it for that very reason so profoundly Latin American and so much part and parcel of the Latin American world.”

Brazil was proud of its ancestry, but at the individual level what was important to the Brazilian people was not origin or lineage, but the individual worth of each person.

14. Mr. KABINGA (Zambia), speaking in exercise of the right of reply, thanked the representative of Brazil for his statement, which showed that the analysis made by the representative of Portugal at the preceding meeting was quite wrong.

15. Mr. HOLGER (Chile), speaking in exercise of the right of reply, said that he most emphatically rejected the Cuban representative's views, which had nothing to do with the item being discussed by the Committee and constituted unwarranted interference in Chile's domestic affairs. His delegation supported the draft programme for the Decade for Action to Combat Racism and Racial Discrimination—which was consistent with the policies of the Government of Chile with its tradition of respect for human rights—and it wholeheartedly condemned all practices of racism and racial discrimination, particularly those affecting African countries.

16. Mr. ALFONSO (Cuba), speaking in exercise of the right of reply, said that the representative of Chile had made four main points in his statement. Firstly, he had rejected the assertions of the representative of Cuba; secondly, he had said that they did not relate to the item under discussion; thirdly, he had stated that they constituted obvious interference in Chile's domestic affairs; and, finally, he had again invoked the Chilean Government's tradition of respect for human rights.

17. With regard to the first point, the facts were obvious; the revolt which had overthrown the legal Government of Chile was a matter of public, indeed universal, knowledge, as was the tragic death of President Allende, and the repression currently being carried out against Latin Americans was a fact which had been reported over and over again by the international press.

18. With regard to the argument that the observations of the representative of Cuba did not relate to the item under discussion, his delegation maintained that the persecution of foreigners and, in particular, of Latin Americans who had taken refuge in Chile was a clear case of discrimination because of national origin, and in support of that statement, he referred to paragraphs 3 (e), 6 (a) and 8 of annex I to document A/9094 and Corr.1.

19. The argument that the assertions of the representative of Cuba constituted interference in Chile's domestic affairs was the same as the one the representative of South Africa invoked when the subject of *apartheid* was being discussed.

20. Finally, his delegation was the first to recognize that the legally constituted Government of Chile had been characterized by its scrupulous respect for human rights, but unfortunately it would no longer be able to say the same thing.

21. Mr. EL-FATTAL (Syrian Arab Republic) expressed his satisfaction with the informal consultations which were being held and in which it seemed that agreement was being reached. He was of the opinion that the suggestions which had been made by various States and which appeared in document A/9094 and Corr.1 should be taken into account in the preparation of amendments to the draft programme for the Decade, since that would save a great deal of time.

22. The CHAIRMAN said that there were no more speakers on his list and that no representative wished to take the floor. He suggested that the meeting should be adjourned. He also suggested that the time-limit for the submission of proposals concerning the item under consideration, which he hoped would not conflict, should be 10.30 a.m. on Friday, 5 October.

It was so decided.

23. The CHAIRMAN said that all suggestions should be submitted in the form of official draft amendments to the draft programme.

The meeting rose at 4.15 p.m.

1988th meeting

Friday, 5 October 1973, at 3.35 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.1998

AGENDA ITEM 53

Elimination of all forms of racial discrimination (*continued*) (A/9003 and Corr.1, chaps. XXIII, sect. A.1 and A.2 and XXX, sect. B; A/9094 and Corr.1 and Add.1, A/9095, A/9139, A/9177, A/C.3/L.1995, A/C.3/L.1996):

(a) **Decade for Action to Combat Racism and Racial Discrimination (*continued*)** (A/9003 and Corr.1, chaps. XXIII, sect. A.1 and XXX, sect. B; A/9094 and Corr.1 and Add.1, A/9177, A/C.3/L.1995, A/C.3/L.1996)

CONSIDERATION OF DRAFT RESOLUTIONS AND AMENDMENTS (A/C.3/L.1996)

1. The CHAIRMAN announced that various amendments had been submitted to the draft programme for the Decade for Action to Combat Racism and Racial Discrimination (A/9094 and Corr.1, annex I). The amendments were sponsored by the delegations of Brazil (A/C.3/L.1996), Trinidad and Tobago (A/C.3/L.1997), Egypt (A/C.3/L.1998), Iraq and the Syrian Arab Republic (A/C.3/L.1999) and Afghanistan and the Syrian Arab Republic (A/C.3/L.2000). All except the Brazilian amendments had been circulated as provisional documents. Working papers A/C.3/L.2001 and A/C.3/L.2002 had also been circulated as provisional documents.

2. Mr. COSTA COUTO (Brazil) said that his delegation had submitted its amendments (A/C.3/L.1996) not with the idea of stirring up controversy but with a clear intention in mind, which went no further than the contents of the document. First of all, it proposed that paragraph 1 of the draft programme should be amended to accord better with the first part of the Preamble of the Charter of the United Nations, on which it was based. Secondly, its intention was to bring the wording of the draft programme into line with that of existing conventions on the subject, as it believed that the best definition of racial discrimination was that contained in article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination. His delegation also proposed the deletion of various references to "other status" as a ground for discrimination, feeling that it led to confusion without improving the text. The same change should be made in paragraph 12 (a), to conform to the wording of the International Convention.

3. With regard to the provisional version of the amendments submitted by Trinidad and Tobago (A/C.3/L.1997), he felt, without underestimating the importance of the role of women in that particular sphere, that the proposals should be considered by other bodies.

4. Mrs. GEORGE (Trinidad and Tobago) said that the provisional version of the amendments proposed by her delegation (A/C.3/L.1997) were designed to emphasize

the importance of the role of women in the implementation of the programme for the Decade at all levels. Although the amendments might appear to be repetitious, they were necessary in order to re-emphasize new approaches that would include women in all efforts to eliminate racial discrimination. It might appear, too, that there was an over-projection of women into the programme, but it was necessary to counteract the traditional practice of relegating women to an inferior position, thus denying society their vital contribution with regard to the needs of the world.

5. The inclusion of the equal participatory role of women in the programme was highly relevant to the theme of the Decade, which was the elimination of racism and racial discrimination. Its pertinence had been ably validated in the valuable study entitled *Racial Discrimination*¹ prepared by the Special Rapporteur, Mr. Hernán Santa Cruz, in connexion with the observance of the International Year to Combat Racism and Racial Discrimination in 1971. Paragraphs 643 to 646 of that study, while making special reference to the rigid and legalized situation in South Africa, were none the less indicative of universal attitudes. They demonstrated the effect of the artificial mobilization of women in inferior roles—reflected in the right to marriage and choice of spouse, in educational development and in family life—while giving additional support to the concept of racism, racial superiority and racial discrimination. All of those areas were expected to be attacked during the Decade.

6. With regard to the Brazilian amendments (A/C.3/L.1996), she noted that the Brazilian delegation had been especially concerned with impact, whereas the delegation of Trinidad and Tobago was concerned with both input and impact. The draft programme dealt with a complex issue which required diversity in methods of application and opinion.

7. Mr. MOUSSA (Egypt) said that the provisional version of his delegation's amendment (A/C.3/L.1998), which consisted in replacing paragraph 13 (a) by a new text, was the outcome of consultations between delegations and had been approved unanimously in the working group. The working papers (A/C.3/L.2001 and A/C.3/L.2002) had been discussed in informal consultations among members of the Committee and there was a general consensus that the co-ordination and review and appraisal of the activities of the Decade should be entrusted to a particular body.

8. Mr. EL-FATTAL (Syrian Arab Republic), speaking on behalf of the sponsors of documents A/C.3/L.1999 and A/C.3/L.2000, said that all the amendments contained in those documents referred to activities for the Decade at the regional and international levels, as provided for in paragraph 13 of the draft programme. The amendments, which were self-explanatory, were in keeping with the spirit and letter of

¹ United Nations publication, Sales No. E.71.XIV.2.

the world campaign against racism and racial discrimination and with the spirit of the United Nations.

9. Mr. LÜTEM (Secretary of the Committee) recapitulated the amendments submitted to the draft programme for the Decade, as they appeared in document A/C.3/L.1996 and in the provisional versions of documents A/C.3/L.1997 to 2002, and read them out, indicating the passages which they affected.

10. Mr. LEHTIHET (Algeria) said he wished to make a slight change in the provisional version of document A/C.3/L.1999. In the French text, the last phrase of the second amendment should read "*un colonialisme de peuplement*" instead of "*un colonialisme de colons*".

11. Mr. MOUSSA (Egypt) appealed to the representative of Brazil to withdraw the first amendment in document A/C.3/L.1996. He also asked the representative of Trinidad and Tobago not to insist on the first or the fourth to twenty-fourth amendments in the provisional version of document A/C.3/L.1997. As a compromise solution, the first and third amendments submitted by Trinidad and Tobago could be retained on the understanding that Brazil would withdraw its first amendment.

12. Mrs. WARZAZI (Morocco) said that her delegation supported the amendments submitted by Afghanistan and the Syrian Arab Republic and contained in the provisional version of document A/C.3/L.2000, but suggested that the two changes should be submitted as a single amendment. Her delegation also agreed with the purpose underlying the amendments appearing in the provisional version of document A/C.3/L.1999 and would give them its full support.

13. Moreover, she wished to thank the representative of Brazil for having submitted most of the amendments contained in document A/C.3/L.1996, because otherwise the delegation of Morocco would have had to submit them. She fully agreed with the second to seventh amendments in that document, but not with the first amendment, since the words to be deleted had been taken from the Preamble to the Charter.

14. With regard to the provisional version of the amendments submitted by the representative of Trinidad and Tobago (A/C.3/L.1997), she understood their aim and felt that the reasons for their submission were entirely valid. However, she thought that the document might carry less weight if every paragraph mentioned the question of sex. In particular, she was uncertain as to where the first amendment could be included in the draft. Her delegation could accept the second amendment if it was worded to read: "The full utilization of the desire and readiness of men and women throughout the world . . .". However she could not agree to the fourth to fourteenth amendments. As for the fifteenth amendment, she felt that the text would be less unwieldy and that the objectives of the other amendments would be covered if paragraph 15 (c) contained an additional passage reading: "Activities undertaken in connexion with International Women's Year should take into account the Decade for Action to Combat Racism and Racial Discrimination so as to enable women to make their effective contribution to that struggle". Lastly, she could fully support and co-sponsor the seventeenth amendment.

15. Mr. PETHERBRIDGE (Australia) observed that the special committee responsible for co-ordinating

programmes and evaluating activities under the Decade would be made up of representatives of Member States, and if it was felt that it should be composed of an equal number of men and women there would be the problem of deciding which Member States should send men, and which women, to maintain the balance between the sexes.

16. Mr. COSTA COUTO (Brazil) said that, after having heard the comments made by the representative of Morocco and holding informal consultations with the representative of Trinidad and Tobago, he had decided, in a spirit of compromise, to withdraw the first amendment in document A/C.3/L.1996.

17. Mr. NASSER-ZIAYEE (Afghanistan) said that the draft programme had introduced a new terminology, although it would surely be preferable to retain the language of the Charter, the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenants on Human Rights.

18. Mr. SMIRNOV (Union of Soviet Socialist Republics) recalled the observations made by the delegation of the Soviet Union (1981st meeting) during the general debate on the draft programme, and submitted some oral amendments arising from those observations. First of all, he proposed that the phrase "as a crime against humanity" should be inserted in paragraph 2 after the words "the policy of *apartheid*". Next, he would like paragraph 5 to be replaced by the following wording: "The United Nations is convinced more than ever of the need for constant national, regional and international efforts to eliminate racism, *apartheid* and racial discrimination." The following paragraph should be added after paragraph 12 (a): "The granting of assistance on a bilateral basis to peoples which are victims of racial discrimination". A comma should be placed at the end of paragraph 13 (d), after which the following should be added: "and ways and means for ensuring the international and regional isolation of racist régimes should be examined". Paragraph 13 (f) should be reworded to read: "The implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, as well as United Nations resolutions on this question, is imperative." Finally, in paragraph 13 (g), the words "the crime of *apartheid*" should be replaced by "the suppression of the crime of *apartheid*".

19. Mr. MACRAE (United Kingdom) inquired whether there had been a time-limit for the submission of amendments, and, if so, whether the Committee had decided to extend it. If the submission of new amendments were allowed, he considered that they should be circulated in writing before they were discussed.

20. The CHAIRMAN said that there was a time-limit for the submission of amendments, and that it had already expired. The Committee therefore had to decide whether further amendments were admissible, and its practice had been to accept those which involved only minor changes.

21. Mr. VAN WALSUM (Netherlands) said that his delegation had no objection to the submission of new amendments, but wondered how that would affect the calendar of meetings.

22. The CHAIRMAN said that in accordance with rule 122 of the rules of procedure of the General Assembly he would suggest that, if there were no objec-

tions, the time-limit for the submission of amendments might be extended until 6 p.m. that day.

It was so decided.

23. Mr. COSTA COUTO (Brazil) requested that the delegation of the Soviet Union should submit its amendments in writing in order to save time.

24. Mrs. GEORGE (Trinidad and Tobago) thanked the representative of Brazil for withdrawing his first amendment, and said that she was holding consultations with the representative of Morocco concerning her own proposals.

25. Mr. AL-QAYSI (Iraq) said that, as a result of the withdrawal of the first Brazilian amendment, the language of the draft programme remained unchanged, and that raised a problem of a juridical nature. He took it that the draft aimed at faithfully reproducing the Preamble of the Charter; but on close reading, it did not appear to be a faithful reflection of the latter. Paragraph 1 seemed to imply that the Preamble only proclaimed a belief in goals, and that a decision was now being taken to translate them into reality. That did not reflect the true meaning of the Preamble. Where the Charter was involved, any change required careful reflection.

26. Mr. GRAEFRATH (German Democratic Republic) proposed that in paragraph 12 (a) (ii) the words "Universal Declaration of Human Rights" should be followed by "the United Nations Declaration on the Elimination of All Forms of Racial Discrimination".

27. Mr. MACRAE (United Kingdom) suggested informally that in view of the large number of proposed amendments which required closer examination, the Committee should move on to the next item on the agenda, postponing consideration of item 53 (a) until a later stage, so that further consultations could be held in the interim.

28. Mr. CATO (Ghana) said that if the United Kingdom made a formal proposal to that effect, he would oppose it, since he considered it preferable first to conclude consideration of item 53 (a).

29. The CHAIRMAN recalled that there would be no morning meeting on Monday, 8 October, and urged the delegations to meet informally with a view to reaching an agreement, so that the amendments might be put to the vote on Monday afternoon.

30. Mr. BOOTHE (Jamaica) suggested that the meeting should be adjourned so that consultations could be held that afternoon.

31. Mr. VON KYAW (Federal Republic of Germany) said that he could not understand how it could be confidently expected that the amendments would be put to the vote on Monday afternoon. The Committee had held a general debate for two weeks and was now beginning a new one, thereby running the risk of departing from the planned schedule of meetings. His delegation could not prevent new proposals from being formulated, but wished to stress that it would find it difficult to endorse amendments which had not been carefully examined.

32. The CHAIRMAN urged delegations to make comments and observations on the amendments, since the discussion in progress was not a procedural one.

33. Mrs. KOROMA (Sierra Leone) associated her delegation with the Jamaican proposal to adjourn the meeting so that consultations could be held.

34. The CHAIRMAN drew attention to rule 120 of the rules of procedure of the General Assembly, which stated that a representative could move the suspension or the adjournment of the meeting. Such motions should immediately be put to the vote, without debate.

35. Mr. AL-QAYSI (Iraq) thought that if an amendment related to a fundamental point in the draft, no time-limits could be set for its submission. The working group had not examined the draft programme from the point of view of linguistic purity, and he considered that that needed to be done.

36. Mrs. WARZAZI (Morocco) agreed with the representatives of Jamaica and Sierra Leone that the meeting should be adjourned, since changes were going to be made in the amendments and it was pointless to examine them if they were to be modified or withdrawn. She therefore proposed, in accordance with rule 120 of the rules of procedure, that the meeting should be adjourned.

37. She also requested the Secretary to issue a document presenting the amendments in the usual form, that is, arranged according to the paragraphs to which they referred, as it would be most useful for the purpose of voting.

38. The CHAIRMAN read out rule 120 of the rules of procedure and put the proposal to adjourn the meeting to the vote.

The proposal was adopted by 76 votes to none, with 2 abstentions.

The meeting rose at 5.30 p.m.

1989th meeting

Monday, 8 October 1973, at 3.45 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.1989

AGENDA ITEM 53

Elimination of all forms of racial discrimination (continued) (A/9003 and Corr.1, chaps. XXIII, sect. A.1 and A.2 and XXX, sect. B; A/9018, A/9094 and Corr.1 and Add.1, A/9095, A/9139, A/9177, A/C.3/L.1995, 1996, 1997/Rev.1, 1998, 1999 and Corr.1, 2000, 2001, 2002, 2003 and Corr.1, 2004-2008):

(a) **Decade for Action to Combat Racism and Racial Discrimination (continued)** (A/9003 and Corr.1, chaps. XXIII, sect. A.1 and XXX, sect. B; A/9094 and Corr.1 and Add.1, A/9177, A/C.3/L.1995, 1996, 1997/Rev.1, 1998, 1999 and Corr.1, 2000, 2001, 2002, 2003 and Corr.1, 2004-2008)

CONSIDERATION OF DRAFT RESOLUTIONS AND AMENDMENTS (concluded) (A/C.3/L.1996, 1997/Rev.1, 1998, 1999 and Corr.1, 2000, 2001, 2002, 2003 and Corr.1, 2004-2008)

1. Lord GAINFORD (United Kingdom) agreed with the Egyptian representative that the Committee should concentrate on the four major aspects of the programme and accept the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Commission on Human Rights with respect to its details. Obviously, a programme of such complexity and length could not wholly satisfy every delegation, but he had hoped that, in a spirit of compromise and of determination to launch a programme which could be supported by all Member States, delegations would have refrained from proposing many amendments. His delegation found it especially regrettable that some delegations had sought to amend passages not considered by the informal working group. He felt that most of the amendments before the Committee widened the scope of the programme and had little to do with racial discrimination as defined in article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination. Some of them introduced political elements which could only weaken the thrust of the programme, while others destroyed its balance by placing too much emphasis on the need to combat discrimination and ignoring the need to promote harmony between different races. For example, the first of the amendments submitted by the USSR (A/C.3/L.2003 and Corr.1) took no account of the last part of paragraph 5 of the draft programme, which stressed the need to promote harmonious relations between races. His delegation would therefore vote against that amendment.

2. For the same reason, his delegation had introduced a subamendment (A/C.3/L.2004) to the Egyptian amendment contained in document A/C.3/L.1998, which, in its opinion, did not substantially improve paragraph 13 (a) of the draft. The terms of reference of the proposed conference seemed somewhat negative, in so far as they related to the implementation of resolu-

tions many of which were unacceptable to a number of Governments. The United Kingdom amendment urged that the conference should focus on the promotion of racial harmony, which complemented measures to eliminate racial discrimination, as was shown by the debates in the Commission on Human Rights. He hoped, therefore, that his amendment would be adopted unanimously. He would explain his vote and his delegation's position on the programme as a whole when the latter had been adopted.

3. Mr. SMIRNOV (Union of Soviet Socialist Republics) felt that the USSR amendments in document A/C.3/L.2003 and Corr.1 were sufficiently clear and did not call for a long explanation. The first amendment gave a more positive meaning to paragraph 5 of the draft programme, and the second provided for assistance to people who were victims of racial discrimination. The third complemented the draft programme, while the fourth and fifth amendments were concerned solely with form.

4. Unlike the United Kingdom representative, he felt that the various amendments complemented and improved the draft and that their number bore witness to the desire of delegations to draw up a positive document.

5. Mrs. GEORGE (Trinidad and Tobago) said her delegation had withdrawn a number of the amendments it had proposed at the previous meeting, which had appeared in the provisional version of document A/C.3/L.1997. The amendments it maintained, of which the Moroccan delegation was a sponsor, were reproduced in the revised version of that text (A/C.3/L.1997/Rev.1). The only change in relation to document A/C.3/L.1997 concerned the third amendment.

6. Her delegation supported the amendments before the Committee: it supported the amendments in document A/C.3/L.1999 and Corr.1 in the context of the Decade and their universal application on the basis of the principles set forth by Mr. Hernán Santa Cruz in his study entitled *Racial Discrimination*, from which she quoted paragraphs 340 and 354. She would take up the subject of draft resolution A/C.3/L.2001 at a later stage.

7. Mr. CATO (Ghana), speaking on behalf of his own delegation and that of Egypt, submitted an amendment (A/C.3/L.2002) to paragraph 18 of the draft programme. His delegation had stressed the important role that a committee could play in the effective implementation of the programme for the Decade, and it had agreed with many other delegations that that task should be entrusted to a committee of the General Assembly. However, in a spirit of compromise, with a view to enabling the programme as a whole to be adopted, the sponsors of the amendment had accepted the proposal that the Economic and Social Council should be given the responsibility for co-ordinating the programmes and evaluating the activities undertaken in

connexion with the Decade. Paragraph (c) of the amendment contained the only new idea: it provided that the Economic and Social Council should also act as the preparatory committee for the world conference. The other parts of the amendment restated the basic elements of the draft programme, and he hoped that they would be supported by the members of the Committee.

8. He also submitted on behalf of the delegations of Afghanistan, Egypt and Yugoslavia, as well as his own, draft resolution A/C.3/L.2001, which contained all the necessary elements to ensure the proper implementation of the programme. He considered that the amendment in document A/C.3/L.2006, which concerned the draft resolution (A/C.3/L.2001), and the subamendment in document A/C.3/L.2007, which concerned the amendment of Egypt and Ghana (A/C.3/L.2002), could be adopted without a debate.

9. In conclusion, he suggested that the Committee should recommend in its report that the Economic and Social Council invite the Chairman 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 and the President of the United Nations Council for Namibia to take part in its deliberations, since those organs were directly concerned in the Decade.

10. Mr. BADAWI (Egypt), introduced the Egyptian amendment (A/C.3/L.1998) to paragraph 13 (a), and said it was designed to replace the words "but not later than 1978" by the words "but preferably not later than 1978", a change which, he hoped, would make it possible to avoid any controversy on the question of the date. The amendment also provided for the insertion of the word "racism" before the words "racial discrimination".

11. His delegation was not opposed in principle to the United Kingdom subamendment (A/C.3/L.2004) to the amendment he had submitted, but would have preferred the reference to the promotion of racial harmony to have been made in the context of United Nations resolutions and the principles of the Charter, rather than separately.

12. He supported the 10-Power amendments to paragraph 13 (A/C.3/L.1999 and Corr.1), since it was necessary to link discrimination to racism.

13. Mr. AL-QAYSI (Iraq) recalled that at the preceding meeting his delegation had made some general remarks on the wording of paragraph 1 of the draft programme. He wished to propose that that paragraph should be brought into line with the Charter. If his suggestions were not out of order, he would like them to be considered.

14. The CHAIRMAN recalled that 6 p.m. on Friday, 5 October had been set as the deadline for the submission of amendments and that amendments which had not been submitted by that time could not be considered.

15. Mr. KÖRPÅS (Sweden) said that the Commission on Human Rights had done an excellent job and he would have preferred the draft programme to be the subject of a consensus. The Committee ought to adopt many amendments unanimously. Thus, referring to the first of the Soviet amendments (A/C.3/L.2003 and Corr.1), to which the United Kingdom representative

had raised objections, he proposed that the USSR should accept the addition of the few words proposed by the United Kingdom delegation so that the latter could vote in favour of the amendment.

16. Mr. KABINGA (Zambia), referring to the amendment submitted by Egypt and Ghana (A/C.3/L.2002), said his delegation was convinced that it was absolutely essential to set up a special committee. It understood that a consensus had emerged to the effect that the Economic and Social Council should be entrusted with the tasks which would otherwise have been the responsibility of the proposed committee. His delegation could associate itself with that consensus, but wished its reservations on the matter to be reflected in the summary record of the meeting.

17. Mrs. ESHEL (Israel) said she would have preferred the proposed activities for the Decade to deal with the main issue—namely, racial discrimination as defined in the Convention. Her delegation welcomed the Brazilian amendment in document A/C.3/L.1996 which related to that issue. On the other hand, she did not believe it was constructive to attempt to introduce matters which, whatever their intrinsic value, did not relate directly to the subject dealt with. Accordingly, she was opposed to the proposal for the delegations of Trinidad and Tobago and Morocco which would have the effect of introducing the question of the rights of women. Her delegation was not opposed to the first amendment contained in document A/C.3/L.1997/Rev.1, but it felt that the other amendments in that document had no value in the particular context. Similarly, it did not believe that the amendments contained in document A/C.3/L.1999 and Corr.1 were constructive, since they introduced new elements. On the other hand, she would vote for the Egyptian amendment (A/C.3/L.1998), which reflected the Committee's discussions. Her delegation could not accept the first of the USSR amendments (A/C.3/L.2003 and Corr.1), which was aimed at deleting the reference to harmonious relations between races. There was no need to comment on the other amendments, and her delegation's position regarding them would be made clear when they were put to the vote.

18. Mrs. MARICO (Mali) asked whether the second of the 10-Power amendments in document A/C.3/L.1999 and Corr.1 involved the deletion of former paragraph 13 (e). Such a deletion would be unfortunate, since that subparagraph recognized the legitimacy of the liberation movements. Her delegation was not opposed to the amendments submitted in that document, but it wished the following phrase to be added at the end of the proposed new subparagraph (e): "or to settle natives in reservations, thus condemning them to a miserable existence".

19. Mr. FØNS BUHL (Denmark) said that, on the whole, his delegation supported the draft resolution submitted by Afghanistan, Egypt, Ghana and Yugoslavia (A/C.3/L.2001) and hoped that it would be adopted unanimously. If the draft resolution was voted upon, however, his delegation would request a separate vote on operative paragraph 6.

20. Mr. AL-QADHI (Iraq), replying to the question put by the representative of Mali, said that the sponsors of the amendment to paragraph 13 (e) (A/C.3/L.1999 and Corr.1) had not intended to delete the original text

of that subparagraph but merely wished to supplement it.

21. Mr. SHAFQAT (Pakistan) asked why the word "universal" contained in the Egyptian amendment to paragraph 13 (a) (A/C.3/L.1998) appeared in parentheses.

22. Mr. BADAWI (Egypt) explained that, following consultations in the working group, it had been decided to insert the words "full and" before the word "universal". Since the working group had been unable to reach a consensus on the latter word, it had been placed between parentheses so that the Committee itself could take a decision on the matter.

23. Miss JAUREGUIBERRY (Argentina) said that her delegation supported the amendments to paragraphs 13 (d) and (e) (A/C.3/L.1999 and Corr.1), which fitted in well with the programme. It also endorsed the Egyptian amendment to paragraph 13 (a) (A/C.3/L.1998).

24. Mr. VON KYAW (Federal Republic of Germany), referring to the first of the Soviet amendments (A/C.3/L.2003 and Corr.1), asked whether it would not be possible to insert at the end of paragraph 5 of the draft programme the phrase "and to promote harmonious relations between races" contained in the original text, which reflected another important aspect of the programme for action to combat racism and racial discrimination.

25. Mrs. HEANEY (Ireland) supported the suggestion made by the representative of the Federal Republic of Germany, which would make it easier for delegations to accept the Soviet amendment.

26. Mr. SMIRNOV (Union of Soviet Socialist Republics) observed that the programme should relate essentially to action to combat racism and racial discrimination; it was not possible to speak of interracial harmony while the policy of *apartheid* continued to be applied. Furthermore, paragraph 3 (d) referred to the need to put into effect procedures to "improve relations among racial groups"; that formula appeared adequate to his delegation, which felt that the amendment to paragraph 5 of the draft programme as it had been submitted was more realistic. His delegation was therefore unable to accept the suggestion made by the representative of the Federal Republic of Germany. Moreover, the United Kingdom delegation had submitted a subamendment (A/C.3/L.2004) to that effect to the Egyptian amendment to paragraph 13 (a) (A/C.3/L.1998); if that subamendment was adopted, it would accommodate the point made by the Federal Republic of Germany and the delegations which had supported its proposal.

27. Mrs. WARZAZI (Morocco) agreed with the representative of the Soviet Union that if racial harmony had existed, it would not have been necessary to initiate a programme for action to combat racism and discrimination. Consequently, the United Kingdom subamendment to the Egyptian amendment was unacceptable. Her delegation did not believe that there was a single international instrument relating to human rights which was devoted to racial harmony. In order more accurately to reflect the true situation, the United Kingdom delegation might modify its subamendment to read: "which would contribute to the search for, and promotion of, racial harmony".

28. Mr. VAN WALSUM (Netherlands) said that, in his view, the approach advocated by the representative of Morocco was too formalistic. The ultimate aim of the programme for the Decade for Action to Combat Racism and Racial Discrimination was clearly the promotion of racial harmony, even if the words "racial harmony" did not appear in any international instrument. His delegation could not endorse a view which would involve placing limitations on the universal application of human rights. It was not only in South Africa that racial discrimination existed; it was a serious problem in every part of the world, and efforts to combat racism should be undertaken on a world-wide scale. Accordingly, his delegation would support the United Kingdom subamendment.

29. Mr. VALTASAARI (Finland) said that his delegation's affirmative vote on the Egyptian amendment (A/C.3/L.1998) to paragraph 13 (a) did not entail any change in the position previously taken by his delegation on the resolutions referred to. It also supported the proposal to establish an international fund on a voluntary basis contained in paragraph 17 of the draft programme; however, in view of the fact that no mention was made of the aims of the fund or the arrangements for running it, Finland was not currently in a position to enter into any commitment regarding its possible contribution to the fund.

30. Mr. SMIRNOV (Union of Soviet Socialist Republics), speaking on a point of order, said he wished to express certain reservations regarding the Russian translation of the documents; he reserved the right to revert to that matter at a later stage.

31. The CHAIRMAN invited the Committee to vote, paragraph by paragraph, on the draft programme for the Decade for Action to Combat Racism and Racial Discrimination (A/9094 and Corr.1, annex I).

Paragraph 1

Paragraph 1 was adopted by 96 votes to none, with 3 abstentions.

Paragraph 2

32. The CHAIRMAN said that, if there were no objections, he would take it that the Committee wished to adopt paragraph 2.

It was so decided.

Paragraph 3

The second of the Brazilian amendments (A/C.3/L.1996) was adopted by 99 votes to none, with 3 abstentions.

The first sentence of paragraph 3, as amended, was adopted by 100 votes to none, with 1 abstention.

The third of the Brazilian amendments (A/C.3/L.1996) was adopted by 103 votes to none, with 1 abstention.

Paragraph 3 (d), as amended, was adopted by 103 votes to none, with 1 abstention.

Paragraph 3 as a whole, as amended, was adopted by 104 votes to none, with 1 abstention.

Paragraph 4

Paragraph 4 was adopted by 103 votes to none, with 1 abstention.

Paragraph 5

The first of the Soviet amendments (A/C.3/L.2003 and Corr.1) was adopted by 76 votes to 7, with 16 abstentions.

Paragraph 6

The fourth of the Brazilian amendments (A/C.3/L.1996) was adopted by 85 votes to 1, with 9 abstentions.

Paragraph 6 (a), as amended, was adopted by 99 votes to none, with 1 abstention.

33. The CHAIRMAN said that, if there was no objection, he would take it that the Committee adopted the first of the amendments by Morocco and Trinidad and Tobago (A/C.3/L.1997/Rev.1), involving the addition to the paragraph of a new subparagraph (c).

It was so decided.

34. Mr. EVORA (Portugal) said that his delegation wished to abstain on the amendment in question.

35. Mr. KABINGA (Zambia), speaking on a point of order, said that before the Portuguese delegation had expressed its wish to abstain the Chairman had already stated that the Committee had adopted the amendment by Morocco and Trinidad and Tobago.

36. The CHAIRMAN confirmed that the amendment of Morocco and Trinidad and Tobago had been adopted. It would, however, be noted in the summary record of the meeting that, following the adoption of the amendment, the Portuguese delegation had indicated a desire to abstain.

Paragraph 6 as a whole, as amended, was adopted by 100 votes to none, with 1 abstention.

Paragraph 7

Paragraph 7 was adopted by 103 votes to none, with 1 abstention.

Paragraph 8

The fifth of the Brazilian amendments (A/C.3/L.1996) was adopted by 87 votes to 2, with 8 abstentions.

37. The CHAIRMAN said that, if there was no objection, he would take it that the positions of delegations on paragraph 8 as a whole, as amended, were the same as their position on the amendment, and that it was adopted.

38. Mr. MARTINEZ (Cuba) and Mrs. MANDARA (United Republic of Tanzania), speaking on a point of order, stated that their delegations had abstained in the vote on the fifth Brazilian amendment but wished to vote for paragraph 8 as a whole, as amended. The paragraph should therefore be put to the vote.

Paragraph 8 as a whole, as amended, was adopted by 100 votes to none, with 1 abstention.

Paragraph 9

The second of the amendments by Morocco and Trinidad and Tobago (A/C.3/L.1997/Rev.1) was adopted by 96 votes to none, with 4 abstentions.

Paragraph 9 as a whole, as amended, was adopted by 103 votes to none, with 1 abstention.

Paragraph 10

The sixth of the Brazilian amendments (A/C.3/L.1996) was adopted by 91 votes to none, with 7 abstentions.

Paragraph 10 as a whole, as amended, was adopted by 102 votes to none, with 1 abstention.

Paragraph 11

Paragraph 11 was adopted by 105 votes to none, with 1 abstention.

Paragraph 12

The seventh of the Brazilian amendments (A/C.3/L.1996), as applicable to subparagraph 12 (a) of the draft programme, was adopted by 94 votes to 1, with 7 abstentions.

The second of the USSR amendments (A/C.3/L.2003 and Corr.1) was adopted by 71 votes to 2, with 20 abstentions.

The amendment by the German Democratic Republic (A/C.3/L.2005) was adopted by 97 votes to none, with 1 abstention.

Subparagraph (a) (ii), as amended, was adopted by 101 votes to none, with 1 abstention.

Paragraph 12 (a), as amended, was adopted by 103 votes to none, with 1 abstention.

Paragraph 12 as a whole, as amended, was adopted by 101 votes to none, with 1 abstention.

Paragraph 13

The amendment by Afghanistan and the Syrian Arab Republic (A/C.3/L.2000) was adopted by 89 votes to none, with 5 abstentions.

39. The CHAIRMAN put to the vote the United Kingdom subamendment (A/C.3/L.2004) to the Egyptian amendment (A/C.3/L.1998).

40. Mr. MARTINEZ (Cuba) said that his delegation intended to vote against the subamendment and asked if he could explain his vote forthwith.

41. The CHAIRMAN asked delegations to defer explanations of their votes until all voting had been completed.

42. Mrs. WARZAZI (Morocco) pointed out that the United Kingdom representative had not replied to her observation and asked the representative of the Secretary-General whether there were any international instruments which referred to racial harmony.

43. The CHAIRMAN pointed out that once voting had begun statements could not be made; the representative of the Secretary-General would therefore not be able to speak until the voting had been completed.

44. Mr. GUERRERO (Philippines) asked where the phrase proposed in the United Kingdom subamendment was to be inserted.

45. The CHAIRMAN said that the phrase was to be added at the end of the Egyptian amendment, after the

words "racial discrimination". If that posed a problem, the matter would be cleared up at a later stage.

The United Kingdom subamendment (A/C.3/L.2004) was rejected by 44 votes to 34, with 14 abstentions.

The Egyptian amendment (A/C.3/L.1998), as amended by the adoption of the amendment by Afghanistan and the Syrian Arab Republic (A/C.3/L.2000) was adopted by 96 votes to none, with 2 abstentions.

The third of the amendments by Morocco and Trinidad and Tobago (A/C.3/L.1997/Rev.1) was adopted by 92 votes to none, with 3 abstentions.

The first of the amendments by the 10 Powers (A/C.3/L.1999 and Corr.1) was adopted by 84 votes to none, with 12 abstentions.

Paragraph 13 (d) as a whole, as amended, was adopted by 94 votes to none, with 5 abstentions.

46. The CHAIRMAN put to the vote the Malian oral subamendment to the second amendment by the 10 Powers, regarding paragraph 13 (e).

47. Mr. AL-QAYSI (Iraq) said that, as a sponsor of the 10-Power amendment, he would have no difficulty in accepting the Malian subamendment, although he would like to make several formal alterations to the text.

48. The CHAIRMAN said that it had been possible to admit the proposal by Mali because it was a subamendment. The representative of Iraq, however, wished to change the original text and that was no longer admissible.

The Malian oral subamendment to the second of the amendments by the 10 Powers (A/C.3/L.1999 and Corr.1) was adopted by 63 votes to none, with 23 abstentions.

The second of the amendments by the 10 Powers (A/C.3/L.1999 and Corr.1), as amended, was adopted by 73 votes to 3, with 17 abstentions.

49. In reply to a question by the Ghanaian representative regarding procedure, the CHAIRMAN read out rule 132 of the rules of procedure of the General Assembly.

The third of the USSR amendments (A/C.3/L.2003 and Corr.1) was adopted by 67 votes to 6, with 16 abstentions.

The fourth of the USSR amendments (A/C.3/L.2003 and Corr.1) was adopted by 90 votes to none, with 1 abstention.

Paragraph 13 (f), as amended, was adopted by 97 votes to none, with 1 abstention.

50. Mrs. WARZAZI (Morocco) observed that the French and English versions of the fifth of the USSR amendments (A/C.3/L.2003 and Corr.1) should be brought into line.

The fifth of the USSR amendments (A/C.3/L.2003 and Corr.1) was adopted by 79 votes to none, with 11 abstentions.

Paragraph 13 (g) as a whole, as amended, was adopted by 86 votes to none, with 9 abstentions.

Paragraph 13 as a whole, as amended, was adopted by 95 votes to none, with 3 abstentions.

Paragraph 14

Paragraph 14 was adopted by 93 votes to none, with 2 abstentions.

Paragraph 15

The seventh of the Brazilian amendments (A/C.3/L.1996) was adopted by 82 votes to 2, with 5 abstentions.

Subparagraph 15 (d) (v) as a whole, as amended, was adopted by 93 votes to none, with 1 abstention.

The fourth of the amendments by Morocco and Trinidad and Tobago (A/C.3/L.1997/Rev.1) was adopted by 85 votes to none, with 2 abstentions.

Subparagraph 15 (d) (vi) as a whole, as amended, was adopted by 92 votes to none, with 1 abstention.

Paragraph 15 as a whole, as amended, was adopted by 95 votes to none, with 1 abstention.

Paragraphs 16 and 17

Paragraphs 16 and 17 were adopted by 87 votes to none, with 2 abstentions.

Paragraph 18

51. The CHAIRMAN put to the vote the subamendment by the Netherlands and the United Kingdom (A/C.3/L.2007) to the amendment of Egypt and Ghana (A/C.3/L.2002).

52. Mr. SMIRNOV (Union of Soviet Socialist Republics) said that in view of the very large number of non-governmental organizations, it would be useful to refer specifically to the "interested" non-governmental organizations, in other words, those active in the field of human rights.

53. The CHAIRMAN said that it was no longer possible to amend any of the proposed texts, and read out rule 130 of the rules of procedure.

The subamendment by the Netherlands and the United Kingdom (A/C.3/L.2007) was adopted by 64 votes to 1, with 23 abstentions.

The amendment of Egypt and Ghana (A/C.3/L.2002), as subamended, was adopted by 88 votes to 1, with 3 abstentions.

54. The CHAIRMAN said that, if he heard no objection, he would take it that the draft programme for the Decade for Action to Combat Racism and Racial Discrimination (A/9094 and Corr.1, annex I), as a whole, as amended, was adopted.

It was so decided.

55. The CHAIRMAN said that the Committee should proceed to vote on the draft resolution submitted by Afghanistan, Egypt, Ghana and Yugoslavia (A/C.3/L.2001). The draft resolution having been the subject of an amendment proposed by the Netherlands (A/C.3/L.2006), he invited the Committee to vote first on that amendment.

56. Mrs. GEORGE (Trinidad and Tobago) said that her delegation wished to propose an amendment to the draft resolution.

57. The CHAIRMAN said that would hardly be possible at that stage, but the representative of Trinidad and Tobago could submit her proposal when the draft resolution was put to the vote in the plenary meeting of the General Assembly.

58. Mr. SMIRNOV (Union of Soviet Socialist Republics) said that he considered the draft resolution in question a separate document, and that since the voting process had not yet begun, his delegation would like to submit an amendment.

59. The CHAIRMAN said that the draft resolution could not be dissociated from the draft programme which the Committee had just adopted. Since the voting procedure had been initiated for the question as a

whole, it was not possible to accept further amendments.

The Netherlands amendment (A/C.3/L.2006) was adopted by 62 votes to 3, with 22 abstentions.

60. The CHAIRMAN said that, if he heard no objection, he would take it that the draft resolution submitted by Afghanistan, Egypt, Ghana and Yugoslavia (A/C.3/L.2001), as amended, was adopted.

It was so decided.

61. The CHAIRMAN invited delegations to offer explanations of their votes at the following meeting.

The meeting rose at 6.55 p.m.

1990th meeting

Tuesday, 9 October 1973, at 3.20 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.1990

In the absence of the Chairman, Mrs. Bertrand de Bromley (Honduras), Vice-Chairman, took the Chair.

AGENDA ITEM 53

Elimination of all forms of racial discrimination (continued) (A/9003 and Corr.1, chaps. XXIII, sect. A.1 and A.2 and XXX, sect. B; A/9018, A/9094 and Corr.1 and Add.1 and 2, A/9095, A/9139, A/9177, A/C.3/L.1995):

(a) **Decade for Action to Combat Racism and Racial Discrimination (concluded)** (A/9003 and Corr.1, chaps. XXIII, sect. A.1 and XXX, sect. B; A/9094 and Corr.1 and Add.1 and 2, A/9177, A/C.3/L.1995)

EXPLANATION OF VOTE

1. Lord GAINFORD (United Kingdom) said that the United Kingdom welcomed the adoption of the programme for the Decade for Action to Combat Racism and Racial Discrimination. In view of the length of the programme, it would be surprising if there were not some points in the original draft which his delegation could not endorse. It also regretted the attempts which had been made to distort the scope of the Decade by introducing elements which had little to do with racial discrimination as defined in article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination, and it felt that some of the amendments incorporated into the programme had weakened its thrust. The United Kingdom delegation hoped that the programme would not be used for political ends.

2. He wished formally to place on record a number of reservations. First, the United Kingdom did not accept that colonialism was a form of racial discrimination or that the success of efforts to eliminate racial discrimination depended on the vigour with which action was taken to implement United Nations resolutions relating to colonialism. It could not therefore endorse

paragraph 6 (b) of the programme (A/9094 and Corr.1, annex I), and it objected to the association of colonialism and racial discrimination elsewhere in the programme. The United Kingdom also wished to register opposition to the view that racial discrimination would be eliminated more swiftly if racist régimes were isolated. It had never accepted the principle that the best way of dealing with Governments it disliked was to break off all relations with them. Its reservation on that point applied particularly to the new subparagraph after paragraph 13 (d). At several points the programme urged implementation of all United Nations resolutions on racial discrimination and colonialism and implied that their implementation was obligatory. The United Kingdom did not accept that there was any obligation on Member States to implement General Assembly resolutions, many of which the United Kingdom had voted against. Those reservations applied in particular to paragraphs 6 (b) and 13 (a), (e) and (f). The United Kingdom interpreted all references in the programme to the need to give assistance to peoples struggling against racial discrimination or to achieve self-determination as being in accordance with the Charter of the United Nations, but it did not support the principle of the right of the people to use force in pursuit of political aims. That reservation applied particularly to paragraphs 2 (d), 12 (a) and 13 (e). The United Kingdom did not accept the need for new international instruments on racial discrimination, as called for in paragraph 13 (g) of the programme, or that *apartheid* was a "crime" under international law. It also doubted the need for another fund of the kind proposed in paragraph 17, and it would be misleading if it held out any prospect of contributing to such a fund. The United Kingdom Government could not undertake to use "every means at [its] disposal" or "all the appropriate media of communication" to educate the public as called for in paragraphs 12 (a) (vi) and 12 (c). As was well known, the media in the United Kingdom were not subject to government control and any attempt by the Government to instruct the media would conflict with the principle of freedom of information. The United Kingdom

therefore interpreted those paragraphs as calling upon Governments to use appropriate means to publicize the programme and encourage a spirit of tolerance.

3. In conclusion he wished to point out that, despite appearances, his reservations were actually small in relation to the scale of the text that had been adopted. His delegation would give its full support to all the activities of the Decade which seemed, in its view, likely to bring about greater understanding of the phenomenon of racial discrimination and the adoption of new measures to put an end to it.

4. Mr. EVORA (Portugal) said that his delegation had abstained on the draft programme and amendments because the text contained statements and premises that did not correspond to reality. There was evidence, in some cases, of a deliberate intention to violate the territorial integrity of Member States that was wholly at variance with the spirit of the Charter of the United Nations, and a number of proposals and measures set forth in the programme would be incapable of contributing in any way to the attainment of the proposed objectives. He wished to state, for the record, that if the draft programme had been voted on as a whole, his delegation would have abstained for those reasons.

5. Mrs. MAIR (Jamaica) said that her delegation had supported the draft programme, whose application should enable material progress to be made during the Decade towards the elimination of racism which, currently, was the most serious problem that the United Nations system had to solve. The scrupulous application of the programme would make it possible to deal with points not covered in existing international instruments on the subject.

6. Explaining her delegation's vote on some of the amendments, she said that she had voted for the United Kingdom subamendment (A/C.3/L.2004), which the Committee had rejected. It would have been helpful if, before the vote had been taken, the Committee had been able to obtain the information requested by the representative of Morocco (1989th meeting) concerning the existence of international instruments which referred to the question of the promotion of racial harmony; however, the Jamaican delegation had voted for the amendment because it saw no inconsistency between the promotion of racial harmony on the one hand and the struggle against racism and racial discrimination on the other hand. In its opinion, those were two complementary aspects of the same question.

7. The Jamaican delegation had voted against the seventh of the Brazilian amendments (A/C.3/L.1996) because it considered the original wording more precise and appropriate. If the proposed pilot studies were to be carried out in depth and be really useful, it would be necessary carefully to consider the many facets of racism as determined by local circumstances. The original wording was very explicit on that point and it was unfortunate that it had not been kept.

8. Lastly, the Jamaican delegation had voted for the second amendment in document A/C.3/L.1999 and Corr.1, as amended orally by Mali, in order to call attention to the particular manifestation of racism represented by the Bantustans.

9. Mrs. HEANEY (Ireland) said that her delegation had voted for the programme as a whole but had been unable to support certain amendments.

10. Her delegation had voted against the first of the Soviet amendments (A/C.3/L.2003 and Corr.1) because it believed the reference in paragraph 5 of the draft programme to the promotion of harmonious relations between races to be extremely important. However, the amended paragraph 5 having been accepted by the Committee, she wished to make it clear that her delegation had no difficulty in accepting it.

11. She had abstained in the vote on the second of the amendments submitted by Morocco and Trinidad and Tobago, regarding paragraph 9 (A/C.3/L.1997/Rev.1) because she believed that to single out one section of the community—in the case in point, women—weakened the impact of the draft. There again, however, her delegation had no difficulty in accepting paragraph 9 as amended.

12. Her delegation had abstained in the vote on the new sentence proposed in the second Soviet Union amendment because it felt that, in the kind of programme envisaged, emphasis should be placed on multilateral aid channelled through the appropriate United Nations agencies rather than on bilateral aid.

13. Her delegation's reasons for abstaining in the vote on the amendments to paragraph 13 contained in documents A/C.3/L.2000 and A/C.3/L.1999 and Corr.1 were similar in principle to those stated in connexion with the amendment to paragraph 9. While it sympathized with the intentions of the sponsors and had supported resolutions on that subject in other United Nations bodies, her delegation felt that, the more the programme for the Decade was kept free of extraneous concerns, the more effective it would be.

14. In conclusion, she said that her delegation welcomed the adoption of the programme as a whole and of draft resolution A/C.3/L.2001.

15. Mr. SHAFQAT (Pakistan) said that his delegation had not participated in the general debate on the question because it generally supported most of the recommendations contained in the programme. Moreover, it had welcomed the constructive amendments submitted to the original text, and had voted for most of the changes proposed. In that connexion, he recalled the positive contribution which his country had always made to efforts aimed at resolving the many pressing humanitarian and social problems afflicting the world. Pakistan had been one of the earliest signatories of the International Convention on the Elimination of All Forms of Racial Discrimination adopted by the General Assembly in 1965, and had had the privilege of participating in the work of the Committee on the Elimination of Racial Discrimination at its recent sessions. There had never been any racial discrimination in Pakistan, and the Government of Pakistan maintained no relations of any kind with the illegal racist régime in Southern Rhodesia or with the racist Government of the Republic of South Africa, whose policies it deplored and condemned.

16. His delegation had voted for all the amendments which would strengthen the effectiveness of the programme, desiring as it did to ensure the eradication at the earliest possible date, of the man-made diseases of racism and racial discrimination, which were continuing to ail large segments of human societies.

17. Mrs. YOUNG (United States of America) said that her delegation welcomed the adoption of such a

historic document as the result of the spirit of conciliation shown by the members of the Committee. Having accepted the programme, the United States undertook to ensure its implementation within the limits permitted by the United States Constitution and the over-all policies of the United States Government. However, there had been four instances in which her delegation had had to register a negative vote; in general, that had been due to the implications of the proposed amendments and not to any disagreement as to substance.

18. With regard to paragraph 5 of the programme, her delegation would have preferred the original wording or the text of the United Kingdom subamendment (A/C.3/L.2004) to the Egyptian amendment (A/C.3/L.1998) because it felt that, while the purpose of the Decade was to combat racism and racial discrimination, its ultimate goal was certainly to achieve racial harmony.

19. With regard to paragraph 12 (a), the United States Government, while favouring the granting of bilateral assistance to victims of racial discrimination who became refugees, could not support a policy of bilateral assistance to victims of discrimination within the territory of a Member State. For that reason, it had been unable to support that paragraph as it had been presented.

20. The implications of paragraph 13 (e) were too numerous to have been debated in the Committee without detracting from the spirit and intent of the document as a whole. The United States Government could not accept the restrictions on the First Amendment to the United States Constitution entailed in the new wording of that paragraph; without that Amendment and the rights which it guaranteed, the civil rights struggle of the black population of the United States would have been impossible.

21. Finally, in connexion with paragraph 13 (d), her delegation believed that, if the United Nations was to remain a universal and open forum, the racist régimes should be involved in it, so that their actions and policies could be exposed, and confronted by world public opinion. The abstentions and silences of the representative of Portugal testified more eloquently than any long speech to the dilemmas his country had to face and thus to the challenges the United Nations must meet.

22. Mrs. BONENFANT (Canada) said that her delegation was glad that the draft programme as a whole had been adopted without a vote; however, it believed that the programme should have been so drafted as to take greater account of the financial implications of its many components, particularly as far as the proposed conference and research work were concerned. It feared that the programme might evoke criticism in the Fifth Committee and emphasized that to some extent the statement of financial implications (A/C.3/L.1995) was no longer valid.

23. Her delegation had abstained in the vote on the special fund referred to in paragraph 17, and would also have abstained on paragraph 13 (c) relating to regional funds, if it had been put to the vote—not because Canada was opposed to action against racial discrimination and *apartheid* but because, in principle, it entertained serious doubts about the use of special funds, whose proliferation might result in a dispersal of re-

sources and efforts. In the Canadian view, it would be better to strengthen existing funds, thereby reducing administrative costs.

24. Canada had also abstained in the vote on paragraph 13 (g), regarding the elaboration of new international instruments, because it believed that the instruments which existed or were in preparation effectively covered or should cover the field of racism and racial discrimination. The proliferation of covenants and conventions would not provide any miraculous solution and did not necessarily mean that human rights and fundamental freedoms would be better protected.

25. Her delegation was sorry that the United Kingdom subamendment (A/C.3/L.2004) relating to paragraph 13 (a) had been rejected. For its part it had supported that amendment and failed to comprehend the opposition it had encountered, since its aim was to draw attention to understanding between races; even if that subject was not directly dealt with by international instruments, it was mentioned in those instruments. In that connexion, she quoted passages from article 2 (e) and article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination.

26. With regard to the Soviet amendments (A/C.3/L.2003 and Corr.1), her delegation had abstained in the vote on the second amendment, because it was worded in such a way as to imply that countries could provide assistance in all areas to peoples struggling against racial discrimination. While Canada was in favour of humanitarian assistance to such peoples, it was opposed to the provision of military aid, which would be tantamount to interference in the domestic affairs of a State. Canada had also voted against the third Soviet amendment, as it did not consider it appropriate to isolate racist régimes; that tactic could only encourage them to become more withdrawn and to perpetuate their policies. Finally, her delegation wished to state that, if a separate vote had been taken on paragraph 12 (a) (viii), relating to discrimination in education, it would have abstained, since the wording proposed might, for instance, appear to prohibit selection processes which did not in fact constitute discriminatory measures.

27. In conclusion, she said that the fact that her delegation had voted for a narrow definition of racial discrimination did not mean that, in its view, other forms of discrimination should not also be combated; it had felt that, within the framework of the Decade, it was essential to specify objectives, but it hoped that the other forms of discrimination would not be neglected.

28. Mr. AL-QAYSI (Iraq) said that his delegation had abstained in the vote on paragraph 1 of the draft programme because that paragraph did not reproduce the exact wording of the Charter of the United Nations, although it was based on it. With a few slight drafting changes, it might have been possible to improve the text of that paragraph so as to bring it into line with the Preamble to the Charter, without affecting the substantive amendments proposed by various delegations.

29. Mr. BOURGOIN (France) said he was pleased that the draft programme had been adopted almost unanimously. The fight against racism was indeed an urgent and important issue; at the very outset of the debate, France had stated its position of principle in that regard. His delegation had, however, had difficul-

ties with certain votes and wished to express reservations on certain points.

30. His delegation had voted in favour of the Brazilian amendments (A/C.3/L.1996) since they were designed to bring the text more closely into line with the International Convention. It had also voted for the amendments proposed by Morocco and Trinidad and Tobago (A/C.3/L.1997/Rev.1), since it felt that women should be fully associated with the activities envisaged. In that connexion, however, it would have preferred the inclusion of a single affirmation of principle at the beginning of the draft programme. He emphasized that in French the term "*droits de l'homme*" was universal in scope and applied to all human beings.

31. With regard to the Soviet amendments (A/C.3/L.2003 and Corr.1), his delegation had only been able to vote for the fourth amendment and had been obliged to abstain on the others. While it was true that the fight against racism was the main feature of the Decade, the positive value of racial harmony, reflected in the original wording of paragraph 5, should not be overlooked. For that reason, his delegation had voted in favour of the United Kingdom subamendment (A/C.3/L.2004). The second and third Soviet amendments referred to political matters which States should be free to decide themselves. Indeed, State sovereignty was a principle which the representative of the Soviet Union himself had often invoked. Moreover, the French delegation was not convinced that the policy of *apartheid* was a "crime" under international law. Only actions, not policy, could constitute crimes. Nor did his delegation think that the adoption of new international instruments was the best means of combating racism.

32. His delegation had voted in favour of the Egyptian amendment (A/C.3/L.1998), but would have preferred to have fuller information concerning the proposed conference, particularly with regard to its composition, the level of representation, the status of participants—representatives of Governments or experts—and the venue. It was therefore obliged to reserve its position pending the availability of further information which, it trusted, would be communicated as soon as possible; only then would it be possible to consider all the financial implications and, if necessary, reconsider the question. He added that his delegation's vote on that amendment by no means signified that the French Government had changed its position with regard to the resolutions concerned.

33. With respect to the amendment submitted by Egypt and Ghana (A/C.3/L.2002), his delegation considered that it was in keeping with the Charter, which gave the Economic and Social Council competence to deal with human rights matters.

34. Lastly, his delegation had voted in favour of paragraphs 16 and 17 because of paragraph 16; however, if paragraph 17 had been put to the vote separately, it would have abstained. It felt free to take that position since France contributed to the United Nations Trust Fund for South Africa and the United Nations Educational and Training Programme for Southern Africa.

35. He wished to emphasize that his delegation's reservations were really quite few in number, considering the size and scope of the draft programme which had been submitted to the Committee, and he reaffirmed his

delegation's support for the principles of the Decade and for most of the provisions of the programme.

36. Miss CAO PINNA (Italy) said that Italy had abstained in the vote on the amendments to paragraph 10 contained in document A/C.3/L.1999 and Corr.1 because, in its view, those amendments introduced political elements inconsistent with the scope of the programme, which was aimed essentially at combating racism and racial discrimination.

37. Her delegation had also opposed the amendment submitted by Afghanistan and the Syrian Arab Republic in document A/C.3/L.2000 which, by introducing the word "self-determination" in paragraph 13 (a), could divert attention from the major concern of the programme, which was racial discrimination, and give it a political tone. For the same reasons, her delegation had abstained in the vote on the Soviet amendments (A/C.3/L.2003 and Corr.1). By deleting the words "harmonious relations between races" which appeared in the original text of paragraph 5, the first amendment seemed to overlook the ultimate objective of the programme, which was precisely to create harmonious relations between races. By the same token, her delegation had voted in favour of the United Kingdom subamendment (A/C.3/L.2004) and regretted that it had not been adopted. With regard to the third Soviet amendment, which was designed to secure the international and regional isolation of racist régimes, her delegation thought it preferable in the circumstances to maintain the dialogue with all countries, including the racist countries.

38. Mr. COSTA COUTO (Brazil) said that, by supporting the draft resolution adopted by the Third Committee (A/C.3/L.2001), his delegation had given further proof of its interest in the struggle against racism and racial discrimination. It wished to emphasize, however, that it viewed paragraph 2 (d) and paragraph 13 (a), (c) and (e) in the spirit of paragraph 6 (a) and (b) of the programme and Article 1 of the Charter. With regard to the implementation by Member States of the United Nations resolutions on racial discrimination, *apartheid* and decolonization, referred to in paragraphs 6 (b) and 13 (a), (e) and (f) of the programme his delegation considered itself bound only by the resolutions for which it had voted. It also felt that the aid and assistance provided by the United Nations and the specialized agencies, referred to in paragraph 13 (e) and paragraph 17, should be granted to individuals and charitable organizations and not to political bodies.

39. His delegation could not at that stage express a view on the adoption of new international instruments regarding the elimination of racial discrimination, mentioned in paragraph 13 (j) of the programme as adopted, and the same applied to paragraph 15 (d) (vii). It had voted against the third Soviet amendment, since it was convinced that dialogue with the racist régimes was more effective internationally than isolation. With regard to the measures to be taken at the regional level, it felt that the United Nations could not prejudge decisions that had to be taken at the regional level. The USSR amendment did not spell out that the "ways and means" referred to were the peaceful ones of the Charter. The position of his delegation continued to be one of complete opposition to racist régimes.

40. Mr. LEHTIHET (Algeria) expressed his delegation's satisfaction over the fact that the draft

programme had been adopted without objection. That positive decision augured well for the success of the programme. His delegation had had no difficulty in voting for most of the amendments, except for the subamendment submitted by the United Kingdom (A/C.3/L.2004). Its reasons for voting against that subamendment were very clear: it was impossible to speak of racial harmony in the context of the situation which prevailed in southern Africa and which was contrary to all the principles of the Charter. It was first necessary to eliminate racism, *apartheid* and all the evils suffered by the African peoples and to enable the latter to enjoy fundamental human rights.

41. Mr. VAN WALSUM (Netherlands) said that his delegation approved of the programme for the Decade as a whole, and hoped that certain deficiencies in it could be ironed out in the course of the process of review and appraisal.

42. From the outset, however, his delegation had expressed reservations with regard to the numerous references to non-discrimination in all its forms, since the programme should, in its view, deal with racial discrimination. Accordingly, it had had some difficulty in accepting the amendments relating to the participation of women, as initially submitted by the delegation of Trinidad and Tobago in the provisional version of document A/C.3/L.1997. Although his delegation had finally voted in favour of those amendments in their revised form (A/C.3/L.1997/Rev.1), it continued to think that it was inappropriate to include in the programme matters that were not directly related to racial discrimination. For the same reasons, his delegation had been unable to accept the amendments submitted in document A/C.3/L.1999 and Corr.1 which introduced extraneous elements into the programme. In particular, it had voted against the second of those amendments. By the same token, it had fully supported the Brazilian amendments (A/C.3/L.1996), the aim of which had been precisely to confine the scope of the programme to racial discrimination as defined in article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination.

43. Mr. SMIRNOV (Union of Soviet Socialist Republics) expressed great satisfaction at the adoption of the programme for the Decade. The amendments to the programme which had been adopted had increased its effectiveness and emphasized its anti-colonialist and anti-racist nature. His delegation had supported all the amendments to that effect. It had voted against the subamendment of the United Kingdom for the reasons which had already been explained by the representative of Algeria. His delegation was convinced that the large majority of representatives had understood the reasons why the Soviet Union had submitted some amendments, in particular the one relating to means of ensuring the isolation of the racist régimes. The adoption of the amendment to paragraph 18, which had been submitted by Egypt and Ghana (A/C.3/L.2002) and under which the activities of co-ordination and review and appraisal would be carried out by the Economic and Social Council, was extremely important. In his delegation's opinion, the review of those questions in plenary meetings of the Economic and Social Council would ensure the continuous monitoring of the implementation of the programme.

44. His delegation attached great importance to the adoption of national measures and, in particular, to the adoption of legislative measures to eliminate any situation which created or perpetuated racial hatred. It was also very important to implement the measures provided for in paragraph 13 and, in particular, in subparagraphs (c), (d) and (e) of that paragraph, and to prepare and adopt new international instruments designed to put an end to the crime of *apartheid*.

45. His delegation would welcome the convening of an international conference which would make it possible to assess the achievements of the programme and prepare new measures. It had voted in favour of the adoption of draft resolution A/C.3/L.2001 on the understanding that it would not involve financial implications.

46. Mr. ROUX (Belgium) said he wished to explain his delegation's vote on some amendments to the draft programme for the Decade. It had voted in favour of the Egyptian amendment relating to the convening of an international conference (A/C.3/L.1998) and it hoped that the most careful preparations for that conference would be undertaken as soon as the Decade was launched, particularly with regard to the venue of the conference, the participants, the level at which it would be held and the question whether it should be a conference of experts or of plenipotentiaries. It would also be necessary to give attention to its financing.

47. His delegation had also voted in favour of the subamendment of the United Kingdom and deeply regretted that an amendment which was so much in keeping with the spirit of the Charter and with the spirit of brotherhood that should prevail among nations, peoples and races had been rejected.

48. It had voted in favour of the two amendments concerning the defence of indigenous peoples (A/C.3/L.1999 and Corr.1), not because of the existing political situation but in order to show its concern for the inalienable rights of peoples who had been deprived of their land and doomed to a life of poverty. In that connexion, his delegation wished to express its great interest in the study being prepared by Mr. Martínez Cobo, the expert and Special Rapporteur appointed under resolution 8 (XXIV) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which, *inter alia*, emphasized that there was a conflict between the needs of economic and social development and the right of indigenous peoples to protect their cultural identity. The experts of the Sub-Commission, who had met at Geneva in September 1973, had suggested that UNDP should give special attention to that problem in its country programmes in order to facilitate and speed up the integration of the indigenous people into the rest of the population of a given country.

49. His delegation had voted in favour of the first Soviet amendment, which changed the wording of paragraph 5, but it had abstained in the vote on the third amendment. The reasons for that abstention had been explained in the statement by the representative of Belgium (1984th meeting) in the general debate. Since his delegation was in favour of racial harmony, it considered that all other avenues must be explored by the United Nations before the radical measures advocated in the third amendment were taken. Belgium had abstained in the vote on paragraph 13 (g) because it con-

sidered that the implementation of existing international instruments should have priority over the adoption of new international instruments relating to the elimination of racial discrimination. Finally, his delegation welcomed the adoption of the subamendments which had been submitted by the Netherlands and the United Kingdom (A/C.3/L.2007) and were designed to ensure the participation of non-governmental organizations in the Decade.

50. Mr. KABINGA (Zambia) welcomed the adoption of the draft programme and said he wished to explain his delegation's vote on three points in particular. His delegation had voted against the subamendment of the United Kingdom (A/C.3/L.2004), which it had considered a manoeuvre designed to place emphasis on the promotion of racial harmony rather than on the struggle against discrimination. It was of the opinion that it was impossible to promote racial harmony in conditions where oppression was the very foundation of relations between races. It had abstained in the vote on the Brazilian amendment to paragraph 15 (d) for reasons which had already been explained by the representative of Jamaica. Lastly, it wished to express reservations concerning the Committee's decision to entrust the task of convening an international conference to the Economic and Social Council, which, because of its many duties, would not be able to give that conference all the attention it warranted.

51. Mr. FØNS BUHL (Denmark) said he wished to make clear Denmark's position on some points in the programme for the Decade. Paragraphs 2 (c), 12 (a) (i) and 13 (d) and (e) called upon Member States to deny to the racist régimes any support or assistance which could enable them to perpetuate their racist policies and practices. Although Denmark supported the struggle against racism, it was of the opinion that individual countries should not be unilaterally isolated. Only a decision of the Security Council would justify breaking off all relations, including economic relations, with those countries. Paragraphs 6 (b), 9 and 13 (a) and (f) urged Member States to implement the resolutions relating to the elimination of racist policies and practices and colonialism. It went without saying that Denmark fully supported the objectives of those resolutions, but it did not always agree on the advisability and legality of the means advocated, particularly because certain resolutions went beyond the competence of the body by which they had been adopted. With regard to paragraphs 9, 12 (a) (vi) and (c) and 13 (h), his delegation wished to point out that the Danish Government did not exercise any influence on news media or non-governmental organizations. Finally, with regard to the establishment of an international fund, his delegation considered that the proliferation of funds would not necessarily lead to an increase in assistance and that it might well have the effect of reducing the assistance which was being given to existing funds.

52. Mr. DE PRAT GAY (Argentina) welcomed the unanimous adoption by the Committee of a single and indivisible text. His delegation approved the text as a whole and, in particular, the amendments submitted in document A/C.3/L.1999 and Corr.1 and the amendments submitted by Afghanistan and the Syrian Arab Republic in document A/C.3/L.2000.

53. Mr. ROPOTEAN (Romania) said he wished to congratulate the Committee on the excellent work done

during the discussions on the adoption of the programme for the Decade. The United Nations had already undertaken a number of useful programmes in that field and had adopted some extremely important political instruments on colonialism, *apartheid*, racism and racial discrimination. It had, however, seemed necessary to take further measures and, in particular, to launch the Decade for Action to Combat Racism and Racial Discrimination. In that connexion, the programme adopted by the Committee would make it possible to implement practical and effective measures to meet the aspirations of peoples throughout the world. His Government condemned all policies of oppression and domination and would continue to provide assistance to all oppressed peoples and, in particular, to the national liberation movements which were struggling against colonialism. In adopting the programme, the international community had recognized its obligation to put an end to all odious policies which deprived man of his dignity and it had given itself the necessary means of achieving that purpose.

54. Mr. ILOY (Congo) said that his delegation regretted that it had not been able to take part in the vote on the programme for the Decade. He wished to explain his country's position with regard to the United Kingdom subamendment (A/C.3/L.2004). His delegation's vote on that point would have been a negative one: it believed that introducing the words "racial harmony" would be ambiguous and hypocritical if, at the same time, peoples fighting for their freedom and their rights were refused the means of achieving self-determination and independence. In that connexion, he observed that the establishment of an international fund, as envisaged in paragraph 17 of the programme, would contribute to the provision of effective assistance to the national liberation movements.

55. Miss ABDALLA (Sudan) said that her delegation had voted in favour of the draft programme and most of the amendments to it. Nevertheless, it had voted against the United Kingdom subamendment (A/C.3/L.2004). She was convinced that in the existing circumstances it was not possible to speak of racial harmony. Her delegation had also abstained in the vote on the subamendments contained in documents A/C.3/L.2006 and A/C.3/L.2007, since it believed that non-governmental organizations could not play a decisive role in the struggle against racial discrimination.

56. Mr. SCHREIBER (Director, Division of Human Rights) drew the attention of members of the Committee to the note by the Secretary-General on the administrative and financial implications of the draft programme, and to the note by the Secretary-General (A/9177) regarding possibilities of assisting non-governmental conferences envisaged in the draft programme for the Decade.

57. In connexion with document A/C.3/L.1995, he noted that section A, on the special committee, was no longer relevant, since the functions of co-ordination were to be entrusted to the Economic and Social Council and not to a special committee. He had dealt with the question of staff requirements, which was the subject of section B, in his introductory statement (1978th meeting). He welcomed the fact that a number of representatives, while stressing the importance of the programme, had stated that adequate resources would have to be made available to the Secretariat; in that connexion, he

cited the revised text of paragraph 18(g) adopted on the initiative of Egypt and Ghana, and referred to the draft resolution adopted at the previous meeting.

58. As he had already indicated, it would not be possible for the Division of Human Rights to carry out the normal functions which were envisaged without additional staff resources. It would be desirable to set up a unit entrusted with overseeing the implementation of the programme on a continuous basis, maintaining the necessary liaison at the international and national levels and stimulating the efforts required to ensure that the Decade would meet the General Assembly's expectations. Some of the figures which had been mentioned would be re-examined following the discussion in the Committee, and the final figures, modified as necessary, would be forwarded to the competent bodies, including the Fifth Committee.

59. Document A/9177 contained no new elements that departed from existing practice. Requests made by non-governmental organizations within the framework of the programme would be given sympathetic consideration by the Secretariat, which, whenever possible, would report to the Economic and Social Council or to its Committee on Non-Governmental Organizations. In cases where the provision of assistance to non-governmental conferences would require funds which were not available to the Secretary-General, he would have to request the necessary appropriations from the competent bodies of the United Nations, in accordance with normal budgetary procedure.

60. The CHAIRMAN noted, before concluding consideration of item 53 (a), that the Committee had had before it documents A/9177 and A/C.3/L.1995. She would take it that the Committee had taken note of those documents, which would be forwarded to the competent bodies of the General Assembly.

AGENDA ITEM 54

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

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

61. Mr. SCHREIBER (Director, Division of Human Rights) said that the item was not a new one for the Committee. The first five paragraphs of the note by the Secretary-General on the item (A/9073) outlined the background of the item, which had first been discussed at the twenty-fifth session, during the Committee's

consideration of the question of respect for human rights in armed conflicts. A proposal relating to the protection of journalists had been submitted at that time. Since then, the Third Committee of the General Assembly, the Commission on Human Rights and the Economic and Social Council had been considering the matter on the basis of a preliminary draft international convention (Economic and Social Council resolution 1597 (L, annex). Governments had been consulted at least twice concerning various proposals. At one point, a Working Group, established under Commission on Human Rights resolution 15 (XXVII),¹ had examined the question of the composition of an international professional committee as envisaged in the preliminary draft convention and the conditions for the issue, recognition and withdrawal of the proposed safe-conduct card; the Working Group had, at the twenty-sixth session of the Assembly, submitted a unanimous report on the matter.² At the twenty-seventh session, a number of delegations, which were listed in paragraph 4 of document A/9073, had submitted the text of the revised draft articles, while other delegations had submitted amendments to them. The General Assembly, which had not been able to complete consideration of the matter, had included the item in the agenda of the current session as a matter of high priority. Annex I of document A/9073 contained the draft articles, and annex II the amendments which had not yet been accepted by the sponsors of the draft or which had not been fully considered.

62. He would not deal with the texts which had already been discussed. The draft concerned principally the establishment of an international professional committee whose composition and whose functions—for example, those relating to a journalist's card—were indicated. Articles 9 and 10 of the draft also referred to a distinguishing emblem, and provided for protection measures to be granted under the convention to persons holding journalists' cards. Article 13 stated, *inter alia*, that the convention would not affect the sovereignty of States, and that national laws with respect to the crossing of frontiers or the movement of residence of aliens would continue to apply. Article 14 stated that none of the provisions of the convention would affect the provisions of the Geneva Conventions of 12 August 1949.³

63. In conclusion he recalled that at the previous session proposals relating to formal clauses had been submitted but they had not been examined.

The meeting rose at 5.05 p.m.

¹ See *Official Records of the Economic and Social Council, Fifth Session, Supplement No. 4*, chap. XIX.

² See A/8438 and Add.1.

³ United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

1991st meeting

Wednesday, 10 October 1973, at 10.55 a.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.1991

Tribute to the memory of Mr. Wilfred C. Jenks, Director-General of the International Labour Office

1. The CHAIRMAN paid a tribute to the memory of Mr. Wilfred C. Jenks, the Director-General of the International Labour Office and an outstanding expert on international law. During all his years with the ILO, Mr. Jenks had been mainly concerned with the field of human rights and had played a leading role in the drafting of the ILO Conventions, and he requested the representative of the ILO to convey his condolences to Mr. Jenks's family.
2. At the suggestion of the Chairman, the members of the Committee observed a minute of silence in tribute to the memory of Mr. Jenks, the Director-General of the International Labour Office.
3. Mr. ALI (International Labour Organisation) thanked the Committee for the tribute paid to the memory of Mr. Jenks and said that he would convey its condolences to the ILO and to Mr. Jenks's widow and sons.

AGENDA ITEM 54

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

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

4. The CHAIRMAN observed that document A/9073 had already been discussed and therefore suggested that the draft international convention contained in annex I should be considered article by article. Delegations wishing to do so could, however, make general statements.
5. Mr. BOURGOIN (France) said that, for the third time, the Committee had before it the draft international convention on the protection of journalists engaged in dangerous missions in areas of armed conflict, proposed by Australia, Austria, Denmark, Ecuador, Finland, Iran, Lebanon, Morocco, Turkey and France.
6. All delegations were aware of the necessity and urgency of adopting a convention on that subject, as had been recognized on several occasions by the General Assembly, the Economic and Social Council and the Commission on Human Rights.
7. The text before the Committee was the result of difficult compromises which had been reached over the preceding three years. Representatives of the profession had also participated directly in its preparation. Indeed, in September 1971, there had been a meeting of the Working Group of Experts established under

Commission on Human Rights resolution 15 (XXVII),¹ which had prepared a long report² and most of the ideas embodied in that report were reflected in the draft. To a large extent the draft under consideration also took into account the ideas set forth in the drafts submitted earlier by the delegations of Australia and the United States.

8. He thanked all those who had taken part in that difficult task, in a spirit of compromise and mutual understanding, and especially the delegations which, at the preceding session, had submitted an amendment to the Committee's recommendation on the item, designed to ensure that the item would be considered as a matter of priority at the twenty-eighth session.

9. Several amendments had been submitted at the twenty-seventh session and most of them had been accepted either in their initial form or in the form of a compromise text. The sponsors had not, however, been able to accept eight of them, which appeared in annex II to document A/9073.

10. The draft convention was of a strictly humanitarian nature. It was designed to afford genuine journalists not privileged treatment but treatment which would enable them to carry out, in the best possible conditions, their mission of providing information, which was related to the right to freedom of expression referred to in article 19 of the Universal Declaration of Human Rights. The four principles which constituted the guidelines of the draft convention were: respect for the competence of the Red Cross and co-operation with it; the support and participation of the profession; the realistic nature of the protection envisaged, and respect for the sovereignty of States.

11. With regard to the first principle, the convention applied to any journalist who was not accredited to an army. The Red Cross was involved in the convention because the International Committee of the Red Cross (ICRC) would be invited to take part in the work of the International Professional Committee and, secondly, because information concerning a journalist in a difficult situation could be communicated through all appropriate media, *inter alia* through the ICRC. Lastly, one of the obligations of the parties was to grant journalists treatment identical to that provided for in articles 79 to 135 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949.³

12. With regard to the second principle, such a convention would have no meaning without the participation of representatives of the profession. That was the reason for the establishment of the International Professional Committee provided for in article 3.

¹ See *Official Records of the Economic and Social Council, Fifth Session, Supplement No. 4*, chap. XIX.

² See A/8438 and Add.1.

³ United Nations, *Treaty Series*, vol. 75, No. 973.

13. Initially, France had been in favour of entrusting journalists not only with the task of preparing their own code of ethics, but also with the task of issuing cards—an idea that was reflected in the relevant United Kingdom amendment (9073, annex II, para. (e) (i)). However, in a spirit of compromise and in order to take account of the opinions expressed, France had finally agreed that the Committee should not issue the cards and that the task should be entrusted to the competent authorities of the States parties to the convention.

14. With regard to the third principle, account had been taken of specific suggestions made by journalists, concerning such matters as the identification of genuine journalists, which was the purpose of the card, and the need to ensure that information could be obtained about journalists in the event that difficulties arose in the area of their mission. Those guarantees thus applied to all conflicts and reference had accordingly been made to international and non-international conflicts and to "all parties" in an armed conflict. That was no innovation since those ideas were already embodied in the Geneva Conventions of 1949.

15. Clear provision was made for respect for State sovereignty in article 5, paragraph 2, and in article 13. The text of article 5, paragraph 2, had been accepted by his delegation as a compromise in the light of an amendment submitted by the Philippines at the preceding session.⁴ Moreover, as it now stood, that paragraph covered the points raised in an amendment submitted by the Union of Soviet Socialist Republics (*ibid.*, para. (g)).

16. The text of article 13 made it clear that the convention did not confer any new rights on journalists and that no State was obliged to issue them a visa.

17. Lastly, his delegation agreed with the arrangement suggested by the Chairman, namely, that the draft convention should be considered article by article, and hoped that the Committee would achieve positive results in its study.

18. Mr. PAPADEMAS (Cyprus) said that some of the amendments contained in annex II of document A/9073 called for major changes in the draft convention and he therefore wished to know whether the sponsors of those amendments adhered to the same position regarding them.

19. Mr. COSTA COUTO (Brazil) said that, in his delegation's opinion, the draft before the Committee represented but one aspect of the effort which was required and universally expected of the world community to strengthen the implementation of existing international humanitarian conventions and also to prepare new legal instruments to ensure greater humanitarian protection in armed conflicts.

20. He stressed that it was most unlikely that a convention which had the support of only a few States would be ratified by a large number of countries. The objective sought was a convention which, while affording all possible protection for journalists, could be effectively applied and accepted by the entire international community. The guarantee of the success of the convention had much to do with respect for the sovereignty of Member States. In that connexion, the conciliatory and realistic approach sought by the spon-

sors of the draft at the twenty-seventh session of the General Assembly had been particularly constructive.

21. With regard to article 2 of the draft convention and the amendments (*ibid.*, para. (a)) to it, he did not think it would be impossible to reach agreement on the definition of the terms "journalist" and "dangerous professional missions". He was afraid he did not understand the amendment proposed by the Soviet delegation (*ibid.*, para. (a) (i)), which was designed to delete the words "or press technician" in subparagraph (a), and seemed to recall that those words had been replaced by the words "their technical film, radio and television assistants". Those words covered the professional categories which usually came under the term "journalist" in its broadest sense. It therefore seemed advisable for the text of the draft to include the professional activities so defined, which were part of modern journalism. It would be illogical not to give journalists' assistants the same protection as correspondents. Moreover, the functions described in the context of "dangerous professional missions" were those normally exercised by journalists and they should be specified in the convention. If subparagraph (c) was deleted, in accordance with the amendment proposed by the USSR (*ibid.*, para. (a) (ii)), there would be no guidance anywhere in the convention as to the conditions in which action to protect journalists would be required.

22. With regard to articles 3 and 4, his delegation did not agree that States parties should not be granted direct and exclusive representation on the International Professional Committee. Their participation would be the best guarantee of the effective protection which the convention should provide to journalists in areas of armed conflict. That consideration led his delegation to support the relevant United Kingdom amendment (*ibid.*, para. (b) (i)) and to withhold support from the Hungarian amendment to article 3 (*ibid.*, para. (b) (ii)). It might be desirable to specify the functions of the Professional Committee in greater detail and to connect them more closely with the convention itself, as proposed by the delegation of Hungary in its amendment to article 4 (*ibid.*, para. (c)). He also felt that an outline of that Committee's rules of procedure should be included in the convention itself.

23. With regard to article 6, he felt that it should not be difficult to arrive at a consensus on the question of the authorities that would be empowered to issue and withdraw the card, and his delegation was ready to take part in consultations on that matter.

24. On the whole, articles 5, 7 and 8 appeared to deal satisfactorily with questions relating to the document indicating the journalists' status; however, his delegation reserved the right to revert to the question when it was considered in detail.

25. He expressed the hope that the Committee would be able, at the current session, to adopt the draft articles unanimously or, if that was not possible, by consensus, and he emphasized the humanitarian nature of the document.

26. Mr. PARDOS (Spain) observed that the three aspects of the question under consideration which were of greatest concern to the Committee were respect for the sovereignty of States, the definition of the status of journalists and the definition of "dangerous profes-

⁴ A/C.3/L.1951.

sional missions". Since the convention was not of a political nature, it should be possible to overcome the difficulties presented by those points. Humanitarian protection must be afforded to journalists carrying out their basic functions: there were currently many situations which made it difficult for States to live together in harmony, yet journalists had to do their work in those conditions.

27. At the twenty-seventh session his delegation had submitted various amendments, all but one of which had been incorporated in the text under consideration. The amendment to draft article 6 (*ibid.*, para. (e) (iii)) was still pending, and he announced his delegation's readiness to co-operate with a view to achieving agreement on it.

28. In order to expedite the Committee's work, he agreed that the general debate could be dispensed with and that the draft should be considered article by article. He also thought it appropriate that the amendments should be considered jointly, and that a working group should be established. Such a procedure would make it possible to prepare a legal instrument which could win unanimous approval.

29. Mr. GRAEFRAETH (German Democratic Republic) said that for many years his country had devoted its attention to questions of international humanitarian law and had actively participated in all stages of the work of ICRC to develop such law and to strengthen the norms relating to the protection of civilians in armed conflicts.

30. The delegation of the German Democratic Republic had studied the documents before the Committee, and wondered whether there was proper co-ordination between the elaboration of the international convention on the protection of journalists engaged in dangerous missions in areas of armed conflict and the preparation of the draft additional protocols to the four Geneva Conventions. The question of such co-ordination was a matter of concern to his delegation. The preparation of the second additional protocol to the Geneva Conventions, which would contain a definition of non-international armed conflicts, was being completed: consequently, article 2 (b) of the draft convention referred to a treaty provision which had not yet been approved.

31. The protection of journalists in armed conflicts was part of international humanitarian law, and the provisions relating to the protection of civilians were also applicable in principle to journalists, unless they belonged to the armed forces. That was also the basic idea underlying the draft articles, as could be seen from articles 10 and 14.

32. His delegation had the impression that the scope of the draft was not precisely defined. The definition contained in article 2 (b) was unclear; the provisions of the Geneva Conventions referred only to international armed conflict and not to non-international armed conflict. That was clear from article 2 of the Conventions, and article 3 of those Conventions accordingly contained a special provision dealing with non-international armed conflicts. The great practical importance of that distinction had prompted ICRC to draft two additional protocols to the Geneva Conventions, one dealing with international armed conflicts and one dealing with non-international armed conflicts. It was important to note that article 1 of the second additional

protocol attempted to define non-international armed conflict. That definition was important not only for the purpose of determining the nature of an armed conflict but also for the purpose of making a clear distinction between non-international armed conflicts and internal riots and the like.

33. Governments were currently preparing for the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, to be held at Geneva early in 1974 to consider and adopt the additional protocols to the Geneva Conventions, which meant that the Conventions currently contained no precise definition of a non-international armed conflict. If the Third Committee was expected to adopt a convention which defined its scope on the basis of an instrument whose own scope was a matter of debate, his delegation could only take the view that such a procedure was very unusual and that a solution must be sought to the problem.

34. Miss CAO PINNA (Italy) recalled that her country had been among those which, at the twenty-seventh session of the General Assembly, had supported the decision that high priority should be given to the current item at the twenty-eighth session. She agreed that there should be no general debate on the item and that the draft before the Committee should be considered article by article. Accordingly, and in order to facilitate the study of the draft articles, she proposed that the delegations which wished to maintain their amendments should reintroduce them.

35. Miss REID (United Kingdom) thought that it would be best to follow the procedure suggested by the Chairman, bearing in mind the suggestion made by the representative of Cyprus, and that the sponsors of amendments that had not been withdrawn should re-submit them. The United Kingdom delegation would not press its amendments to draft article 3 (*ibid.*, para. (b) (i)) or article 6 (*ibid.*, para. (e) (i)) or its proposal concerning additional articles to follow article 6 (*ibid.*, para. (f)). However, it did wish to maintain its amendment to draft article 5 (*ibid.*, para. (d)) and was prepared to consider it with other delegations.

36. Miss FAROUK (Tunisia) said that the oral amendment to draft article 1 proposed by Tunisia in the Third Committee at the twenty-seventh session (1950th meeting) did not appear in the text before the Committee. The amendment had been accepted and should therefore have been incorporated in draft article 1. The omission was possibly due to an oversight, since the amendment was also omitted from the report of the Committee on the item at the twenty-seventh session,⁵ and she hoped that it could be easily remedied.

37. Mr. BENMEHAL (Algeria) said that although he had agreed to the procedure suggested by the Chairman for the consideration of the item, he wished to point out that the context in which the draft convention had been considered three years earlier was no longer the same.

38. Mrs. MAIR (Jamaica) pointed out that the procedure of considering the draft article by article presupposed that agreement already existed on matters of principle. However, she was not sure that the draft articles met with such acceptance. The Committee should hold a broader exchange of views and clarify the

⁵ Official Records of the General Assembly, Twenty-seventh Session, Annexes, agenda item 49, document A/8917.

situation regarding questions of principle before considering the draft article by article. She recalled that an important question had been raised by the representative of the German Democratic Republic. Unlike other representatives, she did not consider that three years was too long a period in which to prepare a convention, since, if a generally acceptable formula was devised, States would be more willing to accede to the convention.

39. Mr. SCHREIBER (Director, Division of Human Rights), referring to the point raised by the representative of the German Democratic Republic, said that there had been co-ordination between United Nations bodies and bodies connected with ICRC. The former had been apprised of the comments made at the sessions of the Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts convened by ICRC. In fact, the document circulated at the previous session contained an extract from the report of the Conference of Government Experts dealing with the topic.⁶ There had been exchanges of views between the secretariat of ICRC and the United Nations Secretariat, and liaison would be maintained as far as possible.

40. Mr. PAPADEMAS (Cyprus) said that at the previous session no delegation had opposed the adoption of the draft articles and he therefore thought that there was a consensus in favour of their adoption. They simply needed to be considered article by article, and consequently the sponsors of amendments should indicate whether they wished to maintain them or whether they had altered their position. He appreciated the at-

titude of the United Kingdom delegation, which had indicated that it would not press three of its amendments. There was no need to give conventions time to mature; it was only necessary to agree upon them and, in the case of the draft under consideration, ensure that no obstacles arose, in view of its humanitarian nature.

41. The CHAIRMAN said that there seemed to be a consensus to the effect that the draft should be considered article by article, that the sponsors of amendments should be invited to state their position regarding them, and to give the floor to those who wished to make general statements. If there were no objections, he would take it that the Committee agreed to that procedure.

It was so decided.

42. Mr. SCHREIBER (Director, Division of Human Rights), in response to a request from the representative of Morocco, read out article 3 of the Geneva Conventions of 1949 and confirmed that one of the additional protocols to be studied at the Diplomatic Conference to be held at Geneva dealt with armed conflicts that were not of an international nature and therefore supplemented the article he had read out.

43. Mrs. WARZAZI (Morocco) thanked the Director of the Division of Human Rights for reading out the article and for his information and said that article 2 (b) of the draft convention accorded with article 3 of the Geneva Conventions. It was very important to the African countries that the draft articles should cover non-international armed conflicts in view of the struggle being waged by the national liberation movements.

⁶ A/8777, annex III.

The meeting rose at 12.15 p.m.

1992nd meeting

Thursday, 11 October 1973, at 10.50 a.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.1992

Organization of work

1. Mr. BERK (Turkey), Rapporteur, drew the attention of the Committee to General Assembly resolutions 2632 (XXV) and 2837 (XXVI) on the rationalization of the procedures and organization of the General Assembly and, in particular, to paragraph 43 of the conclusions of the Special Committee on the Rationalization of the Procedures and Organization of the General Assembly, which were contained in annex V to the rules of procedure of the General Assembly. That paragraph read: "The Special Committee, recalling General Assembly resolution 2292 (XXII), recommends to the Assembly that the reports of the Main Committees should be as concise as possible and, save in exceptional cases, should not contain a summary of the debates." Furthermore, in resolution 2292 (XXII), on publications and documentation of the United Nations, the General Assembly had approved recommendations made by the Secretary-General in that connexion, which were annexed to that resolution. According to recommendation (f) "The reproduction in the body of

a report of summaries of views that have already been set forth in the records should be allowed only in exceptional cases and after the need to do so has been clearly demonstrated and approved by the organ concerned, the financial implications having been brought to its attention." Consequently, the reports of the Committee would not include a summary of the debates unless the Committee decided otherwise in exceptional cases.

AGENDA ITEM 54

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

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

2. Mrs. WATANABE (Japan) said that her delegation still held the view that the protection of journalists

engaged in dangerous missions in areas of armed conflict was necessary because of the very nature of their profession and duties. Therefore, and in view of the complexity of the problems involved, her delegation supported the aims of the draft articles contained in annex I to document A/9073, and expressed its appreciation to the countries which had taken part in its preparation or submitted amendments. Her delegation was in favour of the adoption of an international convention, on the understanding that such an instrument would retain the status of a procedural agreement so that the implementation of its provisions would not affect the sovereignty of States or, in any substantive way, alter or expand the context of the Geneva Conventions of 1949.

3. Mr. VON KYAW (Federal Republic of Germany) said that his country welcomed the initiative taken for the protection of journalists in armed conflicts with a view to safeguarding the right to freedom of opinion and expression, and fully supported the efforts made by the Committee to that end. It nevertheless felt that there were also some grounds for concern. Some provisions of the draft articles and, in particular, article 5, paragraph 2, as well as some of the amendments contained in annex II to document A/9073, created the impression that, in addition to the question of the protection of journalists, it was necessary to deal with the general status of journalists, and, in particular, the extremely complex problem of defining the scope of journalistic activities. In general, his delegation had no difficulty with principles such as non-interference in domestic affairs, the sovereignty of States and respect for the laws of the country of assignment. The real problem was how those principles would be interpreted and applied by States. Moreover, they were principles that were already applied to journalists in one way or another by individual States on the basis of their national legislation and were now to be codified in an international convention. His delegation therefore considered that careful consideration should be given to all the implications of the draft articles. For example, the statement to be printed on the back of the card, as provided in article 5, paragraph 2, seemed to be too one-sided as it contained restrictive elements and made no reference to the professional rights and duties of journalists to report as fully as possible on political and military events.

4. His delegation also believed that the criteria on which the International Professional Committee should base the regulations mentioned in article 4, paragraph 2, needed further clarification. With regard to article 6, paragraph 1, he pointed out that, under constitutional and other legal provisions applicable in the Federal Republic of Germany, the cards could not be issued by government authorities, but only by the professional organizations of journalists.

5. Mrs. GERÉB (Hungary) referred to the amendments submitted by her delegation at the twenty-seventh session (see A/9073, annex II) and said that the first Hungarian amendment (*ibid.*, para. (b) (ii)) related to the second paragraph of article 3. Its purpose was to ensure that the International Federation of Journalists and the International Confederation of Journalists were also invited to participate in the work of the International Professional Committee as observers. Her delegation had submitted that amendment for the following reasons. The draft articles referred to an International

Professional Committee which would be composed of members appointed on an individual basis. Those members would only be in a position to contribute their personal opinions and practical knowledge. The participation of two international organizations of journalists would enable that Committee also to be informed of other views, based on broader international experience. Those organizations were the most representative in their field, had the experience of their affiliated organizations and were aware of the difficulties which arose in situations of armed conflict. If it was intended that the Committee should be a professional body, there was no valid reason to exclude from its work two professional international organizations which had acquired a great deal of experience in that field over the years.

6. The second Hungarian amendment (*ibid.*, para. (c)) was designed to reword the first paragraph of article 4 so as to stress that the convention established guidelines for all the activities of the Professional Committee and that the Committee should carry out its work on the basis of the provisions of the convention.

7. The third Hungarian amendment (*ibid.*, para. (h)), which was designed to modify article 16, was no longer applicable because her delegation considered the number of instruments of ratification or accession mentioned in that article to be satisfactory.

8. Finally, she expressed doubts about the effectiveness of the convention in view of the events which had occurred in the preceding few days, such as the bombing of Damascus, which constituted violations of the rules of international law.

9. Mr. JANKOWITSCH (Austria) said that he fully supported the Chairman's decision to shorten the general debate so that the Committee could proceed, as quickly as possible, to an article-by-article discussion of the draft convention.

10. The attitude of his delegation, which was a sponsor of the draft, was conditioned by three concerns. Firstly, it considered that the humanitarian and non-political nature of the draft convention, which must supplement the relevant Geneva Conventions, should be stressed. That link should be kept in mind at all times, as should the matter of co-ordination with the activities of the Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts. It was therefore necessary to prepare a text which would be legally compatible with the Geneva Conventions and not introduce political elements which went beyond the scope of humanitarian concerns. Secondly, his delegation was of the opinion that acceptance of the draft articles must be truly universal, since it needed to be widely ratified if it was not to remain a dead letter. There must therefore be an almost complete consensus, even if the entry into force of the convention was thereby somewhat delayed. In that connexion, he did not feel that the basic points in the text had achieved maximum acceptance. Thirdly, his delegation was concerned about the realism of the draft. The convention must take account of existing realities in the world. The sovereignty of States was a factor connected with international relations which imposed certain limitations on the scope of the functions of the International Professional Committee. Moreover, freedom of the press, as stipulated in many constitutions, could present some

difficulties with respect to the standards of conduct to be observed by card-carrying journalists. It was therefore necessary to achieve a suitable balance in order to harmonize those principles.

11. Mr. SMIRNOV (Union of Soviet Socialist Republics) said that the draft articles before the Committee could serve as a basis for the development of an international instrument. The establishment of the International Professional Committee in accordance with the principle of equitable geographical distribution was in keeping with the norms of international law and universally recognized practice, and consequently article 3, paragraph 1, accorded with the interests of most States. The Soviet delegation supported the Hungarian amendment to paragraph 2 of that article, which provided that the International Federation of Journalists and the International Confederation of Journalists should participate as observers in the work of the International Professional Committee. It also supported the Hungarian amendment to article 4, paragraph 1, since it considered that the rules adopted by the International Professional Committee should be based on the provisions of the convention.

12. If journalists were to be afforded maximum protection, they must carry out their duties in compliance with instructions given by the military authorities regarding their movements and activities or bans on the gathering or transmittal of information. In that respect, article 5 was inadequate, since it only dealt with questions of form, and his delegation hoped that the Committee would consider the amendment it had submitted to include a new article 11 remedying those deficiencies (*ibid.*, para. (g)).

13. Article 15 was discriminatory, since it denied some States the right to be a party to the convention. Since the instrument was to be of a purely humanitarian nature, it should be open for signature to all States, without restrictions or discrimination.

14. Article 17, paragraph 1, provided that any dispute between two or more States parties with respect to the interpretation or application of the convention should, at the request of any of the parties, be referred to the International Court of Justice for decision. According to paragraph 2 of the same article, any State could, when it signed or ratified the convention, or acceded thereto, declare that it did not consider itself bound to have recourse to the International Court of Justice for the settlement of disputes. The Soviet delegation could not accept any such dualism regarding the position of States parties with respect to the provisions of the convention. For the settlement of disputes recourse must be had to the International Court of Justice with the consent of both parties. It was therefore necessary to amend paragraph 1 of that article.

15. Finally, his delegation considered it inadmissible that the sovereign rights of States to denounce the convention should be limited by article 18, which provided that a denunciation, notification of which had been given by a party engaged in armed conflict, should not take effect until after the conclusion of the operations to which the journalist's mission related.

16. Mr. GAHUNGU (Burundi) said that his delegation was satisfied with the text of the draft articles, but had misgivings about some of its provisions. Article 2 (a), which attempted to define the word "journalist",

seemed inappropriate, as it dealt with a very complex and varied profession which could only be defined in the broadest possible terms. With regard to article 2 (b), he agreed with the view expressed by the delegation of Morocco (1991st meeting) that the provisions of the draft should cover the national liberation movements of Africa and other continents which were struggling for the independence of their territories. Article 3 corresponded to article 10 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,¹ and, in that connexion, he proposed that the name of the committee to be established under that article should be the International Professional Committee for the Safety of Journalists Engaged in Dangerous Missions in Areas of Armed Conflict.

17. Mr. EVANS (United States of America) said that he had participated in the preparation of the draft articles in his capacity as a journalist with 30 years of experience. As such, he was concerned about the practical value of the effort made, and feared that it might result in meaningless bureaucracy. At the twenty-sixth session the United States delegation had submitted another set of draft articles,² and regretted that it had not been adopted, since it felt that the current text posed many problems. However, it had decided not to submit any amendments but, when considering each article, to point out the nature of the difficulties which it foresaw.

18. Mr. BOURGOIN (France) said that the time had come to discuss the draft, article by article.

19. The CHAIRMAN said that there was no objection to other delegations speaking with a view to making general observations, either at the current meeting or at subsequent ones devoted to the same item.

20. Mr. SCOTLAND (Guyana), referring to the draft as a whole, said that his delegation, while recognizing the need to afford protection to journalists, noted with concern that the draft referred only to the rights of members of that profession, without mentioning their obligations. Those should also be specified in the instrument. The scope of the terms of reference of the International Professional Committee and the role of the Red Cross also raised certain problems for his delegation. As to the definition of what constituted a non-international armed conflict, that problem could not be solved by ignoring it. Moreover, the implementation of the provisions of article 10, paragraph 1 (d), could also give rise to difficulties.

21. Mr. NENEMAN (Poland) expressed his delegation's concern over the fact that, while the draft articles were being debated, Red Cross bodies were doing work far wider in scope in connexion with the additional protocols that would bring the Geneva Conventions up to date. Those Conventions applied both to civilians and military personnel, and journalists might come under either category, but in both cases were affected by their provisions. The most prudent course of action would be to await the results of the Diplomatic Conference on the Reaffirmation of International Humanitarian Law Applicable in Armed Conflicts, which would be held early in 1974 at Geneva. Moreover, caution should be exercised in increasing the categories of internationally protected persons, as

¹ United Nations, *Treaty Series*, vol. 75, No. 973.

² See *Official Records of the General Assembly, Twenty-sixth Session, Annexes*, agenda item 49, document A/8589, para. 27.

there was a risk of reducing the degree of protection provided. Although article-by-article consideration of the draft would be useful, it should be borne in mind that by the following year changes might have been made as a result of the Conference.

22. Mrs. KOROMA (Sierra Leone) agreed with the representative of Poland that it would be wise to await the results of the Diplomatic Conference, since the

latter might adopt provisions which currently could not be foreseen.

23. The CHAIRMAN suggested that the meeting should be adjourned, and that representatives should meet as a working group for the rest of the time available.

It was so decided.

The meeting rose at 11.45 a.m.

1993rd meeting

Thursday, 11 October 1973, at 3.50 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.1993

AGENDA ITEM 54

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

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

1. The CHAIRMAN observed that the Committee had decided by consensus to consider the draft articles of the international convention on the protection of journalists engaged in dangerous missions in areas of armed conflict (A/9073, annex I) article by article, on the understanding that delegations which so desired could also make general comments on the draft convention as a whole. Consultations were currently being held with a view to deciding what position the Committee should adopt: it could either take a decision to defer the question until the following session or decide to vote on some or all of the draft articles. He invited delegations to comment on that matter and expressed the hope that the Committee would be able to reach a decision on the basis of a consensus.

2. Mr. PETHERBRIDGE (Australia) said that, at the current stage of the discussion, the Committee's position on the various draft articles was not yet known. Possibly there would be some difficulties which could not be ironed out and the matter would have to be deferred until the following session; however, an article-by-article examination of the draft convention might enable more progress to be made than was thought, and, if an agreement was reached, the Committee might be able to proceed to a vote. The Committee should therefore consider the draft convention article by article before taking a decision on that point. It could then hold a further discussion on the matter in order to reach a consensus on the procedure to be followed.

3. Mr. BOURGOIN (France) endorsed the view expressed by the representative of Australia. Many delegations had not yet voiced their opinions; accordingly, the Committee should proceed to examine the draft article by article in order to ascertain the opposition to it and the prospects of reaching agreement on

certain articles and, possibly, to vote on all or part of the draft convention. His delegation hoped that, in the spirit of compromise which characterized the Committee, it would be possible to take a decision by consensus.

4. The CHAIRMAN drew the Committee's attention to rule 125 of the rules of procedure of the General Assembly under which, when a proposal had been adopted or rejected, it could not be reconsidered at the same session unless the committee, by a two-thirds majority of the members present and voting, so decided.

5. Mr. SHAFQAT (Pakistan) said that, although the Committee had decided by consensus to examine the draft convention article by article, doubts had been expressed in the statements made at the meeting of the working group that morning regarding the advisability of continuing the discussion on the item under consideration. The question had also been raised what would be the scope of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, to be held at Geneva in 1974, and to what extent that Conference would consider in detail the matters dealt with in the draft convention. The Committee might therefore wait until the work of the conference was completed before taking a decision on the matter and, should it prove necessary, might possibly elaborate a new draft convention. He would welcome more detailed information regarding that Conference.

6. Mr. SCHREIBER (Director, Division of Human Rights) said that, having conferred with the observer appointed by the International Committee of the Red Cross (ICRC) to follow the work of the General Assembly at its current session, he was in a position to provide information regarding the Conference which was to be held at Geneva in 1974. Following the deliberations of ICRC and at the two sessions of the Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, held in 1971 and 1972, the Swiss Government had decided to convene a conference of plenipotentiaries at Geneva during February and March 1974. Two draft protocols to the four Geneva Conventions of 12 August 1949¹ which had

¹ United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

been prepared by ICRC would be submitted to the Conference. The first protocol dealt with international conflicts, the second with non-international conflicts. While the Conference could probably amend its agenda, neither of the two protocols, as they stood, dealt with the question of journalists in the form in which it had been presented to the Third Committee. As had been observed, the protocols dealt with war correspondents representing information media who followed the armies of the belligerents and, by reason of that fact, were subject to certain special types of discipline. The two protocols contained draft articles on the protection of civilians in general. He had been informed that it was unlikely that the conference would have the time or the opportunity to discuss a draft convention such as that submitted to the Third Committee and that there was a possibility that it would be unable to complete its consideration of the protocols and would have to resume its work in 1975.

7. Mrs. HEANEY (Ireland) said that, having studied the text of the draft articles in considerable depth, her delegation believed that the adoption of the draft convention on the protection of journalists engaged in dangerous missions was highly desirable. In its opinion, that convention would not conflict with the draft protocols to the Geneva Conventions of 12 August 1949 which were to be submitted to the Diplomatic Conference but would form a valuable complement to them. At the second session of the Conference of Government Experts held in May 1972, the majority of the experts had been in favour of adopting a special convention which would grant special protection to journalists. While it was true that the draft convention submitted to the Committee was a very modest document, it had the advantage not only of providing special protection to journalists but also of facilitating the free exchange of information throughout the world. Consequently, while reserving its position on some of the articles in the draft convention, her delegation supported the decision to consider the document in depth, on an article-by-article basis, in the hope that the Committee would reach a consensus.

8. Mr. PAPADEMAS (Cyprus) recalled that, at the twenty-seventh session, the Committee had decided to discuss the item under consideration at the twenty-eighth session as a matter of high priority. All delegations appeared to agree on the principle of a convention for the protection of journalists, since no delegation had formally opposed that principle. Moreover, at the time when the Committee had taken the decision to devote eight meetings to consideration of that item, it had already been informed as to the work of ICRC. The Diplomatic Conference should not, therefore, be used as a pretext to defer consideration of the question. Nor could his delegation agree with the view expressed by the representative of Poland (1992nd meeting), who had stated that the matter should be examined by a committee of experts of the Red Cross. The Third Committee could not shirk its responsibilities or delegate them to other bodies. It was for the Committee to consider in depth and to improve the draft articles before it so that, at the end of the debate, it might be in a position to adopt the draft convention as a whole, or at least certain parts of it.

9. Mr. CATO (Ghana) expressed the opinion that, despite the decisions taken the previous year or years, the Committee's work had reached an impasse because

of the divergent views of the various delegations. His delegation, while approving the principle of a convention designed to protect journalists engaged in dangerous missions, continued to entertain serious misgivings regarding certain provisions in the draft convention which had extremely important political and legal implications. It would therefore have preferred consideration of that item to be deferred until all delegations were prepared to accept the draft convention; it wished to emphasize, as the Jamaican delegation had already done (1991st meeting), that the fact that the Third Committee was considering that question in no way implied that it had an obligation to take a decision.

10. Miss DUBRA (Uruguay) observed that the Committee had taken a decision to consider the draft convention article by article. Of course, it was desirable that the Committee should be able to adopt some of those articles, but it was somewhat premature to take a decision at the current stage on the procedure to be followed once consideration of the articles had been completed.

11. Mr. BADAWI (Egypt) emphasized that the Committee had already devoted a great deal of time to the draft convention at its previous session. Many amendments had been submitted and suggestions had been made, and the sponsors of the draft convention had taken them into account in the revised draft which the Committee had before it. Moreover, further amendments had been proposed. The Committee had decided to devote eight meetings to that question, and it should therefore proceed to consider the articles, since it could not possibly know at the current stage what it would choose to do when that consideration had been completed. However, the comments made by the representative of Ghana should be taken into account when the articles were being examined.

12. Mr. SHAFQAT (Pakistan) said that he had the impression that some delegations wanted the Committee to go back on its decision to consider the draft convention article by article; if so, a motion would have to be submitted to that effect. If that was not the case, the Committee should proceed to consider the draft convention article by article, as it had decided to do.

13. Mr. VELA (Guatemala) said that the purpose of the draft convention was purely humanitarian. The representative of Poland had said that the draft recognized certain rights of journalists but did not impose on them any duties or obligations; that was not correct, as could be seen from article 5, paragraph 2. It was true that the possibility of conflicts between the right of information and existing national laws might entail certain difficulties; however that might be, the convention was necessary to ensure the protection of journalists who were daily exposed to serious dangers, and it deserved to be supported in principle.

14. The CHAIRMAN suggested that the Committee should proceed to consider the draft articles since it had decided to devote a certain amount of time to that question; if it was unable to reach agreement, it could then take a decision concerning the possible deferment of consideration of the question to the following session, in accordance with the relevant provisions of the rules of procedure. However, he hoped that after consultations the Committee would be able to clarify its position. Any member of the Committee could, of

course, submit a motion, which would be put to the vote.

15. Mr. LUGO (Nicaragua) said that he understood that three proposals had been submitted: one called for examining the draft article by article, another for deferring consideration of the question to the next session, and, the last one, that just made by the Chairman, for considering the draft convention article by article, and then taking a decision concerning the possible deferment of consideration of the question to the following session. He moved that the Committee should vote on those proposals.

16. The CHAIRMAN said that under rule 125 of the rules of procedure the decision taken by the Committee to consider the draft convention article by article could not be changed unless a delegation submitted a formal motion to that effect and it was adopted by the Committee. He asked if the representative of Nicaragua intended to submit such a motion.

17. Mr. LUGO (Nicaragua) said that he had merely been making a suggestion, having regard to the statements of other delegations.

18. Mr. SHAFQAT (Pakistan) said he would like to know if any delegation was prepared to submit a formal proposal.

19. Mr. SÖYLEMEZ (Turkey), referring to item 53 (a), said that he wished first of all to express the satisfaction of his delegation at the adoption of the draft programme for the Decade for Action to Combat Racism and Racial Discrimination. His delegation had voted in favour of all the amendments and subamendments to the draft programme, including the United Kingdom amendment which the Committee had rejected, because it was convinced of the great importance of the activities contemplated.

20. With regard to the draft articles which the Committee had before it, he felt it was high time that the United Nations took measures to ensure the protection of journalists engaged in dangerous missions in areas of armed conflict, for it was a purely humanitarian problem within the larger context of international humanitarian law. Noting that his country was among the sponsors of the revised draft articles, he said that the Committee should not prejudge the results of the Conference which was to take place at Geneva in 1974; on the contrary, the Committee's work could be expected to contribute to the success of that conference. The United Nations could not but be in favour of the granting of protection to journalists who were defending freedom of information throughout the world. The problem was urgent, for conflicts were unfortunately continuing to erupt. The draft convention, in which the national sovereignty of States was reaffirmed, contained provisions the purpose of which was purely humanitarian. Moreover, it envisaged the co-operation of journalists themselves and of ICRC. A balance had been sought between the rights of States on the one hand and the interests of journalists on the other. The draft convention was juridically compatible with the Geneva Conventions of 1949 and the sponsors had taken care, in article 2 (b), to refer to the provisions of the Geneva Conventions concerning the term "armed conflict".

21. The draft convention was certainly not perfect, but it could be improved. The sponsors were willing to

give sympathetic consideration to any amendments which might be submitted. In addition, the United Kingdom was to be thanked for facilitating the Committee's work by withdrawing all its amendments except one. He hoped that the Committee would be able to adopt a certain number of articles at the current session.

22. Mr. PETHERBRIDGE (Australia) said that in the view of his delegation the question of the protection of journalists engaged in dangerous missions in areas of armed conflict should not give rise to major difficulties. The purpose of the draft convention was purely humanitarian and the proposed procedure for providing cards was aimed simply at ensuring greater efficiency. He drew attention to that connexion to the case of vaccination certificates drawn up in accordance with WHO's standards in order to ensure a certain degree of uniformity but issued by the countries themselves in their own territory for purely practical reasons. The same applied, to a certain extent, to the proposed journalist's card. That relatively simple question had nevertheless been made complicated when delegations had raised manifold problems which the Committee could not possibly settle, such as the definition of armed conflict, whether international or otherwise, the establishment of a code of conduct for journalists and the question of relations between States and journalists. All those matters were far removed from the real objective of the draft convention, which was to ensure the protection of journalists by giving them a means of identifying themselves as such. The convention would be a purely humanitarian one and would in no way be political. Its adoption was urgent, for human lives were at stake and delegations should accordingly show a spirit of conciliation and not become involved in discussions of principle which would lead them farther from the attainment of their goal.

23. Mrs. MARICO (Mali), speaking on a point of order, asked whether the general debate was continuing or whether the debate on the draft, article by article, had begun.

24. The CHAIRMAN recalled that the Committee had decided to examine the draft, article by article; however, it was his understanding that delegations which wished to make general statements could do so.

25. Mr. BOURGOIN (France) said that his delegation wished to reply to certain observations made at the preceding meeting, notably those of the representative of Poland. Several delegations had raised the question of the compatibility of the draft convention with the Geneva Conventions and, in particular, with the two draft protocols, which could not be determined at that point because they had not yet been approved. The Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts had recognized, at its second session, the need to grant special protection, by means of a special convention, to journalists engaged in dangerous missions. In that connexion, he referred delegations to the second subparagraph of paragraph 3.77 of the report of Commission III of the Conference of Government Experts, which had been reproduced in annex III to the report of the Secretary-General² on the item at the preceding session.

² A/8777.

26. In addition, the Polish delegation had maintained that journalists did not need to be protected by a special convention because if they were war correspondents they were protected by the provisions applicable to military personnel and, if they were civilians, by the provisions applicable to civilians. That was true in principle, but unfortunately it could hardly be said that it was true in fact; hence the need, recognized by the General Assembly, the Economic and Social Council, the Commission on Human Rights and the experts to whom he had referred, to adopt a special convention. In any case, draft article 10 (c) provided for granting to journalists, in case of internment, treatment identical to that provided for in articles 79 to 135 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;³ thus the provision in question simply reaffirmed provisions contained in one of the Geneva Conventions. Unfortunately, it had been found that it was not pointless to reaffirm those provisions once again.

27. Some delegations had observed that it would be preferable to await the adoption of the two new protocols which were to be examined at Geneva in 1974. He did not find that argument convincing. The Geneva Conventions had existed since 1949; the definitions set forth in those texts were still in force and were in conformity with those appearing in the draft articles. Should new definitions appear in the two new protocols, it would always be possible to take them into account, but it should be remembered that a protocol was an instrument which supplemented an existing convention and that its definitions must of necessity be in harmony with those appearing in the convention itself. He wished also to remind the Committee of the explanations given by the Director of the Division of Human Rights concerning the two protocols in question.

28. He wished to associate himself with the observations made by the representatives of Cyprus and Turkey. It would not be appropriate for the Third Committee to decline to consider a question which fell within its competence and to fail to discharge its responsibilities.

29. The CHAIRMAN said that, since no other speaker wished to make a general statement, the Committee would proceed to consider the draft convention article by article, beginning with article 1.

30. Mr. SCOTLAND (Guyana), supported by Mr. SRINIVASAN (India), proposed that, in article 1, the words "in areas where armed conflicts are taking place" should be replaced by the words "in areas of armed conflicts" and that the words "provided for in article 4 below and subsequent articles" should be replaced by the phrase "provided for in this Convention".

31. The CHAIRMAN invited the sponsors of the draft articles to comment on the proposal of the representatives of Guyana and India.

32. Mrs. WARZAZI (Morocco) recalled that, at the previous session, discussion had reopened at the time of the vote, despite the fact that the debate, the work of the working group and the amendments had been exhaustive. She therefore wondered whether it would not be wiser, in cases in which, for example, only one suggestion was made in connexion with a particular

article—in the current instance, article 1—to put that article to the vote when the sponsors accepted the suggestion and when no other representative wished to speak.

33. The CHAIRMAN noted that the Committee had decided to examine the text article by article until it had exhausted the meeting time allotted for the consideration of item 54. He invited delegations to comment on article 1.

34. Mr. BOURGOIN (France) said that it was too soon to vote, but suggested that, in instances such as the case in point, the lack of opposition should be recorded by means of a formula which might perhaps read: "No delegation opposed this article." That suggestion was in line with the Moroccan proposal.

35. The CHAIRMAN said he was prepared to recognize any motion submitted under rule 125, which he read out. If no motion was submitted, the Committee would continue its consideration of the draft articles.

36. Mr. BENMEHAL (Algeria), speaking on a point of order, and supported by Mrs. MARICO (Mali) and Mrs. ABDALLA (Sudan), observed that the Committee had taken a very clear-cut decision by consensus, namely, to consider the text article by article, it being understood that no vote would be taken.

37. The CHAIRMAN observed that, as far as procedure was concerned, the Committee had taken a decision to examine and discuss the draft article by article until the end of the meetings allocated for consideration of that question. However, under the rules of procedure any representative could move the adjournment of the debate or move that a vote should be taken.

38. Mrs. WARZAZI (Morocco), speaking on a point of order, said that her observation had been no more than a suggestion and that she accepted the Chairman's ruling. However, she would be grateful if the Chairman did not request the sponsors to reply to the proposals on the articles until the end of the debate.

39. Mrs. MOHAMMED (Nigeria) moved the adjournment of the debate on the item under discussion, in accordance with rule 118 of the rules of procedure. In reply to a question put by the Australian delegation, she said that her motion was for the adjournment of the debate for the duration of the session.

40. The CHAIRMAN, after reading out rule 118, invited two representatives to speak in favour of the motion.

41. Mrs. WARZAZI (Morocco) said that, in her view, the motion would require a two-thirds majority to be carried, since it ran counter to the Committee's decision to study the text article by article.

42. The CHAIRMAN said that, since the Committee had begun its consideration of article 1, a two-thirds majority was no longer required and that rule 118 alone was applicable. He therefore intended to invite two representatives to speak in favour of, and two against, the adjournment motion, after which he would immediately put it to the vote.

43. Mr. CATO (Ghana) said he wished to propose an amendment to the Nigerian motion.

44. The CHAIRMAN said that that was not permissible. If no representative wished to speak in favour of

³ United Nations, *Treaty Series*, vol. 75, No. 973.

the motion, he would give the floor to those who wished to speak against it.

45. Mr. BOURGOIN (France) opposed the Nigerian motion. The question of the protection of journalists was an important matter within the competence of the Committee, which had been studying it for a long time. As the delegation of Cyprus had stated, the Committee should not, for procedural reasons, decline to consider the substance of that question. The sponsors had shown a spirit of goodwill and were prepared to enter into a discussion and, in those circumstances, he was surprised that a motion for adjournment of the debate had been submitted. His delegation believed that it was time for the Committee to face up to its responsibilities.

46. Miss CAO PINNA (Italy) endorsed the statement made by the representative of France. In view of the fact that the most recent decision of the Committee had been to devote eight meetings to consideration of the question, she asked whether rule 125 of the rules of procedure was not applicable.

47. The CHAIRMAN said that the motion submitted under rule 118 had precedence over all other motions and that, consequently, rule 125 was no longer applicable. Rule 121 established the following order of precedence for motions: motion to suspend the meeting; motion to adjourn the meeting; motion to adjourn the debate on the item under discussion; motion to close the debate on the item under discussion.

48. Mrs. MOHAMMED (Nigeria) proposed that consideration of the question should be adjourned until the following meeting.

49. The CHAIRMAN put the Nigerian proposal to the vote.

The Nigerian proposal to adjourn the debate until the following meeting was adopted by 73 votes to 2, with 6 abstentions.

50. Mr. PAPADEMAS (Cyprus) explained the reasons for which he had abstained in the vote. He would have liked to enquire about the intentions of the representative of Nigeria beforehand, for after submitting a motion to defer consideration of the question until the following session—a motion which had been opposed by two delegations—she had moved the adjournment of the debate until the following day. In the circumstances, he wondered whether members of the Committee took its work seriously; he was sorry to have to say that, in the current instance, they had not shown the necessary wisdom.

51. The CHAIRMAN thanked the representative of Cyprus for his comments. Noting that the Committee had a large number of items on its agenda, he appealed to members to display the spirit of co-operation which they had shown during the discussion on the item 53 (a).

The meeting rose at 5.40 p.m.

1994th meeting

Friday, 12 October 1973, at 10.50 a.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.1994

AGENDA ITEM 54

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

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

1. The CHAIRMAN invited the Committee to consider the draft international convention contained in annex I to document A/9073, article by article.

Article 1

2. Mr. CEDE (Austria) said that the amendment suggested by Guyana at the previous meeting, to the effect that the words "in article 4 below and subsequent articles" should be replaced by the words "in this Convention", involved a non-substantive drafting change and could be dealt with when the draft was approved in final form.

3. Mr. PETHERBRIDGE (Australia) recalled the oral amendment submitted by Tunisia at the previous

session (1950th meeting)—which was not included in annex II to document A/9073—providing for the addition at the end of article 1 of the first part of article 13. He would have no difficulty in accepting that amendment.

4. Mr. BOURGOIN (France) said that his delegation had accepted the Tunisian proposal at the previous session.

5. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee agreed to insert the first part of article 13 at the end of article 1.

It was so decided.

Article 2

6. Mr. BOURGOIN (France), clarifying a point raised by the representative of Mexico, said that the convention would apply only to journalists who held the card provided for, which would automatically accredit them as such. Those who did not hold the card would be protected by the Geneva Conventions on the protection of civilians.

7. Mr. BENMEHAL (Algeria)* said that, in the opinion of his delegation, article 2 of the draft convention

* The statement by the representative of Algeria is reported in an extended manner, in accordance with the decision taken by the Committee (see para. 12 of the present meeting).

constituted the focal point and foundation of the entire draft, whose preparation had first been contemplated in special circumstances arising in 1970. In view of the underlying concepts which the three subparagraphs of article 2 concealed and the highly unsatisfactory notions they embodied, he found it necessary to make his position known immediately, in advance of the detailed analysis of the draft articles that he would be making on behalf of his delegation. The fundamental nature of the draft inevitably elicited a reaction on points of principle which, in the view of his delegation, could only be negative. The three subparagraphs covered the three fundamental elements of the convention: journalists, who were the subject of the convention; armed conflicts, which constituted its sphere of application; and, lastly, dangerous professional missions, in other words, the activity the convention was designed to protect.

8. The list of press and information specialists contained in subparagraph (a) was both brief and vague and even overlooked the main object of the convention, the special correspondent. How could a draft convention with such omissions affecting the very object of the instrument, be submitted to Governments? The definition of a journalist contained in the article was far from being universally accepted.

9. The lack of precision regarding the scope of the convention, reflected in the description of armed conflicts in subparagraph (b), would have extremely serious implications for the struggle of the national liberation movements. The entire convention centered on that subparagraph; and its definition of the scope of the convention should apply to non-conventional wars, to non-international wars, in other words, to wars of national liberation. It was worth recalling exactly when the idea of a convention for the protection of journalists had first arisen in the General Assembly. It had arisen during a war of imperialist aggression against the people of Cambodia. At that time a journalist, whom he had known personally and to whose memory he wished to pay a tribute, had lost his life. The incident had not occurred during a conventional war between two States, or an international war, but during a war of national liberation waged by the people of Cambodia against United States imperialist aggression. That was the field of application of the convention that the sponsors had had in mind. For all those reasons, his delegation could not accept such vague and imprecise wording as "whether or not international"; it knew that the original idea of the convention had arisen as the result of a war of national liberation.

10. With regard to the accreditation of journalists, which was one of the most important points for members of the profession, anyone familiar with the accreditation process would know that article 2 was unrealistic. A journalist was accredited to a Government, an organization or a movement. For a foreign journalist to go to Guinea-Bissau, for example, he would have to be accredited to the Government of Guinea-Bissau, to the liberation movement of Guinea-Bissau; and in order to cross the border, he would have to be accredited to the Government of Portugal. But it must be borne in mind that Governments did not recognize the national liberation movements as belligerents. In order to protect journalists whose mission was to report on the situation of the national liberation movements, it was necessary

to have the courage to acknowledge those movements as belligerents, thereby acknowledging that they had the legal capacity to assume their responsibilities. His delegation did not want the national liberation movements to be made to look guilty, in the eyes of world public opinion, when misfortunes occurred, since those movements had the support of world public opinion in their cause, which was a just cause. The Algerian delegation did not want the national liberation movements to be denied the legal capacity to protect their friends in the international press. Every country must assume its responsibilities in that regard. Algeria had done so and was doing so, and his delegation felt that therein lay the essence of the convention. If a journalist carrying the United Nations card issued by the Professional Committee was accredited to the Government of Portugal, and entered liberated territory and lost his life because the liberation army did not know of his existence, the national liberation movement might be accused before world public opinion of having committed a crime. Algeria would not under any circumstances risk such serious consequences; the national liberation struggle in Asia, Africa and Latin America had and always should have the support of international public opinion, because its cause was the cause of freedom and the cause of justice.

11. As for the term "dangerous professional missions", he, as a journalist, could not see why a journalist reporting on a fire or a mass demonstration could not be said to be engaged in a "dangerous professional mission". Such a journalist could be killed in the fire or be beaten by the police. Without dwelling further on subparagraph (c), he wished merely to point out that the dangerous missions to be covered by the draft were wars of national liberation, in which the lives of human beings were at stake. His delegation would not on any account wish to view journalism in the context of a scene of death and destruction.

12. The CHAIRMAN, in response to a proposal by the delegation of Mauritania, said that, if there were no objections, the statement by the representative of Algeria would be reported in an extended manner in the summary record of the meeting.

It was so decided.

13. Mrs. MARICO (Mali), referring to subparagraph (b) of article 2, dealing with "any armed conflict, whether or not international", said that, as far as her delegation was concerned, wars of liberation were not internal conflicts, as had already been proved on geographical and juridical grounds. The General Assembly and the Security Council had both adopted resolutions requesting the international community to accord prisoner-of-war status to combatants belonging to the national liberation movements. Furthermore, after the Second World War, the Geneva Conventions had been applied to French Resistance fighters. The Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, to be held in 1974 at Geneva, to study the additional protocols to the Geneva Conventions was far more important to the countries of the third world than the draft convention. She therefore thought it desirable to await the outcome of that conference.

14. Mr. KABINGA (Zambia) reiterated that article 2 was very vaguely worded. For example, subparagraph

(a) did not specify what "recognized practices" were or who recognized them.

15. Mrs. MAIR (Jamaica) said that the difficulties encountered by some delegations arose largely from the definitions contained in the articles and from the fact that technically speaking, the draft convention was an extremely complex instrument.

16. The reference in subparagraph (a) to "recognized practices" entailed a subjective definition and also seemed to exclude persons carrying out special missions. Moreover, the inclusion of many categories of technical personnel risked placing an undue burden on States which received journalists. The term "armed conflict" used in subparagraph (b) could, for instance, encompass coups d'état, and she wondered who was to determine whether or not coups would be covered.

17. Her delegation believed that the Third Committee lacked sufficient technical knowledge to deal with those subjects; for that reason, those definitions could be considered—as had already been suggested—by a committee of experts or perhaps at the Diplomatic Conference to be held in 1974.

18. Mr. BOURGOIN (France) noted that it was difficult to define the word "journalist", and recalled that the text before the Committee was the product of compromises. For its part, France would have no difficulty in accepting the Algerian suggestion regarding the inclusion of special correspondents in subparagraph (a). As far as "recognized practices" were concerned, in some countries the status of journalists had been dealt with in laws and regulations, while in others it had not. For that reason, it had been necessary to include a reference to those practices.

19. With regard to subparagraph (b), the expression "armed conflict" clearly covered the liberation movements. The terms contained in that provision were the same as those used in article 3 of the Geneva Conventions of 1949.¹ If Algeria proposed an amendment on that point, France would accept it.

20. With regard to subparagraph (c), as the representative of Zambia had stated, the convention was not applicable to all journalists but only, as its title indicated, to journalists in areas of armed conflict.

21. Mr. PETHERBRIDGE (Australia) thought that the notion that a journalist might be in danger in a liberated area might be unfair to the liberation movements. He had attended the International Conference of Experts for the Support of Victims of Colonialism and *Apartheid* in Southern Africa, held at Oslo in April 1973, and had been impressed by the effective way in which the representatives of those movements had stated their case. The liberation movements maintained close ties with the United Nations and were in an extremely good position to acquaint themselves with the contents of the convention. In order to further the cause of those movements, emphasis should be placed on information activities. While some such activities could be carried out by United Nations offices, a certain amount of information needed to be disseminated by journalists. If the information programme was to yield results, it was important to encourage journalists in their work.

22. Mr. KABINGA (Zambia) said that most press reports underestimated the progress made by the liber-

ation movements or were biased against them. Zambia was not opposed in principle to the dissemination of information; but, in reality, it would generally appear to run counter to the interests of the liberation movements.

Article 3

23. Miss ABDALLA (Sudan) said that, in order to ensure harmony between States parties and the International Professional Committee, it would be better if that committee were an intergovernmental body; that would also make it easier for its members to be selected in accordance with the principle of equitable geographical distribution. Journalists' associations, as well as the Red Cross, might be invited to participate as observers.

24. Mrs. GERÉB (Hungary) said that the concept of "impartiality" expressed in paragraph 1 was not very reasonable, since any journalist who had promoted the cause of a revolutionary movement would be debarred from membership in the proposed committee. It would be more appropriate to replace that expression by the words "their activities in support of social progress and respect for human rights".

25. Mr. KABINGA (Zambia) supported the Hungarian suggestion and requested clarification regarding the expression "with due regard for the principle of equitable geographical distribution".

26. Mr. BAL (Mauritania) observed that the Third Committee was once again considering the establishment of a new international committee. His delegation was surprised, however, that no one had stated the financial implications of such a decision; it intended to ask the Secretariat to do so in due time.

27. His delegation would also like to know how the legal representatives of the liberation movements would contribute to the work of that committee. Moreover, while it was known that the convention would be open for signature by all States Members of the United Nations or members of specialized agencies, the question arose as to whether authentic and recognized Governments fighting for their independence would have the opportunity to participate in the work of the committee. On the subject of the membership of the committee, he asked why the committee would be composed of nine members rather than some other number.

28. Mr. COSTA COUTO (Brazil) said he foresaw a number of difficulties in establishing an International Professional Committee composed of members appointed by the Secretary-General. It was important to know what criteria would be applied in establishing that committee, on what basis its members would be selected and what requirements they would have to fulfil, what procedures would be followed to implement the principle of equitable geographical distribution and what would be the functions of the members. The convention was to be signed or ratified by States, and it would be Governments that would be responsible for the issue, renewal or withdrawal of cards. What role would the members of the proposed committee play in that regard? Would they prescribe the form of the card, and conditions for the issue and withdrawal of the card, and would Governments comply with their instructions? It was also pertinent to ask how the indepen-

¹ United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

dence of members of that committee was to be assessed and how far it was possible for them to maintain an independent position. In order to ensure better co-ordination, he believed that the International Professional Committee should be composed of government representatives. In that connexion, it was unfortunate that the United Kingdom had withdrawn its amendment to article 3 (A/9073, annex II, para. (b) (i)) and its proposal to insert a number of new articles (*ibid.*, para (f)) to follow article 6.

29. With regard to the Hungarian amendment to article 3 (*ibid.*, para. (b) (ii)), he asked the Hungarian representative to provide further details regarding the International Federation of Journalists and the International Confederation of Journalists. It should be borne in mind that the committee must be a truly international body; and, at least in Brazil, neither the press nor professional associations of journalists were affiliated to those organizations.

30. Mr. BOURGOIN (France), referring to the amendment proposed by Hungary, said that the text regarding the composition of the International Professional Committee had been reproduced, in part, from article 8 of the International Convention on the Elimination of All Forms of Racial Discrimination.

31. In reply to the representative of Mauritania, he explained that the figure of nine members had been chosen because it had been felt that an effort should be made to keep the membership of the Professional Committee down; however, if the representative of Mauritania wished that Committee to have a membership of 18, like the Committee on the Elimination of Racial Discrimination, he was willing to study that proposal. The United Nations Secretariat had not commented on the financial aspects of the Professional Committee's activities because, as was indicated in article 4, paragraph 5, expenses would be borne by the States parties. With regard to the appointment of the members by the Secretary-General, the Working Group established under Commission on Human Rights resolution 15 (XXVII)² had noted in the report³ submitted during the twenty-sixth session of the General Assembly that it had reached a consensus on that point in the belief that that would be a simple and practical procedure providing full guarantees of impartiality and independence.

32. Mr. KHMIL (Ukrainian Soviet Socialist Republic) observed that article 3 contained no indication as to the countries of which members of the Professional Committee must be citizens. Must they be citizens of States parties? Would that point be dealt with in the convention or decided by the Secretary-General? Moreover, article 3 stated that the members would be appointed by the Secretary-General in consultation with the Chairman of the Commission on Human Rights. In his view, the choice of the Commission on Human Rights as a consultative organ was an arbitrary one, since the Commission's sphere of competence did not render it indispensable in the case in point. The concept of impartiality was somewhat imprecise in the current instance. The representative of France had referred to article 8 of the International Convention on the Elimination of All Forms of Racial Discrimination,

which contained the same wording as draft article 3. However, impartiality had a different meaning in that context. While someone's attitude towards racial discrimination could be discerned very easily, it was much more difficult to define journalistic objectivity, and he urged the sponsors to give that matter further thought.

33. While his delegation was not submitting a formal proposal, it hoped that its comments would serve as a basis for the submission of amendments in due course.

34. Mrs. MARICO (Mali) said that she shared the misgivings of the representative of Mauritania. Article 4, paragraph 2, stated that the International Professional Committee would make regulations prescribing the conditions for the issue, renewal and withdrawal of a card. That passage, combined with article 3, posed a legal problem and constituted a threat to the countries of the third world, since the International Professional Committee might become a supranational entity. The Third Committee must recognize that fundamental legal aspect of the problem and see to it that the card did not become a political passport.

35. Mr. VELA (Guatemala) pointed out that journalism, although usually carried on through private enterprises, constituted a public service which made it possible to enjoy the right to freedom of opinion and of expression. A journalist must act with impartiality or objectivity and must, as an inherent requirement of his work, expose himself to risks. In order to safeguard the security of journalists, it was important not to invite the serious danger that the profession might in some way be unable to maintain its independence and be controlled by regulations or formalities. If members of the International Professional Committee were to be named by Governments, those Governments would intervene in some measure to uphold specific positions or defend specific causes. It did not appear that the humanitarian goal of the convention had been achieved, since the consideration of the draft articles was giving rise to differences which related not to the concept of the convention but to its purpose. The convention must be kept separate from any political feelings and ideologies which had nothing to do with the protection of journalists.

36. Mr. BAL (Mauritania) said he shared the Malian delegation's fear that the International Professional Committee might become a supranational entity. He was not at all satisfied with the explanation given by the representative of France. The convention and the International Professional Committee would have financial implications, and the expenses relating to that Committee's activity would be borne by the States parties, not through voluntary contributions. In order to have available all the facts needed for a decision, he officially requested that a statement of the financial implications should be circulated, indicating the quota to be contributed by each member State.

37. Mr. CADENA COPETE (Colombia) recalled the comments made by his delegation at the twenty-seventh session in the Third Committee (1950th meeting). At that time his delegation had requested that certain points should be clarified, including the questions whether or not the Secretary-General was to be counted as one of the nine members referred to in article 3, how necessary it was for the Secretary-General to be a member and whether it was to be concluded that the International Professional Commit-

² See *Official Records of the Economic and Social Council, Fiftieth Session, Supplement No. 4*, chap. XIX.

³ See A/8438 and Add.1.

tee would be a United Nations body. If it was to be such a body, the expenses relating to its activity should be included in the Organization's budget instead of being borne by the States parties; on the other hand, if the expenses were to be borne by the States parties, it might well be asked whether it would not be fair to provide that States should make contributions in proportion to their resources. Was it natural for the developed countries—which would be the ones sending the journalists on mission—to pay the same proportion of the International Professional Committee's expenses as a country like Colombia, for instance?

38. Mr. BOURGOIN (France), replying to the questions raised by the representative of the Ukrainian SSR, said that article 3 did not in fact make it clear what countries the members of the International Professional Committee should come from. Perhaps the representative of the Ukrainian SSR would like to submit an amendment on the subject. The States parties would be the only ones participating in the convention, and the articles implicitly related to those States alone. The sponsors of the draft articles had decided that the members of the International Professional Committee should be appointed by the Secretary-General in consultation with the Chairman of the Commission on Human Rights, following the recommendations of the Working Group established under resolution 15 (XXVII). Since membership in the International Professional Committee would be appointive, it would be desirable to include an elective element, constituted by the Chairman of the Commission on Human Rights, who was elected for one year.

39. Mrs. GERÉB (Hungary) said she did not believe that the Third Committee should follow the conclusions and recommendations of the Working Group established under resolution 15 (XXVII) of the Commission on Human Rights, which were based solely on the judgement and experience of experts. The convention should reflect the opinions of Governments, since they were the ones that would have to ratify it.

Article 4

40. Mr. PETROPOULOS (Greece) said that the functions of the International Professional Committee could be performed within a few meetings, and therefore it did not seem necessary for it to be a permanent body. Furthermore, the regulations to be approved by that Committee should be submitted to the States parties for approval.

41. Mr. BOURGOIN (France) said that the International Professional Committee should define at its first session the conditions under which the card would be issued and the form and content of the card. Although, as had been said, States would not be very closely associated with the work of that Committee, nevertheless it would have to submit an annual report in accordance with the provisions of paragraph 4. The International Professional Committee could hold annual sessions.

42. Mr. CEDE (Austria) said that the International Professional Committee's power under paragraph 2 to make regulations prescribing the conditions for the issue, renewal and withdrawal of the card might raise some difficulties from the constitutional and legal points of view, since legislative powers could not be delegated to an international committee. Perhaps the

difficulty could be avoided by eliminating that regulatory power of the International Professional Committee.

43. Mr. CADENA COPETE (Colombia), repeating the comments made by his delegation at the preceding session, emphasized that article 4 was one of the most important of the draft articles and should be interpreted in conjunction with article 6. However, it had some obvious defects in legal drafting: article 4 did not specify the terms referred to in article 6. The dangers inherent in the establishment of a supranational organ empowered to regulate the conditions for the issue, renewal and withdrawal of the card could be avoided by specifying those conditions in the text of the convention itself.

44. Mr. BAL (Mauritania) said that he shared the doubts of the representative of Colombia concerning article 4. The existence and attributes of the International Professional Committee exceeded the prerogatives of the States parties to the convention. His delegation felt some concern about the financial implications. Although it had been made clear that the International Professional Committee would be financed through voluntary contributions made by States parties, Mauritania wished to state that it would oppose any use of funds from the United Nations budget to finance it.

45. Mr. PAPADEMIS (Cyprus) agreed with the comments of the Hungarian delegation concerning paragraph 1 of the article and shared the doubts of other delegations, especially the Colombian delegation, concerning paragraph 2. His delegation's fears would be diminished if the regulations referred to in paragraph 2, especially those relating to the issue of cards, were to be submitted to the States parties for approval before entry into force. Moreover, he doubted that the International Professional Committee's activity would be such as to require the submission of an annual report.

46. Miss ABDALLA (Sudan) shared the opposition of the Malian delegation to the establishment of a supranational body. With regard to the provisions of article 4, paragraph 3, she believed that it was not sufficient for the International Professional Committee to inform States parties of the conditions for the issue and withdrawal of the cards; those conditions should be subject to ratification by the States parties. A procedure establishing conditions which States parties would learn about only after ratifying the convention might prompt States to refrain from ratification because they did not know those conditions.

47. Mrs. KOROMA (Sierra Leone) expressed misgivings about the procedure for selecting the members of the International Professional Committee and the extent of its powers, which might even include some not listed in the draft. No one should have any illusions about the impartiality of journalists, for, no matter how independent, objective and apolitical they were, they would at least be nationalistic. Journalists sent to areas of conflict would want to report on specific aspects, depending on the nature of the agency which sent them. Her delegation too was concerned about the protection of journalists in general, but the draft under consideration gave the proposed Committee unduly broad powers and implied that its powers might be even broader.

48. Mr. SMIRNOV (Union of Soviet Socialist Republics) pointed out that article 6 referred to certain terms prescribed in article 4; however, article 4 did not con-

tain the relevant information concerning the powers granted to the International Professional Committee. There was an obvious lack of co-ordination between the obligations of States and the rights of the International Professional Committee, which would be composed of experts, not representatives of States. That fact should be borne in mind when the issue, authentication, renewal or withdrawal of the card was considered.

49. With regard to article 4, paragraph 4, he had doubts concerning the annual report which the International Professional Committee was to submit to the General Assembly through the Secretary-General. He did not quite see what the proposed Committee was to report on annually. In article 4, paragraph 6, no reference was made to where the International Professional Committee would normally meet. He asked the sponsors of the draft to enlighten him on that point.

50. Mrs. MAIR (Jamaica) said that she shared the doubts expressed concerning the anomaly of having a committee with a limited membership financed by Member States but not answerable to them. In addition, the International Professional Committee would make regulations that Member States would have to observe. All those circumstances seemed to put journalists in a more favoured position than members of other professions.

51. Mrs. KOROMA (Sierra Leone) said that she had doubts concerning the type of report which the International Professional Committee would submit annually to the General Assembly through the Secretary-General, for given the powers with which the proposed Committee would be invested, it could confine its report to whatever subjects it chose to include.

52. Mr. SCOTLAND (Guyana) said that Guyana did not agree that the International Professional Committee should have such broad powers. His country shared Colombia's doubts concerning the proposed Committee's power to make regulations that would be binding on Member States. Furthermore, the question of expenses should be considered with great care.

53. Mr. SCHREIBER (Director, Division of Human Rights), referring to the financial implications of the draft convention, said that under article 4, paragraph 5, the expenses relating to the activity of the International Professional Committee would be borne by the States parties to the convention and, consequently, would not add to the financial responsibilities of the United Nations. According to his interpretation of the text, the International Professional Committee would differ in that respect from the Committee on the Elimination of Racial Discrimination, since the apportionment of expenses would be decided by the States parties.

54. For example, in the case of the Committee on the Elimination of Racial Discrimination the United Nations was responsible for conference services, while the expenses of the members of that Committee were borne by the States parties in accordance with the decisions taken at meetings convened specifically for that purpose. The amounts contributed were determined by those States through a partial application of the system of equal contributions from all States parties and the scale of assessments of the United Nations.

55. Mr. SHAFQAT (Pakistan) thanked the Director of the Division of Human Rights for his explanation. He asked whether the proposed Committee would have a permanent secretariat and, if so, what the financial implications would be.

56. Mr. BAL (Mauritania) said that the members of the Third Committee now knew that a scale of assessments would have to be established. He repeated his proposal that the expenses of the International Professional Committee should be borne through voluntary contributions.

57. Mr. SCHREIBER (Director, Division of Human Rights) said that the representative of Pakistan should address his question to the sponsors of the draft, since the text was still in the preparatory stage. However, if the proposed Committee did have a permanent secretariat, its expenses would, according to the text, have to be borne by the States parties.

The meeting rose at 1 p.m.

1995th meeting

Friday, 12 October 1973, at 3.20 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.1995

AGENDA ITEM 54

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

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

Article 4

1. The CHAIRMAN asked members of the Committee whether they had further remarks concerning

article 4 of the draft articles before the Committee (A/9073, annex I).

2. Mr. BAL (Mauritania) recalled that at the previous meeting he had suggested that paragraph 5 be modified to show that the expenses relating to the activity of the proposed International Professional Committee should be borne by voluntary contributions from the States parties to the convention. He wished to know what the sponsors of the draft articles thought of that suggestion which, he made clear, was not a formal amendment.

3. Mr. WIGGINS (United States of America) said that his delegation thought it would be preferable if all operations concerning the card were to be undertaken

directly by Governments, without establishing a committee. It understood, however, that such a procedure would leave many problems unsolved, in particular, those that had been mentioned by the representative of Algeria at the preceding meeting. He nevertheless regretted that the representative of Algeria had injected purely political questions into the debate which had no place there. He would not consume the Committee's time by discussing whether the United States intervention in Cambodia as imperialist aggression, as charged by the representative of Algeria, or defence of the legitimate Government. That issue should not have been raised in the Committee and could not possibly contribute to the useful discussion of the humanitarian question before the Committee. As to whether the current conflict was a war of national liberation, as described by the Algerian representative, or a legitimate Government's defence of its existence against attacks, aided by outside forces, that too, was a matter that should not have been raised in the Committee.

4. His delegation had serious reservations about the establishment of the committee proposed in article 4 because it meant that Governments would be subject to regulations which they had had no part in drawing up. Furthermore, as the representative of Algeria had pointed out, it did not seem appropriate to establish machinery that would place restrictions on journalists; the press should have free access to areas of conflict.

5. Mr. SHEN (China) said that his delegation would make only preliminary remarks because it was participating in the Committee's work for the first time and had to study the question more thoroughly. For the moment it wished to join in the reservations expressed concerning article 4, paragraph 2: he did not think it was right for a committee to be empowered to prescribe regulations for States to follow; that would run counter to the principle of the sovereignty of States which the draft convention claimed to respect. It was for Governments themselves to take all decisions relating to the issue of the card.

Article 5

6. Mr. VON KYAW (Federal Republic of Germany) said that his delegation had already pointed out (1992nd meeting) that the statement to be printed on the back of the card was too one-sided. It would be premature at the current stage to propose a more balanced wording, but he wished to draw attention to the matter.

7. Mrs. MARICO (Mali) said that the statement suggested in paragraph 2 of the article was pointless. The proposed text represented, in a way, a code of conduct; but journalism, like all professions, had its own rules and regulations and the presence of a text, whatever its wording, on the back of the card would not influence the conduct of the journalists. Consequently, her delegation would prefer to avoid any such reference on the back of the card—if one were to be issued—and thus, to delete that paragraph.

8. Mr. BERGH-JOHANSEN (Norway), supported by Mr. WIGGINS (United States of America), said that his delegation, as it had pointed out in the Committee at the previous session and in the Commission on Human Rights at its twenty-eighth session, believed that the international community had to take appropriate measures for the protection of journalists engaged in danger-

ous missions in areas of armed conflict. That should be the purpose of any international instrument to be drawn up, not to restrict the activities of journalists in the practice of their difficult and important profession. His delegation would therefore have some difficulty in supporting article 5 as it stood, because it felt that the convention should contain no provision which might be interpreted as constituting a code of conduct for journalists. It believed, of course, that journalists must conform to the laws and regulations in force in the territories in which they were; however, the convention was not the proper place to list the obligations they should meet because, in some cases, they could be used for restrictive purposes.

9. Furthermore, it was very important that the validity of the card should not be limited to precise geographical areas because journalists would be in a very difficult position whenever the armed conflict spread to places outside the area of their mission. For that reason, Norway whole-heartedly supported the amendment proposed by the United Kingdom to the first sentence of paragraph 4 of article 5 (A/9073, annex II, para. (d)).

10. Mr. KABINGA (Zambia) pointed out that the nationality of the bearer of the card would raise a problem in cases where journalists had dual nationality.

11. Mr. MACRAE (United Kingdom) said that his delegation had withdrawn all the amendments that it had submitted, with the exception of the one relating to the first sentence of paragraph 4 of article 5. That amendment had been retained because of the difficulty in determining cases of armed conflict. If, in a given territory, a difficult political situation, fighting, violence or exciting events arose, it was difficult to see how it would be possible in each case, for the purposes of the issue of the card, to determine whether or not there was an armed conflict. For that reason, the card should be valid anywhere in the world for a period of 12 months and for any place in the world where the journalist could be considered to be carrying out a dangerous mission.

12. The text of draft article 6 provided that the competent authorities of the States parties should be responsible for the issue of the card. That should present no problem since it would not be a question of accrediting journalists and would, consequently, be a simple formality. On the other hand, several points on the question of nationality would have to be clarified. He wondered, for example, whether a journalist who was a resident of long standing in a country other than his own, would have to apply to the authorities of the country in which he lived and worked or to those of his own country.

Mrs. Bertrand de Bromley (Honduras), Vice-Chairman, took the Chair.

13. Mr. FØNS BUHL (Denmark) said that he too feared that the statement to be printed on the back of the card could be interpreted as restricting the right of the journalist to disseminate information freely. He recalled that the wording of the statement had been the subject of lengthy debate at the previous session and that some of the sponsors of the draft articles, including Denmark, had had difficulty with it. The text should be redrafted and improved. The problem was not one of substance: it was simply a matter of finding a more concise wording that would preclude the possibility of

preventing a journalist from sending reports or expressing his personal opinion on particular events on the pretext that he did not meet "the highest standards of journalistic integrity".

14. Mr. NODA (Japan) said that his delegation supported the United Kingdom amendment to article 5 because of the very nature of journalism and because the convention should be practical and realistic.

15. Mr. PAPADEMAS (Cyprus) felt that the United Kingdom amendment did not appreciably alter the tenor of article 5. Indeed, regardless of the conditions under which the card was issued, the country in which the journalist was on mission retained absolute rights over the admission of the journalist to its territory. The card was comparable to a passport: some countries admitted visitors on simple presentation of a passport, while others required an entry visa. In the circumstances, it mattered little that the validity of the card was limited in duration or in the number of countries accepting it. In any event, his delegation was prepared to support the United Kingdom amendment.

16. He recalled that at the previous session there had been lengthy discussions on the question whether or not a statement should be printed on the back of the card and the wording of that statement. He believed that it was not the presence of that statement on the back of the card that would in any way change the conduct of a journalist. His delegation, however, had no set position on the matter; perhaps a compromise solution could be found at a later stage.

17. Mr. BAL (Mauritania) said that his delegation had misgivings about the ambiguity of some articles. Article 5, paragraph 6, mentioned "authorities" responsible for the issue of the card. Were they governmental authorities or the committee provided for in article 4? The two articles agreed neither in form nor in substance.

18. He associated himself with the remark made by the representative of Mali concerning article 5, paragraph 2; he too believed that the presence of a statement on the back of a card would in no way be binding on a journalist.

19. He did not see the point of the amendment proposed by the United Kingdom (A/9073, annex II, para. (d)); in fact, it ran counter to the spirit of the convention. In the case of a conflict between two States not parties to the convention, he wondered which journalists would be sent, for example, to Rhodesia: British journalists or journalists from the national liberation movements?

20. Turning to a point of procedure, he said that he hoped that, once the article-by-article discussion was completed, the sponsors of the draft articles would state their positions on the proposals put forward for the deletion or amendment of specific paragraphs or subparagraphs.

21. Mr. SMIRNOV (Union of Soviet Socialist Republics), pointing out that article 5, paragraph 2, had given rise to long discussions at the previous session, said that the wording in the draft articles represented a compromise solution. It had been said that such a statement might restrict the freedom of journalists and hence freedom of information. He did not share that opinion and thought that the declaration was merely intended to oblige the journalist to conduct himself in accordance

with very high standards of integrity. In any case, it would not carry enough weight if it were merely printed on the back of the card: it was essential for it to appear in the text of the convention. Clearly a journalist should not take part in any political or military activity and that provision was the least of the obligations to be imposed on him.

22. As for the amendment proposed by the United Kingdom, he did not think that it added anything whatsoever to article 5, paragraph 4, nor that it improved the text of the draft convention. It simply broadened the geographical area in which the card was valid, and that matter should be considered at the same time as draft article 13.

Mr. Mahmassani (Lebanon) resumed the Chair.

23. Mr. SCOTLAND (Guyana) commented on the statement made by the representative of the United Kingdom, who had mentioned the difficulty of defining cases of armed conflict; yet, he had used such expressions as "violence, fighting, exciting events". He wondered whether it followed that that was his definition of an armed conflict which was not of an international nature. Did it also mean that a newspaper editor was the person to decide whether there was an armed conflict in a particular territory where he wished to send his journalists? The representative of the United Kingdom had said that the purpose of the card was solely to identify the journalist. Surely journalists already had press cards for that purpose and, that being so, they hardly needed another card. As for geographical limits, he drew attention to article 13, paragraph 1, where it was clearly prescribed that national laws with respect to the crossing of frontiers or the movement of residence of aliens were applicable and by virtue of that article, States had the right to deny any journalist access to their territory.

24. With regard to the second sentence of paragraph 1 of article 5, which stated that the card should state the name and address of the organization employing the journalist, he wondered if free-lance journalists had been taken into account. The expression "highest standards of journalistic integrity" in paragraph 2 of that article was very vague for anyone outside the profession. He wondered whether each State was to interpret the meaning as it saw fit.

25. He would like to have the views of the sponsors on those questions and in that connexion, he wished to associate himself with the comment made by the representative of Mauritania.

26. Miss CAO PINNA (Italy) said that article 5, paragraph 4, was one of the few provisions on which her delegation had serious doubts, because of its restrictive nature. The card would be issued for each dangerous professional mission in any area of armed conflict, which would obligate States to determine in each case whether or not there was an armed conflict in a given area. The representative of the United Kingdom had very properly stressed the difficulties involved and, for that reason, her delegation would support the amendment proposed by the United Kingdom.

27. In article 5, paragraph 2, the statement which was to appear on the back of the card represented a compromise solution which the Committee had reached with great difficulty at the previous session. Her delegation would prefer not to have any statement on the back

of the card, but realized that such a statement allayed the apprehensions of some delegations which wanted to ensure that journalists would not interfere in the domestic affairs of States. She was therefore ready to agree to the text of that statement.

28. Mr. GUERRERO (Philippines) associated himself with the comments made by the representative of Poland (1992nd meeting) and considered that, taking into account the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts to be held early in 1974 at Geneva to discuss two additional protocols to the Geneva Conventions, the Committee's review of the draft articles was not particularly urgent. His delegation shared the doubts expressed by several delegations regarding the scope of article 5, paragraph 4, in the light of the provisions of article 6.

29. As for the text proposed in article 5, paragraph 2, he agreed with the representative of the Soviet Union that the statement should be included in the convention itself since, if it appeared only on the back of the card, it was not really binding on the card-holder. He was surprised to see that some delegations seemed to have objections regarding the text of that statement. It was hard to see how the commitment of a journalist not to take part in any political or military activities and not to interfere in the domestic affairs of States could be regarded as a restriction on the exercise of his profession. He felt that the proposed text should normally be accepted without difficulty by any professional journalist.

30. Miss ABDALLA (Sudan) said that journalists' obligations were not clearly defined in the proposed statement in article 5, paragraph 2. The "standards of journalistic integrity" might vary from one State to another or from one journalist to another; it was a very subjective definition. She asked whether the Committee envisaged including more precise definitions in an annex to the convention. The question of non-interference in the domestic affairs of States was very controversial: who was to determine whether or not there was such interference?

31. Mr. KABINGA (Zambia) considered article 5, paragraph 5, to be superfluous because withdrawal of the card should be automatic.

32. Mr. BOURGOIN (France) said that the comments made on article 5 were very interesting on the whole. He pointed out, however, as the representative of Italy had already done, that the article was a compromise which had been reached with great difficulty, and it would henceforward be very difficult to amend it. In his statement at the 1991st meeting, he had discussed the difficulties encountered in drafting the statement in paragraph 2. He agreed with the representative of the Philippines in that respect, and felt that a professional journalist should have no difficulty in accepting the substance of that text. The statement seemed to go some way towards the amendment proposed by the Soviet Union for article 11 (A/9073, annex II, para. (g)), without, however, going quite so far. In any case, the sponsors could not now revise the text. The same was true for paragraph 4. The United Kingdom amendment (*ibid.*, para. (d)) had its merits, but there again it was impossible to change the draft article to which it referred since that too was a compromise solution arrived at by the sponsors in an effort to avoid certain stumbling-blocks.

33. Mr. FØNS BUHL (Denmark), in reply to the representative of the Philippines, who had expressed surprise at the objections of the Danish delegation to article 5, paragraph 2, wished to point out that his country fully agreed with the principles laid down in that paragraph, but feared that its provisions might be open to interpretations which might restrict journalists' freedom of reporting.

34. Mr. LÖFGREN (Sweden) said that article 5 as it stood was the main reason why his delegation could not subscribe to the draft convention. The provisions of that article were too restrictive and were incompatible with the concept of journalism as understood in Sweden.

35. Mrs. GERÉB (Hungary), referring to the comments on the sovereignty of States and noting the importance that delegations attached to that idea, was surprised at the misgivings aroused by article 5, paragraph 2, which was merely intended to ensure respect for the sovereignty of States on the part of journalists; journalists could not use freedom of information as an excuse to interfere in the domestic affairs of a State or take part in military or political activities. She conceded, however, that article 5 was perhaps not quite clear; the draft convention included several articles on the obligations of States; perhaps a special article should be drawn up on the obligations of journalists in order to ensure the necessary balance between the rights of sovereign States and the rights of journalists.

36. Mr. MACRAE (United Kingdom), referring to the points raised by the representative of Guyana, said that in his previous statement he had used various terms instead of the term "armed conflict" as defined in article 2 (b), of the draft convention merely in an attempt to explain what might happen in practice: it was clear that, if an "exciting event" which could be interpreted as an "armed conflict" occurred in a country which was a party to the convention, journalists would immediately be sent to the spot, whatever the definition given to the words "armed conflict". Furthermore, according to article 13, paragraph 1, it was still open to the country where the "event" was taking place to refuse access to its territory to journalists. That country could also state that there was no armed conflict and refuse journalists any special protection.

37. The paragraph was somewhat ambiguous with regard to the geographical validity of the journalists' card and should be redrafted in the light of article 7. He considered that the card to be issued to journalists under the convention would, in a sense, be different from a simple press card because of the special obligations which States parties to the convention recognized they had towards journalists.

38. Mr. SCOTLAND (Guyana) thanked the United Kingdom representative for his clarification, but pointed out that the difficulties raised by the words "armed conflict" remained unresolved.

Article 6

39. Mr. BAL (Mauritania) said his delegation had the same misgivings about article 6 as about articles 4 and 5. Article 6 referred to the "competent authorities of the States parties to this Convention", whereas article 4 referred to the "International Professional

Committee" and article 5, in very vague terms, to "the authorities responsible for the issue of the card".

40. His delegation would appreciate clarification of the meaning of the phrase "who is under its jurisdiction" in article 6, paragraph 2. If it meant that only the colonial authorities would be authorized to issue cards to journalists who were nationals of the Territories they administered, his delegation would be absolutely unable to support article 6 or the convention as a whole.

41. Mr. GRAEFRAETH (German Democratic Republic) said he, too, would welcome clarification of the meaning of the words "the competent authorities of the States parties to this Convention": did they mean that liberation movements would have no right to issue cards to their own journalists and that, for example, only Portugal would be authorized to issue cards to journalists who were nationals of Angola?

42. Mr. BOURGOIN (France), replying to the representative of Mauritania, explained that the International Professional Committee would not be competent to issue the card; it would merely make regulations prescribing the conditions for the issue, renewal and withdrawal of the card as well as its form and contents. Articles 6 and 4 were complementary.

43. The words "competent authorities" in article 6, paragraph 1, had been used because the regulations for the issue of cards differed from country to country: cards could be issued by State authorities or by professional bodies. Thus, the term selected was deliberately vague in order to allow each country to follow its own rules.

44. He recognized that article 6, paragraph 2, posed a problem. For its part, France was willing to accept the expression "or who has his permanent residence in it" if the Committee preferred that wording.

45. Mr. BERGH-JOHANSEN (Norway) felt that the International Professional Committee and not States parties to the convention should issue the card. Norwegian journalists were totally opposed to the handling of the matter by States, fearing that would limit the freedom and independence of the information media. His delegation hoped it would be possible to revise that aspect of the draft convention in conformity with the wishes of the great majority of the journalists whom the convention was intended to protect.

46. Mr. GUERRERO (Philippines) observed that the objections of most delegations concerned the contradictory provisions in articles 6 and 4, regarding the authorities competent to issue cards and accredit journalists. If the card was issued by an international professional committee, that body would be a supranational authority, something many Governments would not accept. For States themselves to issue the card would, however, be unacceptable to countries which guaranteed their journalists freedom to express their opinions without the prior approval of the national authorities. It seemed that at the current stage of the debate the Committee should ask itself whether the draft convention was viable in its existing form. Until the dilemma between respect for State sovereignty and for the freedom of journalists had been resolved, discussion of any other question would be pointless.

47. Mr. BOURGOIN (France) agreed that the problem mentioned by the representative of the Philippines was a delicate one. Clearly, the relations between the

International Professional Committee, States and journalists gave rise to a problem of international law. The relations between States and journalists, however, were not covered by the draft convention, since they were different in each country. His delegation did not share the fears expressed by other delegations concerning the establishment of the International Professional Committee, since it considered it normal that the members of the profession should define their own code of ethics.

48. Mrs. KOROMA (Sierra Leone) shared the concern of the representative of the German Democratic Republic concerning article 6 and wondered which authorities would be competent to issue cards to the journalists of liberation movements.

Article 7

49. Mr. SHEN (China) pointed out that, according to paragraph 1 of the article, "all parties to an armed conflict in the territory of a State party to the Convention" should recognize the card. However, in view of the principle of State sovereignty, it did not seem possible to oblige parties to an armed conflict who were not parties to the convention to observe that provision, any more than a State which was not party to an armed conflict could be compelled to recognize the card. Paragraph 2 seemed to contradict article 4, paragraph 3, according to which the International Professional Committee was to send a description of the card only to States parties to the convention; how, then, were States which were not parties to the convention to become acquainted with the card? His delegation considered article 7 required further study.

50. Mr. GRAEFRAETH (German Democratic Republic) said there was a contradiction between the provisions of articles 6 and 7. Whereas article 6 stated that it was "the competent authorities of the States parties" which issued the cards, the effect of article 7 would be to oblige liberation movements to recognize cards issued by the colonial Powers they were fighting.

51. Mr. BOURGOIN (France) agreed that article 7 should be studied more thoroughly, as the representative of China had suggested. The representative of the German Democratic Republic had raised a particularly difficult problem of international law; it was with that problem in mind that the words "as far as possible" had been included in article 7, paragraph 1, in order to leave it open to the liberation movements to recognize the card if they wished or were able to do so. In practice, some liberation movements which were not parties to the Geneva Conventions of 12 August 1949 had stated their willingness to apply their provisions. The current case was similar and it was in the interest of the liberation movements to recognize the convention on the protection of journalists, since that would give them greater influence at the international level.

52. Mr. SCOTLAND (Guyana) said that he could not agree with the remarks just made by the representative of France. The liberation movements which were not parties to the Geneva Conventions of 12 August 1949 but which applied the provisions of those Conventions enjoyed in return the benefit of the protection afforded under those Conventions. However, according to article 7 of the text under consideration, the liberation movements would be required to recognize cards is-

sued by States without themselves having the right to issue cards and to require States to recognize them.

53. Mr. CEDE (Austria) pointed out that according to the generally accepted rules of international law the expression "and, as far as possible, all parties to an armed conflict in the territory of a State party to the Convention", which also appeared in article 10, created obligations for States which were not parties.

Articles 8 and 9

54. Mr. SCOTLAND (Guyana) said that the word "holder" in article 8, paragraph 1, could give rise to problems; it might be preferable to use another term. He suggested that the expression "as necessary" in article 9, paragraph 2, should be replaced by "always".

Article 10

55. Mrs. HEANEY (Ireland) said that the wording of article 10 was not clear. She would like some clarification, for example with regard to the meaning of the term "reasonable protection" in paragraph 1 (a). As far as paragraph 1 (b) was concerned, she wondered how and by whom journalists could be warned to keep out of dangerous areas. It might be well to reconsider the wording of those two paragraphs.

56. Mrs. KOROMA (Sierra Leone) expressed concern that paragraph 1 (b) might serve as a pretext for preventing journalists from visiting certain areas. She inquired exactly what was meant by "dangerous areas".

57. Mrs. MARICO (Mali) noted that paragraph 1 (c) referred to the Geneva Convention relative to the Protection of Civilian Persons in Time of War. That being so, she, like other representatives, was of the view that before examining the convention on the protection of journalists the Committee should await the outcome of the 1974 Diplomatic Conference, during which protocols would be worked out to fill the gaps in the Geneva Conventions. If the Committee adopted that course of action, it would not, in her view, be evading its responsibilities in any way, as had been stated at a previous meeting.

58. Mr. BAL (Mauritania) observed that radio and television broadcasts frequently distorted the facts and proposed that the sponsors should insert the following new subparagraph to ensure that journalists would confine themselves to gathering information: "Any pictures, films or reports produced in the course of an armed conflict may not or must not in any way have a commercial character or be used for purposes of profit, publicity or neo-colonialism."

59. Mr. GRAEFRAETH (German Democratic Republic) noted that article 10 raised the same problem as article 7. With regard to article 10, paragraph 1 (c), he pointed out that since virtually all States were parties to the Geneva Convention mentioned in that paragraph, they would not have any difficulty in granting the protection sought. But what would happen in the case of parties to an armed conflict which were not States? That question was dealt with in article 3 of the Geneva Convention, which provided that "The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention."

60. Mr. SCOTLAND (Guyana) said that although article 10 appeared to offer a degree of protection, the expressions "as far as possible" and "to the maximum extent feasible" permitted the parties to determine the extent of the protection to be afforded. With regard to paragraph 1 (a), he shared the concern expressed by the representative of Ireland and, with regard to paragraph 1 (c), he was of the same view as the representative of Mali.

61. On the other hand, with regard to paragraph 2, and in particular the phrase "journalists have the right to protection from an immediate danger resulting from hostilities only to the extent that they shall not expose themselves to danger without needing to do so for professional reasons", his delegation would find it difficult to accept the existing text, which seemed to remove the right of protection at the same time as it gave it.

62. Mr. SRINIVASAN (India) wondered what was meant by the expression "reasonable protection" in paragraph 1 (a). He further considered that paragraph 1 (b) was not constructive, for there was no doubt that by virtue of the very nature of his work a journalist receiving such a warning would be eager to visit the area from which he was barred.

63. Mr. BOURGOIN (France) recalled that at the preceding session the working group, which had been open to everyone, had devoted several meetings to article 10, which in its current form differed considerably from the initial text. Although his delegation could accept article 10 as a whole, it also had some comments to make on it and considered in particular that the wording of paragraph 1 (b) was not the best possible and that that paragraph should be redrafted.

64. With regard to paragraph 1 (c), he said that, as he had already observed, the Geneva Conventions were not always applied in practice with the utmost rigour; accordingly, the sponsors had thought it a good idea to include a reference to the relevant Convention. If his delegation and other delegations had thought it necessary to propose that a convention should be drawn up within the framework of the United Nations, that was—as had been acknowledged in paragraph 3.78 of the report¹ of the Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts—because of the need to prepare a special convention relating to journalists.

65. It was noteworthy that paragraph 1 (d) contained a new element, namely, the element of making information public, and that the International Committee of the Red Cross was mentioned in that connexion. In his delegation's view, paragraphs 1 (c) and (d) of article 10 were of the greatest importance.

66. He recalled that article 10 was the fruit of the labours of 40 delegations; he could not, of course, speak on behalf of all those delegations.

67. Mr. SCOTLAND (Guyana) expressed the hope that the view of his delegation would be taken into account.

68. Mrs. KOROMA (Sierra Leone) agreed with the representative of France that paragraph 1 (b) should be redrafted. She also wondered whether it might not be

¹ A/8777, annex III.

possible to delete that paragraph or incorporate it in paragraph 2.

69. Mr. BOURGOIN (France) assured the representative of Guyana that his delegation would give careful attention to the points raised by delegations, in particular that raised by the delegation of Guyana. He pointed out that his comments on paragraph 1 (b) had been made on behalf of his delegation alone. However, no vote would be taken at the current session, and his delegation did not wish to commit itself while other delegations declined to do so.

70. He pointed out once again that the draft articles before the Committee were a collective work and that was why his delegation could not always give satisfactory explanations.

Article 11

71. Mr. GUERRERO (Philippines) said he did not see the point of article 11, for there was no doubt that any State party to the convention would undertake, by the very fact of signing it, to comply with and to ensure compliance with it in all circumstances.

72. Mr. CEDE (Austria) said that, like the representative of the Philippines, he was of the view that article 11 could be deleted.

73. Mr. SMIRNOV (Union of Soviet Socialist Republics) said that there was much talk in the draft convention of the protection to be accorded to journalists but, as the Soviet delegation had pointed out many times, the text should also cover the obligations of journalists. That was why the Soviet delegation had proposed a new draft article 11 (A/9073, annex II, para. (g)).

74. Mr. PETHERBRIDGE (Australia) said that article 11 had been taken from the Geneva Convention and was a usual clause in conventions.

Article 12

75. Mr. BAL (Mauritania), observing that article 7 provided that States parties to the convention and all parties to an armed conflict should recognize the journalist's card, asked whether that article did not conflict with article 12, which provided that the application of the convention should have no legal effect on the status of the parties to the conflict.

76. Mr. BOURGOIN (France) pointed out that the text under consideration was not the initial version of article 12, which had referred to the international status of the parties.

Article 13

77. The CHAIRMAN pointed out that paragraph 1 of the article had been transferred to article 1 and that the Committee should therefore consider only paragraphs 2 and 3 of article 13.

78. Noting that no delegation had any comment on the article, he invited the Committee to take up the following article.

Article 14

79. Mr. KABINGA (Zambia) requested clarification of the expression "shall affect".

80. Mr. SCOTLAND (Guyana) found that article 14 added nothing to the convention, since it was quite clear that nothing could affect the provisions of the Geneva Conventions.

81. Mr. BOURGOIN (France) said that, while he did to some extent share the views of the delegation of Guyana, the provision had been included in order to show that the convention should not impinge upon the matters covered by the Geneva Conventions. Fears had been expressed on several occasions that there was some conflict between those Conventions and the draft convention on journalists. Article 14 gave precedence to the provisions of the Geneva Conventions and implied that in the case of a conflict of laws the Geneva Conventions would prevail.

82. Mr. GUERRERO (Philippines), reverting to a view expressed at the 1992nd meeting by the Polish representative, asked whether it would not be possible to provide that, to the extent to which they were applicable, the provisions of the Geneva Conventions of 1949 and their Protocols would modify the provisions of the convention on journalists.

83. Mr. BOURGOIN (France), replying to the Philippine representative, said that the initial text had contained a reference to the Conventions and their Protocols, which had already been under discussion at the time, but that jurists had drawn the sponsors' attention to the fact that it was not possible to refer to protocols which had still to be adopted.

84. Mr. SCOTLAND (Guyana) said that, if article 14 implied that the Geneva Conventions should prevail in case of conflict between them and the convention on journalists, his delegation would prefer that to be stated more clearly. As to the Philippine representative's remarks, he thought that it should be possible, without referring to protocols, to refer to future amendments to the Conventions.

Article 15

85. Mr. VALTASAARI (Finland) said that, although the provisions of article 15 were culled from the traditional concluding provisions of many international instruments and did not affect the substance of the convention, his delegation had reservations on them, even though Finland was a sponsor of the draft articles. The Finnish delegation would prefer a wording providing for the participation of all States and could therefore not support the so-called Vienna formula that had been used.

86. Mr. SMIRNOV (Union of Soviet Socialist Republics) agreed with the Finnish delegation with regard to the so-called Vienna formula. The latter, although frequently used, was old and should no longer be included in contemporary conventions. The Soviet delegation hoped that it would be possible to redraft paragraph 1 and to use some wording to the effect that the convention would be open to all States.

87. Mr. GRAEFRAETH (German Democratic Republic) supported the Soviet proposal and pointed out that the German Democratic Republic had always held the view that it should be possible for all States to accede to conventions of a humanitarian character.

88. Mr. SHEN (China), pointing out that on 25 October 1971 the General Assembly had adopted resolution 2785 (XXVI) which had restored the lawful

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

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

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

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

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

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

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

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

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

The meeting rose at 6.05 p.m.

1996th meeting

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

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.1996

AGENDA ITEM 54

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

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

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

Article 16

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

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

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

Article 17

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

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

Article 18

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

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

Articles 19, 20 and 21

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

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

CONSIDERATION OF A DRAFT RESOLUTION

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

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

AGENDA ITEM 56

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

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

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

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

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

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

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

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

³ A/8820 and Corr.1.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The meeting rose at 11.40 a.m.

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

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

1997th meeting

Monday, 15 October 1973, at 3.20 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.1997

AGENDA ITEM 54

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

CONSIDERATION OF A DRAFT RESOLUTION (concluded)

1. Mr. COSTA COUTO (Brazil) said that, following intensive consultations, the sponsors of the draft resolution¹ which he had introduced at the preceding meeting, who were anxious to see it adopted unanimously or by consensus, wished to make some minor changes in the draft. The word "necessity" in operative paragraph 1 should be replaced by "desirability", and the following words should be added at the end of paragraph 3: "having regard to the deliberations and findings of the Diplomatic Conference".
2. He announced that Tunisia had joined the sponsors of the draft resolution.
3. Mr. SHAFQAT (Pakistan) recalled that, in introducing the draft resolution at the preceding meeting, the Brazilian representative had clearly explained the considerations which had prompted the Brazilian and Pakistan delegations to suggest deferring consideration of the draft convention until the twenty-ninth session of the General Assembly. His delegation wished to take the opportunity to reaffirm his country's support, in principle, for the idea of drawing up a convention on the protection of journalists; it had noted during the debate, however, that several articles had been interpreted in various ways by a number of delegations and that doubts had been expressed concerning the manner in which certain provisions would be applied in the context of different types of conflict. Some delegations had also felt that the provisions of the convention might duplicate those of the Geneva Protocols and that it might therefore be preferable to continue the discussion of the draft articles after the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts so that the results of the latter's work could be taken into account; that idea was reflected in the proposed amendment to operative paragraph 3.
4. He was certain that the two amendments proposed by Brazil would receive unanimous support.
5. Mr. KEITA (Guinea) said that it was not because of indifference that his delegation had not taken part in the debate on the question under consideration. Rather, it felt that the matter was a controversial one which should therefore receive further study, and it accordingly endorsed the proposals contained in the draft resolution. Deferring consideration of the question until the twenty-ninth session would give his delegation an opportunity to study the problem in greater depth.

He felt that the draft resolution should refer to the amendments proposed in the course of the debate.

6. Mr. BAL (Mauritania), recalling that his delegation had made certain observations during the discussion, noted that operative paragraph 2 of the draft resolution called for transmitting to the Diplomatic Conference the observations and suggestions made during the twenty-eighth session—which, in the opinion of his delegation, were as important as the draft articles themselves—but that nothing was said about a special document in which they would be reproduced. He would like to know whether the observations and suggestions were to appear in such a document or whether it would be necessary to refer, in the customary manner, to the summary records of the meetings. He wondered, in that connexion, what the situation was with regard to the *in extenso* reproduction of the Algerian statement (1994th meeting), which had been requested.

7. The CHAIRMAN said that it had been decided to report the Algerian statement fully in the summary record and that all the summary records would be transmitted to the Diplomatic Conference.

8. Miss CAO PINNA (Italy) asked whether the sponsors' proposed amendment to operative paragraph 1 might not cause that paragraph to conflict with the first preambular paragraph, which recalled the resolutions in which the General Assembly had expressed its conviction that there was a need for an additional instrument.

9. She agreed that the Conference should be informed of the observations and suggestions made during the session and in that regard noted that she understood the observations of the Mauritanian and the Guinean representatives in that light.

10. Mr. SHAFQAT (Pakistan) said that the Italian representative's point was well taken; he proposed that the word "reiterates" in paragraph 1 should be replaced by "mindful of" or something of that nature.

11. Mr. CATO (Ghana) agreed that the Italian representative's comment was a valid one; he noted that the expression "mindful of" was normally used in the preamble of draft resolutions rather than in the operative part and therefore proposed that paragraph 1 should begin with the words "*Expresses the desirability of adopting*".

12. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee decided to adopt the Ghanaian amendment.

It was so decided.

13. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee unanimously adopted the draft resolution, as orally amended.

It was so decided.

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

The meeting rose at 3.40 p.m.

1998th meeting

Tuesday, 16 October 1973, at 3.10 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.1998

AGENDA ITEM 56

Observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights (*continued*)* (A/9133 and Add.1 and 2, A/C.3/L.2010)

1. Mr. RYDBECK (Sweden) emphasized that the celebration of the twenty-fifth anniversary of the adoption of the Universal Declaration of Human Rights was an occasion for all to reflect on the extent to which the objectives of the Declaration had been realized. The promotion of human rights was certainly one of the most difficult tasks of the United Nations, since the differences between political systems or ideologies often prevented progress in that field, and there sometimes appeared to be contradictions between the Universal Declaration of Human Rights and the Charter of the United Nations; however, far from giving in to resignation, one should make an effort to find common denominators providing an area of agreement in the field of human rights. One such common denominator was the rejection of torture; and for that reason the delegations of Austria, Costa Rica, the Netherlands, Trinidad and Tobago and Sweden had decided to submit draft resolution A/C.3/L.2010; Ireland had also joined as a sponsor. The text was clear and straightforward and should receive unanimous support. All men must unite in expressing their rejection and abhorrence of torture. He emphasized the universal nature of the draft resolution. While the sponsors recognized in the preamble that torture was practised in various parts of the world, it was not their aim to accuse any particular country or group of countries. The United Nations could take action either in the field of principles and guidelines—and it was in that context that the draft resolution should be viewed—or in the field of quiet diplomacy. In the field of guidelines, important progress had already been made—for instance, in the adoption of the Standard Minimum Rules for the Treatment of Prisoners.¹ To work actively for the complete eradication of every form of torture was a common humanitarian duty, since torture knew no frontiers, as pointed out by the Chairman of Amnesty International, the former Irish Foreign Minister, Mr. Sean MacBride. He also wished to emphasize that the term “torture” should be interpreted in a broad sense, as covering both the clinical methods used to obtain information and more brutal forms of maltreatment and mutilation. The sponsors had abandoned their original idea of including the words “and to give highest priority to this question” in operative paragraph 1 in order to avoid any controversy over a drafting detail and because it would have been unworthy to discuss priorities in that context. The question of the elimination of torture should always have the highest priority if the Universal Declaration was not to remain a dead letter; the adoption of

the draft resolution on that question was therefore an essential element in the observance of the twenty-fifth anniversary of the Declaration.

2. Mr. BAL (Mauritania) congratulated the Director of the Division of Human Rights on the excellent statement he had made at the 1996th meeting. The number of meetings which the Committee had allocated to item 56 did not reflect the considerable importance which should be attached to that question. The Universal Declaration of Human Rights was one of the most important documents adopted during the preceding 25 years, and it was impossible to over-emphasize the special importance, particularly for countries in areas of the world where human rights were consistently flouted, of the twenty-fifth anniversary of the Declaration, which was to be observed almost three months to the day after the historic Algiers summit meeting—the Fourth Conference of Heads of State or Government of Non-Aligned Countries.

3. The programme proposed by the Secretariat (see A/9133) met with the approval of his delegation since it covered in comprehensive fashion the activities of all United Nations organs and agencies and of governmental and intergovernmental organizations. It was to be hoped that the efforts undertaken would give all mankind a new taste of justice and equality between men, without distinction as to race, colour or religion.

4. Mr. CRISTESCU (Romania) said that the adoption of the Universal Declaration of Human Rights 25 years previously had been a historic event and that the quarter-century which had elapsed since that time had amply demonstrated the high moral and political value of that Magna Carta of human rights, whose practical importance was constantly increasing. Developments in the modern world fully confirmed the validity of the principles on which the Declaration was based—namely, that international peace and security could not be assured without the effective promotion of respect for human rights and fundamental freedoms. All the major problems currently confronting the international community were, in one way or another, linked with respect for those rights and freedoms.

5. The anniversary which was to be observed provided an opportunity both to analyse the accomplishments of the past and to consider the future orientation of the human rights activities of the United Nations and its family of organizations. Thus far, efforts had been directed mainly towards the preparation and adoption of international instruments of a general nature, such as the two International Covenants on Human Rights, or international instruments relating to particularly important fields, such as the International Convention on the Elimination of All Forms of Racial Discrimination, the Discrimination (Employment and Occupation) Convention, the Convention against Discrimination in Education, the conventions relating to slavery, servitude and forced labour and similar institutions and practices, and the conventions on the political rights of

* Resumed from the 1996th meeting.

¹ First United Nations Congress on the Prevention of Crime and the Treatment of Offenders: report of the Secretariat (United Nations publication, Sales No. 1956.IV.4), annex I, A.

women, the nationality of married women and marriage in general. The various declarations adopted by the United Nations in all those areas had also repeatedly reaffirmed those fundamental rights and freedoms and had contributed to the creation of the conditions necessary for their realization. While appreciating those constructive efforts, his delegation emphasized the need for all States to implement the principles and provisions of those international instruments, whose purpose was to establish standards in the fields they covered.

6. He also wished to stress the importance of the proclamation of the International Year for Human Rights, in 1968, which had been characterized by an intensification and diversification of efforts to combat racial discrimination and the policies of *apartheid*. In that connexion, great importance was to be attached to the adoption of the programme for the Decade for Action to Combat Racism and Racial Discrimination,² which would enable United Nations agencies and the international community to take concerted action. His Government for one would contribute unreservedly to the implementation of that programme, but it was essential for all Member States to ensure that the national and international measures provided for were put into effect. It was also important that the General Assembly should adopt, at its current session, the draft Convention on the Suppression and Punishment of the Crime of *Apartheid* (A/9095, annex and A/9095/Add.1).

7. He further wished to emphasize the importance of the International Conference on Human Rights held at Teheran, also in 1968, and of the resolutions contained in the Final Act³ of the Conference. It was at the request of the Conference that an in-depth study had been made of the importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights. He pointed out that his country had participated actively in the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Commission on Human Rights and other United Nations organs working in that field; it supported those efforts, being convinced that the realization of the right of peoples to choose their own political, social and economic system and to develop without any outside interference free from any foreign domination or oppression, was the *sine qua non* for the enjoyment of individual freedom and the exercise of fundamental human rights.

8. Other important questions had also been considered recently, in such fields as the protection of human rights in armed conflicts, co-operation for the punishment of persons who had committed war crimes and crimes against humanity, and the relationship between human rights and scientific and technological developments. The publication of a study on racial discrimination and the preparation by the Sub-Commission on Prevention of Discrimination and Protection of Minorities of new studies on the prevention and punishment of the crime of genocide, the rights of minorities, the situation of indigenous populations and the right of peoples to self-determination were also, in his delegation's view, activities which warranted encouragement.

9. His delegation also attached particular importance to promotion of the rights of certain categories of society whose role in the modern world was expanding rapidly. In that connexion, it welcomed the efforts made with respect to the rights of women—the adoption of the Declaration on the Elimination of Discrimination against Women, the preparation of a convention on the rights of women, and the proclamation of 1975 as International Women's Year. His delegation also welcomed the adoption of resolutions concerning youth and, in particular, the establishment of the *Ad Hoc* Advisory Group on Youth under General Assembly resolution 3022 (XXVII).

10. The profound changes which had taken place in Romania over the previous three decades had created the necessary conditions to enable the Romanian people to secure and strengthen its independence, in freedom and with social justice. All the activities of the State were directed towards the construction of a society capable of ensuring the development of the human person, granting the same rights to all. The socialist State created the political, economic and social conditions necessary to ensure the full enjoyment of human rights and fundamental freedoms, as set forth in the Universal Declaration of Human Rights. State policy was designed to ensure that man, who was the sole creator of material goods and spiritual values, could benefit freely from the fruits of his efforts.

11. Romania attached great importance to the substantial contribution of women to the nation's progress and to the ever-increasing role which they were playing in economic, political and social life. It paid special attention to the young generation and was seeking to increase youth's involvement in national life and to take account of its aspirations for peace, understanding and friendship.

12. Romania had actively participated in the elaboration and adoption of various instruments designed to promote the implementation of the provisions of the Universal Declaration of Human Rights. Romania would organize the activities mentioned in the addendum to the report of the Secretary-General (A/9133/Add.1) for the observance of the twenty-fifth anniversary of the Declaration in complete conformity with its over-all policies relating to the promotion of human rights.

13. In the context of the current situation with regard to human rights, the Organization's activities should be aimed essentially at the elimination of flagrant and systematic violations of human rights and fundamental freedoms, which still occurred throughout the world, whether in the form of racial discrimination as such, or suppression of freedom of opinion and expression, and of the right to life, liberty and security of person, and the right to protection by an independent and impartial tribunal, all of which violations impaired the dignity of the human person. The General Assembly, for its part, should appeal to all States to refrain from all forms of repression against persons struggling for progress and democracy, and for peace and co-operation among peoples, in view of their obligations under the Charter and in a spirit of humanism and respect for human rights and fundamental freedoms.

14. If an end was to be put to flagrant and systematic violations of human rights, each people must be able to exercise their right to self-determination, and foreign,

² General Assembly resolution 3057 (XXVIII), annex.

³ United Nations publication, Sales No. E.68.XIV.2.

colonial or racist oppression must be eliminated. In that connexion, it was becoming increasingly important to provide multilateral support to the national liberation movements and to recognize them as the sole legitimate representatives of the peoples struggling for their independence. It was also necessary to stress the importance of measures to orient world public opinion towards solidarity and support for the peoples struggling for their independence, and of measures to eliminate prejudice and retrograde attitudes. In that regard, he also wished to stress the importance of the scientific study, in light of the principles set forth in the Charter and other United Nations instruments, of the right of peoples to self-determination, which would be undertaken on the recommendation of the Commission on Human Rights within the general framework established by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its twenty-sixth session.

15. The struggle against racism and *apartheid*, which prevented peoples from exercising their right to self-determination, was therefore a question which should be given the highest priority; the United Nations should employ every means at its disposal to ensure the full application everywhere of the principles set forth in the Universal Declaration of Human Rights. The Organization should also devote full attention to the question of promoting equality of rights of women and men and to the problems of youth. His delegation considered it necessary to study the question of drawing up international instruments defining the specific rights of the young generation to education and vocational training, as well as its right to participate in decision making, in national development and in international co-operation in general.

16. The full co-operation of Member States was essential if the United Nations was to attain the objectives established in the field of human rights. States had a major role to play in the implementation of the provisions of international instruments and resolutions of the United Nations. It was becoming increasingly necessary to find appropriate means of ensuring the application of the resolutions of United Nations bodies in order to consolidate the Organization's role in international life. However, the universal promotion of human rights, which was a fundamental objective of the United Nations, could not be viewed in the abstract, outside the context of the national and international situation. Unless the necessary conditions for the economic and social progress of all peoples were created, and unless the domination of one people by another and the use of force to settle international disputes were eliminated from international life, a host of problems would continue to stand in the way of the promotion of universal respect for human rights. The twenty-fifth anniversary of the Universal Declaration of Human Rights having been reached, those obstacles must be eliminated and the necessary conditions created for the peaceful development of every nation and the full and universal affirmation of human reason and intelligence.

17. Mr. SAYAR (Iran) thanked the Director of the Division of Human Rights for his excellent presentation (1996th meeting) of the programme envisaged by the Secretariat for the observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights. That programme met with the approval of his

delegation, which also wished to pay a tribute to the specialized agencies, and particularly UNESCO and the I.L.O, for their steady contribution, over the preceding 25 years, to the realization of the principles set forth in the Declaration. Since the historic date of the adoption of the Declaration, 10 December 1948, Governments had been invited on many occasions, and particularly at the Teheran Conference in 1968, to take stock of the work accomplished and to decide on the direction that future efforts should take. Given the large number of declarations, resolutions and conventions adopted since 1948, the result might seem impressive, but the disparity between the principles and the degree to which they had been applied was equally impressive. Nevertheless, the adoption of those texts had had some effect since, in the interim, most of the colonial peoples had achieved independence, the scourge of racism was becoming less severe in some regions and real efforts had been made to combat illiteracy and all forms of discrimination. The conventions adopted and ratified by most States in those fields had had a constructive influence on the measures taken by States themselves in the same fields.

18. Although a degree of optimism was necessary in order to continue those efforts, many evils still plagued the world; millions of human beings still lived in distress, poverty, sickness and ignorance and had to endure injustice. Latent racism still abounded—in particularly disgraceful forms in certain regions; war, which was often the inevitable consequence of excessive injustice, still claimed innocent victims. However necessary declarations, resolutions and conventions might be in order to constantly reaffirm and concretely express faith in fundamental human rights and the dignity and worth of the human person, in accordance with the Charter, they were all too often inapplicable where certain basic conditions were not fulfilled. What could freedom mean to ignorant and starving people? What could the right to work mean where work was not available, or the right to education where there were no schools or teachers? What purpose could it serve to speak of the equal rights of men and women if women were not even aware of their rights and responsibilities? Even the most well-meaning efforts would fail where physiological and intellectual under-nourishment prevailed. The task was so immense that the constant mobilization of efforts by all States and the sincere co-operation of all were essential.

19. Iran had worked for the fulfilment of its commitments under the Universal Declaration of Human Rights with those considerations in mind, and had accordingly ratified or acceded to various conventions relating to human rights. Many of the conventions already signed were under study for the purpose of bringing national legislation into line with their provisions, with a view to ratification in the near future. Furthermore, a sustained economic effort had been made to ensure the minimum conditions necessary for the exercise of fundamental rights of the kind set forth in article 25 of the Declaration.

20. It was clear, however, that the most brilliant economic progress was useless unless it took account of the human dimension. Man was not merely a factor in progress; he was, essentially, the *raison d'être* and ultimate goal of progress. With that concern in mind, Iran had created many institutions to provide all kinds

of social assistance—for the protection of children and the promotion of culture, among others. In that connexion, he might mention the Iranian Committee for the Eradication of Illiteracy, the Iran Women's Organization and the Iranian Human Rights Committee. The latter would be responsible for implementing a substantial portion of the extensive programme planned for the observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights. The ministries and agencies concerned would participate and co-operate in that programme, which was summarized in the report of the Secretary-General (A/9133). His Government hoped that the programme would have a profound influence on national public opinion.

21. Mr. GRAEFRAETH (German Democratic Republic) said that General Assembly resolution 2906 (XXVII), on the programme for the observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights, had been received with great interest in the German Democratic Republic. In accordance with the United Nations recommendations, various activities, which were described in document A/9133, had been planned for the observance of that important anniversary.

22. The history of the German Democratic Republic, which was celebrating its twenty-fourth anniversary in 1973, like the history of the Universal Declaration of Human Rights, closely linked with the destruction of German fascism.

23. From the very beginning the German Democratic Republic had been governed, as it continued to be, by people whom Hitler had ordered thrown into prison, concentration camps or forced into emigration because of their staunch democratic views, because of their struggle for the liberation of the oppressed, because of their fight for more human rights.

24. The United Nations, emerging from the struggle against Nazi Germany and wishing to prevent a repetition of the barbarous acts resulting from disregard for human rights, had proclaimed the Universal Declaration of Human Rights as "a common standard of achievement for all peoples and all nations". Twenty-five years after its proclamation, therefore, it was very disconcerting to find that human rights were still being violated systematically in some parts of the world. For example, Israel's aggression against the Arab peoples, its disregard of the Palestinian people's right to self-determination and the grave violations of human rights in the Arab territories illegally occupied by Israel, the racial terror of the *apartheid* régimes in South Africa and Southern Rhodesia, the cruel Portuguese colonial régime and the illegal terrorist rule in Chile, which deprived the Chilean people of its democratic rights and violated fundamental human rights, all provided sufficient evidence of the topicality of the Universal Declaration of Human Rights.

25. At the same time the German Democratic Republic was deeply convinced that that instrument was no utopian dream. It was an attainable end for the States Members of the United Nations if they succeeded in extending the policy of *détente*, to the success of which in Europe the German Democratic Republic had rendered an essential contribution, to all parts of the world.

26. The Charter, the Universal Declaration of Human Rights and the other important instruments adopted in

the preceding 25 years did not attempt to separate the safeguarding of human rights from the sovereignty of States by subjecting it to a supranational authority; on the contrary, they rightly proceeded from the assumption that safeguarding human rights was a task for the States concerned and tried to organize peaceful co-operation of States with differing social orders in that field on the basis of the sovereign equality of all States.

27. In the course of its 25-year history, the Declaration had acquired great significance although it did not have the character of a treaty; its ideas had entered into many constitutions, and had become the starting-point for many other instruments of which the following, apart from the International Covenants on Human Rights, were the most important: the Declaration on the Granting of Independence to Colonial Countries and Peoples, the United Nations Declaration and the International Convention on the Elimination of All Forms of Racial Discrimination, the Declaration on the Elimination of Discrimination against Women, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity and the Declaration on Social Progress and Development. All those instruments were of special importance because they had adapted the Universal Declaration of Human Rights to the changing international situation.

28. The Universal Declaration had become a starting-point for the work of the United Nations in the field of human rights precisely because of the universal concept which it embodied. The fact that it had been possible in 1948 to draft a declaration that did not merely proclaim bourgeois rights but proceeded from the right of peoples to self-determination and recognized the unity of political and social rights was above all due to the initiative of the Soviet Union. As early as 1918, Lenin's Declaration, which reflected the socialist concept of human rights where the freedom of the individual was guaranteed within and by society, had set new standards in the field of human rights. It was not the individual and his property, arbitrariness or the right to exploit and suppress others that could be the subject of a universal concept of human rights, but only the liberation of peoples from the threat of an imperialist war, from colonial and racist slavery and exploitation and from the threat of hunger and disease.

29. The German Democratic Republic had therefore always supported the efforts within the United Nations to accord a central role to the right of peoples to self-determination, even against the opposition of the colonial Powers. It had always implemented, without any reservations, all United Nations measures against racist and colonial régimes and had always supported the liberation struggle of the peoples under colonial oppression. It considered the constitution of Guinea-Bissau as an independent State to be an act involving the exercise of the right of self-determination, and it had immediately recognized Guinea-Bissau. In his delegation's view, it was essential to recognize that the main points of a universal concept of human rights were the right of peoples to self-determination, which was a pre-condition for the safeguarding of all other fundamental human rights, the struggle against discrimination and the inseparable unity of political, social, economic and cultural rights. Accordingly, his delegation considered that the so-called Vienna clause, which had prevented some States from participating in the

human rights conventions, was an anachronism and it would be fitting if the General Assembly, on the occasion of the twenty-fifth anniversary of the Universal Declaration of Human Rights, were to repeal that clause by inviting all States to accede to the pertinent human rights conventions.

30. After enumerating the conventions and covenants to which the German Democratic Republic had acceded to or had signed, he stated that his country attached the greatest importance to the drafting of a convention on *apartheid*.

31. In the German Democratic Republic human rights had not only been proclaimed but the material prerequisites for their observance had been systematically created; thus, there was neither unemployment nor inflation in his country. The Constitution contained a comprehensive catalogue of human rights. Article 19, in particular, guaranteed to all citizens the exercise of their rights and their participation in the guidance of social development and guaranteed socialist legality and legal security. That article was of particular importance because it demonstrated that socialist society, based on socialist property and organized in a socialist State, guaranteed the rights of citizens and their exercise. The civil, social, cultural and political rights of citizens were closely connected with the development and prosperity of the socialist State itself. The rights of citizens and respect for them could not be ensured independently from society but only within society. Article 19 expressly stated that the exercise of those rights was guaranteed. Socialist society did not just proclaim human rights; it lived and developed through the exercise of those rights by its members. For example, the first Constitution of the German Democratic Republic, which had entered into force in 1949, had stated clearly that men and women had equal rights. None the less, much had had to be done to implement that principle in daily life. It had been necessary not only to repeal the discriminatory provisions of the old civil code and to promulgate new laws but also to abolish certain educational privileges, to set up crèches and kindergartens to liberate women and to adopt other social measures to protect and promote their interests. Currently, 31 per cent of the members of elective bodies were women and 35 per cent of elected judges were women. Although those figures illustrated the progress that had been made, much remained to be done and that was why only recently his Government had adopted a new series of social measures. Exercising and implementing human rights in the German Democratic Republic could not be separated from the participation of citizens in the shaping of society. That right of participation was spelt out in article 21 of the Constitution, thus repeating the guarantee of the exercise of human rights. Finally, the exercise of fundamental rights was ensured by socialist legality and legal security. For that purpose there were, apart from ordinary courts, many other judicial and control bodies.

32. In conclusion, he emphasized that peace could not be separated from the promotion and safeguarding of human rights. The right to peace, which was the fundamental human right because it included the right to live, was inseparably linked with respect for the sovereign equality of States, their political independence and territorial integrity and the principle of non-intervention. Any attempt to undercut State

sovereignty by invoking human rights would not serve to promote those rights and would not further the implementation of the Universal Declaration. Moreover, such attempts could only be harmful to friendly relations among peoples. Accordingly, in keeping with its policy of securing international peace and strengthening international security, the German Democratic Republic would continue to support all serious efforts to promote human rights made in the spirit of the Charter of the United Nations, namely efforts designed to promote peaceful international co-operation among equal and sovereign States.

Mr. Moussa (Egypt), Vice-Chairman, took the chair.

33. Mrs. SIPILÄ (Assistant Secretary-General for Social Development and Humanitarian Affairs) outlined the structure of the new Centre for Social Development and Humanitarian Affairs, which had been set up following the twenty-seventh session of the General Assembly and which she headed, and went on to describe the functions and responsibilities of the Centre, noting in particular that the transfer of the former Section on the Status of Women to the Centre and consequently to the Department of Social and Economic Affairs had heightened awareness of the interrelationship between the crucial issues of human rights and those of social and economic development. The work of the Centre was largely based on the implementation of the Universal Declaration of Human Rights, the Declaration on Social Progress and Development and the goals and objectives of the International Development Strategy for the Second United Nations Development Decade. In addition to its responsibility for servicing two functional commissions of the Economic and Social Council, namely the Commission for Social Development and the Commission on the Status of Women, it also serviced the Committee on Crime Prevention and Control and co-operated with many other units in the United Nations Secretariat, such as the Centre for Development Planning, Projections and Policies, the Division of Human Rights, the Population Division, the Centre for Housing, Building and Planning, the Public Administration Division and the Office of Science and Technology.

34. It worked with all the specialized agencies and UNICEF and with other agencies of the United Nations system such as UNDP, the United Nations Fund for Population Activities, UNIDO and the United Nations Programme for the Environment. The Centre had also participated in the work of all the regional economic commissions and the United Nations Economic and Social Office at Beirut. Its contacts in the course of such activities had considerably enriched its experience and given impetus to new ways of finding solutions to various problems relating to human rights and the application of the Universal Declaration.

35. According to demographers, the world's population might double within the coming 25 years. That might deeply affect the tasks of the Third Committee and the Centre, which should therefore consider what had to be done to ensure that the individuals yet to be born had a better chance of enjoying their rights in every field. In that connexion, the conclusions of the *Ad Hoc* Advisory Group on Youth and the recent seminar on the education of youth in respect for human rights would no doubt provide valuable guidance to the Third Committee.

36. Progress in the implementation of the Universal Declaration had been remarkable in many fields and Members of the United Nations had adopted the ideas set forth in that instrument and developed them further. Even the enlargement of the membership of the United Nations was evidence of the materialization of certain rights embodied in the Declaration, the right of peoples to self-determination and the consequent right to participate in international affairs. Another proof of the implementation of the Declaration was the greatly increased participation of women in the national and international affairs of almost all the countries of the world.

37. Yet alongside those achievements there were many fields in which the situation gave cause for concern. The fact that it was necessary to proclaim a Decade for Action to Combat Racism and Racial Discrimination showed that progress in one of the main fields mentioned in the Charter was still very inadequate, and the slow progress might still be a threat to world peace. Yet even in that field some successes had been scored and the achievements were greater than in another important field also mentioned in the Charter and the Universal Declaration of Human Rights, namely discrimination on the basis of sex. The United Nations Declaration on the Elimination of All Forms of Racial Discrimination, adopted in 1963, had been followed rapidly by the adoption of the International Convention on the subject, which had entered into force in 1970. On the other hand, in the case of the Declaration on the Elimination of Discrimination against Women, adopted in 1967, the Commission on the Status of Women was going to consider the possibility of adopting a convention only at its twenty-fifth session. The argument that women exercised their decision-making function through their husbands, and that that was sufficient, was as inadmissible as the idea that one racial group should be satisfied with exercising its policy-making power through another racial group.

38. Expressions such as women's liberation and the status of women unfortunately did not indicate the crux of the matter, which was the implementation of human rights and the requirements of the Charter of the United Nations. Neither the Charter nor the Universal Declaration established any distinction or priority order regarding the elimination of discrimination based on either race or sex. Experience showed that discrimination damaged not only those who were discriminated against but that it finally affected even those who practised it. Whereas the continuation of racial discrimination might disturb world peace, it could be said that discrimination against women might threaten the realization of many human rights of both men and women.

39. The evolution of the situation in the world during the previous 25 years had brought changes in certain fields, so that the enjoyment of certain human rights was likely to be even more unequal than before. Owing to the great achievements of science and technology it had been possible for mankind increasingly to control mortality and morbidity and to prolong the human life span. Yet that great positive achievement, together with certain imbalances in other fields, had obliged many countries to take urgent steps to slow down rapid population growth. It was clearly recognized that the formulation of population policies was solely the prerogative of each sovereign State. On the other hand, it

was also recognized that it was a human right of individuals, the couple, and parents, to determine freely and responsibly the number and spacing of their children. That fundamental right was stated in the Final Act of the International Conference on Human Rights held at Teheran on the twentieth anniversary of the Universal Declaration of Human Rights and had been included in resolutions adopted since then by the General Assembly, on the recommendation of the Third Committee. It had also been included in the Declaration on Social Progress and Development, adopted by the General Assembly in its resolution 2542 (XXIV), again on the recommendation of the Third Committee. That Declaration went even further by stating a right not mentioned in the Universal Declaration, namely the right of individuals to information—the knowledge and means necessary to enable them to exercise their right freely and responsibly to determine the number and spacing of their children, as stated in article 22. Had the issue been considered 25 years previously, no one would have contested the justification of that right, for human beings had exercised it in one way or another throughout history. However, 25 years earlier no special need had been felt for the recognition of the right. Since then, however, population growth on the one hand and modern methods of implementing the decision concerning the number and spacing of the children had brought the question to the forefront in all discussions concerning the future of the world in the context of economic development and social progress, natural resources and the environment, in addition to the question of human rights.

40. Preparations for World Population Year, 1974, had given rise to a number of studies in connexion with the three symposia which had already been organized on three subjects, namely population and development, population and the family, and population, resources and environment. A fourth symposium was to be held in January 1974 on population and human rights. Also in January 1974, the report on the status of women and family planning, initiated by the Commission on the Status of Women, would be submitted to the Commission at its twenty-fifth session. The study on which that report was based would reveal more clearly the strong relationship between human rights and population, seen as the relationship between education, employment and the civil and political rights of women on one hand, and family size and the number and spacing of children on the other. Whether considered from the standpoint of education, of employment or of civil and political rights, the inevitable conclusion was that the future outlook for the status of women was not promising unless some radical changes took place. Of the approximately 800 million illiterates in the world, 60 per cent—i.e. the majority—were women. The percentage of gainfully occupied women was smaller than that of men in virtually every country, and considerably lower in countries in which birth-rates were high. There were still many inequalities in the civil law, especially in family legislation, with regard to the rights of men and women. In virtually no country of the world did women participate to an equal extent with men in the development effort, including decision making, or in the benefits of development. As a group, women were the most "under-developed". The high fertility rates were not so much the cause of under-development as the consequence of it and the situation could be corrected

only if urgent measures were taken to improve the condition of women. She was referring to the millions of uneducated, illiterate women who worked 18 hours per day or more without any income. Those women bore the majority of the children in the world who, male or female, wanted or unwanted, educated or uneducated, employed or unemployed, formed the majority of the world's population. At a time when preparations were in hand for the celebration of the twenty-fifth anniversary of the Declaration of Human Rights, the question to be asked was what could be promised to the millions of children born in 1973 and subsequent years. The status of those who were most oppressed should be the primary concern of the Organization.

41. Many of those questions would arise concretely in one form or another during the coming years, and especially during World Population Year in 1974 and International Women's Year in 1975. They might emanate from the study by the Special Rapporteur of the Commission on Human Rights on the realization of economic, social and cultural rights, from that of the Special Rapporteur of the Commission on the Status of Women on the interrelationship of the status of women and family planning, or from the deliberations and recommendations of the World Population Conference in 1974. An increasing number of States were now seeing an urgent need for the adoption of population policies. Most of them wanted to slow down the population growth rate, fearing that a too rapid rate of growth would hamper economic and social development, which was itself essential for the achievement of some of the most fundamental human rights providing for elementary needs, such as nutrition, health, shelter, education and employment. Many countries had already succeeded in their efforts. They had adopted various socio-economic measures for that purpose, as also measures for the promotion of certain human rights, especially concerning the education and employment of women. Those measures were in line with the recommendations which had been made at the Second Asian Population Conference, held in November 1972, and which had been prompted by the pressing problems arising in Asia, a region which accounted for 56 per cent of the world's inhabitants and where the population would grow by 50 million each year for at least one more decade, despite any measures adopted for its limitation.

42. During the preceding few years the need for a unified approach to economic and social development had been increasingly recognized. All that had been done to ensure the implementation of the Universal Declaration of Human Rights showed clearly that a pre-condition for the materialization of the economic, social and cultural rights of every human being must be a certain degree of economic and social development. Whereas the achievement of civic and political rights required mainly the political will of Governments, the achievement of economic, social and cultural rights might not be possible, even with the best will of a Government, owing to a lack of financial and human resources. The materialization of those rights might depend on bilateral and multilateral aid or technical assistance, but first and foremost they depended on the importance given to each item in the national long-term and short-term planning and on the allocation of budgetary resources for each purpose. Governments

were also responsible for the equal rights of citizens to benefit from both economic and social development.

43. She fully agreed with the remarks of the Director of the Division of Human Rights, who in his statement (1996th meeting) had emphasized the importance of the ratification of the two International Covenants on Human Rights. Their coming into force would be the most visible expression of the political will of Governments to work for the realization of human rights in every field.

44. The celebration of the twenty-fifth anniversary of the Universal Declaration could produce new ideas regarding the approach to human rights, especially in the field of economic, social and cultural rights. The Third Committee had helped to promote many issues from the point of view of human rights, although the actual making of decisions on their substance belonged to other committees. It might be of interest to find out what new issues could be raised that would be closely connected with the acute developments in the modern world. What might perhaps be needed was a general debate on those issues in the framework of the consideration of the report of the Economic and Social Council. Such a debate could, for example, emphasize the importance of international co-operation, not only for the achievement of economic growth, but also for the achievement of social goals which clearly coincided with the promotion of some of the most fundamental needs of every human being and which had been the most neglected in the International Development Strategy.

45. Mr. NENEMAN (Poland) congratulated the Assistant Secretary-General for Social Development and Humanitarian Affairs on the important statement that she had just made.

46. The Universal Declaration of Human Rights, which could be approached from many angles, had been adopted in 1948, when the membership of the United Nations had barely exceeded 50 States, including only a few socialist States, and when the great majority of Asian and African countries had still been under the colonial yoke. That fact should be borne in mind in reviewing that instrument, which should be seen in its historic and political context. For his delegation, the most important point was the influence which the Declaration had had on the internal legislation of States and on the instruments which had been drawn up subsequently by the United Nations.

47. In the 1960s, when membership of the United Nations had more than doubled, new instruments had been drawn up which, although inspired by the Universal Declaration of Human Rights, had gone much further towards the progressive ideas voiced, *inter alia*, by the socialist States, especially concerning economic, social and cultural rights, the elimination of racial discrimination, the rights of women, etc. It was sufficient to mention the International Convention on the Elimination of All Forms of Racial Discrimination of 1965, the International Covenants on Human Rights of 1966, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity of 1968 and the Declaration on Social Progress and Development of 1969. The draft Convention on the Suppression and Punishment of the Crime of *Apartheid*, on which the United Nations had been

working for the preceding two years, should also be mentioned in that context.

48. A comparison of the Declaration on Social Progress and Development with the Universal Declaration of Human Rights showed clearly the enormous changes that had taken place both in the world and in the United Nations. Under the influence of the socialist concept of human rights, international thinking was shifting more and more towards the idea of the right to a "secure existence". The chief emphasis was now placed on such rights as the right to work, to education, to medical services, to social security and to culture, and basic importance was attached to the creation of conditions and the establishment of institutions which would secure the implementation of those rights. For human rights to flourish, there must be peace and adequate economic development, which required the shifting of some of the resources from military budgets to economic assistance. The current period of peaceful coexistence provided an excellent basis for the further development of human rights, and new fields would have to be explored, such as those of human rights and scientific and technological development, the right to a healthy environment and the right to the preservation and development of culture. His delegation was one of those which, at the twenty-seventh session of the General Assembly, had submitted a draft resolution on the preservation and development of cultural values which had been unanimously adopted as General Assembly resolution 3026 (XXVII). Poland was convinced that the problems of culture, which had so much to do with the quality of human life, were currently of particular importance, when unprecedented development of the means of communication, which could do so much in spreading cultural values, could at the same time prove harmful if those means were used without consideration of the interests of developing countries which, while having distinct cultures of their own, did not currently possess the technical means to make them known to the outside world.

49. With regard to the celebration of the twenty-fifth anniversary of the Universal Declaration, his country was planning to give wide publicity to that instrument through the information media and to have it studied in the schools. It was also going to hold a scientific conference under the auspices of the Polish Institute of International Affairs.

50. As far as the implementation of the Declaration was concerned, it was regrettable to note that progress was slow, as was clear from such lamentable facts as the situation prevailing in South Africa, the situation in other parts of Africa which were not yet independent and were under Portuguese domination, and the situation in Chile, where the constitutionally elected Government had been overthrown and where human rights were being trampled underfoot. His delegation agreed with the representative of the German Democratic Republic that all States should be able to accede to the international instruments.

51. Mr. KHMIL (Ukrainian Soviet Socialist Republic) pointed out that the Universal Declaration of Human Rights reproduced in general terms the purposes and principles of the Charter, for the triumph of which the peoples, including the Ukrainian people, had paid a high price. For that reason the Ukrainian Soviet Socialist Republic had always endeavoured to ensure

that any action undertaken by the United Nations should serve the objectives of the Charter, and hence of the Universal Declaration of Human Rights.

52. His country's position with regard to the Declaration was based on socialist ideals and principles. Ever since the great October revolution, which had enabled the workers and peasants to establish socialist ownership of the instruments and means of production and to abolish the exploitation of man by man, the Ukrainian people had been free from the threat of unemployment and the uncertainty of the morrow.

53. Every Ukrainian citizen enjoyed the rights and freedoms proclaimed in the Universal Declaration of Human Rights, such as the right to work and to a fair wage, the right to take part in political and social life, the right to leisure and security, all those rights being guaranteed by the Ukrainian Constitution. In the Ukrainian Soviet Socialist Republic, as in the other socialist countries, all citizens were equal, without distinction as to sex, race, nationality or any other characteristic, as stipulated in article 103 of the Constitution, and any infringement of that right was punishable under the penal code.

54. During the 56 years of its existence, the Ukrainian Soviet Socialist Republic had had to cope with problems similar to those which many developing countries currently faced—problems due to the semi-colonial backwardness of the country and the after-effects of the First World War and the civil war, and also to the heavy losses of human life and property inflicted on the country during the Nazi occupation. To cope with those difficulties, it had been necessary to limit consumption in order to mobilize all efforts and all available means to ensure economic, scientific, technical and social progress and in that way to do the utmost to meet the needs of the inhabitants, ensure the development of the individual and guarantee the enjoyment of the fundamental rights and freedoms by everyone.

55. In the Ukrainian SSR the system of economic planning and the spectacular development of the forces of production ensured full employment and the constant growth of the real income of the workers, which had increased by 32 per cent during the previous five-year plan—1966-1970; in 1971 and 1972 many categories of workers had received a further wage increase. Nine million persons had received better housing during the previous five-year plan, and the average rent was only 4 per cent of wages. Education, training and all supplementary training courses were free; students at institutions of higher education and persons attending technical schools and vocational schools received scholarships which had increased by 25 and 50 per cent, respectively, in 1972. Medical care was free for everyone and it was planned to increase the already large number of doctors and other medical staff. The social consumption fund made it possible to give each worker an annual holiday, very low rates at holiday resorts, a retirement pension, allowances for temporary incapacity for work and allowances for large families. In the cultural sphere, the Ukrainian SSR had a large number of theatres, concert halls, libraries and museums. The fact that socialism was the result of the victory won by the working masses determined its democratic character: power was in the hands of Soviets of workers' deputies, which carried out the tasks of the State and ensured the enjoyment of all

rights and freedoms by its citizens. The deputies of the Soviets, who were elected by direct vote, carried out the functions entrusted to them by the voters and were responsible to them; their activities were widely publicized. Workers took an active part in both the adoption and the execution of the decisions of central and local bodies. There were also other categories of occupational and social organizations, such as trade unions, youth organizations, women's organizations and associations of writers and artists. That complex of institutions, which continued to be improved and extended, embodied the political, civil and other rights of the workers of the Ukrainian SSR and constituted the vital force of the socialist system.

56. The enriching experience which the Ukrainian people had gained in attaining its rights and freedoms and in co-operating with the other peoples of the USSR in that respect had always guided the Ukrainian SSR in the sphere of human rights. The Ukrainian delegation had taken an active part in the drafting of such instruments as the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenants on Human Rights, which elaborated on the provisions of the Universal Declaration of Human Rights. It was in recognition of that contribution that the representative of the Ukrainian SSR, who had long been Chairman of the Commission on Human Rights, had been one of the persons honoured by the United Nations on the occasion of the twentieth anniversary of the Declaration. On the occasion of the twenty-fifth anniversary of the adoption of the Declaration, the Ukrainian SSR reaffirmed its unswerving attachment to the attainment of human rights and freedoms throughout the world and its support for those who were struggling for that cause. It was essential that all countries should join their efforts to combat the large-scale and flagrant violations of fundamental rights and freedoms in the form of colonialism, racism, *apartheid* and other forms of racial discrimination. That explained the great importance which the Ukrainian SSR attached to the Decade for Action to Combat Racism and Racial Discrimination; it had supported the programme for the Decade² and had recommended strict implementation of the measures that it comprised, particularly the isolation of racist and colonialist régimes and the restriction of foreign economic, financial and other activities which hampered the elimination of colonialism, *apartheid* and racial discrimination in southern Africa.

57. The Ukrainian SSR hoped that as an appropriate beginning of the twenty-fifth anniversary of the Universal Declaration of Human Rights, the General Assembly would adopt at the current session the important new international instruments, namely the draft Convention on the Suppression and Punishment of the Crime of *Apartheid* (A/9095, annex, and A/9095/Add.1) and the principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity (A/9136, annex). The adoption of those instruments had become a matter of particular urgency, for the policy of *apartheid* continued unabated in South Africa and Zimbabwe, the Portuguese colonialists were resorting to genocide in Angola and Mozambique, the Middle East had once again become the scene of bloodshed and the Israeli aggressors were ignoring the basic rules of international law and human dignity. All those acts of

violence and international despotism rightly aroused the indignation of freedom-loving men, and it was the duty of the United Nations to adopt international instruments that would contribute effectively to eliminating colonialism, racism, *apartheid* and aggression; the history of the national liberation struggle showed that that goal could be attained.

58. Mrs. GEORGE (Trinidad and Tobago) said that the celebration of the twenty-fifth anniversary of the Universal Declaration of Human Rights offered an opportunity to draw up a balance sheet of successes and failures in that field and to renew the commitments to the principles proclaimed in it. It was easy to underestimate what had been accomplished in the preceding 25 years, for abuses of human rights were more widely publicized than the advancement of human rights. Nevertheless, when those violations were drawn to the attention of the international community they reminded it that much remained to be done and that vigilance was still required in that area of human relations.

59. The 30 articles of the Universal Declaration of Human Rights dealt with practically all aspects of human relations and established a standard to elevate the quality of life and the dignity of man. Trinidad and Tobago, like many other countries that had recently attained independence, had incorporated in its Constitution the principles proclaimed in the Declaration. In addition, it had recently ratified the International Convention on the Elimination of All Forms of Racial Discrimination, and the Government had set up a commission to examine the implications of the ratification of the two International Covenants on Human Rights.

60. Her delegation was a sponsor of the draft resolution on torture (A/C.3/L.2010) and it hoped that the Committee would adopt the draft unanimously. The fact that her delegation was a sponsor of that text should by no means be interpreted, however, to mean that it attached less importance to the other articles of the Universal Declaration of Human Rights.

61. Miss CAO PINNA (Italy), noting that the Universal Declaration of Human Rights was the most widely known international instrument, pointed out that the implementation of the principles it stated was a goal stressed by the Charter, in that the Universal Declaration, in its preamble, recognized the inherent dignity of all members of the human family as the foundation of freedom, justice and peace in the world. Recalling the influence that the Declaration had had on the adoption of several legally binding instruments and on the wording of various national constitutions and court decisions, she said that current realities might be seen as reflecting more closely than had been the case 25 years earlier the principles proclaimed in the Declaration. At the same time, United Nations reports and information from other sources on flagrant and large-scale violations of human rights and on persisting limitations imposed on the enjoyment of fundamental freedoms showed that they were still far from the common standards laid down in the Declaration and that the international community had only taken the first modest steps in the protection of human rights. In that connexion she recalled that the Secretary-General, in the introduction to his report on the work of the Organization (A/9001/Add.1, had said that "The protection of human rights is an area where the credibility of the United Nations is especially at stake . . . it is clearly necessary

that Member States continue to address themselves to the problem of developing more effective action of the Organization on problems of human rights wherever they occur." Italy fully shared that point of view, as could be seen from the statement made by the Chairman of the Italian delegation in the General Assembly (2147th plenary meeting). She also recalled the initiatives taken at the three preceding sessions by the Italian delegation in order to stimulate progress in the effective recognition of the right to life and fundamental freedoms, the application of minimum rules for the treatment of offenders and the implementation of equality in the administration of justice. Her delegation would therefore consider with particular interest the draft resolution on torture and all other proposals aimed at expressing the concern of the international community at the violations of the rights affirmed in the Universal Declaration and strengthening United Nations action for the protection of those rights.

62. In the light of the foregoing, her delegation felt that the practice of celebrating the anniversary of the Declaration every year and having a special programme every five years was necessary, for two reasons: firstly, because the rising generations should have full knowledge of their rights, which meant that in the process of their education constant reference should be made to the Universal Declaration, and, secondly, because the celebration of those anniversaries provided an occasion for reaffirming the moral obligation of Member States to respect the principles which the Declaration set forth.

63. Two interministerial meetings had been held in Italy, in June and September, to draft a programme of activities for the celebration of the twenty-fifth anniversary of the Universal Declaration. That programme reflected most of the suggestions made by the Secretary-General, in his report on the item (A/9133 and Add.1 and 2), concerning activities to be carried out at the national level and particular emphasis was placed on educational activities and the utilization of the mass media. As part of the programme, the interministerial group had made an assessment of the progress achieved in Italy in furthering the effective recognition of human rights. It should be noted in that connexion that Italy had recognized the competence of the European Commission of Human Rights to deal with communications from Italian citizens and the competence of the European Court of Human Rights in all questions concerning the interpretation and application of the European Convention for the Protection of Human Rights and Fundamental Freedoms. That important step had been taken by the Italian Government after the introduction of the necessary changes in Italy's criminal legislation. The programme in question would be described in Italy's reply to the Secretary-General, which would doubtless appear in one of the next addenda to document A/9133. The Italian Government's note in document A/9133 thus did not actually constitute Italy's reply to the Secretary-General.

64. With regard to the International Covenants on Human Rights, to which the Director of the Division of Human Rights had referred in his statement (1996th meeting), she said that consultations between the competent Italian ministries were quite far advanced. The Italian Government's main concern was to ensure that Italy's ratification of the Covenants did not take place until the provisions of its domestic legislation were

entirely in conformity with the provisions of those instruments.

65. Mr. BAROODY (Saudi Arabia) said that respect for human rights had always formed part of the teachings of the prophets and sages and that the United Nations had simply drawn up, in the light of human experience, a new code of universal ethics based on the worth of the human person. There was no question that the work of the United Nations had borne fruit; the Universal Declaration of Human Rights had great influence on both the newly independent young States, which had incorporated several articles of the Declaration in their constitutions, and the great colonial Powers, which had been obliged to abandon some of their outmoded policies. Yet the progress made in some fields could not conceal the fact that, shortly after the end of the Second World War, certain Powers, heedless of the lessons of history and concerned only with their national interests, had dragged many countries into war and that that scourge was still ravaging certain parts of the world; hence it was sometimes difficult to continue believing in the work of the United Nations. That men who were in power should not hesitate to plunge the world into the most terrible sufferings in order to maintain that power was nothing new. In the circumstances, it was hardly surprising that human rights should be trampled upon and it was only to be expected that people should sometimes despair when they saw the United Nations confining itself to purely theoretical exercises.

66. Governments should give their policies a new direction and should pursue objectives other than those of national interest or power. Article 3 of the Universal Declaration of Human Rights, the fundamental article from which all the others derived, could not be applied until all Governments recognized that the enjoyment of civil and political rights required the exercise of economic, social and cultural rights and that those various rights were closely linked and interdependent, a fact which would have been made more evident if human rights as a whole had been dealt with in a single instrument. Governments, whatever their ideologies, were still refusing to give full recognition to human rights, just as in 1948 the colonial Powers had refused to emancipate their former colonies. Thus it was for the youth of all States Members of the United Nations to insist that their leaders should abandon the selfish and outmoded goals of nationalism and place themselves at the service of all mankind. Youth should also remember that respect for human rights began at the level of the individual, through the process of education, and that uncurbed cupidity and ambition would always lead to the exploitation of man by man.

67. With reference to the draft resolution introduced by the representative of Sweden (A/C.3/L.2010), he proposed to the sponsors, as a possible basis for an amendment, the following paragraph: "Appeals to all Governments in the world to publicize article 5 of the Universal Declaration of Human Rights, which provides that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." He thought that article should be drawn to the attention of the police and the members of the armed forces. Perhaps it would be worth while to display the text of the article at all police stations and barracks. It should be remembered that the police often tortured suspects and political prisoners to obtain information

and that soldiers, particularly in periods of armed conflict, were subjected to indoctrination aimed at making them hate the enemy and conducive to brutal treatment of prisoners. The text of that article should likewise be displayed in all schools and widely disseminated throughout the world on every anniversary of the Universal Declaration of Human Rights in order to remind Governments of their commitments and their obligations in that regard.

68. With reference to the question of women's rights, he said that while he subscribed to the principle of equality of rights he would warn women of the dangers that would be faced if they took an extremist position and sought absolute quantitative equality with men. In particular, it was essential to ensure that the upbringing of children was not entrusted to persons other than the mother, as had become the practice in Western and socialist societies. The family should continue to be the corner-stone of society.

69. Mr. IRARRAZAVAL (Chile), speaking in exercise of the right of reply, said that his delegation objected to the reference to the Chilean Government made by the representative of the German Democratic Republic. He found that reference all the more regrettable in that he had intended to congratulate the representative of the German Democratic Republic on the admission of his country to the United Nations, for which Chile had voted by way of paying a tribute to the whole German people, who had made a great contribution to the formation and development of the Chilean nation since it had attained its independence. It was not for the representative of the German Democratic Republic or anyone else to interfere in Chile's domestic affairs; such interference constituted a violation of the Charter and was contrary to the appeal made to representatives by the Chairman of the Committee at the beginning of the session not to depart from the agenda items under discussion.

70. Chile was experiencing an exceptional period in its history, which had been characterized for more than 160 years by independence and democracy. The Chilean armed forces had put an end to a situation which represented a continuous violation of human

rights, for one part of the population had been denied free access to employment and food supplies, had been deprived of freedom of expression and had been unable to lead a normal life because of the rate of inflation, which had exceeded 320 per cent. Those violations of fundamental rights had of course not been mentioned by the representative of the German Democratic Republic, whose statement had been motivated by considerations of political solidarity. Only the Chileans, who had experienced more than three years of what some called "the Chilean experience of socialism", were judges of the situation. The Chilean army had a tradition of never intervening in political affairs and if it had done so, it was only after the Congress and the highest judicial authorities in the country had declared the actions of the minority Marxist Government unlawful.

71. Chile reaffirmed its traditional respect for genuine rights, which was inherent in the very nature of the Chilean people, as indicated by Chile's active co-operation in the work of the Third Committee and the Commission on Human Rights ever since the establishment of the United Nations. Chile intended to continue working to ensure respect for those rights, without distracting the attention of representatives by referring to matters which had no connexion with the items under consideration. References of the sort which had been made bore witness to the desire of certain countries to intervene one last time in the domestic affairs of Chile, since they could no longer do so in Chile itself.

72. His delegation also objected to the observation of the representative of Poland concerning the Chilean Government. That observation simply reflected the concerted hostility of certain delegations towards Chile. It represented not only an injustice but a new intervention in Chile's domestic affairs on the part of a delegation which, along with several others, could not resign itself to the loss of the Marxist bastion in Chile. It was to be hoped that there would be no further observations of that kind so that the Committee would be able to continue its work in peace, undisturbed by political quarrels, which had no place in its deliberations.

The meeting rose at 6.30 p.m.

1999th meeting

Wednesday, 17 October 1973, at 3.10 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.1999

AGENDA ITEM 56

Observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights (*continued*)
(A/9133 and Add.1 and 2, A/C.3/L.2010)

1. Mr. STAUFFENBERG (Federal Republic of Germany) said that his country attached great importance to the observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights, which was an expression of the aspirations and hopes of mankind. The anniversary should be an occasion on which to take stock of the situation with regard to human

rights and to appeal to the international community to intensify its efforts to implement the basic rights of individuals and peoples.

2. The Federal Republic of Germany, for its part, was preparing to commemorate that anniversary with due solemnity. There would be a ceremony at Bonn on 7 December 1973 which would be attended by the President of the Republic and the Federal Minister of Justice and which would be given extensive coverage by the news media. The federal and regional authorities would be distributing numerous publications, and arranging discussions and exhibitions, on questions of

human rights. The special emblem issued by the United Nations to commemorate the anniversary would be distributed throughout the Federal Republic. Moreover, the Government hoped to be in a position, before 10 December, to make an announcement concerning the International Covenants on Human Rights, which the parliament was currently considering.

3. The Universal Declaration of Human Rights had had a great influence on the development of the political and social situation in the Federal Republic of Germany. The authors of the Constitution, on whom the dreadful experience of the National Socialist régime had made a deep impression, had set themselves the task of preparing a constitution that would safeguard the freedom of the citizen and his individual and social rights in such a way as to ensure that past events would never be repeated. They had felt they owed that to the memory of all those who had died fighting for the cause of justice and respect for human dignity in Europe. The Constitution of the Federal Republic of Germany drew extensively upon the principles of the Universal Declaration of Human Rights, which had become a reality in the Federal Republic in the sense that the country's entire political and social system was based on the principle that the State and society must guarantee the freedom, dignity and social rights of every individual. To that end, there had been established a system of courts to which everyone could appeal in order to enforce his constitutional rights. The educational system aimed at educating young people in the spirit of the principles of the Constitution.

4. The Federal Republic of Germany had ratified a number of important international treaties, such as the European Convention for the Protection of Human Rights and Fundamental Freedoms, which, unlike the Universal Declaration of Human Rights of 1948, had the force of law in the Federal Republic, the European Social Charter, the Convention on the Prevention and Punishment of the Crime of Genocide, and the International Convention on the Elimination of All Forms of Racial Discrimination.

5. Much remained to be done at the international level to implement and safeguard human rights. In that connexion, he wished to emphasize how much the Germans, in particular, suffered from the division of Europe. It was painful to note that, almost 30 years after the end of the Second World War, there were still restrictions on the freedom of movement of people and on the exchange of ideas and information. The Federal Republic of Germany was making considerable efforts to change a situation which was detrimental to *détente* in Europe.

6. For the German people, the concept of the universal character of human rights had a deep meaning. Respect for the dignity of man and the rights resulting therefrom both for individuals and peoples was indivisible and could not be modified on geographical or ideological grounds. The Federal Republic of Germany, which firmly rejected racial discrimination, also rejected all other violations of basic human rights—such as the right to life and to freedom of movement—whether they occurred in the centre of Europe or in some other continent. Nothing could be more harmful to the cause of human rights than their selective application on the basis of political interests or ideological concepts. The Federal Republic of Ger-

many was fully aware that, in the pluralistic community of the modern world, there were differing views regarding priorities, not least because of the different political and economic conditions existing in various countries. However, it believed that there would be no real progress for all mankind unless everyone took a universal view of human rights.

7. Mrs. BONENFANT (Canada) said that her delegation welcomed the activities which had been initiated or planned within the framework of the United Nations and by States and non-governmental organizations to commemorate the twenty-fifth anniversary of the Universal Declaration of Human Rights. Canada intended to celebrate that anniversary in a special way. To that end, the Canadian Government had prepared a draft programme which, because of its financial implications, had been submitted to the Treasury Board for approval. The Canadian Government felt that the Canadian people wished priority to be given to activities aimed at fostering human rights in Canada rather than to short-lived celebrations which, although valuable, did not necessarily stimulate the desired developments. In that connexion, the Federal Government intended to launch a programme of co-operation with provincial human rights agencies in educational, research and community action projects. Officials of the citizens' rights and freedoms section of the Office of the Secretary of State had met representatives of various organizations. A number of organizations, including the Quebec Human Rights League, the Saskatchewan Human Rights Commission, the Human Rights Council of British Columbia, the Human Rights Commission of Nova Scotia, the Canadian Associations for the United Nations and the New Brunswick Committee for the Twenty-Fifth Anniversary had stated that they were organizing special activities to commemorate the anniversary. The Canadian Government also intended to give grants to voluntary organizations sponsoring projects connected with human rights or relating to the observance of the twenty-fifth anniversary of the Universal Declaration.

8. The Canadian authorities planned to issue, in the form of brochures, leaflets, books and so forth, information relating to human rights activities in Canada and abroad. In addition, a short film dealing with human rights was being prepared by the Canadian Film Board. Many information organs had declared their willingness to collaborate in the commemoration by publishing articles and commentaries on the theme of human rights and by arranging radio or television broadcasts. The Canadian Government also planned to organize, in co-operation with the Canadian association of official human rights organs, workshops in which representatives of the provincial human rights commissions and of several federal ministries would take part. The annual conference of the Canadian International Law Council, in which government and United Nations representatives had participated, had discussed the topic "the next 25 years of international law relating to human rights". Other activities were under consideration, and plans were being made for a concert to be given at the National Arts Centre at Ottawa on or about 10 December to commemorate the anniversary of the Declaration. In addition, the Prime Minister and the Secretary of State were expected to make statements.

9. Mr. BRUNO (Uruguay) said that the Universal Declaration of Human Rights, adopted 25 years earlier,

testified to the determination of the United Nations to promote respect for human rights and fundamental freedoms and reflected the concerns and hopes felt, at that time as they always would be, by the international community. His delegation wished to express its very special interest in the observance of the twenty-fifth anniversary of the adoption of that historic document. The attention which the United Nations had, since its creation, given to the question of effective respect for human rights stemmed from the humanitarian tradition which lay at the origin of the San Francisco Charter and from the struggles waged by the peoples of the world to reaffirm their ideals of freedom and equality, with all the political and legal consequences they entailed.

10. He emphasized the incalculable scope of the Declaration: the dignity and value of the human person were not simply philosophical concepts but should constitute a principle for action by mankind. Recalling the provisions of the first and sixth preambular paragraphs of the Declaration, he observed that the Declaration should represent "a common standard of achievement for all peoples and all nations" in the field of human rights. The Declaration's scope went far beyond the civil and political rights traditionally embodied in national constitutions or laws up to the beginning of the twentieth century, since it also covered the entire gamut of economic, social and cultural rights, which had subsequently been codified in a covenant. Since the beginning of the century his country had been incorporating those rights in its legislation and had given them constitutional form in the Fundamental Charter of 1934.

11. Since its adoption the Universal Declaration of Human Rights had exerted considerable influence throughout the world, at the international and national levels. Its provisions had served as the basis for many international instruments and constitutions and for municipal law and jurisprudence in many States.

12. His Government intended to observe the twenty-fifth anniversary of the adoption of the Declaration by organizing a programme of activities, notably in the field of education, designed to illustrate the legal and political importance which it attributed to the instrument. The twenty-fifth anniversary offered all the nations of the international community an opportunity once again to reaffirm the principles enunciated in the Declaration.

13. Mr. FØNS BUHL (Denmark) recalled that in resolution 3027 (XXVII) the General Assembly had decided to adopt, if possible, a Declaration on the Elimination of All Forms of Religious Intolerance as part of the observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights, and he expressed the wish that priority should be given to the preparation of such a declaration.

14. The Universal Declaration of Human Rights, adopted in 1948, and the Proclamation of Teheran,¹ adopted 20 years later, were important steps towards defining the common ideals and principles essential to the realization of human rights and fundamental freedoms. Those common ideals had been given effect in several legally binding instruments of universal or regional scope. The International Covenants on Human

Rights and the International Convention on the Elimination of All Forms of Racial Discrimination also marked important stages in the process of implementing the ideals proclaimed in the Charter and the Universal Declaration. His country was a party to those conventions and hoped that all Member States would soon ratify them.

15. The conventions adopted by the ILO, such as Convention No. 105, of 1957, concerning the abolition of forced labour² and Convention No. 118, of 1962, concerning equality of treatment,² were also universal in application, but limited to specific problems.

16. At the regional level, too, countries had co-operated to promote the principles of the Universal Declaration of Human Rights. In that respect, the Convention for the Protection of Human Rights and Fundamental Freedoms,³ signed at Rome on 4 November 1950, was particularly important, not only because it was the first attempt to give legal substance to the principles of the Universal Declaration, but also because it established effective machinery for the supervision and enforcement of the provisions of the Convention. Thus, according to the European Convention, any contracting party might refer to the Commission any breach of the provisions of the Convention, and the Committee of Ministers or the European Court of Human Rights could take a binding decision on the question whether there had been a violation, if the contracting parties had recognized the competence of the Court. The right of the contracting parties to refer any breach of the provisions of the Convention to an international body whose decisions were binding on the contracting parties was extremely important, and his delegation hoped that future conventions concerning human rights would follow the procedure adopted in the case of the European Convention.

17. In the field of human rights the State-to-State complaints system, unsatisfactory as it was, remained the principal means of protecting individuals. But it was obvious that effective protection of individuals depended on the ability of the individual himself to seek a remedy when he had been the victim of any violation of human rights. Hence, the growing concern of the international community to promote the right of individual petition in matters relating to human rights. The European Convention set an example by giving any individual claiming to be the victim of a violation of the rights set forth in the Convention the right to submit a petition to the European Commission on Human Rights. Although that right could be exercised only when the contracting parties had declared that they recognized the competence of the Commission to receive petitions, it nevertheless represented an important step towards effective international protection of human rights. His Government found it encouraging that the right of individual petition had been included in several international instruments, such as the International Convention on the Elimination of All Forms of Racial Discrimination and the Optional Protocol to the International Covenant on Civil and Political Rights. The importance of the right of individual petition had also been recognized by the Economic and Social Council in its resolution 1503 (XLVIII) of 27 May 1970,

¹ *Final Act of the International Conference on Human Rights* (United Nations publication, Sales No. E.68.XIV.2), chap. II.

² See *Convention and Recommendations, 1919-1966* (International Labour Office, Geneva, 1966).

³ United Nations, *Treaty Series*, vol. 213, No. 2889.

which provided the framework enabling the Commission on Human Rights to deal with individual communications concerning infringements of human rights. The Commission on Human Rights and its Sub-Commission on Prevention of Discrimination and Protection of Minorities had also done useful work in the supervision of the application of the principles of human rights and fundamental freedoms, and his delegation was glad that the Commission had considered at its twenty-ninth session the four reports⁴ submitted several years previously by the Special Rapporteurs appointed by the Sub-Commission.

18. With reference to the draft resolution on the abolition of the use of torture (A/C.3/L.2010), his delegation wished to draw the Committee's attention to the last paragraph of the information submitted by the Danish Government, which was contained in the Secretary-General's report on the item (see A/9133) which referred to the campaign launched by the Danish section of Amnesty International for the collection of signatures as a protest against the use of torture prevalent in many parts of the world. In his statement to the General Assembly (2128th plenary meeting) the Minister for Foreign Affairs of Denmark had expressed alarm at the many reports of torture and other cruel or degrading treatment of human beings, and accordingly the Danish delegation fully supported the draft resolution before the Committee.

19. Mr. COSTA COUTO (Brazil) recalling the statements made by a number of delegations concerning the observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights, noted that some of those delegations, which had dwelt at length on the measures adopted by their countries to implement the noble goals of the Declaration, had tended to describe a situation almost utopian in its perfection, implying that those goals had been attained, while at the same time mentioning that flagrant violations of human rights were being committed in other countries and other parts of the world, which happened—curiously enough—to be precisely those with which they did not maintain good relations.

20. His Government had tried to further the aims of the Declaration, especially with regard to equality of opportunity, employment, education, health, social security and culture. Fundamental civil rights had been guaranteed in Brazil since it had first attained independence and had been embodied in the constitutions of the Republic since 1889. His Government was endeavouring to carry out the mandate it had received from the Brazilian people without wishing to impose its pattern of society on other countries; it could not approve of other countries trying to impose their systems and their ideologies on other parts of the world, including Latin America. His country believed in the exchange of ideas and experience, but only in order to benefit the whole of mankind and never to satisfy the imperialist aspirations of countries or of ideological systems. The right to life, liberty and security also had an application in international relations.

⁴ *Study of Equality in the Administration of Justice; Study of Discrimination in the Matter of Political Rights; Study of Discrimination in Respect of the Right of Everyone to Leave any Country Including his Own, and to Return to his Country; Study of Discrimination against Persons Born out of Wedlock* (United Nations publications, Sales Nos. E.71.XIV.3; 63.XIV.2; 64.XIV.2, and E.68.XIV.3, respectively).

21. With a view to carrying out the suggestions concerning the observance of the twenty-fifth anniversary contained in the report of the Secretary-General on the question at the twenty-seventh session,⁵ the federal, state and local authorities of his country, as well as private organizations, had made suitable arrangements emphasizing activities of interest to youth.

22. Looking at human rights from a historical point of view, it could be said with satisfaction that much had been achieved during the preceding 25 years, particularly with regard to equality of opportunity, social justice, decolonization, racial discrimination, religious intolerance, protection of children, the old and the aged, and women, and so forth. However, much remained to be done in order to eliminate the injustices which still existed.

23. It should not be forgotten that the modern world was one in which States could not remain isolated, in which contacts and exchanges were constantly growing and, with them, the international responsibilities of States. The excessive differences separating the developing from the developed countries could only lead to widespread chaos. In the circumstances, it was impossible to avoid the conclusion that the developed countries, were violating, among others, articles 22, 23, 24, 25, 26 and 27, and in particular article 3 of the Universal Declaration, since developing countries could not fully ensure their inhabitants the right to life, liberty and security of person, because they themselves did not fully enjoy the right to life, liberty and security. In particular, they could not grant their inhabitants the right to social security, the right to work and to just and favourable conditions of work and protection against unemployment, the right to rest and leisure, the right to a standard of living adequate for the health and well-being of the worker and his family, the right to free and compulsory education, the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits. The Governments of the developing countries certainly had the will to act to attain those ends but they did not have the necessary resources. The Third Committee should examine those fundamental issues in detail, taking into account the fact that the objectives of the Universal Declaration of Human Rights were unattainable so long as all nations did not enjoy the benefits of science and technology, so long as the international community did not decide upon appropriate mechanisms for the transfer of capital and credit resources from the developed to the developing countries, so long as it did not put an end to the arms race and the rivalries among the great Powers, and so long as the concept of collective economic security was not attained.

24. The remarks he had just made should not be construed as a refusal on the part of Brazil to consider certain particular aspects of human rights. The highest priority was currently being given to racial discrimination, and Brazil fully supported all measures aimed at eliminating all forms of racism, and in particular the system of *apartheid*. In his delegation's opinion, other important elements of the Declaration, such as freedom of religion, expression, thought and conscience, and security of person, deserved careful scrutiny. His Government was actively supporting all constructive measures taken at the international level to safeguard

⁵ A/8820 and Corr.1.

fundamental human rights, using the methods recommended by the Charter. He considered, however, that the different aspects of international protection of human rights could not be examined without taking into consideration the sovereignty of States. The State alone was capable of interpreting the interests, feelings and needs of its people, taking into consideration, as no international organization could, their customs, traditions, religion and social structure.

25. Mr. LÖFGREN (Sweden), referring to draft resolution A/C.3/L.2010, announced that, after holding extensive consultations with several delegations, the sponsors had decided to revise the draft in the following way: in the second preambular paragraph, the words "about the fact" had been deleted; operative paragraph 1 of the initial text had become operative paragraph 2; in operative paragraph 2 of the initial text, the words "the report" had been replaced by the words "an introductory note" and the phrase following the words "on the question" had been deleted and replaced by the following text: "taking into account the consideration which may be given to this question in the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Commission on Human Rights and the Economic and Social Council, to be presented at the twenty-ninth session of the General Assembly". The word "report" had been replaced by the words "introductory note" in order to emphasize that that note should be impartial and concise, so as to constitute a starting-point for the discussion of the question of torture. The sponsors felt that the views of Governments should not appear in that note. However, Governments which wished to do so could communicate any relevant information to the Secretary-General. He hoped that the revised draft resolution⁶ would be adopted unanimously by the Committee.

26. Mr. BADAWI (Egypt) said that, since its inception, the United Nations had realized that there could not be international peace based on justice without respect for "fundamental human rights", for the "dignity and worth of the human person", for "the equal rights of men and women and of nations large and small". The international community had thus resolutely undertaken to promote and encourage respect for human rights and fundamental freedoms, and the proclamation of the Universal Declaration of Human Rights, "as a common standard of achievement for all peoples and all nations", had been a leading initiative in that regard. Since that time, the General Assembly had adopted several conventions and covenants, including the International Convention on the Elimination of All Forms of Racial Discrimination, to which Egypt was a party; many resolutions had been adopted and organs set up to ensure the application of the principles set forth in the Charter and the Universal Declaration, including the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Special Committee on *Apartheid* and the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories. Many international conferences had been held to reaffirm and promote human rights and fundamental freedoms; the International Conference of Experts for the Support of Victims of Colonialism and

Apartheid in Southern Africa, which was held at Oslo in April 1973, was an example. The efforts of the specialized agencies, particularly UNESCO, the ILO, FAO and WHO, should also be recalled. The United Nations Secretariat had made efforts to follow up the resolutions and to publicize its activities through the Office of Public Information and the seminars organized in the field of human rights.

27. All those facts, positive though they were, were not enough. The international community was far from having achieved the objectives it had set itself, and there were many contradictions between theory and practice, ideals and reality.

28. Thus, in violation of the principle that "all human beings are born free and equal in dignity and rights", which was stated in article 1 of the Universal Declaration, the racist régimes of South Africa and Portugal and the Smith clique in Zimbabwe practised a policy of racial discrimination and *apartheid*; Portugal and the illegal régime in Zimbabwe oppressed the peoples of Angola, Mozambique and Zimbabwe and denied them their right to self-determination; the population of the Arab territories occupied by Israel was subjected to torture, expulsion and genocide and the people of Palestine were still striving for the realization of their inalienable rights.

29. Instead of the "international order" which should prevail under the terms of article 28 of the Declaration, there was international disorder. States Members of the United Nations defied its authority and flouted its Charter, its resolutions and the entire international community, with the blessing of the Western super-Powers. Thus, small under-developed countries like Portugal persisted in their colonial and racist policy, the illegal minority régime in Zimbabwe continued to oppress the population of the territory, South Africa continued its illegal occupation of Namibia, and Israel, not content with having driven the people of Palestine from their lands, had continued to occupy Egyptian territory since its aggression of June 1967, refused to recognize the fundamental rights of the population of the occupied territories and, in its latest act of aggression, had bombed Egyptian civilians.

30. There was, however, every hope that the efforts by the international community to defend man's human rights would ultimately be victorious. There were a number of promising indications to that effect, such as the success of the liberation movements to shake off the yoke of colonialism and racism, the declaration of independence of Guinea-Bissau, the growing awareness that peace, freedom and dignity were indivisible, and the adoption of the programme of the Decade for Action to Combat Racism and Racial Discrimination.

31. It must not be forgotten that colonialism, neo-colonialism and imperialism were perpetually planning to frustrate the efforts of the international community. Hence Members should be constantly on the alert to strengthen the United Nations and ensure the implementation of its resolutions; to isolate the racist and colonial régimes and withhold all assistance from them; to provide the liberation movements with every assistance, economic, moral and political; to strive for the implementation of the Second United Nations Development Decade and bring about a more effective system of international co-operation with a view to achieving equity for all individuals and all nations; and

⁶ Subsequently circulated as document A/C.3/L.2010/Rev.1.

to ensure that science and technology would be the servants of man and not his oppressors.

32. Mr. KITCHEN (United States of America) said that with the passage of time the original purpose or scope of a text could become distorted or restricted, and it might be instructive to look back over 25 years since the adoption of the Universal Declaration and read what the authors of that instrument thought about the work on which they were then engaged.

33. The United States representative at the time, Mrs. Eleanor Roosevelt, had said that behind the Declaration lay man's desire for peace, and that it was a testimony to the common aspiration to lift men everywhere to a higher standard of life and greater enjoyment of freedom. She said that the Declaration made it possible to gauge how the Member States respected their undertaking under the Charter to respect human rights and fundamental freedoms. The French representative, René Cassin, had said that the practical applications of basic human rights must be the *sine qua non* condition of true and lasting peace, and that the Declaration was a common meeting-ground for different ideologies—a concept expressed at the preceding meeting by the Swedish delegation. For Carlos Romulo of the Philippines, and for many others, the Declaration transcended time and its goals were desirable not only immediately but also in the future. Mr. Malik, the representative of Lebanon, who at the time presided over the work of the Third Committee, had pointed out that for the first time the principles of human rights and fundamental freedoms had been spelled out authoritatively and in precise detail.

34. Today, in spite of the many changes that had taken place in the world, the importance of the Declaration had been confirmed by events. In the preceding 25 years, 77 countries had joined the United Nations and the newly independent States now had the responsibility for ensuring the enjoyment of human rights by their own peoples. In addition, many countries had adopted sections of the Declaration in their constitutions. The movement to greater freedom and equality had been the most characteristic social force in the preceding quarter of a century.

35. However, although the universality of the Declaration was recognized in principle, its provisions were not always applied; human rights were not everywhere protected by Governments; and violations remained all too prevalent, even in countries whose Governments paid lip-service to the ideals of the Declaration. One of the areas where those ideals had not been achieved was that of the elimination of racism and racial discrimination. It was therefore appropriate that it had been decided to launch the Decade for Action to Combat Racism and Racial Discrimination on the anniversary of the Universal Declaration of Human Rights, and all Governments should take the opportunity to renew their undertaking to work for the achievement of all the goals of the Declaration.

36. Throughout its history, the United States had attached the greatest importance to the maintenance and expansion of civil and political rights, but at no time more than in the preceding 25 years. The Declaration had played an important part in creating the environment that made possible the substantial success of the civil rights struggle in the United States. His country attached equal importance to the achievement of the

economic and social rights contained in the Declaration.

37. Mr. PAPADEMAS (Cyprus) said that the Universal Declaration of Human Rights had been the principal basis for building a better world. In spite of its brevity, the Declaration had very quickly begun to exert a considerable influence on the evolution of the world. It had been the starting-point for many conventions and declarations; it had inspired many constitutions; and it was a factor underlying achievements in the fields of decolonization and recognition of individual rights in the various countries. Mention might be made in that connexion of the role played by the specialized agencies, which had done a great deal, for example, to ensure recognition for the rights of workers, children and women; and he referred in that connexion to the ILO conventions and the activities of UNESCO.

38. But there was still a good deal to be done. There were still countries under the colonial yoke; torture was still practised, and the policy of *apartheid* was still rampant—all of which indicated the direction in which the efforts of the international community should be steered.

39. Each country should first put its own house in order, and ensure proper treatment for its own nationals. There were spheres in which technological progress had actually become a threat to human rights, and there again, vigilance was called for. The United Nations should pursue its efforts without giving way to a sense of discouragement in the face of the tremendous task which still lay ahead.

40. Mrs. LYKOVA (Union of Soviet Socialist Republics) said that her delegation approved on the whole the programme prepared for the observance of the twenty-fifth anniversary of the Universal Declaration.

41. The United Nations had come into being at the time of the struggle against fascism, but the preamble to the Charter had not lost its topicality. It was a pledge given by the living to the tens of millions of victims of fascism. The Universal Declaration of Human Rights rounded out the provisions of the Charter concerning human rights and freedoms, and proclaimed the inadmissibility of all forms of discrimination.

42. Sixty per cent of the States participating by right in the work of the United Nations had not been represented at the Palais de Chaillot in Paris when the Declaration was adopted. Already at that time, the Soviet Union and the other socialist countries had been trying to draw up a declaration which would effectively serve the cause of progress and democracy, improve the living conditions of all men, and make an effective contribution to respect for human rights and the strengthening of international peace. Then as now, the Soviet delegation considered that the place of man in society was dependent on the social and economic structure of that society and that mankind could not be liberated unless there was an end to the exploitation of man by man and unless development was aimed at satisfying the needs of the working masses. It was not sufficient to proclaim human rights; the material conditions must be created which enabled them to become a reality. For that reason the Soviet delegation had pressed for the mention in the Universal Declaration of social and economic rights—the right to work, equal pay for equal work, education and social security,

among others—which had given that instrument the value of a political document which the forces of progress had been able to use to protect the rights of workers. However, in 1948, when many peoples were still under the colonial yoke, it was hardly to be expected that principles could be adopted covering the rights of entire peoples, and the historic changes which had occurred over the preceding 25 years had revealed gaps in the Universal Declaration in that respect. The proposal by the USSR and other socialist countries concerning the rights of peoples had been rejected, and the shortcoming had only been remedied 12 years later with the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples. Nor did the Universal Declaration make any mention of tasks such as the struggle against racism, *apartheid* and genocide or the education of youth to respect human rights and fundamental freedoms. It was not until 25 years later that the General Assembly had adopted the United Nations Declaration on the Elimination of All Forms of Racial Discrimination.

43. The main weakness of the Universal Declaration of Human Rights was that it did not impose any obligation on Member States. Thus some States declined to accede to specific international instruments although they had acceded to the Universal Declaration. As far as the Soviet Union was concerned, the Universal Declaration occupied a fundamental place among the international instruments relating to human rights, since it had been used as the basis in framing those instruments, especially the declarations already mentioned, the Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples, the Declaration on Social Progress and Development, the Convention on the Political Rights of Women, the Convention on the Prevention and Punishment of the Crime of Genocide, and the International Convention on the Elimination of All Forms of Racial Discrimination. It was unfortunate that the last-named had not yet been ratified by a number of States, including Australia, Belgium, Italy, Israel, the Republic of South Africa and the United States of America. It would be helpful if the General Assembly were to urge all States to become parties to that convention.

44. Many provisions of the Declaration were explicitly embodied, in the form of obligations for States, in the International Covenants on Human Rights. In many cases they reflected achievements of the socialist countries and proclaimed rights which were embodied in their laws and their constitutions. It was the first time that social and economic rights had been proclaimed in international instruments of such importance, and the Covenants therefore represented a considerable advance over the Universal Declaration of Human Rights. In ratifying the Covenants the Soviet Union had once again shown its determination to continue its struggle against colonialism, *apartheid* and racism. It was regrettable that certain countries still maintained a negative attitude towards those important instruments, whose entry into force would be an important step towards the implementation of human rights.

45. It could hardly be said, 25 years after the adoption of the Universal Declaration of Human Rights, that the objectives proclaimed in it had been attained. The racist policy of South Africa, the refusal to recognize the

elementary rights of 4 million inhabitants of Southern Rhodesia, Portugal's rejection of all the resolutions on decolonization, Israel's aggression against the Arab peoples and the treatment accorded to the Palestinian people showed that much remained to be done. If there were still peoples that had not been freed from the colonial yoke, the blame lay with those countries which assisted and supported the colonialists. The adoption of the draft Convention on the Suppression and Punishment of the Crime of *Apartheid* would have great significance, for it was precisely the struggle against the frequent and large-scale violations of human rights and the defence of fundamental political, social and economic rights that should be the main task of the international community.

46. Describing the measures taken for the implementation of human rights, and the guarantees provided for those rights, in the USSR, she said that the socialist State, which had from the outset done away with the exploitation of man by man, was unflagging in its efforts to extend the political, social, economic and cultural rights of its nationals. Even the most equitable laws would not suffice, however, if the *de facto* inequality between the different nations making up the Soviet Union was not ended. That had become one of the main tasks of the Soviet Government. The Constitution of the USSR guaranteed the fundamental freedoms, including inviolability of the person and the home, privacy of correspondence and the right to private property. Social and economic rights were guaranteed by law.

47. In recent years basic legislation had been adopted in the USSR and the Union republics with respect to land tenure and in the sphere of labour, public health, marriage and education, for example. The right to work was guaranteed by law and by economic measures, and there had been no unemployment in the USSR since the end of the 1920s. The law guaranteed pay commensurate with the quantity and quality of the work done and the absence of discrimination in hiring. The interests of the workers were defended by the trade unions. The Soviet State attached great importance to the protection of the health of individuals. Its policy in that sphere was based on the principle of free medical care for everyone. In 1972 there were 733,000 medical specialists in the USSR. The education system was truly democratic in the USSR. Seventy-two per cent of Soviet workers had received secondary or higher education. The Soviet Constitution guaranteed the right to social security. The Constitution guaranteed to women the same rights as men in all fields. It also protected the interests of mothers and children; women were entitled to maternity leave and there were many nurseries and kindergartens. Women currently constituted 51 per cent of the active population; 36 per cent of the engineers, 75 per cent of the doctors and 73 per cent of the teachers were women.

48. The twenty-fifth anniversary of the Universal Declaration of Human Rights would be celebrated extensively in the USSR. At meetings, in the press and in scientific journals, attention would be drawn to the importance of the struggle of peoples for the total elimination of the vestiges of colonialism, *apartheid*, racism and racial discrimination. Faithful to the precepts of Lenin, the peoples of the Soviet Union would continue to support the peoples that were struggling for their

freedom and independence and for the attainment of their political, social, cultural and economic rights.

49. Mr. SHAFQAT (Pakistan) said that throughout its existence as an independent State, Pakistan, which was deeply attached to the ideals of the Charter, had tried to contribute to the strengthening of international order under the aegis of the United Nations. The role it had played in the United Nations, its participation in the work of the various bodies, such as the Commission on Human Rights, and the part it had played in the social and humanitarian activities of the Organization were known to all.

50. Despite its troubled history, Pakistan's efforts to establish a truly democratic and humanitarian society had borne fruit, and at the beginning of the year a fully democratic Constitution, forged by the freely elected representatives of the people of Pakistan, had been adopted. The new Constitution asserted that it was the will of the people of Pakistan to establish an order in which fundamental rights, including freedom of thought and expression and equality of status, would be guaranteed. Despite those efforts, the situation was, of course, not yet perfect and much remained to be done, for example, in the field of economic and social justice, which had begun to receive intensified attention.

51. Pakistan saw particular significance in the fact that the twenty-fifth anniversary of the Universal Declaration of Human Rights coincided with the launching of the Decade for Action to Combat Racism and Racial Discrimination. The time had come for all the Members of the United Nations to draw up a balance sheet and see what remained to be done. Deplorable situations still existed in various parts of the world and, in particular, in Africa, where colonialism, racism and racial discrimination persisted and human rights were trampled upon. It was to be hoped that those evils could be eliminated by peaceful means. The forthcoming celebration of the twenty-fifth anniversary would perhaps be the moment for those who were still held in bondage to intensify their struggle to recover their rights and their dignity by all available means. It was not certain, however, that the means would be peaceful. War and violence had once again broken out in the Middle East, simply because millions of innocent people, expelled from their homes, wished to return to them.

52. It was time to recognize the existing and impending dangers that threatened the world; it was an urgent matter for the world community to work with greater ardour at securing full implementation of the Charter and of conventions which were intended to promote and guarantee human rights. A conscious effort must be made to achieve peacefully the goals cherished by all.

53. Document A/9133 contained an account of the activities planned by Pakistan in celebration of the twenty-fifth anniversary of the Universal Declaration. Those activities showed the importance which Pakistan attached to the education of its youth concerning the ideals embodied in the Charter and in the Universal Declaration of Human Rights.

54. Turning to the draft resolution submitted by Sweden, he said that the initial text (A/C.3/L.2010) had left the Pakistani delegation somewhat perplexed; it had wondered why operative paragraph 1 referred only to torture, leaving aside the other kinds of treatment enumerated in article 5 of the Declaration. The revised

text which had been proposed seemed to be more complete; his delegation would study it and reserved the right to make further comment on it.

55. Mr. KARASSIMEONOV (Bulgaria) stressed the importance of the Universal Declaration of Human Rights, as the foundation for the Organization's action for the cause of human rights. Bulgaria had supported all the specific manifestations and measures proposed for the appropriate celebration of the twenty-fifth anniversary of the Declaration.

56. The Universal Declaration reflected one of the fundamental principles embodied in the Charter, namely that peace and security were essential for the implementation of human rights and that the respect of fundamental rights such as the right to freedom and independence was inseparable from co-operation between peoples. That fundamental idea of the Charter had inspired both the activity of United Nations bodies and that of the specialized agencies, which had sought to contribute to the implementation of fundamental rights and to strengthen peace by concerning themselves with questions whose importance as foundations for peace had been neglected. Thus, the Constitution of UNESCO spoke of peace founded upon "the intellectual and moral solidarity of mankind".

57. The activities of the United Nations during the preceding 25 years had been based on the belief that the members of the international community had the duty to guarantee the inalienable rights of the human family, as was recalled in the Declaration on the Occasion of the Twenty-Fifth Anniversary of the United Nations (General Assembly resolution 2627 (XXV)), which stated that the international conventions and declarations concluded under the auspices of the United Nations "give expression to the moral conscience of mankind and represent humanitarian standards for all members of the international community". His delegation was happy to be in a position to state that the principles and provisions of the Universal Declaration of Human Rights were not only reflected in the Constitution and laws of Bulgaria but were also respected in practice. That confirmed that socialist society, which had eliminated the exploitation of one human being by another, was creating conditions which favoured the full development of the human personality, and that socialism guaranteed both civil and political rights and economic, social and cultural rights. The Constitution of Bulgaria, like those of all the other socialist countries, condemned all practices tainted with racial discrimination; freedom fighters were given the right of asylum in Bulgaria.

58. It was true that the basic ideas of the Universal Declaration covered a very wide field, but if there was one sphere in which the forces of nations and international organizations should be concentrated, it was the implementation of the inalienable right of peoples to self-determination, which was embodied in the first articles of the two International Covenants on Human Rights, which Bulgaria had ratified. Colonialism and discrimination still existed in Namibia, Southern Rhodesia, Angola, Mozambique, Guinea-Bissau and the territories occupied by Israel, not to speak of the other parts of the world where the most fundamental rights were violated and crimes against humanity committed. His delegation therefore considered that the best way of celebrating the anniversary of the Declaration was to give effective help to the national liberation

movements; the programme for the Decade for Action to Combat Racism and Racial Discrimination and the adoption of a convention on *apartheid* represented effective means of attaining that end.

59. Mr. MIKOLAJ (Czechoslovakia) said that the principles embodied in the Universal Declaration of Human Rights were of capital importance for the millions of victims of wars, racism, colonialism and the abominable policy of *apartheid*. It was in the interest of all mankind to ensure that those principles, which reflected the humanitarian aspirations of the human race, did not remain a dead letter. Respect for human rights and fundamental freedoms not only determined the individual's place in society but also affected his private life and all his personal aspirations, whether material or spiritual. The progress of the world as a whole called for the preservation of the inestimable value of life and human dignity; the rigorous application of the provisions of the Universal Declaration of Human Rights was bound to further the development of the moral conscience of mankind.

60. All the people who suffered as a result of colonialism, racism or simply from the consequences of inadequate economic and social development placed all their hopes in that Declaration. The international community was still being shocked by acts of violence, assassinations and the suppression of national liberation movements. His Government strongly condemned such acts and denounced those Governments which continually referred to the principles of the Universal Declaration of Human Rights while they persisted in violating them.

61. Twenty-five years previously, Czechoslovakia had decided to start building a new, progressive and democratic social system. The Constitution guaranteed all citizens the same rights and freedoms in all fields. Czechoslovakia had always fulfilled its obligations under the international human rights instruments to which it had acceded; its internal laws often went beyond the provisions of those instruments, for they guaranteed all citizens complete social security, special attention being paid to children and students.

62. With regard to international relations, Czechoslovakia was a party to the International Convention on the Elimination of All Forms of Racial Discrimination and strongly condemned the racist minority régimes. It had also played an active part in the work relating to the adoption of the draft Convention on the Suppression and Punishment of the Crime of *Apartheid*. In the interest of all mankind and of justice, it supported the formulation of international norms with a view to the punishment of individuals guilty of crimes against humanity.

63. In the spirit of the Charter and the Universal Declaration of Human Rights, Czechoslovakia had consistently advocated the maintenance of international peace and security, the expansion of international co-operation and respect for human rights. It was in that spirit that Czechoslovakia would celebrate the twenty-fifth anniversary of the Declaration and would embark upon the Decade for Action to Combat Racism and Racial Discrimination.

64. Mrs. WATANABE (Japan) recalled that the activities planned by her Government for the observance of Human Rights Week from 4 to 10 December 1973

were summarized in the report of the Secretary-General (A/9133). Her delegation therefore wished merely to comment on one of the problems mentioned at the preceding meeting by the Assistant Secretary-General for Social Development and Humanitarian Affairs, namely discrimination against women with regard to employment.

65. In Japan, women constituted almost 50 per cent of the labour force in 1972. Article 4 of the Japanese Constitution, promulgated in 1946, proclaimed the equality of all before law, while the 1947 Labour Standards Law prohibited all discrimination against women in the sphere of employment. Japan had recently ratified ILO Convention No. 100, of 1951, concerning Equal Remuneration,² and a new law, which had entered into force the previous year, was designed to promote the vocational guidance and training of women at all levels and to ensure greater harmony between family and working life, in accordance with the guidelines set out in ILO Recommendation No. 123, of 1965.² That law also contained provisions relating to health in general, especially during pregnancy and after childbirth. A five-year plan for the implementation of all the provisions of that law had just been launched. Those efforts would form part of Japan's programme of international co-operation and would be combined with the activities to be undertaken by workers and employers in other countries in order to promote human rights.

66. Mr. AZIZ (International Labour Organisation), speaking at the invitation of the Chairman, said that the programme of action which the ILO intended to pursue in connexion with the twenty-fifth anniversary of the Universal Declaration of Human Rights was summarized in the report of the Secretary-General (see A/9133). He drew particular attention to the publications to be issued on that occasion and to the special design which would be used on appropriate ILO publications and documents.

67. The ILO Committee of Experts on the Application of Conventions and Recommendations had considered in detail in 1973 and would continue to consider in the following years the position throughout the world with regard to certain basic human rights standards. In 1973, the Committee of Experts had undertaken a general survey of the situation of law and practice relating to the implementation of the ILO conventions on freedom of association, the right to organize and collective bargaining. That survey would be submitted to the International Labour Conference, as would the surveys to be made in the period 1974-1976 on Recommendation No. 119, of 1963, on termination of employment,² Convention No. 100, of 1951, on equal remuneration² and Recommendation No. 113, of 1960, on consultation at the industrial and national levels.²

68. The ILO's work in the realm of human rights was based on international standards elaborated by the Governments, employers and workers of the world and embodied in the ILO conventions and recommendations. All the activities of the ILO were concerned in some way with human rights, but there were certain basic freedoms which were of particular concern to the ILO because they came more directly within its sphere of work: those freedoms had been embodied in the ILO conventions on freedom of association, the right to organize and collective bargaining, which had been ratified by 80 or more States. Other conventions, relat-

ing to forced labour and its abolition, discrimination in employment, equal remuneration and employment policy had been ratified by from 49 to 106 States.

69. The ILO did not confine itself to drawing up and supervising the implementation of conventions and recommendations. It appreciated the necessity of practical action in connexion with those instruments. It had accordingly undertaken a number of programmes relating, *inter alia*, to discrimination in employment, *apartheid* in South Africa, women workers, freedom of association, migrant workers and the world employment programme. All those programmes related directly to the promotion of human rights, which remained the basis of the ILO's concerns and activities.

70. Mrs. ESHEL (Israel), speaking in exercise of the right of reply, said that her delegation wished to set the record straight with regard to the question raised by the representatives of Egypt and the Soviet Union. It was not Israel which had begun the hostilities in the Middle East, but the Syrian Arab Republic and Egypt, which had massed their soldiers equipped with Soviet weapons along the southern and northern cease-fire lines. The territories which they claimed they were seeking to liberate had been occupied by Israel only as a result of the policy of aggression against Israel followed by those countries since 1948. Those same countries refused to solve the problem by having recourse to the only means compatible with the Charter of the United Nations, namely, peaceful negotiation. Those who unleashed wars knew well that they were exposing their people, including the civilian population, to danger. It was the Syrians who, in the current tragic war, had first attacked civilians when they had bombed a number of towns and villages, not on the cease-fire line but deep in Israeli territory. Moreover, the Egyptian President himself had said he was ready to sacrifice a million human lives in that war. Israel did not aim at civilian populations but at military targets which were important for the conduct of the war that had been forced on it. She regretted the loss of innocent lives, on whichever side of the firing line they might be, but the responsibility for that loss rested on those countries, the Syrian Arab Republic and Egypt, which had deliberately chosen war instead of peace.

71. Mr. BADAWI (Egypt), speaking in exercise of the right of reply, said that the representative of Israel had just admitted that, as a result of the resumption of hostilities, the civilian populations of Egypt and the Syrian Arab Republic were being exposed to Israeli attacks. Although the Committee was not currently examining the question of the Middle East, he wished to point out that it was not Egypt which had opened hostilities in 1967; it was Israel which had been responsible for that aggression, following which it had occupied territories belonging to three Arab States. That fact had been recognized by the Israeli military and diplomatic leaders themselves. Since that aggression and, even more since the cease-fire of 1970, Israel had been pursuing a systematic policy under which it was violating the Charter, the resolutions of the United Nations and world public opinion. At the same time, it was continuing to occupy the Arab territories and to oppose all efforts aimed at the implementation of the provisions of Security Council resolution 242 (1967) and the aide-mémoire of 8 February 1971 submitted by the

Secretary-General's representative, Mr. Jarring.⁷ Consequently, Egypt, in repelling the new Israeli aggression on 6 October 1973 and thereby seeking to recover its own territory, was celebrating the twenty-fifth anniversary of the Universal Declaration of Human Rights in an appropriate manner, inasmuch as the prerequisite for the exercise of human rights was to be free and not to be subject to foreign occupation.

72. War was raging in the Middle East and, just as there was legislation applicable in time of peace, so there was other legislation applicable in time of war. If a State claimed to respect the spirit of the Charter, it must also abide by the international instruments applicable in the case of war. Israel should therefore respect the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,⁸ but it was systematically refusing to do so and was attacking the Egyptian civilian population with particularly deadly weapons: American-made GAB multiple bombs. He drew attention in that connexion to the letter of 14 October 1973 addressed by Egypt to the President of the Security Council.⁹ He also mentioned the letter of the same date addressed by his country to the President of the Security Council¹⁰ to inform him that, the International Committee of the Red Cross having addressed an appeal to the parties to the conflict to abide by the Geneva Conventions, the Arab Republic of Egypt had informed that Committee orally and by note that it had always been and still was keenly respectful of those Conventions. He drew attention to the fact that Israel, in its reply to the same appeal, as read out by its representative at the 1746th meeting of the Security Council, on 12 October 1973, had failed to respond to the appeal of the International Committee of the Red Cross.

73. Mr. AL-QAYSI (Iraq), speaking in exercise of the right of reply, said that he had not intended to participate in that discussion but that he could not ignore the abusive statements made by the representative of Israel. While he would not reply to every one of the points to which objections could be raised, he noted, by way of example, that the Israeli representative had invoked the spirit of the Charter. The Israeli aggression of 1967 was justified by Israel on the basis of the theory of preventive self-defence, by virtue of which Israel had occupied the Arab territories. When the Arab countries undertook to liberate those territories, Israel spoke of "territories which they claimed" they were seeking to liberate. Thus the notion of self-defence, as referred to in the Charter, was distorted by Israel for the purposes of a policy of occupation which was totally contrary to the spirit of the Charter.

74. Mrs. ESHEL (Israel), speaking in exercise of the right of reply, said that it had not been her intention to involve the Committee in a discussion of the situation in the Middle East and that it was not her delegation which had first brought up that question. However, she was obliged to protest the interpretation of her remarks which had just been given. She would not take up all the

⁷ Official Records of the Security Council, Twenty-sixth Year, Supplement for October, November and December 1971, document S/10403, annex I.

⁸ United Nations, Treaty Series, vol. 75, No. 973.

⁹ Official Records of the Security Council, Twenty-eighth Year, Supplement for October, November and December 1973, document S/11025.

¹⁰ *Ibid.*, document S/11024.

points with respect to which objections could be raised, because it was in other forums that the substance of the matter should be discussed, but she wished to make it clear that she had never said that Israel had set out to bomb civilian populations; she had explained that if there had been innocent victims among the civilian population, the responsibility rested with those who had opened hostilities.

75. With regard to the 1967 war, she recalled the cynicism of the statements and acts of the Arab countries, which had made no secret of their intention to wage total war against Israel. All of that was well known. It was the Arab States which had taken the initiative and had then sought to place the blame on Israel. Without going further into that question, she wished to stress that for her country the most important point was the following: were the Arab countries prepared to follow the path of peace and solve existing problems by negotiation, in the spirit of the Charter? The statements which had just been made all indicated that such was not their intention and that they had chosen the path of war.

76. Mrs. LYKOVA (Union of Soviet Socialist Republics) said that she would not reply in detail to the representative of Israel, for all the progressive countries were well aware who was the aggressor and who were the victims. Since 1967 the Arab peoples had been the victims of continuing aggression by Israel; the Palestinian people had been driven from their homes and their most elementary rights were constantly being violated. The problem was a well-known one and Israeli aggression

was among the most abominable violations of human rights.

77. Mr. BADAWI (Egypt) said that the representative of Israel was not addressing herself to the substance of the problem. However, the Committee was not the appropriate forum in which to consider the question of the Middle East. At the same time, it would be easy to demonstrate what had been Israel's attitude towards the Charter and the resolutions of the United Nations, as well as towards Mr. Jarring's aide-mémoire of 8 February 1971. It should suffice to say that Egypt had replied positively to that aide-mémoire, whereas Israel's response had been negative. Peace could be achieved only on the basis of respect for human rights and the Charter of the United Nations, not on the basis of force, superiority or injustice.

78. He then read out articles 50 and 56 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, and observed that the methods and policies adopted by Israel were incompatible with the provisions of those articles. The reaction of world public opinion to Israeli aggression had recently been expressed by the non-aligned countries in the declaration concerning recent developments in the Middle East, which was transmitted in the letter of 10 October 1973 from the representative of Algeria to the Secretary-General.¹

The meeting rose at 6.20 p.m.

¹ *Ibid.*, document S/11019.

2000th meeting

Thursday, 18 October 1973, at 10.45 a.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2000

AGENDA ITEM 56

Observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights (*continued*)
(A/9133 and Add.1 and 2, A/C.3/L.2010/Rev.1, A/C.3/L.2011)

1. Mr. BOURGOIN (France) said that the twenty-fifth anniversary of the Universal Declaration of Human Rights, while it was an appropriate occasion for assessing what had been accomplished, should also be an occasion for reflection. Twenty-five years earlier, when the Commission on Human Rights had been established as an indispensable means of giving effect to the principles of the Charter, the international community had still been profoundly traumatized by the assaults of nazism and fascism against individual dignity and fundamental freedoms. The conquests of democracy were expected to constitute the essential foundation of an international society capable of meeting the aspirations of that generation. However, the solemn reaffirmation of rights and freedoms in the Charter and in the Universal Declaration had not sufficed to give them the strength and the reality which the founders of the United Nations had considered necessary. On the con-

trary, ensuring the observance of those rights was a task which was becoming more and more difficult and which required of legislators action that was both vigilant and flexible, urgent and patient, multiform and consistent.

2. Modern international co-operation with respect to human rights should take the form of a peaceful and constructive comparison of the various courses followed, in a spirit of good faith and courage, by the Governments of all Member States, not only in order to identify deficiencies but also to increase by joint effort the effectiveness of the measures applied through discussion, co-operation and mutual understanding. In Europe progress had already been made in that direction thanks to institutions set up after the Second World War and his delegation felt that that path should be followed with greater perseverance. Respect for human rights and the strengthening of freedoms must, in the period which was now beginning, be protected against a multitude of dangers which every nation and every community was having to combat by means compatible with its history and its own political, social and economic conditions. Consideration of those means and the joint evaluation of the progress made and the obstacles encountered and overcome constituted the

most reliable, most positive and perhaps most promising form of international co-operation in that sphere.

3. The actual legislative work of the United Nations with respect to human rights had progressed to the point where the Organization could now devote itself primarily to solving the practical problems raised by the implementation of the existing international norms. The characteristics of the epoch made it necessary to consider those spheres in which the application of human rights was being confronted with conditions, and at times threats, that were totally new. After the International Conference on Human Rights, held at Teheran, the Commission on Human Rights had begun to move in that direction. Its new studies referred to the implementation of economic, social and cultural rights, to the defence of individual rights against the overwhelming progress of science and technology, and the problems resulting from the transformation of the human environment and the conflicts of generations within society. His delegation would like the Commission on Human Rights to be able to devote more time to such research, which was essential for an understanding of the times.

4. That by no means signified that the traditional objectives of the United Nations with respect to human rights should be neglected. The struggle against racial discrimination and practices of *apartheid* was of paramount importance for the international community. For that reason, the French Government was not confining itself to humanitarian assistance to the victims of *apartheid* through the United Nations trust funds and the United Nations Educational and Training Programme for Southern Africa. Since 1971 it had been a party to the International Convention on the Elimination of All Forms of Racial Discrimination and in 1972 it had adopted a special law to combat possible incitement to collective hatred. In addition, his delegation had a few weeks earlier supported the programme for the Decade for Action to Combat Racism and Racial Discrimination. However, efforts should not be concentrated solely on the struggle against the possible resurgence of racism but should be aimed at combating, in a more general way, the intolerance that was always ready to spring up again in various forms in the propitious conditions afforded it by the disturbances characteristic of the age.

5. France had decided to observe with due solemnity the twenty-fifth anniversary of the Universal Declaration of Human Rights, which was an occasion of special interest to it for two reasons: the long French tradition in the matter of human rights, going back to the Declarations of 1789 and 1792 which had included certain elements of economic, social and cultural rights; and the fact that the Universal Declaration had been proclaimed in Paris at the Palais de Chaillot, where on the occasion of the twenty-fifth anniversary of the United Nations a plaque commemorating the proclamation of the Declaration had been put up. The French Government had established a special committee for that purpose, headed jointly by the Minister for Foreign Affairs and the Minister of Justice and made up of outstanding personalities known for their dedication to the cause of human rights and for their services in furtherance of the purposes of the United Nations. That Committee was organizing the activities to be carried out on the occasion of the observance and its programme was already far advanced.

6. The Government wanted the entire nation to be involved and accordingly the local authorities at the departmental and municipal levels would be invited to organize demonstrations of support of human rights. Non-governmental organizations would likewise participate, and young people would play an active part. All the French universities would be associated with the celebration, either by organizing symposia or special lecture series or by expanding the human rights studies already undertaken. A notable part would be played by the International Institute of Human Rights at Strasbourg and the Association des universités françaises amis des Nations Unies, which had its headquarters at Nice. With reference to secondary education, the Ministry of National Education would make available to the lycées teaching materials relating to human rights designed to stimulate students' interest in the subject. The French radio and television services were organizing a series of historical programmes on human rights and the information services were publishing studies, brochures and documents. However, that list was neither exhaustive nor restrictive, and other activities could be expected. The French Government would keep the Secretary-General informed in that connexion.

7. Mrs. DE BARISH (Costa Rica) reaffirmed her delegation's conviction that, in celebrating the twenty-fifth anniversary of the Universal Declaration of Human Rights, it was necessary to carry out a thorough review of the successes which had been achieved in that field and to accept the fact that, despite the progress made, there still remained much to be done to establish throughout the world even minimally acceptable conditions in which human beings could live as such. Although progress had been made in the formulation of principles and the adoption of legal instruments for their implementation, there had been stagnation and even retrogression in the observance and implementation of the Declaration.

8. At the 2136th plenary meeting of the General Assembly, the Minister for Foreign Affairs of Costa Rica had said that although the Declaration in itself was not a set of binding rules for the Members of the United Nations, as a document which interpreted norms of the Charter that were binding, it shared that normative element which required compliance. The Minister had added that that was Costa Rica's understanding and that, for it at least, the ethical standards embodied in the Universal Declaration of Human Rights were mandatory legal precepts. That had also been Costa Rica's position when it had been among the first to sign and ratify the International Covenants on Human Rights and the Optional Protocol to the International Covenant on Civil and Political Rights.

9. Preparations were being made in Costa Rica for the celebration of the twenty-fifth anniversary of the Universal Declaration in accordance with the suggestions contained in the report submitted by the Secretary-General to the twenty-seventh session of the General Assembly.¹ The Ministries of Public Education and Youth, Culture and Sports had co-ordinated their activities so that, at the end of the current academic year in late November, there would be commemorative ceremonies at the primary, intermediate and higher

¹ A/8820 and Corr.1.

education levels. Such preparations were also being made by national and youth organizations.

10. Among the activities of the United Nations referred to by the Secretary-General in his report on the question (A/9133 and Add.1 and 2), the regional seminars on human rights were very important. Moreover, her delegation was particularly interested in activities related to the public dissemination of information on events and topics relating to human rights. Stress should be laid on the importance of special documentary programmes, press activities designed to provide information on the work of the Commission on Human Rights and the Economic and Social Council and the publication and circulation of the materials described in paragraph 32 (a), (b) and (c) of the report. Similarly, the availability of the Universal Declaration of Human Rights in 61 languages and its distribution through the networks of the information centres and offices of the resident representatives of UNDP would have wide repercussions. Reference should also be made to the activities of the United Nations Postal Administration described in paragraphs 40 to 43 of the report of the Secretary-General.

11. Her delegation welcomed the well thought out and specific measures which the specialized agencies had already undertaken or which they expected to carry out. With regard to the regional intergovernmental organizations, it should be pointed out that the American Declaration of the Rights and Duties of Man had entered into force in 1948 and that it served as the standard for the Inter-American Commission on Human Rights. That Commission would soon hold its thirty-first session in Colombia, just 25 years after the adoption of the American Declaration. With regard to the measures and activities undertaken or planned by national and international non-governmental organizations, her delegation had always considered the participation of those organizations in the promotion of human rights and fundamental freedoms to be of great value.

12. Referring to draft resolution A/C.3/L.2010/Rev.1, she said that, with that initiative, Sweden had tried to find the lowest common denominator for collective action and to stress the need for the widest possible respect for the provisions of the Universal Declaration of Human Rights and, in particular, article 5. That article was one of the provisions which most emphatically stressed the need to protect the individual and her delegation considered that the time had come to give specific attention to the problem of torture and cruel, inhuman or degrading treatment or punishment. It should be noted that article 7 of the International Covenant on Civil and Political Rights embodied the same principle. Her delegation was of the opinion that the adoption of the draft resolution, which it was sponsoring with Austria, Ireland, Lesotho, Nepal, the Netherlands, Sweden and Trinidad and Tobago, would be a worthy tribute to the Universal Declaration of Human Rights during the celebration of its twenty-fifth anniversary, and it expressed the hope that that initiative would receive the Committee's fullest support.

13. Mr. DAMMERT (Peru) said that his delegation considered that the celebration of the twenty-fifth anniversary of the Universal Declaration of Human Rights was an event of the greatest importance for the entire international community. The occasion would also serve to promote general awareness of what the

Declaration had meant in the 25 years since its proclamation. In order to celebrate that anniversary, the Revolutionary Government of Peru had designated 10 December the "Day of the Universal Declaration of Human Rights" and on that day the Prime Minister or another competent authority would address a message to the entire country in which he would stress the great importance of human rights in relations between individuals, groups of people and States and in the formation, progress and development of society and the contribution of human rights to economic, social, cultural and human progress. On that same day, at the national level, a series of conferences would be held in higher education centres, schools, workers' centres and cultural organizations. The celebration would also be given the widest possible publicity through radio, television, newspapers, cinema and the distribution of posters and pamphlets, so that all Peruvians would know what human rights were and that respect for those rights contributed to the development of a just and free society. Another plan which the Government of Peru had been considering was the ratification of the International Covenants on Human Rights on the day of the celebration. Actually, however, the celebration on 10 December in Peru would be simply a continuation of the campaign for the promotion of human rights which had been going on in the country for some years, since the Revolutionary Government had, from the time of its establishment, been engaged in the task of reforming social, economic, cultural and political structures for the benefit of human beings.

14. Peru hoped that the international observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights would not be merely an official and ceremonial event but would constitute a new point of departure in action to ensure the exercise of human rights and fundamental freedoms. In accordance with that attitude, and aware of its international humanitarian duties, Peru had, at the Fourth Conference of Heads of State and Government of Non-Aligned Countries, held at Algiers in September 1973, made common cause with all the African, Asian and Latin American peoples struggling against the violation of their human rights and fundamental freedoms.

15. Since the adoption of the Universal Declaration, the United Nations had adopted many other instruments—on self-determination, permanent sovereignty over natural resources, the elimination of all forms of racial discrimination, the elimination of discrimination against women, slavery, social progress and development and other matters—which had certainly contributed to the promotion of human rights in the world but had not yet secured their complete and effective realization. Thus, in the year when the twenty-fifth anniversary of the Universal Declaration was being celebrated, it could be seen that such practices as racial discrimination, racism, *apartheid*, colonialism, foreign occupation and the subjugation of peoples persisted. At the same time, the General Assembly, the Security Council and other United Nations bodies had adopted many resolutions and decisions to strengthen the instruments in question, but those resolutions and decisions had, unfortunately, not been fully implemented because the appeals they contained for the effective promotion, safeguard and observance of human rights had not been heeded. When one reflected on the celebration, one realized that, while the majority

of peoples would observe that great occasion in full dignity, others would be able to welcome it only with the hope that it would be an incentive in their struggle to recover their human dignity and fundamental freedoms. Those peoples knew that a large part of the international community was directing its attention to them and that moral, financial and other support would continue so that they would succeed in securing respect for their human rights.

16. His delegation also expressed its great satisfaction that the Committee had adopted the programme for the Decade for Action to Combat Racism and Racial Discrimination, which would provide a very important framework for the celebration of the anniversary of the Declaration and would at the same time enhance the effectiveness of the struggle to eliminate the violations of human rights which were practised mainly by the racist régimes of southern Africa, as well as against Asian and Latin American peoples. His delegation reaffirmed its support for all those who were victims of injustice and violations of their fundamental human rights because of their colour, sex, religion, language, social origin, economic situation or ancestry, and condemned all those who, for the reasons described, subjugated others.

17. Mrs. HEANEY (Ireland) said that the United Nations had much to show for its work in the cause of human rights in the 25 years since the Universal Declaration had been proclaimed. Some of the highlights had been the adoption of the International Covenants on Human Rights—which had been signed by the Irish Minister for Foreign Affairs during the current session—and the adoption of the International Convention on the Elimination of All Forms of Racial Discrimination and the Declaration on the Elimination of Discrimination against Women. Yet, as the Secretary-General noted in the introduction to his report on the work of the Organization (A/9001/Add.1), “the protection of human rights is an area where the credibility of the United Nations is especially at stake”. It was very fitting that in his report submitted at the previous session,¹ the Secretary-General had suggested that the anniversary should be marked not only by ceremonial observance but by activities which would serve the cause of human rights in a practical way.

18. Her delegation supported draft resolution A/C.3/L.2010/Rev.1, of which Ireland was a sponsor, and urged its unanimous adoption.

19. Mr. BROMMELAND (Norway) said the Declaration had never ceased to be a source of inspiration and guidance for all mankind, voicing its hopes and aspirations. One of the most important tasks for the United Nations was to ensure that the purpose of the Charter was supplemented by international agreements to safeguard basic human rights and to secure the establishment of a United Nations apparatus able to supervise the observance of the agreements. The International Covenants on Human Rights which had been adopted by the United Nations represented an important step in that direction, even though they had not so far entered into force. Norway had ratified both those covenants as well as the Optional Protocol to the Covenant on Civil and Political Rights.

20. There were still many areas in the world where human rights were violated. Serious setbacks had occurred in countries which formerly upheld those basic

rights. Chile was the most recent and deplorable example. As the Norwegian Foreign Minister had stated in the General Assembly (2125th plenary meeting), the international community was entitled to expect that human rights should be upheld and that all political prisoners should be released immediately. The flagrant violations of human rights occurring in southern Africa should be given special attention in connexion with the twenty-fifth anniversary of the Declaration of Human Rights. His Government strongly supported efforts for increased international pressure against the racist and colonial policies being followed in southern Africa. Norway would continue to render humanitarian assistance to the peoples in that part of the world, through the various organs of the United Nations as well as through the liberation movements. However, in spite of the serious setbacks mentioned, there was a growing awareness of the importance of upholding human rights and fundamental freedoms. Peoples all over the world felt they had a right and even a duty to combat racism and other attacks on human dignity, and that was a good omen for the future.

21. Turning to the humanitarian fields in which the Norwegian Government had actively participated, he expressed the hope that progress would be made both in avoiding and solving refugee problems. For many years ahead, however, the United Nations would have to concern itself with refugees and his Government would continue to support that work, which was aimed at ensuring full respect for human dignity. The Norwegian Government had also played an active role in the study of the question of human rights in armed conflicts. It whole-heartedly welcomed the initiative taken by the Swiss Federal Council in convoking a Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, to be held at Geneva at the beginning of 1974. It was a well-known fact that fundamental freedoms and human rights had often been violated in armed conflicts not so much because of inadequate rules but because existing rules were not implemented. It was therefore of paramount importance to consider both the strengthening of the machinery of implementation laid down in the four Geneva Conventions of 1949 and the possibility of setting up an agency of implementation under the auspices of the United Nations. His Government also had strongly supported United Nations efforts to alleviate human suffering and to safeguard human rights in disaster situations, both man-made and natural. Although the international community had grown increasingly aware of its responsibility in that field, there were still shortcomings in the machinery available for providing humanitarian relief in disaster situations.

22. As the Secretary-General had pointed out in the introduction to his report on the work of the Organization (A/9001/Add.1), the protection of human rights was an area where the credibility of the United Nations was especially at stake. Over and over again, States invoked “domestic affairs” when attention was drawn to violations of human rights. His delegation firmly believed that such violations were the concern of the international community and could not be considered merely as domestic affairs. As the Norwegian Minister for Foreign Affairs had stated in the General Assembly (2125th plenary meeting), all States should realize that the impact caused by violations of human rights transcended national borders and influenced in a rather

negative way not only relations between nations but also the international climate in general. His Government attached importance to the proposal to create the post of United Nations High Commissioner for Human Rights, which would be considered by the Committee under agenda item 57.

23. His Government welcomed and supported the programme for the observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights. In that respect, the initiative to deal more comprehensively with the use of torture was highly commendable. The Norwegian Government was gravely concerned about the widespread practice of torture and was glad that the world community was being mobilized to tackle it. He pledged that the anniversary would be observed in Norway in a manner fitting the occasion. However, long-range measures designed to foster human rights were more important than a short-lived celebration. His Government hoped that the measures undertaken or contemplated at the national, regional and international levels in connexion with the observance of the anniversary would add a realistic dimension to the efforts to foster universal respect for human rights.

24. Miss ILIĆ (Yugoslavia) noted that due attention had been given to the appeal contained in General Assembly resolution 2906 (XXVII), concerning the observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights in a manner befitting the occasion and serving the cause of human rights. The response of the organizations of the United Nations system, and especially of UNESCO, was highly commendable. Those developments were important because, as was well known, even today, 25 years after the adoption of the Declaration, human rights were constantly being violated in South Africa, Southern Rhodesia, Namibia, Angola, Mozambique, the Cape Verde Islands and the parts of Guinea-Bissau still under Portuguese domination. In the Middle East, the rights of the Arab population had been denied or violated for years. Even the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, had been disregarded and the point had been reached where civilians had been bombed. From another part of the world—Chile—reports were being received daily about suffering caused by inhuman treatment.

25. In such a situation it was very important that the observance of the anniversary should provide the international community with an opportunity to assess what else could be done to reaffirm and ensure the effective application of fundamental human rights. The international community should assume greater responsibility for the creation of better conditions for putting an end to wars, colonial domination, racism and racial discrimination. The launching of the Decade for Action to Combat Racism and Racial Discrimination was a further step in that direction. That purpose would also be served if countries acceded to, ratified and put into effect existing or new instruments such as the proposed Convention on the Suppression and Punishment of the Crime of *Apartheid* and a declaration of the rights of youth. Moreover, the efforts of the developing countries to solve their development problems as a prerequisite for the achievement of the economic, social and other rights of their peoples should be supported by every available means.

26. In Yugoslavia a country-wide discussion of the new draft constitution was under way. It provided further guarantees and protection of the fundamental human rights of all citizens. In due time a report on the subject would be submitted to the Secretary-General. The programme adopted for the observance of the anniversary of the Universal Declaration included the following main features: a solemn meeting of the Federal Assembly on 10 December; scientific and academic gatherings in all universities throughout the country; the publication of a monograph containing scientific analysis and reports on the meaning and significance of the Universal Declaration and its impact upon the national legislature; and a symposium on racial, ethnic and national minorities. In addition youth associations, trade union organizations and social and political groups had their own specific programmes for the celebration of the twenty-fifth anniversary.

27. Finally, Yugoslavia would like to join the sponsors of draft resolution A/C.3/L.2011.

28. Mr. BAL (Mauritania) congratulated the Assistant Secretary-General for Social Development and Humanitarian Affairs on the statement she had made at the 1998th meeting which, in his delegation's opinion, should be circulated as a Third Committee document.

29. When people spoke of the Universal Declaration of Human Rights, they should be thinking of the right to justice, freedom and equality and they should remember the millions of Africans who still lived under the yoke of colonialism and were fighting with every means in their power for the enjoyment of their basic rights. On 10 December, during the celebration of the twenty-fifth anniversary of the Declaration, each State should consider within its own conscience the contribution it had made to the achievement of the common ideals expressed in that basic document, because, although much had been attained, there was still a long way to go. For that reason, Afghanistan, Algeria, Cyprus, Ghana, Guyana, Jamaica, Kenya, Nigeria, Sierra Leone, the Sudan, Tunisia, the United Republic of Tanzania, Yugoslavia, Zaire, Zambia and Mauritania had become sponsors of draft resolution A/C.3/L.2011.

30. Turning specifically to the text of the draft resolution, he pointed out that in the third preambular paragraph the words "*Noting with satisfaction*" should be replaced by the word "*Recalling*". He also explained that in operative paragraph 1 it was left to Governments, specialized agencies and other intergovernmental organizations and non-governmental organizations to consider the means best suited to them for the observance of the anniversary. Another small change should be made in operative paragraph 2: the words "*Expresses the hope* that the observance by the world community of the twenty-fifth anniversary of the Universal Declaration of Human Rights will contribute in a significant manner" should be replaced by the following: "*Urges* the world community to celebrate the twenty-fifth anniversary in such a way as to contribute in a significant manner".

31. Mr. NASSER-ZIAYEE (Afghanistan) said that Afghanistan considered the Universal Declaration of Human Rights to be one of the most important documents adopted by the General Assembly, and would co-operate at every opportunity to promote the lofty principles enshrined in it. The right of self-determination was one of the most important of human

rights, and the international community must give it priority. The Republic of Afghanistan supported the aspirations of the liberation movements of all peoples under colonial and alien domination, and rejected all forms and manifestations of racial discrimination, which it considered a flagrant violation of human rights. In his delegation's view, nevertheless, the unfortunate perpetuation of violations of human rights did not detract from the moral weight of international instruments; it was precisely its firm belief in the principles enshrined in those instruments which had led his delegation to sponsor the text adopted as General Assembly resolution 2906 (XXVII).

32. His delegation reiterated its view that the Office of Public Information of the United Nations could play a more important role in publicizing the Universal Declaration of Human Rights by disseminating information concerning human rights in the various languages of Member States. For its part, the Republic of Afghanistan would, as part of the programme for the observance of the twenty-fifth anniversary of the Declaration, give the widest possible publicity in the news media to the historical and universal significance of the Declaration, and would hold commemorative functions in educational establishments throughout the country.

33. Declarations, conventions and covenants were instruments whose purpose was the implementation of the principles they set forth; he hoped that the programmes envisaged for the observance of the twenty-fifth anniversary of the Declaration of Human Rights would promote the universal realization of those rights. With that goal in mind, his delegation had sponsored draft resolution A/C.3/L.2011, which it hoped would be adopted unanimously.

34. Mrs. ESHEL (Israel) said that the Universal Declaration of Human Rights had been regarded as a Magna Carta of mankind and a moral code whose principles should be applied by Governments. While it was true that the Declaration was not legally binding, the moral and educative value of the ideas formulated in it could not be underrated. That moral force derived chiefly from the fact that the formulation rested on a consensus, in other words, on elements which were common to the different cultures, ideologies, political systems, stages of economic and social progress and ways of life of the nations represented in the United Nations.

35. Many delegations had deplored the gap between words and deeds, but it should be remembered that the same words could be used with a different meaning or a different scope, depending on who pronounced them. When reference was made to freedom of speech, freedom of worship, freedom of movement or equality of men and women, democratic States suffered from a peculiar disability. It was taken for granted that in open societies, where there was freedom of speech, the concept of human rights and liberties was respected. There were, to be sure, abuses in such societies, but the strength of a democratic society was that its faults, weaknesses and failings were sooner or later brought into public view and could be corrected. Abuses could not persist for long in such a system because public opinion, freely expressed, would not put up with them. Much too often, those facts were not taken into account in United Nations debates and resolutions concerning human rights. The basic concern for human rights and

public welfare which was the distinctive feature of the democratic form of government was taken for granted, while its blemishes were exaggerated; freedom was distorted to seem like servitude, and free speech was equated with agitation and licence, social ferment with discrimination and public order with oppression.

36. Authoritarian régimes, which were antagonistic to the very notion of human rights in the accepted sense of the term, suffered no such disability, chiefly because nobody expected anything of them. A factor which contributed even more to the distorted image was the selective manner in which the subjects dealt with by the various organs of the United Nations were chosen, reflecting the mechanics of voting and political pressures rather than the realities existing in the world and their respective degrees of urgency.

37. Her delegation's attitude to anti-Israel resolutions on the subject of human rights, which were yet another manifestation of the use made by the Arabs and their friends of United Nations bodies as vehicles of their campaign against Israel, a campaign in which reality was twisted to suit their purposes, should be viewed against that background.

38. The question of the human rights of the Arab population of the areas under Israel's administration would be discussed in the Special Political Committee during the current session of the General Assembly. Suffice it to say that the problem was not one of human rights, but a purely political one which should be solved in the context of an over-all solution to the Middle East conflict. With regard to such human rights as freedom of speech and expression, freedom of assembly and equality before the law, as well as social and economic rights, the Arab population of the territories administered by Israel currently enjoyed human rights unknown to it in the past. No matter how often references to Israel's so-called crimes were reiterated, that could not undo the facts seen by hundreds of thousands of visitors of all nationalities and from all walks of life, including Arabs from neighbouring countries, and confirmed by the attitude of the 1 million Arabs within areas controlled by Israel in the trying days which had followed the Syrian and Egyptian aggression on 6 October.

39. Twenty-five years after the adoption of the Universal Declaration of Human Rights, fundamental freedoms continued to be violated and millions of people on the continent of Africa continued to suffer the humiliations and miseries entailed by policies of racialism and discrimination. Nevertheless, the striking growth in the number of States Members of the United Nations in the preceding two decades reflected the change from colonial vassalage to independent sovereignty of great territories and vast numbers of peoples. An effort must be made to eliminate the remaining vestiges of colonialism in a world where that concept had become reprehensible and anachronistic.

40. There also remained important gaps in international legal activity in the field of human rights. The instruments drawn up so far by the United Nations dealt more with the rights of the individual than with collective rights of minority groups as such, and the Sub-Commission on Prevention of Discrimination and Protection of Minorities had concerned itself more with the former than with the latter task. In that connexion, her delegation wished to draw the Committee's atten-

tion to the plight of Jewish minorities in certain Arab countries of the Middle East, particularly the small minority still remaining in a number of Syrian towns. For years, they had been held as virtual hostages, forbidden to depart and subjected to humiliations, restrictions and discrimination which deprived them of fundamental freedoms and left them with no recourse. The war currently being waged in the Middle East heightened apprehensions as to their fate. Her delegation called on world public opinion to rally to the salvation of those helpless people, and of the handful of Jews still living in Iraq in constant terror, not permitted to free themselves of their tormented existence by moving to another country of their choice.

41. Attention had already been drawn to the gap between legislation and practice, between word and deed. Her delegation had had occasion in the past to expose in detail the glaring discrepancy between the words of the Soviet Union and its practice in relation to the Jewish minority living there. Jews in the Soviet Union could not learn and teach their language, profess and practise their religion and pursue their culture. Nor were they allowed to leave the country to be together with their brethren. In that connexion, the Minister for Foreign Affairs of Israel had said, at the 2139th plenary meeting of the General Assembly:

“The penalties inflicted on these people are especially surprising in view of the fact that the right to leave for Israel has been recognized in principle and that other Jews have exercised it. It is difficult to understand or condone a policy granting exit permits to some Jews while at the same time creating cruel obstacles for many others.

“Nor can we pass in silence over the anti-Jewish incitement conducted openly or under the cover of propaganda directed against religion or against Zionism. This campaign is carried on through governmental media of information and by means of propaganda publications and pseudo-scientific literature. In this manner anti-Semitic ideas are disseminated and injected into the masses of the Soviet Union's population.

“On 26th March this year a tribunal in the French capital determined that information material distributed by the Soviet Embassy contained slanders on the Jewish faith and incitement to racial discrimination, and found those responsible guilty. But the Soviet authorities have not applied the Soviet law against the disseminators of anti-Semitic propaganda.”

42. Her delegation called upon the authorities of the Soviet Union to release the prisoners of conscience whose sole crime was wishing to live as Jews, to desist from their policy of harassment and intimidation and to enable Soviet Jews to enjoy human rights and fundamental freedoms in accordance with the provisions of the Universal Declaration of Human Rights and the Soviet Constitution.

43. The delegation of Israel wished to commend the statement by the Assistant Secretary-General for Social Development and Humanitarian Affairs (1998th meeting), in which she advocated the search for practical steps, in social and development policies, to strengthen the implementation of human rights. In the field of women's rights the Assistant Secretary-General

and the Commission on the Status of Women had the active support of millions of women belonging to women's organizations; and in the fight against ignorance and apathy there must be a continuing process of consultation with such organizations.

44. Israel welcomed draft resolution A/C.3/L.2010/Rev.1, and hoped that the inclusion of the question of torture, and of cruel, inhuman or degrading treatment or punishment as an agenda item for the twenty-ninth session of the General Assembly would focus public attention on practices of that nature still prevalent in the world.

45. The Israeli delegation had not had time to study draft resolution A/C.3/L.2011, but believed it would be able to vote for that text as a suitable culmination of the twenty-fifth anniversary of the Universal Declaration of Human Rights. Israel would submit to the Secretary-General in writing the plans its Government had prepared to mark the anniversary.

46. Mr. GAHUNGU (Burundi) said that the whole world rejoiced at the important achievements of the preceding 25 years, resulting solely from mankind's determination to bring about progress and human well-being. The Government of Burundi was proud to celebrate the twenty-fifth anniversary of the Universal Declaration of Human Rights, and to ensure that the event would have the widest possible repercussions throughout the nation.

47. Those who had spoken proclaiming the freedom and independence of peoples had not yet reached the root of the evils now besetting mankind; nor had they succeeded in abolishing the ignoble crime of racial discrimination, or the barbaric practices of outworn colonialism in central and southern Africa, to say nothing of the economic servitude that affected the whole African continent. Wars and genocide were rampant in the Middle East and the Far East, and tomorrow might see the same occurring elsewhere in the world.

48. The world of today needed real forms of peace and generosity, since all peoples, white, yellow or black, yearned for peace and self-determination. How long would the world continue to tolerate the interference of certain Powers in the internal affairs of small countries, which extended even to the destruction of temples that had not been built by those Powers, and the looting of treasures that were not theirs? Real peace was needed in Africa, for example, whose peoples had long been the victims of slavery and exploitation of all kinds, and were now demanding their sovereignty and independence, as had been made clear at the Tenth Assembly of Heads of State or Government of the Organization of African Unity, and at the Fourth Conference of Heads of State and Government of Non-Aligned Countries. Real generosity was needed too because the world was marked by the flagrant inequality that existed between the excessively rich and the excessively poor. Human solidarity required that those who had too much should give their surplus to those who had too little, and not that those who had more should try to grab for themselves the scarce resources of those who had less. All too often the attempt was made to soothe the least advanced countries with complacent and high-sounding speeches and utopian promises instead of real, practical deeds. Solidarity should exist among all countries without any kind of distinction. Perhaps some over-developed countries needed a breath of fresh air

and warmth from countries less developed than their own, for moral poverty was more degrading to men than material poverty.

49. Burundi would support any constructive steps taken to protect human rights, and congratulated the United Nations and the intergovernmental and non-governmental organizations devoted to promoting those rights.

50. Mrs. KARPENKO (Byelorussian Soviet Socialist Republic) said that the occasion of the twenty-fifth anniversary of the Universal Declaration of Human Rights was an opportunity for the world community to make an objective analysis of what had been achieved thus far. During that period, thanks to the action of the socialist countries and the support of the countries of Asia, Africa and Latin America, such resolutions and instruments had been adopted as the Declaration on the Granting of Independence to Colonial Countries and Peoples, the International Convention on the Elimination of All Forms of Racial Discrimination, the Declaration on Social Progress and Development, the International Covenants on Human Rights, and the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, as well as other instruments adopted to eliminate colonialism and racism. She pointed out that the International Covenants occupied a special place, since their adoption had represented a significant step forward in the protection of human rights. Those documents both expanded and made more precise the provisions of the Universal Declaration.

51. The Supreme Soviet of the Byelorussian SSR had ratified the International Covenants on 5 October 1973. Those instruments did not merely contain recommendations but imposed specific obligations on all States parties. In that connexion, she urged all countries which had not done so to sign the International Covenants so that they could enter into force. Socialism provided the necessary economic and political basis for ensuring the fundamental rights and the all-round development of the individual. The working people of the Byelorussian SSR belonged to one great family whose name was the Soviet people. The achievements of the Republic in all fields of life were eloquent testimony to the vitality and strength of the USSR, which was a voluntary State formation of a new type. As a result of the Leninist nationalities policy, all nations and ethnic groups in the Soviet Union had flourished. The Byelorussian SSR's progress in industry, agriculture, health, education, housing and social welfare guaranteed and ensured in practice far more extensive rights than those provided for in United Nations international instruments. The new Labour Code, laid down in 1972, gave additional guarantees for workers' rights, including their right to employment, and had thus helped to raise the level of living of the workers of the Byelorussian SSR. The figures and percentages showed the growth in the Byelorussian SSR of the funds for providing, for example, free education, medical services, student scholarships and day nurseries. In August 1973 additional social benefits for mothers had been adopted, with provision for full pay throughout maternity leave of four months, regardless of length of service. There had also been a substantial increase in the number of days of paid leave granted to any mother who had to nurse a sick child under 14.

52. Referring to article 3 of the Constitution of the Byelorussian SSR, which laid down that all power in the Republic belonged to the working people of town and country as represented by the soviets of Working People's Deputies, she noted that, as a result of the elections to all local soviets in the Republic, 34 per cent of their membership consisted of manual workers, more than 32 per cent of collective farm workers, 46 per cent of women and more than 30 per cent of people under the age of 30.

53. The Byelorussian SSR strongly condemned the attempts of world reactionary forces and neo-fascists to stifle the will of working people struggling for a better life, democracy and socialism by methods of mass bloody terror and physical extermination. Colonialism, *apartheid*, racial discrimination and neo-fascist practices should be denounced, and the United Nations had the duty of promoting the elimination of those vestiges of the past wherever they existed: in Angola, Mozambique, Southern Rhodesia, southern Africa, Chile or in the Arab territories occupied by Israel.

54. In the information sent to the Secretary-General on measures and activities undertaken or contemplated for the observance of the anniversary of the Universal Declaration of Human Rights, the Byelorussian SSR had indicated (see A/9133) as one of the basic defects of the proposed programme that it contained absolutely no reference to the gross, massive and systematic violations of human rights being committed in southern Africa, in the occupied Arab territories and in other parts of the world.

55. Her delegation wished to express indignation at the malicious statement of the representative of Israel. It was more than blasphemous for the representative of a State which was pursuing aggressive policies and flagrantly violating human rights on a massive scale to hold forth on the subject of those rights. That was merely a Zionist manoeuvre aimed at distracting the attention of world public opinion from Israel's aggressive, chauvinistic ambitions in the Middle East.

56. Mr. IRARRAZAVAL (Chile), speaking in exercise of the right of reply, deplored the reference to the Chilean situation by the representative of Norway, a country traditionally friendly with Chile, with which Chile maintained very close diplomatic and consular relations, apart from their work together as members of the Antarctic Treaty. The Norwegian representative's statements were the result of a hastily-formed opinion based on biased information which the Government of Chile, precisely because of its traditional respect for human rights, had allowed hundreds of foreign journalists to send abroad without restriction. The many reports of delegations from human rights organizations which had visited Chile since 11 September gave the lie to the Norwegian representative's statements.

57. The Norwegian Minister for Foreign Affairs had spoken in the general debate in the General Assembly on 24 September, but his words had just been repeated as if they had been uttered 24 hours ago. In the meantime, representatives of the International Red Cross and the United Nations High Commissioner for Refugees had visited Chile, as had the Executive Secretary of the Inter-American Commission on Human Rights and parliamentary delegations from several European countries. In their reports they had all indicated that Chile was abiding by its international com-

mitments in the matter of human rights and had expressed appreciation for the facilities the Government had afforded them in fulfilling their missions. A delegation from Amnesty International would shortly visit Chile in response to an invitation issued by the Chilean Foreign Minister when he was in New York. It was to be hoped that all Governments would adopt a similar attitude to visits from representatives of human rights organizations, not only in times immediately following a change of Government but also when times were perfectly normal.

58. The reports of the authorities and associations he had mentioned were valuable and important testimony. Proper examination of them would have obviated ill-considered assessments, which were particularly serious because they had been made by the representative of a friendly and respected country, which had violated Article 2 of the Charter.

59. As to the Yugoslav representative's statement that he had received information from Chile indicating that there were instances of inhuman treatment, he rejected such interference in his country's internal affairs, and recommended that if he wished to evaluate events in Chile, the Yugoslav representative should not merely read Yugoslav newspapers but should study the reports he had mentioned and the declarations of allegiance to the new Government made by the leaders of the large and flourishing Yugoslav community which had been working and living in Chile in peace and freedom for almost a century.

60. Lastly, he rejected the allusions of the Byelorussian delegation, another member of the group which could not bear the defeat suffered in Chile. Despite the fact that he found its interference in Chile's internal affairs offensive, he preferred that it should occur in the Committee and was glad that its interventions unmasked on Chile's very territory were a thing of the past.

61. Mr. MOUSSA (Egypt), speaking in exercise of the right of reply, said that one single phrase in the Israeli representative's statement had led him to speak, namely the reference to the difference between laws and practice, words and deeds; for Israel was the most glaring example of such discrepancy, which was flagrant in the occupied territories, where the population was mistreated and expelled, villages and homes destroyed and curfews imposed. Furthermore, in violation of the Geneva Conventions, Israel was endeavouring to colonize the occupied territories by establishing settlements of Jews brought in from outside, to the detriment of the fundamental rights of the population of the occupied territories and to the territorial integrity and sovereignty of the States to which the territories belonged.

62. The representative of Israel had also spoken about the Commission on Human Rights, but he might be reminded that that Commission had condemned all types of violation of human rights, particularly violations committed by authorities practising *apartheid* and *zionism*, and in its resolution 3 (XXVIII)² it considered that Israel's serious violation of the fourth Geneva Convention in occupied Arab territories constituted war crimes and an affront to humanity.

63. The representative of Israel had also referred to the moral force of the Universal Declaration of Human Rights. Yet that moral force had not prevented Israel from committing all kinds of atrocities and violations of human rights. Israel could not but be opposed to human rights and fundamental freedoms since *zionism* was a racist theory. The representative of Israel had also referred to democracy, but Israel never heeded the will of the majority, or even of whole countries. Internally, the country was governed by a military establishment and if there was any opposition it was only about what territories should be taken over. It was in fact a mafia-type democracy, not a democracy of the civilized world. As to freedom of religion, he recalled that on 10 August 1971, Mr. Moshe Dayan had suggested, with a view to accelerating restoration work in Jerusalem, that all the other Holy Places should be eliminated because they were obstructing the view of the Jewish temples.

64. Finally, the representative of Israel had also spoken about the "aggression" of 6 October 1973. Since June 1967 Israel had been attacking the Arab people and their rights, and had attacked them again on 6 October. But in the name of the Charter and for the good of the peoples of the world, those zones would be freed.

65. Mrs. LYKOVA (Union of Soviet Socialist Republics), speaking in exercise of the right of reply, said that the Israeli delegation lost no opportunity to direct sinister and slanderous attacks against the USSR and other States. Its intention was of course solely to distract the attention of the United Nations and public opinion from the crimes Israel was committing in the Arab territories. But the USSR Government disregarded those attacks and rejected them, because it was always in the vanguard of the struggle against racism, colonialism, racial discrimination and all forms of slavery and oppression. It was therefore on the side of the peoples fighting for independence and against piracy and international vandalism. Israel had violated many resolutions and decisions of United Nations organs requesting it to abandon its barbarous policies and military crimes. In order to attain its political ends, the Government of Israel was prepared to co-operate with the most reactionary forces, and the attitude of the representative of Israel in referring to racism and racial discrimination in Africa was hypocritical. Israel's designs were the same as those of South Africa, namely, the subjugation and oppression of the peoples of the occupied territories and it used its anti-Soviet and anti-communist policy as an instrument. With regard to the Jews living in the Soviet Union, in the USSR all citizens enjoyed the same rights granted them by the Constitution and established practice, and the Jews did not need Israel's protection. She therefore categorically rejected the accusation levelled by the representative of Israel.

66. Mr. LOSHCININ (Byelorussian Soviet Socialist Republic), speaking in exercise of the right of reply, said that Chile was a party to international agreements which were currently being violated in that country. The fact that groups, commissions and delegations were in Chile to investigate violations of human rights showed, whatever the findings of those missions, that violations were occurring in the country, since such commissions were not sent to countries in which human rights were respected. The existing Government of Chile had trampled on all human rights, as could be seen from consideration of article 21, paragraph 3, of the Universal Declaration of Human

² See *Official Records of the Economic and Social Council, Fifty-second Session, Supplement No. 7, chap. XIII.*

Rights, according to which the will of the people was to be the basis of the authority of government, and that will was to be expressed in periodic and genuine elections which were to be by universal and equal suffrage and held by secret vote or by equivalent free voting procedures. If the representative of Chile could prove

that the military junta had come to power as a result of universal suffrage, the Byelorussian SSR would be prepared to believe anything he might say in the Committee.

The meeting rose at 1.20 p.m.

2001st meeting

Thursday, 18 October 1973, at 3.05 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2001

AGENDA ITEM 56

Observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights (*continued*)
(A/9133 and Add.1 and 2, A/C.3/L.2010/Rev.1, A/C.3/L.2011-2013)

1. Mr. OLIPHANT (Botswana) said that his delegation approved of the programme proposed by the Secretariat for the observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights. Botswana, which was a small, sparsely populated country, and a constant victim of drought, had always—although far from affluent—managed to demonstrate its sincere respect for the principles of the Declaration. For example, it had welcomed thousands of political refugees from neighbouring countries or territories, particularly Angola, where white minority régimes were disregarding the basic rights of the indigenous population. It had also co-operated with the United Nations High Commissioner for Refugees in the case of refugees who needed help in order to continue their studies in their country of refuge, and it afforded every protection to those who chose to remain in Botswana. Despite Botswana's own serious unemployment problem, the refugees were allowed to work in the country and were given facilities for education, at all levels, in collaboration with UNDP. Lastly, Botswana had contributed \$20,000 for the victims of the drought in the Sudano-Sahelian region.

2. On the domestic front, Botswana had paid particular attention to those sectors of the population most likely to be discriminated against—women and children. The women of Botswana had actively participated in government efforts to promote education, setting up village committees and thus backing up the Government's meagre resources with self-help efforts. As a result of that direct action by the population, the Government had been able to carry out various educational programmes at a saving of over \$1 million. On the labour scene, the Government had recently done away with various systems involving discrimination against women.

3. Legislation had been introduced for the protection of children, although some problems still existed—concomitants of school drop-outs and mass movement of youth from rural to urban areas. A National Youth Council had been formed for the co-ordination of the activities of all voluntary organizations involved in youth problems, to ensure that programmes to alleviate

the lot of the young people were planned with the co-operation of parents and youth. Funds would be provided by the Government. The lack of national resources prevented the country from achieving even greater progress, but Botswana hoped that the efforts it was making to celebrate the twenty-fifth anniversary of the Universal Declaration were in keeping with the ideals of that instrument. It could only undertake to continue those efforts and intensify them.

4. His delegation tentatively supported the two draft resolutions before the Committee (A/C.3/L.2010/Rev.1 and A/C.3/L.2011).

5. Mr. DABASH (Libyan Arab Republic) wished to stress the importance of the steps to be taken by the United Nations, its specialized agencies and Member States to commemorate the twenty-fifth anniversary of the Universal Declaration of Human Rights. The Libyan Arab Republic, for one, would play an active part in that commemoration. At the same time it looked forward to seeing the Declaration fully observed and implemented by all States Members of the United Nations.

6. Although 25 years had gone by, the colonial forces were constantly violating the basic principles of the Declaration, that is, self-determination and independence. Currently, the racist régime of South Africa, Zionist gangs, the illegal minority régime in Zimbabwe and the Territories administered by Portugal, supported by all the moral and material potentials of world imperialism—namely, the United States and the Powers of the North Atlantic Treaty Organization—were trampling the Charter of the United Nations and the Universal Declaration of Human Rights underfoot.

7. His Government upheld the right of all peoples to self-determination and freedom, supporting and offering every material and political assistance to all liberation movements struggling to win their inalienable rights to self-determination, freedom and independence. Freedom and peace-loving peoples were struggling to regain their plundered land; and the Libyan delegation hailed the brave and heroic peoples of Egypt and the Syrian Arab Republic for their just struggles against the Zionist forces of aggression, which were supported by the United States.

8. Mrs. MARICO (Mali) said that the twenty-fifth anniversary of the adoption of the Universal Declaration of Human Rights was a fitting occasion to recall that one of the merits of the Charter was to make it clear

that interdependence between international peace and security, on the one hand, and economic and social well-being and respect for human freedoms, on the other, constituted the basis of the Organization. That was why respect for human rights was called for in the Preamble to the Charter and listed among the main purposes of the United Nations in Article 1. Protection of human rights was thus one of the main obligations of Member States.

9. The efforts made to clarify, codify and consolidate the principles enunciated in the Charter with regard to human rights had led to the adoption of the Universal Declaration of Human Rights, one of the Organization's most important achievements, and subsequently to the adoption of other instruments, such as the two International Covenants on Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples.

10. It would be impossible to commemorate the anniversary without pausing to consider the extent to which the aims of the Declaration had been achieved in the various parts of the world. At that very moment, Israel was waging a war of aggression against the Arab and Palestinian peoples, and was continuing to violate human rights in the occupied Arab territories in defiance of the United Nations resolutions adopted on the subject. In the areas where colonialism and the policies of *apartheid* prevailed, 40 million Africans were being deprived of their freedom and most elementary rights, in defiance of the provisions of the Universal Declaration of Human Rights and, victims as they were of racial oppression and discrimination, continued to bear the yoke of the white minority. In Angola, Mozambique, the Cape Verde Islands and in Guinea-Bissau, for example, Fascist Portugal was waging a genocidal war against the indigenous people. South Africa continued to be the bastion of *apartheid*, and the racist régime in Pretoria had extended its criminal policy of racial segregation to Namibia and Southern Rhodesia. In that connexion she quoted a passage from the report of the Special Committee on *Apartheid* (A/9022) concerning the suppression of strikes organized by black workers in South Africa the previous year.

11. Those questions posed a serious moral problem for the conscience of the United Nations and were particularly important at a time when it was celebrating the twenty-fifth anniversary of the adoption of the Universal Declaration of Human Rights. Since the parties responsible turned a deaf ear to all appeals to reason emanating from the Organization, the latter should adopt a firmer attitude towards the régimes concerned instead of becoming involved in futile compromises.

12. As for the actual observance of the anniversary, her delegation particularly approved of the programmes of activities planned by the ILO and other specialized agencies. The ILO's project to consider in detail the position throughout the world in regard to certain basic human rights standards would be a valuable contribution to United Nations action to promote the freedom and protection of mankind. The Republic of Mali itself commemorated the anniversary of the Universal Declaration every year, with lectures, broadcasts and articles in the press; and it had drawn up a national programme designed to give special prominence to the twenty-fifth anniversary.

13. In conclusion, she stated that her delegation was ready to co-operate with all delegations in an effort to implement any decisions the United Nations might take to put an end, once and for all, to violations of the rights and fundamental freedoms of man.

14. Mr. ROUX (Belgium) said that in commemorating the proclamation of the Universal Declaration of Human Rights, the Members of the United Nations could compare the current reality with the obligations they had assumed 25 years earlier. In that connexion, he wished to pay a tribute to the impressive and in every way admirable work accomplished by WHO, UNICEF, FAO, UNESCO, the ILO and the Office of the United Nations High Commissioner for Refugees.

15. It was with a constant feeling of shame that one compared the noble aspirations expressed in the Declaration with the actual instances where rights and fundamental freedoms had been ignored or flouted. However, it might be somewhat excessive to accuse States of hypocrisy for paying lip service to human rights while observing them so little.

16. Until 1948, rights and liberties were guaranteed only at the national level. They were inscribed in the constitution of many States and were in most cases regarded as a moral and legal limitation curb on the political actions of Governments. The authors of the Universal Declaration of 1948 had wanted to extend to all mankind the liberty and security enjoyed by the individual and the citizen under the Bill of Rights and various charters and declarations proclaimed in 1689, 1776, 1789 and subsequent years. They had wanted besides to add economic and social rights to the personal and political rights recognized in the nineteenth century. They had thought in fact that the traditional rights might prove purely formal for certain citizens unless a minimum living standard was also guaranteed them.

17. The traditional rights and the new rights proclaimed in the Declaration had in fact sprung from two entirely different political philosophies. The first was based on a concept of rights which tended to restrict the power of the State, whereas the second—the economic and social rights—was based on a concept of rights which tended to increase the power of the State by laying on it the heavy burden of transforming man's condition in society.

18. The Universal Declaration had endeavoured to combine liberal and socialist concepts by adding economic and social rights to the traditional ones. To what extent were the various rights really observed? The economic and social rights could be guaranteed only to the extent to which resources were available. Certain rulers, who were more concerned with the principle of equality than with that of freedom, would endeavour to guarantee those economic and social rights at any cost, and those rights would then be realized by the suppression of traditional rights. Such suppression would be declared to be provisional at the outset and to have as its only purpose a more rapid achievement of their goals. But such suppression might be prolonged, and what the citizen lost in formal freedom, the producer might not gain in real freedom.

19. What he had said showed that the two classes of rights, though not necessarily incompatible, might become so in certain circumstances. According to the ideology professed, one group of rights or the other

would unfortunately have to be sacrificed. That was one explanation of the discrepancy between proclaimed rights and the rights that were observed.

20. It should also be remembered that the Universal Declaration had been drafted in very special circumstances. The idea of extending the protection of public rights and freedoms to the whole world had been born before the Second World War as a reaction against the assumption of power by totalitarian régimes. Already in 1940 René Cassin had proposed that the allied nations, when they defeated the Fascist régimes should have as their aim a declaration of human rights which would cover the entire world, an idea which President Roosevelt had adopted in an attenuated form.

21. It should be emphasized that human rights occupied such a prominent place in the Charter not because of the victorious great Powers, which had never regarded a declaration of rights as the aim and purpose of their struggle, but at the insistence of smaller countries and particularly because of the action of non-governmental organizations.

22. However, that had not been achieved without the conservation, at the same time, of the principle of the sovereignty of States. The promotion of human rights side by side with the sovereignty referred to in Article 2, paragraph 7, of the Charter, gave it the ambivalent character mentioned by the Secretary-General, and in fact the zeal with which States defended non-interference in their internal affairs had not made it any easier to safeguard human rights.

23. Furthermore, if human rights were to be effectively observed, a number of conditions which had existed in the nineteenth century within the national framework of States, but which had now disappeared, had to be combined. Although human rights had often been acquired through violence, they needed a stable environment where a homogeneous culture and civilization prevailed. Furthermore, if they were to be effectively observed, it should be reasonably certain that any violation of them would be punished. The nineteenth century had been a period of calm and liberalism, which had favoured the safeguarding of human rights, and that favourable atmosphere had influenced the international order. During the preceding 50 years, however, stability had been succeeded by a series of upheavals and the spread of new political ideologies had replaced generally held beliefs. There had also been a sudden invasion of international life by peoples from very diverse civilizations. Yet it had been during that troubled period, a period of revolution and transition, that the Universal Declaration of Human Rights had been proclaimed.

24. It should be added that mankind was going through a period of moral and spiritual crisis which was characterized by "an unprecedented shift in gravity from the individual towards the State", by a depersonalization of modern man. The success of nationalism provided one obvious explanation of such depersonalization. The troubled times and the disorders which they were giving rise to made men sacrifice the rights to, and even the taste of, freedom to the search for largely illusory security.

25. But there was another cause which was just as fundamental, namely the change in economic activities and the rise of an all-invading technology, the growing complexity of which obliged States to intervene and to

direct and plan them. Most men were incapable of grasping such complexities and lost touch with and interest in public affairs. Such inertia in opinions was in the interests of the State's political actions, and he did not thereby mean to disparage the legitimate share of control which the State exercised in the name of social justice or the development of technology.

26. The Charter and the Universal Declaration of Human Rights were intended to provide the international community with a moral and social infrastructure. They had sought to make the interests of humanity a point of convergence for the collaboration of States. However, if facts had to be faced, it seemed that the United Nations today symbolized, more than it bore, humanity's hopes for peace.

27. If after 25 years, the Universal Declaration remained an ideal that was often dimmed and unattainable, "an appeal to rulers, a speech which exhorted them to behave properly" as Raymond Aron had written, that was because in the final analysis it rested on a postulate that was belied by the facts. Real respect for human rights would imply that there really did exist an international community, in other words, an international society with which sovereign States conformed and to which they subordinated themselves for the general good of mankind. In actual fact, there was as yet no such community.

28. Miss SVENNE (Australia) said that if it was a formidable task, as the representative of Sweden had said (1998th meeting), to establish the principles of human rights, it was still more difficult to deal with their effective implementation. And yet the furthering of human rights was the fundamental aim of the activities of the United Nations. Freedom, equality and dignity, enshrined in article 1 of the Universal Declaration of Human Rights, were ultimately the objective towards which the efforts made in the economic and political fields and in the field of international law were directed.

29. The twenty-fifth anniversary of the Universal Declaration of Human Rights was an occasion both for celebration and for reflection upon past endeavours and, even more, upon the tasks of the future. Her delegation had been pleased to hear of the programme of activities undertaken by the United Nations and the activities announced by various countries in connexion with that anniversary. Her Government too had prepared a programme of activities on the basis of the guidance given by the Secretary-General. It proposed to mark the occasion of 10 December in many ways, including statements by government leaders, the use of an appropriate cancellation stamp and the distribution of copies of the Declaration throughout the country, especially in educational institutions. Educating young people in the spirit of human rights was a task of vital importance, and therefore in Australian schools special attention would be given, not only in 1973 but in the coming years as well, to the promotion of human rights and racial understanding and to the elimination of prejudice. Moreover, in conformity with the International Covenant on Economic, Social and Cultural Rights, Australia was taking steps to introduce free tertiary education in the near future. Her Government had signed the International Covenants on Human Rights as soon as it had come into power, and it intended to ratify the Covenants and the International Convention on the Elimination of All Forms of Racial Discrimination be-

fore 10 December 1973. It was now engaged in a close examination of all aspects of its legislation to ensure that it would be able to carry out the serious obligations it would be assuming by ratifying those instruments.

30. At the 1999th meeting the representative of Brazil had stated particularly well the problems that arose in the implementation of the principles relating to human rights. It was certainly not enough simply to make declarations or celebrate anniversaries, nor to do no more than point a finger at denials of human rights beyond one's own national frontiers. Every country must do what it could to ensure that it did not itself violate the principles laid down in the Declaration. No society could rest content, for a great deal remained to be done. Anyone implying that his country had few difficulties in the field of human rights because his country's official documents included all the right declarations was either deluding himself or else cynically abusing his right to be heard in the Committee.

31. She hoped that the celebration of the anniversary would stimulate all Governments to apply themselves with increased vigour to the important tasks that still lay ahead and to resist the ever-present temptation to play politics with so important a subject as human rights.

32. Mrs. GERÉB (Hungary) said that great changes had taken place in the world since the adoption of the Universal Declaration of Human Rights 25 years earlier. Many countries had become independent and had since been contributing effectively to the activities of the United Nations. Moreover, a number of socialist countries had seen the light of day, and the building of a new social order had made it possible to construct new bases for the genuine realization of human rights. But not all peoples had yet become independent; colonialism, *apartheid* and racial discrimination still persisted. Imperialist acts of aggression against the independence of peoples and their right to self-determination were continuing to multiply, as evidenced by the recent bloody events in Chile. In that connexion the representative of Chile had said (2000th meeting) that a delegation of the International Committee of the Red Cross was currently in that country; she would like to know what was being done at that moment to help the revolutionaries who, having asked and received asylum in that country, were being denied the right to leave it. Hungary had experienced the white terror which had brought horrible suffering to its people, but it knew that social progress could not be halted for ever.

33. Millions of people in the world were suffering from famine and were living in poverty and ignorance, which always left their mark on development and on the future of the coming generations. In much of the world there was still discrimination based on sex, age, fortune or social origin. In many countries the exploitation of workers prevented them from enjoying a fair share of the goods produced by their work, and thus from enjoying a suitable level of living, while a small ruling class enjoyed all the advantages. In those countries the unequal distribution of goods was accompanied by an unequal distribution of rights. In many cases, discrimination did not appear in legislation but the exercise of the rights referred to in article 28 of the Universal Declaration of Human Rights was in practice hampered by political, economic or social circumstances. Her dele-

gation was convinced that respect for human rights was closely linked to the nature of the social system, and it hoped that future studies and investigations of human rights would give much more attention to that aspect of the problem.

34. Political, social and cultural rights were inseparable, and if rights were denied in one field, all the other fields suffered as a result. For example, how could one speak of the right to education or the exercise of political rights if the right to work was not ensured?

35. Pursuant to article 54 of the Constitution of the Hungarian People's Republic, all citizens of her country enjoyed equal rights. Furthermore, the State guaranteed the exercise of those rights by specific measures, with the participation of the people and of various organizations: trade unions, young people's organizations, women's organizations and the like. Exploitation no longer existed, unemployment had vanished, and citizens enjoyed many social advantages; they had access to culture and education, which enabled them to develop their personality and take an active part in the management of public affairs. In the labour field, a system of vocational guidance had been established, together with adult education and vocational training programmes.

36. In taking action to promote human rights, the Hungarian State attached paramount importance to the interests of the working class; at the same time, it gave particular attention to the specific interests of the various social categories, such as young people and women. Laws had been promulgated to help young people gain their particular economic, social and cultural rights and enable them to participate more actively in public life. With regard to women's rights, she believed that a society could not be truly free and democratic if it did not guarantee equality of political, social and cultural rights to women, who represented half or more of the population. Many social measures had therefore been adopted by the Hungarian State to give assistance, in particular, to working women.

37. The complete attainment of human rights was a long and complex process which required continual evaluation of the results achieved and close observation of the course of political, economic and social development. At the same time, the minds and social consciousness of individuals must be constantly developed by education and by the shaping of public opinion to stamp out backward ideas. That concept was applicable both at the national and international levels.

38. In order properly to observe the twenty-fifth anniversary of the Universal Declaration of Human Rights, Member States must become parties to existing international instruments, ensure the implementation of the principles laid down in them and prepare new instruments in the field.

39. Hungary attached special importance to a number of the questions under consideration at the current session, particularly to the programme for the Decade for Action to Combat Racism and Racial Discrimination, to the draft Convention on the Suppression and Punishment of the Crime of *Apartheid*, to the question of human rights and scientific and technological developments and to international co-operation in the punishment of persons guilty of war crimes.

40. Her country had ratified a number of important conventions in the field of human rights and was currently studying the International Covenants on Human Rights, with a view to their ratification.

41. Mrs. MAIR (Jamaica) noted that draft resolution A/C.3/L.2010/Rev.1 proposed that the question of torture, cruel, inhuman or degrading treatment should be the subject of an introductory note by the Secretary-General and be considered as a separate item at the twenty-ninth session of the General Assembly. Her delegation endorsed the views underlying the draft resolution, shared the concern of its sponsors and joined them in condemning any form of violence or indignity inflicted on human beings. Nevertheless, it questioned whether a draft resolution on the subject at that stage was the most appropriate means of observing the twenty-fifth anniversary of the Universal Declaration of Human Rights. Apart from the complexities it would involve with regard to the mandate to be given to the Secretary-General and the problem of finding an acceptable definition of the word "torture", and the financial implications that the draft resolution would entail, by focusing exclusively on article 5 of the Universal Declaration, the draft was limited in its objective and therefore not worthy of such an occasion as the observance of the historic anniversary.

42. It was clear from the statements that had been made during consideration of the item that the international community had failed to live up to the ideals of the Universal Declaration in several areas and that the priorities for its future efforts were not easy to determine. Highest priority had been given, quite rightly, to the fight against racism and racial discrimination, which was the most glaring violation of human rights. In resolution 2919 (XXVII) the General Assembly had proclaimed a decade for action during which all national and international energies and resources would be mobilized to eradicate that evil. But that was not the only area of failure; there were many other areas in which the Declaration had been only very imperfectly implemented. Millions of men and women in the developing countries did not currently enjoy the right to work, housing and education laid down in articles 23, 25 and 26 of the Declaration. One might also wonder what progress had been made in the implementation of article 2, which provided, *inter alia*, that everyone, whether man or woman, was entitled to the same rights and freedoms. The same question might be asked with regard to practically all the articles of the Declaration. It was therefore somewhat arbitrary to select one article for special scrutiny and to focus attention on it when observing the twenty-fifth anniversary of the Declaration. Her delegation felt that draft resolution A/C.3/L.2011, of which it was a sponsor and which invited all Member States to rededicate themselves to serving the cause of human rights and to the fullest implementation of all the principles and objectives of the Universal Declaration, afforded a more appropriate means of observing the twenty-fifth anniversary of the Declaration.

43. Mr. VAN WALSUM (Netherlands) said that the fact that his delegation, together with a number of other delegations, had prepared a draft resolution on torture (A/C.3/L.2010/Rev.1) should not be interpreted as a sign of indifference to the various activities that were being contemplated in connexion with the observance

of the twenty-fifth anniversary. His delegation felt that the most appropriate way of celebrating the anniversary of the Declaration would be to try to find new ways in which the United Nations might more effectively promote universal respect for and observance of human rights and fundamental freedoms. Accordingly, one could either propose improvements in the machinery for human rights implementation in general or concentrate attention on one particular aspect of human rights, that is, on violations of one particular article of the Declaration, without primarily focusing attention on the delicate issue of implementation. It seemed that the latter course might be less controversial because it did not affect the relationship between the responsibility of the United Nations and that of the individual Member States and, accordingly, the nature of the Declaration itself, on which not all delegations held identical views. It might, of course, be argued that there was no justification for singling out one particular article of the Universal Declaration as long as there was no article that was not violated somewhere in the world, and his delegation was the first to admit that there were several other articles in the Universal Declaration that also required special attention. However, it felt that concentration on one issue at a time was the only way the United Nations could ever escape from the abstract vagueness which so often turned discussions on human rights into frustrating academic debates. That was why the sponsors of the draft resolution had asked that the question of torture should be considered as a separate item. They also wished to emphasize that article 5 of the Universal Declaration referred not only to the infliction of physical pain by brutal force but also to modern—even more alarming—methods of forcing people to make statements against their will, whether confessions or denunciations.

44. During a related discussion in the Economic and Social Council at the beginning of the year, some delegations had pointed out that any reference to torture could be regarded as an implicit criticism of the methods of crime control used in certain countries. It would be unfortunate if draft resolution A/C.3/L.2010/Rev.1 gave rise to the same misgivings, for, no matter how shocked one might be by primitive methods, one should be even more appalled by the idea that sophisticated torture equipment was currently being manufactured and used. Such was the concern which lay at the root of the draft resolution. In the view of his delegation the Secretary-General's introductory note might proceed from the same point of departure, paying attention to patterns of conduct and circumstances that might give rise to torture for, ultimately, torture was an expression of a basic human deficiency which could emerge in any country and in any civilization, regardless of its level of development. His delegation reserved its right to revert to the matter when the Committee considered the draft resolutions before it.

45. Mrs. BERTRAND DE BROMLEY (Honduras) said that her delegation was particularly pleased with the statements made by the Director of the Division of Human Rights (1996th meeting), the Assistant Secretary-General for Social Development and Humanitarian Affairs (1998th meeting) and the representative of the ILO (1999th meeting). The activities proposed for the observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights seemed extremely interesting and varied. There

was no need to emphasize the immensity of the problems which existed in the field of human rights, and it would seem that, in the space of 25 years, little progress had been made, since war, the policy of *apartheid*, exploitation of the weak, poverty and corruption continued to prevail. However, it should not be forgotten that there were also people of goodwill who were devoting all their energies to the elimination of violence and the promotion of human rights. The dissatisfaction of youth, the changed attitude of women, and the struggle of peoples for their independence all testified to the aspirations of mankind in the matter of respect for human rights and fundamental freedoms. Mankind had experienced great disasters, but even in the midst of the greatest confusion man never lost sight of his ideal. Her delegation was convinced that the proposed programme of activities was very important for human dignity and human worth and that its implementation would bring about a better awareness of the role of the promotion of human rights and fundamental freedoms as a means of ensuring the progress of mankind and improving the prospects of future generations.

46. Honduras would observe the twenty-fifth anniversary of the Universal Declaration of Human Rights appropriately; radio, television and cinema programmes had been planned and particular efforts would be made in the educational field. The press would also play its part in disseminating the ideals of the Declaration as widely as possible.

47. Finally, her delegation supported the two draft resolutions submitted on the item (A/C.3/L.2010/Rev.1 and A/C.3/L.2011).

48. Mrs. KINYANJUI (Kenya) said that Kenya believed in respect for the human person and supported all United Nations resolutions and declarations aimed at promoting human rights. The principles embodied in the Constitution of Kenya were in harmony with the principles set out in the Universal Declaration of Human Rights. Kenya was a party to the International Covenants on Human Rights.

49. Her Government had established a committee to organize the celebrations for the twenty-fifth anniversary of the Declaration. Several events had been planned, including an official statement by the Minister for Foreign Affairs, and radio and television broadcasts; the press would give the various activities wide coverage.

50. The Declaration, however, was far from being truly universal. Millions of people in South Africa were still being subjected to subhuman conditions by the *apartheid* régime, which silenced them whenever they raised their heads to demand fair employment conditions. In Angola, Mozambique, parts of Guinea-Bissau and in the Cape Verde Islands, Africans were subjected to the bondage of colonialism and were being massacred by Portuguese soldiers. In Rhodesia the administering Power was still preventing millions of Africans from enjoying the rights set forth in the Declaration, and persisting in its *apartheid*-like policies.

51. In his statement to the General Assembly (2147th plenary meeting), the Minister for Foreign Affairs of the Republic of Kenya had appealed for respect for human rights. He had said, *inter alia*, that, shorn of all the technicalities and diplomatic jargon, that was the central message of the Charter of the United Nations and of

the many Conventions adopted by the General Assembly.

52. Mr. KRISHNAPPA (India) said that while it was true that the Universal Declaration of Human Rights had had some impact on the world in general, much remained to be done to implement the ideas and principles enunciated in its 30 articles. India, as a founding Member of the United Nations, had been associated from the beginning with the formulation of the Declaration. For the preceding 25 years, representatives of India had been very active participants in the work of the Commission on Human Rights and its subsidiary organs. In 1968 India had hosted a seminar at New Delhi on the elimination of all forms of racial discrimination. The part played in the struggle for the equality of all men by the father of the Indian nation, Mahatma Gandhi, was too well known to be described at length, but it would be recalled that it was in South Africa that Gandhi had launched the struggle against racism. The Indian Constitution embodied the ideals for which Gandhi had stood. The preamble of the Constitution aimed at securing for all citizens social, economic and political justice, equality of status and opportunity, and promoting fraternity by assuring the dignity of the individual and the unity of the nation. The ideas expressed in the preamble of the Constitution were restated in the Directive Principles of State Policy for progressive realization. The Indian Constitution, corner-stone of the nation, was first and foremost a social document. Most of its provisions either directly aimed at furthering the goals of social revolution or attempted to create the conditions necessary for the achievement of those goals.

53. His delegation was one of the sponsors of draft resolution A/C.3/L.2011.

54. Mrs. RAKOTOFIRINGA (Madagascar) said that she would not dwell on the ever-lengthening list of human rights violations; it would be better to welcome the opportunity which the observance of the twenty-fifth anniversary of the Declaration gave to each country to continue its efforts to attain the Declaration's ideal: to strive by teaching and education to promote respect for the rights and freedoms contained in the Declaration and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction. She pointed out that although, at that time, most Member States had had territories under their jurisdiction, the number of such territories had considerably diminished, and it was to be hoped that it would soon be possible to delete from the Declaration the phrase concerning those territories, once all States had recognized the right of all peoples to self-determination and independence.

55. The measures that had been taken or were envisaged for the occasion of the twenty-fifth anniversary of the Declaration of Human Rights were described in the report of the Secretary-General (A/9133 and Add.1 and 2), and she found it encouraging to note the efforts made by the United Nations and States to mark the event.

56. Since information on Madagascar had arrived too late for inclusion in the report, she wished to inform the Committee directly of the steps that had been taken at the national level for the promotion of human rights. Her Government intended to ensure the well-being of

its nationals by planning social, economic and cultural reforms, in whose conception and implementation it wished to involve the whole population. To that end, it had established a National Education and Youth Council, which was to be consulted on all matters of national interest relating to education and youth. Through the representatives on that council, parents, secondary school pupils, students, teachers, workers' organizations and business executives would participate in the elaboration and implementation of national policy on education and youth.

57. In the matter of territorial administration, a fundamental reform of the social structure had just been instituted, restoring the status of village communities. Those communities, composed of all nationals without distinction as to sex, age or religion, exercised their own powers and prerogatives in the administration and management of their property, and in respect of security and public order, mutual assistance, public health and sanitation, conciliation and arbitration in civil cases, and development. The decisions of the village communities were taken at a general assembly by all inhabitants aged 18 or over, and an elected committee was responsible for implementing the decisions. The members of the People's National Development Council, which had been created to provide a framework for continuing dialogue and co-ordination between the Government and the people, would be elected in the very near future by all the members of the population of the age of 18 or over. The Council, as a consultative institution, would be required to give an opinion, with a statement of reasons, on all economic and social questions submitted to it by the Government. All those measures accorded well with article 21, paragraph 1, of the Universal Declaration, which proclaimed the right of everyone to take part in the government of his country, and their adoption coincided with the twenty-fifth anniversary of the Declaration. In recent months measures had also been taken in the fields covered by articles 23, 25 and 26 of the Universal Declaration of Human Rights. Lastly, the Government was currently studying the possibility of undertaking a more specific programme of activities to celebrate 10 December in a special way.

58. With regard to the draft resolutions before the Committee, her delegation supported the draft contained in document A/C.3/L.2011 and wished to be included among the sponsors.

59. Mr. PELLICER (Mexico) said that the observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights provided an opportunity for reflection on the effectiveness of the implementation of its provisions. His delegation reaffirmed its respect for the Declaration and its faith in the principles stated therein. It was nevertheless convinced that the effectiveness of the instrument, far from depending exclusively on the United Nations, depended primarily on Member States.

60. Many delegations had already expressed concern and indignation over the flagrant violations of human rights which had occurred and were still occurring in various countries. In his statement to the General Assembly (2139th plenary meeting), the Minister for Foreign Affairs of Mexico, after paying a tribute to the memory of the constitutional President of Chile, Mr. Salvador Allende, who had died in the defence of

social freedom and justice, had stressed the gravity of the situation in Chile, and expressed his concern over the fate of the political prisoners, whose lives and freedom were in danger. The General Assembly should keep constant watch over that situation within the context of human rights. The Minister for Foreign Affairs of Mexico had also stressed the intolerable nature of the situation still prevailing in southern Africa, where the most elementary human rights were flouted and where racial discrimination was elevated to the level of State policy.

61. His delegation had always supported efforts to promote respect for human rights in all countries. It thus welcomed with great satisfaction the programme proposed for the Decade for Action to Combat Racism and Racial Discrimination, which, in its view, marked an important step towards the total elimination of all racist doctrines.

62. In keeping with its national and international policy, and aware of the importance of article 5 of the Universal Declaration of Human Rights, Mexico supported draft resolution A/C.3/L.2010/Rev.1; it believed that its adoption would be a contribution to the observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights. It also supported draft resolution A/C.3/L.2011.

63. Mrs. BAZARKHAND (Mongolia) said that her delegation attached great importance to the observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights whose influence on all mankind could not be overestimated. Indeed, many of the provisions of the Declaration had been drafted into the constitutions of States and international instruments. Over the preceding 25 years, the United Nations had made every effort to implement fundamental human rights, but it must be said that much remained to be done in that field, and the entire international community must intensify its efforts to achieve the objectives of the Declaration.

64. In Mongolia, the people's revolution of 1921 had given the Mongolian people the freedom to which they had aspired for many years. The 1924 Constitution guaranteed the fundamental rights of citizens with the same conditions for all, and all citizens enjoyed the benefits of the socialist society. Mongolia was a party to many international instruments, for example the Convention on the Political Rights of Women, the Convention on the Prevention and Punishment of the Crime of Genocide, and the International Convention on the Elimination of All Forms of Racial Discrimination. The Universal Declaration and other important instruments had been translated and published in the Mongolian language.

65. On the occasion of the twenty-fifth anniversary of the Declaration, Mongolia had, in co-operation with the United Nations and other international organizations, worked out a programme which provided for the organization of lectures, talks and public meetings which would be covered by the press, radio and television.

66. The anniversary coincided with an important event: under General Assembly resolution 2919 (XXVII), it had been decided to launch the Decade for Action to Combat Racism and Racial Discrimination and to inaugurate the activities thereof on 10 December 1973. The Mongolian People's Republic fully supported

the struggle of peoples under colonial domination and condemned racist policies. The underlying principles of the Universal Declaration could never be implemented while peoples were subjected to the colonial yoke and to the inhuman policy of *apartheid* and racial discrimination. The twenty-fifth anniversary should not only be marked by statements and official ceremonies, but by an intensification of the struggle against flagrant violations of human rights which were rooted in colonialism, racism and *apartheid*. The struggle should be waged in the name of solidarity between all peoples.

67. Her delegation supported draft resolution A/C.3/L.2011, and the amendment submitted by the Byelorussian Soviet Socialist Republic (A/C.3/L.2012).

68. Mr. VALDERRAMA (Philippines), speaking on behalf of his delegation and Mr. Carlos P. Romulo, Minister for Foreign Affairs of the Philippines, thanked the representatives of Saudi Arabia and the United States for their tribute to Mr. Romulo's work in the formulation of the Universal Declaration of Human Rights in the Palais de Chaillot 25 years earlier. Tribute to him was tribute indeed to his country.

69. Like many delegations, his delegation felt that some progress had been achieved in the field of human rights since the proclamation of the Universal Declaration, but many of its articles had been either inadequately applied or were violated with impunity. As long as racism, racial discrimination and *apartheid* continued to exist, the goals of the Universal Declaration could not be achieved. As long as the colonial Powers trampled underfoot the rights of the peoples of southern Africa, Angola, Mozambique, Guinea-Bissau and Cape Verde to self-determination and human dignity, as long as two thirds of the peoples of the world led a poverty-stricken existence while the other third lived in affluence, the Universal Declaration would remain more of an aspiration than a reality.

70. Progress had been made in the Philippines, but its leaders were the first to say that much remained to be done. That was why the Government had recently embarked upon a programme of economic and social change, including a vast land reform programme, in an effort to create a new society that would ensure that everybody enjoyed his basic rights and better conditions of life in larger freedom. A new Constitution which expanded the bill of rights embodied in the Constitutions of 1934 and 1899 had already been promulgated and ratified. His Government was working to improve the lot of the poorest citizens in order to redress the injustices of the colonial and post-war years. The Philippines had helped to draft the Charter provision concerning racial discrimination and the Universal Declaration of Human Rights, and it had adhered to the International Convention on the Elimination of All Forms of Racial Discrimination. It fully endorsed the international campaign against racism and racial discrimination and of solidarity with political prisoners in South Africa. To that end, his Government would contribute \$2,500 in the financial year 1974/1975, preferably to be used for the granting of fellowships to young black Africans from the Territories under Portuguese colonial domination. That contribution would be made in addition to the \$8,500 which the Philippines had already contributed to the various United Nations pro-

grammes for the benefit of the oppressed black peoples of southern Africa.

71. His Government's reply to the Secretary-General's questionnaire on the observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights was contained in document A/9133. The programme envisaged included radio and television broadcasts, messages by the President of the Republic and members of the Cabinet, a special issue of postage stamps, presentations of films and various school activities.

72. His delegation supported draft resolution A/C.3/L.2011. It associated itself with the remarks made by the representative of Jamaica regarding the draft resolution on torture (A/C.3/L.2010/Rev.1) which it was currently considering.

73. Mr. BENOUNICHE (Algeria) recalled that the proclamation of the Universal Declaration of Human Rights had crowned United Nations efforts to found for the world an era of dignity, liberty and justice in peace and co-operation between men and nations and that, in 1948, all, without exception, had believed that the noble ideals embodied in that Declaration would become a reality. However, at the very moment of its proclamation, events had occurred which were contrary to the spirit and the letter of the Declaration, showing mankind that its hopes were already in vain. The former victims of nazism had become the executioners in Palestine, the majority of peoples still under colonial domination had seen tyranny and repression crush their liberation movements and the few countries which had just acquired independence found that they were subjected to a new form of domination, the economic exploitation of neo-colonialism.

74. However, nothing could hold back the will of nations when their thoughts and their struggles were directed towards the interests of man. That concept had been the motivating force in Algeria's struggle for national liberation and, today, its choice of the socialist path to development was based upon that same desire. Algeria was engaged in leading the individual to exercise his fundamental rights genuinely and effectively through an intensive policy of schooling and training, an agrarian revolution which would eliminate all forms of exploitation of man by man and the establishment of socialist management in enterprises to ensure popular participation in management and control by the workers. The priority given by Algeria to respect for the dignity and rights of man was also found in its demands for a more equitable world. That was why Algeria gave its undivided support to all men, all peoples who were struggling for their right to existence, to freedom, independence and dignity, and particularly to the peoples of South Africa, Namibia, Zimbabwe, Angola, Mozambique, Guinea-Bissau and Cape Verde and also to the Palestinian people who were exposed to the worst forms of exploitation, oppression and destruction. It was in such a spirit that his delegation had co-sponsored draft resolution A/C.3/L.2011, and it hoped that the text would be unanimously adopted by the Committee. His delegation also supported the amendment proposed by the Byelorussian Soviet Socialist Republic (A/C.3/L.2012).

75. Mrs. MOHAMMED (Nigeria) was impressed by the appeal which the Assistant Secretary-General for Social Development and Humanitarian Affairs had

made in her statement on behalf of women. Although women accounted for one half of the world population, they did not participate fully in the economic development of their countries, nor did they play a proportionate role at the policy-making level. Women had been present at the San Francisco Conference, and had signed the Charter of the United Nations, Article 8 of which provided that: "The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs." Yet today, the situation at the United Nations—which should set an example—was far from being satisfactory. Thus, the Staff Rules contained provisions which were discriminatory against women. Moreover, women held only a very small number of high-level posts, and were often assigned to functions which were inferior to those they were qualified to perform, as was shown by a report of UNITAR.¹ At the previous session her delegation had appealed to the Secretary-General to correct that state of affairs. She would like to take the opportunity to renew that appeal.

76. Her delegation endorsed the programme of activities contemplated by the United Nations and the ILO for the observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights, and hoped that the programme would be given the widest publicity. In that connexion, she congratulated the Office of Public Information for devoting the October/November/December 1973 issue of the publication *Objective: Justice* to the anniversary of the Declaration.

77. Mr. CEDE (Austria) recalled that for over a century human rights had enjoyed special protection in Austria, and that the principles enunciated in the Universal Declaration of 1948 only restated rules of law which had long been applied in the Austrian judicial system. Since the basic law of 1867 on the general rights of citizens, anyone who considered his fundamental rights encroached upon by the acts of the State could submit his case directly to the constitutional court. Austria had also recently recognized the jurisdiction of the European Court of Human Rights. Austrian practice and jurisprudence in the field of human rights were regarded as exemplary throughout the world.

78. He welcomed the adoption by the General Assembly, in its resolution 2906 (XXVII) of the programme for the observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights. In that connexion, the Austrian Government, desirous of going beyond a purely official solemn act, had taken a certain number of measures to ensure the success of the commemoration.

79. On 10 July 1973 a national committee had been established, presided over by the Minister for Foreign Affairs and including representatives of governmental and non-governmental bodies, which was entrusted with the co-ordination of all commemoration activities in Austria. The committee had decided that a solemn ceremony attended by the President of the Republic would take place on 10 December 1973 in order to emphasize in the most fitting manner the importance which Austria attached to the anniversary. The postal and telecommunications administration was to issue a

special commemorative stamp. The Austrian Association of Human Rights and the Austrian Association for the United Nations had also taken steps to commemorate the anniversary. Special activities had been planned in schools. The information media would give the widest publicity to all those events.

80. He wished to stress, however, that it was not sufficient to mark the anniversary by ceremonies, however solemn, while the principles of the Declaration continued to be violated in several parts of the world. That was why his delegation had co-sponsored the draft resolution on torture, so as to contribute to the elimination of that hideous practice, which was contrary to the noble principles enunciated in the Declaration. He hoped that the proposed amendments would not make the text less effective. If they did, his delegation would be obliged to withdraw its support.

81. Mr. LOSHCHININ (Byelorussian Soviet Socialist Republic) supported draft resolution A/C.3/L.2011 unreservedly. Nevertheless, since operative paragraph 1 called for consideration to be given, as appropriate, to further measures which might fit the occasion of the twenty-fifth anniversary of the Declaration and serve the cause of human rights, his delegation, which felt that it would be relevant to mention some of those measures, had proposed an amendment (A/C.3/L.2012) inviting States which had not yet done so to ratify the International Convention on the Elimination of All Forms of Racial Discrimination, as well as the International Covenants on Human Rights, in order to expedite the entry into force of those instruments.

82. Mr. BAL (Mauritania) announced that the Congo, India, Madagascar and the United Republic of Tanzania had joined the sponsors of draft resolution A/C.3/L.2011, who had accepted the amendment of the Byelorussian Soviet Socialist Republic (A/C.3/L.2012).

83. Mrs. GEORGE (Trinidad and Tobago) read out the amendments² proposed by her delegation.

84. Mr. FØNS BUHL (Denmark), introducing an amendment (A/C.3/L.2013), to draft resolution A/C.3/L.2010/Rev.1, said that the intention of his delegation was twofold. First of all, it wanted to indicate clearly—thanks to the new operative paragraph 1—that the adoption of the draft resolution implied a renewed commitment to promote respect for article 5 of the Universal Declaration of Human Rights. In addition, his delegation thought that it was important to state expressly that that principle had compulsory force. In drafting paragraph 2 it had had in mind particularly the International Covenant on Civil and Political Rights, article 7 of which stipulated, *inter alia*, that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment", the International Convention on the Elimination of All Forms of Racial Discrimination, article 5, paragraph (b) of which dealt with violence and bodily harm, and the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,³ article 3, paragraph 1, of which provided that "Persons taking no active part in the hostilities . . . shall . . . be treated humanely", as well as the European Convention on

¹ *The Situation of Women in the United Nations*, UNITAR research report No. 18.

² Text subsequently circulated as document A/C.3/L.2014.

³ United Nations, *Treaty Series*, vol. 75, No. 973.

Human Rights. He hoped that the sponsors of the draft resolution would be able to accept those amendments.

85. Mr. MOUSSA (Egypt) supported draft resolution A/C.3/L.2011, and might be able to support draft resolution A/C.3/L.2010/Rev.1, subject to slight modifications. In the view of his delegation, the preambular part of the draft resolution dealt with substantive issues, while the operative part concerned procedures, with which he disagreed.

86. The sponsors presented the question of torture as if it was a new subject of discussion in the Committee. That was not the case, and many reports, especially on *apartheid*, had been submitted to the Committee in that connexion. Moreover, it should be noted that the Sub-Commission on Prevention of Discrimination and Protection of Minorities had requested the Commission on Human Rights to authorize it to place on its agenda an item relating to the fundamental rights of persons subjected to one form or another of detention. Furthermore, he did not think that the Committee would have enough time at the next session to study the question in detail. For that reason, and bearing in mind the considerations just mentioned, his delegation wished to submit some amendments,⁴ which he read out.

87. Mr. LÖFGREN (Sweden) said that the sponsors of the revised draft resolution (A/C.3/L.2010/Rev.1) accepted the amendment submitted by Denmark (A/C.3/L.2013). His delegation also wished to make some observations in connexion with the amendments proposed by Egypt and Saudi Arabia.

88. The CHAIRMAN pointed out that Saudi Arabia had not proposed any amendments, but had merely made certain suggestions.

89. Mr. LÖFGREN (Sweden) said he would make his comments at the next meeting.

90. Mr. AL-QAYSI (Iraq), speaking in exercise of the right of reply, said that the representative of Israel had maintained that the Jews in Iraq were living in terror. While categorically rejecting that allegation, he wished to affirm on behalf of his Government that the Jews of Iraq were Iraqi citizens enjoying the same rights as all other citizens. The flourishing Jewish community in Iraq had been one of the first targets of Israel's policy of uprooting Jews from their homelands, and the Iraqi Jews had been among the first victims of that policy. Whereas they had belonged to a community that controlled most of the resources of Iraq, the Jews who had left for Israel had become a subject group exposed to discriminatory measures, its ethical values destroyed by the culture of European Jews which was totally foreign to it; those facts were apparent from the article published in 1972 in Jerusalem, in the *Black Panther* magazine.

91. The representative of Israel had several times mentioned the so-called war waged by the Arabs against Israel on 6 October of the current year, and had invoked the Charter. According to the Charter there was no such thing as war; there were, on the one hand, acts of aggression, and on the other, the exercise of the right to self-defence. No one could claim that under the terms of the Charter the liberation of occupied territories constituted an act of aggression; it was an exercise of the inherent right of self-defence. Moreover, he found it incongruous to hear the representative of Israel

claiming that the occupation of the Arab territories was perpetuated to bring to the Arab people of those territories the enjoyment of human rights previously unknown to them. That was the first time he had heard of aggression being committed to defend human rights.

92. The immigration of world Jewry into Palestine remained the *sine qua non* of the very existence of the Zionist State. Zionism could thrive only where there was anti-Semitism. Where it did not exist, Zionist activists and agitators provoked it. That was often done under cover of activities allegedly designed to look after the welfare of Jews the world over. In that connexion, he drew attention, *inter alia*, to the Zionist collaboration with the Nazis and the Kustner-Greenwald case which had taken place in Israel in 1956. That had been a libel suit brought against Greenwald, who had accused Kustner, a high Israeli official, of collaborating with Eichmann in 1944 in the slaughter of a million Hungarian Jews. Also, there was the Roosevelt plan, advanced during the Second World War and designed to unite the free nations in a joint effort to rescue 500,000 victims of Nazi oppression, with each nation accepting several hundred thousand immigrants. What had become of it? It had been scotched by American Zionist leaders because it would have detracted from their drive for funds and recognition for a "national home" in Palestine. Those facts were recounted in Morris L. Ernst's book *So Far So Good*, published in 1948. Those were only a few of the Zionist evil deeds which no lie could erase from the pages of history.

93. Mr. EVORA (Portugal), speaking in exercise of the right of reply, said that his delegation wished to refute the accusations made against Portugal by delegations who had spoken of massacres, elimination of the population and death from starvation in the Territories administered by Portugal. He would remind those who had stated that people had died of starvation in those Territories of the assistance metropolitan Portugal had given to Cape Verde when the region had undergone a long period of drought, assistance which had incidentally been referred to by Portugal's Minister for Foreign Affairs at the 2138th plenary meeting of the General Assembly. The reality was very different from what many delegations had asserted, and the accusations made against Portugal were false; they were the product of political machinations.

94. Mr. IRARRAZAVAL (Chile), speaking in exercise of the right of reply, said that his delegation protested against the references made to his Government by various delegations, and wished in particular to reply to the representative of Hungary, whose allegations were as false as they were odious. He regretted that some delegations had ignored the Chairman's appeal to speakers not to digress from the items on the agenda, and had preferred to engage in a concerted attack on Chile.

95. He confirmed what he had stated at the previous meeting to the effect that the representatives of the Red Cross had declared themselves satisfied with their mission. His Government was co-operating with the Office of the United Nations High Commissioner for Refugees to solve the refugee problem. He felt compelled to point out that anybody who wished to leave Hungary was unable to do so. He also stressed that the 3,000 foreigners who had been in Chile irregularly for three years had been engaging in activities which were in fact

⁴ Text subsequently circulated as document A/C.3/L.2015.

nothing more than preparations for guerrilla warfare. Chile in no way wished to prevent them from leaving the country.

96. With regard to the allusions made in relation to the Chilean Government, he wished to point out that it was the first time for a very long time that a military junta had taken power, and it had done so in order to liberate the country from a minority experiment which had been a complete failure and had been declared unlawful by the National Congress and the highest judicial authorities. The current régime was a transitory régime, and an exception to a democratic tradition which had been maintained for 160 years; that difficult step had proved necessary to allow Chile's political, economic and social recovery.

97. Mr. EL-FATTAL (Syrian Arab Republic) said that while the international community was living through a fateful hour, the Israeli representative had once again seen fit to distort the motives and aims of the Syrian Arab Republic's struggle against the occupation of the Arab territories, and level accusations about the situation of Jews in the Syrian Arab Republic. To put the record straight, he wished to reiterate that the struggle against the Israeli aggression was waged in exercise of the right of self-defence and national liberation. The whole international community, except for the United States, South Africa and Portugal, had recognized the legitimacy of that struggle, and its noble aims. The time had passed for Israel and its supporters to attempt to present occupation as legal, and the gross violations of human rights as humanitarian. Israel was the aggressor, and the Arabs must defend their right to national existence, and to liberation. Whatever the cost, they would fight to restore the territories to their Arab inhabitants.

98. It was not for the aggressor to define the motives of the Syrian Arab Republic's struggle. Everyone in the United Nations knew what Israel was, and what its aims were: its reputation had been shattered. It was a garrison State, with cynical aims, based on the imperialist tradition of the United States and benefiting from its support. Everything it now possessed had been obtained by robbery, begging or blackmail. The Syrian Arab Republic accepted the right of everyone to speak, but did not accept freedom to spread falsehoods and distortions.

99. The Israeli representative had also seen fit to spread falsehoods about the situation of Syrian Jews. They were full citizens, who had been the subject of

efforts by Israel to impose racist doctrines on them, and who were currently the victims in Damascus—where Jews, Syrians and Christians lived side by side—of Israeli bombardments of civilian targets. In fact that propaganda about the Syrian Jews was not meant for the United Nations, but was really intended for the eastern Jews living in Israel, whose conditions had deteriorated because Israel was doing everything to favour the European Jews. In any case, Israel would do well not to touch on humanitarian questions, in view of the inhuman treatment inflicted on the Arabs living in the territories occupied by Israel. He said he would return to the subject later. For the time being he wanted to put two questions to Israel: had Israel accepted the appeal by the International Committee of the Red Cross on 11 October to spare civilian targets? And were the Israeli authorities, who had signed the fourth Geneva Convention, prepared to apply its provisions to the occupied Arab territories?

100. Mrs. MARICO (Mali), speaking in exercise of her right of reply, reaffirmed what Mali had said about the genocidal war waged by Portugal against the inhabitants of Angola, Mozambique, Guinea-Bissau and the Cape Verde Islands. There was no question of false statements—let it suffice to refer to the well-known massacre of Wirihamu.

101. Mrs. GERÉB (Hungary), speaking in exercise of her right of reply, said that the Chilean representative could not be very familiar with Hungary's legislation, since every inhabitant of Hungary had the right to apply for a passport, and many Hungarians travelled abroad. In any case, that question had nothing to do with the events in Chile, which related to fundamental human rights.

102. Mrs. HYERA (United Republic of Tanzania) reminded the Portuguese delegation of the report of the United Nations High Commissioner for Refugees at the previous session,⁵ which had stated that the United Republic of Tanzania had had to accept new refugees from Mozambique. Those facts had been given to the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and to the Fourth Committee by the Tanzanian delegation.

The meeting rose at 6.40 p.m.

⁵ Official Records of the General Assembly, Twenty-seventh Session, Supplement Nos. 12 and 12A.

2002nd meeting

Friday, 19 October 1973, at 3.10 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2002

AGENDA ITEM 56

Observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights (concluded)
(A/9133 and Add.1-3, A/C.3/L.2010/Rev.1, A/C.3/L.2011/Rev.1, A/C.3/L.2013-2015)

1. Mr. LÖFGREN (Sweden) said that his delegation was rarely involved in procedural difficulties, but he recalled that it was established practice for the sponsors of draft resolutions to offer their views as soon as possible on amendments and suggestions concerning their texts. It was with that in mind that he had asked for the floor at the previous meeting to comment on the proposals offered by Denmark, Egypt and Saudi Arabia. He confirmed that his delegation welcomed the amendment tabled by Denmark. With regard to the Saudi Arabian proposal, he was perhaps wrong to have called it an amendment; however, the word "amendment" had certainly been used in connexion with that proposal in the press release on the meeting in question. At any rate, whether it was described as an amendment or a suggestion, the Saudi Arabian proposal deserved to be considered with great care because of its author's unique experience and erudition in the field of human rights. He asked that his comments on the point should be very precisely reflected in the summary record of the meeting.

2. His delegation had looked at the Saudi Arabian proposal with great interest and sympathy, but he pointed out that draft resolution A/C.3/L.2010/Rev.1 was of a procedural nature, whereas the Saudi Arabian proposal would seem to relate rather to the substance of the question. For that reason he thought it would be better to consider the proposal at the following session.

3. Certain general comments had been made by a number of delegations, publicly and privately. It had been said, for example, that the Swedish initiative was ill-timed, ill-prepared and not very serious. It had been asked why article 5 of the Declaration should be singled out. That reaction might reflect a misunderstanding possibly due to the fact that some representatives had not heard the statement made by the permanent representative of Sweden when introducing the draft resolution at the 1998th meeting. If they were interested, he would be glad to give them copies of the statement. Draft resolution A/C.3/L.2010/Rev.1 reflected the serious concern of the Swedish Government, as was evident from the statement made by the Swedish Foreign Minister to the General Assembly (2149th plenary meeting). It would be wrong to say that Sweden's efforts in that field were unduly selective. The Swedish Government had had a constant active concern for human rights. At the 861st meeting of the Special Political Committee, held on 11 October, the Swedish representative in that Committee had introduced a draft resolution concerning maltreatment of prisoners in South Africa;¹ in the Fourth Committee, it was again

the permanent representative of Sweden who, at the 2030th meeting of that Committee, had proposed the creation of a special committee to investigate the massacres in Mozambique; the Swedish delegation was in the lead in the First Committee in dealing with the question of weapons such as napalm, and in the Sixth Committee in regard to that of human rights in armed conflicts. Those few examples referred only to the current session of the General Assembly. Apart from that, the representative of Iraq could testify to the speaker's active efforts in the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, especially in relation to violations of human rights in Africa.

4. The efforts by the Swedish Government to bring up the question of torture were part of its efforts on a broad front to fight all violations of human rights. He had received clear-cut instructions from his Government on that matter, and if any other delegation wished to submit a draft resolution on another article of the Declaration, the Swedish delegation would certainly give it very serious consideration. On the question of torture, the Swedish Government was well aware of the difficulties involved in combating the evil, but it had not expected that the difficulties would begin to emerge at the current stage in the Third Committee. However, the Swedish Government could not accept any suggestion to delete or water down the basic provisions of the draft resolution.

5. He noted that nobody had questioned the existence of torture. More concretely, it was admitted that men and women were being tortured, and it was surely a modest enough proposal to ask for a discussion of the question, not immediately but a year hence, so as to give ample time to every Government to consider how it would contribute to a joint effort. The co-operation of all Governments was necessary, and not merely those which were members, for example, of the Commission on Human Rights.

6. With regard to the amendments submitted by Egypt (A/C.3/L.2015), the sponsors had not had the time to consult sufficiently to reach a united stand on the amendments. His delegation was inclined to accept them, since they added something to the initial text. But it could not waive its basic idea, namely that the examination of the question of torture should be a separate item on the agenda of the General Assembly at the following session, since to do so would be contrary to the firm instructions it had received from its Government. He therefore asked the Egyptian representative whether he would be willing to consider as a compromise an amalgamated draft including the positive elements of his amendments, but also operative paragraph 2 of the draft resolution.

7. The CHAIRMAN said that at the previous meeting he had offered the floor to anyone wishing to submit amendments and not to representatives who had com-

¹ A/SPC/L.264.

ments to make on the amendments. He confirmed that the Saudi Arabian representative had not submitted an amendment but merely suggestions.

8. Mr. WIGGINS (United States of America) warmly supported draft resolution A/C.3/L.2011/Rev.1 incorporating the constructive amendment proposed by the Byelorussian SSR (A/C.3/L.2012) to the initial draft. He also supported the amendments submitted by Trinidad and Tobago (A/C.3/L.2014). His delegation would like to sponsor the draft resolution, as amended.

9. Mr. VALDERRAMA (Philippines) said that his delegation had joined the sponsors of draft resolution A/C.3/L.2011/Rev.1. It also supported draft resolution A/C.3/L.2010/Rev.1 and the Egyptian amendments (A/C.3/L.2015) and it was in favour of the Danish amendment (A/C.3/L.2013).

10. Mrs. DE BARISH (Costa Rica) said that her delegation welcomed the reception given to draft resolution A/C.3/L.2010/Rev.1 submitted by Sweden on behalf of several delegations including her own. Even those delegations which did not approve of the machinery proposed in that draft recognized the need to give special attention to the application of article 5 of the Universal Declaration of Human Rights, as being one of its most important articles. The sponsors had done their utmost to bear in mind the suggestions made to them and had accepted virtually all of them. Her delegation hoped that the Committee would approve the examination of that topic as a separate item of the agenda of the twenty-ninth session of the General Assembly, so as to underline the observance of the twenty-fifth anniversary of the adoption of the Declaration.

11. Her delegation supported the draft resolution submitted by Afghanistan on behalf of a large number of delegations (A/C.3/L.2011/Rev.1) and was gratified to see that the sponsors had accepted the Byelorussian amendment to it (A/C.3/L.2012) since it rounded off the initial texts very neatly. In that connexion, she requested the sponsors to agree to add to operative paragraph 2 (b) of the draft resolution the words "and the Optional Protocol thereto", since it seemed to her necessary to make full mention of the two International Covenants on Human Rights, as approved and opened for signature on 16 December 1966. The Costa Rican Government had signed and ratified the two Covenants and the Optional Protocol to the International Covenant on Civil and Political Rights, and hoped that the last-named would not be omitted. Since it was too late to submit an amendment formally, she requested the sponsors of the draft resolution to agree to her proposal.

12. Mr. MACRAE (United Kingdom) said that the United Kingdom would like to join the sponsors of draft resolution A/C.3/L.2011/Rev.1.

13. Mr. SCOTLAND (Guyana) said that his delegation had not taken part in the general debate but would like to place it on record that the Government of Guyana was convinced that the Universal Declaration of Human Rights was the standard of achievement for all Governments in the treatment of their nationals. For that reason, his delegation also was sponsoring draft resolution A/C.3/L.2011/Rev.1. It welcomed the programme prepared by the United Nations for the observance of the twenty-fifth anniversary, which was a stage in the Organization's struggle to persuade all

States to respect human rights and fundamental freedoms. The efforts being made by the United Nations were important since, as his delegation had already pointed out, only the will of States could ensure compliance with United Nations resolutions and declarations, and that fact was reflected in the draft resolution. His delegation therefore hoped that it would be accepted without the need for a vote.

14. With regard to draft resolution A/C.3/L.2010/Rev.1, while he agreed with the sponsors that torture knew no frontiers, he nevertheless shared the reservations expressed by the Jamaican delegation (2001st meeting) and wondered whether the draft resolution was the best means of marking the twenty-fifth anniversary of the Universal Declaration of Human Rights. The adoption of a procedural resolution was a mere gesture, and he also wondered whether it was wise to single out one single topic. As the Secretary-General had stated in the introduction (A/9001/Add.1) to his report on the work of the Organization: "Another obstacle to be surmounted is the temptation to take on problems piecemeal and out of context, and to look for swift and easy solutions to issues which are inherently complex and which together form a pattern of interrelationships where each part affects all the others."

15. In view of those considerations, he believed that the Egyptian amendments (A/C.3/L.2015) reflected a more realistic view of the issue.

16. Mr. SMIRNOV (Union of Soviet Socialist Republics) said he was glad that the sponsors of draft resolution A/C.3/L.2011 had accepted the Byelorussian amendment, which would improve their text, and had put the revised draft resolution (A/C.3/L.2011/Rev.1) before the Committee. Although that draft made no mention of a number of important decisions by the General Assembly, such as the declaration on decolonization and social progress, his delegation found it, as well as the amendments submitted by Trinidad and Tobago (A/C.3/L.2014), acceptable.

17. With regard to draft resolution A/C.3/L.2010/Rev.1, he considered that the Danish amendment (A/C.3/L.2013) strengthened the initial text. Referring to operative paragraphs 1 and 2 of draft resolution A/C.3/L.2010/Rev.1, he said that, in his delegation's opinion, the single paragraph proposed by Egypt in document A/C.3/L.2015 placed the question in a better perspective, since it was only after the question had been studied by the Sub-Commission on Prevention of Discrimination and Protection of Minorities and by the Commission on Human Rights that it would be possible to consider how the General Assembly should proceed in the matter.

18. Mr. CATO (Ghana) welcomed the support for draft resolution A/C.3/L.2011/Rev.1, of which Ghana was a sponsor. The Universal Declaration of Human Rights was a very important instrument in the history of the United Nations, for it showed how the international community was endeavouring to deal with the problem of discrimination. Ghana had planned very ambitious programmes to celebrate the twenty-fifth anniversary of that instrument in a fitting manner. Although there were grounds for satisfaction at some of the results obtained, it was to be hoped that further progress would be made in future and it was therefore appropriate that the draft resolution should invite all States to rededicate themselves to resolving the remaining problems and to

ratify the international instruments relating to human rights.

19. Mrs. WARZAZI (Morocco) said that her delegation would have no difficulty in supporting the draft resolutions and amendments that had been proposed. However, it wished to draw the Secretariat's attention to a matter of French translation: she considered that in the two new preambular paragraphs proposed in the Egyptian amendment (see A/C.3/L.2015), the expression "*Consciente du fait*" should be replaced by the expression "*Prenant note du fait*". She also considered that in the second Egyptian amendment the expression "*de la mesure dans laquelle*" was meaningless. She suggested that the French version of the paragraph proposed by the Egyptian delegation should be re-drafted to read: "*Prie le Secrétaire général d'informer l'Assemblée générale, par l'intermédiaire du Conseil économique et social, des suites qui auront pu être données par la Sous-Commission de la lutte contre les mesures discriminatoires et de la protection des minorités ou par la Commission des droits de l'homme à l'étude de cette question*".

20. With regard to the amendments in document A/C.3/L.2014, she shared the view of the representative of Trinidad and Tobago that it should be clearly stated in draft resolution A/C.3/L.2011/Rev.1 that there were still many objectives which had not been implemented. She would therefore be inclined to support the amendment proposed by the delegation of Trinidad and Tobago, which would make that statement in a separate preambular paragraph. However, the French text should read "*n'aient pas encore été atteints*" rather than "*n'ont pas encore été atteints*". Also, in order to strengthen the preambular part, the words "by all peoples and all nations" should be added after the word "commitment" in the same paragraph.

21. The CHAIRMAN said that the Secretariat would take account of the Moroccan delegation's suggestions.

22. Mr. VON KYAW (Federal Republic of Germany) said that his delegation supported draft resolution A/C.3/L.2011/Rev.1, of which it wished to become a sponsor, and the amendments in document A/C.3/L.2014.

23. It also supported draft resolution A/C.3/L.2010/Rev.1 and the Danish amendment in document A/C.3/L.2013. On the other hand, the Egyptian amendment (see A/C.3/L.2015), while not without merit, was not sufficiently specific and practical and did not make it sufficiently clear that the question was to be considered again by the General Assembly at its twenty-ninth session in the light of the results of the work of the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Economic and Social Council.

24. Mr. BAL (Mauritania) announced that the Philippines had joined the sponsors of draft resolution A/C.3/L.2011/Rev.1. After consultation, the sponsors had found that the amendments of Trinidad and Tobago (A/C.3/L.2014) would improve their draft and had asked the Secretariat to incorporate them in their revised text.

25. Mr. NENEMAN (Poland) said he wholeheartedly supported draft resolution A/C.3/L.2011/Rev.1, in which the Byelorussian

amendment (A/C.3/L.2012) had been incorporated, and that he had no objection to the amendments of Trinidad and Tobago (A/C.3/L.2014).

26. With regard to draft resolution A/C.3/L.2010/Rev.1, his delegation supported the first two preambular paragraphs and the amendments proposed by Denmark (A/C.3/L.2013) and Egypt (A/C.3/L.2015). With those three elements a resolution could be drafted that would take greater account of the way in which the Third Committee usually worked, since it was normal that a question should be considered by subsidiary bodies before being considered by the General Assembly.

27. Mr. AL-QADHI (Iraq) said that after consulting the delegations concerned he believed it was possible to present a text combining draft resolution A/C.3/L.2010/Rev.1 and the amendments in documents A/C.3/L.2013 and A/C.3/L.2015. In the preamble the first two paragraphs of the text contained in document A/C.3/L.2010/Rev.1 would be retained but would be supplemented by the two paragraphs proposed in the first Egyptian amendment (see A/C.3/L.2015). The operative part would comprise—in an order to be determined later—the paragraphs proposed by Denmark (A/C.3/L.2013) and, replacing operative paragraph 1 of draft resolution A/C.3/L.2010/Rev.1, the paragraph proposed in the second of the Egyptian amendments (see A/C.3/L.2015). Operative paragraph 2 of the draft would be replaced by a paragraph reading: "*Decides to examine this question in relation to detention and imprisonment as an item at a future session of the General Assembly*".

28. He also considered that in the first paragraph of the English text of the Egyptian amendment the expression "dealing in the field of human rights" should be replaced by "dealing with the field of human rights".

29. The CHAIRMAN said he took it that the sponsors of draft resolution A/C.3/L.2010/Rev.1 and the Egyptian delegation had accepted the text which the Iraqi delegation had just proposed. Since it was a matter of recasting the text and not an amendment, the Committee could, if it wished, accept it by consensus.

30. Mr. FØNS BUHL (Denmark) suggested that as the Egyptian amendments (A/C.3/L.2015) were still before the Committee, the words "and its other relevant subsidiary bodies" should be added in the second of those amendments after "or by the Commission on Human Rights".

31. The CHAIRMAN reminded the Danish representative that the Egyptian proposals were no longer amendments since they had been accepted by the sponsors and incorporated in the draft resolution.

32. Mr. PAPADEMAS (Cyprus) said that observance of the Universal Declaration of Human Rights was a matter of concern to all countries and all Governments. The Committee had before it a text combining draft resolution A/C.3/L.2011/Rev.1 and the amendments accepted by the sponsors, including Cyprus. The adoption of that text would conclude the consideration of item 56; he hoped that it would be adopted unanimously and that many other delegations, coming from all the groups, would join the sponsors.

33. With regard to draft resolution A/C.3/L.2010/Rev.1, which would introduce a new

question on the occasion of the twenty-fifth anniversary of the Universal Declaration of Human Rights, namely the implementation of article 5 of the Declaration, his delegation was prepared to contribute now and in the future, to the abolition of torture. It was glad that the sponsors had been able to incorporate in their text the amendments that had been proposed and it hoped that the draft would soon be adopted.

34. Mr. VAN WALSUM (Netherlands), requesting clarification, said that when the Danish delegation had proposed a subamendment to one of the Egyptian amendments (A/C.3/L.2015), the Chairman had said that the Egyptian text had already been incorporated in the draft resolution and was no longer an amendment. He asked whether the Chairman meant that the Danish proposal could no longer be considered. The Netherlands delegation, which was a sponsor of draft resolution A/C.3/L.2010/Rev.1, considered that the Danish delegation's suggestion was well taken, as reference should be made not only to the Commission on Human Rights but also to other subsidiary bodies of the Economic and Social Council, which had not been mentioned owing to an oversight on the part of the sponsors.

35. The CHAIRMAN confirmed that the Egyptian amendment had been incorporated in the draft resolution. With regard to the Danish suggestion, it was for the sponsors to accept it or reject it, but it could only be adopted as part of the revised text of the sponsors.

36. Mr. MOUSSA (Egypt) thanked the Chairman for making it possible for the sponsors to add a few words to their text. Since the words proposed by the Danish delegation would be inserted in the text proposed by the Egyptian delegation in the second of its amendments (A/C.3/L.2015), he wished to suggest a few minor drafting changes which he hoped would be accepted. The changes consisted of replacing the words "through the Economic and Social Council" by the words "through the reports of the Economic and Social Council" and adding after the words "or by the Commission on Human Rights" the words "and other competent bodies".

37. The CHAIRMAN said that if the sponsors of draft resolution A/C.3/L.2011/Rev.1 agreed, the amendment proposed orally by Costa Rica would be incorporated in the text.

38. Mr. BAL (Mauritania) said that the sponsors did not accept the Costa Rican proposal to add the words "and the Optional Protocol thereto". The Moroccan amendment had been accepted by the delegation of Trinidad and Tobago, which considered it relevant.

39. The CHAIRMAN asked the Secretary of the Committee to read out draft resolution A/C.3/L.2010/Rev.1, taking into account the amendments and modifications accepted by the sponsors.

40. Mr. LÜTEM (Secretary of the Committee) said that the final text of the draft resolution took the following form: the two preambular paragraphs contained in document A/C.3/L.2010/Rev.1 were maintained. They were followed by the two preambular paragraphs proposed by Egypt in document A/C.3/L.2015. The operative part of the draft resolution consisted of the two paragraphs proposed by Denmark (A/C.3/L.2013), followed by the paragraph proposed by Egypt in document A/C.3/L.2015, as orally amended by the Egyptian delegation. The latter paragraph read:

"Requests the Secretary-General to inform the General Assembly, under the reports of the Economic and Social Council, of the consideration which may have been given to this question by the Sub-Commission on Prevention of Discrimination and Protection of Minorities or by the Commission on Human Rights and other bodies concerned".

Operative paragraph 4 consisted of the text read out by the representative of Iraq.

41. The CHAIRMAN said that, if there were no objections, he would take it that the Committee wished to adopt draft resolution A/C.3/L.2010/Rev.1 as revised, without a vote.

It was so decided.

42. Mrs. DE BARISH (Costa Rica), speaking on a point of order, asked whether the sponsors of draft resolution A/C.3/L.2011/Rev.1 had accepted the suggestion made by her delegation.

43. The CHAIRMAN said that the Costa Rican suggestion had not been accepted and he requested the Secretary of the Committee to read out the text of draft resolution A/C.3/L.2011/Rev.1, incorporating the amendments contained in documents A/C.3/L.2015 and A/C.3/L.2014, as modified.

44. Mr. LÜTEM (Secretary of the Committee) said that the text was the following: the first two preambular paragraphs in document A/C.3/L.2011/Rev.1 were maintained, as was the first part of the third preambular paragraph up to and including the words "Universal Declaration of Human Rights".

45. After those three paragraphs, the following paragraph, the French text of which had been proposed by Morocco, should be inserted:

"*Regretting* the fact that there are still many objectives of the Universal Declaration of Human Rights which have not yet been implemented and urging renewed commitment by all peoples and nations towards achieving this end;"

That paragraph was followed by the fourth and fifth preambular paragraphs of the original text (A/C.3/L.2011/Rev.1).

46. The text of the operative part of the draft resolution was that contained in document A/C.3/L.2011/Rev.1, redrafted to take account of the third and fourth amendments proposed by Trinidad and Tobago in document A/C.3/L.2014.

47. The CHAIRMAN said that, if there were no objections, he would take it that draft resolution A/C.3/L.2011/Rev.1, as revised, was adopted unanimously.

It was so decided.

AGENDA ITEM 53

Elimination of all forms of racial discrimination (continued)* (A/9003 and Corr.1, chaps. XXIII, sect. A.1 and A.2 and XXX, sect. B; A/9018, A/9094 and Corr.1 and Add.1 and 2, A/9095, A/9139, A/9177):

(b) **Draft Convention on the Suppression and Punishment of the Crime of Apartheid** (A/9003 and Corr.1, chaps. XXIII, sect. A.2, A/9095)

48. Mr. SCHREIBER (Director, Division of Human

* Resumed from the 1990th meeting.

Rights), introducing agenda item 53 (b), on the draft Convention on the Suppression and Punishment of the Crime of *Apartheid*, said that the note by the Secretary-General which had been submitted to the Committee (A/9095) and the addendum thereto which was to be issued very shortly contained information regarding the origin, development and current status of the question.

49. He recalled that, at the twenty-sixth session of the General Assembly, the Committee had had before it a draft Convention on the Suppression and Punishment of the Crime of *Apartheid* submitted by Guinea and the Soviet Union.² In its resolution 2786 (XXVI) the Assembly had invited the Secretary-General to transmit that text to the Commission on Human Rights and had recommended that the Commission and the Economic and Social Council should consider it, in co-operation with the Special Committee on *Apartheid*, as a matter of priority and should submit the draft convention which might result from that consideration to the General Assembly at its twenty-seventh session. After considering the draft Convention, and also a draft resolution submitted by Nigeria, Pakistan and the United Republic of Tanzania relating to a separate protocol to be annexed to the International Convention on the Elimination of All Forms of Racial Discrimination, the Commission on Human Rights, in its resolution³ 4 (XXVIII),³ had requested the Secretary-General to circulate the texts of the draft Convention and the draft Protocol to Governments for their comments and to transmit such comments to the General Assembly.

50. In its resolution 2922 (XXVII), the General Assembly, which had had before it a new text of the draft Convention submitted by Guinea, Nigeria and the Soviet Union⁴ and also amendments thereto submitted by Egypt,⁵ had requested the Secretary-General to transmit to the Special Committee on *Apartheid* and to States the revised draft Convention and the amendments thereto for their comments, and had invited the Economic and Social Council to request the Commission on Human Rights to consider the revised draft Convention and the amendments thereto and to submit its observations to the General Assembly. To that end, the Commission on Human Rights had set up a working group which, after considering the text of the draft Convention and the amendments thereto as well as the

comments of Governments and the amendments suggested by members of the Commission, had agreed on 17 articles for inclusion in the draft Convention. Because some members of the working group had believed that there should be specific directives from the Commission on the nature of the machinery for implementing the Convention, the group had decided not to consider the article on the implementation of the Convention.

51. In its resolution 16 (XXIX),⁶ the Commission on Human Rights had approved the preamble and the articles of the draft Convention as formulated by the working group, with the exception of the article to which he had referred, which would have constituted article VIII of the draft.

52. On the recommendation of the Commission on Human Rights, the Economic and Social Council, in its resolution 1784 (LIV), had approved the draft Convention submitted by the Commission and had recommended that the General Assembly should consider and approve it at its current session.

53. The Secretary-General had also transmitted the revised draft Convention and the amendments thereto to the Special Committee on *Apartheid*, which had considered those texts and had decided to approve the draft Convention as amended by the Commission on Human Rights for submission to the Assembly at its current session. A brief summary of the comments made by members of the Special Committee on *Apartheid* was contained in paragraph 10 of the note by the Secretary-General.

54. In conclusion, he said that the text of the draft Convention submitted to the Third Committee for its consideration was reproduced in the annex to document A/9095 and that draft article VIII relating to the machinery for implementing the Convention, which had not been considered by the Commission on Human Rights, would be issued in the addendum to that document.

55. The CHAIRMAN suggested that, at its following meeting, the Committee should proceed to consider the draft Convention article by article without holding any general debate as such, on the understanding that any delegation that wished to make a general statement would be able to do so.

It was so decided.

The meeting rose at 4.35 p.m.

² Official Records of the General Assembly, Twenty-sixth Session, Annexes, agenda item 54, document A/8542, para. 32.

³ See Official Records of the Economic and Social Council, Fifty-second Session, Supplement No. 7, chap. XIII.

⁴ Official Records of the General Assembly, Twenty-seventh Session, Annexes, agenda item 50, document A/8880, para. 42.

⁵ Ibid., para. 43.

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

2003rd meeting

Monday, 22 October 1973, at 10.40 a.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2003

AGENDA ITEM 53

Elimination of all forms of racial discrimination (*continued*) (A/9003 and Corr.1, chaps. XXIII, sect. A.1 and A.2 and XXX, sect. B; A/9018, A/9094 and Corr.1 and Add.1 and 2, A/9095 and Add.1, A/9139, A/9177):

(b) **Draft Convention on the Suppression and Punishment of the Crime of *Apartheid* (*continued*)** (A/9003 and Corr.1, chaps. XXIII, sect. A.2, A/9095 and Add.1)

1. Mr. HUMAM (Democratic Yemen) said that *apartheid* was one of the major problems obstructing the achievement of human rights in the international community. He hoped that the Committee would not only condemn the policy of *apartheid*, as it had often done before, but also devote more attention to action against it. So far, the action taken had not corresponded to the number of resolutions and measures adopted by the United Nations. Although many countries, especially in Africa, Asia, Eastern Europe and Latin America, had taken measures against South Africa and had severed political and economic relations with that country, some countries were not only still maintaining such relations but also continuing to sell arms to the racist régime. It was high time that those countries should stop pursuing their own economic interests and remember the principles they claimed to uphold.

2. There was a colonialist and racist alliance between South Africa, Portugal and the illegal régime in Southern Rhodesia to which Israel was also a party. The economic and political relations between South Africa and the Zionist régime were very strong and the South African régime had recently declared its support of the racist régime of Israel against the Arabs who were struggling to liberate their occupied lands. It was natural, therefore, that many African countries should have broken off relations with Israel, which was following in the steps of South Africa in implementing a racist policy against the Palestinian people and the Arab peoples of the occupied territories and in denying the Palestinians their legitimate rights. Israel's policy had caused wars in the Middle East and threatened international peace and security and the policy of *apartheid* in South Africa, if not eliminated, would have the same results.

3. Since its accession to independence in 1967, his country had always taken a consistent attitude towards racism and racial discrimination, had proclaimed its unreserved support for the African peoples in southern Africa and had called for their liberation from colonialism and the rule of the white minority régimes.

4. The Constitution of the People's Democratic Republic of Yemen specifically proclaimed that State's support of the national liberation movements against colonialism and imperialism. His country had also acceded to the International Convention on the Elimination of All Forms of Racial Discrimination.

5. His delegation therefore fully supported the draft Convention on the Suppression and Punishment of the Crime of *Apartheid* (A/9095, annex and A/9095/Add.1) and hoped that it would be widely ratified and vigorously implemented so that the racists did not go unpunished.

6. The CHAIRMAN said that, as there were no more speakers in the general debate for that meeting, the Committee would proceed to consider the text of the draft Convention article by article. He would first invite members of the Committee to comment on the preamble.

Preamble

7. Mr. CATO (Ghana) said that the phrase "in order to avoid serious crises" in the third paragraph implied that the aim of putting an end to colonialism and its practices was merely to avoid serious crises, which he was sure was not intended. He therefore proposed an amendment¹ whereby the phrase would be deleted and replaced by the words "in the interests of human dignity, progress and justice".

8. Mr. SMIRNOV (Union of Soviet Socialist Republics) pointed out that the wording of the paragraph was in fact a quotation from the Declaration on the Granting of Independence to Colonial Countries and Peoples. If the wording proposed by the representative of Ghana was adopted, it might be necessary to change the paragraph to show that the Declaration was not being quoted.

9. Mr. CATO (Ghana) said that he understood the point made by the Soviet representative and thought that the requisite clarification of the wording should not present any difficulties.

10. Mr. SMIRNOV (Union of Soviet Socialist Republics) said that he had no objection to the wording proposed by the representative of Ghana.

11. Mr. WIGGINS (United States of America), referring to the fourth preambular paragraph, said his Government had misgivings about the use of international conventions to achieve political ends, no matter how laudable those ends might be.

12. The International Convention on the Elimination of All Forms of Racial Discrimination effectively outlawed all practices of racial discrimination, including *apartheid*, and a convention establishing *apartheid* as an international crime was not necessary. In the absence of any effective international penal jurisdiction and enforcement procedure, the proposed new convention would add nothing to the effectiveness of that earlier Convention. Moreover, the most serious offences defined in the draft Convention were already punishable under the Convention on the Prevention and Punishment of the Crime of Genocide. Finally, the draft

¹ Subsequently circulated as document A/C.3/L.2016.

Convention presumed that *apartheid* was already generally regarded as a crime against humanity. While deploring *apartheid* as a travesty of human rights, his delegation did not accept that view. It had consistently taken the position that the term "crime against humanity" should be construed strictly in accordance with the provisions of the Charter of the International Military Tribunal of 1945.

13. Mr. SCOTLAND (Guyana) said that his delegation took a positive attitude towards the draft Convention and did not share the views expressed by the United States representative. It believed that there was a precedent for adopting the draft Convention and would make a full statement in that regard at the appropriate time.

14. Mr. BAL (Mauritania) said his delegation had some difficulty with the eighth preambular paragraph, the wording of which seemed to imply that if it were not for the intensification and expansion of the policies of *apartheid*, those policies would not pose a threat to international peace and security. He asked the representative of the USSR for an explanation of that wording.

15. Mr. SMIRNOV (Union of Soviet Socialist Republics) replied that as the draft Convention had been examined and approved by the Commission on Human Rights and adopted by the Economic and Social Council it was no longer correct to refer to individual delegations as its sponsors.

16. Mr. BAL (Mauritania) said that while his delegation would appreciate any concrete action by the international community that was directed towards the final elimination of *apartheid* and welcomed the draft Convention, it could not express a definite view on the eighth preambular paragraph. He hoped that members of the Committee would be able to clear up his doubts with regard to the wording of that paragraph.

17. Mr. CATO (Ghana) said that the anxiety expressed by the representative of Mauritania was legitimate. However, the representative of Mauritania, like other members of the Committee, was aware of the daily intensification and expansion of the policies of *apartheid* and that might be taken to constitute the rationale for the wording of the paragraph in question. He urged him, therefore, to accept the paragraph as it stood.

18. Mr. GRAEFRATH (German Democratic Republic) said he understood the concern expressed by the representative of Mauritania. He proposed that the paragraph in question should be amended by replacing the words "intensification and expansion" by the word "existence". That amendment would be in line with the relevant Security Council resolutions.

19. Mr. BAL (Mauritania) proposed that the word "existence" should be inserted before the words "intensification and expansion".

20. Mr. THOMAS (Liberia) said he could accept the amendment proposed by the German Democratic Republic. The mere existence of *apartheid* was sufficient to warrant international concern.

21. Mr. GAHUNGU (Burundi) agreed with the representative of Mauritania that the wording of the eighth preambular paragraph was somewhat ambiguous. It was the existence of the policies of *apartheid*, rather than their intensification and expansion, which consti-

tuted a threat to international peace and security. He proposed that the paragraph should be amended to read:

"Observing also that the Security Council has emphasized that *apartheid*, in its policy of continued intensification and expansion, seriously disturbs international peace and security."

22. Mrs. WARZAZI (Morocco), referring to the ninth preambular paragraph, said her delegation had always considered that *apartheid* was a crime against humanity. It had supported the elaboration of the International Convention on the Elimination of All Forms of Racial Discrimination and all resolutions condemning *apartheid* as a crime against humanity.

23. Over the years, however, it had become clear that South Africa despised international opinion and rejected all the decisions and recommendations of the United Nations. It was realistic to assume that South Africa would never adhere to the instruments that had been adopted on *apartheid*. Thus, new measures of the kind called for in the ninth preambular paragraph would do nothing to change the policies of the South African régime, and her delegation could not share the views expressed in that paragraph. Even if it was improved—and some improvements were needed—she did not see how the draft Convention could contribute effectively to the elimination of *apartheid*. If the representative of the USSR could convince her to the contrary, she would be prepared to participate in the elaboration of the draft Convention.

24. Mr. CATO (Ghana) said he was sure that his delegation and the delegation of Morocco were as one in their abhorrence of *apartheid* and their will to adopt any measures that would be effective in combating that crime against humanity.

25. He recognized that the international community had attempted to explore all possible avenues in its efforts to eradicate that evil from southern Africa. The fact that its efforts had been treated with contempt by South Africa did not prevent it from exploring further ways of meeting that challenge to the entire African continent. The initiative should not be left to South Africa. He trusted that the representative of Morocco had not meant to imply that the international community should sit back and do nothing. He urged all members to make every effort to ensure that the draft Convention was adopted and implemented fully by all countries.

26. Mrs. WARZAZI (Morocco) said that her remarks had concerned only the wording of the ninth preambular paragraph, which spoke of the need further to take more effective measures with a view to suppressing *apartheid*. She would be grateful if the Soviet delegation could explain what goals it had had in mind when submitting the draft Convention and to what extent the draft Convention would be a more effective measure than the other international instruments already adopted.

27. Mr. SMIRNOV (Union of Soviet Socialist Republics) reiterated that the fact that the draft Convention had been considered and approved by the Commission on Human Rights and the Economic and Social Council meant that the draft Convention could not now be regarded as a Soviet text. While the aim of his own delegation and those which had joined in sponsoring the ear-

lier draft had been to permit the imposition of international legal obligations on States, thus promoting the eradication of *apartheid*, the text had long since passed that stage. His delegation nevertheless fully supported the draft Convention, and believed that it was a very timely and urgent document.

28. Mr. GRAEFRATH (German Democratic Republic) said that his delegation supported the draft Convention, which supplemented existing international instruments, such as the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and the International Convention on the Elimination of All Forms of Racial Discrimination. While the Convention on genocide, for example, dealt with a specific type of crime against humanity, namely the destruction, in whole or in part, of a group of human beings, the draft Convention before the Committee dealt with the repression of racial groups. His delegation welcomed the provisions of article III of the draft Convention, which should make possible universal criminal prosecution of the crime of *apartheid*.

29. Mr. KHMIL (Ukrainian Soviet Socialist Republic) observed that, in many texts prepared and adopted by the United Nations in connexion with the struggle against racial discrimination, the Organization had recognized *apartheid* as a crime against humanity. However, previous texts had not provided for concrete measures which the United Nations and its Members could take in that regard.

30. While the preambular part of the draft Convention summarized the declarations the United Nations had made in relation to the struggle against *apartheid*, the operative part developed ideas which had already been set out in previous decisions. Consequently, the draft Convention contained further more effective measures for the suppression and punishment of the crime of *apartheid*, and would lead to an intensification of the struggle against *apartheid*.

31. Mr. KOLBASIN (Byelorussian Soviet Socialist Republic) associated himself with the remarks made by the representatives of the USSR and the Ukrainian SSR. He recalled Economic and Social Council resolution 1696 (LII), and particularly paragraphs 1 and 2 of that resolution. Subsequently, the General Assembly had, upon the recommendation of the Third Committee, adopted resolution 2922 (XXVII); he drew the Committee's attention to the second, third and fifth preambular paragraphs of that resolution.

32. His delegation felt that the draft Convention should be adopted at the current session. It was a well-formulated and rational legal document which would provide an additional legal basis for the struggle against the inhuman policy of *apartheid*. His delegation did not feel that the ninth preambular paragraph conflicted with international instruments previously adopted on related subjects.

33. Mrs. GUEYE (Senegal) said she fully understood the concern which had been expressed by the representative of Morocco. However, it should be remembered that despite all action taken at the international level, the intensification and expansion of the policies of *apartheid* had continued, representing a challenge to all mankind. The Organization could not remain passive in the face of the South African Government's arrogant attitude. The Committee should study the draft Con-

vention further, improve it where possible, and then adopt it in the hope that it would be ratified by all States. Mere condemnations of *apartheid* were not enough, since certain Governments continued to co-operate with the South African racists. The draft Convention would be of unquestionable importance, even if its value was simply psychological.

Article I

34. Mr. PETHERBRIDGE (Australia) said that he thought the first eight words in paragraph 1, and the corresponding words in paragraph 2, were superfluous, since references to "the States Parties to the Convention" had already been made in the preamble.

35. In addition, his delegation felt that the word "declare" should be deleted. The draft Convention was supposed to be a legal instrument, and not a declaration, and the States parties should limit themselves to a statement of the law as they understood it.

36. Mr. WIGGINS (United States of America) said that, in his Government's view, there were a number of serious short-comings in the drafting of the Convention. Article I would be open to very broad interpretations going beyond both the intentions of its drafters and the geographical limits of southern Africa. The Convention could be applied to situations which currently were entirely unforeseeable. More generally, he stressed that, while legal processes were admittedly slow, the very preciseness and complexity of the law was often of great value in providing protection from arbitrary rule. Loosely drafted legal texts, on the other hand, ran the risk of diminishing respect for international law. In article II (a) (ii), for example, reference was made to "mental harm". In his country the vagueness of the concept of "mental cruelty" was exploited in order to facilitate divorces. In the case of the draft Convention, the concept of "mental harm" could be applied to any attitude or statement with which a person disagreed.

37. Mr. SCOTLAND (Guyana) stressed that the Convention as a whole should be regarded in the light of the qualification implicit in the words "committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them" in article II. Furthermore, he could not approve of the kind of gradualist approach advocated by the United States representative, which had hampered United Nations efforts in putting an end to *apartheid*.

38. Mrs. WARZAZI (Morocco) proposed that the first part of paragraph 1 should be reworded in order to make it quite clear that the draft Convention under discussion was not the first to state that *apartheid* was a crime against humanity. She suggested either "Since *apartheid* is a crime against humanity, the States Parties to this Convention . . ." or "The States Parties to this Convention reiterate that *apartheid* is a crime against humanity . . .".

39. Mr. PAPADEMIS (Cyprus) reminded the Committee that his country's position on *apartheid* was well known. It had signed and ratified all the international instruments related to racial discrimination and had put them into effect. Nevertheless, it had serious reservations about the draft Convention under discussion, mainly from the legal point of view. The representative

of Guyana had rightly said that the last part of the first paragraph of article II was significant in its specification of what *apartheid* actually was. It was not an English word and, although every one knew what it meant, it had no definition in terms of law or, indeed, in the draft Convention itself, apart from the elaboration of its meaning contained in article II. When drafting and adopting such an international convention, it must be remembered that it would become part of the body of international law and might last beyond the time when *apartheid* was being practised in South Africa.

40. However much his delegation opposed *apartheid* and felt that such a convention was needed, it thought that more time should be spent on drafting the convention in order to produce one which would be viable and would command the respect of a considerable number of States Members of the United Nations. An important convention could not be effective if it were ratified by only a few countries.

41. Mrs. KOROMA (Sierra Leone) expressed her delegation's full support for the draft Convention, which might be a step towards ridding the international community of the cancer of *apartheid*, from which it had suffered too long.

42. Her delegation endorsed the comments of the representative of Guyana on the statement by the United States representative. It also wished to be associated with the words of the representative of Senegal. The United Nations had adopted many resolutions and ex-

pressed many good intentions but had done little to rid the world community of the scourge of *apartheid*. She therefore urged every member of the Committee to think about the draft Convention as a means of finding a solution to the problem. *Apartheid* was being consolidated in an alarming way and its proponents had even succeeded in splitting the consensus which had once existed against it.

43. Mr. SCOTLAND (Guyana) pointed out that the fact that *apartheid* was not an English term was no barrier to its inclusion in a convention. The general principles referred to in Article 38 of the Statute of the International Court of Justice would include many terms which had no specific definition in English. The representative of Cyprus had agreed that the meaning of the term was specified in article II, and he himself considered that an adequate definition.

44. Mr. EL BECHIR (Mauritania), speaking on a point of order, asked the Chairman if it would be possible to adjourn the meeting in order to enable the African Group to take over the facilities, since they would have no opportunity to meet in the afternoon.

45. The CHAIRMAN said that in the absence of any objection, he would take it that the Committee wished to accede to that request.

It was so decided.

The meeting rose at 12.20 p.m.

2004th meeting

Tuesday, 23 October 1973, at 10.45 a.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2004

AGENDA ITEM 53

Elimination of all forms of racial discrimination (*continued*) (A/9003 and Corr.1, chaps. XXIII, sect. A.1 and A.2 and XXX, sect. B; A/9018, A/9094 and Corr.1 and Add.1 and 2, A/9095 and Add.1, A/9139, A/9177, A/C.3/L.2016):

(b) Draft Convention on the Suppression and Punishment of the Crime of *Apartheid* (*continued*) (A/9003 and Corr.1, chap. XXIII, sect. A.2, A/9095 and Add.1, A/C.3/L.2016)

1. Mr. IRARRAZAVAL (Chile) recalled that at the preceding meeting some delegations had expressed reservations with regard to the possibility of improving the situation resulting from the practice of *apartheid* through the adoption of the revised draft Convention. His own delegation considered that the adoption of the draft Convention (A/9095, annex and A/9095/Add.1), which already had the support of the Special Committee on *Apartheid*, the Commission on Human Rights and the Economic and Social Council, would constitute a major step forward in the realm of international criminal law.

2. His delegation supported the procedure of considering the draft Convention article by article, as a dem-

onstration of its desire to arrive at a definition of the crime of *apartheid* and to establish international legislation for its punishment.

Article II

3. Mr. PETHERBRIDGE (Australia) said that the words "establishing and maintaining" in the introductory paragraph should be replaced by "establishing or maintaining", since one or the other of those acts would be sufficient in the context of the article.

4. More generally, his delegation felt that the definition of the crime of *apartheid* provided in the article should be clarified at various points. It could not be denied that the definition given was a very broad one. Many States might be concerned about possible applications of the Convention which had not been intended by the sponsors. While, for example, the draft Convention contained references to recognizable elements of policies of *apartheid*, such as domination, segregation, separation and so forth, it also contained broad references to human rights in general, which could be interpreted to apply to many situations. In other words, the concept of *apartheid* was being widened to such an extent that it could be applicable to areas other than South Africa. The variety of ways in which the defini-

tion might be applied should be a matter of concern for any country whose population included a racial minority group.

5. The representative of Ghana had stated at the previous meeting that the phrase beginning "committed for the purpose of" in article II was intended to govern the interpretation of the Convention. However, he wished to point out that, since no international criminal jurisdiction currently existed, the draft Convention would require as many States as ratified it to introduce legislation to put its provisions into effect. In other words, a very large number of courts in various States would be responsible for interpreting the definition, and there would be great variety in the penalties laid down for the crime of *apartheid*. There was also the possibility of retaliatory action by one State against rigid interpretation of the definition in another State.

6. Mr. CHIRILA (Romania) noted that his delegation had, at the twenty-ninth session of the Commission on Human Rights, sponsored a draft resolution, later adopted by the Commission as resolution 16 (XXIX),¹ expressing support for the draft Convention. The major political and juridical reasons for Romania's support for the adoption of an international convention to punish the crime of *apartheid* had been set out by the President of the State Council of Romania in a message sent to the International Conference of Experts for the Support of Victims of Colonialism and *Apartheid* in Southern Africa (see A/9061, appendix III). His country provided full political, diplomatic, moral and material support for the liberation movement and favoured the implementation of effective United Nations measures to combat colonialism, racism and *apartheid*. The adoption of the draft Convention was essential as a part of the struggle against *apartheid* at all levels and by all means, including the use of international law. He recalled that paragraph 13 (j) of the programme for the Decade for Action to Combat Racism and Racial Discrimination² referred to the need for the adoption of new international instruments to eliminate racial discrimination in all its forms and the crime of *apartheid*.

7. In the light of the references to *apartheid* in the United Nations instruments and resolutions mentioned in the preamble to the draft Convention, it could be said that *apartheid* was already regarded in international law as constituting a crime against humanity. The purpose of the draft Convention was to reflect that development in international law and embody it in a legal instrument. In that context, article II determined in a comprehensive and precise way the acts which constituted the crime of *apartheid* and laid down the principle that *apartheid* was an internationally punishable crime. The development of international criminal law appeared essential in order to prevent and punish international crimes and contribute to a climate of peace, justice and understanding among the peoples of the world.

8. Mr. VON KYAW (Federal Republic of Germany) said that his delegation regarded as highly significant the comprehensive list of basic human rights contained in article II (c). His delegation considered those rights to be universally applicable.

9. Mrs. MAIR (Jamaica) said that, in order that the draft Convention should be of maximum effectiveness,

it should be worded as precisely as possible. Consequently, she felt that article II (c) should contain a reference to the right to participate in the government of one's own country directly or through freely elected representatives. Although that right was implied in other parts of the draft Convention, it was advisable to include a specific reference to it and thus preclude the possibility of arbitrary interpretation. She wished to propose the addition of the following words at the end of article II (c): "and the right to take part in the government of the country expressed in the right to vote in free elections".

10. Mr. NENEMAN (Poland) observed that if there was to be an enumeration of rights, such as that attempted in article II (c), it should be exhaustive; otherwise, there should be only a general reference to them. Since it was impractical to include in the draft Convention a list of all the rights which should be guaranteed, he suggested that that subparagraph should be replaced by a more general phrase. That would also be a better approach from the legal point of view.

Article III

11. Mr. PETHERBRIDGE (Australia) said that his delegation had difficulty in seeing the distinction between "the acts mentioned in article II", as referred to in article III (a), and "the crime of *apartheid*" as referred to in article III (b). Perhaps a representative of the Office of Legal Affairs could clarify the situation.

12. In connexion with the individuals and institutions mentioned in the article, he wondered whether the appointment by South Africa of a diplomatic representative to another State would, under the Convention, place the receiving State under an obligation to prosecute that person.

13. Mr. BAL (Mauritania) stressed the importance of article III (b), whose aim was to confront the international community with its responsibilities. He recalled paragraph 5 of General Assembly resolution 2646 (XXV), which had provided the basis for subparagraph (b) of the article under consideration.

14. It was also vital for the Convention to contain a provision urging the information media to inform the public, especially within the framework of the Decade for Action to Combat Racism and Racial Discrimination, both individually and in co-operation with the United Nations, of the evils of *apartheid*. If the draft Convention did not so far contain any provision to that effect, his delegation would submit an appropriate amendment.

15. Mr. SCOTLAND (Guyana), referring to the point which had been raised by the representative of Australia, said that, if any State received as a diplomatic representative a former member of a Government which had practised genocide, it would have no hesitation in dealing with the matter under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide (General Assembly resolution 260 A (III), annex). Since, in the present case, the draft Convention described *apartheid* as a crime against humanity, the application of the Convention would demand similar action. However, he agreed that the opinion of a representative of the Office of Legal Affairs on the matter would be very useful.

¹ See *Official Records of the Economic and Social Council, Fifty-fourth Session, Supplement No. 6, chap. XX.*

² General Assembly resolution 3057 (XXVIII), annex.

Article IV

16. Mr. WIGGINS (United States of America) observed that, under English common law, as it had evolved in his country and perhaps in others, the legal authorities were entitled to enforce criminal law only within the territory of their own State. Exceptions to that principle of territoriality were known, but only in connexion with piracy or air piracy. His country would have considerable difficulty in accepting the provisions of article IV, since they would conflict with its existing extradition procedures.

17. Mr. PETHERBRIDGE (Australia) said that his country was able to legislate extraterritorially, but did so only in rare cases. The terms of article IV, taken together with those of article V, seemed to suggest that, in the case of a person registered on the blacklist envisaged under the draft Convention who was known to have committed certain crimes, any State would be required to try him *in absentia* and convict him. However, he would appreciate the observations of a representative of the Office of Legal Affairs on the matter.

18. Mr. SCOTLAND (Guyana) said that, under international law, a kind of "open season" had been established for such categories of criminal as pirates and war criminals. The question in the present case was whether the purpose of article IV was to place perpetrators of the crime of *apartheid* on the same level. His delegation's understanding of article IV (b) was that States should adopt measures to prosecute and punish perpetrators of the crime of *apartheid* whether or not those persons resided in the territory of the State in which the act was committed or were stateless persons. There was an analogy between such categories of international criminals and pirates or war criminals, who were prosecuted by any State which wished to do so.

19. Mr. BADAWI (Egypt) said that, in order to make the provisions of the draft Convention as clear as possible, his delegation wished to suggest an alternative wording for article IV (a), so that that paragraph would read: "To adopt any legislative or other measures necessary to prevent any encouragement of the crime of *apartheid* and similar segregationist doctrines or their manifestations and to punish persons responsible for that crime".³

20. Mrs. WARZAZI (Morocco) said that she would appreciate it if the representative of the Office of Legal Affairs could explain to what extent the provisions of article V conflicted with those of article IV.

Article VIII

21. Mr. PETHERBRIDGE (Australia) noted that under the terms of article VIII (A/9095/Add.1) the Chairman of the Commission on Human Rights would appoint a group consisting of three members of the Commission who were also representatives of States parties to the Convention to consider reports submitted by States parties in accordance with article VI and that if among the members of the Commission there were no representatives of States parties to the Convention or fewer than three such representatives, the Secretary-General would, after consulting all States parties to the Convention, designate a representative of the State party or representatives of the States parties which

were not members of the Commission to take part in the work of the group until such time as representatives of the States parties to the Convention were elected to the Commission. He wondered whether the States parties had the authority to entrust those functions to the Chairman of the Commission and the Secretary-General.

22. Mr. SCHREIBER (Director, Division of Human Rights) said with reference to the question raised by the representative of Australia that the text gave certain responsibilities to the Chairman of the Commission on Human Rights, to the Secretary-General, after consultation with all States parties and to the States parties themselves. Regarding the responsibilities devolving upon the Chairman of the Commission on Human Rights and the Secretary-General, he suggested that it might be possible, in accordance with certain precedents, for the General Assembly, in a resolution relating to the adoption of the Convention, to authorize the Chairman of the Commission and the Secretary-General to perform the functions assigned to them under the article in question.

23. With reference to the question raised by the representative of Morocco, he noted that since the text had not been drafted by the Secretariat, its original sponsors might be in a better position to reply. He pointed out, however, that article IV was concerned with the adoption of suitable enabling legislation and other measures, while article V dealt with the judicial authorities having jurisdiction over persons accused of having committed the acts enumerated in article II of the draft Convention.

24. On the subject of article III (b), the questions raised by the representative of Australia were of a complex character, as already noted by the Working Group of the Commission on Human Rights. He found it difficult to comment on what might have been the solutions to the problems raised, in particular with regard to the coexistence of the proposed Convention with other existing international instruments and customary rules of international law. The comments made in the Committee by various representatives would, of course, have an interpretative value in the light of the texts proposed for adoption.

25. Mrs. WARZAZI (Morocco) said she was not wholly satisfied with the answer given to her question. She therefore inquired again whether under article V a national of South Africa could be tried although his country was not a party to the Convention, whether South Africa could try one of its nationals for the commission of a crime covered by the Convention, and whether an international criminal court could try a South African national for committing such a crime.

26. Mr. SCHREIBER (Director, Division of Human Rights), in reply to the representative of Morocco, said that he preferred not to interpret the provisions of the draft Convention to the Committee. He referred, however, to statements made by members of the Committee with regard to the qualification of *apartheid* as a crime against humanity under international law, which would make it possible for it to be punished by all States parties independently of the nationality of the person concerned. States which were not parties would not be bound by the provisions of the Convention.

27. Mr. AL-QADHI (Iraq) thought that the questions raised by the representative of Morocco were impor-

³ Text subsequently circulated as document A/C.3/L.2017.

tant and that they could be answered in the affirmative. Under the draft Convention certain acts were to be regarded as crimes. The purpose of article II was to define those acts. Once the crime was defined, there was a need to consider the content of the law, and that was covered by article IV. Next came the problem of determining the authorities which would be responsible for jurisdiction, and that was the subject of article V. Article IV therefore established a criminal jurisdiction which would apply universally, and article V defined the authorities competent to discharge that universal criminal jurisdiction. The question was therefore whether or not nationals of South Africa could be tried under the Convention although their country was not a party to it. No problem should arise, however, because article IV laid down the principle of universality, and article V provided for two possibilities for trying persons committing such crimes, either through recourse to a State party or to an international criminal tribunal. Such a situation was not novel in international law.

28. Mrs. KOROMA (Sierra Leone) said that all Africans, humanitarians and men of conscience would welcome any effective steps taken in order to combat the dangerous and inhuman practice of *apartheid*. She was convinced that the motivation behind the Convention was genuine and reflected the desire to secure an effective deterrent to the practice of *apartheid*. She had certain misgivings, however, about the effectiveness of article V. She was particularly concerned about the situation prevailing in South Africa, which was the bastion of *apartheid*. Her question, therefore, was the following: who would punish whom in South Africa? In that connexion, she wished to express her dissatisfaction with the reply given to the question raised by the representative of Morocco. The question was an important one, and the Committee should give it further thought.

29. Mr. SMIRNOV (Union of Soviet Socialist Republics) said that the Chairman of the Commission on Human Rights, in appointing the group referred to in article VIII, paragraph 1, would be fulfilling only an organizational function. He felt that the role of the Commission on Human Rights might be defined in a separate paragraph in a resolution accompanying the Convention, and that the Secretary-General should be the depositary of the Convention. With reference to the mechanism of implementation of the Convention, he wished to propose the following amendment. Article VIII of the Convention on genocide read: "Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in article III." In view of the importance of the Convention under consideration, and of the seriousness of the crime of *apartheid*, as defined in articles I and II, his delegation proposed that a provision analogous to article VIII of the Convention on genocide should be incorporated into the Convention under consideration. He did not think that such a provision would give rise to difficulties, and his delegation would submit a formal amendment⁴ along those lines at the Committee's next meeting.

30. Mr. PAPADEMAS (Cyprus) said that to avoid any confusion, it should be remembered that the Committee was currently considering the crime of *apartheid* from the legal and political points of view. Articles IV to VIII provided for the punishment of the crime of *apartheid* as defined in article II. There was the problem of the legal steps to be taken in order to bring to trial a person who committed that crime in a country of which he was not a national. Such steps might involve changes in the legal system and constitution of the country concerned. Article V raised questions of international law. It was not merely a problem of ensuring that nationals of States parties to the Convention should be tried, but also of defining what was meant by the words "international penal tribunal" as used in article V and of determining whether plans should be made for setting up a new international criminal court. As to article VI, the implication was that the Security Council would take certain decisions which Member States and the States parties would be called upon to execute. Thus, the judicial process envisaged by the Convention would operate at various levels, and the Convention might confront everyone concerned with a number of problems for which no early solution could be found. Accordingly, the Committee would be well advised not to proceed too hastily, and to avoid adding yet another convention to those which had been ratified but never enforced, or increasing the body of existing international law with an instrument which it might subsequently be found necessary to abrogate.

31. Mr. GRAEFRATH (German Democratic Republic) said that the draft Convention represented an attempt to organize co-operation among States for the suppression and punishment of the crime of *apartheid*. His delegation did not feel that its provisions raised many legal difficulties or novel problems. Under the terms of the Convention all States must punish the crime of *apartheid*, and they would have the necessary jurisdiction to do so. As to the question of who would punish such a crime when it was committed in South Africa, the answer was the State which detained the perpetrator, in accordance with article V. Moreover, article IV made it possible for a group of States to do jointly what each of them could do individually. Just as the Nuremberg Tribunal had been established to try crimes against humanity, a group of States might agree to set up a special court to try persons committing the crime of *apartheid* in South Africa or elsewhere.

32. Mr. SCOTLAND (Guyana) observed that the words "or by such international penal tribunal as may have jurisdiction with respect to those States parties which shall have accepted its jurisdiction" in article V were almost identical with the wording of article VI of the Convention on genocide.

33. Mrs. WARZAZI (Morocco) once again asked to what extent article V was consistent with article IV (b), and whether an international tribunal could try a South African official when his country was not a party to the Convention.

Article X

34. Mr. FUENTES IBÁÑEZ (Bolivia) said that article X raised certain problems for his delegation because of the difficulty of reconciling it with current inter-American legal standards, and in particular the inter-American conventions concerning territorial

⁴ Subsequently circulated as document A/C.3/L.2019.

asylum. He would therefore find it difficult to endorse that article of the Convention as it stood.

Article XI

35. Mr. PETHERBRIDGE (Australia) said that the wording of article XI implied that "disputes between States Parties arising out of the interpretation, application or implementation of" the Convention could be brought before the International Court of Justice only at the request of all the States parties concerned. However, he had thought that in such cases the request of any of the States parties would be sufficient, and he therefore wondered whether the representative of the Office of Legal Affairs would be able to clarify that point.

36. Mr. SLOAN (Director, General Legal Division), replying to the question raised by the representative of Morocco, said that article IV made it clear that *apartheid* was to be considered as an international crime, the universality of which would not be affected by whether or not particular States ratified the Convention. Under article V, however, only States which became parties to the Convention would be competent to adopt the legislative and other measures provided for in article IV. Thus, a person who committed the crime of *apartheid* in a State which was not a party to the Convention would still be in violation of the law, and, if he came within the jurisdiction of a tribunal of a State which was a party to the Convention, he could be subject to trial and conviction for that crime.

37. In reply to the question raised by the representative of Australia, he drew attention to the words "at the request of the States Parties to the dispute" in article XI, which, as he understood it, meant that the agreement of all the parties to a dispute was required before it could be brought before the International Court of Justice.

38. Mr. COSTA COUTO (Brazil) asked whether, under the terms of article X, a State that was not a party to the Convention would be obliged to accede to a request for extradition of one of its nationals, bearing in mind that most countries forbade the extradition of their nationals.

39. Mrs. WARZAZI (Morocco) said she had not understood the reply to her question given by the Director of the General Legal Division. She asked whether the provisions of the Convention would be applicable to a State which had not adhered to it.

40. Mr. SHAFQAT (Pakistan) asked the Director of the General Legal Division how the parties to a dispute were to be determined, in the light of the Director's statement that a dispute could be referred to the International Court of Justice only at the request of all parties to the said dispute.

41. Mr. SLOAN (Director, General Legal Division), replying to the question raised by the representative of Brazil, said that the only provision in the Convention relating to extradition was article X, which did not automatically provide the right to extradite a national of any State which was not a party to the Convention. Thus, the question whether such an individual could be extradited would depend on the extradition treaties in force between States.

42. His answer to the question raised by the representative of Morocco was that the provisions of the Con-

vention could apply only to States that became parties to it. However, as he had pointed out earlier, a national of a State that was not a party to the Convention could be punished for acts committed in that State if he came within the jurisdiction of another State that was a party to the Convention.

43. The representative of Pakistan had asked how the parties to a dispute could be determined. Such a determination was within the competence of the International Court of Justice itself. He pointed out that his interpretation of article XI did not affect the International Court's jurisdiction deriving from other instruments such as declarations of acceptance of compulsory jurisdiction by States.

44. Mr. SMIRNOV (Union of Soviet Socialist Republics) pointed out that, although South Africa was not a party to any of the existing international conventions relating to crimes against humanity, it did adhere to the Geneva Conventions and the peace treaties concluded after the Second World War, which provided for the arrest and trial of persons found guilty of war crimes and crimes against peace and humanity. Even if South Africa had not adhered to those conventions, it would not be relieved of its obligations under international law in that regard.

45. The Director of the General Legal Division had rightly said that South Africa could not be made to adhere to the provisions of the Convention if it did not become a party to it. However, the obligation to prevent crimes against international law and to punish such crimes was binding on South Africa, whether or not it adhered to the Convention. Since *apartheid* was recognized as a crime against humanity in international law, the provisions of the Convention could also be made binding on South Africa.

46. With regard to the provisions of article X, he pointed out that the Convention on the Prevention and Punishment of the Crime of Genocide contained similar provisions. Article X created no difficulties for the citizens of States parties to the Convention. As far as citizens of States not parties to the Convention were concerned, the exception provided for in that article was justified in connexion with the crime of *apartheid*.

47. With regard to the provisions of article XI, he supported the view that disputes should be brought before the International Court of Justice only at the request of all the parties concerned. The parties concerned would thus have the possibility of settling the dispute in other ways and would submit it to the International Court only as a last resort.

48. Mr. VERRET (Haiti) asked whether, in view of the fact that the system of *apartheid* was practised by Governments and not individuals, the representative of a Government that practised *apartheid* could be arrested in the territory of a State party to the Convention and brought to trial for that crime.

49. Mr. SLOAN (Director, General Legal Division) said that the answer to that question appeared to be in the affirmative. However, it would be more appropriate if the sponsors of the draft Convention could state what their intentions had been in that regard.

50. Mr. VON KYAW (Federal Republic of Germany) said there was a discrepancy between article X of the draft Convention and article VII of the Convention on the Prevention and Punishment of the Crime of

Genocide, in which States parties to the latter Convention pledged themselves to grant extradition in accordance with their laws and treaties in force.

51. Mr. PETHERBRIDGE (Australia) said that the answer given by the Director of the General Legal Division to the question raised by the Haitian representative did not take into account the question whether diplomatic immunity could override the provisions of the draft Convention under consideration.

52. With regard to article XI, he asked whether it was common practice under international treaties and conventions for disputes to be brought before the International Court of Justice only at the request of all parties. In article 17 of the draft international convention on the protection of journalists engaged in dangerous missions in areas of armed conflict (A/9073, annex), it was stated that any of the parties to a dispute could refer it to the International Court.

Article XII

53. Mr. SCOTLAND (Guyana) proposed an amendment⁵ whereby the last four words of article XII would be deleted and the article would end with the words "accede to it".

Article XIV

54. Mr. PAPADEMAS (Cyprus) proposed that the word "tenth" should be replaced by the word "thirty-fifth" in paragraph 1 of article XIV.

55. Mr. COSTA COUTO (Brazil) recalled that the deposit of 27 instruments of ratification had been required for the entry into force of the International Convention on the Elimination of All Forms of Racial Discrimination. He asked what the rationale had been for stipulating that number. Any international convention, if it was to be of practical value, must be universal in scope. The provision that the Convention would enter into force after the deposit of the tenth instrument of ratification or accession seemed to contradict the principle of universality.

56. Mr. SMIRNOV (Union of Soviet Socialist Republics) said that the number of instruments of accession required for the entry into force of different international conventions varied widely. The figure provided for in article XIV seemed to be dictated primarily by the number of States represented in the Third Committee, and was designed to ensure that the Convention would enter into force rapidly. He supported that figure in view of the importance of the Convention, though he was sure that many more than 10 States would accede to it.

⁵ Subsequently circulated in document A/C.3/L.2018.

57. Mr. SCOTLAND (Guyana) endorsed the remarks made by the Soviet representative.

58. He proposed an amendment⁵ whereby the words "or accession" at the end of paragraph 1 of article XIV would be deleted and the paragraph would end with the word "ratification". The question of accession could not arise until the Convention entered into force.

59. Mr. SLOAN (Director, General Legal Division), replying to the representative of Australia, said he had not wished to imply any judgement on the matter of diplomatic immunity. His interpretation of the draft Convention had been that it provided for the arrest and punishment of a national of a State that was not a party to the Convention who was charged with the crime of *apartheid*. It was difficult to say whether the obligations of States under the Convention would override their obligation to respect diplomatic immunity. It might be useful if the delegations which had been the sponsors of the draft Convention prior to its adoption by the Economic and Social Council could clarify that point.

60. Mr. SCHREIBER (Director, Division of Human Rights), replying to the question raised earlier by the representative of Brazil, said that, as far as he had been able to ascertain, there appeared to have been several reasons why the International Convention on the Elimination of All Forms of Racial Discrimination stipulated that the Convention would enter into force after the deposit of the twenty-seventh instrument of ratification. Several figures had been proposed. Some of the elements of the decision were that the Convention envisaged the establishment of a committee of 18 members and the Economic and Social Council had had 27 members at that time and that figure had also represented approximately one third of the then membership of the United Nations.

Organization of work

61. The CHAIRMAN referring to item 63, entitled "Human rights and scientific and technological developments: report of the Secretary-General", which the Committee had decided to consider early in December, said he had been informed that the Director-General of UNESCO would be in New York on or around 12 November. If there was no objection, he would take it that members agreed to have the Director-General of UNESCO address the Committee and answer questions at that time.

It was so decided.

The meeting rose at 1.10 p.m.

2005th meeting

Wednesday, 24 October 1973, at 3.20 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2005

AGENDA ITEM 53

Elimination of all forms of racial discrimination (*continued*) (A/9003 and Corr.1, chaps. XXIII, sect. A.1 and A.2 and XXX, sect. B; A/9018, A/9094 and Corr.1 and Add.1 and 2, A/9095 and Add.1, A/9139, A/9177, A/C.3/L.2016-2019):

(b) Draft Convention on the Suppression and Punishment of the Crime of *Apartheid* (*continued*) (A/9003 and Corr.1, chap. XXIII, sect. A.2, A/9095 and Add.1, A/C.3/L.2016-2019)

1. Mr. LÜTEM (Secretary of the Committee) read out amendments to the draft Convention (A/9095, annex and A/9095/Add.1) by the delegations of Ghana (A/C.3/L.2016), Egypt (A/C.3/L.2017), Guyana (A/C.3/L.2018) and the Union of Soviet Socialist Republics (A/C.3/L.2019).

2. Mr. RIOS (Panama) regretted that he had been unable to participate in the discussions of the celebration of the twenty-fifth anniversary of the Universal Declaration of Human Rights or the item under consideration. For historical reasons, all forms of racial discrimination were rejected in Panama in accordance with a tradition reflected in article 16 of the 1904 Constitution, article 21 of the 1946 Constitution and articles 19 and 20 of the 1972 Constitution. Furthermore, the interaction of a variety of circumstances in Panama had led to the mingling of the most diverse human groups in a climate of harmonious coexistence, with the result that every type of racism was repudiated. Consequently, the Panamanian delegation had been an enthusiastic participant in the work which had culminated in the adoption of the International Convention on the Elimination of All Forms of Racial Discrimination, to which it had acceded as from 5 January 1969. The underlying principles of that Convention had been incorporated into Panama's legislation and were taught in the country's schools.

3. Panama had always held that *apartheid* was a loathesome and repugnant system which should be fought without quarter in every part of the world. For the Panamanian delegation, the fight against *apartheid* was a fight for peace for there could be no peace so long as régimes existed which made racial segregation a national policy or while there were Powers which persisted in subjecting entire peoples to the colonial yoke or in maintaining potentially explosive colonial situations. Panama, which had itself suffered under racial discrimination, was in the forefront of the struggle against such discrimination and for that reason supported the draft Convention on the Suppression and Punishment of the Crime of *Apartheid*, thereby following the line of international conduct described on 21 March 1973 by Mr. Aquilino Boyd at Panama City when the International Day for the Elimination of Racial Discrimination had again been celebrated.

4. Mr. VARGA (Hungary) strongly supported the speedy adoption of the draft Convention because his delegation held the view that its adoption and coming into force would be a significant practical step towards the final elimination of racism in its most inhuman and vicious form—*apartheid*—and would give new impetus to the world-wide struggle against all forms of racial discrimination. The Hungarian delegation was convinced that the adoption of the Convention would strengthen further the existing international instruments in the field of human rights, such as the Convention on the Prevention and Punishment of the Crime of Genocide and the International Convention on the Elimination of All Forms of Racial Discrimination.

5. The limited number of amendments before the Committee clearly indicated that the text had been well drafted and was ripe for adoption. As to the amendments themselves, he supported that by Ghana (A/C.3/L.2016) which improved the text of the preamble, making it more clear and helping to eliminate ambiguities, and had no difficulty with that by Egypt (A/C.3/L.2017). His delegation likewise welcomed the USSR amendment (A/C.3/L.2019) and supported the two proposals by Guyana (A/C.3/L.2018).

6. Mrs. MANDARA (United Republic of Tanzania) expressed strong support of the draft Convention and said that she would welcome its adoption by virtually all delegations. The Tanzanian delegation was convinced that the adoption of the draft Convention would strengthen the other instruments adopted in the fight against racism, racial discrimination and *apartheid* which the United Nations had been promulgating since its foundation. She also supported all the amendments submitted and urged all delegations to consider the draft Convention in its true context as part of the struggle against racism, racial discrimination and *apartheid*, especially in South Africa.

7. Mr. SMIRNOV (Union of Soviet Socialist Republics) remarked that the small number of amendments and observations to which the text had given rise showed that it had been very conscientiously prepared by the Commission on Human Rights and the Economic and Social Council and that it could be adopted by the Third Committee. The USSR delegation had no difficulty in supporting the amendments submitted by other countries, had already explained the gist of its own proposal (A/C.3/L.2019) and did not think it needed further elaboration. He wished however to make a minor change in the USSR amendment,¹ involving the deletion in the latter part of the proposed new article of the Convention of the words "or any other acts enumerated in article II of this Convention", as the mention of the crime of *apartheid* rendered it superfluous.

8. Mr. ALFONSO (Cuba) said that Cuba had consistently voted in favour of resolutions condemning the

¹ Revised text subsequently circulated as document A/C.3/L.2019/Rev.1.

practices of *apartheid* and racial discrimination in general and that at the previous session, when the draft Convention was under discussion, had supported the adoption of that instrument by the Third Committee in the conviction that no opportunity should be lost to strengthen the legal framework of the struggle against crimes against humanity. Unquestionably, the speed with which the draft had been prepared was reflected in its legal quality although efforts had been made to improve it and Cuba was prepared to support the draft Convention.

9. As to the amendments submitted, that by Ghana (A/C.3/L.2016) would change the preamble for the better in that the object pursued was not the pragmatic one of avoiding serious crises but the achievement of human dignity, progress and justice. Cuba would also support the amendment by Egypt (A/C.3/L.2017) because the new wording of article IV (a), would emphasize the end pursued, stressing the obligations which States should assume. Cuba would also support the amendments by Guyana (A/C.3/L.2018) and the USSR amendment (A/C.3/L.2019) which added useful elements to the text.

10. Mr. BAL (Mauritania) said that the African Group had instructed him through the Chairman to request the Committee to postpone the vote on the draft Convention until a later date, which would be at the entire discretion of the Committee's Chairman. Voting could not take place at the current meeting because consultations were still in progress in that connexion. Mauritania intended to ask for a recorded vote on certain articles, if not on the whole draft Convention.

11. Mr. CATO (Ghana) endorsed the Mauritanian representative's request that voting should be postponed until a later date. The Committee might proceed to vote at its next meeting as a draft resolution² on the item was also in preparation. The rest of the current meeting could be used to put the finishing touches to that draft resolution and then transmit it to the Secretariat.

12. Mrs. WARZAZI (Morocco) suggested that the Chairman should allow the submission of further amendments during the current meeting. She pointed out that the French version of article V of the draft Convention mentioned "*le tribunal pénal international*" yet, as there had never been any reference to such a court or its constitution or membership, it would be preferable to use the indefinite article "*un*". She thought article II should be made clearer and therefore proposed that after the words "racial discrimination", the expression "as practised in southern Africa" should be added.

13. She welcomed the deletion of the latter part of the new article proposed in the USSR amendment (A/C.3/L.2019) which her delegation would support. She pointed out that, in the French version of the Egyptian amendment (A/C.3/L.2017), the English word "doctrines" had been translated by "*thèses*"; she could not understand why the French word "*doctrines*" had not been used. She therefore suggested the correction of the French version.

14. The CHAIRMAN, speaking on the procedural questions raised by the delegations of Mauritania, Ghana and Morocco, said that he welcomed the African

Group's efforts to reach agreement and announced that, if there was no objection, the deadline for the submission of amendments would be extended to 6 p.m. the following day and that the draft Convention would be put to the vote on Friday, 26 October 1973.

It was so decided.

15. Mr. BADAWI (Egypt) said that Egypt supported the draft Convention and the amendments thereto.

16. Mrs. MARICO (Mali) said that her delegation favoured the draft Convention, since any instrument which might help to suppress the crime of *apartheid* had Mali's support. Without prejudice to that support, she wished to propose a number of minor amendments³ to strengthen the draft.

17. In the first preambular paragraph, her delegation would like the words "*Guided by*" to be replaced by the words "*Recalling the provisions of*". Both the second and third preambular paragraphs should begin with the word "*Considering*" instead of "*Recalling*". In the eighth preambular paragraph the word "*also*" should be deleted, and after the word "*disturb*" the words "*and threaten*" should be inserted. Moreover, the ninth preambular paragraph should be amended to read:

"*Convinced that an international Convention on the Suppression and Punishment of the Crime of Apartheid would make it possible to take more effective measures at the international and national levels with a view to the suppression and punishment of the crime of apartheid*".

18. With regard to the operative part of the draft Convention, the words "*as set out*", contained in article I, should be replaced by the words "*as defined*". Article II should begin with the words "*For the purpose of this Convention, the term 'the crime of apartheid', which shall include . . .*" and should be further amended as proposed by the representative of Morocco. The reference to "*security*" in subparagraph (a) of that article should be deleted, since it was not clear how the right to security could be denied. The words "*or mental*" in subparagraph (a) (ii) should also be deleted, since the concept of bodily harm covered mental harm. The words "*by the infringement of their freedom or dignity*" might be inserted after the word "*harm*".

19. In article III, the words "*irrespective of the motive involved*" should be inserted after the word "*apply*". With regard to article V, Mali agreed with Morocco that it would be desirable to replace the article "*le*" in the French text by "*un*". With reference to article XIV, she agreed with the delegation of Cyprus that the word "*tenth*" in paragraph 1 should be replaced by "*thirty-fifth*".

20. On the assumption that Egypt would agree to amend the word "*thèses*" in the French version of its amendment (A/C.3/L.2017), Mali endorsed all the other amendments which had been submitted.

21. Miss BIHI (Somalia) said that the Somali Democratic Republic had participated and would always participate in the struggle against *apartheid*, racism, racial discrimination, foreign domination and all other imperialist, colonialist and neo-colonialist practices, with the object of contributing to the maintenance and

² Subsequently circulated as document A/C.3/L.2022.

³ *Idem*, A/C.3/L.2021.

strengthening of international peace and security. Thus, the First Charter of the Revolution of 21 October 1969 clearly stated, *inter alia*, that the Somali Democratic Republic, determined to collaborate with all the peoples of the world for the attainment of peace, social justice and equality, would support international solidarity and national liberation movements; that it would oppose and fight against all forms of colonialism and neo-colonialism; that it would recognize and positively contribute to the principle of peaceful coexistence between all peoples; and that it would continue to preserve the policy of positive neutrality.

22. The dangers posed by *apartheid* to humanity as a whole and to the peoples of southern Africa and the independent African States in particular had led the United Nations to adopt, over the previous two decades, numerous measures aimed at eradicating the illegal *apartheid* régime in South Africa. Among those measures, the establishment of the Special Committee on *Apartheid*, various General Assembly resolutions, particularly resolution 1761 (XVII), and Security Council resolutions, especially resolution 282 (1970), were particularly notable. Despite all those efforts, however, the white minority régime in South Africa had intensified its repression of the indigenous population and had embarked upon a consistent policy of aggression against neighbouring independent African States. The logical conclusion to be drawn was that a number of States Members of the United Nations had not only ignored United Nations resolutions on *apartheid* but had increased their political, military, economic and other assistance to South Africa, thus strengthening and perpetuating the *apartheid* régime. In that connexion, it was worth recalling the remarks made by Mr. Barakat Ahmad, Rapporteur of the Special Committee on *Apartheid*, at the 859th meeting of the Special Political Committee, when introducing the report of the Special Committee on the implementation by States of United Nations resolutions on *apartheid* (A/9168). Mr. Ahmad had stated that that report was a sad commentary on international morality and that the responsibility for the ineffectiveness of international action, and hence for the continuation and aggravation of the crisis in South Africa and in southern Africa as a whole, rested not only on the South African régime but also on certain States and foreign economic and other interests which collaborated with that régime.

23. Her delegation viewed with growing apprehension the explosive situation in South Africa, a situation which called for decisive collective action in order to avoid a bloody racial conflagration. It was therefore convinced that the unanimous adoption by the Committee of the draft Convention would go a long way towards achieving the common goal of suppressing and punishing the crime of *apartheid*, and would fill the serious gap that had existed in the action undertaken by the Organization in the past. Her delegation had already voted for the draft Convention when the Special Committee on *Apartheid* had considered it at its 248th and 249th meetings. The Special Committee had recommended the adoption of the full text by the General Assembly and had appealed for a greater number of Member States to sponsor the draft Convention in the Assembly. In response to that appeal, her delegation had decided to become a sponsor of the draft Convention, which it hoped would prove acceptable to the Committee as a whole. It would have no difficulty in

supporting the amendments proposed by the delegations of Egypt, Ghana, Guyana, Morocco and the USSR.

24. Miss FAROUK (Tunisia) said that her delegation would have no difficulty in voting for the draft Convention and for the amendments submitted thereto. In the Egyptian amendment (A/C.3/L.2017), reference should be made to "policies" rather than to theories or doctrines, since the eighth preambular paragraph of the draft Convention spoke of "the policies of *apartheid*".

25. Mr. ORSO (Mongolia) said that his delegation attached great importance to the draft Convention, since the intensification and perpetuation of *apartheid* represented a threat to international peace and security. As a logical follow-up to the instruments and resolutions adopted by the United Nations during the previous 20 years, it would be appropriate to adopt a binding international legal instrument, and the draft Convention fulfilled the necessary requirements in that respect. The draft Convention imposed on States the obligation and moral and legal responsibility to suppress and punish *apartheid*. The draft was not a mere declaration but an effective legal instrument designed to achieve the common goal of eliminating *apartheid*, and its adoption would be a timely step. Moreover, the draft Convention would serve as a useful complement to the International Convention on the Elimination of All Forms of Racial Discrimination. His delegation had always supported efforts to eliminate colonialism, racism and racial discrimination, and was convinced that the adoption of the draft Convention would make an important contribution to those efforts. Consequently, it too would be pleased to support the draft Convention and hoped that the Committee would adopt it. His delegation would have no difficulty in voting for the amendments which had been submitted.

26. Mr. LEHTIHET (Algeria) said that the draft Convention on the Suppression and Punishment of the Crime of *Apartheid* was an important document which, taken together with the International Convention on the Elimination of All Forms of Racial Discrimination, would reinforce the efforts of the international community to suppress and punish *apartheid*; consequently, his delegation supported it. With regard to the amendment to article II proposed orally by the representative of Morocco, it would be highly desirable to specify the geographical area. He was pleased that the USSR representative had deleted the words "or any other acts enumerated in article II of this Convention" from his amendment (A/C.3/L.2019). The Algerian delegation would also vote for the amendments contained in documents A/C.3/L.2016, A/C.3/L.2017 and A/C.3/L.2018, and wished to commend the Chairman for having sensibly extended the deadline for the submission of amendments.

27. Mr. THOMAS (Liberia) said that the Republic of Liberia was opposed to any form of racial discrimination and had made it its policy to eradicate any racist system which limited the freedom of the human being. It was therefore an unequivocal opponent of *apartheid*. Although, in its view, the draft Convention was not an ideal formula and was wanting in various respects, Liberia acknowledged that it would be better to adopt the draft than to have no convention of any kind on the matter. Consequently, it felt constrained to align itself with those who favoured the draft Convention and to

support it too, as well as the amendments which had been submitted.

28. Mr. SMIRNOV (Union of Soviet Socialist Republics) said that, after studying article VIII as contained in document A/9095/Add.1, he believed that it was appropriate to consider certain imperfections in the text of articles VII and IX. In article VII, the words "accord-

ing to a scheme to be established by . . ." should be replaced by the words "to the group established under article VIII". That change would bring article VII into line with article VIII. With regard to article IX, it would be logical to fill in the blank in the first line with the words "Commission on Human Rights".

The meeting rose at 5 p.m.

2006th meeting

Thursday, 25 October 1973, at 10.45 a.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2006

AGENDA ITEM 53

Elimination of all forms of racial discrimination (*continued*) (A/9003 and Corr.1, chaps. XXIII, sect. A.1 and A.2 and XXX, sect. B; A/9018, A/9094 and Corr.1 and Add.1 and 2, A/9095 and Add.1, A/9139, A/9177, A/C.3/L.2016-2023):

(b) Draft Convention on the Suppression and Punishment of the Crime of *Apartheid* (*continued*) (A/9003 and Corr.1, chaps. XXIII, sect. A.2, A/9095 and Add.1, A/C.3/L.2016-2023)

1. Mr. CATO (Ghana), introducing draft resolution A/C.3/L.2022, took note of the fact that the draft Convention (A/9095, annex, and A/9095/Add.1) had already been approved by the Commission on Human Rights, the Economic and Social Council and the Special Committee on *Apartheid* and that the Secretary-General had referred it to the Governments of States Members of the United Nations and members of the specialized agencies for their comments. The sponsors of the draft resolution were confident that the international community was at last trying to adopt effective measures to eliminate *apartheid*.

2. The major purpose of the draft Convention was to outlaw *apartheid* and to cut off the racist clique in South Africa and its supporters from contact with the civilized world. He hoped that the fears expressed by some delegations in connexion with certain provisions of the draft had been allayed now that members had had the opportunity to improve the text. Very few legal instruments were perfect, and it was unfair to assume that the Convention would be a source of confusion. In fact, it was designed to eradicate the chaos caused by the policy of *apartheid*, which in the past had jeopardized friendly relations between States and international peace and security.

3. The Proclamation of Teheran¹ adopted by the International Conference on Human Rights, held at Teheran in 1968, called on the international community to use every means to eradicate the evil of *apartheid* and recognized the struggle against *apartheid* as legitimate. The draft Convention before the Committee was a response to that call.

4. He read out the draft resolution and pointed out that the sponsors had made a revision in operative paragraph 5 of the text, which should begin with the words "*Requests* the Economic and Social Council to invite the Commission on Human Rights". He hoped that the draft resolution would meet with a favourable response in the Committee and stressed the urgent need for the international community to meet the challenge of *apartheid* and adopt all effective measures to punish those guilty of that crime.

5. Mr. KRISHNAPPA (India) said he had been struck by the sense of despair that seemed to have infected a few members of the Committee who had suggested that it would be pointless to adopt a convention on *apartheid*, since earlier resolutions on the subject had had no impact. Other delegations, however, felt that was precisely the reason why no effort should be spared to make the Convention under consideration as effective as possible.

6. The draft Convention not only established *apartheid* as a crime but branded those who committed it as criminals. That represented a significant change in the approach to the question.

7. Since the end of the Second World War, the colonial Powers had been guilty of allowing *apartheid* to flourish and grow. His delegation's position on the question was unequivocal. *Apartheid* was a criminal offence which had to be rooted out completely. To give up the struggle at the current stage would be to invite disaster, since the world would soon forget that *apartheid* existed and was continuing to expand.

8. He reminded members that India had consistently been in the vanguard of the struggle against *apartheid*. It was India that had brought the evil of racial discrimination to the attention of the United Nations and which had first raised the issue of *apartheid* in the United Nations as a question within the purview of the Charter. It was largely on the initiative of India that South Africa had been expelled from the Commonwealth. In 1945, India had been the first country to sever trade relations with South Africa in protest against its racial policies, despite the considerable economic sacrifice involved in that action. India contributed to the liberation movements throughout Africa, provided scholarships for African refugees and was a regular contributor to various funds both within and outside the United Nations designed to combat colonialism and *apartheid* and pro-

¹ *Final Act of the International Conference on Human Rights* (United Nations publication, Sales No. E.68.XIV.2), chap. II.

vide assistance to the victims of *apartheid*, despite the strain which that imposed on its own limited resources.

9. While the draft Convention was not perfect, that was no reason to abandon it. He was confident that the adoption of the draft would help accelerate the fight against *apartheid*, and trusted that it would be adopted by consensus.

10. Mr. GOLOVKO (Ukrainian Soviet Socialist Republic) said that the adoption of draft resolution A/C.3/L.2022 and of the draft Convention would be a milestone in the struggle against *apartheid*. His delegation's position on the subject was well known. It had been one of the initiators of the idea that an international convention would make an important contribution to the struggle against *apartheid* and colonialism. It was a member of the Special Committee on *Apartheid* and had contributed to the struggle in that forum also.

11. The necessity and timeliness of adopting an international convention to suppress and punish the crime of *apartheid* and other violations of human rights was felt acutely at the present time, when the policy of *apartheid* in southern Africa was assuming monstrous forms that threatened international peace and security.

12. The Convention would make an important contribution to international law. *Apartheid* had always been regarded as a crime against humanity. The purpose of the draft Convention was to define that crime precisely and provide for its punishment. His delegation had no difficulty in supporting the amendments to the draft Convention submitted thus far.

13. With regard to draft resolution A/C.3/L.2022, his delegation particularly welcomed operative paragraph 4, which provided for valuable publicity for the aims of the Convention.

14. The CHAIRMAN announced that Algeria, Czechoslovakia, Egypt, Gabon, the Gambia, Guyana, Jamaica, Kenya, Madagascar, Mali, Mauritania, the Niger, Yugoslavia and Zambia had become sponsors of draft resolution A/C.3/L.2022, and that the Niger and Pakistan had become sponsors of the amendment contained in document A/C.3/L.2020 to the draft Convention.

15. Mr. SHAFQAT (Pakistan) said that the amendment in document A/C.3/L.2020 would make it very clear that the draft Convention, in its scope and application, related specifically to the subject of *apartheid*. It trusted that the amendment would clear up the doubts of those delegations which had expressed certain reservations with regard to the definition and scope of the term "*apartheid*" and that those which had not been able to do so before would now support the draft Convention.

16. Mr. SMIRNOV (Union of Soviet Socialist Republics) said that draft resolution A/C.3/L.2022, once it was adopted, would occupy a special position among the resolutions adopted in connexion with the struggle against *apartheid*. The problem of *apartheid* had been considered by the General Assembly and various United Nations bodies for many years. From 1945 to 1960 the Assembly had repeatedly appealed to the South African Government to end its policies of *apartheid* in the light of its obligations under the Charter of the United Nations. Those appeals had met with no response.

17. From 1960 onwards, both the Security Council and the General Assembly had adopted numerous resolutions and decisions calling on the South African Government to end its policies of *apartheid*, and appealing to Member States to take measures, either separately or collectively, to contribute to the elimination of *apartheid* by severing diplomatic, trade and other relations with South Africa. The purpose of all those resolutions and decisions had remained largely unfulfilled. Indeed, South Africa had intensified its policy of racial discrimination and in the preceding 10 years there had been a substantial growth in trade and in military and other co-operation between South Africa and various developed countries. Currently, more than 20 States Members of the United Nations maintained diplomatic relations with South Africa.

18. Effective measures to eradicate the crime of *apartheid* were long overdue. At the twenty-sixth and twenty-seventh sessions of the Assembly, his delegation, in co-operation with others, had used its best efforts to prepare a draft Convention. The Commission on Human Rights had helped substantially to improve the wording of the text. The draft Convention as it now stood, together with the amendments which had been submitted, constituted a complete document which could be approved by the General Assembly. That document and the Convention on the Prevention and Punishment of the Crime of Genocide had been the product of differing historical and political causes, and were very different in scale, in scope and in their aims. While the provisions of the Convention on genocide stressed the right to life, the approach of the draft Convention before the Committee was a broader one, envisaging the protection of a number of other human rights and freedoms.

19. As was appropriate in view of the very serious nature of the crime involved, the draft Convention dealt in considerable detail with the question of responsibility of those who had perpetrated the crime of *apartheid*. The system of implementation of the Convention by States parties would involve United Nations bodies, and especially the Commission on Human Rights. His delegation attached great importance to the system of periodic reports by States parties concerning measures they had adopted to implement the Convention, especially measures of a legislative, judicial and administrative nature. The inclusion of a provision which would give States parties the right to appeal to appropriate United Nations bodies to take action to combat *apartheid* were extremely important for the realization of the aims of the Convention.

20. The draft Convention was a broader and more detailed document than the International Convention on the Elimination of All Forms of Racial Discrimination, which contained only one article relating to *apartheid*. His delegation anticipated that the adoption of an international convention on *apartheid* would prove to be a very important step towards liquidating that evil, and he was confident that all concerned would ratify it.

21. Lastly, he drew attention to certain inaccuracies in the Russian version of article IV (b), and in the English version of the amendment submitted by his delegation (A/C.3/L.2019).

22. Mr. KOLBASIN (Byelorussian Soviet Socialist Republic) said that the adoption of the draft Convention would be a major contribution to the struggle for the

speedy elimination of *apartheid*, whose sole purpose was the preservation and intensification of slavery in order to enrich a small group of bosses in South Africa and international monopolies from the States of the North Atlantic Treaty Organization.

23. His delegation was convinced that the protection of human rights at the international level could be more effective if each form of violation of human rights was opposed by a clear and distinct legal norm or instrument providing for responsibility for each crime. The draft Convention before the Committee would be one further element in a system of international legal agreements designed to combat racial discrimination and *apartheid* and defend human rights, a system which included the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on genocide and conventions adopted by the ILO and UNESCO aimed at preventing discrimination in employment and education.

24. Under the draft Convention, *apartheid* was viewed as a crime which violated existing norms of international law and the fundamental principles and purposes of the Charter of the United Nations, thus constituting a serious threat to international peace and security. He drew attention to article II, which for the first time in international law gave a definition of the policy and practice of *apartheid* from the standpoint of criminal law. Other articles set forth basic legal norms for the suppression of *apartheid*.

25. His delegation strongly supported draft resolution A/C.3/L.2022 and expressed its conviction that the Convention would serve the cause of eradicating *apartheid*, whose existence on earth could not be endured by mankind.

AGENDA ITEM 55

Elimination of all forms of religious intolerance (A/8330, A/9134 and Add.1, A/9135):

- (a) **Draft Declaration on the Elimination of All Forms of Religious Intolerance: report of the Secretary-General (A/8330, A/9134 and Add.1, A/9135);**
- (b) **Draft International Convention on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (A/8330)**

26. Mr. SCHREIBER (Director, Division of Human Rights) drew attention to the background information on the item contained in the documents before the Committee. With regard to the analytical presentation of observations received from Governments, which was contained in the note by the Secretary-General (A/9135), he pointed out that only observations which had been received before 15 August 1973 had been analysed in the note. The four replies which had been received since that date, and which had not been analysed for the purpose of the study, had been reproduced in document A/9134/Add.1.

27. Mr. VAN WALSUM (Netherlands) said that his Government's position on the question of the drafting of an international instrument for the elimination of all forms of religious intolerance was set out in document A/9134. He recalled that, by resolution 3027 (XXVII), the General Assembly had decided to accord priority to the completion of a declaration on the subject. The unopposed adoption of that resolution provided a solid

basis for further progress in that regard. He appealed to the representatives of the Byelorussian SSR, the Soviet Union and the Ukrainian SSR not to reopen the discussion on the relative priorities to be given to a declaration and a convention on the subject.

28. In his Government's additional observations (see A/9134/Add.1), it had submitted a new draft declaration intended to meet the concerns of those delegations which had, at the previous session, found it difficult to determine which text should serve as a basis for the preparation of a declaration. That new text followed closely the six articles prepared by the Working Group set up by the Commission on Human Rights at its twentieth session (see A/8330, annex II),² and borrowings had also been made from elements of the draft convention previously adopted by the Third Committee (see A/8330, paras. 18-20).³ In addition, previous discussions in various bodies had been taken into account; however, he stressed that the text was intended only as a basis for discussion, and changes could, of course, be made if it was felt that anything essential had been left out.

29. He felt that it would be useful to explain the source of each article in his delegation's text. As he had noted, the first six articles adhered closely to the six articles proposed by the Working Group set up by the Commission on Human Rights. Article I reproduced article I of the Working Group's draft, except that the last sentence of the Netherlands version had been taken from article I (a) of the draft Convention adopted by the Commission on Human Rights (*ibid.*, annex III). Article II of his delegation's draft was the same as article II of the Working Group's draft, except that it had been updated in order to take into account the International Covenants on Human Rights. Article III was identical with article III of the Working Group's draft. Article IV reproduced article IV, paragraph 1, of the Working Group's draft; paragraph 2 had been eliminated for the sake of conciseness. Article V corresponded to article V, paragraph 1 of the Working Group's draft; as in the case of article IV, paragraph 2 had been deleted for the sake of brevity. One sentence had also been deleted from article V, paragraph 1, namely, the one which read: "In the case of a child who has been deprived of his parents, their expressed [or presumed] wish shall be duly taken into account, the best interests of the child being the guiding principle." That sentence had been deleted because it presented a very difficult legal question. Article VI was identical with article VI of the Working Group's draft.

30. Article VII was based on article VI, paragraph 4, of the preliminary draft Declaration prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (*ibid.*, annex I).⁴ Article VIII had been taken from article I (d) of the articles of the draft Convention adopted by the Commission on Human Rights (*ibid.*, annex III). Article IX was based

² For the printed text, see *Official Records of the Economic and Social Council, Thirty-seventh Session, Supplement No. 8*, para. 296.

³ For the printed text, see *Official Records of the General Assembly, Twenty-second Session, Annexes*, agenda item 54, document A/6934, paras. 29, 72 and 90.

⁴ For the printed text, see *Official Records of the Economic and Social Council, Thirty-seventh Session, Supplement No. 8*, para. 294.

on article VI, paragraph 3, of the preliminary draft Declaration submitted by the Sub-Commission and on a USSR proposal for a new article set forth in the annex to the articles prepared by the Working Group (*ibid.*, annex II).

31. During the debate on the organization of the Committee's work, his delegation had proposed the establishment of a working group which would make possible an early start on the preparation of a Declaration. Since objections had been raised to that proposal, his delegation would not insist on it.

32. Mr. FØNS BUHL (Denmark) recalled that General Assembly resolution 3027 (XXVII) had been adopted by an overwhelming majority of 101 votes in favour, none against and 22 abstentions. That clearly showed that there was a general atmosphere in favour of elaborating a Declaration on the Elimination of All Forms of Religious Intolerance in order to give more substance to article 18 of the Universal Declaration of Human Rights.

33. His delegation had carefully studied the documents that were before the Committee and appreciated the difficulty of deciding which text should be used as the basis for its work. The draft submitted by the Netherlands delegation had the important merit of taking into account all previous discussions and combining in a single text the essential elements of the other texts. He therefore supported the Netherlands delegation's suggestion that its version as presented in document A/9134/Add.1 should be used as the basis for the Committee's work, and he suggested that the Committee should examine it article by article. He hoped that it would be possible to comply with the aim of resolution 3027 (XXVII), namely, the adoption of a Declaration on the Elimination of All Forms of Religious Intolerance as part of the observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights.

34. Miss CAO PINNA (Italy) said her delegation attached great importance to the question of eliminating all forms of religious intolerance, and hoped that a declaration on the matter could be adopted during the current session of the General Assembly.

35. In its reply to the Secretary-General, which appeared in document A/9134/Add.1, her Government had suggested that, like the first six articles considered by the Commission on Human Rights, the other articles should also be discussed first by the Commission, on the basis of the proposals made on the subject by the Sub-Commission on Prevention of Discrimination and Protection of Minorities. At that time, her delegation had not known that the Netherlands delegation planned to submit a combined version of the draft articles proposed to date. Her Government now wished to support the Netherlands suggestion, which would greatly facilitate the completion of the Committee's work on the draft Declaration during the current session.

36. Mr. LOSHCHININ (Byelorussian Soviet Socialist Republic) said it seemed that an attempt was being made to create the impression that the Committee had been presented with a newborn child, whereas in fact the subject under discussion was one with which the United Nations had been concerned for 12 years. The item was one of the most complex and confused that the Committee had had to deal with. The confusion had begun in 1962 when, in accordance with General

Assembly resolution 1781 (XVII), the Sub-Commission on Prevention of Discrimination and Protection of Minorities had been asked to prepare both a draft declaration and a draft international convention on the elimination of all forms of religious intolerance. In other words, the same resolution had requested the preparation of two documents. In 1964 the Sub-Commission had submitted to the Commission on Human Rights a preliminary draft Declaration; the Commission had set up a Working Group to prepare a draft Declaration on the basis of that text. The Working Group had made diligent efforts but had been able to obtain a more or less balanced consensus on only the first six articles. Far from adopting those articles, the Commission had not even examined them. It was therefore quite clear that the six articles prepared by the Working Group were still of a very preliminary nature and required careful study.

37. As the Commission had not been able to examine those articles, an impasse had been reached. The Western countries had then proposed the urgent consideration of a draft convention. In other words, the same countries that had first been in favour of giving priority to a draft declaration had suddenly changed their position and favoured the preparation of a draft convention first. In 1965 the Sub-Commission had prepared a draft Convention, which had been carefully examined at the twenty-first, twenty-second and twenty-third sessions of the Commission on Human Rights. The Commission had finally adopted a preamble and 12 articles of the draft International Convention in 1967, which had been transmitted to the General Assembly by Economic and Social Council resolution 1233 (XLII).

38. At the twenty-second session, the Third Committee had devoted 29 meetings to the discussion of the draft Convention; despite that great effort it had been able to adopt only the preamble and article I of the text adopted by the Commission. It was only logical that the Committee should continue its work on the draft Convention. Yet the same Western Powers which had changed their position previously had caused further confusion by going back to the idea of giving priority to the consideration of the draft Declaration. Their flexibility was astounding. The tradition followed in the United Nations had always been first to prepare a declaration and then a convention; how could the Western Powers speak of tradition when they themselves had broken it? Who could tell what their position would be at the next session?

39. The best explanation for the abrupt change in the Western position could be found in the Italian reply to the Secretary-General (see A/9134/Add.1), which mentioned the fact that some amendments had been submitted which considerably altered the general outline and spirit of the draft Convention. That was a reference to a proposed text for the preamble which had been submitted by the developing countries and which stated that violations of fundamental human rights and freedoms, in particular freedom of thought, conscience and religion, had directly or indirectly caused wars and serious human suffering and had served as an instrument for interfering in the internal affairs of States. There had been a lengthy debate on that proposal and the developing countries had brought up many historical truths that were not to the liking of the Western Powers.

40. His delegation felt that the Committee should continue its work on the draft Declaration, but it was in such a labyrinth it was hard to tell which document to use as a basis for its work. Why should it use the Netherlands document, which had been distributed only towards the end of September, in preference to the draft prepared by the Sub-Commission in 1964, which represented the collective efforts of 30 members over an entire year? How could the matter be resolved in such haste? He was amazed that the Danish representative should have gone so far as to suggest that the Committee should examine the Netherlands text article by article, without even holding a general debate. There had been no debate on the item since 1967. He was also amazed at the flexibility of the Italian delegation, which had abandoned its position as reflected in its reply to the Secretary-General in favour of using the Netherlands text. The original Italian suggestion, namely, that the articles should first be examined by the Commission on Human Rights, was the appropriate one.

41. The best way out of the prevailing confusion was to submit all three documents, including the Netherlands text, and all the comments and replies of Governments, to the Commission on Human Rights, in order that it might decide which document should be used as a basis for the preparation of the final version of the draft Declaration.

42. Mr. COSTA COUTO (Brazil) said his delegation hoped it would be possible to avoid a procedural debate, since that would be contrary to the decision

adopted at the previous session by the General Assembly. Resolution 3027 (XXVII), which had been adopted by an overwhelming majority, clearly stated that priority should be given to the elaboration of the draft Declaration. The Committee must follow that mandate.

43. The Netherlands proposal was a most interesting and helpful one. His delegation would have no objection to starting the discussion on the basis of the Netherlands text. However, since, as the Byelorussian representative had pointed out, it had been distributed only towards the end of September, and in view of the difficulties some delegations were having, he suggested that the Committee should avoid a procedural debate by proceeding with the texts that had been before it for years. The analytical presentation of the observations received from Governments, prepared by the Secretariat and distributed in document A/9135, would be very useful; it should be studied together with document A/9134/Add.1, since the comments contained in the latter were not included in the analysis.

44. His delegation sincerely hoped that it would be possible to have an appropriate instrument to commemorate the twenty-fifth anniversary of the Universal Declaration of Human Rights. The draft Declaration on the Elimination of All Forms of Religious Intolerance could not be considered the work of any one group of countries; it represented the mandate of 101 Member States.

The meeting rose at 12.55 p.m.

2007th meeting

Friday, 26 October 1973, at 10.50 a.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2007

AGENDA ITEM 53

Elimination of all forms of racial discrimination (*continued*) (A/9003 and Corr.1, chaps. XXIII, sect. A.1 and A.2 and XXX, sect. B; A/9018, A/9094 and Corr.1 and Add.1 and 2, A/9095 and Add.1, A/9139, A/9177, A/C.3/L.2016, 2017, 2018/Rev.1, 2019/Rev.1, 2020-2026):

(b) Draft Convention on the Suppression and Punishment of the Crime of Apartheid (*continued*) (A/9003 and Corr.1, chaps. XXIII, sect. A.2, A/9095 and Add.1, A/C.3/L.2016, 2017, 2018/Rev.1, 2019/Rev.1, 2020-2026)

1. Mr. MARTINEZ ORDONEZ (Honduras), introducing amendments (A/C.3/L.2026) to the draft Convention (A/9095, annex, and A/9095/Add.1), said that the delegations of Bolivia, Chile, Colombia, Costa Rica, Haiti and Paraguay wished to be added to the list of sponsors.

2. The sponsors were proposing the amendment to article III in order to safeguard the principle of diplomatic immunity. If article III was left as it stood, the phrase "representatives of the State" could be inter-

preted as including diplomatic representatives who were covered by other treaties to which some States parties to the Convention might also be parties. The sponsors had therefore thought it desirable to add an introductory phrase to the article which would make it clear that it was without prejudice to the commitments entered into by States in other international instruments.

3. The amendment to article X had been proposed in order to safeguard the long-standing tradition of asylum which was so dear to the Latin American nations. It was most important to guarantee the right of the country granting asylum to qualify the alleged offence and decide whether the accused should be protected. Such protection was granted only in cases where it was considered that a person had been accused because of his political views rather than because of acts he had committed. Of course it could never be argued that a crime of *lèse humanité* should be considered a political act whose perpetrator might benefit from the right of asylum; where accusations were politically motivated, however, the accused should be protected. The additional sentence which the sponsors were proposing was similar to the second paragraph of article VII of the Convention on the Prevention and Punishment of the

Crime of Genocide (General Assembly resolution 260 A (III), annex).

4. On behalf of the sponsors of the amendments, he appealed to the delegations which had sponsored the draft Convention to accept the amendments proposed in document A/C.3/L.2026, as that would solve a serious problem for the various Latin American States. His country would, in any case, vote in favour of the draft Convention.

5. Mr. IRARRAZAVAL (Chile) said his delegation was sponsoring the amendments introduced by the representative of Honduras because they would solve certain legal problems which might otherwise make it necessary for countries that had long opposed the crime of *apartheid* to abstain in the vote on certain articles. It would indeed be unfortunate if the draft Convention could not be adopted by a large majority because of legal conflicts between the text and the internal legislation of various States.

6. In addition to sponsoring those amendments, his delegation accepted most of the others that had been submitted in the hope that the draft Convention would receive the widest possible support. However, even if the amendments it favoured were not adopted, his delegation would vote in favour of the draft Convention because, despite its shortcomings, it represented a valuable instrument in the struggle against *apartheid*.

7. Miss PRODJOLALITO (Indonesia) said that although her delegation had not actively participated in the elaboration of the draft Convention, it strongly supported it and hoped that all States would adhere to it.

8. She had some reservations, however, with regard to article XI, which called for the settlement of certain disputes by the International Court of Justice. Her country could not accept the compulsory jurisdiction of the International Court. It therefore felt that the article should stipulate that disputes arising out of the interpretation, application or implementation of the Convention could be brought before the International Court of Justice only at the request of all States parties to the dispute. She had no objection to the remaining articles of the draft.

9. She would like to ask the representative of the Union of Soviet Socialist Republics for clarification regarding the implications of the phrase "to take such action under the Charter of the United Nations as it considers appropriate", in the amendment contained in document A/C.3/L.2019/Rev.1.

10. She fully supported draft resolution A/C.3/L.2022, which would enhance the significance to the draft Convention.

11. Mr. BAL (Mauritania) said that article III of the draft Convention was one of the most important provisions of the entire text. He was surprised at the amendment to that article sponsored by certain Latin American delegations (see A/C.3/L.2026). It was contrary to the whole spirit of General Assembly resolution 2646 (XXV), on the elimination of all forms of racial discrimination, and would greatly restrict the scope of the draft Convention. Paragraph 5 of that resolution condemned the activities of those States which, by political, economic and military collaboration with the racist régimes of southern Africa, enabled and encouraged those régimes to enforce and perpetuate their policy of *apartheid* and other forms of racial discrimination. If

the sponsors of the amendment in question did not clarify what commitments they were referring to, he would have to take it that they were commitments of a political or commercial nature. His delegation appealed to the sponsors to withdraw the amendment. If they did not, his delegation would ask for a recorded vote and would vote against it.

12. With regard to the amendment to article X submitted by the same delegations, he respected their views and understood their desire to water down the draft Convention. As he had said on repeated occasions, the African countries could always tell who their friends were when it came time to vote, particularly on amendments.

13. Mr. GAHUNGU (Burundi) introduced the amendment contained in document A/C.3/L.2024, which proposed the replacement of the eighth preambular paragraph of the draft Convention by a new text. The amendment was designed to clarify the concepts embodied in the paragraph, namely, that *apartheid* was a *sui generis* crime against humanity, particularly as practised by the South African régime, and that its intensification and expansion to other countries seriously threatened international peace and security.

14. Mr. BADAWI (Egypt) said some changes should be made in his delegation's amendment to article IV (A/C.3/L.2017). The words "suppress as well as" should be inserted between the words "necessary to" and "prevent", and the word "doctrines" should be replaced by the word "policies".

15. Mr. KHMIL (Ukrainian Soviet Socialist Republic) said he agreed with the views expressed by the representative of Mauritania concerning the amendment to article III submitted by certain Latin American countries in document A/C.3/L.2026. Unless the sponsors clearly specified which international commitments they were referring to, he could not vote for that amendment.

16. Mr. SMIRNOV (Union of Soviet Socialist Republics), referring to the request for clarification by the representative of Indonesia, explained that the new article proposed by his delegation was similar to article VIII of the Convention on the Prevention and Punishment of the Crime of Genocide. States could call upon the Special Committee on *Apartheid*, the Commission on Human Rights, or any other organ. If *apartheid* was to be characterized as a threat to international peace and security, there was a possibility that at some stage circumstances might make it necessary for the matter to be brought before the Security Council.

17. His delegation had no particular difficulty with the amendment to article X appearing in document A/C.3/L.2026, although it restricted the significance of the article on extradition. With regard to the amendment to article III in that document, however, his delegation agreed with the representative of Mauritania. He appealed to the sponsors not to press for the inclusion of that amendment.

18. Mr. GRAEFRAETH (German Democratic Republic), referring to the remarks made by the representative of Indonesia regarding article XI of the draft Convention, said that he did not interpret that article as providing for the compulsory jurisdiction of the International Court of Justice. The article provided that disputes should be brought before the Court "at the request of

the States parties to the dispute"; he understood that to mean the same thing as "all States parties". The article seemed to be in line with Article 36 of the Statute of the Court.

19. His delegation shared the difficulties encountered by others with regard to the amendment to article III in document A/C.3/L.2026. As to the amendment to article X, in the same document, he would like to ask the sponsors to include a reference to general international law such as appeared in other documents on asylum, specifically, in article 1, paragraph 2 of the Declaration on Territorial Asylum (see General Assembly resolution 2312 (XXII)). Such a provision would bring the article more closely into harmony with developments after 1948. He therefore suggested that the sentence should be amended to read: "... in accordance with their legislation, with general international law and with the treaties in force."

20. Mr. CHIRILA (Romania) said his delegation had consistently expressed the view that the Convention should be drafted in the most effective form possible. It reiterated its support for the draft Convention as it stood and wished to be included in the list of sponsors of draft resolution A/C.3/L.2022.

21. Mr. PETHERBRIDGE (Australia) said that the representative of the German Democratic Republic seemed to have misinterpreted the provisions of the Statute of the International Court of Justice in relation to article XI of the draft Convention. Article 36 of the Statute stated that the jurisdiction of the Court comprised all cases which the parties referred to it; that did not mean that disputes could be brought before the Court only at the request of all the parties involved.

22. Miss PRODJOLALITO (Indonesia) said she remained unconvinced by the explanations offered by the representative of the German Democratic Republic with regard to article XI.

23. Mr. MARTINEZ ORDOÑEZ (Honduras) said certain delegations had implied that the amendment to article III contained in document A/C.3/L.2026 was based on commercial considerations. Honduras did not engage in trade with South Africa and did not wish to do so as long as that country continued to apply the odious policy of *apartheid*. In Honduras and in most Latin American countries discrimination based on the colour of a person's skin was inconceivable.

24. The proposed amendment to article III was dictated primarily by the fact that the wording of that article seemed to imply that all representatives of States, including diplomatic representatives and members of parliament and Government, could be held criminally responsible for the crime of *apartheid*. As a signatory to the Vienna conventions on diplomatic and consular relations Honduras could not accept that provision, which also contradicted the provisions of the Honduran Constitution. The sponsors would be willing to withdraw their proposed amendment if the article in question could be reworded so as to make it clear that its provisions did not apply to diplomatic agents.

25. Mrs. WARZAZI (Morocco) proposed that the amendment to article X contained in document A/C.3/L.2026 should be reworded so as to conform exactly to the wording of article VII of the Convention on the Prevention and Punishment of the Crime of

Genocide: the words "in such cases" should be inserted immediately after the word "undertake".

26. She asked for an explanation of the meaning of the three dots after the words "empower the" in article IX.

27. The CHAIRMAN replied that the representative of the Soviet Union had proposed that the gap in question should be filled by the words "Commission on Human Rights".

28. Mr. MARTINEZ ORDOÑEZ (Honduras) said that the sponsors of the amendment in document A/C.3/L.2026 to article X would be prepared to add the words "in such cases", if that would solve the difficulties of certain delegations.

29. Mrs. MARICO (Mali) said her delegation was not entirely satisfied with the explanation offered by the representative of Honduras with regard to the proposed amendment to article III. That article stated that international criminal responsibility should apply to representatives of the State. The words "representatives of the State" meant representatives of the Government in South Africa who were responsible for the policy of *apartheid*. If an exception was made in respect of those individuals, the very foundation of article III would be destroyed. Her delegation could accept the proposed amendment only if the words "except for the Vienna Conventions" were inserted after the word "instruments". Her delegation would abstain in the vote on the amendment to article X proposed in document A/C.3/L.2026.

30. Mr. ACAKPO (Dahomey) said that his delegation wished to become a sponsor of draft resolution A/C.3/L.2022. It hoped that the draft resolution would be adopted by an overwhelming majority, if not unanimously. The adoption of new legal instruments to combat *apartheid* was urgently required, since the continued suppression of the majority in South Africa could only lead to serious conflict.

31. Mr. AL-QAYSI (Iraq) pointed out that the amendment to the eighth preambular paragraph proposed by the representative of Burundi (A/C.3/L.2024) contained the words "*apartheid* in its policy of continued intensification and expansion", which did not make sense in view of the fact that *apartheid* itself was a policy. He therefore proposed that that phrase should be replaced by the words "the continued intensification and expansion of the policy of *apartheid*".

32. Mr. ACEMAH (Uganda), speaking on behalf of the delegation of Burundi, said the latter had revised the amendment in question to read "*Observing that the Security Council has emphasized that *apartheid*, its continued intensification and expansion, seriously disturbs and threatens international peace and security*".

33. Mr. VALTASAARI (Finland), speaking on behalf of the five Nordic countries, said he wished to make clear their views on the draft Convention before the vote. The Nordic Governments considered *apartheid* to be a particularly abhorrent form of racism and unique in the fact that it constituted the foundation of an entire social system. *Apartheid* was a threat to the sound development not only of southern Africa but of the world as a whole.

34. The Nordic Governments had consistently advocated continued and increasing pressure by the international community on those who practised *apartheid*. To

that end they had signed the International Convention on the Elimination of All Forms of Racial Discrimination, had implemented Security Council resolutions relating to the arms embargo against South Africa and the Territories under Portuguese domination and had supported Security Council decisions on sanctions against Southern Rhodesia. It was a deplorable fact that despite those resolutions and decisions the policy of *apartheid* was still being pursued. However, the Nordic Governments had reservations with regard to the adoption of an international legal instrument which would make *apartheid* subject to universal jurisdiction, and doubted whether any wide measure of support for such an instrument could be found in the international community. Indeed, the adoption of such an instrument would create an undesirable precedent. Accordingly, the delegations of the Nordic countries would abstain in the vote on the draft Convention. That position in no way altered the long-standing commitment of the Nordic countries to the struggle against *apartheid*.

35. Mr. SHEN (China), speaking in explanation of vote before the vote, said his delegation had consistently supported the peoples of Africa in their just struggle against imperialism and racism and in their efforts to achieve and safeguard national independence. Concrete and effective measures were urgently required to give effect to the many United Nations conventions and resolutions on racism and *apartheid* which had been adopted in the past.

36. The draft Convention under consideration was directed against racist rule in South Africa. Accordingly, his delegation would vote in favour of the draft as a whole. However, some of the articles of the draft had legal implications which required more detailed study by the Office of Legal Affairs. For that reason, his delegation would not take part in the vote on the individual articles of the draft and would state its views on them at the appropriate time and in the appropriate forum.

37. Mr. SÖYLEMEZ (Turkey) said the United Nations as a whole was united in its support for international measures to combat the evil of *apartheid*. As a matter of principle and policy, his delegation always supported such measures and would continue to do so in the future. As a signatory to the International Convention on the Elimination of All Forms of Racial Discrimination, it unreservedly condemned *apartheid*.

38. His delegation felt that the Committee should have discussed the draft Convention in more detail before voting on it. Such a discussion would have helped clarify most of the legal difficulties in the draft and would have paved the way for its unanimous adoption.

39. The draft Convention constituted a new departure from traditional approaches to the matter. At the same time, it posed substantial legal and political problems for many countries, including his own, and some of its provisions inevitably ran counter to certain elements in national legal systems. Moreover, the broad scope of international criminal jurisdiction as envisaged in the draft posed new problems in international law. The concept of international criminal responsibility was a relatively unexplored one, and must evolve over a period of time.

40. His delegation would have preferred to see wider and more thorough consideration of the draft Convention, perhaps in a working group analogous to that set up by the Commission on Human Rights. Such a procedure, through the clarification of certain legal problems, would have been a contribution towards ensuring the success of the instrument. As it stood, the definition of the crime of *apartheid* in the draft Convention was open to widely varying interpretations. Furthermore, the provisions relating to the criminality of organizations and institutions appeared to run counter to the principle of and practice in respect of, criminal responsibility of their agents. The will of those agents constituted the criminal responsibility of such organizations and institutions while the agents were acting on their behalf.

41. The section dealing with territoriality appeared to be valid with specific exceptions. In connexion with the provisions relating to extradition, he recalled that his country's legal practice obliged the criminal courts to decide initially whether a case involved a political or an ordinary crime. Since, with regard to political crimes, the Government had discretion on matters of extradition, the automatic character of the article in the draft Convention posed legal problems for his country.

42. He suggested that the text should be referred to the Sixth Committee for examination from a purely legal point of view before it was submitted to the General Assembly.

43. His delegation would vote in favour of the Latin American amendments (A/C.3/L.2026) and all other amendments which had been submitted, with one exception. He would also vote in favour of the adoption of the draft Convention as a whole, but he wished to place on record his delegation's legal and political misgivings concerning certain articles.

44. Mr. ROUX (Belgium) said that, although his delegation was convinced that the fight against *apartheid* should be encouraged, it would, for legal reasons, abstain in the vote on the adoption of the draft Convention and on the draft resolution (A/C.3/L.2022). Firstly, the provisions relating to the principle of extraterritoriality were too broad, and could not be accepted by his delegation. Moreover, article III did not define adequately which persons would be subject to international criminal responsibility, and left the matter open to arbitrary interpretation.

45. In addition to those points, other elements in the draft Convention might well have benefited from examination by specialists, either—as proposed by the New Zealand delegation at the fifty-fourth session of the Economic and Social Council—by the International Law Commission, or by the Sixth Committee, as several members of the Commission on Human Rights had suggested at its twenty-eighth session and as the representative of Turkey had just proposed. In general, he wished to associate himself with the concern expressed by the representative of Turkey in his statement.

46. Mrs. CHIMOMBE (Lesotho) said that her country's position on *apartheid* had been set out by its Minister for Foreign Affairs during the general debate in the General Assembly (2137th plenary meeting). It was on the basis of that position that her delegation had voted in favour of General Assembly resolution 2923 (XXVII). Her Government had also acceded to the International Convention on the Elimination of All

Forms of Racial Discrimination, as had the Government of Botswana.

47. Her delegation and the delegation of Botswana would abstain in the vote on the adoption of the draft Convention, since their countries would find it difficult to implement some of the articles. At the same time, the two delegations reaffirmed their total rejection of the system of *apartheid*, and reiterated their solidarity with peoples subjected to *apartheid* and all forms of racial discrimination.

48. Mr. WIGGINS (United States of America) recalled that he had already explained the problems raised by the draft Convention in connexion with his country's legal system and with international law. He did not believe that the draft Convention constituted a significant addition to existing international instruments in the same general field: the International Convention on the Elimination of All Forms of Racial Discrimination effectively outlawed all forms of racial discrimination, and made a specific reference to *apartheid*. In addition, offences associated with *apartheid* were punishable under the terms of the Convention on genocide. Priority should be given to the implementation of previously adopted conventions.

49. The draft Convention, while considerably extending the scope of international jurisdiction, provided no effective implementation procedures and relied on the provisions of national legal systems. However, countries which wished to pursue the aims of the draft Convention could already do so under their own domestic laws—in the case of the United States, the Civil Rights Act entered into that category.

50. If the draft Convention had been merely redundant, it would have received his delegation's support in view of the obviously widely shared desire for further action to combat *apartheid*. Unfortunately, he felt that certain of its provisions could damage the structure of international law and even the constitutional structure of the United Nations itself.

51. In terms of international law, his country could not accept the draft Convention's assumption that *apartheid* constituted a crime against humanity. Such crimes were so grave that, at the current stage, their legal definition must be very strictly construed. He had already expressed concern at the problems that the considerable extension of international jurisdiction under the draft Convention would raise for common-law countries such as his own. He associated himself with the remarks of the representative of Turkey on that matter.

52. His delegation's difficulties in accepting the draft Convention would be increased by the inclusion of a reference to the Commission on Human Rights in article IX. That would raise the constitutional question of whether States parties to a convention could confer powers on an existing United Nations body. Furthermore, the Commission on Human Rights would, under article IX, be faced with a practical dilemma, since it would find itself in the difficult position of supervising the implementation of an instrument which most of its members had not acceded to and did not support.

53. Article XII provided for accession to the Convention by all States, but left vague the definition of "State". He felt that the original drafters of the Convention might have intended to leave open the possibil-

ity of accession to it by liberation movements; however, it was also possible that any insurgent movement might endeavour to obtain a measure of international recognition by acceding to the Convention.

54. His delegation was glad to note that, as a result of discussion, the number of ratifications required under article XIV had been increased to 20. That was the minimum number which should be required for an international instrument raising such broad problems. Unfortunately, however, his delegation would not be able to support the adoption of the draft Convention as a whole. Many members of the Third Committee were not lawyers and could not envisage the implications of the draft Convention; consequently, his delegation strongly endorsed the suggestion of the Turkish representative that the text should be referred to the Sixth Committee for consideration by legal experts.

55. Mr. CATO (Ghana) said that his delegation had noted with particular regret the position of the Nordic countries on the draft Convention. His country and others had always appreciated the genuine support the Nordic countries had provided to those struggling against the policies and practices of *apartheid* and the concrete assistance they had given to efforts to eliminate *apartheid*.

56. His delegation's support for the draft Convention was based on the view that nothing could be more appropriate than the adoption by the international community, in the year of the twenty-fifth anniversary of the Universal Declaration of Human Rights, of further strong measures which, with goodwill and support from all countries, could lead to the elimination of *apartheid*. South Africa's contempt for and ridicule of the international community, as manifested in its flagrant disregard of United Nations decisions, constituted a direct challenge which the Organization must meet. The adoption of the draft Convention provided it with an opportunity to do so.

57. He regretted the submission of the Latin American amendments (A/C.3/L.2026), which risked upsetting the tradition of solidarity between the peoples of Africa and Latin America. If accepted, those amendments might undermine the force of the entire Convention. He appealed to the sponsors to withdraw their amendment to article III: if they did so, his delegation would be able to support their amendment to article X.

58. Mrs. MAIR (Jamaica), noting that her delegation was a sponsor of the draft resolution before the Committee (A/C.3/L.2022), expressed the hope that the Committee would adopt the draft Convention on as wide a basis as possible. The fact that various bodies had considered such a convention to be necessary indicated that it had been very difficult to implement previous conventions, and also indicated the insidious ability of a crime such as *apartheid* to extend its influence outside the immediate area of southern Africa and corrupt the will of those who in principle sincerely condemned it.

59. Since it had become independent, her country had never encountered any problems in refusing to compromise with *apartheid* in any shape or form. The countries of the Caribbean region had relatively recently emerged from slavery, which did not differ in any great degree from the institution of *apartheid*.

60. She did not underestimate the complexities of developing an instrument of international law or the problems and misgivings expressed by a number of delegations. However, her delegation's legal advisers had assured her that the legal problems raised by the draft Convention were by no means insurmountable.

61. Her delegation wished to request a recorded vote on the draft Convention and the amendments to it.

62. Mrs. MOHAMMED (Nigeria) said that, while her delegation respected the views of those who found difficulty with specific provisions of the draft Convention, it could not understand objections to the principle of adopting a convention on the suppression and punishment of *apartheid*. The Commission on Human Rights¹ and the Special Committee on *Apartheid*² had approved the draft Convention. Her delegation appealed to members of the Third Committee to adopt the draft Convention with a view to eradicating the wicked and inhuman practices of *apartheid* and alleviating the suffering of

¹ See *Official Records of the Economic and Social Council, Fifty-fourth Session, Supplement No. 6*, chap. XX, resolution 16 (XXIX).

² See *Official Records of the General Assembly, Twenty-eighth Session, Supplement No. 22*, para. 124.

those under its yoke. Nigeria would vote in favour of its adoption.

63. Mr. PETROPOULOS (Greece) said that his country's traditions left no doubt as to its position on the question of *apartheid*. For example, Greece had acceded to the International Convention on the Elimination of All Forms of Racial Discrimination, which contained a specific reference to *apartheid*. At the same time, his delegation was not convinced that a number of serious legal problems raised by the document had been overcome by the amendments submitted. It could not give unqualified approval to an international instrument which had not reached the point where it could command universal acceptance, and would consequently abstain in the vote on the draft Convention.

64. Mr. MOUSSA (Niger) expressed gratitude to all those who had contributed to improving the draft Convention. His country, which had suffered colonial domination, welcomed the Convention's broadness of scope and would vote in favour of its adoption.

The meeting rose at 12.55 p.m.

2008th meeting

Friday, 26 October 1973, at 3.10 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2008

AGENDA ITEM 53

Elimination of all forms of racial discrimination (continued) (A/9003 and Corr.1, chaps. XXIII, sect. A.1 and A.2 and XXX, sect. B; A/9018, A/9094 and Corr.1 and Add.1 and 2, A/9095 and Add.1, A/9139, A/9177, A/C.3/L.2016, 2017, 2018/Rev.1, 2019/Rev.1, 2020-2026):

(b) Draft Convention on the Suppression and Punishment of the Crime of *Apartheid* (concluded) (A/9003 and Corr.1, chap. XXIII, sect. A.2, A/9095 and Add.1, A/C.3/L.2016, 2017, 2018/Rev.1, 2019/Rev.1, 2020-2026)

1. Mr. SMIRNOV (Union of Soviet Socialist Republics), explaining his vote in advance, said that the USSR was pleased to be one of the 33 sponsors of the draft Convention on the Suppression and Punishment of the Crime of *Apartheid* (A/9095, annex, and A/9095/Add.1), which it believed would have a decisive moral, political and legal influence in bringing about the elimination of that crime. His delegation was surprised at the unfounded misgivings expressed by some delegations, which had nevertheless refrained from making comments when they had had the opportunity to do so during the article-by-article consideration of the draft Convention. His delegation did not consider that the machinery provided for in the draft was complex or detrimental to the constitutional structures of United Nations organs. Moreover, if the draft Convention posed problems in connexion with the Constitution of a particular State, consideration should be given to mod-

ifying the constitutional structure of that State if progress was to be made in the struggle against *apartheid*.

2. The vote on the draft Convention and the related draft resolution (A/C.3/L.2022) would show which countries genuinely wished to combat *apartheid* and which countries were helping to perpetuate racism and racial discrimination in South Africa.

3. Mr. KABINGA (Zambia) said that Zambia was a sponsor of draft resolution A/C.3/L.2022 and would vote for the draft Convention and for all the amendments thereto, except for those contained in document A/C.3/L.2026, which in its opinion weakened the text. His delegation did not believe that the draft Convention posed legal problems, and it was convinced that the legal arguments adduced against the draft could ultimately be reduced to the national interests of a particular country and the way in which those interests were related to South Africa. In other words, those arguments were based on purely political considerations. Moreover, it was necessary to help to make international law more progressive, and his delegation found it regrettable that it was not possible to relate legal norms to justice. It should be reiterated that there was a marked parallel between nazism and *apartheid*, and it was surprising to find one Power affirming that, legally, *apartheid* was not a crime against humanity. He did not believe that legality could be divorced from reality. His country had therefore been extremely concerned about the reservations regarding the draft Convention which had been expressed at the previous meeting.

4. Miss FAROUK (Tunisia) said that her delegation considered that the draft Convention still required

further elaboration from the legal point of view, and in that respect shared the reservations expressed by the representative of Turkey at the previous meeting. Nevertheless, it preferred to vote for the text, whatever its imperfections, rather than to delay the adoption of an instrument to combat the crime of *apartheid*, since Tunisia had always been strongly opposed to that hateful policy.

5. With regard to the amendments submitted, she thought that the Moroccan amendment (A/C.3/L.2020) clarified and precisely defined the sphere of application of the Convention and helped to dispel certain misgivings expressed by some delegations. Her delegation would vote for all the amendments proposed, except for the amendment to article III contained in document A/C.3/L.2026, believing that the Committee's role was to help to elaborate a body of international law imbued with a sense of justice.

6. The CHAIRMAN invited the Committee to proceed to an unrecorded vote on the draft Convention (A/9095, annex, and A/9095/Add.1), on an article-by-article basis, and also on the amendments thereto, except in those cases in which a recorded vote had been requested.

First preambular paragraph

The first amendment by Mali (see A/C.3/L.2021) was adopted by 86 votes to none, with 16 abstentions.

The first preambular paragraph, as amended, was adopted by 89 votes to none, with 13 abstentions.

Second preambular paragraph

The second amendment by Mali (see A/C.3/L.2021) was adopted by 86 votes to none, with 17 abstentions.

The second preambular paragraph, as amended, was adopted by 93 votes to none, with 14 abstentions.

Third preambular paragraph

The third amendment by Mali (see A/C.3/L.2021) was adopted by 90 votes to none, with 15 abstentions.

The amendment by Ghana (A/C.3/L.2016) was adopted by 89 votes to none, with 15 abstentions.

The third preambular paragraph, as amended, was adopted by 90 votes to none, with 14 abstentions.

Fourth, fifth, sixth and seventh preambular paragraphs

The fourth, fifth, sixth and seventh preambular paragraphs were adopted by 87 votes to none, with 20 abstentions.

Eighth preambular paragraph

The new text proposed by Burundi (A/C.3/L.2024), as orally revised, was adopted by 84 votes to none, with 21 abstentions.

Ninth preambular paragraph

The fifth amendment by Mali (see A/C.3/L.2021) was adopted by 87 votes to none, with 20 abstentions.

The ninth preambular paragraph, as amended, was adopted by 88 votes to none, with 20 abstentions.

Article I

The sixth amendment by Mali (see A/C.3/L.2021) was adopted by 88 votes to none, with 18 abstentions.

Article I, as amended, was adopted by 91 votes to 3, with 18 abstentions.

Article II

Preliminary paragraph

The first part of the seventh amendment by Mali (see A/C.3/L.2021) was adopted by 90 votes to none, with 19 abstentions.

The amendment by Morocco, the Niger and Pakistan (A/C.3/L.2020) was adopted by 89 votes to 3, with 19 abstentions.

Subparagraph (a)

The second part of the seventh amendment by Mali (see A/C.3/L.2021) was adopted by 82 votes to none, with 22 abstentions.

Subparagraph (a) (ii)

The third part of the seventh amendment by Mali (see A/C.3/L.2021) was adopted by 89 votes to none, with 21 abstentions.

Article II as a whole, as amended, was adopted by 88 votes to 3, with 21 abstentions.

Article III

At the request of the representative of Mauritania, a recorded vote was taken on the first amendment by Bolivia, Chile, Colombia, Costa Rica, Ecuador, Haiti, Honduras, Panama, Paraguay, Peru, Uruguay and Venezuela (see A/C.3/L.2026).

In favour: Australia, Belgium, Bolivia, Brazil, Burma, Canada, Chile, Costa Rica, Ecuador, Guatemala, Haiti, Honduras, Iran, Netherlands, New Zealand, Peru, Sri Lanka, Turkey, Uruguay, Venezuela.

Against: Afghanistan, Algeria, Bulgaria, Byelorussian Soviet Socialist Republic, Cameroon, Congo, Cuba, Czechoslovakia, Democratic Yemen, Egypt, Ethiopia, Gabon, Gambia, German Democratic Republic, Ghana, Guinea, Hungary, India, Kenya, Kuwait, Lebanon, Liberia, Libyan Arab Republic, Madagascar, Mali, Mauritania, Mongolia, Nepal, Niger, Nigeria, Poland, Romania, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia, Zaire, Zambia.

Abstaining: Argentina, Austria, Bahamas, Bahrain, Barbados, Bhutan, Burundi, Central African Republic, Colombia, Cyprus, Denmark, Fiji, Finland, France, Germany (Federal Republic of), Guyana, Iceland, Indonesia, Iraq, Ireland, Italy, Jamaica, Japan, Laos, Malaysia, Mexico, Morocco, Norway, Oman, Pakistan, Philippines, Saudi Arabia, Singapore, Spain, Sweden, Thailand, Trinidad and Tobago, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America.

The amendment was rejected by 48 votes to 20, with 40 abstentions.

The eighth amendment by Mali (see A/C.3/L.2021) was adopted by 72 votes to none, with 36 abstentions.

Article III, as amended, was adopted by 80 votes to 3, with 28 abstentions.

Article IV

Subparagraph (a)

The amendment by Egypt (A/C.3/L.2017), as orally revised, was adopted by 88 votes to none, with 22 abstentions.

Subparagraph (b)

The first amendment by Guyana (see A/C.3/L.2018/Rev.1) was adopted by 78 votes to none, with 31 abstentions.

Article IV, as amended, was adopted by 84 votes to 3, with 25 abstentions.

Article V

The ninth amendment by Mali (see A/C.3/L.2021) was adopted by 80 votes to none, with 24 abstentions.

Article V, as amended, was adopted by 85 votes to 3, with 23 abstentions.

Article VI

Article VI was adopted by 90 votes to 1, with 21 abstentions.

Article VII

Article VII, as orally amended, was adopted by 90 votes to none, with 22 abstentions.

New article VIII proposed by the USSR

The new article VIII (A/C.3/L.2019/Rev.1) was adopted by 83 votes to 3, with 25 abstentions.

Article IX (former article VIII)

Article IX was adopted by 89 votes to 3, with 20 abstentions.

Article X (former article IX)

Article X, as orally amended, was adopted by 89 votes to 3, with 20 abstentions.

Article XI (former article X)

The second amendment by Bolivia, Chile, Colombia, Costa Rica, Ecuador, Haiti, Honduras, Panama, Paraguay, Peru, Uruguay and Venezuela (see A/C.3/L.2026), as orally revised, was adopted by 63 votes to 3, with 43 abstentions.

Article XI, as amended, was adopted by 84 votes to 1, with 28 abstentions.

Article XII (former article XI)

Article XII was adopted by 88 votes to 1, with 24 abstentions.

Article XIII (former article XII)

The second amendment by Guyana (see A/C.3/L.2018/Rev.1) was adopted by 92 votes to none, with 17 abstentions.

Article XIII, as amended, was adopted by 89 votes to 3, with 20 abstentions.

Article XIV (former article XIII)

Article XIV was adopted by 94 votes to none, with 20 abstentions.

Article XV (former article XIV)

The tenth amendment by Mali (see A/C.3/L.2021) was adopted by 94 votes to none, with 18 abstentions.

Article XV, as amended, was adopted by 91 votes to none, with 22 abstentions.

Articles XVI, XVII, XVIII and XIX (former articles XV, XVI, XVII and XVIII)

Articles XVI, XVII, XVIII and XIX were adopted by 94 votes to none, with 20 abstentions.

Draft Convention as a whole, as amended

At the request of the representative of Mauritania, a recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Argentina, Bahamas, Bahrain, Barbados, Bhutan, Bolivia, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran, Iraq, Jamaica, Kenya, Kuwait, Laos, Lebanon, Liberia, Libyan Arab Republic, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Niger, Nigeria, Oman, Pakistan, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia.

Against: Portugal.

Abstaining: Australia, Austria, Belgium, Botswana, Brazil, Canada, Colombia, Denmark, Finland, France, Germany (Federal Republic of), Greece, Iceland, Ireland, Italy, Japan, Lesotho, Netherlands, New Zealand, Norway, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

The draft Convention as a whole, as amended, was adopted by 93 votes to 1, with 24 abstentions.

7. The CHAIRMAN said that an unrecorded vote would next be taken on draft resolution A/C.3/L.2022, as orally revised.

The draft resolution, as orally revised, was adopted by 90 votes to 1, with 21 abstentions.

8. Mr. SAYAR (Iran), explaining his vote, said that his delegation's position concerning the question of *apartheid* was clear and had been stated very forcefully on numerous occasions. Iran had consistently denounced *apartheid*, not only in the light of the objectives of the Charter of the United Nations and the principles proclaimed in the Universal Declaration of Human Rights, but also out of solidarity with the brother countries of Africa and millions of human beings who were victims of that practice and whose unspeakable suffering was of concern to Iran. Iran had afforded proof of that attitude by its ratification of the International Convention on the Elimination of All Forms of Racial Discrimination, not to mention its participation in the International Conference on Human Rights in 1968, which it had had the honour to host. Moreover, Iranian experts had taken part in the International Conference of Experts for the Support of Victims of Colonialism and *Apartheid* in Southern Africa, held at Oslo in April 1973. The question of *apartheid* and the most appropriate and effective means of combating it had been dealt with on all those occasions.

9. His delegation felt that the draft Convention which had been adopted was a praiseworthy initiative, and met the desires of many countries which were impatiently waiting for the struggle against *apartheid* to take a more positive and concrete form through the adoption of an international instrument for the suppression of that crime. But it was one thing to draw up an instrument on paper and another to apply it in reality. The adoption of an international instrument of such importance, involving fundamental aspects of international law, the law of treaties, internal law and penal procedure, would be a crucial step in the evolution of international penal law, and therefore greater attention should be paid to its practical aspects. Articles III, IV and V of the draft immediately raised delicate problems and would lead to difficulties. Some delegations, especially that of Turkey, had described ably and in detail all the legal and practical difficulties which would be involved. His delegation had abstained in the voting on articles III, IV and V of the draft Convention solely for considerations of that order. However, that vote did not change in any way the position of his delegation and his Government with regard to the need to combat effectively the practice of *apartheid* and to eliminate that scourge of humanity.

10. Mr. PARDOS (Spain), speaking in explanation of his vote, said that the draft Convention which had been adopted was of transcendent importance because it sought to bring within the purview of criminal law one of the basic principles of humanity, the principle of the essential equality of all human beings; it was also important because of its very broad scope. However, its subject matter was delicate and difficult, because it affected the freedom of individuals and regulated such controversial matters as the criminal responsibility of organizations or institutions, so-called universal jurisdiction, the identification of certain crimes as crimes against humanity, the solution of conflicts between States, and so on. In the view of his delegation, the text adopted had neither given sufficient attention to, nor found solutions for, the difficulties raised by those matters, and such technical defects, combined with the

text's lack of harmony with other conventions in force, would make it very difficult to ensure its effective implementation.

11. As an example, he referred to the definition of the crime of *apartheid* in articles I and II: according to article I, all inhuman acts resulting from the policies and practices of *apartheid* constituted a crime, while under the terms of article II any inhuman act committed for the purpose of maintaining domination by one group constituted a crime. Article II therefore required that the act should have a purpose which was not required in article I; but in addition to that generic requirement, article II (a) required that in the case of an attack the act should be serious and produce a result. On the other hand, since intention alone was required in subparagraphs (b) and (c) of article II, there was some doubt as to whether intention was necessary for the commission of the crime or crimes described in subparagraph (a), a doubt which was further strengthened by a consideration of the wording of article I, which required neither a purpose, nor intention nor a result.

12. From another point of view, if the proposed text was compared with the corresponding articles of the Convention on the Prevention and Punishment of the Crime of Genocide, the content of which Spain had incorporated into its Penal Code, it would be found that that Convention punished the same acts that were made punishable by the text which had just been adopted and that the aim of domination by one group over another, which characterized *apartheid*, could be regarded as coming under the arm of the destruction of a group, which characterized genocide. An analysis of subparagraph (a) of article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, to which Spain was also a party, showed that it declared an offence punishable by law "all acts of violence" against any group of persons "of another colour or ethnic origin" the purpose or result of which was to nullify or impair the equal enjoyment of rights. Therefore, while the Convention on genocide brought within the purview of criminal law a group's right to life and to a way of life, the International Convention on the Elimination of All Forms of Racial Discrimination, with *apartheid* unquestionably constituting one of those forms of racial discrimination, covered the principle of racial equality, which was also one of the aims of the draft that had just been adopted.

13. His delegation considered it necessary to take into account the interrelationship between the Conventions referred to and the text which the Committee had adopted, in order to achieve greater effectiveness in the efforts to eliminate *apartheid*. It was in the light of his delegation's concern over the draft Convention's effectiveness, which had been very realistically called into question in the Committee, that its vote should be understood. The Spanish people and Government rejected and condemned all forms of racism, and in particular *apartheid*, the practice of which it considered contrary to the most elementary norms of morality and justice. His delegation fully supported the purpose of the draft Convention, which aimed at giving effect to the principle of racial equality, but it had serious misgivings about the effectiveness of the means proposed, and therefore found itself obliged to mark its reservations by abstaining in the vote on the draft and its respective

amendments, as well as on draft resolution A/C.3/L.2022.

14. Mr. WILDER (Canada), in explanation of his vote, said that Canada approved the principle behind the action to bring about the eradication of all forms of *apartheid* and racial discrimination. The Canadian people and Government strongly condemned the policy of *apartheid* practised by the racist régime of South Africa and its attitude was exemplified by the statement of the Permanent Representative of Canada to the United Nations at the 862nd meeting of the Special Political Committee, on 11 October, on the occasion of the Day of Solidarity with South African Political Prisoners. Canada had always opposed and would continue to oppose policies which debased human dignity and freedom. His delegation had abstained in the vote on the draft Convention as a whole and on the draft resolution because it considered that the terms of a legally binding instrument should be drawn up much more carefully in order to avoid loose wording and, as a result, possibly widely varying interpretations. Certain terms used in the draft Convention could and should have been much more circumscribed, and before being voted upon should have been sent to a group of legal experts who would have studied in detail the consequences of its implementation and introduced textual improvements through clarification of language. As had been suggested by some delegations, in particular that of Turkey, the draft should have been referred to the Sixth Committee.

15. The Canadian Government foresaw juridical difficulties with the text as it stood. The draft Convention established universal jurisdiction in respect of the crime of *apartheid*, and the provisions of articles I, III, IV, V and X constituted for States parties an undertaking to enact domestic implementing legislation which would establish such universal jurisdiction. His Government, however, could not establish in Canada universal jurisdiction in respect of the crime of *apartheid* as so broadly defined in article II of the text under consideration. The draft Convention also gave rise to the problem of who, in the absence of an international criminal tribunal, would determine whether the crime of *apartheid* as defined in article II had been committed, who would give the evidence and under what conditions, and who would decide whether there was sufficient evidence to prosecute the alleged offenders. For those reasons, while his delegation agreed with the aims of the draft Convention, it had not been able to vote in favour of the draft in its existing legally imprecise form.

16. Mr. COSTA COUTO (Brazil), explaining his vote, said that his delegation, although firmly committed to the struggle against all forms of racial discrimination, had been unable to cast a favourable vote for either the draft resolution or the draft Convention. If the draft Convention had been considered from a strictly juridical point of view, his delegation would have had to express its position by a negative vote, since many of its paragraphs were in contradiction with Brazilian constitutional organization and international juridical order.

17. His delegation had serious misgivings about the advisability of the articles concerning the internationalization of criminal law and the definition of the scope of the draft Convention, and it also had doubts about the practicability of the draft, bearing in mind the

difficulty of applying the instrument in South Africa, which was precisely the country whose discriminatory system was the object of the Convention. He recalled in that connexion the example of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, the applicability of which had been seriously hampered by the impossibility of agreeing on the international penal tribunal set up under its article VI.

18. In view of the universal character of the United Nations, the draft Convention should have been negotiated in such a way as to take fully into account the position of all regional groups. He feared that the draft Convention as it stood would be more of a liability than an asset in the struggle against *apartheid*. He would have preferred that, after an examination of the draft by the Committee from a social and humanitarian point of view, it had been sent, before being put to a final vote, to other bodies with more expertise in juridical questions, such as the Sixth Committee. Finally, he repeated that *apartheid* was contrary to the very nature of the Brazilian people, which strongly supported any legal measure effectively contributing to its complete elimination, such as the International Convention on the Elimination of All Forms of Racial Discrimination, which Brazil had been one of the first countries to ratify.

19. Lord GAINFORD (United Kingdom), speaking in explanation of vote, said that his delegation had not taken the floor during the article-by-article discussion of the draft Convention but had participated in the consideration of earlier versions of the draft in the Commission on Human Rights and the Economic and Social Council, when it had explained a number of the difficulties it faced. The latter had not been resolved and his delegation had therefore abstained in the vote on the draft as a whole.

20. The United Kingdom agreed that the practice of *apartheid* was abhorrent but shared the doubts expressed by other speakers as to the likely effectiveness of the draft Convention and was concerned by its potential for confusion and widely differing interpretations. The United Kingdom did not accept the basic assumption of the draft Convention, namely, that *apartheid* was a crime against humanity, a term which had an established and specialized meaning in international law. It was also unable to accept the legitimacy of the provisions which purported to authorize States, in connexion with certain matters covered by the draft Convention, to exercise penal jurisdiction in respect of acts committed outside their jurisdiction by persons who were not their nationals. If the draft Convention came into force his delegation would have to reserve its rights in relation to the matter.

21. In addition, his delegation strongly objected to the mandate which article VIII sought to impose upon the Commission on Human Rights and its Chairman. It agreed with those representatives who had pointed out that, even though it was expressly formulated by the accompanying resolution, that mandate was incompatible with Article 68 of the Charter and was therefore legally ineffective. He further expressed opposition to the provisions relating to signature and accession contained in articles XII and XIII, which were inappropriate and likely to create considerable confusion. For those and other reasons his delegation had been unable to support the draft Convention.

22. Mr. NODA (Japan) said that his Government's position with regard to *apartheid* had been stated in various forums of the United Nations and at the 870th meeting of the Special Political Committee, on 24 October 1973. Japan condemned unequivocally the Government of South Africa for its policy of *apartheid*, and had always supported and faithfully complied with the decisions and recommendations of the United Nations calling for action against that country in the diplomatic, military, economic and cultural areas. His delegation considered that the most important of those measures was the embargo on arms supplies to South Africa and believed that Member States should stop all arms dealings of any kind with that country. Equally important was the ban on the transfer of military technology and Member States should likewise refrain from supplying such information to the Government of South Africa. Japan had no military or diplomatic relations with South Africa and had no intention of establishing them in the foreseeable future.

23. In spite of that strong attitude on the part of the Japanese Government, his delegation had felt it necessary to abstain in the vote on the draft Convention, in the first place because article II was ambiguous as a legal definition of a punishable act. It was neither appropriate nor practical to punish such vaguely defined crimes in accordance with the universal jurisdiction procedure provided for in article IV (b). Secondly, the main purpose of the draft appeared to be the establishment of procedures whereby a State party could bring to trial and punish even the highest representatives of another sovereign State who were responsible for the crime of *apartheid*. Such a purpose was unlikely to be achieved by the draft Convention, which contained no specific provision for international criminal jurisdiction comparable with the war tribunals resulting from World War II.

24. Finally, he quoted paragraph 152 of the study concerning the question of *apartheid* from the point of view of international penal law;¹ submitted to the Commission on Human Rights at its twenty-eighth session, and reiterated that his delegation had abstained in the vote on the draft Convention for strictly legal reasons. Its abstention did not affect in any way Japan's long-standing opposition to the policy of *apartheid* in any form.

25. Mr. VAN WALSUM (Netherlands) said that his delegation had voted in favour of most of the preamble of the draft Convention in order to give expression to its rejection of *apartheid* as a criminal policy, although that did not mean that it subscribed to all the elements and definitions contained in the preamble. It had, however, abstained on the articles and on the draft Convention as a whole because the Netherlands did not intend to accede to the instrument, which it did not regard as an effective means of combating *apartheid*. That abstention did not detract in any way from the Netherlands' total rejection of *apartheid* on moral and humanitarian grounds which had been expressed by his delegation on 23 October 1973, at the 869th meeting of the Special Political Committee.

26. Mrs. DIALLO (Guinea) said that her delegation was gratified that the draft Convention on the Suppression and Punishment of the Crime of *Apartheid* had

finally been adopted. The Republic of Guinea had consistently advocated the adoption of the most firm and effective measures to combat *apartheid* and considered that the international instrument just adopted was essential.

27. The total eradication of the evils inherent in racial discrimination was an obligation for all justice-loving States and peoples; yet despite the numerous United Nations resolutions there were some Member States that persisted in their ignoble policy of *apartheid*. Notwithstanding the condemnation of the international community, the Governments of Pretoria and Salisbury were still pursuing their harsh policy of racial discrimination. At the same time, the Portuguese colonialists were continuing to deprive the peoples of Mozambique, Angola, and the Cape Verde Islands of their right to self-determination. Even though condemned by world public opinion, all those régimes enjoyed the political, economic, military and other kinds of support of the imperialist Powers which were protecting them.

28. Her delegation, which resolutely supported the legitimate struggle of the peoples against imperialism, colonialism, neo-colonialism and racism, had from the outset been among the sponsors of the draft Convention, together with the Soviet Union. For that reason, it was grateful to all those who had contributed to the drafting of the final text, which would undoubtedly contribute to the success of the struggle against racial discrimination and *apartheid* in southern Africa.

29. Miss CAO PINNA (Italy) said that Italy firmly condemned *apartheid* and similar policies and practices of racial discrimination and supported any realistic effort of the United Nations to combat those evils through the adoption of effective measures. It did not, therefore, object in principle to the idea of an international instrument on *apartheid*. The draft Convention which had just been put to the vote, however, did not contain sufficiently realistic and effective measures which would modify the intolerable persistence of *apartheid*. Her delegation could not consider it as a means of strengthening the international instruments on racial discrimination.

30. In that connexion, she pointed first of all to the lack of clarity and juridical precision in the definition of *apartheid* formulated in article II, and in such important matters as the question of which persons and institutions among those indicated in article III should be subject to prosecution, and which types of evidence of their acts the competent tribunals of States parties to the Convention should take into account in prosecuting, bringing to trial and punishing them in accordance with the terms of articles IV and V. Owing to that lack of clarity and juridical precision, which was also to be found in other provisions of the draft Convention, States parties could interpret most of its provisions in a variety of ways, thus preventing the achievement of their main purpose. Furthermore, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on genocide covered ground similar to that of the draft Convention on *apartheid*, so that in practice the latter might even have the negative result of weakening the effectiveness of the other international instruments in force.

31. Secondly, unlike the existing international instruments relating to racial discrimination, which were based on the principle of the territoriality of criminal

¹ E/CN.4/1075.

law, the draft Convention made *apartheid* a crime punishable on the basis of the principle of universality of criminal jurisdiction, which required careful scrutiny from the legal point of view. Furthermore, the number of ratifications required for the entry into force of the draft Convention was still too small and that was especially important with reference to the extension of criminal jurisdiction involved.

32. Thirdly, her delegation did not believe that the Commission on Human Rights was the appropriate body to consider the periodic reports from States parties; the Commission's mandate could be substantially affected by the provisions of the draft Convention.

33. Lastly, article I characterized *apartheid* as a crime against humanity and a serious threat to international peace and security, thus broadening the limited meaning of the term "crime against humanity" in international law and expressing judgements which could eventually fall within the competence of the Security Council.

34. For all those reasons her delegation was of the opinion that the draft Convention should be carefully considered by a legal body—as had been proposed at the fifty-fourth session of the Economic and Social Council—and had therefore abstained in the vote on it. It had also abstained on those amendments which did not refer to the points in the same paragraphs which had given rise to her delegation's doubts and objections.

35. Mr. ABSOLUM (New Zealand) said that his Government had made clear its total rejection of the doctrine and practice of *apartheid* through its activities in the various organs of the United Nations. There were many approaches to the problem of putting an end to the embodiment of racial discrimination in domestic law commonly known as *apartheid*. As one such approach, many countries considered it appropriate to make the practice a crime at international law. His delegation fully sympathized with the intention of such countries, but felt obliged to ask a number of basic questions. First of all, was there a need for a new convention, particularly in view of the existence of the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Prevention and Punishment of the Crime of Genocide? Secondly, would the new convention embrace any practices that were not already covered by the two existing conventions? His delegation had some doubts on that score, since the Convention on genocide appeared to cover the more serious acts listed in article II of the draft Convention on *apartheid*, and the International Convention on the elimination of racial discrimination appeared to cover both the more serious and the less serious acts. The wording was not particularly specific, but the intention and the obligation were clear.

36. With regard to the second question, the draft Convention appeared to contemplate a departure from the normal practice of States with regard to the territorial scope of their criminal law, in that it appeared to provide that States would have jurisdiction not only in respect of acts committed on their territory but also in respect of acts committed in any other country. The question was whether such an extension of territorial jurisdiction was justified. Although States had recognized the need for extraterritorial jurisdiction in dealing with piracy, hijacking, war crimes and now possibly crimes against diplomats, it was a very restricted list of

exceptional cases normally involving a number of States, in other words, clearly containing an "international element". His delegation was not convinced of the need for extraterritorial jurisdiction in the case of the crime of *apartheid*, at any rate as defined in the draft Convention. He fully agreed that *apartheid* was an offence against human dignity and that it must be eradicated, but looked at in practical terms, *apartheid* and other forms of racial discrimination were normally perpetrated within national boundaries. It was pertinent to note that in the Convention on genocide there was no provision for extraterritorial jurisdiction.

37. Another question was whether the crime of *apartheid* was defined in the draft in such a way that States would be able to implement it in a consistent and predictable manner. There again, his delegation had serious doubts, since article II covered a wide range of acts extending beyond *apartheid* to all forms of racial discrimination. Given the variety of ways in which the text could be interpreted, any country with a minority racial group could find that its citizens were subject to prosecution in other countries. That problem was also linked to a further question. At whom was the convention directed? Article III gave a very broad answer. By including individuals, it appeared to offer scope for wide-ranging prosecution, and it was unclear how far criminal responsibility would extend. Would it cover not only leading members of the Government but also public servants, law enforcement officers and even members of private organizations and the public? To what extent would the plea of superior orders constitute a defence? Nor was it possible to ignore the conflict between the reference in article III to the criminal responsibility of State representatives and the provisions of the conventions on diplomatic and consular relations.

38. In view of the complexity of those problems, his delegation had suggested at the fifty-fourth session of the Economic and Social Council that the draft text should be referred to the International Law Commission for examination. It greatly regretted that its suggestion had been rejected, since in the absence of an expert examination the basic reservations remained, and his Government would find itself unable to sign the Convention in its current form. Thus, since it could not ignore certain legal problems of great significance, his delegation had decided that the most appropriate course was to abstain from the voting.

39. Mr. SHAFQAT (Pakistan) said that his country's position had been reflected in the voting, and that although Pakistan's legal experts had not had the time to look carefully at the text of the draft Convention and the proposed amendments to it, it hoped that if there was any incompatibility between Pakistan's domestic legislation and the draft they could be cleared up before the Convention was open for signature.

40. Mr. RAMPHUL (Mauritius) said that he had been absent during the voting and that if he had been able to participate, he would have voted in favour of the draft Convention.

41. Mr. MENDES MOREIRA (Portugal) said that his delegation once again vehemently refuted the statement that there was an alliance or some sort of agreement between his country and Southern Rhodesia or South Africa. He also flatly rejected the accusations concerning the alleged massacre of the civil population

in Angola, Mozambique and Portuguese Guinea, the bombing of villages in Portuguese Guinea, and other violations of human rights. A number of delegations had attempted to find some parallel between the policy of *apartheid* and the policy applied by the Portuguese Government in the Territories in question, and thus to place Portugal in the category of those countries which practised genocide, *apartheid* and other acts regarded as violating human rights. His delegation denounced that Machiavellian intention and reaffirmed that neither *apartheid* nor racism nor racial discrimination existed in Angola, Mozambique or Portuguese Guinea, or indeed in any part of the world where there was a Portuguese community, since a Portuguese presence meant a total absence of racial prejudice. In that connexion he referred to the statement by the great Brazilian sociologist Gilberto Freyre in his book *Casa Grande e Senzala* to the effect that in Africa the Portuguese had tried to build up multiracial societies where there was no prejudice on grounds of race, colour, religion or ethnic origin. An attempt was being made to achieve in Africa what had been achieved in Brazil, Cape Verde and Angola.

42. Apart from the legal difficulties which several delegations had raised, the reason why the Portuguese delegation had voted against draft resolution A/C.3/L.2022 was that the text of the draft Convention on the Suppression and Punishment of the Crime of *Apartheid* did not take account of the basic principles laid down in the Charter of the United Nations, especially the principle of non-interference in the internal affairs of Member States.

43. Mrs. BERTRAND DE BROMLEY (Honduras) said that her delegation had voted in favour of the draft Convention, but would like to place on record that it had certain reservations in regard to article III in respect of the points mentioned in the amendment contained in document A/C.3/L.2026, and that it did not interpret the mention of representatives of the State in that article as referring to diplomats from any country.

44. Mrs. DE BARISH (Costa Rica) explained that her delegation had voted in favour of the draft Convention because it had always supported the efforts of the United Nations to eradicate that policy. For example, Costa Rica was a party to the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Prevention and Punishment of the Crime of Genocide. Nevertheless, it had some difficulty in regard to certain of the articles of the draft Convention, such as articles III, IV, V and X, which involved important principles such as international criminal responsibility, extraterritoriality and asylum. In addition, the vagueness of the wording in some cases, especially in article II, suggested the desirability of having the draft Convention examined by the Sixth Committee.

45. Another matter which raised problems was the scope of the draft, and in that connexion the Moroccan amendment (A/C.3/L.2020) introduced an improvement. Again, because of its concern about the possible interpretation of the scope of article III in respect of international criminal responsibility, her delegation had become a sponsor of the amendments contained in document A/C.3/L.2026. Having rejected the amendment to article III, her delegation had had to abstain from the voting on the amendment submitted by Mali

(see A/C.3/L.2021) and on the article as a whole. Nevertheless, in spite of its difficulties, in a spirit of co-operation it had voted in favour of articles IV and V and the amendments to those articles, which stipulated the jurisdiction of the State in applying the Convention.

46. With regard to article X, her delegation attached great importance to the amendment in document A/C.3/L.2026, which reproduced the second paragraph of article VII of the Convention on the Prevention and Punishment of the Crime of Genocide, since it safeguarded the principles laid down in the conventions on asylum. It was therefore gratified to see that that amendment had been approved, and it would thus be able to vote in favour of that article.

47. Her delegation hoped that in spite of its shortcomings and the legal difficulties it raised, the Convention would have the desired effectiveness.

48. Mr. CUESTA (Ecuador) said that his delegation had voted in favour of the amendments, the amended articles and the draft Convention as a whole; Ecuador could not do less than accede to any instrument aimed at the eradication of *apartheid*. In addition, it wished to explain that the amendments submitted by a number of Latin American delegations (A/C.3/L.2026) were concerned merely with strengthening the legal framework of the text of the draft.

49. Nevertheless, in spite of its vote in favour, his delegation had some reservations concerning the legal clarity of the text. For example, article V indicated that persons charged could be tried by a competent tribunal of any State party which acquired jurisdiction over such persons. On what grounds could a State party to the Convention acquire jurisdiction over such persons? Because of universal territoriality? On that point, it would have been useful to insert the words "by reason of its own penal legislation". Furthermore, with regard to article IX (b), account should be taken of the principle of the presumption of innocence failing proof to the contrary. With regard to article X, in addition to the amendment in document A/C.3/L.2026, his delegation would have preferred to see the text worded in positive terms to read: "The acts, enumerated in article II of this Convention shall be considered as ordinary crimes for the purpose of extradition", thus safeguarding the principle of asylum.

50. Mr. BOURGOIN (France) said that his delegation had always rejected all forms of racial discrimination and especially the hateful practice of *apartheid*. The French Government not only gave humanitarian assistance to the victims of *apartheid* but also complied scrupulously with the international instruments on racial discrimination to which it was a party. Thus, in 1972 it had had the French Parliament approve a new law against racism in application of the International Convention on the Elimination of All Forms of Racial Discrimination. However, his Government questioned whether the draft Convention just adopted was the best means of combating the policy of *apartheid*. Many international instruments had already been adopted with a view to combating racism and racial discrimination; his Government believed that the International Convention on the Elimination of All Forms of Racial Discrimination was still the most important of those instruments and that the strict application of that Convention by all States Members of the United Nations without exception continued to be the most effective means

of combating *apartheid*. It also considered that the best results would be obtained by seeking to influence peoples' minds, in accordance with the principles adopted in connexion with the Decade for Action to Combat Racism and Racial Discrimination.

51. His delegation considered that the text just adopted raised serious legal problems—as had been pointed out by the delegations of Australia and Turkey, among others—and that the explanations given had not been convincing. From the strictly legal viewpoint, many of its provisions ran counter to the principles of French criminal law, under which definitions of offences must be interpreted restrictively, whereas the explanations given by the representative of the United Nations Legal Counsel tended towards an extensive interpretation. That incompatibility was one of the reasons why his Government had been unable to accede to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity. In that connexion, his Government had not changed its position, which was based on strictly legal considerations, and continued to follow the judicial precedents set by the Nuremberg Tribunal. Other legal problems stemmed from the inadequacy and imprecision of the text, the question of an international tribunal, the character of the bilateral extradition agreements, extraterritoriality and the assignment of a mandate to the Commission on Human Rights by a group of States parties to an international convention, a procedure which was contrary to the Charter. His delegation had abstained during the voting, and wished to express its reservations concerning all the provisions which raised legal problems, especially articles V, VII, VIII and IX of the text approved. It also wished to express the reservations of France regarding the "all States" formula used in article XII.

52. Mr. CADENA COPETE (Colombia) reaffirmed once again his faith in the principles of the Charter and the rights and fundamental freedoms inherent in every human being. The equality of the rights of all human beings and the individual's enjoyment of his freedoms were not only an imperative of natural law but also formed an essential part of the achievements of civilization, and his delegation was therefore firmly convinced that any type of racial discrimination was a crime against humanity. The plight of millions of human beings in South Africa was unimaginable: discrimination of every kind, denial of rights, persecution, torture and the terrible treatment inflicted on political prisoners, and prohibition of marriage, all of which were motivated by differences of race and colour, were merely symptoms of the terrible tragedy which was currently being experienced by millions of human beings as a result of the practice of *apartheid*.

53. Those facts made it necessary for the United Nations struggle to continue until every trace of racism and racial discrimination had vanished from the face of the earth. The impatience of some countries was justified by the continuance of that inhuman policy, but the United Nations efforts to eliminate *apartheid* were a great source of encouragement to the oppressed people of South Africa in their struggle for freedom and the conquest of their fundamental rights. The South African régime knew that world opinion was vigilantly watching everything it did, as was shown by a certain caution in the police measures taken in connexion with the strikes that thousands of workers were carrying out

in defiance of the law in order to obtain better wages. Another symptom was the student movements, which were gathering strength and were a good omen for the South African people, who currently more than ever before should count on the support of the international community.

54. The United Nations did not have sufficient means to ensure compliance with the resolutions adopted by the General Assembly, the Security Council and other bodies and his delegation joined the great majority of countries which were members of the United Nations in requesting all Member States to comply with General Assembly resolution 2923 E (XXVII). His delegation had approved of the preamble to the draft Convention, which laid the bases for the draft, and of article I, but had abstained on the other articles because they had serious legal defects. His delegation believed that if the draft Convention had been referred to the Sixth Committee and a group of legal experts, the wording would have been more effective.

55. Mr. KHMIL (Ukrainian Soviet Socialist Republic) said that his delegation had voted for the draft Convention and the amendments which improved and clarified it, and was glad that the text had been adopted. The adoption of the draft was an important development on the threshold of the Decade for Action to Combat Racism and Racial Discrimination, since it would play a significant role in ensuring the implementation of other measures taken during that Decade. He regretted that other countries had abstained from voting in favour of the text on the grounds that it raised legal problems, since the struggle against *apartheid* should take priority over everything else. In that connexion, he wondered whether the sophisms relating to legal problems might not indicate that the internal rules of some countries ran counter to the principles on which the draft Convention was based. He was referring specifically to the United Kingdom and the United States, which were the main allies of the racist régimes and were members of a group which included Portugal. Those abstentions revealed the interests of each country, and far from casting doubt on the text they emphasized its importance. The draft Convention just adopted would have a great influence on political and moral relations.

56. Mr. VON KYAW (Federal Republic of Germany) recalled that at the current session of the General Assembly (2128th plenary meeting), Chancellor Willy Brandt, speaking on behalf of the Federal Republic of Germany, had condemned racism and colonialism as anachronistic and inhuman. The Federal Republic of Germany rejected all forms of discrimination, especially those based on race and ethnic origin. That was a basic principle of its Constitution and also guided the policies of the Government, which had accordingly ratified important international instruments on that subject. Nevertheless, his country had been obliged to abstain in the voting on the draft Convention on *apartheid* because it considered that it still raised unsolved legal problems.

57. Mr. PAPADEMIS (Cyprus) observed that his delegation had repeatedly stressed that the legal structure of the draft Convention on *apartheid* should be considered in greater detail and improved. Nevertheless, like the majority of the members of the Third Committee, especially those countries which were

situated close to places where *apartheid* was practised, it had considered that that Convention should be adopted in 1973 and had therefore voted in favour of it, believing that it would constitute a further step towards the elimination of *apartheid*.

58. Mr. CEDE (Austria) said that his delegation had abstained during the voting on the draft Convention and the related draft resolution because it considered that the evolution of international penal law required certain legal preconditions which had not been met in the current case.

59. Mr. DAMMERT (Peru) said that his delegation had voted for the draft Convention because it was certain that as soon as that Convention entered into force it would be an effective instrument in the struggle against the brutal policy of *apartheid* applied by South Africa. The amendment in document A/C.3/L.2026 had in no way been aimed at limiting the efficiency and scope of the Convention. Peru's difficulties had been purely legal, and the Committee's rejection of its amendment had not prevented it from voting for article III, as well as for all the other articles. The position of the Government and people of Peru with regard to racism and colonialism was already well known in international circles. Peru had no relations of any type with South Africa, and since May 1973 it had been an active member of the Special Committee on *Apartheid*.

60. Miss MAIRIE (Cameroon) said that all the achievements of science and technology and international co-operation would be meaningless unless a new humanism was brought into being, and the draft Convention on *apartheid* should be considered in the light of that criterion. A more immediate question was whether a new international legal instrument was really necessary, and whether its adoption would not weaken existing instruments. Similarly, it was necessary to es-

tablish the scope of the instrument, i.e. whether it would be applicable to all States Members of the United Nations or only to States parties to the Convention. Of course, South Africa, which had made *apartheid* its official policy, would never agree to become a party to the Convention, and consequently there was some doubt about the real scope of the text, which would finally be approved and applied only by States which did not practise racial segregation. Furthermore, the Convention provided for legal action against persons guilty of the crime of *apartheid*, but contained no provisions relating to States or Governments which, like South Africa, practised such policies.

61. It was encouraging to note that since the twenty-seventh session of the General Assembly the international community had intensified its efforts to combat *apartheid* and that the great mass of the people oppressed by the Pretoria régime had demonstrated their firm determination to defend their rights and dignity. Parallel with that resistance, international support for the anti-*apartheid* movements had increased. All those actions were valuable, and no step designed to put an end to *apartheid*, no matter how superfluous, inadequate or ineffective it might seem, should be rejected until the final victory over that chronic and multiform evil was won. The draft Convention just adopted by the Third Committee seemed to form part of that multidimensional effort, and that was the reason why her delegation had voted in favour of it.

62. Her delegation had voted in favour of all the amendments submitted, except for the amendment to article III in document A/C.3/L.2026, because it felt that that amendment would weaken the text instead of strengthening it.

The meeting rose at 5.55 p.m.

2009th meeting

Monday, 29 October 1973, at 10.45 a.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2009

AGENDA ITEM 55

Elimination of all forms of religious intolerance
(*continued*)* (A/8330, A/9134 and Add.1 and 2, A/9135, A/C.3/L.2025);

- (a) **Draft Declaration on the Elimination of All Forms of Religious Intolerance: report of the Secretary-General** (*continued*) (A/8330, A/9134 and Add.1 and 2, A/9135, A/C.3/L.2025);
- (b) **Draft International Convention on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief** (*continued*) (A/8330)

1. Mr. THOMAS (Liberia) said that his Government was in favour of a declaration on the elimination of all forms of religious intolerance, which should be a statement of important principles that would serve as an

international standard for the protection of the freedom of religion and the eradication of discrimination based on religion. He hoped that consideration of the item would be concluded in time for the celebration of the twenty-fifth anniversary of the Universal Declaration of Human Rights.

2. The statements made at the 2006th meeting suggested that the world was still in an age of religious controversy and intolerance. Unfortunately, there were some countries which behaved as though they were in the age of the Inquisition with its dungeons and torture chambers, guarding day and night against the spread of any dangerous doctrines. That point had been made clearly in the Swedish delegation's statement (see A/9134) regarding the alarming reports it had received from different parts of the world concerning the persecution of religious minorities or unjustified restrictions on the practice of religion. Article 1, section 3, of the Liberian Constitution provided that all men had a

* Resumed from the 2006th meeting.

natural and inalienable right to worship God according to the dictates of their own consciences without obstruction or molestation from others, that all conducting themselves peaceably were entitled to the protection of the law in the free exercise of their own religion, that no sect should have exclusive privileges, that all sects should be tolerated, and that there should be no religious qualification required for civil offices or the exercise of any civil right. In the 127 years since the Constitution had been drafted, the Liberian Government had never once endeavoured to impose any religion on its citizens, for belief was an act of faith which should never be forced. Liberia had always practised religious tolerance and would whole-heartedly support any declaration or convention designed to reinforce the principle of religious freedom.

3. Mr. BAROODY (Saudi Arabia) said the Committee was discussing an extremely delicate subject. The intent of the draft Declaration submitted by the Netherlands (A/C.3/L.2025) was laudable but the results of such a declaration might be religious conflict rather than harmony throughout the world. Western Europeans, who were predominantly monotheistic, tended to forget that there were many other non-theistic and atheistic beliefs. The three major monotheistic religions—Judaism, Christianity and Islam—accounted for less than half of the population of the world. The representatives of the Western European countries should bear that in mind. Christianity and Islam had more specific eschatologies than did Judaism, and Buddhism, by contrast, was based on a belief in reincarnation. A distinctive feature of Shinto was respect for one's ancestors. The different principles of different religions could not be disregarded.

4. Although there was no doubt that the Netherlands in preparing its draft had been inspired by the highest motives, there was a danger that excessive zeal would lead not to religious tolerance, but to intolerance, subversion and even war. History provided an insight into the kind of dangers inherent in such texts. In the eighteenth century, a pattern had been established in which trade was followed by the Bible and the flag. Men of religion were not in themselves imperialists, but they had, unwittingly, supported colonial power. The origins of colonialism were to be found in the protection demanded by traders from their own States. The final outcome was that merchants, missionaries and the flag had co-operated for survival. The dangers of religious tolerance linked with colonial power were obvious.

5. It would be wrong to lay too much stress on religious tolerance, which could hardly be achieved as long as ministers of religion sided with Governments. At the time of the Russian revolution, the clergy, who wished to maintain the *status quo*, had opposed the revolution. In the same way, the French clergy had sided with the Bourbon régime, in which they saw a guarantee that their own power would be maintained. The results of emphasizing religious tolerance or intolerance could be seen throughout history. The best course was to leave things alone to work themselves out against a background of purely human tolerance.

6. Judaism was a very exclusive religion that did not encourage missionary work, unlike Christianity, for which missionary work was so important that clashes had frequently occurred between Catholics and Protestants in their efforts to gain converts. Although some

zealots preached Islam, there was no organized missionary work in Islam. It might therefore be said that religions without missionaries were at a disadvantage vis-à-vis religions with missionaries. According to the Koran, there should be no compulsion in religion: the word "propaganda" was originally a Christian concept connected with the propagation of the faith.

7. Article 18 of the Universal Declaration of Human Rights dealt with the right to freedom of thought, conscience and religion. In 1948, during the elaboration of that Declaration, he had been of the opinion that it would be adequate for article 18 to state that "Everyone has the right to freedom of thought, conscience and religion" so that a balance might be maintained between religions which had missionaries and those which did not. However, Mrs. Roosevelt, as the United States representative, had stated that she was under great pressure from missionaries to ensure that the words "this right includes freedom to change his religion or belief" would be incorporated in article 18. Thus, because politics had entered into the question, his delegation had had to abstain in the vote on the Universal Declaration of Human Rights. Fortunately, the same wording had not been included in article 18 of the International Covenant on Civil and Political Rights, which stated that the right to freedom of thought, conscience and religion included "freedom to have or to adopt a religion or belief". He was of the opinion that the wording of article 18 of the Universal Declaration of Human Rights should be amended so that it would not reflect the difference between religions which had missionaries and those which did not.

8. The Netherlands delegation was proposing a draft declaration on the elimination of all forms of religious intolerance but was forgetting the manifold problems raised by religion and leaving aside other equally important human rights questions. As another example of how religious tolerance could sometimes be dangerous, he said that a revivalist movement under one of the monotheistic religions might lead to self-righteousness and an excess of zeal on the part of the people to whom it was preached, as well as to conflicts with peoples of other religious beliefs. Religion could make people sanctimonious and jealous of others and even lead to wars. A further example of the dangers of religious tolerance was that politicians might become involved in religious matters. Thus, the United States senators who were currently exerting pressure on the USSR to allow Jewish citizens to leave that country were interfering in its domestic affairs.

9. He was of the opinion that the draft Declaration proposed by the Netherlands delegation was dangerous and should be withdrawn.

10. Mr. OVSYUK (Ukrainian Soviet Socialist Republic) said that he agreed with many of the conclusions of the representative of Saudi Arabia and, in particular, with the warning that a declaration might lead to religious intolerance.

11. The question of the elimination of all forms of religious intolerance had been on the agenda of a number of United Nations bodies for many years. The list of documents pertaining to it might give the impression that thorough preparation had been made for the discussion of it in the Committee, but that was not the case. It was first of all necessary to co-ordinate the texts prepared by the Sub-Commission on Prevention of Dis-

crimination and Protection of Minorities (A/8330, annex I)¹ and the Working Group set up by the Commission on Human Rights (*ibid.*, annex II).² The replies of Governments (A/9134 and Add.1 and 2) concerning the preliminary draft Declaration contained mainly statements of principle rather than suggestions or criticisms concerning the text in question. Those replies should also be given further consideration. The preparation of a draft declaration which would be acceptable to all would therefore require much more work than had been done so far and his delegation was of the opinion that that work should not be done by the Committee because the documents before it did not contain sufficient material for a thorough discussion of the question.

12. With regard to the draft submitted by the Netherlands (A/C.3/L.2025), which was a compilation of earlier suggestions, his delegation doubted that such a compilation could serve as a basis for serious consideration. Experience in drafting similar documents had shown that the preparation of draft declarations on the basis of compilations of suggestions required a great deal of time.

13. Recalling that in resolution 1781 (XVII) the General Assembly had called for the preparation of both a draft declaration and a draft international convention, he noted that the preamble and article I of a draft convention (see A/8330, paras. 19 and 20)³ had been adopted by the Committee in 1967. Logically, work on the draft Convention should have been completed, but a decision had then been taken to adopt the draft Declaration first. As shown by the documents before the Committee and the introductory statement by the Director of the Division of Human Rights, however, neither the Commission on Human Rights nor the Economic and Social Council had considered or prepared a draft declaration based on the documents of the Sub-Commission and the Working Group and taking into account the views of Governments. The Committee was therefore in a difficult position because it had to consider documents which had not yet been approved by the Commission or the Council. His delegation considered that the draft Declaration should therefore be referred to the Commission on Human Rights for further consideration.

14. Mr. PETROPOULOS (Greece) said that although the Committee had before it a number of draft texts on the elimination of all forms of religious intolerance, the Commission on Human Rights had made little progress in its work on those texts. The Committee therefore did not have a sufficient basis for its consideration of the draft Declaration; it should not be called upon to finish the work of the Commission on Human Rights and the Working Group. It was not advisable for the Committee to discuss the draft Declaration until a complete text had been prepared and a decision had been taken on the principles on which it should be based.

15. Mr. GOŁEBIOWSKI (Poland), referring in particular to the analytical presentation in document A/9135 of observations received from Governments

concerning the draft Declaration, said that the progress of civilization entailed quite contradictory tendencies in the general approach to matters of religion and belief in the modern world. The growing emancipation of the individual was tantamount to a growing freedom of choice of principles to guide individual behaviour. Every country had to pursue a policy that would recognize the intimate, private nature of the individual attitude to religious belief. That, in turn, called for respect and protection on an equal footing with that accorded fundamental human rights. At the same time, religious principles were ceasing to be the main regulator of social life and, particularly in the case of the younger generation, rules of individual behaviour and collective conduct were based on rational considerations, which also deserved respect. Thus, the problem was one of the elimination of all forms of intolerance whether it infringed upon the right of the individual to religious belief or involved discrimination against non-believers. His delegation shared the views to that effect expressed in document A/9135.

16. A second issue raised in that analysis concerned the role of the State in eliminating all forms of religious intolerance. Profound transformations in the contemporary world had led to an expansion of the sphere of State activity, which extended to science, education and learning. A democratic State should aim at the elimination of all forms of religious intolerance in all spheres of life. Unfortunately, however, there were cases of discrimination in certain countries against those who did not profess the religion officially proclaimed by the State. It was exemplified by obligatory school instruction in one particular religion, exclusively religious forms for marriage, funerals and military or court oaths, and the exclusion of non-believers from public office. Such practices were obviously incompatible with the spirit of the instrument which the United Nations was striving to formulate. His delegation considered that the fundamental principles should be that none should suffer discrimination on account of religion or of being a non-believer and that no person might refuse to fulfil civic duties on the grounds of a religious belief. Hence, full freedom of conscience presupposed that the Church must be separate from the State and the school from the Church. At the same time, the State was obliged to protect religion against any persecution or discrimination.

17. Thirdly, the emancipation and development of the peoples of the contemporary world was also relevant to the social conscience, the sum total of the spiritual life of individuals. In view of that process, a search for some religious principles to serve as a basis for bringing the peoples of the world together was at least as anachronistic as it had been at the time of the religious wars centuries earlier.

18. Recognizing the supra-national character of many religions, his delegation believed that all forms of religious intolerance should be eliminated at the international level. It was gratified that that view was not alien to the views expressed by Governments as discussed in the analytical presentation or to the view that the rights and duties of persons of different beliefs should not be used to kindle hostility and hatred. People of all beliefs should work for the strengthening of universal peace and security. The Committee was at a very important stage of its debate but his delegation considered that

¹ For the printed text, see *Official Records of the Economic and Social Council, Thirty-seventh Session, Supplement No. 8*, para. 294.

² *Idem*, para. 296.

³ For the printed text, see *Official Records of the General Assembly, Twenty-second Session, Annexes*, agenda item 54, document A/6934, paras. 72 and 90.

any effective endeavour to strengthen human rights and fundamental freedoms should be directed first towards encouraging the greatest possible number of States to accede to the most important international instruments concerning human rights, namely the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. In the existing circumstances, that should be a paramount task for the immediate future. As to procedure, the only practical course would be for the Committee to have an exchange of views on the drafts before it and then request one of its subsidiary bodies to try to elaborate a common text for discussion at a future session.

19. Mr. BADAWI (Egypt) said that his Government would support any United Nations effort to promote religious tolerance and eliminate all religious intolerance. Consequently, it regarded work on a draft declaration and a draft convention as of equal importance and seriousness. In that connexion, he drew attention to his Government's position as set forth in document A/9134, to the effect that the Egyptian Constitution guaranteed freedom of belief, of religious worship, of movement and of residence for all citizens without exception on any grounds and that, as a concomitant of that freedom of religious belief, everyone had the right to change his religion, denomination or sect. In confirmation of those principles, legislation had been enacted to preserve the sacrosanct character of religion and to prevent any violation or diminution of its dignity.

20. As to the draft Declaration submitted by the Netherlands, he felt that the Committee's concern should be to develop further the work already done by the United Nations. Accordingly, he thought that the Netherlands draft and the related proposals should be examined by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, so that the Committee would eventually be able to proceed on the basis of a single working document. As the representative of Saudi Arabia had pointed out, the Committee must be very careful to ensure that, in seeking to elaborate a document that would eliminate all religious intolerance, it did not in fact undermine the very purposes which it was seeking to achieve.

21. Lord GAINFORD (United Kingdom) welcomed the priority given by the Committee to the item under consideration. The elimination of religious intolerance and the promotion of mutual understanding and tolerance between those of different religious beliefs and between the religious and the non-religious was a valid subject for discussion at the United Nations and one which had been too long neglected. Religious intolerance was a world-wide and general problem amenable to at least partial solution through the elaboration and acceptance by Governments of international standards and values. His delegation too hoped that the General Assembly might be able to adopt a declaration at its current session. It was appropriate that the Organization should concentrate first on the elaboration and adoption of a declaration rather than a convention. It had been normal United Nations practice to develop conventions out of declarations. It was more realistic to aim first at setting out general principles in a declaration and subsequently, if it was thought desirable, to embody them in a legally binding convention. The United Kingdom's attitude to the proposals before the Committee was indicated in document A/9134/Add.1.

22. Mrs. BERTRAND DE BROMLEY (Honduras) supported the statements of delegations which were in favour of the adoption during the current session of a declaration on the elimination of all forms of religious intolerance. She could not understand the attitude of delegations which had expressed misgivings regarding the adoption of such an instrument at that juncture. The United Nations had adopted similar declarations in the fields of discrimination against women and racial discrimination and she failed to see why it should not direct its energies to the important task of combating religious intolerance. The General Assembly had decided that the subject should be given priority at its current session and it was to be hoped that a draft declaration would be concluded in time for the twenty-fifth anniversary of the Universal Declaration of Human Rights. The Committee had a clear mandate to act on the issue.

The meeting rose at 12.35 p.m.

2010th meeting

Tuesday, 30 October 1973, at 3.15 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2010

AGENDA ITEM 55

Elimination of all forms of religious intolerance (*continued*) (A/8330, A/9134 and Add.1 and 2, A/9135, A/C.3/L.2025, A/C.3/L.2027):

- (a) **Draft Declaration on the Elimination of All Forms of Religious Intolerance: report of the Secretary-General (*continued*)** (A/8330, A/9134 and Add.1 and 2, A/9135, A/C.3/L.2025, A/C.3/L.2027);
- (b) **Draft International Convention on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (*continued*)** (A/8330)

1. Mr. KÖRPÅS (Sweden) said that, according to General Assembly resolution 3027 (XXVII), the Com-

mittee had to carry out the task of elaborating a declaration on the elimination of all forms of religious intolerance at the current session. The situation was somewhat confusing because of the various drafts, amendments and suggestions under consideration, but the picture would become clearer if the Committee limited its consideration to the Declaration and focused its attention on the articles prepared by the Working Group established by the Commission on Human Rights at its twentieth session (see A/8330, annex II)¹ and on the articles submitted by the Netherlands

¹ For the printed text, see *Official Records of the Economic and Social Council, Thirty-seventh Session, Supplement No. 8*, para. 296.

(A/C.3/L.2025). Moreover, in order to achieve maximum effectiveness, the Committee should carry out its study article by article.

2. Since his delegation had submitted the draft resolution on the question at the twenty-seventh session, which had subsequently been adopted as General Assembly resolution 3027 (XXVII), he was glad that at last it would be possible to discuss the substance of that question. The Declaration would be another important instrument designed to strengthen the protection of human rights and fundamental freedoms and its adoption would be a worthy manner of celebrating the anniversary of the Universal Declaration of Human Rights.

3. Mr. PETHERBRIDGE (Australia) said he did not consider that mankind would rid itself of the many aspects of religious intolerance simply by adopting a declaration on the subject, any more than it had rid itself of abuses of human rights when the Universal Declaration of Human Rights had been adopted. A declaration on the elimination of all forms of religious intolerance should nevertheless be adopted as a means of combating that evil. In consideration of the question, the key word was "intolerance". That phenomenon took many forms and, in so-called modern times, it had been associated especially with various ideological doctrines. In view of the untold sorrow that intolerance had brought to mankind, it was truly surprising to hear some speakers say that no action should be taken against religious intolerance because tolerance could also lead to problems.

4. Australia had had very little trouble with religious intolerance. It was a young country made up of many races, and indeed some of its territory had been settled by people who had fled their own countries in the wake of religious intolerance. However, no nation or people could afford to be smug, self-satisfied or over-confident that they were immune to discrimination and intolerance. The germ of intolerance could very easily infect and spread. His delegation therefore supported in principle the task of completing a declaration on the elimination of all forms of religious intolerance.

5. With regard to the documents before the Committee, his delegation had no difficulty with the texts, whether they were considered separately or simultaneously. Australian law and practice generally conformed to the principles enunciated. Australia could therefore accept the six draft articles of the Working Group (see A/8330, annex II), as well as the formulation submitted by the delegation of the Netherlands (A/C.3/L.2025). It nevertheless had some preferences with regard to wording and was somewhat reluctant to attempt to define the words "religion or belief" since it believed that their meaning was well understood in the United Nations. On the whole, his delegation considered that the Committee could and should move forward to the adoption of a declaration on the elimination of all forms of religious intolerance.

6. Mr. VAN WALSUM (Netherlands) introduced the amendments contained in document A/C.3/L.2027 to the text submitted by the Working Group and said that they were being submitted because some delegations had had difficulties in accepting the idea that consideration of the draft Declaration on the Elimination of All Forms of Religious Intolerance should be based on a draft submitted by a single delegation.

7. One of the causes of the lack of progress on the item from 1967 to 1973 was that there had been too much to consider. As a first step towards facilitating the Committee's work, General Assembly resolution 3027 (XXVII) had narrowed down the focus of activities to the Declaration, leaving the draft International Convention on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief to be dealt with later. As a second step and for the sake of an orderly and fruitful debate, it was necessary to narrow the terms even further and base the discussions on a single text. The selection of the text to serve as a basis for the discussions was a question of secondary importance to his delegation.

8. At the 2009th meeting, the representative of Egypt had expressed the opinion that future work should be based on the six articles prepared by the Working Group established by the Commission on Human Rights at its twentieth session and on possible amendments to those articles. His delegation was prepared to accept that proposal and, to that end, had reintroduced the ideas contained in document A/C.3/L.2025 in a new document (A/C.3/L.2027), in the form of amendments to the text of the articles prepared by the Working Group. That new presentation would facilitate the Committee's work because it indicated more clearly which elements came from the text of the Working Group and which additions or deletions his delegation was proposing. It was, however, important to note that his delegation was not the only author of the amendments, since various articles had been based on earlier texts. His delegation expressed the hope that the members of the Committee would take those amendments into consideration.

9. The CHAIRMAN recalled that, on beginning the consideration of the item, the Committee had had the choice of considering the draft Declaration or the draft Convention. When deciding that the draft Declaration would be studied, it had agreed that the preliminary draft of a declaration on the elimination of all forms of religious intolerance prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (A/8330, annex I),² the text of the articles prepared by the Working Group established by the Commission on Human Rights at its twentieth session (*ibid.*, annex II) and the articles proposed by the Netherlands (A/C.3/L.2025) would be considered simultaneously. Since the Netherlands delegation had withdrawn the proposal contained in document A/C.3/L.2025 and had submitted the amendments contained in document A/C.3/L.2027, he wished to suggest that the item should be considered in accordance with the procedure outlined by the representative of the Netherlands, namely, on the basis of the text of the Working Group.

It was so decided.

10. The CHAIRMAN urged the members of the Committee to concentrate their statements specifically on the text of the articles prepared by the Working Group, although that would not mean that they could not make observations on other texts.

11. Mrs. HEANEY (Ireland) said that the delay that had occurred in the adoption of a declaration on the elimination of all forms of religious intolerance might

² *Idem*, para. 294.

have its compensations since, in the sphere of religion, a climate of mutual tolerance was developing, as was shown, for example, by the Second Vatican Council and, in particular, its Declaration on Religious Freedom.

12. The Constitution of Ireland guaranteed freedom of conscience and religion, as well as the right of all citizens to express their convictions freely, to assemble peaceably and to form associations. In May 1973 a referendum had been held in Ireland on an article of the Constitution regarding the special position of the Catholic Church, with a view to removing even the appearance of privilege for one faith, and the electorate had decided that the clause in question should be deleted. Although the Constitution of Ireland had never provided for a State religion, it was perfectly understandable that countries with strong historic links to a particular religion should have a specifically religious constitution, provided always that the rights and liberties of minorities were safeguarded. In that connexion, it should be stressed that one of the objectives of the draft Declaration should be to strike a just balance between majority and minority rights and interests.

13. As for the text that should serve as a basis for the Committee's discussions, her delegation was prepared to accept any of the documents under consideration, namely, the preliminary draft of a declaration prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (A/8330, annex I), the text of the articles prepared by the Working Group established by the Commission on Human Rights (*ibid.*, annex II) and the amendments submitted by the Netherlands in document A/C.3/L.2027. She wished, however, to point out that none of those texts was perfect. They did not, for example, refer to the economic aspects of discrimination on religious grounds.

14. The objections which had been made in the Committee to the preparation of a draft declaration seemed to be based on two premises. First, it was alleged that religion had done more harm than good in the world, especially if account was taken of its role in colonial systems. It was, however, surely inadmissible to cite alleged abuse of religious freedom in specific cases as an argument against the general principle of religious tolerance. Account should also be taken of the support which was being given to the African liberation movements by religious institutions. The Irish delegation urged other delegations to view the draft Declaration in the light of contemporary history. The second reason given was that the Committee had neither the expertise nor the time to draft a declaration. However, the Committee's record showed that that was not the case; furthermore, such a declaration would not have the force of law or require the precision of a legal instrument. For its part, the Irish delegation hoped that the Committee would proceed to the elaboration of a declaration on the elimination of all forms of religious intolerance, in accordance with General Assembly resolution 3027 (XXVII), thus filling a gap in the array of instruments produced by the United Nations in support and elaboration of article 2 of the Universal Declaration of Human Rights and relating the Declaration to current conditions.

15. Mr. VON KYAW (Federal Republic of Germany) said that it was his delegation's opinion that the man-

date given to the Committee by the General Assembly at its twenty-seventh session required a serious effort in order to make progress instead of reopening the discussion on the merits of the decision already taken at the previous session. The notion of tolerance in the religious as well as in other fields was a fundamental one, being the basis on which society functioned. That certainly also applied to the Federal Republic of Germany, and the only limitation his country accepted with regard to that principle was that those who invoked it might do so only if they displayed tolerance themselves. The notion was fundamental to human existence, and for that very reason had found convincing expression in the overwhelming acceptance of General Assembly resolution 3027 (XXVII).

16. His delegation thought that it would be desirable to start discussing the drafts before the Committee. With regard to article I, it preferred the approach adopted by the Working Group in first defining what was meant by religious freedom, a definition which would also include the freedom not to adhere to any religion at all and not to believe. In that respect the version of article I contained in the Netherlands draft (A/C.3/L.2025) and re-emphasized in the Netherlands amendments in document A/C.3/L.2027, was particularly to be recommended.

17. Mr. SHAFQAT (Pakistan) observed that the subject had been debated in various bodies and forums of the United Nations since 1962, and that the Third Committee was now faced with the more complicated task of settling the question of priorities in further studies of all the documents before it. In the studies carried out by the United Nations bodies or groups, an attempt was made to define the expression "religion" or "belief" in such a way as to include "theistic" notions and "atheistic" beliefs, but little significance appeared to have been attached to beliefs pertaining to monotheism, pantheism, idol worship or cults indulging in abnormal practices in the name of religion or belief. There might be cults and social groups still existing in various parts of the world which practised certain beliefs in the name of religion which civilized societies might find it hard to tolerate. Omission of discussion of such subjects made the work accomplished seem somewhat less complete. In mentioning those matters he had not intended to inject further confusion into the current discussions but merely to underline the difficulties and complexities which were encountered in any attempt to define words, ideas or concepts.

18. The Constitution of Pakistan afforded sufficient safeguards to every citizen, irrespective of his caste, creed or religion, and in Pakistan there was complete freedom to profess any religion.

19. Although the documents before the Committee were no doubt based on universal principles which were expected to be applied in every society, his delegation thought it necessary to apply certain essential limits to the activities described in article VI, paragraph 4, of the Sub-Commission's draft (A/8330, annex I). Pakistan had always supported the need to have a declaration as well as a convention on the elimination of all forms of religious intolerance. Some years earlier Pakistan had felt that if a convention could be adopted there might be no need for a declaration to precede it. That was because Pakistan realized the necessity and urgency of establishing a definitively

binding instrument concerning religious intolerance. The Committee must quickly decide whether anything concrete could be achieved at the current session. The more general the Committee was in defining its aims, the easier it would be for it to adopt a document or declaration which could enjoy universal acceptance.

20. Mrs. WARZAZI (Morocco) said that the idea of elaborating an international text on world-wide protection of persons who had, and practised, a religion was a very happy initiative. She recalled historical times of religious intolerance and pointed out that in some parts of the world certain believers were still discriminated against, and even risked their lives because they practised a religion. That situation was neither understood nor accepted by those who had been brought up on the principles of Islam, a religion of tolerance, charity, goodness and hope—so much so that for Islam the concept of eternal damnation did not exist. The intolerance which persisted led one to view the proposal to adopt an international document on the subject with sympathy; however, unfortunately, despite all the goodwill and the laudable intentions of those who had prepared the draft Declaration before the Committee, the text completely failed to meet the real preoccupations of those who wished to have an instrument that would protect all those who had a faith and wished to practise it undisturbed. The mere title of the Draft Declaration made it clear that there was no possibility of compromise on the subject. Was it intended to draft a declaration on the elimination of all forms of religious intolerance, or a declaration on tolerance in the matter of belief or non-belief? The declaration could not come under the category of elimination of religious intolerance if it referred to atheistic convictions, which were the opposite of religion. Nor was it possible simultaneously to defend persons who lived according to a religion, practised it and even wished to propagate it, and persons who believed in no religion and who consequently opposed it. What State, under the provisions of article III of the text submitted by the Netherlands (A/C.3/L.2025), could set up a court which dispensed justice to both oppressed and oppressors at the same time?

21. It was depressing to find, if one had not already done so before, that every human being was born without a religion and that religion was imposed on the child at birth. Very few people chose their own religion, in comparison with the vast majority who received it from their family. It was hard to see why a text which was intended to proclaim tolerance should include the element of compulsion reflected in article V. As to a decision by the child, how was it possible to determine whether a child had sufficient awareness of its actions? And if the implication was that the child should have the opportunity to study various religions in order to make a choice, the sponsors should make that quite clear, also specifying what was meant by a child and what age it must reach in order to be considered to hold a valid opinion.

22. Draft article V prepared by the Working Group of the Commission on Human Rights (see A/8330, annex II) mentioned the guiding principle of the interests of the child, its health and physical or moral harm. She wondered what was meant by that; if there was a religion which adversely affected the physical and moral health of a child, it was doubtful that it ought

to be defended. On the other hand, it would be necessary to decide who should be judge of the matter. According to article I, a person could change his religion, but the question arose as to what should be done about religions that forbade apostasy, and what the representatives of those religions would do when that article was voted on. Article V of the Working Group's draft stated that the child must be guarded against practices which might inculcate in it any discrimination on account of religion or belief. She wondered what should be done about religions that denied the existence of any other religion. Islam recognized the major religions, showing considerable tolerance towards them, and did not inculcate discrimination with respect to other believers. However, that did not seem to be the case with some other religions. Another point that would raise substantial problems was the question of religious missions which sought to spread their religion or belief in countries where there was an established religion. Similarly, there was some uncertainty regarding charitable institutions established by other religious communities.

23. Article VI (d) raised a very delicate question. Freedom to observe religious rites and customs was highly justified, and in Morocco all religious persons practised their religion in complete freedom. The Government of Morocco even sent a representative to attend religious ceremonies. But the diversity of religious rites could present problems. For example, should there be freedom to perform rites which called for human sacrifices? Yet if they were not tolerated it would be contrary to the provisions of subparagraph (d) and the entire Declaration.

24. She pointed out that her earlier comments referred only to certain articles and illustrated the difficulties which the draft Declaration posed for the delegation of Morocco. There might be replies to some questions, but there would also be questions to which there was no answer. It was necessary to clarify the exact aim: was it to defend religion or to defend belief and non-belief? In order to answer that question, the sponsors of the draft Declaration would have to make serious studies of all religions and beliefs, and particularly of rites and customs, with a view to determining the extent to which a declaration of that kind could do justice to all religions and all beliefs.

25. Mr. ABSOLUM (New Zealand) said that his delegation attached considerable importance to the item. The Charter of the United Nations made explicit reference to the goal of promoting and encouraging respect for human rights and fundamental freedoms for all—without distinction as to race, sex, language or religion. Yet the General Assembly's record in relation to discrimination based on religion had been uninspiring. Society must, of course, impose limits on the exercise of certain rights. The determination of any limits that should be imposed was normally a matter for domestic law and one that in many countries—certainly New Zealand—had given rise to very little difficulty in practice. But given the amount of religious intolerance which still existed throughout the world there was a compelling need for the elaboration of universal principles and guidelines. The Committee's basic task was to help ensure that any person who wanted to practise a religion or follow agnostic or atheistic convictions—particularly those who belonged to minority groups—should be free to do so. It was also part of the

Committee's task to determine the kind of activities which normally went towards constituting the practice of religion and which should be both tolerated by society at large and be free from interference or restriction.

26. His delegation considered that after some years of indecision, the Third Committee had a clear mandate and a clear objective for the current session. The General Assembly had decided the previous year, in unequivocal terms and by an overwhelming majority, to give priority to the elaboration of a declaration with a view to adoption as part of the observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights. There could be no question as to the course to be followed. With regard to the text that should be used, any problem would appear to have been solved. His delegation was entirely in agreement as to the method of work how agreed upon and looked forward to making a start with the examination of article I at the current meeting.

27. Miss CAO PINNA (Italy) said that General Assembly resolution 3027 (XXVII) gave priority to the completion of the Declaration on the Elimination of All Forms of Religious Intolerance before taking up again the examination of the draft International Convention on the subject; that in her delegation's view meant that the Committee should proceed immediately with the work on the first of those instruments, as the delegation of Honduras had pointed out (2009th meeting). She therefore urged that a decision on procedure be taken, so that the Committee could make headway. In that connexion, she shared the Chairman's view that there was no contradiction between the suggestion by the Netherlands and the decision already taken by the Committee to examine simultaneously the three documents before it. She therefore suggested that a start be made with the examination of the topic, focusing first of all on one text and examining it article by article.

28. Mr. COSTA COUTO (Brazil) said with reference to the Italian suggestion that a decision had been taken and that the documents before the Committee were to be examined primarily on the basis of the six articles submitted by the Working Group of the Commission on Human Rights (see A/8330, annex II) and the three additional articles proposed in the amendments submitted by the Netherlands (A/C.3/L.2027). If other delegations wished to make suggestions or propose additional articles it would be very useful.

29. His delegation welcomed the decision to examine the text submitted by the Working Group article by article, and suggested that the examination should begin as soon as possible. In addition, the preliminary draft submitted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (A/8330, annex I) contained a preamble, which should be studied once the Working Group's six articles, the Netherlands amendments, and any other amendments submitted had been examined.

30. He supported the Moroccan suggestion concerning the title, since it would be useful and realistic to use a more positive and direct formula in the title. Morocco had also made interesting comments on article VI of the Working Group's draft; but if a declaration was adopted, it would be necessary to include an article affirming the duty of States to protect morality, public health, public policy, national security and welfare. In that connexion, article XIII, paragraph 2, of the pre-

liminary draft by the Sub-Commission warranted study, as did also the last of the three new articles submitted by the Netherlands. His delegation would hold consultations with a view to proposing a new article designed to protect those duties on the part of States.

31. Mr. CABANAS (Spain) recalled that in resolution 3027 (XXVII) the General Assembly had decided to give priority to the elaboration of the Declaration, with a view to its adoption if possible as part of the observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights. Hence, what the Committee should consider was whether that was feasible or not. If it was, the Declaration should be adopted during the current session. His delegation considered not only that the possibility existed, but that the fact of its coinciding with the observance of the anniversary of the Universal Declaration would justify all the efforts of the Committee, which already had highly polished texts as a basis for its work. The very fact that it was to be a declaration made things easier, since it would be based on fundamental rights concerning which there was no dispute among delegations. The right to religious freedom was based on the dignity of the human person and implied man's immunity from coercion, so that no one would be forced to act against his conscience or prevented from obeying the dictates of his conscience in private and in public. In any event, the elaboration of the Declaration would make it easier in the near future to draw up a convention on the subject.

32. As the Spanish delegation had pointed out at the United Nations Seminar on the Dangers of a Recrudescence of Intolerance in All Its Forms and the Search for Ways of Preventing and Combating It, which was held at Nice in 1971, the effectiveness of human rights called for a cycle comprising the concrete and legally drafted declaration of rights; inducement to the man in the street to observe it, and respect for it by groups and States; and legal safeguards to ensure its observance in the event of a violation of those rights. Tolerance was no more than scrupulous respect for the dignity of the person and neither required nor presupposed renunciation of personal beliefs, but merely abstention from any coercion of others.

33. His delegation would support any declaration inspired by those principles, since they were not only embodied in his country's legislation, but they were also safeguarded by law.

34. Mr. BUCHANAN (United States of America) said his delegation believed that the Committee could and should reach agreement at the current session on a declaration on the elimination of all forms of religious intolerance, which would not only be welcomed by citizens of the vast majority of nations, but would also be a positive step towards achieving tolerance and understanding among nations.

35. Some delegations had taken the position that in view of the complexity of the documentation before the Committee it would be better to refer the draft to the Commission on Human Rights for further study. His delegation understood that argument but could not agree, for two reasons. First, the fundamental principles embodied in such a declaration should not be controversial, since they were set forth in the fundamental law of most countries of the world. Secondly, once a declaration had been adopted establishing the broad

principles, details could be left to the drafting of a convention on the subject in future years. The main thing was to reaffirm basic general ideals, reflected in freedom of religion, which were an essential part of the American way of life and were safeguarded by the First Amendment to the United States Constitution.

36. While freedom of religion and belief had been attained in many countries, there were unfortunately millions of people suffering from religious intolerance and outright persecution for their beliefs. If a declaration could be enacted acknowledging belief in the right of the individual to freedom of thought, conscience and religion, a standard of tolerance would be established which would help to end such practices.

37. The Netherlands amendments (A/C.3/L.2027) to the text of the articles prepared by the Working Group warranted detailed consideration, since they reflected a sensitivity to the diversity of nations, cultures, governmental systems and philosophies represented in the United Nations. The broad principles of tolerance embodied in both documents should be acceptable to men and women of goodwill the world over.

38. His delegation was prepared to use the Working Group's draft as the basis for the discussion of the item, and to consider it in the light of the Netherlands amendments and such other amendments as might be offered. The United States views on the six articles of the Working Group were on record in document A/9134/Add.1; and annex II to document A/8330 also contained four additional articles which his Government would like to see included.

39. It would no doubt be possible to prevent the draft Declaration from being adopted during the current session by insisting on paying undue attention to drafting details or by raising obstacles of procedure; but he emphasized that if the Committee did not approve the document, it could be argued that it was for lack of interest in that important subject.

40. Mr. ZENKYAVICHUS (Union of Soviet Socialist Republics) said that so far it had not been found possible to produce a document on religious intolerance that was satisfactory to the international community because of the many difficulties and disagreements which the problem had aroused, and in particular because of the illogical method followed in preparing it. At the twenty-second session of the General Assembly, the Third Committee had adopted the preamble and article I of the draft International Convention on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (see A/8330, paras. 19 and 20).³ Nevertheless, instead of proceeding until that draft had been concluded, some delegations had decided that efforts should be channelled into the preparation of a draft Declaration on the Elimination of All Forms of Religious Intolerance. At the twenty-seventh session, the Soviet delegation had abstained from the vote on General Assembly resolution 3027 (XXVII) on the grounds that it would be more desirable to complete the work on the draft Convention, since if that were approved there would be no need for a declaration. In addition to the practical advantages of making headway with the preparation of the draft Convention,

there were also substantive considerations, since the instrument drawn up on the subject should be universal in character and should bear in mind the differences in political, economic, social, cultural, ideological and other conditions in the different countries.

41. The current situation in regard to the elaboration of the draft Declaration was still more complicated. The Netherlands had put forward a proposal which had not been studied by any organ of the United Nations. Furthermore, one need only examine the replies of Governments contained in document A/9134 and Add.1 and 2 to realize the diversity of the positions taken in regard to the draft Declaration. Moreover, the traditional criterion had been followed of protecting the rights of persons professing religious beliefs, which had its origin in the French Revolution. The French Constitution of 1791 provided for religious freedom, but protection was given only to the rights of believers, to the exclusion of those of atheists. Since then the world had been changing, and with the Russian Revolution a new type of relation between Church and State, and between education and the Church, had been established. Also, the colonial system had collapsed and an awareness had grown up of the situation of the developing countries. At the same time, the number of non-believers had been gradually increasing. That made it necessary to protect atheists against discrimination and to safeguard their rights, since there could only be true freedom of conscience where believers and non-believers enjoyed the same rights. Nor did the draft Declaration reflect the fact that in many States, including the USSR, there was separation of Church and State. It was also very important that the instrument adopted should prohibit the exercise of the right to freedom of religion and belief for purposes prejudicial to the maintenance of international peace and security.

42. In the USSR, article 124 of the Constitution stated that freedom of religious worship and freedom of anti-religious propaganda was recognized for all citizens. The State did not interfere with the activities of religious groups or allow the churches to intervene in the Government. Article 135 of the Constitution provided that all citizens who had reached the age of 18 had the right to vote in elections without any form of discrimination, with the exception of persons who had been certified insane or had been condemned by the courts to loss of their electoral rights. Similarly, every citizen who had reached the age of 23 was eligible for election to the Supreme Soviet. The Criminal Code imposed penalties on those who impeded enjoyment of the right to freedom of religious worship, provided that right was not contrary to public policy and did not jeopardize the rights of citizens. Furthermore, a 1966 decree of the Supreme Soviet defined as an offence the denial for religious reasons of employment, education or any other type of privilege provided by the law. The law also regulated the activities of religious communities and prohibited the use of churches for political purposes, electoral campaigns or the kindling of hatred between religious and national groups. It also prohibited the use of religion as a pretext for failing to fulfil civic duties, breaking the law or failing to comply with the rules regulating the life of the community. Freedom of conscience was also reflected in daily life and despite the incompatibility between communist criteria and religious views, complete harmony prevailed in the common struggle of mankind for a better future.

³ For the printed text, see *Official Records of the General Assembly, Twenty-second Session, Annexes*, agenda item 54, document A/6934, paras. 72 and 90.

43. In conclusion, he stressed that the preliminary draft Declaration prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (A/8330, annex I) and the principles set out in the preamble and article I of the draft Convention, which had already been approved, should not be overlooked, and should be discussed in greater detail.

44. Mr. IRARRAZAVAL (Chile) said that the Committee had a very clear mandate and the Netherlands delegation had facilitated its work by submitting its amendments (A/C.3/L.2027) to the text prepared by the Working Group (see A/8330, annex II). At the 2006th meeting the Director of the Division of Human Rights had drawn attention to the documents before the Committee which retraced the history of the item, which was very discouraging. There seemed to be a covert intention to prevent the work on the item from progressing, and the Third Committee should make it quite clear, by the will of an immense majority of its members, that that was not the case.

45. His delegation shared the view already expressed by other delegations that the Declaration was only a first step, and should be followed as soon as possible by a convention which was legally binding on the signatory States. Of course, if agreement was reached on a declaration laying down general principles it would subsequently be easier to reach agreement on the text of a convention, a procedure for which there were precedents in the United Nations. The Declaration would have great moral force and would not entail the ratification process which a convention would require. He wondered whether a delay of over 17 years could be imposed on those who had undergone great suffering, for example, because they remained faithful to a Christian tradition which some Governments were vainly trying to eradicate, and whether there was anyone who had not heard the many heroic statements of faith by the so-called silent church, which included millions of Christians who were subjected to greater or lesser restrictions in a large part of the modern world. In that connexion, he recalled the statement by a Nobel Prize winner who had observed some years previously that he could not understand why the United Nations continued to condemn minor attacks on human rights in small countries but did not condemn the major continuous attacks on those rights which occurred in large countries. That statement should be answered, not by another year of negotiations but by adopting a declaration without delay.

46. In Chile, the 1925 Constitution had established the separation of Church and State, which could be considered exemplary in the light of its practical results, because since that time there had been no conflict with the Catholic Church or the other forms of worship which were freely practised. In recent years, all the religious ceremonies attended by the State authorities had been ecumenical in character, and representatives of the various churches established in the country had participated. In that way, Chile had achieved absolute respect and tolerance for all forms of worship and non-religious beliefs. His delegation hoped that religious tolerance of that kind would spread throughout the world and for that reason intended to play an active role in the adoption of the Declaration on the Elimination of All Forms of Religious Intolerance at the current session of the General Assembly.

47. Mr. BRUNO (Uruguay) said his delegation would support any effort by the United Nations to promote religious tolerance throughout the world. The principle that no one should be subjected to prejudice or discrimination because of his religion or lack thereof had always been a guiding principle of the policies and institutional organization of Uruguay; it had been embodied in article 5 of the Constitution and was reaffirmed in article 18 of the Universal Declaration of Human Rights, which was part of the law in force in Uruguay, and in other constitutional guarantees. His delegation wished to reaffirm that in order to eliminate situations involving religious intolerance it would be necessary for the States which acceded to the principles of the draft Declaration to incur a strict commitment to observe them in practice. The Declaration should be the first step towards a complete realization of the ideal of eliminating religious intolerance, which would subsequently be effectively embodied in the Convention. He agreed with the representative of Chile that, following the adoption of the Declaration, the most effective way of giving effect to those efforts would be the adoption of a convention.

48. Mr. GAHUNGU (Burundi) said that the item under consideration was very difficult and delicate because of the differences in religious beliefs. After recalling the contribution of the various religions to the intellectual and cultural development of mankind and referring to their negative aspects, particularly their collaboration with colonialism, he said that his delegation could not vote for the draft Declaration unless it was given more or less specific and clear information about the real meaning and form of religion and its current orientation.

49. Mr. GRAEFRATH (German Democratic Republic) said that his country supported all steps to promote freedom of belief and religion, because it considered that the elimination of intolerance in that respect would enhance understanding and co-operation among States, thus benefiting their citizens and making it easier for them to exercise their basic rights. In the German Democratic Republic, the freedom and rights of the citizens were based on the socialist system of society and legal order and freedom of conscience and belief was guaranteed as a basic right in the Constitution. That meant that every citizen was assured of the right to profess or not to profess a religion and to practise or not practise religious acts, and that the true believer had the same rights and obligations as other citizens, derived no special privileges from his religious belief and was not subjected to any discrimination for that reason. In the German Democratic Republic, all religious communities were granted the same rights and were protected by the socialist State and its legal system. For that reason, his delegation attached great importance to the Ukrainian proposal to insert a new article II on the equality of all churches before the law (A/9135, para. 14). His delegation considered it was not sufficient to prohibit discrimination in general: it would be advisable for the text to make specific mention of the equality of the various religions and atheistic convictions. In the German Democratic Republic, the Church and the State were separate, thus ensuring the full independence and freedom of the religious communities in their services and activities. Similarly, there was a separation of school and Church, which made it impossible

for children to be given religious instruction against their will or the will of their parents.

50. The history of the German Democratic Republic, like that of other States and peoples, provided many examples of the way in which different political groups had tried at various times to use religion and the churches for their own ends. For that reason, the German Democratic Republic considered that the elimination of religious intolerance should be combined with the elimination of any misuse of religion for political purposes which ran counter to the struggle for justice, social progress, peaceful coexistence and the independence and equal rights of peoples. The German Democratic Republic believed that, in accordance with the purposes and principles of the Charter of the United Nations, the elimination of religious intolerance should not result in the granting of privileges to religions or churches as opposed to non-religious or atheistic beliefs, since that would be inconsistent with the principle of equality and tolerance for all convictions, whether religious or atheistic. Furthermore, the rights of the churches and religious communities should not run counter to the sovereignty or legal order of States or lead to interference in their internal affairs.

51. The Declaration on the Elimination of All Forms of Religious Intolerance should be so formulated that, in accordance with the principle of universality of the United Nations, it would be acceptable to all States involved. His delegation approved of the view of the Netherlands, expressed in document A/9134, that the draft Declaration should include only general

guidelines on the promotion of the right to religion and belief. The basic principles of the draft Declaration should serve to ensure international security and to strengthen peace and peaceful co-operation among States.

52. Mr. COSTA COUTO (Brazil) said it might be advisable to close the general debate, or at least the list of speakers, on the following day. Furthermore, he continued to believe that it would be useful to examine certain articles separately, especially those which had been taken as a basis for the work. A number of very interesting suggestions had been made at the current session, but it was difficult to obtain a general picture of all of them. Perhaps on the following afternoon the Committee could undertake a rapid examination of the six articles prepared by the Working Group and the three additional articles proposed by the Netherlands, as well as any amendments or other articles that might be submitted. That was not a formal proposal, but he wished to suggest that consultations should be undertaken to determine whether it was supported by the members of the Committee.

53. The CHAIRMAN observed that thus far only 27 speakers had taken the floor, and that it would therefore be preferable to wait a little before ascertaining whether there was a consensus regarding the second Brazilian suggestion. As to the first suggestion, he could only urge delegations to refer to the articles under consideration. That was the only way in which the Committee could make progress with its work.

The meeting rose at 6.05 p.m.

2011th meeting

Wednesday, 31 October 1973, at 10.50 a.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2011

AGENDA ITEM 55

Elimination of all forms of religious intolerance (*continued*) (A/8330, A/9134 and Add.1 and 2, A/9135, A/C.3/L.2027):

- (a) **Draft Declaration on the Elimination of All Forms of Religious Intolerance: report of the Secretary-General (*continued*) (A/8330, A/9134 and Add.1 and 2, A/9135, A/C.3/L.2027);**
- (b) **Draft International Convention on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (*continued*) (A/8330)**

1. Mr. OVSYUK (Ukrainian Soviet Socialist Republic) said his delegation had already had occasion to state that the draft Declaration under consideration needed further work so that it would meet the required standards for such international documents.

2. Article 18 of the Universal Declaration of Human Rights had originally laid down the right of everyone to freedom of thought, conscience and religion. In addition, in the relevant articles of the International Covenants on Human Rights, States parties had undertaken

the obligation to guarantee fundamental human rights and freedoms without discrimination of any kind, including discrimination on the basis of religion. The principal reason why a separate document on religious intolerance had not yet been adopted was that much time had been spent on determining whether a draft convention or a draft declaration was preferable.

3. The draft Declaration prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (A/8330, annex I)¹ had been before the Commission on Human Rights, but had not been considered in substance despite the fact that use could have been made of a considerable number of its provisions. That consideration, and in particular the fact that work on the draft Convention had been suspended even though it had in essence been approved, caused his delegation to wonder whether the switch to the preparation of a declaration was justified; even if it was, had the Committee not embarked upon consideration and adoption of such a declaration with too much haste?

¹ For the printed text, see *Official Records of the Economic and Social Council, Thirty-seventh Session, Supplement No. 8*, para. 294.

4. An acceptable draft declaration should contain, above all, a precise definition of freedom of conscience, having regard both to the right to profess any religion and to the right not to profess any religion. Everyone, regardless of his views on religion, should be guaranteed equal rights in all aspects of economic, government, cultural, social and political activity and the Declaration should reflect that fact. Only if it did would it be in keeping with the spirit of the Charter of the United Nations, the Universal Declaration of Human Rights and other United Nations documents on the subject. His delegation believed that the drafts which had been submitted to the Committee did not yet meet those requirements.

5. His delegation wished to see the adoption of an instrument which would contain appropriate recommendations of a moral and political nature addressed to States Members of the United Nations having differing social and political structures and various religions and faiths. It went without saying that the subordination of the Church to the State, or of schools to the Church, gave rise to and encouraged religious intolerance and discrimination. His delegation believed that, in order fully to ensure freedom of conscience, the Declaration should contain a specific provision recognizing the right to the separation of the Church from the State and the separation of schools from the Church and the equality before the law of all churches, faiths and beliefs, and specifying that the *de jure* or *de facto* predominance of one particular church or faith should be eliminated.

6. Religious intolerance was based on the proposition that it was justifiable for the adherents of a particular religion, believing their religion to be the truest religion, to regard all believers in other faiths as having gone astray and to subject them to all kinds of coercion and discrimination with the aim of ensuring their acceptance of the one "true" faith. While both members of other religions and persons of non-religious convictions experienced intolerance and discrimination, the latter were more severely discriminated against than the former, since atheism was regarded as a graver sin. History was full of cases of oppression, crusades and blood-letting which one religion or another had regarded as justified when carried out against persons of other faiths. History had also recorded persecutions, the bonfires of the Inquisition and other acts of fanaticism performed in the name of one religion or another against atheists. Even in the modern world there were groups and organizations who found the sole justification for their existence in the struggle against atheism, the sowing of enmity among peoples and even appeals for "crusades" against other countries. It was regrettable that the drafts of the Declaration which were before the Committee did not contain provisions designed to prevent such activities or to prevent attacks on and persecution of atheists.

7. The reasons for the rise of religious beliefs were understandable. In the development of human society, Christianity should be given its due, since it had arisen as the religion of the enslaved and oppressed masses of the Roman Empire. Buddhism and Islam were analogous phenomena. However, religion had soon been placed at the service of sectoral interests. The natural consequence had been the revolt of the oppressed masses, struggling for their liberation, against their exploiters and against the church which had justified that

exploitation. During that struggle, faith in religious dogma had become dissipated, and the force of atheism had increased.

8. Atheism had a long history and firm traditions. Many well-known thinkers of the past had adhered to atheistic beliefs, and the world now contained hundreds of millions of non-believers. Conscious that the progressive development of human society was unthinkable unless science was allowed to develop without hindrance, and that religion had always had an inhibiting influence of philosophers and scientists, the adherents of atheistic views believed that it was essential to guarantee freedom to conduct atheistic propaganda.

9. Atheists, fortified by the gigantic achievements of modern science, were convinced that their cause was right and that religion would inevitably disappear, since in the end the light of knowledge and science would supplant religious notions. It was therefore quite logical and justified to demand that the right to conduct religious propaganda should be supplemented by the right to conduct atheistic propaganda. The right to public worship and the right to maintain places of worship—which constituted a particular form of religious propaganda—should be extended to the dissemination of atheistic propaganda and the maintenance of atheistic clubs and other institutions.

10. The ideological struggle between atheism and religion should not be conducted on terms preferential to one side or the other. An even-handed policy was unswervingly pursued in the Ukrainian SSR in conformity with its Constitution. Legislation in force in the country provided firm protection for the rights of believers. In accordance with the Ukrainian Criminal Code, it was a crime to insult believers or to discriminate against them in any way. Churches practised freely in his country, and were able to make use of church buildings, train church officials, issue religious literature, produce religious objects and so on. It could thus be seen that his country genuinely guaranteed to everyone the right to believe or not to believe in a specific God and freedom to organize religious cults or to conduct anti-religious propaganda.

11. His delegation believed that a declaration establishing norms of international law on the subject of religious convictions should contain a specific provision stating that such convictions should not be used for the purposes of inciting hatred and enmity among peoples. Persons of all convictions should act in the interests of strengthening universal peace and security, friendship and co-operation among peoples and States.

12. In addition to those general observations, his delegation would have comments to make in the light of its desire to prevent any infringement of State sovereignty and any interference in States' internal affairs. Also, the order of the articles in the drafts of the Declaration should be changed, and the title of the final instrument should be "Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief". His delegation reserved the right to return to specific points raised by the drafts of the Declaration at a later stage.

13. Miss MENESES (Venezuela) said that her delegation had voted in favour of General Assembly resolution 3027 (XXVII), in which the Assembly had decided

to give priority to the completion of the Declaration on the Elimination of All Forms of Religious Intolerance.

14. Her country had no official religion, although the State recognized the Catholic religion as the religion of the majority of the people. Her country's laws guaranteed the right of everyone to profess his own beliefs. Under the Constitution, it was illegal to invoke one's beliefs in order to restrict the rights of others or to evade one's responsibilities. Also under the Constitution, the country co-operated with the international community in securing fair guarantees of individual and social rights. Her delegation would co-operate with others in order to ensure that the Committee arrived at a declaration acceptable to the largest possible number of delegations. A basis for that aim could be found in the draft articles prepared by the Working Group of the Commission on Human Rights (see A/8330, annex II).² With minor reservations, those six articles were in conformity with her country's laws. She reserved her delegation's right to speak later in the debate concerning specific provisions.

15. Mr. PARIS (Costa Rica) expressed appreciation of the efforts made by the delegation of the Netherlands to facilitate the Committee's work.

16. His delegation had been amazed that both the draft Declaration and the draft Convention appeared on the Committee's agenda despite the fact that General Assembly resolution 3027 (XXVII) had indicated clearly that priority was to be given to the completion of the Declaration on the subject. Consequently, his delegation would welcome the deletion from the agenda of the subitem relating to the draft Convention, and hoped that all the Committee's meetings on the item relating to religious intolerance could be devoted to consideration of the draft Declaration.

17. Although more than a decade had passed since the adoption of General Assembly resolution 1781 (XVII), the desired objective had not been achieved. His delegation would have no difficulty in supporting the proclamation of an instrument designed to protect the freedom of religious beliefs, especially since that freedom had already been laid down in the Universal Declaration of Human Rights. While it was aware of the legal problems involved, they should not be an unsurmountable obstacle preventing an unequivocal reaffirmation of the moral principle of freedom of worship.

18. His delegation wondered whether an effort was being made in the Committee to ensure that the Declaration never saw the light of day. All kinds of subterfuge had been used to hinder the adoption of a declaration, including the claim that protection of freedom of religion would give *carte blanche* to missionaries who, it was alleged, constituted the spearhead of imperialism and neo-imperialism. His country would expel any missionary who interfered in the country's policies. That would not be a case of religious intolerance: missionaries were subject to the laws of his country and would incur the penalties laid down by them if they violated them.

19. Either there was freedom of religion or there was not; if there was such freedom, the activities of missionaries who respected local laws could not validly be hindered. There was no justification for discrimination

against missionaries on the mere suspicion that they might be enemy agents.

20. In his country, every citizen had the inalienable right to profess his religion, change his religion, or have no belief whatsoever. It was extremely difficult to believe that religious freedom was a subversive, immoral or destructive factor, except in so far as any new idea, and especially that of human liberty and dignity, might subvert absolutist social systems which were in a state of petrification.

21. A previous speaker had referred to demagoguery. He wished to point out that demagogues could succeed only in oppressive circumstances where justice and human dignity were ignored. To claim that a reaffirmation of freedom of belief was nothing other than a new tentacle of Western neo-colonialism was to display an extreme form of paranoia.

22. Modern psychology and sociology had confirmed that religious convictions were essential factors in the psychic equilibrium and social adjustment of human beings. It was to be expected that the protection of religious freedom would cause a certain amount of social conflict: however, that was the inevitable price to pay for the reaffirmation of human freedom and dignity.

23. His delegation fully agreed with those which had stated that the phrase "religious convictions" also covered beliefs which were not religious ones. He felt that the phrase covered theistic, atheistic, rationalistic or agnostic beliefs, relating to the existence or non-existence of supernatural or transcendental entities and man's relations with them. He firmly believed that the concept of religious freedom also included the freedom to have no religion and the protection of non-believers.

24. He reserved his delegation's right to speak at a later stage on individual articles in the drafts before the Committee.

25. Mr. KABINGA (Zambia) said that his Government had made its position clear in its reply contained in document A/9134. That reply indicated that Zambia tolerated all forms of religious beliefs and practices, provided that the conduct of those beliefs and practices did not disturb the peace of the State or encroach upon the accepted norms of behaviour of Zambian society. Two questions therefore arose. First, what were the accepted norms of behaviour in Zambian society, and, secondly, to what extent did Zambia actually tolerate religious beliefs? In reply to the first question, he stressed that the accepted norms of day-to-day life in Zambia were based on respect for the human value of every citizen. That implied a rejection of the oppression or domination of anyone in Zambia by any other person, whether from within or outside the country. It further implied that no purely individual, group or sectional interest fundamentally opposed to the interests of Zambian society as a whole could be permitted. Bearing that in mind, the answer to the second question was given by article 13 of the Zambian Constitution, which provided, among other rights, for the freedom of conscience. Various churches and many other religious organizations were actively involved in many facets of Zambian life, and some religious bodies were making a commendable contribution to the task of national reconstruction and development. It was partly in recognition of their positive role that religious beliefs and practices were protected in Zambian society.

² *Idem*, para. 296.

26. At the current stage of Zambia's history; the all-round improvement of the material and cultural well-being of the people as a whole was a matter of the utmost importance. Accordingly, any religious belief or practice which ran counter to that objective had been, and would continue to be, regarded as unacceptable. Zambia's experience had shown that the idea of religious freedom had to be developed, so as not to neglect the obligations of the Church or religious organizations or of individuals to society as a whole. The case of the Lumpa Church and the Watchtower Sect, which were referred to in his Government's reply and which had engaged in unreligious and seditious practices, confirmed that need.

27. Moreover, some churches were based on philosophies which preached domination and oppression by one people over another. The Dutch Reformed Church in South Africa was a case in point, as were those churches in Mozambique which had acquiesced in the recent massacres in that country. It was naïve to expect unlimited privileges, without concomitant obligations to be granted to men of religion who only decades earlier had been in the forefront of colonialism and imperialism, and to churches which had no respect for legitimate Governments in some parts of the world. Zambia did not oppose constructive religious freedom, but it rejected religious freedom when it was used to further the interests of foreign Powers.

28. The freedoms mentioned in the draft Declaration (A/8330, annex I), the draft Convention (*ibid.*, annex III), and the text submitted by the delegation of the Netherlands (A/C.3/L.2025) appeared to have no ideological bias, but the truth of the matter was quite different, as was shown by the following examples. Article I of the Netherlands draft, article III, paragraph 1 (a), of the draft Convention and article VI of the draft Declaration called for religious freedom without subjection to any coercion or pressure likely to impair freedom of choice. Why grant such an absolute right? What about the ultimate right of Governments to use coercive force in the legitimate interests of society as a whole? In addition, article V of the Netherlands draft and article IV of the draft Convention were open to question. He wondered why the rights referred to in those articles were limited to parents and so-called legal guardians. Article VI, paragraphs 3 and 4, of the draft Declaration, article VI, paragraph 2, of the Netherlands draft, and article III, paragraph 2 (b) of the draft Convention, called for freedom to teach, to disseminate, and to learn a religion or belief and its sacred languages or traditions. Such provisions were difficult to accept when the traditions in question were foreign-based and when there was a likelihood of conflict with local traditions. Furthermore, article VI, paragraph 5 (i), of the draft Declaration and article III, paragraph 2 (d), of the draft Convention implied that preferential treatment should be given to the imports of special food-stuffs by religious bodies. He wondered why locally produced material could not be used.

29. Constant reference was currently being made to the democratization of international relations. However, in his delegation's view, there was also a need for a democratization of religious institutions in order to prevent them from continuing to be the representatives of the countries in which they originated.

30. Mr. CHIRILA (Romania) said that his delegation attached special importance to the adoption, at the international level, of measures designed to encourage Member States to ensure respect for human rights. The promotion and exercise of those rights and fundamental liberties, without discrimination on the basis of race, sex, language or religion, contributed to the establishment of friendly relations among peoples, to the development of co-operation among States, and to the maintenance and strengthening of world peace. Article 30 of the Romanian Constitution guaranteed freedom of conscience to all citizens of the Romanian Socialist Republic, and provided that anyone was free to hold or reject a religious belief, and to practise a religious faith. In accordance with the principle of religious freedom, all churches in Romania could organize themselves according to their own traditions and maintain relations with other churches abroad. The principles of religious freedom were set forth in detail in a law on the general regulation of religious worship, which prohibited discrimination for religious reasons, incitement to religious hatred or other acts likely to jeopardize freedom of conscience and the freedom to practise a religious faith. Romania not only guaranteed freedom to engage in religious activities, but also proclaimed complete equality for such activities. In his country there were no dominant, privileged or subordinate churches, and the various religious groups contributed in their own way to the constructive work of the Romanian people in the various fields of social and civil life, and to the achievement of its aspirations of peace and progress.

31. The questions under consideration were based on article 18 of the Universal Declaration of Human Rights and article 18 of the International Covenant on Civil and Political Rights. He felt that any international instrument covering such matters should reflect the rights and freedoms incorporated in those articles, namely freedom of thought, conscience and religion. It was therefore necessary to introduce suitable provisions in the draft texts under consideration affirming the right to hold or reject religious beliefs. Proposals had already been made to that end in the Working Group of the Commission on Human Rights and in the observations sent to the Secretary-General by some Member States. It was also important that in drawing up any international instrument dealing with freedom of conscience and religion the previous achievements of international co-operation, as well as the framework in which such co-operation was conceived, should be taken into account. It would therefore be useful to incorporate a provision designed to ensure that religious convictions and the practice of a religious creed should not jeopardize international peace and security, or friendship and co-operation among peoples and States. Finally, his delegation was prepared to support any suggestions likely to create the practical conditions necessary for the elaboration of texts which would be balanced and would command widespread support.

32. Mrs. BERTRAND DE BROMLEY (Honduras) expressed satisfaction at the efforts being made to adopt in 1973 a declaration on the elimination of all forms of religious intolerance, and hoped that it would be completed in time for the celebration of the twenty-fifth anniversary of the Universal Declaration of Human Rights. Religious freedom was perhaps the most basic, intimate and personal of all fundamental

freedoms. Man had always striven for something which went beyond what was transitory, worldly or created by his intellect or imagination, in other words, something divine and holy. At various times men had arisen who had achieved a deeper understanding of the meaning of life, truth and God, and their teachings had formed the basis of various religions or faiths. In some cases, however, the interpretation of their teachings had led to fanaticism, intolerance and bloodshed. For that reason, she felt that religious tolerance was all-important, and that it was the duty of each member of the Committee to do his utmost to achieve that goal.

33. The text under consideration raised few difficulties for her delegation, and she expressed appreciation to the representative of the Netherlands for having submitted his suggestions in the form of amendments (A/C.3/L.2027), which should greatly facilitate the Committee's task. Her delegation was convinced that if all members of the Committee showed understanding and tolerance, it would be possible to produce an instrument which would show the world their determination to secure for humanity not only some of the fundamental freedoms but all of them.

34. Finally, she observed that while Honduras was by tradition and culture a Catholic country it respected the faith or lack of faith of each of its citizens, and protected their right to practise or not practise a religion. Church and State were completely separated, education was secular, and Honduras, despite its profound sense of religion, had a tradition of keeping the influence of the Church outside the realm of politics. Only civil marriages were recognized, and those who wished to marry in the Church were required to hold two ceremonies, religious and civil. Many different religions existed in Honduras, and all were treated with respect and tolerance.

35. Miss ILIĆ (Yugoslavia) said that the question of the freedom of religion or belief was a very important one, which had in both distant and more recent times led to discrimination against individuals or groups, and sometimes to serious international disputes or conflicts. In some cases it had been, and remained, a pretext for interference in other people's affairs, and in others, a *casus belli*. Religion was also exploited in the process of colonization. She felt that the international community could contribute to solving such problems by elaborating a well-balanced instrument on the subject. Such an instrument should provide for equality between atheistic and religious beliefs on the one hand and between different religions on the other.

36. Her delegation did not consider that the reasons put forward by the sponsors of the text adopted as General Assembly resolution 3027 (XXVII) for the adoption of a declaration rather than a convention had been very convincing. It had therefore abstained when the resolution was put to the vote. In that resolution the General Assembly decided to give priority, if possible, to the completion of the Declaration on the Elimination of All Forms of Religious Intolerance before resuming consideration of the draft International Convention on the subject. She felt that the use of the words "if possible" indicated some doubt as to the feasibility of the procedure thus outlined. That doubt had become even stronger, since the replies from Governments, as well as the discussions within the Committee, had shown that significant differences remained. The texts pre-

pared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (A/8330, annex I) and the Working Group of the Commission on Human Rights (*ibid.*, annex II) had never been fully considered by the Commission and had not been adopted by it. Nor had the Governments or the Commission had the opportunity to consider the amendments proposed by the delegation of the Netherlands (A/C.3/L.2027). She therefore felt that after examining the drafts the Committee should transmit them to the Commission on Human Rights with a request that it should reconsider the whole question and advise the Committee accordingly.

37. Finally, she said that her delegation, representing as it did a federal, multinational State in which the Church was separated from both the State and education and in which atheists and the followers of about 30 different religions lived in equality of rights and harmony, hoped that a document on such an important and delicate subject, once adopted, would promote the cause of human rights and contribute to better relations between States and to peace throughout the world.

38. Mr. FUENTES IBÁÑEZ (Bolivia) said that despite its strongly Catholic tradition, Bolivia protected freedom of belief and religion. The draft documents under consideration were highly important, and were linked with the principles of the Charter and the Universal Declaration of Human Rights.

39. He commended the draft articles prepared by the Working Group of the Commission on Human Rights (see A/8330, annex II). The provisions of article IV, paragraph 2, of that text were very important and should in some way be incorporated in the draft submitted by the Netherlands, which attempted to crystallize certain general principles but did not refer to specifics. Religious freedom was meaningless unless the rights enumerated in that paragraph were protected.

40. Mr. KARASSIMEONOV (Bulgaria) said that his Government had not had an opportunity to submit its observations on the preliminary draft of a Declaration on the Elimination of All Forms of Religious Intolerance or the report of the Working Group set up by the Commission on Human Rights to prepare a draft Declaration on that subject. For that reason, his delegation wished to set forth its position of principle with regard to the question of a draft Declaration.

41. It was a well-known fact that, as a socialist country, Bulgaria legally guaranteed the right of all citizens to carry on both religious and atheistic propaganda. His delegation shared the concern of some members at the fact that, by virtue of resolution 3027 (XXVII), the General Assembly had decided to accord priority to the completion of a declaration before resuming consideration of the draft International Convention. In that connexion, his delegation noted that the Holy See was convinced that a convention was more effective than a mere declaration (see A/9134/Add.2, para. 2). His delegation favoured the adoption of both a declaration and a convention but it was not very enthusiastic about the texts of a declaration that had been prepared thus far.

42. The problem of the elimination of religious intolerance had been under consideration in the United Nations for 13 years. No solution to it had yet been found because of the wide variety of religions practised in the world and the different status accorded to reli-

gions in different countries. The title of the instrument itself was a source of difficulty, since there was some feeling that it should embody the concept of freedom of religion and religious belief. The basic principles to be covered by the instrument needed to be defined precisely, so as to ensure that no one religion was accorded a privileged position in relation to any other. One fundamental principle that was lacking in the texts under consideration was the concept of the separation of the State and the educational system from the Church. That omission might give rise to speculation that the drafts of the Declaration had some political content, in so far as religion had always been used in the service of politics.

43. His delegation proposed the insertion of a new article stating that the Church must be kept separate from the State and guaranteeing equal rights to those who held both religious and non-religious beliefs. The Declaration should further state that religion should not be used to incite hatred among peoples or for political goals harmful to international and national peace and security. It should also be borne in mind that the elimination of religious intolerance was part of a much broader problem, the solution of which presupposed the full implementation of the International Covenants on Human Rights.

44. Much work remained to be done on the draft Declaration, but his delegation was convinced that a more constructive approach to the subject would emerge in the light of the Committee's discussion of it article by article. His delegation intended to submit a draft resolution³ on the subject shortly.

45. Mrs. WATANABE (Japan) said that her delegation found no difficulty in supporting articles I, II, III and IV of the text of a draft Declaration prepared by the Working Group set up by the Commission on Human Rights (see A/8330, annex II) and the corresponding articles, together with article IX, in the amendments submitted by the Netherlands (A/C.3/L.2027), the more so since article 19 of the Japanese Constitution provided for the inviolability of freedom of thought and conscience, and article 20 guaranteed freedom of religion to all and provided that the State and its organs should refrain from religious education or any other religious activity. The laws on labour and employment contained provisions requiring compliance with those articles of the Constitution.

46. Her delegation had difficulty in accepting article V of the draft Declaration (A/8330, annex I), the substance of which differed from religious practice in Japan regarding children. She wondered whether the scope of the article in question was to be limited to the right of the parents or legal guardians of a child to decide upon the religion or belief in which a child should be brought up without taking into account the rights of children themselves in respect of religion, as provided for in the Declaration of the Rights of the Child.

47. With regard to article VIII of the Netherlands amendments, she pointed out that the Japanese Constitution embodied the principle of separation of religion from the State. The State was not allowed to grant special privileges to any religion or to discriminate in favour of any religion.

48. Mr. LOSHCININ (Byelorussian Soviet Socialist Republic) drew attention to the reply received

from the Holy See (A/9134/Add.2), which referred to various decisions and declarations of the Catholic Church and the Vatican Council and seemed to imply that the draft texts prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities and by the Working Group set up by the Commission on Human Rights were nothing more than a repetition of principles expounded by the Vatican. Thus, he had the impression that the position of the Catholic Church on the subject of religious intolerance had been taken as the basis for the draft texts of the Declaration prepared thus far. If that was true, the draft Declaration as it stood was a biased and discriminatory document.

49. An article in *The New York Times* of 31 August 1973 had quoted the Minister of Culture of a Western European country as having condemned the Catholic Church as a reactionary force which had suppressed peoples and led them astray throughout its history. There was no doubt that many enlightened thinkers had been persecuted, especially during the Inquisition. The Protestant denominations had been more progressive, but even Martin Luther had been guilty of advocating the persecution of peasant factions in sixteenth-century Germany. Nor should it be forgotten that religion had paved the way for the evils of colonialism. The report of the Seminar on Human Rights in Developing Countries,⁴ held at Dakar in 1966, had emphasized that colonialism often assumed the guise of evangelism. In Africa, priests had often taken a reactionary stand, had attempted to stamp out local religions, and in some countries had obstructed reforms like the nationalization of religion.

50. It was thought by some that missionaries had played an outstanding role in the development of Asia and Africa. It should be borne in mind, however, that in the past the use of missionaries to win the confidence of the peoples in under-developed countries and thus gain control of their lands had been cynically advocated in the West by those who had sought to expand the hegemony of so-called Christian civilization. Any document concerned with the elimination of religious intolerance should make it clear that freedom of religion was not to be used as a weapon of foreign interference in the internal affairs of States.

51. Referring to the title of the draft Convention, he pointed out that the term "religious intolerance" could be interpreted in various ways and required some clarification.

52. Mr. ARGÜELLO (Nicaragua) said that his country's Constitution fully guaranteed freedom of conscience and the profession and practice of all beliefs which did not conflict with morality, tradition or public order, with the exception of religious activities which were incompatible with the physical safety of the individual. In his country, no one could be compelled to declare officially his religious beliefs; public cemeteries had secular status; and ministers of all religions could practise them and teach any kind of religious belief. The principles of the draft Declaration and the draft Convention being considered by the Committee coincided with those of his country's Constitution and, consequently, his delegation looked forward to the earliest possible adoption of a declaration on the subject.

The meeting rose at 1 p.m.

³ Subsequently circulated as document A/C.3/L.2030.

⁴ ST/TAO/HR/25.

2012th meeting

Wednesday, 31 October 1973, at 3.20 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2012

AGENDA ITEM 55

Elimination of all forms of religious intolerance (*continued*) (A/8330, A/9134 and Add.1 and 2, A/9135, A/C.3/L.2027-2030):

- (a) **Draft Declaration on the Elimination of All Forms of Religious Intolerance: report of the Secretary-General (*continued*)** (A/8330, A/9134 and Add.1 and 2, A/9135, A/C.3/L.2027-2030);
- (b) **Draft International Convention on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (*continued*)** (A/8330)

1. Mr. OLIPHANT (Botswana) said that the principles set forth in the draft Declaration were in line with the Constitution of the Republic of Botswana, section 11 (1) of which provided full guarantees against discrimination based on religion. Other laws protected religious organizations which, for example, were required to register with the Government—mainly for the purpose of safeguarding their property. The enjoyment of those freedoms should be understood to be subject to the limitations embodied in article XII of the draft Convention.

2. The CHAIRMAN, after announcing that consultations were being held concerning the manner in which the Committee should deal with the item, suggested that members might begin their consideration of the articles of the draft Declaration, bearing in mind the difficulty posed by the fact that the Committee had before it several texts at the same time.

3. Mr. ZENKYAVICHUS (Union of Soviet Socialist Republics), speaking on a point of order, said that the preamble should be considered before the articles, because it provided the orientation and principles for the Declaration. His delegation considered that the preamble (see A/8330, para. 19)¹ of the draft Convention, adopted by the Third Committee, would be acceptable, and asked that that text should be circulated.

4. Moreover, the title of the draft Declaration was not in keeping with the aims or content of the text, as it referred only to religious intolerance. Reference had been made to that question in the observations submitted by some Governments, and in that connexion the comments of Austria (see A/9134) should be mentioned. The draft Declaration should include provisions guaranteeing the right not to profess a religion or to be an atheist.

5. The draft Declaration should also ensure that religious beliefs were not allowed to be used to harm the State or impair the health or rights of other citizens, or encourage citizens not to fulfil their political responsibilities and obligations; that provision would be in

keeping with the spirit of article 18 of the International Covenant on Civil and Political Rights. To that end, he proposed that the text should include the following provision:

“Recognizing that all churches and movements should have equal guarantees of complete freedom; none may be the object of special privileges or hold a privileged position. All acts designed to interfere with freedom of religion shall be prohibited. Freedom of religion or belief or atheistic convictions shall not be used for political purposes or to incite hatred.”

He hoped that a majority of delegations would support those proposals, so that the document could serve the interests of believers and non-believers.

6. The CHAIRMAN invited the Committee to consider, paragraph by paragraph, the preamble of the draft Declaration submitted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (A/8330, annex I),² as contained in paragraph 7 of document A/9135.

First and second preambular paragraphs

7. Mrs. WARZAZI (Morocco) recalled that Canada had proposed the insertion of the word “sex” after the word “colour” in the second paragraph. Her delegation agreed with that proposal.

8. Mrs. BONENFANT (Canada) said that her delegation intended to submit an amendment³ in that regard.

Third and fourth preambular paragraphs

9. Mr. LOSHCININ (Byelorussian Soviet Socialist Republic) said that the Committee was moving too quickly from one paragraph to another and recalled that a proposal had been made to circulate the draft preamble adopted by the Third Committee in order to simplify the proceedings. With regard to the fourth preambular paragraph the doubts expressed in the Committee with regard to the right to change religion persisted.

10. The CHAIRMAN recalled that the Committee had decided to take the text of the draft Declaration which appeared in document A/9135 as the basis for the debate.

11. Mr. VAN WALSUM (Netherlands) expressed surprise at the complete agreement which appeared to exist between the delegations of Saudi Arabia and the socialist countries in the current debate. In his view, the remark made concerning change of religion had already been refuted by the Irish delegation at the 2010th meeting, for although it was acknowledged that missions had at times behaved in a deplorable manner and that there had been links between Christian churches and colo-

¹ For the printed text, see *Official Records of the General Assembly, Twenty-second Session, Annexes*, agenda item 54, document A/6934, para. 72.

² For the printed text, see *Official Records of the Economic and Social Council, Thirty-seventh Session, Supplement No. 8*, para. 294.

³ Subsequently circulated in document A/C.3/L.2031.

nialism, there were current activities in progress which, even if they did not reverse the previous situation, were at least oriented very differently, as the case of the World Council of Churches illustrated. With reference to the statement made at the 2009th meeting by the representative of Saudi Arabia that only the Christian churches attempted to convert the faithful of other religions, so that the provision relating to change of religion would benefit only those churches, he cited the statement made by Mr. Zafrullah Khan of Pakistan, at the 182nd plenary meeting of the General Assembly, during its third session, in which the latter had asserted that the Moslem religion was a missionary religion.

Fifth preambular paragraph

12. Mr. SMIRNOV (Union of Soviet Socialist Republics) suggested the following text for the fifth paragraph:

"Considering that the disregard and infringement of human rights and fundamental freedoms, and in particular of the right to freedom of thought, conscience, religion or belief have brought, directly or indirectly, wars and great suffering to mankind, especially when manifestations of religion or belief had served and are still serving as a means or as an instrument of foreign interference in the internal affairs of other States and peoples."

Those elements would broaden the scope of the fifth preambular paragraph.

13. Mr. VON KYAW (Federal Republic of Germany), referring to the Soviet proposal, said it was conceivable that religious beliefs had served as a motive for interference by one State in the internal affairs of another State, but the same could also be said of ideologies. If all those concepts were to be taken into account, it would mean entering into a field too wide for the aims of the Declaration.

14. Mr. VALDERRAMA (Philippines) supported the amendment proposed by the USSR, subject to certain modifications. In document A/9134, the Philippines had expressed its belief that it was necessary adequately to ensure the protection of a State against foreign incursions which might be in the guise of religious activities.

15. Miss CAO PINNA (Italy) felt that the main objective of the Declaration should be to reaffirm and broaden the meaning of article 18 of the Universal Declaration of Human Rights, but the amendment submitted by the Soviet Union seemed to attempt to introduce extraneous concepts into the Declaration, as the Government of Italy had already mentioned in paragraph 4 of its reply, which appeared in document A/9134/Add.1. She referred in particular to the assertions regarding supposed attempts to make religion an instrument of foreign interference in the internal affairs of a State or to use it for internal political purposes. Her delegation had doubts about the relevance of the Soviet amendment and urged that delegation to reconsider its position and not to submit that text as a formal proposal.

16. Mr. SMIRNOV (Union of Soviet Socialist Republics) said that he had submitted his proposal with the best of motives in mind and could not withdraw it.

17. Mrs. WARZAZI (Morocco) said that she understood the significance of the Soviet amendment, but considered that the first and second parts of the para-

graph as drafted were not consistent with each other. It was impossible first to defend freedom of religion and then to oppose it with the argument that such freedom would be a cause of wars and the like. For that reason, and without thereby committing her delegation to support of the amendment, she considered that it should be worded differently. She accordingly proposed the following wording: *"Noting that the disregard of human rights and fundamental freedoms, and in particular of the right to freedom of thought and conscience (or of religion and belief) has brought . . ."*

It was not fitting to emphasize freedom of religion and belief and, immediately afterwards, in the same paragraph, to speak of interference in the internal affairs of States.

18. Mr. SMIRNOV (Union of Soviet Socialist Republics) said that he was prepared to give careful consideration to the suggestion made by the representative of Morocco, but emphasized that the Soviet proposal pointed out that disregard for human rights and the violation of fundamental freedoms had been the direct cause of wars and human suffering.

Sixth preambular paragraph

19. Mr. SMIRNOV (Union of Soviet Socialist Republics) proposed that the following words should be inserted immediately before the sixth paragraph: *"Considering that religion or belief, for anyone who professes either, is one of the fundamental elements in his conception of life, and that freedom of religion or belief should be fully respected and guaranteed,"*

20. In addition, he suggested that the sixth paragraph should be replaced by the following:

"Considering it essential that Governments should strive to promote through education, as well as by other means, understanding, tolerance and respect in matters relating to freedom of religion and belief, and to combat any exploitation or abuse of religion or belief for political or other ends inconsistent with the purpose and principles of the present Declaration,"

Seventh preambular paragraph

21. Mr. SMIRNOV (Union of Soviet Socialist Republics) said that, in the preamble, it should be indicated that a whole series of documents and instruments relating to various forms of discrimination had been adopted within the United Nations system, in particular the International Covenants on Human Rights. Although he had no precise wording to propose in that connexion, the wording of the new passage should be more or less the following: *"Noting with satisfaction the adoption of several international declarations and conventions, in particular the International Covenants on Human Rights, for the elimination of various forms of discrimination,"*

22. Mr. CATO (Ghana) said that the passage under consideration appeared to be somewhat superfluous, since the ideas in it were already expressed in the first preambular paragraph. There was no doubt that one of the fundamental objectives of the United Nations was the promotion of human rights and religious tolerance. Consequently, he suggested that that paragraph should be deleted.

23. Mr. AL-QAYSI (Iraq) said that, as it was currently worded, the seventh paragraph should not be includ-

ed in the preamble. If it merely repeated what had already been expressed in the first paragraph, it was superfluous, as had been pointed out by the representative of Ghana; if it was meant to express some subtly different idea, the wording would have to be amended. In the latter case, the text should follow the guidelines of the Charter, which made no reference to the building of a world society. He proposed that, in order to avoid repetition of what was said in the first preambular paragraph and to adhere to the guidelines of the Charter, the seventh paragraph should read: "*Convinced* that the building of a world free from all forms of religious intolerance is in conformity with the fundamental objectives of the United Nations Charter,".

24. Mr. LOSHCHININ (Byelorussian Soviet Socialist Republic) said that he understood the purpose of the seventh paragraph to be to refer to the building of a world society free from all forms of religious intolerance; Article 1 of the Charter, however, did not mention that as one of the fundamental objectives of the United Nations. Consequently, he suggested that the paragraph in question should be deleted.

25. Mr. AL-QAYSI (Iraq) proposed that, in the light of the observation made by the representative of the Byelorussian SSR, the seventh paragraph should read: "*Convinced* that the building of a world free from all forms of religious intolerance is in conformity with the fundamental objectives of the United Nations,".

26. Mrs. WARZAZI (Morocco) pointed out that Morocco had proposed an amendment (see A/C.3/L.2029) to the title of the Declaration and that the Committee should reach some decision on that point. In the light of that amendment, Morocco would submit others relating to the sixth and seventh preambular paragraphs, which, as a result, would refer not to religious intolerance, but to intolerance in respect of religion or belief. Consequently, she felt that it would be appropriate to consider her amendment to the title.

27. Mr. LOSHCHININ (Byelorussian Soviet Socialist Republic) said that the observation of the representative of Morocco was well taken and that the amendments should be taken into account in the first reading. Although he was not opposed in principle to the amendment to the title proposed by the Moroccan delegation, perhaps that delegation would be willing to accept the following title: "Draft declaration on the elimination of all forms of intolerance and discrimination based on religion or belief". He pointed out that that wording had been accepted at the twenty-second session of the General Assembly.

28. Mr. OVSYUK (Ukrainian Soviet Socialist Republic) said that he had some reservations with regard to the seventh preambular paragraph since it included a number of vague phrases, such as "the building of a world society". Furthermore, he shared the view expressed by the representative of the Byelorussian Soviet Socialist Republic that it was not in conformity with the purposes outlined in the Charter. Consequently, he proposed that that paragraph should be replaced by the following text:

"*Considering* that one of the basic principles of the Charter of the United Nations is that of the dignity and equality inherent in all human beings, and that all Member States have pledged themselves to take joint and separate action in co-operation with the Organi-

zation to promote and encourage universal and effective observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,".

He hoped that that wording would help to resolve the difficulties.

29. Mr. CATO (Ghana) asked the representative of the Ukrainian Soviet Socialist Republic what difference there was between the text he had proposed for the seventh paragraph and that of the first preambular paragraph.

30. Mr. OVSYUK (Ukrainian Soviet Socialist Republic) said that the new text of the seventh paragraph would be a refinement of the ideas expressed in the first preambular paragraph, bringing it into conformity with the Charter and other documents of the United Nations, and would give the correct orientation to the subsequent paragraphs.

31. Mrs. WARZAZI (Morocco) said that, if the Committee wished to retain the seventh preambular paragraph, it should be reworded to read: "*Convinced* that the building of a world society free from all forms of religious intolerance, in particular for reasons of race, colour, sex, language, religion or belief, is one of the fundamental objectives of the United Nations,". That text might be acceptable to the majority.

32. Mr. BAROODY (Saudi Arabia), alluding to the reference that the representative of the Netherlands had made to the statement by Zafrullah Khan at the third session of the General Assembly in order to demonstrate that the Islamic religion engaged in missionary activities, pointed out that Zafrullah Khan was the leader of a very small sect of scarcely 10,000 members, compared with the 650 million members of the Muslim religion. Islam had no missionaries to propagate its beliefs; consequently, it was not fair that other religions should engage in such activities.

33. He objected to the remark that his outlook was similar to that of the socialist countries; that observation was unjustified since his opinions were reached quite independently. Ideologies should not enter into the Committee's consideration of the matter before it, although unfortunately, when the time came to vote, States would vote according to their affinity with specific ideological groups and not according to the merits of the draft Declaration.

34. The Third Committee should complete the drafting of the Declaration at the current session and should not refer it yet again to the Economic and Social Council and to the Commission on Human Rights, in view of the considerable effort, time and funds which had gone into its preparation. The best course was for a vote to be taken on the draft Declaration and, if it received the approval of the majority, for those States which considered it relevant to implement its provisions.

35. After an exchange of views in which Mr. BAROODY (Saudi Arabia), Mrs. WARZAZI (Morocco) and Mr. VAN WALSUM (Netherlands) took part, the CHAIRMAN said that in the past the Third Committee had allowed some latitude to speakers making statements on items, but that he felt it his duty to appeal for co-operation so that as much progress as possible could be made at the current meeting.

New preambular paragraphs

36. Mr. SMIRNOV (Union of Soviet Socialist Republics) proposed two new paragraphs designed to make the preamble more clear and concise and to bring it into line with article 18 of the International Covenant on Civil and Political Rights. The first of the new paragraphs would read: “*Convinced* that the right to freedom of religion or belief should not be abused so as to impede any measures aimed at the elimination of colonialism and racialism,”.

37. The second new paragraph would read: “*Considering* that freedom of religious and non-religious belief, and the rights and duties of persons of different beliefs, should not be used for purposes of political or electoral campaigns or the kindling of hatred between peoples and different religious and national groups,”.

38. His delegation considered that the provisions of the eighth paragraph were incomplete, since they did not cover political and electoral campaigns.

Title

39. The CHAIRMAN announced that the Committee had completed its consideration of the preamble of the Declaration and that it would proceed to consider the title and the amendment thereto submitted by Morocco (see A/C.3/L.2029).

40. Mrs. WARZAZI (Morocco) observed that, according to paragraph 18 of document A/8330, the Third Committee, at a previous stage in the consideration of the draft Convention, had felt it desirable to change the title.⁴ Yet, surprisingly, the draft Declaration had reappeared in document A/8330 with its original title, and not the amended version. In order to bring the title of the Declaration into line with article 18 of the Universal Declaration of Human Rights, her delegation proposed the following wording: “*Draft International Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief*”.

Article I

41. The CHAIRMAN invited comments on article I of the draft Declaration, as it appeared in paragraph 10 of document A/9135.

42. Mr. OVSYUK (Ukrainian Soviet Socialist Republic) proposed an amendment, to be found in his Government's observations in document A/9134, to the text prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities. Under the amendment, article IV of the Sub-Commission's draft would become article I; the word “other” would be added before the word “belief”, and the words “including an atheistic belief” would be added after the word “belief”. Article I of the Sub-Commission's text should be deleted, since it went far beyond the scope of the Declaration.

43. Mr. ABSOLUM (New Zealand) said that his country thought that the article should use the corresponding text prepared by the Working Group of the Commission on Human Rights (see A/8330, annex II),⁵

⁴ See *Official Records of the General Assembly, Twenty-second Session, Annexes*, agenda item 54, document A/6934, para. 26.

⁵ For the printed text, see *Official Records of the Economic and Social Council, Thirty-seventh Session, Supplement No. 8*, para. 296.

as amended by the Netherlands (A/C.3/L.2027). He agreed that the words “to any religious or non-religious” in square brackets should be deleted, since there was no need to define the terms religion or belief, which were well understood within the United Nations. At all events, if a definition was desired, his delegation would not object and would suggest that it should read: “The term ‘religion or belief’ shall include theistic, agnostic and atheistic beliefs or convictions.”⁶

44. Mr. GRAEFRATH (German Democratic Republic), referring to article I of the text proposed by the Working Group (see A/8330, annex II), wondered why the following wording was included in the second sentence: “This right shall include freedom to adhere or not to adhere to any religion or belief”. There was an obvious disparity compared with article 18 of the Universal Declaration of Human Rights, which mentioned only the right to change a religion or belief. His delegation felt that the difference of wording was crucial, since the draft Declaration reflected a passive approach. Similarly, article 18 of the International Covenant on Civil and Political Rights did not use the words “to adhere or not to adhere”, but stated only that “this right shall include freedom to have or to adopt a religion or belief of his choice”. That wording in the Covenant clearly indicated an active approach to religion or belief, an approach which was much more in keeping with the notion of freedom, inasmuch as freedom of religion should not be taken to justify the concept of being born into a religion, since that excluded any freedom of choice.

45. Consequently, his delegation would prefer the second sentence of article I to read: “This right shall include the freedom to have or to adopt a religion or belief of his choice . . .”, using the words of the International Covenant on Civil and Political Rights; he reserved the right to submit a formal amendment to the article at a later stage.⁷

46. His delegation was still pondering the suggestion made by the representative of Saudi Arabia to the effect that it was necessary to define what kind of religion or belief was meant in the draft. If a distinction was drawn between thought and conscience, on the one hand, and religion and belief on the other, it was obviously necessary to know what was meant by “religion” in relation to the other terms, or at least to know what was not meant. Unfortunately, the draft Declaration remained totally silent on that important question and he wondered whether religion was to be taken to be what any individual felt was a religion or belief. For example, the Nazi concept of a “master race” could not be accepted as a religion or a belief—that position was in keeping with many United Nations resolutions and decisions. It was also important to ensure that the Declaration did not provide an invitation to Governments which tolerated *apartheid* to justify their position on the ground that it was a religion or a belief.

47. The Austrian Government, in its observations reproduced in document A/9134, said that the word “belief” was not to be interpreted as embracing every philosophy, but only such philosophies or beliefs as were transcendental in character. His delegation stressed that it could in no way accept such an interpretation, which it felt was to a certain extent discrimina-

⁶ Text subsequently circulated in document A/C.3/L.2034.

⁷ Text subsequently circulated in document A/C.3/L.2033.

tory and conflicted with the first sentence of the draft Declaration.

48. On the other hand, he welcomed the Netherlands proposal (see A/C.3/L.2027) that article I should specify that the expression "religion or belief" should include theistic, non-theistic, and atheistic beliefs, although his delegation would prefer in that context the words "theistic and non-theistic beliefs and atheistic convictions"—a proposal which was very close to that submitted by the delegation of the Ukrainian SSR.

49. Mrs. WARZAZI (Morocco) said that her delegation had some difficulty with the Netherlands amendment (see A/C.3/L.2027). Actually, it preferred the Working Group's text, since the amendment included the words "theistic, non-theistic and atheistic beliefs" along with the word "religion", and a religion could not be called atheistic. It would be simpler to say: "This right shall include freedom to adhere or not to adhere to any religion, religious belief or conviction", removing the square brackets, since conviction clearly included philosophies which were non-theistic and atheistic. Thus, provided reference was made to religion, the words "religious belief or conviction" would be added.

50. Mr. VAN WALSUM (Netherlands) said he still felt that the most sensible thing would have been to continue with the decision to base the examination of the draft Declaration on the text prepared by the Working Group at the twentieth session of the Commission on Human Rights (see A/8330, annex II).

51. It was relevant to recall that the draft Declaration being prepared was designed to establish a proper balance in protecting those who practised a religion and non-believers, and to take account of the rights both of those who believed and of those who did not. No attempt should be made to give one group superiority over another, and advocacy of tolerance should include non-believers. The goal was a world free from fear of discrimination on grounds of religion or belief.

52. The Ukrainian SSR representative had referred to theistic propaganda. In many languages the word "propaganda" had a pejorative meaning, but possibly the word should be regarded in the original sense it had in Latin, embodying the idea of disseminating or propagating doctrines and credos. The German Democratic Republic had raised the difficult and pertinent question of the extent to which any belief or conviction might be acceptable. He could not agree with the Austrian view in document A/9134 that the word "belief" was to be interpreted as embracing only such philosophies or beliefs as were transcendental in character.

53. Mr. BUCHANAN (United States of America) said that although his delegation had indicated its position in document A/9134/Add.1 concerning the Working Group's text, it was willing to consider and support alternatives in the interests of achieving an agreed text. In article I of the Working Group's text, the expression "religion or belief" seemed to define the Declaration's coverage adequately. The same expression occurred in article 18 of the Universal Declaration of Human Rights and in article 18 of the International Covenant on Civil and Political Rights. His delegation was also willing to support the Netherlands amendment to article I (see A/C.3/L.2027). The United States Government had opposed specific references to atheism as being out of

place in a document whose purpose was to protect religious belief; but it had yielded on that point when the draft Convention had been considered in previous years, and it was prepared to do so again in the case of the draft Declaration. He would therefore vote in favour of article I of the Working Group's text, as amended by the Netherlands in document A/C.3/L.2027.

54. Mr. BADAWI (Egypt) considered that at the first reading his delegation would confine itself to suggestions rather than amendments. Article I of the Working Group's text spoke of "the right". But every right presupposed an obligation; and he would like to see some reference in the article to the laws, norms and traditions prevalent in society. He also associated himself with the comments made by the representative of Morocco on the article.

55. Mrs. WARZAZI (Morocco) proposed the following subamendment to the Netherlands amendment (see A/C.3/L.2027): "The word religion shall include non-theistic and atheistic beliefs."

56. The CHAIRMAN said that at the next meeting the Committee would study the text prepared by the Working Group of the Commission on Human Rights (see A/8330, annex II) and that document A/9135 would be used as a guide in respect of the corresponding articles of the preliminary draft prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (*ibid.*, annex I). The relationship between the articles prepared by the Working Group and the corresponding passages of the Sub-Commission's preliminary draft was the following: article I of the Working Group text corresponded to article IV of the Sub-Commission's; article II to article I; article III, paragraph 1, to article II; article III, paragraph 2, to article III, paragraph 2; article IV, paragraph 1, to article II; article IV, paragraph 2, to article III, paragraph 1; and articles V and VI to articles V and VI.

CONSIDERATION OF A DRAFT RESOLUTION (A/C.3/L.2030)

57. Mr. KARASSIMEONOV (Bulgaria), introducing draft resolution A/C.3/L.2030 sponsored by his delegation and that of Guinea, said that the draft was not based on his delegation's position alone, since there was a considerable weight of opinion in favour of continuing work on the draft Declaration in the appropriate forum, even though complete agreement had not been reached in the consultations held thus far. However, it was not intended that the draft resolution should prejudice the outcome of the article-by-article examination being carried out by the Committee.

58. The CHAIRMAN announced that the time-limit for the submission of amendments would be extended until 1 p.m. on the following day.

59. Mr. VAN WALSUM (Netherlands) said that in his reference to the statement by the Saudi Arabian representative he had not meant to be controversial; he had merely felt that it was an overstatement to say that missions had brought only evil, and he had been surprised to find the Saudi Arabian view endorsed by the delegations of the Soviet Union, the Ukrainian SSR, and the Byelorussian SSR. One of those delegations had said that currently more people were giving up Christianity than were being converted to it, which

indicated that the paragraph on freedom to change religion could not favour Christianity. Freedom to change religion was a fundamental right, and it was better that men should have the right to change their beliefs than that they should be obliged to live a lie. With regard to his delegation's amendments, the intention was not to add one more document to those which the Committee already had before it, but to rally to the Egyptian representative's view that the work should not be based on one country's draft alone. With that in mind, his delegation had submitted its proposals as amendments to the Working Group's text.

60. Mr. COSTA COUTO (Brazil) said that he was in consultation with the socialist countries with a view to submitting a draft resolution, and he had therefore been surprised when document A/C.3/L.2030 was distrib-

uted. His delegation's intention was that the consultations, which were supported by the delegation of Trinidad and Tobago, should culminate in a draft which would win majority support. The proposed text was incomplete, and it was essential to bear in mind the will of the majority to revert to the topic in the Third Committee at the next session of the General Assembly. He was sure that following the consultations, substantial changes would be made in the wording of the draft resolution, and that it would then have the support of most delegations.

61. The CHAIRMAN welcomed the consultations and recalled that the time-limit for submitting amendments had been extended until 1 p.m. on the following day.

The meeting rose at 6.15 p.m.

2013th meeting

Thursday, 1 November 1973, at 10.45 a.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2013

AGENDA ITEM 55

Elimination of all forms of religious intolerance (*continued*) (A/8330, A/9134 and Add.1 and 2, A/9135, A/C.3/L.2027-2034):

- (a) **Draft Declaration on the Elimination of All Forms of Religious Intolerance: report of the Secretary-General (*continued*)** (A/8330, A/9134 and Add.1 and 2, A/9135, A/C.3/L.2027-2034);
- (b) **Draft International Convention on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (*continued*)** (A/8330)

1. The CHAIRMAN invited members to resume their consideration, article by article, of the text of the articles prepared by the Working Group established by the Commission on Human Rights (see A/8330, annex II),¹ beginning with article II.

Article II

2. Mr. GOLOVKO (Ukrainian Soviet Socialist Republic) said that article II went beyond the aims and principles of the draft Declaration. His delegation proposed its deletion and replacement by the text appearing in paragraph 14 of document A/9135.

3. Mr. VAN WALSUM (Netherlands) said he understood that the text proposed by the representative of the Ukrainian SSR would provide for the separation of the Church from schools and from the State, and for the equality before the law of all churches and religious creeds. He asked whether the proposed text was meant to provide for full equality of all convictions, whether of a religious or a non-religious nature, and not merely religious convictions.

¹ For the printed text, see *Official Records of the Economic and Social Council, Thirty-seventh Session, Supplement No. 8*, para. 296.

4. Mr. BUCHANAN (United States of America) said that his delegation could accept article II as worded in the Working Group's text. However, it had no objection to the amendment to that article submitted by the Netherlands in document A/C.3/L.2027, which included a reference to the International Covenants on Human Rights. The main reference to religious freedom in the Covenants was in article 18 of the International Covenant on Civil and Political Rights. Moreover, under article 2 of the International Covenant on Economic, Social and Cultural Rights and article 2 of the International Covenant on Civil and Political Rights, States parties undertook to guarantee all rights enunciated in the Covenants without regard to religion. It might be useful to refer specifically to those articles of the Covenants in article II of the draft Declaration.

5. Mr. LOSHCHININ (Byelorussian Soviet Socialist Republic) said he supported the Ukrainian proposal for the replacement of article II by a new text. If delegations wished to retain the existing draft article II, he proposed that the Ukrainian text should be included as a separate article, and that the Working Group's text of article II should be amended to read: "Discrimination between human beings on the ground of religion or belief is inadmissible and shall be condemned as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and confirmed in the International Covenants on Human Rights."

6. Mr. VON KYAW (Federal Republic of Germany) said his delegation supported the Working Group's version of article II and could also support the amendment by the Netherlands (see A/C.3/L.2027). The text proposed by the Ukrainian SSR might create problems in practice, since the separation of the Church from the State and from schools was not always clear-cut. His delegation preferred the more general approach to the

problem taken by the Netherlands delegation in its proposed text for article VIII (*ibid.*).

7. Mr. VAN WALSUM (Netherlands) said his delegation had strong reservations with regard to the Ukrainian proposal, which appeared to insist on the separation of religion from the State, while making no mention of the separation of other personal convictions from the State, and thus smacked of discrimination.

8. Mr. GOLOVKO (Ukrainian Soviet Socialist Republic) said that the separation of the Church from the State was a very important concept, in so far as it was difficult to guarantee the rights of the followers of the Church, if the latter was involved in politics. Replying to the question asked earlier by the representative of the Netherlands, he said that the article proposed by his delegation made no reference to atheists and other non-believers, because his delegation did not feel that such persons constituted a separate institution.

9. Mr. VAN WALSUM (Netherlands) said he appreciated the point made by the Ukrainian representative but felt that it was illogical to limit the provisions of the proposed new article to institutions based solely on religion. He did not oppose the separation of the Church from the State, but recalled that the main aim of the Committee was to prepare a document which would be concise enough to have some impact but not so detailed as to jeopardize the acceptance of the Declaration as a whole or to give rise to misinterpretation.

10. Mr. BUCHANAN (United States of America) asked whether it was the intention of the Ukrainian delegation that there should be no schools operated by churches for the purpose of training for the priesthood or teaching religious precepts. If that was the case, the representative of the Ukrainian SSR was proposing the introduction of discrimination against church schools in the name of religious freedom.

Article III

11. Mr. ABSOLUM (New Zealand), referring to the amendment to article III submitted by his delegation (see A/C.3/L.2034), said that religious discrimination could take many forms, both subtle and extreme, and provision should be made for a wide variety of possible remedies. That was the purpose of his delegation's amendment. The phrase "by the competent national tribunals" was too restrictive in the sense that administrative rather than judicial action might be required in some cases, and other cases might need to be referred to international tribunals.

12. The word "discrimination" in paragraph 1 of the article was open to wide interpretation; in the absence of a more precise term, his delegation could accept that word on the understanding that it was to be interpreted in the way in which it was normally understood within the United Nations.

13. Mr. KABINGA (Zambia) proposed the addition of the following phrase at the end of article III, paragraph 1: "subject to the interests of society as a whole".³

14. His delegation had some reservations with regard to the New Zealand amendment. The phrase "by whatever means may be appropriate" could give rise to abuse in the form of external interference in the domes-

tic affairs of a State. His delegation thus favoured the wording of article III which appeared in the Working Group's text.

15. Mr. VON KYAW (Federal Republic of Germany) said that his delegation could accept the text of article III prepared by the Working Group. It could accept either of the two alternatives contained in square brackets at the end of paragraph 2 of the article, but preferred the second alternative, which would take account of the concern expressed by the Zambian and other delegations.

16. Mr. BUCHANAN (United States of America) said that his delegation could also accept the version of article III drafted by the Working Group. With regard to the two alternatives in square brackets at the end of paragraph 2, his delegation preferred the phrase "with respect to his fundamental rights and freedoms", which was in keeping with the broad principles of the Declaration. The second alternative was unacceptable in so far as it implied that States might limit the right to legal remedy simply by not providing for it in their laws or constitutions. The inclusion of that alternative phrase would give States a free hand to subvert the meaning of the article by curtailing religious rights and activities.

17. Mr. ABSOLUM (New Zealand) said that the Zambian objection to his proposed amendment was based on a misinterpretation of its intended scope. Clearly, remedial relief would be restricted to a form of relief provided in the country concerned.

18. Mr. KABINGA (Zambia) said that the New Zealand amendment clearly provided for remedial relief by any means deemed appropriate. That raised the obvious question of who would be responsible for determining what means were appropriate. The problem might perhaps be solved by inserting the word "national" immediately before the word "means".

19. Mr. ABSOLUM (New Zealand) said that the State adhering to the Declaration would obviously be responsible for determining what means were appropriate. However, his delegation could accept the Zambian subamendment.

20. Replying to a question from Mr. LOSHCININ (Byelorussian Soviet Socialist Republic), Mr. VAN WALSUM (Netherlands) said that his delegation's only reason for proposing the deletion of the phrase "as defined by the constitution or by law" was that it preferred the alternative phrase contained in square brackets at the end of paragraph 2.

21. The point raised by the representative of Zambia with regard to the New Zealand amendment touched on a major issue on which common ground must be found if progress was to be made in drafting the Declaration. Under the Constitution of the Netherlands, citizens had the possibility of obtaining effective remedial relief through the competent national tribunals. Thus, his delegation had no difficulty with the wording of paragraph 1 as it stood. Moreover, all new provisions of criminal law adopted in the Netherlands in order to implement the International Convention on the Elimination of All Forms of Racial Discrimination, had been drafted in such a way as to refer both to religion and to race. Thus, the Netherlands was already prepared for the adoption of an international convention on the elimination of religious intolerance.

³ Text subsequently circulated in document A/C.3/L.2038.

22. Mr. HAGARD (Sweden) said that his delegation supported the amendment to article III proposed in document A/C.3/L.2027. The phrase "as defined by the constitution or by law" was ambiguous and might give rise to misinterpretation.

23. Mr. LOSHCHININ (Byelorussian Soviet Socialist Republic) said he appreciated the reasons given by the representatives of the United States and the Netherlands for their objection to the words "as defined by the constitution or by law". The representative of the United States had said that those words might be used as an excuse to limit religious freedom. However, it was clear that absolute freedom did not exist in any country, even the United States, and that the task of the Committee was to prepare a declaration that would be acceptable to all States. For that purpose it was essential to provide for effective remedial relief. His delegation was convinced, therefore, that the phrase in question should be retained.

24. With regard to paragraph 1 of the article, he drew attention to the comments of India in paragraph 17 of document A/9135, which called for the deletion of the words "institution, group or individual". The Government of India was correct in asserting that there might be private religious institutions which could not be compelled in that regard.

25. Mr. GRAEFRATH (German Democratic Republic) observed that he had never encountered a national tribunal which did not act in the manner defined by the constitution or by law.

26. Mr. VON KYAW (Federal Republic of Germany) said that, while his delegation admitted the possibility that the words "as defined by the constitution or by law" could be invoked in order to avoid implementing the principles set out in the Declaration, it nevertheless preferred that wording to the phrase contained in the first set of square brackets. He felt that the concept of discrimination related to arbitrary acts, and that prohibiting discrimination did not preclude the drawing of reasonable and justified distinctions.

27. Mr. GUERRERO (Philippines) said that his delegation wished to suggest an amendment to article III which he hoped would meet the misgivings expressed by certain delegations. A new paragraph should be added after paragraph 1, stating that the rights granted to individuals and groups to the full exercise of religion and belief imposed upon them a correlative duty to exercise those rights responsibly and with due regard for the rights of others and the security of the State.

28. Mr. FØNS BUHL (Denmark) said that his delegation would prefer the first of the two alternative phrases contained in square brackets in paragraph 2 of the article. Perhaps the doubts which had been expressed by some delegations during the discussion could be allayed if the paragraph ended with the words "with respect to his fundamental rights and freedoms, as defined in this Declaration and other relevant international instruments".

Article IV

29. Mr. HAGARD (Sweden) expressed support for the views of the Canadian Government, as set out in document A/9135. Paragraph 2 was superfluous and could lead to misinterpretations since it would be very

difficult to specify what particular efforts should be made in pursuance of paragraph 2.

30. Mr. ABSOLUM (New Zealand) said that his delegation had already expressed its reservations with regard to the interpretation of the concept of discrimination. He was inclined to subscribe to the view expressed by the United Kingdom Government in document A/9134/Add.1.

31. Mr. LOSHCHININ (Byelorussian Soviet Socialist Republic) said that he agreed with the views set out in the observations of the Austrian Government (see A/9134), and felt that paragraph 2 of the article should be retained. As the Austrian Government had correctly pointed out, political rights, and particularly the right to participate in elections and to hold public office, were especially susceptible to discriminatory practices, especially in countries in which the Church was not separated from the State, or in which one church was predominant.

32. Mrs. BONENFANT (Canada) said that paragraph 2 of the article was superfluous, and might lead to confusion. Since, under the provisions of the first three articles and paragraph 1 of article IV, guarantees against all forms of religious intolerance applied to human rights as a whole, it was unnecessary to specify that "particular efforts" should be made. That would appear to imply that human rights in fields which were not mentioned did not merit special attention.

33. Mrs. WARZAZI (Morocco) agreed with those speakers who had urged the deletion of paragraph 2. She felt that the word "*rappor*ter" in the French text of paragraph 1 of the article did not fully correspond with the words used in the other language versions.

34. Mr. BUCHANAN (United States of America) said that his delegation felt that paragraph 2 of the article was unnecessary. However, if that paragraph was retained, it would like to see the deletion of the square brackets around the words "access to". It should be made clear in the Declaration that that provision applied both to the exercise of citizenship and to the granting of it. A reference might also be included in paragraph 2, if it was retained, to discrimination in certain economic and social fields, such as those of education, housing and employment.

35. If the suggestions made by the representative of Bolivia at the 2011th meeting were presented formally, his delegation would be pleased to support them. It would also support the Netherlands proposals contained in document A/C.3/L.2027.

36. Miss CAO PINNA (Italy) said that her delegation agreed that paragraph 2 of the article should be deleted. By enumerating specific rights, it implied that certain categories of human rights were more important than others, and that States could refrain from taking the necessary measures in respect of rights which were not enumerated. If the paragraph was retained, she wished to suggest that it should be interpreted to apply only in situations of particular urgency.

37. Mr. THOMAS (Liberia) said that his delegation fully concurred with the remarks made by the representative of the United States concerning article IV.

38. Miss MENESES (Venezuela) agreed that paragraph 2 should be deleted.

Article V

39. Mr. KABINGA (Zambia) proposed that, in paragraph 1 of the article, the phrase "Parents or legal guardians" should be expanded to read: "Parents, traditional and other social institutions and legal guardians". The whole of the second sentence in that paragraph should be deleted, and the third sentence retained. His proposal² was designed to avoid an excessively narrow interpretation of the word "legal" in the first sentence, and to cover situations in countries where children could be brought up in accordance with traditional practices.

40. Mr. KHMIL (Ukrainian Soviet Socialist Republic) proposed³ the addition of the words "until he becomes of full age" at the end of the second sentence in paragraph 1, so that it would be quite clear what was meant by "a child".

41. Mr. ABSOLUM (New Zealand) stressed that article V should be drafted in such a way as to strike a balance between the wishes of the parents and the needs of the child. He was inclined to favour the retention of paragraph 1 as it stood, since the second sentence, the deletion of which the representative of the Netherlands had proposed (see A/C.3/L.2027), touched on a very important matter which should be reflected in the text. The words "expressed or presumed" in paragraph 1 should be deleted. The third sentence in paragraph 1 should also be deleted.

42. With regard to paragraph 2, his delegation tended to agree with the United States Government's view, as set out in document A/9134/Add.1. The alternative suggestion made by the United States might also quell the misgivings felt by a number of delegations about various parts of the text.

43. Mr. CABANAS (Spain) observed that the purpose of paragraph 1 of the article was to strengthen parental authority and to make it clear that the family had the right freely to organize its religious life. That was based on article 16, paragraph 3, of the Universal Declaration of Human Rights. His delegation felt that paragraph 2 of the article should be deleted. In principle 7 of the Declaration of the Rights of the Child it was stated that the best interests of the child should be the guiding principle of those responsible for his education and guidance, and that that responsibility lay in the first place with his parents.

44. Mr. VAN WALSUM (Netherlands) said that his delegation had proposed the deletion of the second sentence in paragraph 1 because substitute authorities were always available for children who had been deprived of their parents. However, his delegation would have no difficulty in accepting the addition to the first sentence suggested by the representative of Zambia. If that suggestion was accepted, the second sentence would be inherently contradictory, and should therefore be deleted. On the other hand, the third sentence in that paragraph should be retained, as a guiding principle in the matter. Although the present wording was imprecise, it was very difficult to determine the specific date at which account should be taken of the child's wishes.

45. Mr. HAGARD (Sweden) recalled that his Government's views on the subject had already been set out in its observations submitted to the Secretary-

General (see A/9134). However, he wished to add that his delegation supported the Netherlands view that, in paragraph 1, the second sentence should be deleted and the third retained, and that paragraph 2 as a whole should be deleted. It was very difficult to define in what respect the rights of parents should be subject to limitations.

46. Article V dealt with a vital question, since children and their parents might well have conflicting views on religious matters. Although it was difficult to set an age at which a child's wishes should be taken into account, decided upon should preferably be a young one, since it was better to give consideration to the views of the young than to give parents authority to suppress those views.

47. Mr. VON KYAW (Federal Republic of Germany) said that his delegation supported the Netherlands suggestions with regard to article V. He attached particular importance to the proposition contained in the third sentence of paragraph 1. The age set by his country in that connexion was 14 years, although he realized that it was difficult to be specific on such matters.

48. Mrs. BONENFANT (Canada) said that paragraph 2 should be deleted. Its inclusion would have the effect of questioning the role of parents or legal guardians in deciding for their children in matters of religion or belief.

49. Mr. LOSHCININ (Byelorussian Soviet Socialist Republic) asked the representative of the Netherlands for clarification as to what constituted "a sufficient degree of understanding". As it stood, the third sentence of paragraph 1 lent itself to rather broad interpretation.

50. Mr. KABINGA (Zambia), observing that in some countries religious bodies might be involved in the education of children, suggested the insertion of the following words after the word "belief" in the last sentence of paragraph 2: "or undue disrespect for legitimate State institutions and laws".

51. Mr. VAN WALSUM (Netherlands), replying to the question put by the representative of the Byelorussian SSR, observed that the age of 14 had already been mentioned in that connexion. Since, in certain countries, parents retained authority over their children until they reached the age of 21, the words "a sufficient degree of understanding" were preferable, to ensure that the child's wishes were taken into account. While the provision was admittedly not very clear-cut, he strongly felt that the principle should be included in the Declaration.

52. Mr. BUCHANAN (United States of America) reiterated his Government's observations, which were contained in document A/9134/Add.1.

53. Miss CAO PINNA (Italy) said that her delegation fully agreed with the United States views concerning the phrases "degree of understanding" and "age of responsible judgement", as proposed in document A/9134/Add.1.

54. Mrs. WARZAZI (Morocco) recalled her delegation's amendment to the article (see A/C.3/L.2029). In addition, she asked whether the article under consideration related only to children who had been deprived of their parents, or to children in general.

³ Text subsequently circulated in document A/C.3/L.2037.

Article VI

55. Mr. KHMIL (Ukrainian Soviet Socialist Republic) said that his country regarded religious services as a particular form of propaganda. Consequently, in order to achieve a balanced agreement on article VI, he felt that the freedom to conduct atheistic propaganda should be mentioned in the article on the same basis as freedom of worship. However, since a proposal to that effect would create additional work for the Committee, he wished to propose³ the deletion of the entire article. Such detail was unnecessary in an international document whose purpose was to declare general principles in the struggle against religious intolerance.

56. Mr. SHAFQAT (Pakistan) said that his delegation's views on the draft Declaration were set forth in document A/9134. He would not submit any amendment at the current stage, since there appeared to be a possibility that a consensus on the text would gradually emerge. As the text took more definite shape, his delegation would submit its own amendments if necessary.

57. Mr. KABINGA (Zambia) said that his delegation supported the amendment proposed by the German Democratic Republic and Poland in document A/C.3/L.2033, and proposed that the words "in the interests of society as a whole" should be added after "in accordance with domestic law".

58. Mrs. WARZAZI (Morocco) said that subparagraph (b) of article VI was superfluous in the light of subparagraph (c) of that article. The freedom to practice a religion or belief by establishing and maintaining educational institutions normally implied the freedom to teach and learn that religion or belief, and also its sacred languages or traditions, in those educational institutions. Her delegation therefore proposed that subparagraph (b) should be deleted.

59. Mr. ABSOLUM (New Zealand) supported the general principle contained in the article, but felt that the words in square brackets "at home and abroad" in subparagraph (b) should be deleted. With reference to subparagraph (d), he agreed with it in principle, but felt that it would be difficult to apply in practice. For example, there existed in New Zealand a religious group which objected to blood transfusions on religious grounds. The New Zealand Government had therefore decided that in cases where parents belonging to that group refused to allow blood transfusions to be given to their children, the interests of the children would be paramount. That was a case of justifiable restriction of the freedom to observe the rites or customs of a religion or belief. His delegation therefore considered that the Declaration should include a general welfare provision, as was contained in article XIII of the original Sub-Commission draft (A/8330, annex I).⁴

60. Mr. HAGARD (Sweden) said with regard to school education that he would like to suggest informally that it might be desirable either to add a new article or to include in article VI a paragraph to the effect that the fact that children had to attend schools where religious classes were compulsory should not be considered a violation of their freedom of religion provided the teaching was reasonably impartial and neutral

in regard to different religions and provided it was free from any element of religious intolerance.

61. Mr. GRAEFRATH (German Democratic Republic) said that his delegation attached great importance to the use of the words "in accordance with domestic law" proposed in the amendments it had submitted jointly with the delegation of Poland (A/C.3/L.2033). It was essential that religious bodies which wished to operate in a given country should do so in accordance with the laws of that country, and, as stated in paragraph 6 of the reply of the Holy See (A/9134/Add.2), provided the just requirements of public order were observed.

62. Mr. VON KYAW (Federal Republic of Germany) supported the text of article VI drafted by the Working Group, although he had no objection to the deletion of the words "at home and abroad" appearing in square brackets in subparagraph (b). His delegation understood the motivation behind the amendment proposed by the German Democratic Republic and Poland, but felt that article 18, paragraph 3, of the International Covenant on Civil and Political Rights sufficiently embodied the principles of that amendment, which therefore needed no further restatement.

63. Mr. BUCHANAN (United States of America) said that the general limitation statement similar to that contained in article 18, paragraph 3, of the International Covenant on Civil and Political Rights, to which the representative of the Federal Republic of Germany had just referred, was what his delegation had in mind when making its proposals. He could not agree with the suggestion made by the representative of the Ukrainian SSR that article VI should be deleted altogether. The points covered by that article seemed to be so basic and essential to the honest exercise of freedom that it was essential to include such an article in a declaration which was designed to make clear the commitment of the United Nations to take action against religious intolerance.

64. Mr. COSTA COUTO (Brazil), speaking on a point of order, said that his delegation had held intensive consultations with various delegations concerning the draft resolution proposed by Bulgaria and Guinea (A/C.3/L.2030). Agreement had been reached on a text which should receive the unanimous support of the Committee. Other delegations which were sponsoring the draft resolution were preparing their own written amendments. His delegation would also be submitting a series of amendments⁵ to articles I, III, V and VI of the Working Group's draft.

Additional articles

65. The CHAIRMAN, noting that there were no further comments on article VI, drew the Committee's attention to the further articles proposed for inclusion in the draft Declaration prepared by the Working Group.

66. Mr. VAN WALSUM (Netherlands) said that his delegation had proposed its text of article VII (see A/C.3/L.2027) because of its conviction that reference should be made in the Declaration to contacts and communication between religious bodies throughout the world. The proposed article was based on

⁴ For the printed text, see *Official Records of the Economic and Social Council, Thirty-seventh Session, Supplement No. 8*, para. 294.

⁵ Subsequently circulated as document A/C.3/L.2043.

article VI, paragraph 4, of the preliminary draft of a Declaration prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (A/8330, annex I).

67. The text of article VIII, proposed by his delegation might sound somewhat cryptic, but was based on purely pragmatic considerations. It was designed to constitute a recognition of the fact that the existence of a State religion within a given country, or the legal separation of religion or belief from the State, did not of itself imply discrimination on the ground of religion or belief. The amendment was based on article I (d) of the draft International Convention on the Elimination of All Forms of Religious Intolerance prepared by the Commission on Human Rights (*ibid.*, annex III).

68. Mr. LOSHCININ (Byelorussian Soviet Socialist Republic) said that while the text of article VIII proposed by the Netherlands aimed at preventing discrimination, it contained within itself elements of discrimination. The recognition of the right to establish a particular religion implied discrimination against other religions. Moreover, his delegation considered that in order to make the article more acceptable, the words "separation of the Church from schools" should be added after "separation of religion or belief from the State". Without such an addition, his country could be charged with practising discrimination in violation of the Declaration.

69. Mr. BUCHANAN (United States of America) said that while the United States Constitution contained provisions for the separation of Church and State, he recognized that there were countries with established religions which were very tolerant to all creeds. His delegation therefore supported the text of article VIII proposed by the Netherlands. With reference to the comments made by the previous speaker, was the representative of the Byelorussian SSR implying that it was right for a State to teach atheism while denying the right to religious bodies to teach their faith?

70. Mr. VAN WALSUM (Netherlands) said that the text of article VIII proposed by his delegation differed in one basic aspect from article I (d) of the draft International Convention. The latter referred to the separation of Church from State. The use of such terminology could give rise to confusion, since it seemed to make it possible for an atheistic creed to control schools while preventing religion from doing so. His delegation's text had therefore spoken of the separation of religion or belief from the State, as opposed to the separation of Church from State.

71. Mr. LOSHCININ (Byelorussian Soviet Socialist Republic), in reply to the representative of the United States, said that he did not consider it wrong to teach religion in schools and that he did not necessarily object to established religions. He pointed out, however, that in countries where a State Church existed, other religions were subjected to a form of discrimination. A case in point were countries where the Catholic Church was the State Church and where children were brought up in that Church without having the possibility to exercise freedom of choice in matters of religion. If that were acceptable, why was not the rejection of religious teaching in schools acceptable as well?

72. The Reverend Carlos VELA (Holy See), speaking at the invitation of the Chairman, said that the United

Nations initiative in endeavouring to produce an international instrument designed to eliminate all forms of religious intolerance was especially welcome to the Holy See, not merely because of its deeply rooted two-thousand-year-old religious convictions, but because of its abiding devotion to the cause of human rights. Out of a desire to make a constructive contribution, it had submitted the comments in document A/9134/Add.2 and had been far from imagining that the document in question would be the object of attacks with overtones of religious intolerance, which, although ostensibly directed against the document itself, displayed an aggressive and intolerant attitude towards the Holy See. He was inclined to think that those attacks arose either from a habit of false piety, or from a poor understanding of the document. The practice of false piety was exemplified by those who falsely asserted that religion was the opium of the people, and who intolerantly and consistently engaged in religious persecution. The world community would reject such an attitude by adopting the Declaration under consideration. On the other hand, there seemed to be no justification for a misunderstanding of the Holy See's comments, because they had been written in the clearest terms. They were based on considerations of two kinds, one procedural, as reflected in General Assembly resolution 3027 (XXVII), and the other substantive, as set forth in article 18 of the Universal Declaration of Human Rights.

73. With reference to the question of procedure, the position of the Holy See was quite clear. It realized that both the draft International Convention and the draft Declaration needed to be adopted by the General Assembly. The Declaration, however, once adopted by the General Assembly, required no further elaboration, and took effect immediately, whereas the Convention, following adoption, would not automatically come into force, and could not be applied until it was ratified by a specified number of States. The Convention, unlike the Declaration, was therefore a genuine international treaty. Accordingly, it was generally less difficult to adopt a declaration than to adopt a convention. The Holy See therefore considered that, after the adoption of the Declaration, strenuous efforts should be made to reach agreement on an international convention on the elimination of all forms of religious intolerance.

74. With reference to questions of substance, the Holy See considered that the draft Declaration was only an application or an extension of article 18 of the Universal Declaration of Human Rights, and that it was necessary to clarify two concepts. First, the concept of religious freedom, which formed the basis of the proposal by the Holy See that the following text, contained in document A/9134/Add.2, paragraph 8, should be introduced as the first sentence of article I of the Declaration:

"Everyone has the right to freedom of thought, conscience and religion. This right shall include freedom to adhere or not to adhere to any religion or belief, to profess it, in public or in private, to change his religion or belief in accordance with the dictates of his conscience, without being subjected to any legal, administrative, political, economic or other coercion likely to impair his freedom of choice, decision and exercise in the matter."

75. It was therefore necessary to distinguish between religious intolerance and discrimination in matters of

religion. As stated in paragraph 4 of document A/9134/Add.2, religious intolerance was manifested in the denial of the rights associated with religious freedom when by means of force, intimidation, or otherwise people were compelled to profess or to renounce any religion whatever, when people were prevented from practising a religion and entering or leaving a religious community or when a direct campaign was conducted against all religion in general or against a particular religion whether on a global basis, on a regional basis or on a given group. On the other hand, religious discrimination consisted in impairing the legal equality of citizens, overtly or covertly, on religious grounds.

76. Such were the considerations which had guided the Holy See in preparing the comments in document A/9134/Add.2.

77. Mr. BUCHANAN (United States of America) commended the Holy See for the wisdom and spirit of Christian tolerance it had shown by refraining from a polemical reply to the unjust and intemperate attacks on the Catholic Church by the representative of the Byelorussian SSR at an earlier meeting of the Committee. Although it was not possible to defend everything that had happened in the history of religion, the Roman Catholic Church had been a great force for good in the world, as could be shown by listing the outstanding men and women of Catholic faith in world history. He felt duty bound to draw those points to the Committee's attention, especially after hearing the representative of

the Byelorussian SSR make such a vigorous plea on behalf of atheism, and he urged the Committee to proceed with its task of promoting religious freedom and tolerance, because there were too many places in the world where they still did not exist.

78. Mr. VAN WALSUM (Netherlands) said that the question whether mankind was better served by religion or by atheism was irrelevant to the subject under discussion. He regretted that the debate was being obstructed by such irrelevancies. The purpose of the Declaration was to ensure the protection of all kinds of personal conviction, including both religious and non-religious beliefs.

79. Mr. BAROODY (Saudi Arabia) endorsed the remarks made by the Netherlands representative. He recalled that the United States Constitution separated Church from State. The United States representative should refrain from religious partisanship in what was basically a discussion of social issues, and the observer for the Holy See should not interpret the discussion in the Committee as constituting propaganda against Catholicism. He urged members not to play politics with the item under consideration.

80. Mr. ESSONGUE (Gabon) said that since the dawn of time mankind had always had a thirst for religious principles. A State that feared religious doctrines could not have a firm base, since religion was a factor of social stability.

The meeting rose at 1.10 p.m.

2014th meeting

Thursday, 1 November 1973, at 3.15 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2014

AGENDA ITEM 55

Elimination of all forms of religious intolerance (concluded) (A/8330, A/9134 and Add.1 and 2, A/9135, A/C.3/L.2027-2029, 2030/Rev.1, 2031-2046):

- (a) **Draft Declaration on the Elimination of All Forms of Religious Intolerance: report of the Secretary-General (concluded)** (A/8330, A/9134 and Add.1 and 2, A/9135, A/C.3/L.2027-2029, 2030/Rev.1, 2031-2046);
- (b) **Draft International Convention on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (concluded)** (A/8330)

Additional articles

1. The CHAIRMAN invited the Committee to continue its examination of article IX of the draft Declaration, as proposed by the Netherlands in document A/C.3/L.2027.

2. Mr. VAN WALSUM (Netherlands) said that the proposed article IX consisted of two statements. The first was an adaptation of article VI, paragraph 3, of the draft submitted by the Sub-Commission on Prevention

of Discrimination and Protection of Minorities (A/8330, annex I),¹ and was self-explanatory. The second was an adaptation of a proposal submitted by the Soviet Union and appearing in the Working Group's report (*ibid.*, annex II).² The Netherlands considered the latter excellent and had adopted it with minor amendments.

3. Mr. HAGARD (Sweden) supported the addition to the draft Declaration of articles VII, VIII and IX as proposed by the Netherlands. His delegation attached great importance to the first phrase of article IX, since, as various speakers had pointed out, it was necessary not only to combat intolerance but also actively to promote tolerance. It was simply not enough to fight discrimination and intolerance. Governments and individuals must also actively try to foster, for instance through education in schools and at home, genuine understanding and respect for others and their opinions and beliefs. That idea must provide the basic framework for the work to combat intolerance. That was well taken care of in article IX, the first sentence,

¹ For the printed text, see *Official Records of the Economic and Social Council, Thirty-seventh Session, Supplement No. 8*, para. 294.

² *Idem*, para. 296.

in the Netherlands amendment. It might even be considered to include such an idea in the beginning of the Declaration.

4. Mrs. WARZAZI (Morocco) said that in the Netherlands amendment to article I (see A/C.3/L.2027) the words "religious or non-religious" in square brackets were to be deleted; but the same did not apply to the second sentence in article IX. The wording there might be: "religion, convictions or religious beliefs shall not be used . . .".

5. Mr. VAN WALSUM (Netherlands) said that his delegation was prepared to consider a different final version of article IX, and would have no difficulty with the Moroccan proposal, although the formulation in question might not perhaps be the one it preferred.

6. The CHAIRMAN said that the examination of article IX and the pertinent subamendments had thus been concluded.

CONSIDERATION OF A DRAFT RESOLUTION (concluded)* (A/C.3/L.2030/Rev.1)

7. Mr. KARASSIMEONOV (Bulgaria), submitting draft resolution A/C.3/L.2030/Rev.1, sponsored by his own delegation and those of Brazil, Guinea and Trinidad and Tobago, said that the consultations held with various delegations in connexion with that text had ended in agreement. An effort had been made to take into account a considerable number of suggestions, so that the draft was a compromise text which it had not been easy to put into shape. The sponsors hoped that they had achieved a balance between extreme views and considered that the revised draft adequately reflected the spirit of co-operation of the entire Committee, and especially of the delegations which had taken part in the drafting of the resolution, together with the Chairman's concern that the various views represented in the Committee should be crystallized. An effort had also been made to avoid substantive questions in regard to the draft Declaration itself.

8. The revised draft included a new preambular paragraph recalling article 18 of the Universal Declaration of Human Rights. Some delegations, including his own, had urged that the article in question should not be quoted, so as not to create the impression that the proposed Declaration would be based exclusively on it. The second preambular paragraph was the same as in the initial draft, and the third and fourth quoted important decisions by the General Assembly and the Third Committee. Further on it was stated that the Economic and Social Council and the Commission on Human Rights had had no opportunity to consider the draft Declaration properly or to present their recommendations, and that the draft articles prepared by the Working Group and suggestions, comments and amendments thereto presented by Member States constituted a suitable orientation for the preparation of a draft Declaration. The seventh preambular paragraph referred to the need for additional study on the draft Declaration.

9. Turning to the operative part, he said that in paragraph 1 a slight change had been made in the original wording so as to clarify more precisely the future work of the Committee. His delegation had urged the

inclusion in the passage of the expression "if possible", and appreciated the co-operative attitude of the delegations of Brazil and Trinidad and Tobago on that point. Paragraph 2 was completely new, and it should not present difficulties for any delegation. It spoke of "additional" comments and suggestions, thus making it possible for comments and suggestions to be made not only by the countries which had not made them so far but also by those which had. Paragraph 3 had been changed at the request of the Director of the Division of Human Rights, with a view to simplifying the Committee's technical work. In paragraph 4 an attempt had been made to strike a balance between the extreme positions represented in the Committee—on the one hand the desire to adopt the Declaration at the current session, and on the other the argument that it was necessary to take account of all comments without prejudging the work of the Committee.

10. His delegation considered that the revised draft resolution faithfully reflected the Committee's ideas, and hoped it would be adopted unanimously. On the other hand, it was prepared to consider any oral amendments likely to make the draft clearer and more balanced.

11. The CHAIRMAN said that he was most gratified at the spirit of understanding and co-operation shown by the delegations of Brazil, Bulgaria, Guinea and Trinidad and Tobago and hoped that the draft resolution would be adopted without objection.

12. Mrs. DIALLO (Guinea) said that her delegation was one of the sponsors of draft resolution A/C.3/L.2030/Rev.1, which strengthened and safeguarded human rights. All Governments should recognize and practise freedom of conscience, whatever their political régime. Guinea, as a democratic, lay, social republic granted freedom of worship to all citizens, and its Constitution condemned all acts of racial discrimination and every form of racist or regionalist propaganda. She urged all countries which loved peace and justice to support the draft resolution.

13. Mr. THOMAS (Liberia) recalled that the main statement by his delegation (2009th meeting) in connexion with the draft Declaration had indicated its strong desire to see the draft approved during the current session. While recognizing the efforts made in the course of the debate, the submission of suggestions and amendments and the preparation of draft resolution A/C.3/L.2030/Rev.1, it felt that it was not impossible to complete the draft Declaration on the present occasion. He therefore wished formally to submit the following motion: that a drafting committee be appointed by the Chair to work on an agreed draft that could be submitted to the Committee later in the session for consideration and adoption and referral to the General Assembly at the current session.

14. Mr. ALFONSO (Cuba) said that the Liberian position represented one of the extreme views referred to by the Bulgarian representative, in other words the view that the draft Declaration should be completed during the current session. The only practical effect of the Liberian motion would be to destroy the compromise solution reached in draft resolution A/C.3/L.2030/Rev.1. Furthermore, his delegation did not consider it advisable at the current juncture to set up a working group and begin the debate all over again. He therefore appealed to the Liberian representative

* Resumed from the 2012th meeting.

not to insist on his motion and to allow the topic to mature further.

15. Mr. COSTA COUTO (Brazil) recalled that his delegation had voted for General Assembly resolution 3027 (XXVII) at the previous session, and that at the outset of the current discussion he had stated that he would prefer the draft Declaration to be adopted during the current session. Nevertheless, after listening to the Committee's deliberations, he had reached the conclusion that it would be very difficult to elaborate a draft declaration which would be acceptable to everyone. On such a subject as religious intolerance, it was essential to do everything possible to draft a declaration that would be universally acceptable and would receive strong support. Besides, many amendments and suggestions had been put forward which deserved to be studied, and in the circumstances it would be difficult to examine them, arrive at an agreed text and consult Governments. For that reason, although in principle the position of the Brazilian delegation was the same as that of the Liberian delegation, he requested the Liberian representative to reconsider his motion. Even the draft resolution did not constitute an ideal solution in the opinion of the Brazilian delegation, but it reflected the general view and was balanced.

16. The CHAIRMAN said that he had decided that the Liberian motion was a substantive and not a procedural motion, which had been submitted after the expiry of the time-limit for the submission of proposals and was consequently not acceptable. He urged the Liberian representative not to press his proposal.

17. Mr. THOMAS (Liberia) yielded to the Chairman's decision and withdrew his motion.

18. The CHAIRMAN thanked the Liberian representative for his constructive attitude.

19. Mr. BUCHANAN (United States of America) said he would not appeal against the Chairman's decision. Nevertheless he wished to point out that when the prescribed time-limit for the submission of proposals had expired, there had still been no draft resolution before the Committee, so that it had not been possible for the Liberian representative to take action earlier. His delegation's position accorded with that of the Liberian representative, since the atmosphere which had prevailed in the Committee during the discussion and the progress made had indicated that it might be possible to carry out the General Assembly's mandate during the current session. For the same reason, his delegation did not agree that the fifth preambular paragraph of the draft resolution should say "it has been impossible to complete the final draft of a declaration during the twenty-eighth session of the General Assembly".

20. Mrs. WARZAZI (Morocco) pointed out that the operative part of General Assembly resolution 3027 (XXVII) referred to the adoption of the Declaration, "if possible", as part of the observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights. Draft resolution A/C.3/L.2030/Rev.1, therefore, did not conflict with the General Assembly's decision. The Moroccan delegation agreed with the draft resolution, but requested that in operative paragraph 1 of the provisional text the phrase "the suggestions put forward" should be replaced by the phrase "the suggestions put forward and the amendments submitted".

21. Mr. COSTA COUTO (Brazil) said that his delegation and the Bulgarian delegation were prepared to accept the amendment submitted by the Moroccan representative.

22. Mr. SHAFQAT (Pakistan) said he welcomed the submission of draft resolution A/C.3/L.2030/Rev.1, which suggested the most desirable procedure for dealing with the draft Declaration. He also wished to point out that while continuing discussions were being held on the question to avoid wasting time, it was already known that a proposal of that kind might be submitted. Lastly, he asked the Chairman if delegations could continue to submit amendments and proposals regarding the draft Declaration for transmittal to the Economic and Social Council, even though the Committee was confining its discussion to the draft resolution.

23. The CHAIRMAN replied that all amendments and suggestions submitted before consideration of the agenda item was concluded would be referred to the Economic and Social Council.

24. Mrs. HEANEY (Ireland) also wished to express appreciation to the delegations which had collaborated in drawing up draft resolution A/C.3/L.2030/Rev.1, and to ask for some clarifications. With regard to operative paragraph 1, the Irish delegation was uncertain how practicable it was to expect to have a single draft declaration ready for the twenty-ninth session, in view of the calendar of meetings of the subsidiary bodies of the Economic and Social Council. She also pointed out that one factor that had made consideration of the draft Declaration by the Third Committee so difficult was the volume of documentation. The Commission on Human Rights would be in the same position, and she accordingly asked the Secretariat if the documentation could be presented in some form that might facilitate the proceedings.

25. The CHAIRMAN assured the Irish delegation that the Secretariat would do everything possible to facilitate the work of the Commission on Human Rights.

26. Mrs. RAKOTOFIRINGA (Madagascar) considered that the future instrument should contain a reference to article 18 of the Universal Declaration of Human Rights, as was the case with draft resolution A/C.3/L.2030/Rev.1, and also approved of the idea expressed in operative paragraph 2 of that text. Many delegations had not stated their views during the discussion, not for lack of interest, but because they realized that the subject under discussion was very complex and needed to be approached with great prudence. For that reason, she considered that time should be allowed for reflection, but she hoped that that would not mean abandoning the idea of adopting the Declaration.

27. Mrs. DE CUADROS (Colombia) said she understood that, in spite of the good intentions manifested by all delegations, it had not been possible to reconcile divergent views, and the Colombian delegation therefore welcomed the compromise suggested in draft resolution A/C.3/L.2030/Rev.1. That draft resolution bore witness to the goodwill of delegations, which would be needed when the draft Declaration was discussed at the next session, on the basis of truly comprehensive study. She supported the draft resolution, but proposed that the opening sentence of operative

paragraph 1 should make provision for the Economic and Social Council to request the Commission on Human Rights to give the highest priority at its next session to the preparation of the draft Declaration, and that the beginning of operative paragraph 4 should state that the General Assembly decided to inscribe that item in the agenda of its twenty-ninth session, giving it high priority. That proposal did not alter the substance of the draft resolution and her delegation hoped that the Committee would support it.

28. Mr. ABSOLUM (New Zealand) said the New Zealand delegation attached particular importance to the sixth preambular paragraph of draft resolution A/C.3/L.2030/Rev.1 and hoped that the Secretariat would prepare a document containing the text of the draft Declaration, the amendments and observations made, and an analytical study of the latter.

29. Miss SHAHKAR (Iran) pointed out that the last preambular paragraph of the French version of the provisional text of the draft resolution mentioned "*une étude supplémentaire approfondie*"; that last word did not appear in the English text. Although it was desirable that the additional study should be thorough, the French version seemed not to reflect the original text faithfully.

30. Mr. LÖFGREN (Sweden) said that he realized that draft resolution A/C.3/L.2030/Rev.1 was the outcome of serious efforts and considered that it afforded a helpful compromise. Nevertheless, he supported the proposal of the Colombian delegation that high priority should be given to the elaboration of the draft Declaration.

31. Mr. NENEMAN (Poland) said that although his delegation was not entirely satisfied with the revised text of the draft resolution it was prepared to accept it in a spirit of co-operation. He requested the Colombian representative to withdraw her proposal in order to avoid the submission of further suggestions that would prolong the discussion.

32. Mrs. ESHEL (Israel) said that the third preambular paragraph of the provisional text of the draft resolution referred to the draft International Convention without giving its full title, which had been approved by the Third Committee at the twenty-second session and which was: "Draft International Convention on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief". She thought it might be advisable to give the full title of the draft Convention, as approved by the Third Committee, as it might be included in the future title of the draft Declaration.

33. Mr. COSTA COUTO (Brazil), replying to the representative of Iran, said that the original English text contained no word corresponding to the French word "*approfondie*", which should therefore be deleted. With regard to the Colombian suggestion, his delegation had wished to give the draft Declaration the highest priority, but the draft resolution was the result of a compromise, and it had therefore been obliged to cede on some points as other delegations had ceded on others. He had consulted the other sponsors of the draft resolution in that connexion, and the Colombian amendment had not been accepted. The comment by the representative of Israel was in principle valid, but although he had not had time to consult the other spon-

sors he wondered whether it would not be better to leave the change of name to the Commission on Human Rights, since an amendment on that point had been submitted by the delegation of Morocco.

34. Mrs. DE CUADROS (Colombia) said that, in a constructive and co-operative spirit, she would withdraw her proposals without further ado and hoped that the Committee would adopt draft resolution A/C.3/L.2030/Rev.1.

35. Mrs. ESHEL (Israel) pointed out to the Brazilian representative that the aim was not to change the name of the draft Declaration but to give the draft Convention the name adopted in General Assembly resolution 2295 (XXII).

36. Mr. COSTA COUTO (Brazil) agreed with the representative of Israel and said he was prepared to accept the inclusion of the complete name of the draft International Convention if the other sponsors of the draft resolution agreed.

37. The CHAIRMAN said that, if there were no objections, he would take it that the Third Committee adopted the revised draft resolution (A/C.3/L.2030/Rev.1), with the proposed amendment that would include the complete name of the draft Convention in the third preambular paragraph.

Draft resolution A/C.3/L.2030/Rev.1 was adopted.

38. Mr. COSTA COUTO (Brazil) welcomed the unanimous adoption of the draft resolution, which was the result of intensive consultations. His delegation considered the first preambular paragraph of the draft resolution to be very important, since the Commission on Human Rights and the Third Committee should base their work on article 18 of the Universal Declaration of Human Rights, especially with regard to freedom of thought, conscience and religion. He was gratified by the progress made, since a general study had been carried out, followed by an article-by-article review, based on the articles proposed by the Working Group of the Commission on Human Rights (see A/8330, annex II) and the amendments submitted during the debate. His delegation had sought to act with the greatest tolerance and understanding, but felt that everything possible should be done to adopt the draft Declaration at the next session, and consequently would even request a vote if unanimity could not be achieved.

39. Mr. SCHREIBER (Director, Division of Human Rights), replying to the question put by the representative of Ireland, explained that the usual procedure was for the Economic and Social Council to hold organizational meetings at the beginning of each year and to refer to the Commission on Human Rights the human rights questions which the General Assembly had requested it to study; consequently, there was no problem with regard to the Commission responding to the General Assembly's request.

40. Operative paragraph 2 of draft resolution A/C.3/L.2030/Rev.1 posed a time problem, since the draft would have to be submitted to the General Assembly and after that the Secretariat would have only a brief period of time in which to contact Governments and receive their comments. Consequently, it would be advisable for the Governments represented in the Committee to begin preparing their comments with a

view to transmitting them to the Secretariat as soon as possible.

41. With regard to the nature of the documentation that the Secretariat was to submit to the Commission on Human Rights to facilitate its work, the Secretariat would do all it could to ensure that the Commission would be able to study that documentation. A basic text would be prepared, including the amendments which various delegations had submitted in writing, and attention might be drawn to certain parts of the corresponding summary records.

42. Mr. SMIRNOV (Union of Soviet Socialist Republics) said that during the debate various views had been expressed concerning the substance and form of the Declaration, and for that reason he attached particular importance to the last preambular paragraph of the draft resolution, because he believed that the preparation of the draft Declaration required additional study. Although the draft articles prepared by the Working Group of the Commission on Human Rights could be used as a basis, the numerous oral and written amendments should also be used in preparing the draft. In his view, the future Declaration should be based not only on article 18 of the Universal Declaration of Human Rights but also on article 18 of the International Covenant on Civil and Political Rights, which had been ratified by the Soviet Union and 21 other States, including the Ukrainian Soviet Socialist Republic.

43. He stressed the importance of operative paragraph 2, which invited Governments to transmit to the Secretary-General their additional comments and suggestions on the articles and amendments, and said he agreed with the Director of the Division of Human Rights that the time factor was very important, since the Commission on Human Rights would meet in February. It would therefore be advisable for the members of the Third Committee to contact their respective Governments with a view to ensuring that the latter transmitted their comments and suggestions in time for the Commission to consider them.

44. Paragraph 3, too, was important, since it was desirable to take into account both the written and the oral amendments, and he hoped that the latter would be duly reflected in the summary records. He would also like the Secretariat to transmit the oral suggestions made during the debate.

45. Mr. PAPADEMAS (Cyprus) recalled that at the twenty-seventh session his delegation had sponsored the text adopted as General Assembly resolution 3027 (XXVII), in which it had been decided to give priority to the elaboration of a Declaration on the Elimination of All Forms of Religious Intolerance with a view to the adoption, if possible, of such a Declaration as part of the observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights. Although it had not been possible to adopt the Declaration at the current session, constructive work had been done and real progress made. Another important point was that the Committee had finally agreed that the Declaration should be completed before the Convention, and he hoped that that consensus would be maintained in the following year.

46. There had been some controversy within the Committee regarding the concept of religion and belief.

He believed that religions were theistic in the sense that their context was spiritually metaphysical. Although there might be theories, including political theories, which sought to explain the origin or end of human life and might take the place of a religion, they could not be considered religions in themselves.

47. Finally, he expressed the hope that the Commission on Human Rights would accord high priority to the preparation of the Convention, so that it could be adopted at the next session.

48. Mr. VAN WALSUM (Netherlands) said his delegation welcomed the adoption of the revised draft resolution. He supported the USSR representative's view that the oral suggestions were very important and, taking into account the explanation given by the Director of the Division of Human Rights, he wondered whether it would be possible to speed up the distribution of the provisional summary records. Since delegations might submit corrections to the provisional records and the final records appeared after a long delay, it would seem preferable to transmit to the Commission on Human Rights the provisional summary records with any corrections that delegations might submit.

49. Mr. KARASSIMEONOV (Bulgaria) thanked all the members of the Committee for their unanimous support of draft resolution A/C.3/L.2030/Rev.1, and expressed the hope that that spirit of co-operation would also be reflected in the rest of the Committee's work.

50. Miss CAO PINNA (Italy) said that her delegation interpreted the words "it has been impossible to complete the final draft of a Declaration", in the fifth preambular paragraph of the draft resolution, as meaning that the Committee had not had time to reach agreement on a single text. If that were not so, it would seem that the Committee had not been prepared to adopt the Declaration, and her delegation hoped that that was not the meaning of the phrase.

51. Mr. LOSHCININ (Byelorussian Soviet Socialist Republic) said that the Committee had shown a great spirit of conciliation in accepting a compromise solution. He was grateful for the co-operation of all delegations, especially those of the Netherlands and the United States.

52. The CHAIRMAN thanked all members of the Committee for their co-operation, particularly those who had taken part in preparing the draft resolution as well as the delegations of Liberia, the United States and Colombia.

53. He drew attention to the fact that at its forty-ninth session the Economic and Social Council, in adopting measures to improve the organization of its work, had decided "to request the General Assembly whenever possible to allow the Council and its subsidiary organs at least two years to consider questions and prepare reports, rather than asking for a report to be made to it in the following year". He stressed the words "whenever possible", and said that in the current case the Committee had considered that it was not possible to comply with that request. With that clarification, he said that the Committee had completed its consideration of the item.

The meeting rose at 5.15 p.m.

2015th meeting

Friday, 2 November 1973, at 3.15 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2015

AGENDA ITEM 59

Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights: report of the Secretary-General (A/9154)

1. Mr. SCHREIBER (Director, Division of Human Rights) said that the item which the Committee was taking up had been considered every year in the Third Committee and in the General Assembly since the twenty-fifth session, when it had been included in the Assembly's agenda for the first time in accordance with resolution 2588 B (XXIV). At the twenty-fifth session, the General Assembly had adopted resolution 2649 (XXV), in which, in particular, it had requested the Commission on Human Rights to study the implementation of the United Nations resolutions relating to the right of peoples under colonial and alien domination to self-determination, and to submit its conclusions and recommendations to the Assembly, through the Economic and Social Council, as soon as possible. The Commission on Human Rights had studied the question at its twenty-seventh session, and in its resolution 8 (XXVII)¹ had decided to continue the consideration of that question with a view to appointing a special rapporteur and to recommend a draft resolution for adoption by the Economic and Social Council and consideration by the General Assembly. The Economic and Social Council in its resolution 1592 (L), by which it transmitted the draft, had recommended that the General Assembly adopt that text. The General Assembly at its twenty-sixth session adopted the text as resolution 2787 (XXVI), which included a number of amendments proposed by the Third Committee.² In that resolution, the General Assembly had urged the Security Council as well as States Members of the United Nations or members of specialized agencies to take effective steps to ensure the implementation of the relevant United Nations resolutions on the elimination of colonialism and racism, and to report to the Assembly at its twenty-seventh session. It had also resolved to devote constant attention to the question of flagrant large-scale violations of human rights and fundamental freedoms resulting from the denial to peoples under colonial and foreign domination of their right to self-determination.

2. At its twenty-seventh session, the General Assembly had considered the report of the Secretary-General containing the replies sent to him by Governments in accordance with resolution 2787 (XXVI)³ and had adopted resolution 2955 (XXVII), in which, in particular, it had decided to examine concrete ways and means

of extending maximum humanitarian and material assistance to the peoples of the liberated areas, colonial territories and territories under alien subjugation. It had also requested the Secretary-General to submit a report to the Assembly at its twenty-eighth session, indicating the current scope and nature of assistance being provided to colonial countries and peoples, as well as those in the liberated areas, from relevant existing voluntary funds and other forms of assistance by relevant organs of the United Nations, the specialized agencies and IAEA, regional intergovernmental organizations and relevant non-governmental organizations after consultation with the Council Committee on Non-Governmental Organizations, in order to assist in the examination of areas and of ways and means of further promoting humanitarian and material assistance, account being taken of the need for co-ordination.

3. The Third Committee currently had before it in document A/9154 the report prepared by the Secretary-General pursuant to the aforementioned request. In preparing that report, the Secretary-General had been guided by the discussions held in the Third Committee at the twenty-seventh session and in particular the statement in the report of the Committee to the General Assembly⁴ that, since most of the pertinent material was already available, the Secretary-General would be required only to identify existing reports or studies, indicate their scope and nature, and relate them to areas of interest to the General Assembly.

4. Consequently, with a view to facilitating consideration of the question, the information requested had been arranged under headings corresponding to the related items on the agenda of the twenty-eighth session of the General Assembly; namely activities carried out within the framework of the Trusteeship System with regard to offers by Member States of study and training facilities for inhabitants of Trust Territories and assistance to those inhabitants from the specialized agencies and other organizations; the activities carried out by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and by the Secretary-General, especially in connexion with the organization of the International Conference of Experts for the Support of Victims of Colonialism and *Apartheid* in Southern Africa; co-operation between the United Nations and the Organization of African Unity with regard to the provision of assistance to refugees from colonial territories and the working out of concrete programmes of assistance to the people of those territories, especially the populations of the liberated areas and their national liberation movements; the activities carried out by the Special Committee and the United Nations Council for Namibia in support of the people of Namibia from the viewpoint of the assistance

¹ See *Official Records of the Economic and Social Council, Fifth Session, Supplement No. 4*, chap. XIX.

² See *Official Records of the General Assembly, Twenty-sixth Session, Annexes*, agenda item 55, document A/8543, paras. 11-29.

³ A/8778 and Add. 1-3.

⁴ *Official Records of the General Assembly, Twenty-seventh Session, Annexes*, agenda item 51, document A/8936.

rendered to Namibians under the United Nations Fund for Namibia, established under General Assembly resolution 2679 (XXV); the assistance provided by the specialized agencies and international organizations of the United Nations system, non-governmental organizations, the Organization of African Unity and the national liberation movements to the peoples of Angola, Guinea-Bissau and Cape Verde, Mozambique, Southern Rhodesia and Namibia, including in particular the peoples in the liberated areas of those territories and their national liberation movements and the increase in the scope of assistance to refugees from the colonial territories; and the activities undertaken within the framework of the United Nations Educational and Training Programme for Southern Africa or financed from voluntary contributions or with the assistance of the United Nations Trust Fund for South Africa, whose terms of reference had been extended by General Assembly resolution 2671 E (XXV) to include grants to voluntary organizations engaged in providing relief and assistance to persons persecuted under repressive and discriminatory legislation in Namibia and Southern Rhodesia.

5. It should be noted that, with the exception of the report of the United Nations Trust Fund for South Africa (A/9235), which was submitted to the Special Political Committee under agenda item 42, and the general aspects of the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, which would be examined in plenary meetings, all the reports and studies he had mentioned were being or would be considered by the Fourth Committee under the relevant agenda items. It was to be hoped that, as a result of that consideration, the Fourth Committee would submit for adoption by the General Assembly various draft resolutions designed to increase and diversify the assistance provided to colonial countries and peoples.

6. The Commission on Human Rights continued to comply with the mandate given it by the General As-

sembly in resolution 2649 (XXV), and at its twenty-ninth session had adopted resolution 9 (XXIX),⁵ in which it had decided to consider the implementation of the United Nations resolutions relating to the right of peoples under colonial and alien domination to self-determination as a matter of priority, with a view to appointing a special rapporteur, and resolution 10 (XXIX),⁶ in which it had requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to place on its agenda the item entitled "The historical and current development of the right to self-determination on the basis of the Charter of the United Nations and other instruments adopted by United Nations organs, with particular reference to the promotion and protection of human rights and fundamental freedoms". The Sub-Commission had considered that question at its twenty-sixth session as a matter of priority, and had adopted resolution 5 (XXVI)⁶ laying down general guidelines for a study on the subject to be carried out by a special rapporteur. It had also requested the Commission on Human Rights to authorize it to designate a special rapporteur for that purpose at its twenty-seventh session and proposed that the study should be prepared on the basis of a universal and multidisciplinary approach as a work of synthesis and clarification for the purpose of promoting the realization of the right of peoples to self-determination. The decision taken by the Sub-Commission would be submitted in 1974 for consideration by the Commission on Human Rights and then by the Economic and Social Council, since if the Commission authorized the Sub-Commission to designate a Special Rapporteur the resulting financial implications would have to be approved by the Economic and Social Council.

The meeting rose at 3.30 p.m.

⁵ See *Official Records of the Economic and Social Council, Fifty-fourth Session, Supplement No. 6, chap. XX.*

⁶ See E/CN.4/1128, part B.

2016th meeting

Monday, 5 November 1973, at 10.45 a.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2016

AGENDA ITEM 59

Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights: report of the Secretary-General (*continued*) (A/9154)

1. Mr. CRISTESCU (Romania) said that his country attached particular importance to the universal and effective realization of the right of peoples to self-determination, which was fundamental to the construction of an international order that would meet the needs and aspirations of mankind. That ideal was embodied in the Charter, the International Covenants on Human

Rights and many declarations and resolutions adopted by the United Nations, including the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, the principles of which, according to the General Assembly, constituted principles of international law and should guide States in their international conduct. He also drew attention to resolution 5 (XXVI) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,¹ concerning a detailed study on the right of peoples to self-determination in their historical and current development in accordance with the Charter and other texts adopted by United Nations

¹ See E/CN.4/1128, part B.

bodies, particularly in regard to the promotion and protection of human rights and fundamental freedoms. The study had originally been proposed by Romania and other countries at the twenty-fourth and twenty-fifth sessions of the Sub-Commission and at the twenty-ninth session of the Commission on Human Rights. The conclusions of the debate in the Sub-Commission rightly pointed out the close relationship between the protection of the fundamental civil, political and economic rights of the individual and the right of peoples to self-determination. One of the objectives of the study to be undertaken by the Sub-Commission was to draw attention to all aspects of the link between the over-all and effective realization of the right of peoples to self-determination and the protection of human rights.

2. In the light of the above, the denial of the right of the peoples of southern Africa to self-determination was a flagrant violation of the Charter, the principles of international law and the most elementary human rights. His delegation firmly believed that in view of the existing situation, where the racist and colonial régimes, with the support of certain Powers, not only continued to oppose the exercise of that right but also resorted to genocide, killing and repression in their efforts to stamp out the African people's struggle for independence, the restoration of international legality and human rights to the liberation movements took on a very special significance. Several resolutions of United Nations bodies, and in particular General Assembly resolution 2980 (XXVII), had rightly appealed to all specialized agencies and other organizations within the United Nations system and to all States to render all possible moral and material assistance to the colonial peoples of Africa struggling for their liberation from colonial rule.

3. As a mark of its solidarity with the struggle of peoples for their independence, and in compliance with those United Nations resolutions, Romania had provided and was still providing all possible assistance to the liberation movements in the African countries. It consistently expressed its active solidarity with the struggle of the peoples of Africa, Asia and other continents against aggression and all forms of domination and oppression, in favour of the definitive elimination of colonialism, neo-colonialism and racial discrimination, in favour of the defence and consolidation of their national independence, and against foreign intervention in their domestic affairs. One of the fundamental guidelines of the foreign policy of the Socialist Republic of Romania was its solidarity with the struggle of peoples against colonial rule, *apartheid* and racial discrimination. It also advocated multilateral support for that struggle and for any effort aimed at realizing the inalienable right of peoples to determine their own destiny. Romania considered it a sacred right of the peoples still under the yoke of colonial rule to utilize all means, including armed struggle, to ensure their independence and achieve their self-determination.

4. It was on that basis that Romania conducted its relations and contacts with the national liberation movements of Angola, Guinea-Bissau, Mozambique, Namibia and Zimbabwe; leaders of PAIGC (Partido Africano da Independência da Guiné e Cabo Verde), FRELIMO (Frente de Libertação de Moçambique) and SWAPO (South West Africa People's Organization)

had visited his country. The visit of the President of the State Council of the Socialist Republic of Romania to some African countries in March and April 1972 had provided yet another opportunity to reiterate the solidarity of the Romanian people with the aspirations of the African peoples to freedom, independence and progress. Political support was also provided by the agreements under which FRELIMO, MPLA (Movimento Popular de Libertação de Angola) and SWAPO were to set up permanent offices in Bucharest. Under those bilateral contacts consideration had also been given to means by which Romania could offer assistance to the liberation movements. As a result, a fund had been established in Romania to help to support the struggle of peoples against imperialism in order to achieve freedom, social progress, national independence and peace. Under bilateral agreements or through the United Nations, Romania granted fellowships for students from Non-Self-Governing Territories. His country was very much aware of the existing needs of the liberated zones and of the needs that would arise when those countries achieved independence.

5. Romania believed that conditions were favourable for the success of the liberation movements in those countries within the next few years. In that connexion, Romania's position was particularly significant in view of the signing, on 27 June 1972, of the joint communiqué on the visit to Romania of a PAIGC delegation. That was the first international document to be signed by PAIGC, and Amílcar Cabral had considered it to be of great historical importance because it represented an act of international recognition of PAIGC. His delegation was therefore sincerely gratified by the proclamation of the independence of the Republic of Guinea-Bissau, which Romania had recognized, and his delegation was in favour of allowing Guinea-Bissau to be represented at the United Nations. Romania was in favour of granting international recognition to the national liberation movements and welcomed their participation as observers in those United Nations activities which concerned them. Hence his delegation would fully support any proposal aimed at finding concrete means for providing all possible humanitarian and material assistance to the peoples of the liberated zones of colonial Territories and of territories still under foreign rule.

6. Romania had actively participated in the International Conference of Experts for the Support of Victims of Colonialism and *Apartheid* in Southern Africa, held at Oslo in April 1973, and fully agreed with its conclusion that humanitarian assistance to refugees and persons persecuted because of their opposition to colonialism and *apartheid*, and aid in the reconstruction of liberated regions, should be continued and increased. His delegation considered the following points to be essential, in connexion with concrete means for providing humanitarian and material aid to the African peoples struggling for their liberation: as far as possible, humanitarian and material aid should be given direct to the liberation movements of southern Africa, according to the needs of each movement; the United Nations and other organizations should consider the possibility of providing in their budgets for greater humanitarian and material assistance to the liberation movements; the States Members of the United Nations, the specialized agencies and international and national organizations

should increase their collaboration with the Organization of African Unity (OAU) in the matter of material and humanitarian assistance; such assistance should be provided in due proportion to neighbouring countries and to the countries that received refugees and persons persecuted in the colonial countries of southern Africa; support to non-governmental organizations should be increased to enable them to provide humanitarian assistance to the victims of colonialism; and a campaign should be organized in every country to inform the public of the need for providing humanitarian and material assistance to the African peoples, and to collect funds and contributions to be sent to the liberation movements.

7. Mr. CATO (Ghana) quoted paragraph 1 of General Assembly resolution 1514 (XV) and noted that 13 years after the adoption of that resolution and 25 years after the adoption of the Universal Declaration of Human Rights, the United Nations was still concerned with the problems of violations of human rights as a result of Portuguese colonialism in Mozambique, Angola and Cape Verde; the seizure of power in Rhodesia by a minority régime; the South African Government's colonial hold on Namibia; and its policy of *apartheid* in South Africa. Colonialism and *apartheid* constituted a veritable negation of human rights and other fundamental rights and would have to be eliminated in order to enable the people so subjected to enjoy their rights. Consequently, the Third Committee could not but be involved in the practical attempts to defeat colonialism. To date mankind knew only one way to repulse aggression—and colonialism and *apartheid* constituted aggression—and that was through force. That was what made the liberation struggle a just struggle for peace and human dignity, for there could only be peace when all men were free.

8. Ghana realized that the struggle to free Africa from the vestiges of colonialism and *apartheid* might be hard, but it did not underestimate the international community's capacity to achieve that. Portugal had thus far continued to hold on to its possessions in Africa because it was not alone, because it remained one link in the chain of global imperialism, nurtured by international capital and dedicated to the plunder of Africa's moral and material resources. Portugal's aggression against Africa had continued with the active support of its allies in North Atlantic Treaty Organization (NATO) who supplied it with arms and bolstered its tottering domestic economy so that it could carry on its aggressive wars. In that connexion he appealed to the United States, whose moral weight his delegation recognized, and to the NATO Powers, to exercise their good influence with South Africa and Portugal. If the NATO Powers would not support the liberation struggle in Africa, the least that could be expected of them was that they should withhold support from Portugal. Adherence to freedom and human values was judged not by empty words but by concrete action, and it was ridiculous to affirm support for human rights and dignity and at the same time to deal with those denied those rights. Special attention should be devoted to the situation in the so-called Portuguese Territories. In that connexion he recalled the information received of Portuguese atrocities and repression in Africa, particularly the report² of the Special Mission established by the

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, led by Mr. Sevilla Borja of Ecuador, on its visit to Guinea-Bissau; the September 1973 special supplement of the United Nations quarterly magazine *Objective: Justice* which contained reports of the Wiriyamu massacre, in Mozambique, as well as a report by the Secretary-General of the International Commission of Jurists on the operations and methods of the Portuguese security police in the Territories; and the account of those atrocities given by Father Hastings to *The Times* of London and to the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

9. In order to put an early end to colonialism and all forms of human rights violations, his delegation called on Portugal to withdraw its troops immediately from the Republic of Guinea-Bissau, to desist immediately from all acts of repression, massacres and senseless brutalities in Mozambique, Angola and Guinea-Bissau, and to initiate immediate steps towards granting independence to Mozambique, Angola and the Cape Verde Islands; it called on the South African Government to withdraw from the international territory of Namibia, and on the United Nations to take over effective control of the administration of Namibia; it called on all countries, especially the members of NATO, to withhold all military and economic assistance from Portugal and South Africa until such time as they heeded the United Nations resolutions concerning the African Territories; and it called on the United Kingdom, France and Spain to grant independence to the Territories still under their rule.

10. His delegation had taken note of the report of the Secretary-General on the item (A/9154) and especially of the assistance that Member States and the specialized agencies of the United Nations as well as some non-governmental organizations and institutions associated with the United Nations, had given to the dependent Territories and to the victims of colonialist atrocities. Ghana offered places in its universities and higher institutions of learning to train specialist staff who would be involved in the administration of those countries once they were liberated; it had launched an African Liberation Fund with a target of \$150,000 to help the liberation movements; and it would shortly launch a volunteers for African freedom movement consisting of young men and women who would help the liberation movements wherever their services were required.

11. His delegation hoped that the international community would assume its proper role in the tragedy that Portugal and South Africa had unleashed on the world. Portugal and South Africa had no right whatever to maintain relations with the rest of mankind. Ghana could not coexist with colonialism; it believed in a new world order in which colonialism and the exploitation of man would be replaced by international co-operation. His delegation requested that representatives of the liberated areas, particularly Guinea-Bissau, should be allowed to address the Committee in order to state the kind and amount of aid they needed in order to give their peoples a decent life.

² Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 23, chap. X, annex 1.

12. Mr. BAL (Mauritania), after paying a tribute to the memory of Mr. Amílcar Cabral, the great African fighter who had died fighting for Africa and the independence of his country, said that racial discrimination in the colonial Territories would disappear only if the Declaration on the Granting of Independence to Colonial Countries and Peoples was implemented speedily, fully and irreversibly. Indeed, only thus could the colonial peoples freely exercise their inalienable right to self-determination, freedom and independence, for the realization of which all States represented in the United Nations were morally responsible.

13. OAU had always given moral and material assistance to the representatives of the liberation movements in Africa, and during the meetings of the Security Council held at Addis Ababa early in 1972 the President of Mauritania, in his capacity as President of the ninth Assembly of Heads of State and Government of OAU, had had occasion to refer to the evils of colonialism and to the immediate steps that the international community should take to eliminate it. It was also due to OAU that the authentic representatives of the liberation movements now participated as observers in the debates of the Committee on the Elimination of Racial Discrimination.

14. His delegation had particularly welcomed the Oslo Conference, which would undoubtedly help to speed up the solution of Africa's great and grievous problems. Similarly, it attached special importance to the United Nations Fund for Namibia, and he appealed to all States, particularly the Governments of the rich countries, to increase their contributions to the Fund.

15. Citing the provisions of General Assembly resolution 2980 (XXVII), he said that, unfortunately, some metropolitan countries had not heeded the numerous United Nations resolutions and continued systematically to apply repressive measures against the African peoples. Referring to the African Territories still occupied by Portugal, his delegation again denounced the abject, anachronistic and unholy alliance of the NATO States with Portugal, thanks to which that small country, with a reactionary, Fascist régime and no economic or military potential, had been able to wage colonial wars on three different fronts for years.

16. Nevertheless, history showed that when a liberation movement was rooted in the people and was determined to sacrifice itself for the cause of liberty, it finally triumphed. That had been demonstrated in the new Republic of Guinea-Bissau, and his delegation believed that all the other peoples under foreign colonial domination would undoubtedly follow in its footsteps, since the path it had chosen was the only one consistent with human dignity. With respect to Southern Rhodesia, the Committee on the Elimination of Racial Discrimination had reported that the policy of racial discrimination had intensified there. British and European immigrants were sowing destruction and anarchy, and the United Kingdom could consider itself responsible for the death of thousands of human beings in Rhodesia. In Namibia, Vorster's Fascist, racist and reactionary Government, in connivance with certain European countries, had created a so-called Advisory Council to continue its policy of fragmentation.

17. Finally, he appealed to all peoples who loved peace and justice, and in particular to the colonial Powers and the members of NATO, to abandon their colo-

nial policy, in accordance with the spirit and the letter of the Charter of the United Nations and the Declaration on the Granting of Independence to Colonial Countries and Peoples, and to grant full sovereignty to all peoples still under their domination.

18. Mr. SHEN (China) said that there were countries which still remained under colonial rule and colonialism was putting up a death-bed struggle; wherever there was oppression there was resistance, and the greater the oppression the stronger the resistance. That being so his delegation was pleased to note that the heroic people of Angola, Mozambique, Guinea-Bissau, Zimbabwe, Azania and Namibia had won new victories in their struggle against colonialism and racism. The people of Guinea-Bissau, in particular, after years of successful armed struggle, ever since 1963, had recently proclaimed a new Republic which had been recognized in a very short period of time by some 70 States; the victory of that people demonstrated that the colonial countries and peoples could not count on the favour of the colonialists in obtaining their independence. They had to rely on themselves to attain the goal of their country's independence and national liberation.

19. His delegation held that, in accordance with the purposes and principles of the Charter, Member States were in duty bound to give assistance to the colonial countries and peoples in their struggle for national independence, and that that assistance must be sincere and effective. Some countries were still in collusion with the Portuguese colonialists and the racist authorities in South Africa and in Southern Rhodesia, giving them political, economic and military aid. In the view of his delegation those countries were responsible for the evils of colonialism and racism which still plagued the people of southern Africa.

20. Some of the specialized agencies, in pursuance of General Assembly resolutions, had provided material assistance to the colonial countries and peoples and the people of the liberated areas, and had expelled the representatives of the Portuguese and South African régimes from their respective organs. However, other specialized agencies, in disregard of General Assembly resolutions, had used various pretexts to maintain relations with the Portuguese and South African régimes and refused to give assistance to the colonial countries and peoples and the people of the liberated areas. Those agencies should be criticized by the General Assembly, and his delegation urged the executive heads of those agencies to take measures to correct their past mistakes and to implement the relevant resolutions of the General Assembly.

21. Mr. BOUMINIANOU (Gabon) said that colonialism was not a phenomenon peculiar to Africa, Asia or Latin America, since every people had, in the course of its history, been under the domination of another. Portugal, which persisted obstinately in swimming against the tide of history, would one day realize that its policies were contrary to the interests of its people.

22. There were United Nations documents which condemned the terror campaign unleashed by Portugal against the peoples of Africa, whose sole crime was their legitimate desire for freedom and independence. Any policy of terror demonstrated the weakness of the régime which pursued it, and his delegation felt that the Lisbon authorities and those of other Powers administering colonial countries would themselves benefit by

implementing General Assembly resolution 1514 (XV) and thus establishing relations of friendship, trust and co-operation with the peoples of those Territories.

23. The international community should, as a matter of urgency, take concerted action to put an end to Portuguese domination in Africa. Now was not the time to fraternize with those who were trampling United Nations principles under foot or to encourage those who saw in the slaughter of innocents a simple means of maintaining their anachronistic colonial presence in Africa and continuing the plunder of its wealth. Portugal's allies should stop providing it with military, economic, political and diplomatic support, and the peoples which were devoted to peace and justice should isolate Portugal politically.

24. His delegation was determined to make its own modest contribution to the collective effort to find a solution to the problems under consideration by the Committee.

25. Mrs. LYKOVA (Union of Soviet Socialist Republics) said that the Soviet State had, since its inception, pursued a policy of support for the national liberation movements of peoples oppressed by colonialism and imperialism—a policy which derived from Lenin's intellectual legacy. The role played by the Soviet Union in securing the right to self-determination was dictated, first, by the aim of eliminating colonialism and, secondly, by the multinational character of the Soviet State itself. Accordingly, the USSR had initiated many United Nations resolutions and decisions relating to the struggle against colonialism. The Declaration on the Granting of Independence to Colonial Countries and Peoples, the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations were among the instruments which had been adopted with regard to the right of peoples to self-determination and independence as a means of guaranteeing and effectively implementing human rights.

26. The collapse of the colonial system was of the highest importance, as was shown by the emergence of new nations and the great changes which could be observed on the map of the world. The peoples of countries which had liberated themselves from the colonial yoke had pledged themselves to eliminate illiteracy and to prepare their citizens for economic and cultural progress. At the same time, women had secured full equality of rights and were playing an important role in political life and on the international scene. In addition, the former colonial and semi-colonial Territories had, since their liberation, performed an important function within the international community, especially in efforts to achieve world peace and security for all peoples.

27. Unfortunately, the struggle against colonialism was not yet ended, and it was therefore the responsibility of the United Nations to take action of every kind to eliminate the vestiges of colonialism, both in its traditional forms and also in the new and subtle neo-colonialist forms. The international monopolies operating in Africa, Asia and Latin America were exploiting those continents' resources, raw materials and manpower and, while the local inhabitants suffered from

poverty and hunger, were making huge profits which could be used for the benefit of the developing countries. Moreover, in order to protect their interests, they interfered in the economic and political affairs of the countries in which they were operating. The monopolies were thus hindering the achievement of self-determination and independence and taking part in the repression of the people of South Africa and Southern Rhodesia. In Portugal, the Government had opened the door to international capital, which was helping to preserve the colonial régime for its own benefit.

28. With regard to the effective observance of human rights in respect of colonial countries and peoples, she drew the Committee's attention to paragraphs 49 and 58 of chapter VI, annex I, of the report 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 (A/9023 (part V)), which indicated that WHO had encountered difficulties in providing assistance in cases of outbreak of communicable diseases in southern Africa. Similarly, paragraph 67 indicated that the Portuguese frequently subjected the liberated areas of their Territories to bombing, using defoliants and other chemical products to destroy crops and to spread disease among the populations of those areas. At the same time, she found unacceptable the position of the Palestinian people, who had been driven from their lands and homes and were currently being subjected to oppression and deprived of their human rights and fundamental freedoms.

29. The elimination of the vestiges of colonialism was also an important aspect of the maintenance of international peace and security. In that connexion, her Government had implemented all resolutions aimed at eliminating colonialism and neo-colonialism, and it had rendered and would continue to render economic and other assistance to promote the struggle of peoples for freedom and independence, since it was irreconcilably opposed to the exploitation of man by man or of one nation by another.

30. The USSR welcomed the birth of the new Republic of Guinea-Bissau, and she noted that Luis Cabral, the President of the Council of State of the Republic, had said in the People's National Assembly that victory had been the result of concrete assistance provided by the socialist countries, that the people of Guinea-Bissau were particularly grateful to the USSR, whose assistance had been a decisive factor, and that the sacrifice made by the Soviet people in extending assistance to the liberation movements placed it in the vanguard of the struggle of oppressed peoples.

31. Mr. DAMMERT (Peru) observed that the international community's appeals to the racist and colonialist Powers, which were aimed at ensuring that the peoples under their domination achieved freedom and independence and enjoyed basic human rights, had been heeded only in part. Although during the 1960s a great many countries, especially on the African continent, had won independence, the map of the world showed that a number of peoples in Africa, Asia and Latin America were still victims of the imperialist practices of colonialism, neo-colonialism, foreign occupation, racial discrimination, *apartheid* and partial occupation of their territories.

32. The Revolutionary Government of Peru reaffirmed its recognition of the right of all peoples—particularly those of Angola, Mozambique, Namibia and Zimbabwe—to freedom, equality and self-determination as well as the legitimacy of their struggle to ensure that those rights were recognized. In that connexion, his delegation congratulated the people of Guinea-Bissau on their attainment of independence and hoped that they would soon be joined by other peoples which were dominated by foreign Powers. Similarly, the just aspirations of the people of Palestine, who had for a number of years been living in exile and despair, should be taken into account. He also wished to mention the colonial situation in the Panama Canal Zone; his Government hoped that an agreement would soon be reached which would unequivocally establish the full sovereignty and unrestricted jurisdiction of Panama over the whole of its territory.

33. The situation in southern Africa represented a permanent source of tension which threatened international peace and security. As long as the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples were not applied faithfully and effectively in that area—as long, in other words, as the right to self-determination, equality and freedom was not observed—tension would remain. His Government was also concerned at the policy adopted by certain developed States Members of the United Nations which, by their economic and military co-operation, enabled the racist and colonialist régimes in southern Africa to persist in their policy of using force against the indigenous population and suppressing movements that sought freedom and independence for their peoples and the enjoyment of basic rights which were inherent in every human being.

34. In the light of those considerations, his delegation reaffirmed once again its condemnation of all colonialist and racist policies and its support for all movements seeking to eliminate them. Similarly, it would support any measure proposed in the Committee with that end in view.

35. Miss JAUREGUIBERRY (Argentina) said she wished to stress once again that the problems of human rights and of decolonization were indivisible and closely interrelated since the right to self-determination, which was one of the most substantive rights, was denied to the indigenous inhabitants of the Territories under colonial domination. Argentina was deeply interested in certain aspects of United Nations activities in the field of human rights, racial discrimination and decolonization, since it believed that those problems, being closely linked, could only be considered and solved together.

36. On the other hand, it did not appear either possible or advisable to strike at colonialism in a partial manner. No one questioned the fact that the manifestations of that evil were most serious on the African continent; however, the world would either free itself from colonialism everywhere or not free itself anywhere. Similarly, human rights must be upheld on a global basis or the international community would be an accessory to acts of omission which were no less grievous for being involuntary.

37. As far as the specific victims of colonialism were concerned, those who should be mentioned first were the peoples which had been turned into outsiders in

their own territory and deprived of the advantages of an increasingly advanced civilization which, in contrast, stamped them with the cruel signs of the backwardness that had been forced upon them. Equally distressing was the case of those peoples which had been displaced from their ancestral territory as a result of circumstances which were familiar to all, with the result that in the Middle East, for example, that displacement had in recent years created one of the world's most dangerous centres of tension. It should be emphasized in that connexion that displacements of population were always designed to prepare the way for violating the right to self-determination, making it inapplicable or, what was still worse, distorting its spirit and meaning. It was therefore alarming to learn of displacements of population in Rhodesia and the Territories under Portuguese administration and of the settlement of immigrants from outside those areas. She also wished to refer to those who had also lost their individual freedom, that is to say, the political prisoners held in colonial Territories.

38. The United Nations could not ignore the fate of those who were fighting to achieve the purposes of the Charter and were resorting to the ultimate means of rebellion against tyranny and oppression, which were sanctioned by the Universal Declaration of Human Rights. In that connexion, her delegation was prepared to support any draft resolution that dealt jointly with the problems of human rights and decolonization.

39. Mr. VALDERRAMA (Philippines) recalled resolution 3061 (XXVIII) adopted by the General Assembly on Friday, 2 November, concerning the illegal occupation by Portuguese military forces of certain sectors of the Republic of Guinea-Bissau and acts of aggression committed by them against the people of the Republic. His delegation had voted for the resolution, reaffirming his Government's policy of supporting the universal achievement of the right of peoples to self-determination and the speedy granting of independence to colonial countries and peoples. His Government had demonstrated that support from the outset in order to hasten the arrival of the day when colonialism, neo-colonialism and imperialism would be things of the past and peoples everywhere would enjoy the blessings of the true independence and freedom to which they were entitled. In that connexion, his delegation was pleased to state that the Philippines was one of the 11 Member States which had offered scholarships and training facilities for inhabitants of the two remaining Trust Territories, as was indicated in the Secretary-General's report (A/9154).

40. His delegation had supported General Assembly resolution 2980 (XXVII) and other relevant resolutions which would have the organizations of the United Nations system consider further measures for ensuring the full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and formulate programmes of assistance to the peoples concerned without further delay. His delegation had also been one of the sponsors of the text adopted as Economic and Social Council resolution 1804 (LV), which called for more effective co-ordination of assistance programmes for the peoples of the colonial Territories, including, in particular, the populations of the liberated areas of those Territories and their national liberation movements. His delegation welcomed the attendance of observers at meetings of the Special Committee on the Situation with regard to the Im-

plementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and of the Special Committee on *Apartheid*, of which it had been and still was an active member, and noted with appreciation that ITU had expelled both South Africa and Portugal from its ranks; it hoped that all the specialized agencies would end their relations with those colonialist countries which were seeking to perpetuate their control of colonial peoples and Territories. His delegation also supported the recommendations of the International Conference of Experts for the Support of Victims of Colonialism and *Apartheid* in Southern Africa, which appeared in the Secretary-General's relevant report to the General Assembly (A/9061).

41. In keeping with its policies, his Government had continued to give material aid to the colonial peoples through the United Nations Educational and Training Programme for Southern Africa and the United Nations Fund for Namibia; it had recently announced a contribution for the fiscal year 1974-1975 to the special training programme for the Territories under Portuguese colonial administration. His delegation hoped that Governments and the international community would increase their material assistance to and scholarship programmes for the colonial peoples; it realized how important the universal achievement of the right of peoples to self-determination was to international peace and security. The United Nations and the international community could not afford to wait for the fiftieth anniversary of the Universal Declaration of Human Rights in order to see the colonial peoples and Territories attain their proper status. That would be the supreme mockery of all the efforts of the United Nations on behalf of decolonization, and the international community could not and must not permit it.

42. Miss ABDALLA (Sudan) said that although some progress had unquestionably been made since the adoption of General Assembly resolution 1514 (XV), the latter had unfortunately not been fully implemented. Mozambique, Angola, Cape Verde, Namibia, South Africa and Southern Rhodesia remained under colonial domination, and the struggle was continuing because the colonial Powers, in spite of the resolutions adopted by the United Nations, preferred not to be humane and heed the voice of reason. Portugal was persisting in its hateful policy and continuing to massacre the people of Angola and Mozambique, but the denial of human rights could not go on for long because the will of the people would survive and triumph. It was pertinent to ask whether those colonial régimes were capable of standing alone against the desires of the people without support from their allies, and the allies of Portugal, South Africa and Southern Rhodesia should be warned that it was not enough to come to the United Nations, talk about the right of peoples to independence and self-determination, and adopt resolutions, that it was not enough to condemn colonialism while tanks, planes and weapons were being sent to be used against the Africans. That was an inconsistent policy, and it was a sad fact that there were countries which put their interests above principles. Her delegation called upon those States to be consistent for once and stop giving material aid to the colonialist countries. At the same time, it urged those countries which were faithful to their principles to provide more assistance to the liberation movements.

43. In conclusion, she added her voice to that of the representative of Ghana in calling upon Portugal to withdraw from the territory of Guinea-Bissau and grant independence to Mozambique, Angola and Cape Verde; it saluted those who were fighting for their freedom and for the rights which were being denied to them in spite of the Universal Declaration of Human Rights, the many resolutions adopted by the United Nations, and world public opinion.

44. Mr. MOREIRA (Portugal) said that his delegation could not refrain from expressing serious reservations about everything relating to the question of aid to colonial countries and peoples. Portugal had no colonies, and that so-called aid did not benefit the inhabitants of Angola, Mozambique and Portuguese Guinea, since they were self-sufficient and did not need foreign aid. The financial and other assistance in question was being channelled to the armed groups which had been organized abroad to fight against the peaceful inhabitants of those Territories; that represented organized, legalized support for subversion and was a threat to international peace and security.

45. His delegation wished to state once again that a colonial situation did not exist in the Portuguese Territories in Africa, since, under the provisions of its Constitution, the Portuguese nation comprised territories situated in Europe, in the Atlantic, in Africa and elsewhere. That geographical distribution was the result of a historical process which had developed over the centuries and had brought peoples of various origins together in a single nation and a common homeland.

46. He would like to know whether all the activities designed to create better living conditions for the peoples of the overseas territories constituted a crime against humanity. Was Portugal doing something wrong when it tried to educate the masses, build schools, train teachers, intensify vocational training and establish universities and other higher educational institutions? Portugal did not wish to arrive at self-determination in conditions of racism or racial discrimination or under the pressure of ideologies which had nothing in common with the humanistic concept of a national community. Furthermore, the entire population must take part in the process of self-determination, which must not be the sole prerogative of a single political party, race or revolutionary group.

47. One of the purposes of the Charter of the United Nations was the maintenance of peace and justice in the world. His delegation believed that racial harmony was one of the most appropriate ways of attaining that objective. Portugal had been in Africa for more than five centuries; it had not come as a conqueror but as the bearer of a message of brotherhood and human equality, and it wished to remain there to accomplish, with the help of an understanding attitude by the rest of the world, the mission which it had set for itself: the establishment of authentic States in which all men and women of goodwill, whatever their race, religion or ethnic origin, would have their place and enjoy freedom, dignity and all the rights proclaimed in the Universal Declaration of Human Rights.

48. Mr. BAL (Mauritania) said that he could not find words to reply to the insolent statement by the Lisbon representative and thought it ludicrous that an African should speak on behalf of Portugal.

49. Mr. CATO (Ghana), speaking in exercise of his right of reply, said it was absurd that an African should defend Portugal's policies and describe the atrocities committed by the Portuguese as constituting a civilizing mission. He was certain that the liberation movements would ultimately triumph, but he wished to assure the representative of Portugal that everything he said at the United Nations would be listened to in Africa.

50. Mrs. KINYANJUI (Kenya), speaking in exercise of her right of reply, said that she would be pleased to see her African colleague who was occupying Portugal's seat represent his own people in the Third Committee instead of speaking on behalf of Portugal.

The meeting rose at 12.55 p.m.

2017th meeting

Monday, 5 November 1973, at 3.05 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2017

AGENDA ITEM 59

Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights: report of the Secretary-General (*continued*) (A/9154)

1. Mr. KHMIL (Ukrainian Soviet Socialist Republic) said it was his delegation's view that the organs of the United Nations were right in attaching so much importance to the universal realization of the right of peoples to self-determination and the speedy granting of independence to colonial countries and peoples for the effective guarantee of human rights. In speaking of the rights and freedoms of the individual, it was impossible to remain indifferent to the fact that entire peoples were deprived of fundamental rights and freedoms. Thus, the elimination of colonialism and racism, which were the most outrageous and violent forms of that denial of rights and freedoms, constituted the most important task facing the international community in the field of human rights. Indeed, vestiges of colonialism still existed in the Republic of South Africa, Namibia, Zimbabwe, Mozambique and Angola, not to mention the illegal occupation of Guinea-Bissau by Portugal. In the Declaration on the Granting of Independence to Colonial Countries and Peoples, the United Nations had clearly indicated what the obligations of the States which governed those peoples were. Every year it had adopted resolutions reaffirming the principle of the right to self-determination and independence and the legitimacy of the struggle against the colonial régimes racial discrimination and foreign exploitation by all means, including armed struggle. However, not only did South Africa and Portugal disregard the decisions of the United Nations, but their representatives declared that they alone were in the right.

2. That was not all. As had clearly emerged from the debate on the draft Convention on the Suppression and Punishment of the Crime of *Apartheid*, under agenda item 53, the régimes in Lisbon, Pretoria and Salisbury could not last without the aid and co-operation of certain Member States, particularly certain countries members of the North Atlantic Treaty Organization (NATO). Moreover, both the Security Council and the General Assembly, in the texts which they had adopted

on the question of Namibia, South Africa, the Territories administered by Portugal and the racist régime of Southern Rhodesia, had repeatedly been obliged to condemn those countries which, in defiance of the resolutions of the United Nations, continued to maintain diplomatic and trade relations with those three régimes, and even to supply them with arms. History bore witness to the fact that colonialism and racism were, unfortunately, two indissoluble aspects of imperialism. It was for that reason that the imperialists sought to demonstrate that colonialism, like racism, could lead to independence, which was false. They wanted to prove that the dialogue between the mother country and her colonies gradually led to decolonization, and that any aid to the liberation movements hindered that process. Those who profited from foreign investments in the colonial Territories wished to prove that only contacts helped transform the evils of colonialism into something good. The arguments advanced by those who supported those régimes and by the régimes themselves, to justify themselves, could not be taken seriously. Did they think that when the enslaved peoples had freed themselves they would forgive those who had tried to perpetuate the régimes which had oppressed them?

3. Under the terms of Article 1, paragraph 4, of the Charter, the United Nations was to be a centre for harmonizing the actions of Governments in the attainment of common ends, and that was particularly true in the field of respect for human rights. The task of the United Nations was to seek to ensure that its decisions were respected, and the draft resolution that would ultimately be adopted by the Third Committee should contribute to that objective.

4. Mr. NASSER-ZIAYEE (Afghanistan) said that the right to self-determination was the corner-stone of human rights. Afghanistan had supported all efforts designed to ensure recognition of self-determination as an inalienable right of all peoples and, once that recognition had been achieved, it had spared no effort to support the emancipation struggle of the peoples under colonial and alien domination. Afghanistan supported the aspirations of the liberation movements of the peoples of Zimbabwe, Namibia, Angola, Mozambique and Palestine and all those whose case was not yet under discussion in the United Nations, and would always remain in the vanguard of the struggle against alien domination and colonialism.

5. Colonialism was generally in decline, and that was one of the great achievements of modern times, since colonialism increased the risk of armed conflict, in particular because the oppressed peoples had no alternative but to resort to force. The Republic of Afghanistan had welcomed the independence of Guinea-Bissau and had recognized that State. He hailed that great victory of the liberation movements, and recalled that Afghanistan had been among the many countries which had redoubled their efforts in the United Nations to put an end to the illegal occupation of certain sectors of the sovereign State of Guinea-Bissau by the Portuguese military forces.

6. Colonialism should be taken to comprise all forms and manifestations of alien domination—political, economic or cultural—and not merely Western colonialism. The classical forms of Western colonialism were gradually disappearing, but unfortunately, certain peoples and territories still remained under the domination of other countries, often of countries which had themselves suffered from colonial occupation. The right to self-determination was thus denied to millions of people, and that state of affairs created tensions and anxiety.

7. Afghanistan firmly believed that peace and stability depended solely on the respect for and implementation of the right to self-determination, since that was now a fundamental right and not an abstract principle. Whether those who claimed to uphold that right were sincere and effectively upheld it in all cases and in all places could be determined by testing their record.

8. His delegation welcomed the fact that efforts were being made to present a draft resolution and expressed its readiness to co-operate in those efforts.

9. Mr. LEHTIHET (Algeria) said that, when General Assembly resolution 1514 (XV) had been adopted, the sponsors had been convinced that its implementation could lead to the total and rapid elimination of racial discrimination in the Territories still under colonial domination and that the colonized peoples would be able to have their fundamental rights recognized and guaranteed when they freely exercised their inalienable right to self-determination.

10. Now, 12 years after the adoption of that resolution and 25 years after the proclamation of the Universal Declaration of Human Rights, the right to self-determination and independence of many African countries continued to be ignored. Although substantial progress had been made in the field of decolonization, it was inadmissible that the right to self-determination continued to be denied to millions of people in southern Africa, Mozambique, Angola and occupied Arab Palestine. Voices were being raised, however, to denounce the retrograde policy of the occupying Powers and to make known the truth about the struggle of the national liberation movements. In his message to the International Conference of Experts for the Support of Victims of Colonialism and *Apartheid* in Southern Africa, held at Oslo in April 1973, President Boumédiène had alluded to the conspiracy of silence maintained by the colonialists and their allies with regard to the claims of the peoples who had been robbed of their fatherlands (see A/9061, annex, appendix III). That conspiracy of silence had been maintained because of the power of the information media of the colonizing Powers and had been strengthened by the actions of the countries mem-

bers of NATO. Those countries refused to face up to their responsibilities, and provided effective aid to the colonizing and racist Powers, such as Portugal, Southern Rhodesia and South Africa, in the field of information, on the one hand—by keeping their nationals in ignorance of what was happening in the colonized Territories—and, on the other hand, by violating the resolutions of the United Nations. Knowing that they could rely on that aid, the régimes in Salisbury, Pretoria and Lisbon would not stop half-way in their sinister work of exterminating peoples. Thus, Africa had once again expressed its preoccupation with the situation in the Territories under alien domination and the Organization of African Unity (OAU), at Addis Ababa, had reaffirmed its political will to liberate Africa by providing political, moral and material assistance to the liberation movements. OAU also provided such assistance in co-operation with the organizations within the United Nations system, in accordance with General Assembly resolution 2980 (XXVII). In that regard, the co-operation of the representatives of the national liberation movements in the work of United Nations bodies had proved valuable, in so far as it made it possible to follow the efforts of those movements to reconstruct the liberated areas and to evaluate the size of the aid provided and of assistance requirements.

11. Algeria hailed the independence of Guinea-Bissau, while condemning the attack on that country by Portugal. Guinea-Bissau was an independent country, recognized by more than 70 States. Thus, it was inadmissible that that sovereign State should continue to be the object of criminal attacks by Portugal. The international community and those who were giving aid to Portugal should urge that country to respect the desire of a sovereign State to live in peace. In using those terms, his delegation was not anticipating anything, but was referring to a situation which actually existed, namely, to the moral, legal and political existence of the Republic of Guinea-Bissau.

12. Portugal's aggression against other African peoples and the establishment of the Smith and Vorster régimes were matters of constant concern for Africans. Africa could not hold out a hand to those who were allowing racist régimes to perpetuate their policies of domination; it could not extend its co-operation to countries which violated the embargo decreed by the United Nations on the supply of arms to the racists; and it could not tolerate the hypocritical policy of anathematizing a régime while developing trade relations with it.

13. Portugal, Rhodesia and South Africa should not receive aid from the member countries of NATO, any more than should the Zionist State of Israel, which was trampling on the right of Palestinians to self-determination. The Palestinian people, despoiled of their national territory, were conducting a legitimate struggle which should not be viewed with indifference by the international community, since the recommendations of the Declaration on the Granting of Independence to Colonial Countries and Peoples were pertinent to it.

14. So long as human freedom and dignity in Africa, in occupied Palestine and throughout the world were sacrificed for a *détente* which did not take them into account, the Declaration on the Granting of Independence to Colonial Countries and Peoples would remain

a dead letter. There could be no real *détente* or lasting co-operation between nations until the peoples which were still colonized regained their right to self-determination and national independence.

15. Mr. SADOU (Cameroon) said that Cameroon, like many other countries, had undergone the bitter experience of decolonization before becoming the United Republic of Cameroon, a title which succinctly indicated the development of Cameroon's national institutions in stability, dignity and unity.

16. The questions of decolonization and *apartheid* were considered annually by the General Assembly. Indeed, although there was cause for gratification at the number of countries which had gained independence since the adoption of General Assembly resolution 1514 (XV), the final objective of the Declaration had not been attained. That was all the more disquieting since the colonialist countries were flouting United Nations resolutions, relying on the support of certain Powers which did not hesitate to place their own interests above the lives of millions of human beings whose misfortune was to have been born in lands with many economic resources and to have black skin. For that reason, whole peoples were being massacred and were being denied human rights, including the right of freedom of speech and thought.

17. It should also be borne in mind that the effects of colonization remained after it had gone. That was a vicious circle, since those who treated decolonized countries as under-developed areas insisted on staying there to exploit them and to sell back to them at exorbitant prices the products of that inhuman exploitation.

18. The problem of South Africa was different, since there the question was one of eradicating a policy pursued by a minority Government and unanimously recognized as a threat to international peace and security. Cameroon considered the presence of Portugal in Africa and the racist Government at Pretoria to be illegal and intolerable. The General Assembly and the Security Council should fully assume the responsibilities incumbent upon them under the Charter.

19. A study of developments since the General Assembly had adopted resolution 1514 (XV) led to several conclusions. In the first place, the national liberation movements had intensified their struggle and their successes had multiplied; in that connexion, his delegation once again welcomed the emergence of Guinea-Bissau, a State which it had recognized immediately. It hoped that the understanding of Member States which had not yet recognized that State would transcend legal considerations, for in its opinion law could not meet the requirements of the modern world unless it was in a state of constant evolution. The case at issue constituted a factor of that evolution, and those States should therefore accept the situation as one of right, of the right to self-determination. Secondly, the independence so ardently desired for the countries of southern Africa could not come about by itself, for the racist colonialist Powers and their allies continued to disregard the decisions of the United Nations. Cameroon, for its part, had always paid its contribution to the fund for national liberation movements; it had also welcomed students from the countries in question and was determined to work in OAU with a view to rendering all the necessary moral and material assistance to the national liberation movements of southern Africa.

20. The third, equally important, conclusion was that the views of Member States on decolonization had evolved. Whereas in the past certain countries had voted against or had abstained on decisions concerning self-determination and the rapid granting of independence to colonial countries and peoples, some of them were now voting in favour and those which had voted against were abstaining. His delegation would urge the latter to review their positions and to consider the problem realistically, for history had shown that national will was indestructible, and the will for the total liberation of Africa was a national will.

21. For all those reasons, the situation prevailing in the African Territories under Portuguese control and the racist régime in South Africa were unacceptable to his delegation. With regard to the situation in the Middle East, Cameroon could not countenance the acquisition of territory by armed force on the African continent. In his delegation's opinion, the presence of Israel in Arab territories since 1967 and its refusal to negotiate the withdrawal of troops under Security Council resolution 242 (1967) represented a serious threat to international peace. That was why Cameroon had recently decided to break off its diplomatic relations with Israel.

22. He addressed his African brothers who were representing the Government of Portugal in the United Nations and especially in the Commission on Human Rights. If it was a question of a momentary aberration, all would be forgiven them when they rejoined the ranks of the freedom fighters. But if they had chosen their course deliberately, it might well be asked what they felt when they saw their racial brothers massacred. Certain situations were shameful, however convenient they might be from the material point of view.

23. After expressing the hope that the Third Committee's deliberations would elicit new factors contributing to the solution of the problems he had mentioned, he said that his delegation would take an active part in seeking the necessary solutions, with due respect for the spirit and letter of the Charter.

24. Mr. AL-MADFA (United Arab Emirates) pointed out that, although a large number of countries had attained independence in the preceding 25 years, that had been due, first, to the fact that the right to self-determination had been recognized in the Charter and, secondly, to the struggle of peoples for independence. The United Arab Emirates, which had suffered from colonialism, fully supported the right of peoples to determine their own future.

25. Nevertheless, the objectives of General Assembly resolution 1514 (XV) had by no means been attained. Certain regions of Africa were still under foreign domination. Portugal, which could not continue to exist without the assistance of the NATO countries, considered that certain countries of that continent belonged to it, while a white minority practised the policy of *apartheid* in South Africa, a country with which the United Arab Emirates maintained no relations whatsoever. It was therefore essential for the United Nations to take vigorous measures.

26. In connexion with the programme that the Third Committee had drawn up to observe the twenty-fifth anniversary of the Universal Declaration of Human Rights, he pointed out that it was also 25 years since the partition of Palestine and that for all those years 2

million Palestinians had been waiting for the Organization which had divided the country to return their homeland to them. The Zionists who had invaded Palestine were using the territories they had occupied in 1967 to build homes for Jewish emigrants from all parts of the world. As certain Zionists had declared, there was no room for two nations, and the only possible course was to displace Arabs in order to absorb the Jews of the Diaspora. He therefore considered that the United Nations should take steps to restore the rights of the Palestinians.

27. Mr. MOUSSA (Egypt) said that the item before the Committee was one of the most important on the agenda of the twenty-eighth session; he recalled that the International Conference on Human Rights, held at Teheran in 1968, had called upon the General Assembly to draw up a specific programme for the granting of independence to territories under colonial rule and had declared the subjugation and oppression of one people by another to be a fundamental violation of human rights.¹ In its resolution 2649 (XXV), the General Assembly had stated that it considered the acquisition and retention of territory in contravention of the right of the people of that territory to self-determination to be inadmissible and a gross violation of the Charter, and had condemned those Governments that denied the right to self-determination of peoples recognized as being entitled to it, especially of the peoples of southern Africa and Palestine. At its twenty-sixth session, the General Assembly, in its resolution 2787 (XXVI), had urged the Security Council as well as Member States to take effective steps to ensure the implementation of the relevant United Nations resolutions and had resolved to devote constant attention to the question of flagrant large-scale violations of human rights resulting from the denial to peoples under colonial and foreign domination of their right to self-determination. Yet, 25 years after the adoption of the Universal Declaration of Human Rights, there were still millions of people who were denied that right. There were a number of stumbling blocks impeding the universal realization of the right of peoples to self-determination, which was one of the basic purposes of the Charter of the United Nations and a prerequisite for the development of friendly relations between nations and the strengthening of world peace: Portuguese colonialism in Africa, where Guinea-Bissau had nevertheless, after years of heroic struggle, attained its independence; neo-colonialism, which rendered political independence meaningless; usurpation—a combination of the policies of colonialism, neo-colonialism and expansionism—of which Israel provided the most striking example; and, finally, the racist theories based on the supremacy of one race which were prevalent in South Africa, Southern Rhodesia and Israel.

28. The resistance of peoples subjected to those scourges was legitimate, since they were thereby exercising their right of self-defence in accordance with the principles set forth in the Charter, and were entitled to collective assistance. The General Assembly had decided to examine concrete ways and means of extending maximum humanitarian and material assistance to the peoples of the liberated areas, colonial territories and territories under alien subjugation, to stop all as-

sistance to colonial régimes and to ensure the isolation of such régimes in order to help the subject peoples to achieve their independence.

29. His delegation proposed the preparation of an action-oriented plan, which might be based on the report of the Secretary-General (A/9154), designed to ensure the realization of the right of peoples to self-determination; the national liberation movements should participate in the preparation and implementation of such a programme, and the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities should be entrusted with the task of following its application, in co-operation with other competent United Nations bodies.

30. Mrs. RANA (Nepal) noted that substantial progress had been made in the field of decolonization since the adoption of General Assembly resolution 1514 (XV), relating to the granting of independence to colonial countries and peoples; in her view, the admission of the Bahamas to membership in the United Nations at the current session was a significant chapter in the history of decolonization. However, the progress achieved should cause no one to forget the policy of *apartheid*, the occupation of Namibia by the racist régime of South Africa, the exploitation of Angola, Mozambique and Guinea-Bissau by the Portuguese colonialists and the policy of repression and discrimination practised by the minority régime in Southern Rhodesia against the black majority. The innumerable appeals made by the United Nations to South Africa and the many resolutions designed to eradicate the odious policy of *apartheid* had thus far been to no avail; on the contrary, the recent massacre of African labourers at Carletonville was a striking example of the intensification of South Africa's repressive and oppressive policy. However, nothing would diminish the aspirations and hopes of the black majority, who would continue their long and arduous struggle until the attainment of independence, assured of the support of many Member States which, at enormous economic losses to themselves, had implemented the relevant General Assembly resolutions and severed all political, economic, military, cultural and other relations with the racist régime of Pretoria. For its part, Nepal had always supported the struggles of the freedom fighters and would continue to support all measures that would help them to exercise their right to self-determination. She deplored the ever-increasing collaboration with South Africa of its trading partners, which merely had the effect of strengthening the inhuman policy of the Pretoria régime, and expressed the hope that they would listen to the voice of reason and implement the General Assembly resolutions calling upon them to terminate their economic collaboration with South Africa.

31. The continued illegal presence of the racist South African régime in Namibia represented not only a denial of the right of the Namibian people to self-determination but a violation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. Her delegation particularly condemned the Bantustan policy, which was an affront to human dignity and an infringement upon the territorial integrity of Namibia. In Southern Rhodesia, the measures adopted by the illegal régime of Ian Smith had merely served to aggravate an already deteriorating situation. In the view of her delegation, a just and lasting settlement of

¹ See *Final Act of the International Conference on Human Rights* (United Nations publication, Sales No. E.68.XIV.2), chap. III, resolution VIII.

the Rhodesian problem could be achieved only through the transfer of power to the people of Zimbabwe, the withdrawal of all South African police and armed forces from Southern Rhodesia and the repeal of all repressive and discriminatory measures taken by the current régime. The United Kingdom, as the administering Power of Southern Rhodesia, had not carried out its rightful responsibility to protect the human rights of the people of Zimbabwe.

32. With regard to Portugal, her delegation drew the attention of members of the Committee to General Assembly resolution 2918 (XXVII), calling upon Portugal to enter into negotiations with the national liberation movements with a view to the full and speedy implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. Her delegation urged members of NATO to withhold all economic and military assistance from Portugal and to join with those peoples that supported the freedom fighters in the territories under Portuguese domination.

33. The Government of Nepal held in high esteem the programme of action adopted by the International Conference of Experts for the Support of Victims of Colonialism and *Apartheid* in Southern Africa. Her delegation was also convinced that the Declaration on the Granting of Independence to Colonial Countries and Peoples and other pertinent United Nations resolutions had played and would continue to play an effective role in the eradication of racial discrimination. It called upon the United Nations to take the necessary measures to apply mandatory sanctions against those Member States which refused to implement the relevant United Nations resolutions for the speedy granting of independence to colonial countries and peoples.

34. Mrs. KOROMA (Sierra Leone) wished to draw the attention of members of the Committee to a number of points connected with the item under consideration. The reports of United Nations committees responsible for studying the economic situation in colonial territories brought out the extent of the economic support being afforded to the colonialist régimes in defiance of General Assembly resolution 2955 (XXVII), which had strongly condemned those States members of NATO and other Powers which assisted Portugal and other racist régimes in their suppression of peoples' aspirations for, and enjoyment of, human rights. It was a known fact that Portugal—a poor and underdeveloped country—could not by itself finance the long repressive wars being waged in Africa and that it lacked the financial means to exploit the natural resources of the African territories under its control. In such circumstances, Portugal's tenaciousness in holding on to its colonial territories at all costs and the obstructionist tactics used at the United Nations by its allies should come as no surprise. Their activities demonstrated a conscious and systematic effort to strengthen Portugal and enable it to create an atmosphere of repression conducive to the plundering of the natural resources of the country and the complete exploitation of the indigenous labour force. The situation was not desperate, however: the attainment of independence by Guinea-Bissau was a source of satisfaction to all men of conscience and goodwill, who should support the new State in its struggle both to escape the stranglehold of Portugal and the NATO countries and to liberate the part of its territory still under colonial domination. The international community had already witnessed attempts to overturn

the independent and sovereign African States, and the United Nations should play an active role not only to ensure the survival of Guinea-Bissau but also to enable it to intensify its efforts to complete the work of national liberation.

35. Mr. KABINGA (Zambia) said that his delegation welcomed the Secretary-General's report (A/9154), which reviewed the nature and forms of the humanitarian and other assistance which the United Nations, the specialized agencies and other organizations and Governments rendered to colonial countries and peoples and to the inhabitants of the liberated areas. No one now disputed the need for such humanitarian assistance, but practical means of ensuring it must still be found. It was often said that the difficulty lay in the methods of distributing the assistance to oppressed peoples. His delegation was convinced that the national liberation movements and the international organizations recognized by them were more than capable of ensuring the distribution of humanitarian assistance both to the inhabitants of the liberated areas and to those who were still under colonial and racist rule. Governments could still render aid to Guinea-Bissau, even if they had not yet recognized the new independent State, through the legitimate Government of the Republic of Guinea-Bissau under the leadership of PAIGC (Partido Africano da Independência da Guiné e Cabo Verde). The problems faced by the recipient countries, such as Zambia, owing to the arrival of refugees from colonial territories or from areas subject to oppressive régimes continued to grow, and his delegation hoped that the United Nations, the specialized agencies, the other competent organizations, and Governments would continue to provide assistance to overcome those problems.

36. The fact that his delegation had stressed the need for humanitarian assistance certainly did not mean that it considered, like the representative of Portugal in the Third Committee, who purported to speak for the oppressed peoples of the Portuguese colonies, that purely humanitarian measures could solve the problems of Africa. The United Nations and the majority of Governments had recognized that peace would not come to southern Africa until the Portuguese colonies and the oppressed peoples of Southern Rhodesia, South Africa and Namibia attained independence. The Oslo Conference of Experts had requested that a programme of diplomatic, political, economic and other action should be undertaken and it had recognized unequivocally the right of the people of those areas to independence and self-determination. His delegation requested the countries which had not yet done so to recognize the new State of Guinea-Bissau and it appealed to States Members of the United Nations to recognize the representatives of the national liberation movements as the only authentic representatives of the oppressed peoples.

37. The racist régimes in Salisbury and Pretoria would already have disappeared together with Portuguese colonialism if it had not been for the political, economic, technical, military and other assistance provided by certain NATO countries. That assistance had helped not only to sustain the oppression but also to make southern Africa an area of tension and a veritable powder keg.

38. As to the objections made by the representative of Portugal to the financial and other aid granted to the liberation movements, on the grounds that such aid would be used against peaceful people, everyone knew that it was the Portuguese colonial troops which were burning whole villages and putting their inhabitants into concentration camps. The assertion that Portugal was progressing towards self-determination was entirely without foundation, and the elections held recently in Africa were merely a parody of the electoral process, as the representative of Portugal knew full well. Finally, his delegation reminded all delegations that peace would not come to Africa until the oppressed peoples were free to determine their own destiny. Consequently, in any discussion of the means of extending the assistance rendered to those peoples, the emphasis must be placed on the need to eliminate colonialism and the racist régimes of the white minorities.

39. Mr. KARASSIMEONOV (Bulgaria) said that he wished to state yet again the position of principle of his country concerning the item before the Committee. His delegation renewed its solidarity and its support of the peoples struggling for independence and the elimination of racism; it also supported United Nations efforts to that end. However, like many African delegations, it believed that actions spoke louder than words, and that the role of the United Nations in the matter of humanitarian assistance should also be judged by that standard. The atrocities described in the report 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 (A/9023 and Add.1-7) troubled the conscience of mankind and generated a feeling of solidarity in the world community; but such criminal actions could not be the subject of theoretical debate: they must be combated. Fundamental human rights would be flouted as long as colonialism and racial discrimination existed and enjoyed the support of certain Powers. His delegation considered that the right to self-determination was the pre-condition for the realization of those fundamental human rights and it had always rendered every kind of material and moral support to the peoples of Angola, Mozambique, Zimbabwe and Namibia and to the other peoples enduring colonialism and discrimination. It saluted the victory of the people of Guinea-Bissau and it had recognized its new Government. It associated itself with those who had expressed their admiration of Amílcar Cabral.

40. It was his country which had proposed the inclusion in the agenda of the twenty-second session of the General Assembly of the question of the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations, and it attached great importance to that aspect of the implementation of the right of peoples to self-determination. It regretted that many specialized agencies had not finally terminated their collaboration with Portugal and South Africa and had not increased the scope of their assistance to colonial peoples.

41. Mr. GAHUNGU (Burundi) said that his delegation vigorously supported the declarations made by the United Nations in defence of the rights of the peoples which were still oppressed and persecuted in defiance

of the principles embodied in the Charter—an anachronistic state of affairs 25 years after the adoption of the Universal Declaration of Human Rights, which had itself been followed by the adoption by the United Nations and OAU of many resolutions condemning racism, colonialism and the policy of *apartheid*. Portugal, South Africa, Rhodesia and other States continued to defy the whole of mankind thanks to the support of certain Powers. They could rely on the protection of those Powers because they permitted them to share in the plunder of raw materials whose true owners were defenceless. He supposed that was the reason for the arrogance of the so-called representative of Portugal, but wondered whom exactly that African represented and for what reasons.

42. Mr. MOREIRA (Portugal), speaking on a point of order, said that his statement had been made on behalf of Portugal and the Portuguese delegation. He had attacked no one and was astonished to have received threats against his personal safety based on arguments of race and colour.

43. The CHAIRMAN referred to article 115 of the rules of procedure of the General Assembly and requested the representative of Burundi to complete his statement, it being understood that the representative of Portugal would be able to speak at a later stage in exercise of the right of reply for as long as he wished.

44. Mr. GAHUNGU (Burundi), continuing his statement, said that the representative of Portugal had indicated that, in Portugal's case, it was appropriate to speak of assimilation, not colonization, but Portugal's real contribution to the Territories under its domination was well known: it consisted of material, intellectual and moral poverty. As for the racist régime of Pretoria, it had made itself the protector of the illegal Salisbury régime, supported the Lisbon Government and was very much interested in the events in the Middle East.

45. His delegation was, however, aware of the fragility of the racist and colonialist régimes, which owed their continued existence to the considerable material and military assistance they received from the NATO Powers. It therefore joined all the other delegations which had asked those Powers to reconsider their attitude towards the régimes in question so as to enable mankind to make progress in ensuring respect for equality, complementarity and solidarity. At the same time, it upheld the just and noble cause of the liberation movements of the peoples who were struggling for their independence and supported the specific proposals calling for immediate independence for all the Portuguese colonies, the withdrawal of South Africa from Namibia and recognition of the right to self-determination of the black peoples of South Africa and Rhodesia and of the Palestinian people. It called upon all States Members of the United Nations, as well as all governmental and non-governmental organizations, to give material and moral assistance to all the peoples who were fighting for the universal cause of the respect and dignity of man.

46. Mr. AL-QAYSI (Iraq)* said that the purpose of the agenda item under consideration was the "universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples" to ensure "the effective guaran-

* The statement by the representative of Iraq is reported in a detailed manner in accordance with the decision taken by the Committee (see para. 52 of the present meeting).

tee and observance of human rights", a purpose which could not be achieved unless self-determination was actually recognized as a right in the process of decolonization.

47. The problem of colonialism, neo-colonialism, *apartheid* and racial discrimination was certainly one of the most burning issues of the day and, in order to succeed in solving it, it was essential to grasp the root of the problem and gauge its dimensions. It must be realized that the policies of the colonialists in Africa and elsewhere were designed to maintain a social and economic structure which served the strategic and economic interests of international capitalism. Hence, an unholy alliance, which took the form, either directly or indirectly, of neo-colonialism. He would address himself to those two aspects of colonialism without losing sight of the right to self-determination.

48. Under the Charter, one of the main purposes of the United Nations was to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, a measure which was considered appropriate for strengthening universal peace—another important means being to promote and encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion. Since the adoption of those objectives, the evolution of the world order had left its imprint on the political and legal aspects of their implementation. In the political sphere, the so-called liquidation of the former colonial empires should not create any illusions. Although that liquidation had been carried out against the wishes of the colonialists it was far from complete, and direct colonialism was still kept alive in the interests of capitalist exploitation; and there was also the more dangerous indirect form, neo-colonialism, designed to protect economic and strategic interests. In the legal sphere, the colonialists continued to apply strategies and tactics for the exploitation of peoples, in the guise of outdated laws and legal practices denying the evolution inherent in law. With regard to decolonization, there were two outstanding examples of cases in which the international legal order had so evolved to meet the collective needs of the world community. First there was the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted by the General Assembly on 14 December 1960 in resolution 1514 (XV); then there was the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, adopted by the General Assembly on 24 October 1970 in resolution 2625 (XXV). In the first case, the General Assembly had solemnly proclaimed the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations and had declared that the subjection of peoples to alien domination and exploitation constituted a denial of fundamental human rights and in the second case it had established norms deriving, *inter alia*, from the principle of equal rights and self-determination of peoples. There was, however, no indication that the colonialists and neo-colonialists believed in the objective of the full implementation of the provisions of the Charter, the instruments adopted within its framework and the Universal Declaration of Human Rights—texts which clearly demonstrated the emergence of the following new norms. The principle of equal rights and self-

determination embodied an inalienable "legal right" of peoples under colonial or alien domination or alien control. All States had the legal duty to recognize that right and failure to do so entailed responsibility. Recognition of that right should be translated into positive action within the framework of the purposes and principles of the Charter. Those norms were the expression of the collective will of States, which in turn corresponded to their collective practice, and it could not be claimed that they were not binding because they took the form of recommendations. Practice must take precedence over the classical rules of law, which were no longer supported by the *opinio juris necessitatis*.

49. With regard to means of exercising the right to self-determination, which had an objective element—a geographical entity with its various politico-juridical ramifications, and a subjective element—the legitimate national aspirations of a people, there was no doubt that, according to the Charter and the Declarations to which he had referred, peaceful means should be used in the first instance. However, if the colonial Power refused to transfer peacefully to the people under its domination the authority to which they were entitled, it was guilty of an illegal occupation of territory which entitled the people to resist, by armed force if necessary, in order to secure respect for the right they had been denied. Any other interpretation would freeze the colonial *status quo* and make nonsense of the purposes and principles of the Charter and the collective will of the international community.

50. The principles of justice, humanity, tolerance, the dignity of man and the brotherhood of all men, which were deeply rooted in the Arab tradition, had been deliberately trampled under foot in the Arab lands by the forces of colonialism, neo-colonialism and racism, whose most recent embodiment was zionism. The problem of Palestine was identical in dimension to the problems of colonialism and racism. In fact, Israel, which had been born of settlement colonialism in 1948—the same year as South Africa—had been built on the basis of racial discrimination and the myth of a "chosen people". The colonialist and racist minority régimes of Africa and Israel, strong pillars of the economic and strategic interests of international imperialism, practised the same policies of colonization, repression, extermination, aggression and expansion and had repeatedly demonstrated their contempt for international public opinion and the will of the United Nations. The Palestinians, like the African peoples, had been expelled from their homeland, had had their houses demolished, their villages destroyed, their crops burned and their lands occupied by new settlers. They were arrested without trial and their freedom of movement was restricted. For the third world, however, the most dangerous aspect of Israel's existence was the insidious manner in which Israel had emerged as a source of aid and assistance to developing countries. Time had shown that that was a front behind which the Zionist régime was working to maintain imperialist influences in the third world, in the service of colonialism and racial discrimination. Since the colonial Powers and foreign subjugators seemed unwilling to assume their international responsibilities and allow the process of self-determination to proceed peacefully, decolonization and the realization of the right of peoples to self-determination must continue to be strengthened through the modalities of action provided

for in United Nations resolutions. If all those who sincerely believed in human rights closed their ranks, the struggle they were carrying out against the colonialists for emancipation, justice and the dignity of man would be crowned with success.

51. Mr. KABINGA (Zambia) requested that, in view of the exceptional importance of the statement just made by the representative of Iraq, the text should be reproduced *in extenso*.

52. The CHAIRMAN said that, if there was no objection, the statement of the representative of Iraq would be reported in a detailed manner in the summary record of the meeting.

It was so decided.

53. Mr. ELHOFARI (Libyan Arab Republic) said that his delegation attached great importance to the item under consideration because the Libyan Arab Republic had long suffered as a result of foreign occupation and knew what independence and colonialism meant. While it welcomed the independence of the new State on the African continent, Guinea-Bissau, whose heroic people had liberated most of the territory, and hoped that the rest of the territory would soon be liberated, it deplored the fact that, 25 years after the adoption of the Universal Declaration of Human Rights and 13 years after the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples, colonialism was still rampant in many parts of the world. Although the International Conference on Human Rights, held at Teheran in 1968, had reaffirmed the importance of the universal realization of the right of peoples to self-determination, Portugal, South Africa and the Smith régime in Rhodesia continued to defy the resolutions of the United Nations. The same was true of their allies and, in particular, the United States of America and the NATO Powers, which were giving them military, economic and other kinds of assistance. Those Powers were responsible for the suffering the African people had undergone because, without their support, the minority régimes could not stay in power.

54. In the Middle East, the people of Palestine were still struggling heroically against the Zionists who had come from various parts of the world and expelled them from their homes. There was no doubt, however, that the Palestinians would ultimately succeed in expelling the invaders and recovering their land.

55. It was also regrettable that in other parts of the world, particularly in Indo-China and in Latin America, many peoples were the victims of imperialist aggression.

56. With regard to the report of the Secretary-General (A/9154), his delegation welcomed the co-operation which had been established between the United Nations and OAU, and hoped that the United Nations would increase its assistance to African peoples under colonial domination as well as in the liberated areas. It was important that all peace-loving peoples and countries should do the same. For its part, the Libyan Arab Republic had imposed an embargo on all vessels bound for South Africa, Southern Rhodesia and the Territories under Portuguese domination, in implementation of the relevant resolutions of the United Nations and OAU; it had closed its air space to all aircraft travelling to those territories and gave moral and material support to all liberation movements throughout the

world, particularly those in southern Africa and the Palestinian liberation movement.

57. Mr. THOMAS (Liberia) said that, in the opinion of his delegation, the item under discussion should be entitled "The restoration of self-determination to colonial countries and peoples". When the European Powers had partitioned Africa at the Berlin Conference of 1885, they had destroyed all existing indigenous Governments in the territories. The role played by village chiefs in African history was well known. The numerous resolutions adopted by the United Nations, particularly General Assembly resolution 1514 (XV), were designed to restore to the peoples of the colonial territories the legitimate right of self-determination enjoyed by them before the advent of colonialism.

58. He recalled that in 1961 his delegation had taken the initiative of bringing the question of Angola to the attention of the Security Council for the first time. If the United Nations had subsequently taken a firmer stand against Portugal, the massacre which had occurred in Mozambique at that time would not have taken place. South Africa and the illegal régime of Rhodesia had also consistently disregarded the resolutions of the United Nations and had continued their policy of repression. South Africa had persisted in its ignoble policy of *apartheid* and had even extended it to Namibia.

59. His delegation felt that the time was ripe for some positive action to ensure that with the assistance of the great Powers, the resolutions already adopted by the Security Council and the General Assembly were implemented. It hoped that Portugal and South Africa would attune their thinking to current realities and comply with all the relevant resolutions which had been adopted, so that the peoples of the territories in question could enjoy freedom and exercise their fundamental rights.

60. Miss ALIGAWEEESA (Uganda) said that the importance of the item under discussion need not be emphasized. It appeared year after year on the agenda of the Committee and other competent United Nations bodies, but nothing seemed to change much. In southern Africa, the situation was deteriorating and had become very explosive. Portugal continued to defy world opinion by practising the worst forms of colonialism and imperialism, thus violating the principles enshrined in the Charter of the United Nations and imperilling world peace and security. The racist régimes of South Africa and Rhodesia also pursued the same policy and deliberately disregarded the Universal Declaration of Human Rights, the Declaration on the Granting of Independence to Colonial Countries and Peoples, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and the International Convention on the Elimination of All Forms of Racial Discrimination.

61. All were aware that Portugal, the poorest country in Europe, refused to recognize the basic rights of the peoples of Mozambique and Angola because of the support given to it by its NATO allies. The figures for trade between the Western countries and the so-called Portuguese colonies indicated that those Powers had everything to gain by maintaining Portugal's presence in Africa. In 1971, there had been an agreement whereby the United States had undertaken to supply Portugal with \$435 million in credits and direct aid in return for a five-year lease on the Azores military base.

That agreement constituted an attempt to strengthen Portugal's position and help it to enforce its hold over Angola and Mozambique. Moreover, since the security of South Africa was closely linked to the question of the Portuguese Territories, United States support of Portugal could not be dissociated from its support of South Africa's *apartheid* policy. It was known that South Africa had pledged its readiness to provide military assistance to all the countries of southern Africa, including Mozambique and Angola, in order to combat so-called terrorism, whereas it was the Portuguese army that was really terrorizing the people. The people would ultimately be victorious in their struggle, judging by the example of the Republic of Guinea-Bissau which, only a few weeks after proclaiming its independence, had been recognized by more than 70 States. That new victory for Africa indicated that despite the weapons and troops supplied by the NATO Powers, Portugal's days were numbered.

62. As far as the illegal occupation of Namibia by South Africa was concerned, she wished to reiterate that South Africa had no right to be in that Territory, to which it had extended its racist policy. The people of Namibia were being systematically persecuted and denied every basic human right. Her delegation deplored the attitude of the South African Government and joined all other States which had demanded that South Africa should be forcibly evicted from Namibia.

63. In South Africa, beatings, arrests and summary executions were the rule. The entire framework of the law was dedicated to one purpose—the maintenance of economic and political control of the country's resources by the white minority. That situation was perpetuated only because of foreign capital and the presence of immigrants; if the régime was isolated, it would be unable to survive. Moreover, its attempt to have a dialogue with the independent African countries, in order to legitimize its existence and discredit the liberation movements, had been unsuccessful.

64. The United Kingdom Government continued to state that Rhodesia was a United Kingdom colony and that the United Kingdom was entirely responsible for it; yet the people of Zimbabwe were being persecuted and the minority régime was following in South Africa's footsteps. If the United Kingdom was genuinely concerned about the sufferings of the people of the Territory, it would have found a way of doing something, but its alliance with the Smith régime was well known. There had recently been a debate in the United Kingdom Parliament as to whether Rhodesia should be recognized as an independent State. Although the motion to that effect had been defeated, the mere fact that it had been submitted showed how equivocal the United Kingdom's position was.

65. The situation in the Middle East was also a matter of serious concern and her delegation believed that a lasting settlement could not be achieved unless the Palestinian problem was settled. The Palestinian people had the right to live in peace in their own land, and as long as the Palestinians were homeless refugees, the Middle East issue would remain.

66. In conclusion, she wished to stress that colonialism, wherever and however it was practised, must be condemned in the strongest terms by all who wished to see peace prevail in the world.

67. Mrs. MANDARA (United Republic of Tanzania) considered that the three meetings allocated to the agenda item under consideration were quite inadequate to cover such an important question; she hoped that due note would be taken of the Committee's discussions on the item, limited as they were. The item before the Committee lay at the very basis of the Universal Declaration of Human Rights and involved one of the principles on which the United Nations had been founded. Without independence, it was impossible to ensure respect for the most basic of human rights. Accordingly, her delegation felt constrained to voice once again its indignation at the way in which the people of southern Africa and other peoples under colonial domination had been denied the exercise of their inalienable right to self-determination by the racist minorities. The world community, and the United Nations in particular, had the duty to ensure that colonialism, imperialism and neo-colonialism were liquidated. The right to self-determination was not a matter for bargaining between oppressor and oppressed, and when it was denied to any people, the latter had the sacred duty to seek any means at their disposal to win their independence and to live in conditions of freedom and dignity.

68. Twenty-five years after the adoption of the Universal Declaration of Human Rights and 13 years after the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the policies of *apartheid* and racial discrimination still had to be endured and the peoples of southern Africa and the Portuguese colonies were being persecuted by the minority racist régimes and by the racist Portuguese authorities who resorted with impunity to every means—including murder, torture and the use of napalm—in order to perpetuate their rule. She recalled the massacres committed in Mozambique by the Portuguese authorities and pointed out that only some of those acts were known to the world community, and that was thanks to witnesses such as Father Hastings and other missionaries who, as a result of their revelations, were now languishing in Portuguese gaols. At the same time the indigenous people were being used by the colonialists as a reservoir of cheap labour, thus saving the metropolitan economy from collapse. She drew attention, in that connexion, to the information contained in chapter IV of the report 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 (A/9023 (part III)), concerning the wages paid to African workers and the removal of the indigenous population of Angola, which was being forcibly settled in areas with a poor climate and poor soil so as to leave the fertile areas for European immigrants.

69. In South Africa, the racist Government was flouting world opinion and the General Assembly resolutions and violating the principles of the Charter, while continuing to be a member of the Organization. The majority of the population was suffering daily persecutions, which even extended to genocide in the case of the black population, as could be seen from the Sharpeville and Carletonville incidents. Those criminal acts must be condemned by all peoples with a sense of decency.

70. With regard to Namibia, the South African Government was continuing to ignore General Assem-

bly resolution 2145 (XXI) terminating South Africa's mandate to administer the Territory, as well as all subsequent decisions by the General Assembly, the Security Council and even the International Court of Justice. South Africa had extended its policy of *apartheid* to Namibia by setting up Bantustans. Once again she referred the Committee to the report of the Special Committee, in particular to chapter VIII of the report (A/9023/Add.2). Her delegation felt that the United Nations should leave no stone unturned in its efforts to end South Africa's tyrannical authority over the Namibian people.

71. In Southern Rhodesia the illegal régime of Ian Smith was also beginning to apply the South African policy of *apartheid*. She recalled the historical responsibility of the United Kingdom in the matter and observed that that country's attitude had hardly changed at all. In 1965, the United Kingdom Government had announced that it would take only a few weeks to bring the illegal régime to its knees. Yet eight years had gone by without any productive efforts on the part of the United Kingdom Government, which simply talked about talks while the Smith régime continued to consolidate its illegal authority and distinguished African leaders languished in prison. Farcical efforts had been made by the United Kingdom Government to induce the people of Rhodesia to accept minority rule, but they had unequivocally rejected the proposals of the Pearce Commission and the freedom fighters were continuing and intensifying their struggle. Her delegation called upon all States Members of the United Nations to stand fully behind the fighters for the freedom of Zimbabwe, both inside and outside the Territory, for if they did not do so they would be party to the creation of another South Africa before the end of the decade.

72. Despite the many resolutions and decisions of the General Assembly and Security Council, the racist régimes of South Africa and Rhodesia and the Portuguese colonialists were continuing to oppress the peoples of southern Africa, with the help of the considerable support they received from certain members of NATO. That fact had been acknowledged by the Special Committee in chapters IV and V of its report on activities of foreign military and economic and other interests which were impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (A/9023 (parts III and IV)). Her delegation appealed once again to the States that were collaborating with colonialism to stop forthwith all the assistance they were giving to the colonial régimes. In the final analysis they were the ones responsible for the continuation of a situation which constituted a threat to international peace and security and a serious impediment to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

73. Her delegation welcomed the decision taken by the people of Guinea-Bissau in proclaiming their independence, and condemned the continued presence of the Portuguese military forces in Guinea-Bissau. It pledged its full support to the people of Guinea-Bissau in their efforts to consolidate their independence and to fight Portugal.

74. Turning to the question of the Middle East, she emphasized that the root cause of the problem lay in the fact that the Palestinian people, who, like all other

peoples, were entitled to freedom and independence, had been deprived of their basic rights, having been expelled from their country and forced to live in camps. The illegal occupation of the Arab territories by Israel constituted an act of aggression, and an equitable solution must be found to ensure peace in that part of the world and give practical validity to the resolutions of the United Nations.

75. Her delegation reaffirmed its support for all those who were struggling for the restoration of their inalienable rights to self-determination, freedom and independence. It strongly condemned the military, moral and material support that was being given to the racist régimes of southern Africa, and remained convinced that the sacred and just struggle of the peoples of southern Africa and all those still under colonial domination would ultimately be crowned with success. There could be no *détente* or peace where there was injustice, and all talk of human rights would be empty talk until the rights of all peoples to self-determination and human dignity had been restored. That was the goal to which all Member States should dedicate their efforts.

76. The CHAIRMAN announced that an additional meeting would be devoted to the consideration of agenda item 59.

77. Mrs. GEORGE (Trinidad and Tobago) said that it was right that the item should be viewed within the context of resolution 2955 (XXVII), and particularly, of paragraphs 4 and 5. With respect to paragraph 5, the report prepared by the Secretary-General (A/9154) indicated the areas in which activities were being undertaken. The report, which was clear and detailed, afforded delegations an opportunity to relate the political and economic trends to the humanitarian aspirations.

78. Her Government, which supported the objectives of the liberation movements and the principle of granting assistance to those movements, had contributed 22 scholarships under the United Nations Educational and Training Programme for Southern Africa, thus recognizing the legitimacy of the liberation movements of southern Africa and the need to mobilize and develop human resources for independence. In that connexion, she hoped that mention would be made, in the draft resolution submitted on the agenda item, of the suggestion made by the representative of Sweden to the Special Committee after its Special Mission in Guinea-Bissau concerning the presentation in New York and other world centres of a programme of songs, poetry and dancing by a group of school children from Guinea-Bissau.² That suggestion, supported by other members of the Mission, had subsequently been approved by the Special Committee in its report. She thought that it should be possible to arrange for the participation of that group in the programme planned for 10 December 1973 to observe the twenty-fifth anniversary of the adoption of the Universal Declaration of Human Rights and launch the Decade for Action to Combat Racism and Racial Discrimination. Such an initiative would be a very useful contribution to a wider understanding of the moral and political situation in the regions which had just been liberated and of the efforts of the peoples themselves.

79. With regard to the use of force to prevent the peoples of southern Africa and the colonial Territories

² See *Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 23*, chap. X, para. 46.

from exercising their lawful rights, her delegation felt that, in view of the humanitarian, social and cultural mandate of the Third Committee, attempts must be made to transcend the justifiable level of political condemnation and to progress towards the achievement of higher social goals by securing just rights for the peoples concerned. In that connexion she recalled the statement made by her country's representative at the 2162nd plenary meeting of the General Assembly, during the discussion of the draft resolution on Guinea-Bissau. He had said that it would have been better to see the evolution in Guinea-Bissau developed in a more peaceful manner, the process of history could not be

circumvented. Her delegation once again wished to pay tribute to Amílcar Cabral, the founder of PAIGC, whose role had been so important. It was to be hoped that the former colonial Power would not repudiate the recognition accorded to Guinea-Bissau by such a large majority of countries, as that would only aggravate international tensions. The achievement of the people of Guinea-Bissau of their national and cultural aspirations would serve as a basis for both the colonizers and the colonized for reconciling their points of view and avoiding unnecessary bloodshed.

The meeting rose at 6.10 p.m.

2018th meeting

Tuesday, 6 November 1973, at 3.05 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2018

AGENDA ITEM 59

Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights: report of the Secretary-General (*continued*) (A/9154, A/C.3/L.2047)

1. Mr. LUBIK (Poland) recalled that in its resolution 2955 (XXVII), the General Assembly had decided to examine ways and means of extending maximum humanitarian and material assistance to the peoples of the colonial Territories and had requested the Secretary-General to submit a report on that subject at its twenty-eighth session. The Secretary-General's report (A/9154) contained information on the scope and nature of the assistance provided to the colonial countries and peoples, and to the peoples in the liberated areas of the colonial Territories, by organs of the United Nations, the specialized agencies and intergovernmental and non-governmental organizations. The Secretary-General was to be congratulated for his excellent report, and all the organs of the United Nations, agencies, organizations and States mentioned in the report were to be commended for the assistance they had provided.

2. However, despite all the assistance that had been furnished and despite all the decisions and resolutions of the General Assembly, the situation had not changed very much. The policy of *apartheid* persisted and the efforts aimed at enabling the peoples of the territories of southern Africa to exercise their inalienable right to self-determination and independence were producing no result. Recently, the liberated area of a former Portuguese colony, the Republic of Guinea-Bissau, had proclaimed its independence. All progressive peoples had recognized it. But there were still some capitalist States which were helping the Portuguese colonialists to destroy and humiliate the people who had decided to take their fate into their own hands and to live free. Poland, for its part, did not maintain political, economic or cultural relations with the racist and colonialist

régimes of South Africa and Rhodesia, and it condemned the policy of Governments which were encouraging those countries in their inhuman practices.

3. One of the causes of the current conflict in the Middle East also stemmed from the denial to the people of Palestine of their right to self-determination. The war in the Middle East would not burn out until that right was recognized and the legitimate aspirations of the people of Palestine were duly taken into consideration in any solution of the question.

4. Since the establishment of the United Nations, Poland had constantly taken an active part in the preparation, adoption and implementation of effective international measures to combat colonialism and racism. Poland had furnished moral and material assistance to the liberation movements fighting for independence and self-determination; direct material assistance had been supplied to MPLA (Movimento Popular de Libertação de Angola), FRELIMO (Frente de Libertação de Moçambique), ANC (African National Congress of South Africa), PAIGC (Partido Africano da Independência da Guiné e Cabo Verde) and SWAPO (South West Africa People's Organization).

5. Mr. GRAEFRATH (German Democratic Republic), said it was the position of his country that colonialism and neo-colonialism, just like slavery, were a negation of human rights in every respect and that the exercise of the right to self-determination was a fundamental prerequisite for the safeguarding of those rights. Indeed, all the other specific rights, such as freedom of assembly or of conscience, the right to work or the right to education were meaningless as long as a people remained under the colonial yoke. It was therefore very gratifying to know that the Third Committee was paying great attention to that fundamental right.

6. Although much success had been achieved over the preceding 15 years in the struggle against colonialism, not with the co-operation of the colonial Powers but as a result of the liberation struggle of the peoples themselves—as could be seen from the recent example of Guinea-Bissau—many countries in Africa and elsewhere were still being subjected to colonial oppression

which, in various forms, served the exploitation of the peoples by the monopolies and constituted a grave violation of international law. In that connexion, the delegation of the German Democratic Republic wholeheartedly agreed with the views expressed in the Political Declaration (see A/9330 and Corr.1) of the Fourth Conference of Heads of State or Government of Non-Aligned Countries, held at Algiers in September 1973. The Conference had also arrived at the conclusion that the colonialist Powers—Portugal, South Africa and Southern Rhodesia—could not continue their brutal and illegal policies without the assistance they received from certain States of the North Atlantic Treaty Organization (NATO). For years the United Nations had appealed to all States to stop supporting colonialism, and in some cases even sanctions had been decided upon. In that connexion, he stressed the contradictory attitude of certain States which condemned colonialism in word but at the same time delivered weapons to the colonial Powers in order to help them perpetrate horrible massacres. The time had come to declare in all seriousness that all those States which furnished military, economic and political assistance to the colonial Powers bore a share of the responsibility for the violations of international law and of the principles of the Charter of the United Nations committed by the colonial régimes. Colonial domination was a form of aggression; that was why the peoples fighting for their liberation were in fact exercising their right of self-defence and were entitled to resort to all appropriate means. Moreover, the United Nations and all States had the duty to support the liberation movements of those peoples, the representatives of which should be heard in the United Nations. Lastly, the colonial Powers had a responsibility to apply the Geneva Conventions of 1949 in respect of armed conflicts, since the struggle carried on by the liberation movements could not be considered an internal conflict. The German Democratic Republic, for its part, had consistently supported the liberation movements and the legitimate struggle of the peoples subjected to colonial domination. It would continue to do so in the future, by providing both direct assistance and training. In conclusion, the German Democratic Republic supported the proposals which had been made at the International Conference of Experts for the Support of Victims of Colonialism and *Apartheid* in Southern Africa, which was held at Oslo in April 1973, for the strengthening of sanctions against the colonial and racist régimes, the implementation of which could contribute substantially to the realization of the right of peoples to self-determination and, thus, to the promotion of human rights throughout the world.

7. Mr. PELLICER (Mexico) recalled that his country had been subjected to colonial domination for three centuries and had not achieved independence until 1821, after 11 years of war. Since that time, it had been obliged to fight to preserve that independence and to combat the colonialist designs of the foreign Powers which had invaded it on various occasions. As a result of one of those acts of aggression, Mexico had lost 50 per cent of its territory; at that time diplomatic recognition had been a matter for commercial negotiations, subject to the law of supply and demand.

8. In the twentieth century, new and more subtle forms of colonialism had appeared, namely, transnational enterprises, which compromised the right to self-determination of the developing countries which

were legitimately seeking to consolidate their independence.

9. As the Minister for Foreign Affairs of Mexico had stated at the 2139th plenary meeting of the General Assembly, the situation prevailing in southern Africa was intolerable. Like peace, freedom was indivisible and as long as certain peoples were subjected to colonialism or racial discrimination, no man of goodwill could feel comfortable or content. The United Nations must continue its struggle to eliminate colonialism completely and definitively, in all its forms and manifestations, direct and indirect, political and economic, and his delegation was prepared to take part in the study of ways and means to achieve that objective. Accordingly, the Mexican delegation had voted in favour of General Assembly resolution 3061 (XXVIII) concerning the independence and territorial integrity of the Republic of Guinea-Bissau.

10. Guided by its own experience, Mexico declared its solidarity with all peoples struggling for their freedom and all those who, once they had won it, had to defend it against the attacks of neo-colonialism. One of the fundamental tasks of the United Nations was to ensure the full implementation of General Assembly resolution 1514 (XV) on decolonization, but that question should not be considered solely in a political context: it should also be dealt with from the economic standpoint. For that reason, his delegation felt that the preparation and adoption of a charter defining the rights and duties of States in the economic field was essential. Until all forms of colonialism were totally eliminated, the developing countries, whether African, Asian or Latin American, would be unable fully to exercise their rights in the international sphere.

11. Mrs. KINYANJUI (Kenya) said that her country was seriously concerned about the fate of the millions of Africans condemned to slavery by Portuguese colonialism in Angola, Mozambique and the occupied areas of Guinea-Bissau, and about the repression and terror practised by the *apartheid* régime in South Africa and Namibia and by the illegal rebel régime in Rhodesia. It hailed the declaration of independence by the freedom fighters of Guinea-Bissau and appealed to all freedom-loving peoples to give their moral and material support to the new independent State, as Kenya itself undertook to do.

12. At the Fourth Conference of Heads of State or Government of Non-Aligned Countries a resolution (see A/9330 and Corr.1) had been adopted urging the members of NATO to expel Portugal from that organization unless it put an end to the massacre of Africans, withdrew its troops from African soil and granted independence to its African colonies. Everyone knew that the arms supplied to Portugal for European security and the Portuguese officers trained within NATO were, in fact, used to suppress human rights, democracy and freedom in Africa. In South Africa the situation continued to be explosive. The recent massacre at Carletonville demonstrated that the minority régimes of South Africa were determined to destroy the Africans, while the Bantustans which had been established were nothing but labour reservoirs in which the whites penned the black majority in order to exploit it and thus make profits that would sustain the apparatus of *apartheid*. With regard to Rhodesia, her Government recommended the convening of a round-table conference

of all the interested parties, and particularly the Africans, whose political destiny was at stake, to work out a constitutional arrangement for the granting of independence to the African majority under an equitable electoral system. In Namibia, her Government would support all the efforts made by the United Nations to promote African majority rule and independence and to put an end to the illegal presence of South Africa in that Territory.

13. It was disappointing to learn that during his recent visit to Lisbon, the Duke of Edinburgh had been compelled to avoid any criticism of Caetano's colonialist policies and thus put the friendship between the United Kingdom and Portugal before the lives of millions of Africans.

14. She appealed to the Government of the United States to honour the tradition of the founding fathers by deciding, on the occasion of the 200th anniversary of the American Declaration of Independence, which would be celebrated in 1976, henceforth to refrain from providing arms to Portugal, sustaining the *apartheid* policy of South Africa through investments and assisting the illegal régime of Ian Smith by trading with Rhodesia, so that the peoples of Angola, Mozambique and occupied Guinea-Bissau, and the peoples of Zimbabwe, Azania and Namibia, might also have the hope of living in independence and freedom. Similarly, the Palestinian people must be assured of their inalienable rights and the major Powers, which had been responsible for the outbreak of war after the partition of Palestine in 1947, also had the responsibility to bring peace, justice and progress to that region instead of arming one side against the other.

15. Mr. SÖYLEMEZ (Turkey) said that, in the year of the twenty-fifth anniversary of the Universal Declaration of Human Rights, the situation of millions of persons who continued to be deprived of their fundamental rights and to live under colonial domination was an anachronistic reminder of the nineteenth century. Although some progress had been achieved since the 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples—of which Turkey had been a sponsor—the United Nations must continue to do everything possible to ensure the realization of the right of colonial countries and peoples to self-determination and the effective guarantee of human rights, particularly in Namibia, Angola, Mozambique and Zimbabwe.

16. Although Guinea-Bissau's recent declaration of independence was a significant development, the question of Namibia was far from being solved. As a founding member of the United Nations Council for Namibia, Turkey would spare no effort to ensure that the Council, with which South Africa refused to co-operate, was able to carry out the mission entrusted to it by the General Assembly. It also contributed to the United Nations Fund for Namibia and to the United Nations Trust Fund for South Africa. His Government supported the consistent efforts of the United Nations in the field of decolonization and, in that connexion, welcomed the efforts made to enlarge the Secretariat department dealing with decolonization and trusteeship. Finally, his delegation paid a tribute to the work done by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

and welcomed the initiative it had taken in inviting the representatives of national liberation movements to participate in its proceedings.

17. The International Conference of Experts for the Support of Victims of Colonialism and *Apartheid* in Southern Africa had proposed some useful practical measures, and the international programme of action which it had prepared must be carefully studied. As he had stated at that Conference, the co-ordination of various United Nations activities concerning southern Africa was of paramount importance for the implementation of the Security Council and General Assembly resolutions. International research and planning groups might be established exclusively for the problems of southern Africa in order to orient the activities of the existing bodies and organs. Scholarships and fellowships should be offered by UNITAR and other related agencies for the study of the various aspects of the question of racial discrimination, *apartheid* and decolonization, the non-political aspects of which should receive as much attention as the political aspects. There was no doubt that the United Nations offered the best means of providing such co-ordination and avoiding any duplication of activities for the realization of human rights in colonial Territories—a field in which the specialized agencies and non-governmental organizations, in particular, played a vital role.

18. Mrs. MARICO (Mali) said that although the General Assembly had, since the adoption of resolution 1514 (XV), stressed, at each of its sessions, the necessity for the effective implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, that Declaration continued to be disregarded by the colonial Powers, and particularly by South Africa, Portugal and Israel. Any refusal to implement the Declaration—which was one of the foundations of international law—because it ran counter to the interests of colonialism was contrary to international law and seriously jeopardized the activities of the United Nations. In fact, the persistence of colonialism was attributable not to considerations of a legal nature but to a desire to safeguard the economic, strategic and financial interests Portugal and South Africa shared with the military and industrial Powers of NATO. Moreover, those Powers were giving material, financial and military support to their allies in their colonial wars.

19. In addition, the activities and policies of some Member States and some international agencies had, unfortunately, not always been consistent with the commitments assumed under the Charter and, in particular, the provisions relating to human rights. Thus, the specialized agencies of the United Nations system did not always provide adequate assistance to the peoples of the colonial Territories and, in particular, to the peoples of the areas administered by the national liberation movements. Her delegation therefore appealed to the specialized agencies and other competent bodies to give them as much moral and material support as possible and to prepare, in close co-operation with the Organization of African Unity (OAU) and the national liberation movements, specific programmes of assistance to the enslaved peoples.

20. With a view to ensuring that the United Nations assumed all its responsibilities her delegation was submitting draft resolution A/C.3/L.2047, which now had 29 sponsors. She pointed out that some changes had

been made in the text.¹ In the third preambular paragraph, the word "general" had been replaced by the word "Political". The fifth preambular paragraph and operative paragraph 4 had been deleted because, as a free and independent republic, Guinea-Bissau was not covered by the resolution. The paragraphs following the former paragraph 4 had been renumbered accordingly. A new paragraph, which she read out, had been added at the end of the operative part. She pointed out that, in the French text of the new operative paragraph 5, the words "*des membres*" should be replaced by the words "*de ceux des membres*".

21. Reading out the preamble of the draft resolution, she drew the attention of the Secretariat to the fact that, although note was taken "with satisfaction" of the report of the Secretary-General (A/9154), that report, which had been submitted in accordance with paragraph 5 of General Assembly resolution 2955 (XXVII), did not seem to contain a study of the assistance which non-governmental organizations might provide. With regard to the operative paragraphs, she said that, it was appropriate to reaffirm, in paragraph 2, the legitimacy of the struggle, including armed struggle of peoples who wished to be free because, in view of the insulting contempt in which some Powers held all United Nations resolutions, some peoples had no choice but to take up arms. Paragraph 3 was in keeping with the spirit of the Charter and the request made to Member States was based on Article 73 *b* of the Charter. That paragraph should therefore not give rise to any objections. Nor should the new paragraph 4, which was also in keeping with the spirit of the Charter and called for respect for the resolutions of the United Nations. Her delegation therefore hoped that that draft resolution would be adopted unanimously.

22. In conclusion, it wished to pay a tribute to the Sub-Commission on Prevention of Discrimination and Protection of Minorities for its initiative in the fight against colonialism and *apartheid*, and it expressed the hope that the Sub-Commission would receive the support of all Governments and all United Nations organs.

23. The CHAIRMAN informed the Committee that Gabon, the Libyan Arab Republic, Rwanda, Guinea and Democratic Yemen had joined the sponsors of the draft resolution.

24. Mr. ALARCON (Cuba) observed that 28 years after the right of peoples to self-determination had been embodied in Article 1 of the Charter of the United Nations, and despite the adoption of General Assembly resolution 1514 (XV), for millions of people, the right to self-determination and independence was still only an aspiration. Africa was experiencing a recrudescence of colonial wars of extermination, and aggression by the colonial Powers and their allies against independent African States; in the Middle East a fresh act of aggression had been perpetrated against the Arab peoples, which had been the victims of similar acts in the past, while the expansionist and colonialist designs of zionism continued to exacerbate tensions in the region; there still existed in Latin America—particularly in the Caribbean—and in certain areas of Asia colonial situations in the most brutal sense of the term, in which the imperialist and colonialist Powers were joining forces with their multinational companies to deny peoples

their sovereign rights and to implant or strengthen neo-colonialism.

25. In Africa, Portugal, thanks to its NATO allies, was maintaining its colonialist grip on Angola, Mozambique and other Territories; but the real destiny of the peoples of Angola and Mozambique would be the same as that of their brothers in Guinea-Bissau. However, it was essential to take prompt international action to put an end at the earliest possible date to the presence of the Portuguese occupying army in certain areas of the new Republic of Guinea-Bissau, which Cuba had already recognized. The liberation movements in Zimbabwe, Namibia and South Africa continued to exert vigorous efforts, while the Pretoria and Salisbury régimes were closing ranks with the Portuguese colonialists to defend a system which with every passing day further debased those applying or tolerating it. The United Nations should lose no opportunity to denounce the alliance between those régimes and the countries—first and foremost, the United States and the United Kingdom—whose interests were inextricably linked with the persistence of the racist and colonial situation in southern Africa.

26. Recent events in the Middle East, which were the result of the continued aggression of Israel, supported by United States imperialism, again showed the need to solve the Palestine problem once and for all in accordance with the principles of the Charter. The Palestinian people were the victims of one of the most aggressive forms of latter-day colonialism. Deprived of their homeland and stripped of their most elementary rights as a nation, they provided one of the most striking examples of the denial of human rights in colonial territories.

27. There still existed in Latin America colonial situations which warranted the attention of the international community. In Puerto Rico and other territories in the Caribbean, colonialism in its traditional form persisted and peoples were denied the exercise of the sacred right to independence and self-determination. The Malvinas, which formed an integral part of the Argentine Republic, remained under foreign occupation. The Panama Canal Zone continued to be arbitrarily occupied by the United States, which administered that portion of Panamanian territory as though it was a colonial enclave.

28. The persistence of all those situations posed a serious threat to independent third world States. They were all manifestations of the same policy of exploiting the peoples of the developing countries, destroying indigenous nationalities, organizing the mass immigration of aliens who gradually assumed control of the main sectors of political and economic life, and promoting the exodus of the inhabitants of colonized territories, who were to be deprived not only of their territory but also of their nationality.

29. For all those reasons, his delegation regarded the item under consideration as of the highest importance. The international community should redouble its efforts to ensure the complete eradication of colonialism in all its forms and manifestations and to protest against the gross violations of human rights in those territories where neo-colonialism was still dominant. The question of political prisoners who were being held in captivity because they had fought for the liberation of those territories warranted particular attention. The Commit-

¹ The revised text was subsequently circulated as document A/C.3/L.2047/Rev.1.

tee should devote special consideration to the situation in South Africa and in Puerto Rico, where a number of people had been imprisoned since the early 1950s for participating in the national independence struggle. The international community should speak out for the immediate release of the Puerto Rican nationalist patriots, several of whom were seriously ill. They were the living symbol of their people's indomitable resistance to colonialism.

30. Mr. VARGA (Hungary) recalled that in the Declaration on the Granting of Independence to Colonial Countries and Peoples the General Assembly had solemnly proclaimed the necessity of bringing colonialism in all its forms and manifestations to a speedy and unconditional end and had reaffirmed the right of peoples to self-determination.

31. Although the liquidation of the last vestiges of colonialism had continued since the adoption of that instrument, the objectives laid down in it had unfortunately not been fully realized and colonial oppression remained a reality for millions of people in Africa, Latin America and other parts of the world. For that reason, the destruction of the last bulwarks of colonialism, neo-colonialism and racism had become one of the burning issues of the modern age—particularly in Africa, where they posed a threat to the already independent countries and to the continent as a whole.

32. The major cause of that state of affairs was the union of the interests of the colonialist and racist régimes and certain NATO Powers. It was the economic and military aid provided by those Powers that enabled the minority régimes of South Africa and Southern Rhodesia to survive, despite the growing resistance of the local populations and the pressure of world public opinion, and that made it possible for Portugal to continue to wage its bloody wars against the African peoples fighting to exercise their right to self-determination and independence. However, the joint efforts of the racist régimes and their NATO allies could not prevent those who were fighting for their independence from succeeding, and Hungary joined the progressive forces that had welcomed the proclamation of the Republic of Guinea-Bissau.

33. The Hungarian Government attached great importance to the efforts of those seeking to rid themselves of the colonial yoke, and regarded as legitimate the struggle of the peoples of South Africa, Namibia, Zimbabwe, Guinea-Bissau and Palestine. It declared its solidarity with them, and was endeavouring to provide the liberation movements with moral and material support.

34. His delegation supported all efforts by the United Nations to ensure the exercise of the right to self-determination, and was of the opinion that the Organization should continue to take effective measures to implement its resolutions, in particular those calling upon the Member States to sever all relations with the colonial régimes and cease to assist them. At the same time, the United Nations should help those suffering from colonial oppression.

35. His delegation supported draft resolution A/C.3/L.2047, of which it was a sponsor.

36. Miss FAROUK (Tunisia), expressing regret that only three meetings had been allotted to the consideration of item 59, said she wished to reaffirm one of the

major principles guiding Tunisia's action—the inalienable right to self-determination and independence of peoples under foreign colonial rule, particularly the peoples of Zimbabwe, Namibia, Angola and Mozambique and the Palestinian people. Her delegation welcomed the declaration of independence of the Republic of Guinea-Bissau and paid a tribute to the heroic struggle of its people and to Amílcar Cabral, who had given his life for the cause of human rights, which were inseparable from the rights of nations. Tunisia would continue to support peoples struggling to regain their legitimate rights; however, it was high time for the administering Powers to cease to ignore the irreversible flow of history and to initiate the process of decolonization, which would make it still possible for them to co-operate with those who would in any case inevitably attain sovereignty. For that reason, her delegation appealed to the Governments of countries which had a record of decolonization and of the countries which worked with the Governments of South Africa and Portugal to use all means available to them to induce those Governments to recognize and accept the inalienable right of peoples to self-determination and independence.

37. Since international peace and security and human rights were the *raison d'être* of the United Nations and the goals to which it aspired, her delegation was gratified at the assistance extended by United Nations bodies and the specialized agencies to dependent territories and peoples; in its view, however, the Organization was in duty bound to use its immense moral influence and material resources to move decisively beyond the current palliatives and arrive at definitive solutions, since what was at stake was international peace and security.

38. Mrs. ESHEL (Israel) said that the right of peoples to self-determination had engaged the thoughts of mankind for generations, had generated numerous political theories, had been the cause of armed conflicts, and had evoked mankind's noblest passions. In the United Nations itself, the struggle for the right of self-determination of peoples under colonial domination had been going on since its inception. Israel had consistently supported that right, while being fully aware that some of the erstwhile colonial Territories—such as Mauritania, one of the sponsors of the draft resolution before the Committee—would, on becoming Members of the United Nations, join the anti-Israel chorus of the Arab States.

39. Israel's attitude towards the right of self-determination had been shaped by its history, in the course of which its right to self-determination had been challenged by every imperial Power which had ravaged the Middle East. The Arab countries were denying that right to Israel, which was forced to defend it again against the fallacious statements of Arab propaganda, which maligned Zionism, misrepresented the Israel-Arab conflict and injected the question of the Middle East into every debate: the item currently under discussion in the Committee dealt with the right of peoples under colonial domination to self-determination; the issue of Palestine was extraneous to that topic. However, since the Arabs had seen fit to address the issue, she wished to put the facts in their proper perspective.

40. Zionism was nothing more than the reassertion of the love of the Jews for Zion, their ancestral homeland.

It was a manifestation of the aspiration of the Jewish people to self-determination and did not differ from any other national liberation movement except that, owing to the dispersion of the Jews, the struggle for independence had been world-wide. After the Jews had been uprooted and dispossessed, they had continued for 2,000 years to live spiritually in their ancestral homeland; the physical link between the land and the people had never been broken. Over the centuries the Jewish presence in the land of Israel had always been maintained, and a portion of the Jewish people had continued to live there, developing Jewish culture and elaborating Judaism's legal system. The restoration of Israel to the Jewish people, after centuries of struggle, was the realization of the Jewish people's right to self-determination, which had been recognized and supported by the League of Nations after the First World War and by the United Nations after the Second. The Jewish people alone among the peoples who had lived in Israel throughout its history had perceived the country as the root and centre of its national identity, culture and civilization. It alone had viewed Israel as a distinct and independent political entity. All other inhabitants who had settled there after the Jews had always regarded themselves as part of a larger entity, whether political, national or religious.

41. The right of the Jewish people to their ancestral homeland had been recognized by the Arabs themselves, as was attested in a letter written by King Faisal of the Arab Kingdom of the Hejaz on 3 March 1919 to a noted Jewish leader, Mr. Felix Frankfurter: after expressing his sympathy for the Zionist movement, which was a nationalist and not an imperialist movement, King Faisal had expressed the hope that Jews and Arabs would work together for a revived Middle East. Indeed, until the return of the Jews at the end of the preceding century, Palestine had been a wasteland inhabited by impoverished peasants. Traditionally a country of emigration, since the return of the Jews Palestine had attracted Arabs from neighbouring countries. In 1922 the Arab population had been 565,000. By 1947 it had grown to 1.2 million, an increase of 100 per cent. During the same period the population of Egypt, for example, had increased by only 25 per cent.

42. In different historical periods the land had been known by different names: the Romans had named it Palestine in an attempt to obliterate all traces of Jewish history, and that name had been used again by the British after the First World War. The name most frequently used in the Bible was Israel. Until the First World War, however, the Arabs had called the region "Southern Syria". It should be recalled that Britain's mandate over Palestine had extended originally to an area both west and east of the River Jordan. In 1922 the Transjordan area, now known as Jordan, had been made an independent kingdom in fulfilment of promises made to the Hashemite dynasty; it was noteworthy that three quarters of the 2.7 million Palestine Arabs held Jordanian citizenship.

43. It should not be forgotten that despite the General Assembly's recognition, in 1947, of the Jewish people's right to self-determination, independence and equality, it was the Arab leaders who in 1948 had launched a war of aggression aimed at depriving the Jewish people of its inalienable rights, a war that was still continuing.

44. While certain delegations had alleged that the human rights of the Arab population of Israel were being trampled under foot, the truth was that the Arabs of Israel, who currently formed 15 per cent of the population, were full citizens enjoying all the rights and privileges of the country and holding high political, cultural and economic posts. The Arabs in the administered territories enjoyed social and economic rights, freedom of expression, movement and education, and equality before the law—rights they had not known before. The political problem of the administered territories was bound up with an over-all solution of the Israel-Arab conflict, a solution which could be found provided there was a genuine will to solve the problems in the spirit of the Charter of the United Nations. But to maintain, as did certain delegations, that the only possible solution was to deny the Jewish people their right to self-determination could not bring about a solution of the problem or alleviate the situation.

45. With regard to the draft resolution before the Committee (A/C.3/L.2047), her delegation wished to reaffirm that the Palestine issue had no place in a text concerned with colonial domination; it would therefore vote against the draft resolution.

46. Mr. MOHAMMED (Nigeria) recalled resolution VIII² adopted by the International Conference on Human Rights at Teheran in 1968 on the subject of the importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights. The Secretary-General's reports on the implementation of the recommendations of that Conference had been considered by the General Assembly at its twenty-third and twenty-fourth sessions, and General Assembly resolution 2588 B (XXIV) confirmed the principles contained in resolution VIII of the Teheran Conference. At its twenty-fifth session the General Assembly, in resolution 2649 (XXV), had further considered that the acquisition and retention of territory in contravention of the right of the people of that territory to self-determination was inadmissible and a gross violation of the Charter; it had condemned those Governments that denied the right of self-determination of peoples recognized as being entitled to it, especially the peoples of southern Africa and Palestine. His delegation had always vigorously supported the decisions and resolutions of the United Nations on the right of peoples to self-determination and was one of the sponsors of draft resolution A/C.3/L.2047, which it hoped would be adopted unanimously.

47. Mrs. BADIANGANA (Congo) said that her country, a member 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, had studied with great interest the lucid report prepared by the Secretary-General on the item under consideration (A/9154).

48. Although the countless resolutions and recommendations adopted by the United Nations on the agonizing problem of fundamental human rights and decolonization had for the most part remained a dead letter, it was nevertheless true that in contrast to the League of Nations, which had been imprisoned in the

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

strait jacket of dubious legalism and had paternalistically listed specious standards that colonial countries and peoples must meet to be worthy of independence, the United Nations had made the international community aware of the aspirations of the peoples of the third world. After the Charter, Article 55 of which laid down the right of peoples to self-determination, the historic Declaration on the Granting of Independence to Colonial Countries and Peoples, of 1960, had marked a decisive turning-point in prescribing, as a rule of law applicable to all, the unconditional right of every country to independence, thereby emphatically making the point that freedom alone could teach peoples to rule themselves and to participate in the development of the world.

49. For all that, Portugal persisted in keeping the African peoples of Angola and Mozambique under its domination, with the aid of the NATO Powers, and was committing aggression against the people of the independent State of Guinea-Bissau; the racist administration of South Africa continued, with no legal title to occupy the Territory of Namibia, the Pretoria administration having refused to engage in any dialogue with the Secretary-General; and the régime of Ian Smith was doing its best to suppress any desire for independence among the peoples of Zimbabwe with the hypocritical assistance of Great Britain. It should also be recalled that the International Conference of Experts for the Support of Victims of Colonialism and *Apartheid* in Southern Africa had launched an appeal for the imposition, under the auspices of the United Nations, of a total international embargo on the supply of arms or war materials to Portugal and had asked the international community to support the struggle of the Namibian people for liberation and to recognize SWAPO authentically representing that people, and the Zimbabwe liberation movement as representing the Zimbabwe people. In her delegation's view, those decisions constituted a minimum basis for the steps the United Nations should take to give political, material and financial support to the courageous action of the national liberation movements which were attempting to implement development programmes in their respective areas.

50. Mr. SAYAR (Iran) said that his country had consistently supported the struggle of peoples to free themselves from the colonial yoke and had always vigorously condemned colonialism, which it regarded as not only an anachronism but also an affront to the most fundamental human rights. While it was encouraging to note that, 15 years after the adoption of the historic Declaration on the Granting of Independence to Colonial Countries and Peoples, many countries which had once been colonies had acceded to independence, particularly on the African continent, and were playing an important role in the family of nations, it was at the same time a deplorable fact that colonialism persisted in certain parts of the world in its traditional form or in new guises. The Iranian people stood firmly behind the African peoples in their struggle against Portuguese colonialism and the other racist and oppressive régimes. It was seriously concerned at the systematic violation of human rights which was taking place, particularly in Angola and Mozambique.

51. Iran had been a member 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 since its establishment and had always voted in favour of all United Nations resolutions and decisions aimed at eradicating colonialism and ensuring that all peoples realized their right to self-determination. Recently, Iran had been among the delegations which had requested the inclusion of the question of Guinea-Bissau on the agenda of the current session of the General Assembly and had voted for resolution 3061 (XXVIII), adopted to that end. In that connexion, his delegation welcomed the emergence of that new African State and hailed the struggle of the people of Guinea-Bissau, who had taken their destiny into their own hands.

52. He also recalled that his country had participated in the International Conference of Experts for the Support of Victims of Colonialism and *Apartheid* in Southern Africa, and said that he wished in particular to pay a tribute to OAU which, in co-operation with United Nations agencies, had furnished support to the African national liberation movements, provided assistance to refugees from colonial Territories and prepared special programmes for them. He announced that Iran had paid a contribution of \$5,000 to assist the victims of *apartheid*.

53. Iran would continue to support all measures taken by the United Nations and in other international forums to combat colonialism more effectively. The joint efforts of the international community, the United Nations, the specialized agencies and all men of goodwill throughout the world must result in the eradication of the scourge and the elimination of all foreign domination. It was nevertheless essential that the United Nations decisions should be fully implemented so that all men could live free from any kind of oppression and enjoy the rights consecrated in the Charter of the United Nations and the Universal Declaration of Human Rights.

54. His delegation supported the draft resolution which the representative of Mali had introduced (A/C.3/L.2047).

55. Mr. SOLOMON (Ethiopia) said that since the General Assembly had adopted resolution 1514 (XV), in which it declared, *inter alia*, that "the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation", the process of decolonization had taken its legitimate course, yet there were millions, in various parts of the world, who continued to be denied the right to self-determination and independence. Thus it was that Portugal, aided by its trading partners, continued to prosecute colonial wars in Angola and Mozambique and stopped at nothing in its effort to suppress the liberation struggle—as the massacre at Wiriyaumu demonstrated. How, in the face of such acts, could anyone still cherish illusions as to the true nature of the so-called "civilizing" mission of Portuguese colonialism, or believe, as representatives of Portugal claimed, that the Territories under Portuguese administration were districts of metropolitan Portugal?

56. In Zimbabwe, the situation continued to deteriorate, for the announcement that Bantustans were to be established confirmed that *apartheid* would be applied in the Territory. In South Africa, the *apartheid* régime continued to flourish.

57. The emergence of the Republic of Guinea-Bissau as an independent and sovereign State was yet another landmark in the struggle of colonial peoples and represented a triumph of right over wrong and justice over systematic oppression.

58. All men of goodwill should realize that the struggle of the liberation movements was a struggle for human rights. The decision to grant the status of observers to representatives of those movements was extremely important in the anti-colonial struggle. It was, however, urgent for Governments, and in particular States Members of the United Nations which had friendly relations with the colonialist régimes in southern Africa, to bring effective pressure to bear on them so as to prevent them from continuing to prevail.

59. Mr. BRUNO (Uruguay) reaffirmed his delegation's support of the principle of the right of peoples to self-determination. Uruguay, which had waged a long struggle to achieve its own independence, had always considered self-determination the prime condition for the universal realization of human rights. General Assembly resolution 1514 (XV) was one of the most important that the United Nations had ever adopted in that it allowed the principles enunciated in the Charter to be given concrete expression. All States Members should work for the full application of those principles, which were fundamental to the peace of the world.

60. Mr. AHMED (Chad) said that for 20 years the Committee had unceasingly appealed for the liberation of the African Territories and Palestine and had sought ways of enabling those Territories to accede to independence and self-determination. It was again necessary to reiterate that the African peoples under colonial domination had the right to independence and self-determination, that a *modus vivendi* should be sought with the colonial Powers and that the Secretary-General should be given a mandate to negotiate the unconditional withdrawal of Portugal, South Africa and Israel from the territories which they occupied. The sole purpose of the Committee should be the unequivocal consideration of how, in the immediate future, the independence of the Territories still under colonial domination could be guaranteed. Otherwise, his delegation could not but feel the greatest indignation at the humiliation suffered by Africa as a whole as a result of the fact that certain permanent members of the Security Council were opposed to any action directed against Portugal and South Africa for their refusal to comply with the principles of the Charter of the United Nations. It was impossible not to be aware of the ineffectiveness of the measures taken to date to prevent Portugal and South Africa from exercising their tyranny and exploiting the African population. It was intolerable that men should continue to be subjected to slavery because a few members of the international community were indifferent to their fate, simply because of the colour of their skin. The Republic of Chad welcomed the resolutions which the United Nations had adopted on the question and hoped to see them implemented. It believed, moreover, that it was not with Portugal or South Africa that negotiations should be held but rather with certain permanent members of the Security Council, which had impeded the implementation of the relevant resolutions of the General Assembly and the Council. Given the ineffectiveness of the resolutions which had

been adopted, it was inevitable that there should be a temptation to resort to force—following the example of South Africa and Portugal themselves—to ensure that the resolutions were fully applied.

61. In conclusion, he stated that his delegation supported draft resolution A/C.3/L.2047 which had just been submitted to the Committee.

62. Mrs. GEORGE (Trinidad and Tobago) recalled that her delegation had introduced a proposal to be included in the draft resolution on the subject under discussion.

63. That proposal was based on a recommendation made by the representative of Sweden in the report of the Special Mission to Guinea-Bissau, in which he eulogized an artistic performance, of profound moral and political content, by a small group of pupils from the Areolino Lopez Cruz school in Cubacare, Guinea-Bissau.³ In her delegation's proposal it was suggested that the group should be invited to participate in the Human Rights Day programme, to be held on 10 December 1973 to mark the observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights and the launching of the Decade for Action to Combat Racism and Racial Discrimination. However, since technical and practical difficulties made it inadvisable to implement the proposal in 1973, her delegation would like its suggestion to be recorded in the Committee's report and would like the Secretary-General to be requested to study the possibility of inviting a group of 20 to 25 school children from the liberated areas to give an artistic performance for the United Nations, reflecting the cultural and moral aspirations of the liberation movements.

64. The CHAIRMAN said that the Rapporteur would include a reference to the suggestion by the representative of Trinidad and Tobago in the Committee's report. As for draft resolution A/C.3/L.2047, he proposed that, if there was no objection, it should be voted on at the following meeting.

It was so decided.

65. The CHAIRMAN said that he would give the floor to delegations which had expressed a wish to exercise their right of reply.

66. Mr. AL-QAYSI (Iraq), exercising his right of reply, said that he wished to refute certain allegations by the representative of Israel. He pointed out, first of all, that if one accepted Israel's argument that the 1948 war was a war of national independence and Zionism a liberation movement, one would be led to conclude that the Palestinian people were oppressors to be liberated from. As to whether the Palestinian problem came within the framework of the question under consideration, he quoted extensively from an article entitled "Rhodesia and Israel: Parallels and Progress", appearing in the Autumn 1966 issue of the periodical *Issues*, in which the author, Mr. Benjamin Matovu, comparing the prevailing situation in Southern Rhodesia with the situation in Palestine in 1917, the year of the Balfour Declaration, drew analogies between the position of the white minority in Southern Rhodesia and that of the Jewish settlers in Palestine. The article also mentioned a statement by Mr. Julian Amery, leader of the British group which favoured Franco-British intervention in

³ See *Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 23*, chap. X, para. 46.

Suez in 1956, comparing the situation prevailing in Israel at that time to the situation of the white settlers in Africa, and particularly in Kenya and Rhodesia. It should also be noted that, at the time of the Balfour Declaration, the majority Arab population had accounted for over 90 per cent of the population of Palestine, which was not as sparsely populated as the representative of Israel contended.

67. As for the letter from King Faisal, it should be borne in mind that it had been written before Israel had become the aggressor. As for the argument that the Jews had never severed their spiritual ties with Israel, it was tantamount to saying that anyone who lived spiritually in another's house was the owner of that house. Lastly, to be convinced that the fundamental rights of the Arab population living in Israel were being violated, one need only read the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories.

68. Mr. MOUSSA (Egypt), exercising his right of reply, said that he would merely add to the comments just made by the representative of Iraq. The representative of Israel had tried to teach the Committee lessons in history, geography, demography and even United Nations procedure. As for the historical aspects of the question, archaeological research showed that there had been Palestinians in Palestine for 15,000 years and no one could claim that they were Zionists. In 1917 Arabs had constituted 91 per cent of the population of Palestine. A people had been expelled and expropriated, yet Israel placed the problem in the context of the realization of human rights, which was very peculiar. As for the idea of "right of return" and the notion that any Jew, whatever his nationality, owed loyalty to Israel, they were indefensible in terms of international law. The statements by the Israeli Government and the measures taken in the occupied Arab territories were inspired by Zionist ideology, which held that those territories belonged to the Jews in the biblical sense of the term. To speak of the historical significance of the land of Israel meant nothing. The State of Israel had been established as a result of a General Assembly resolution on the partition of Palestine, and definite frontiers had been assigned to it.

69. He also pointed out that the representative of Israel had made no mention of the right of the African peoples to self-determination, which was hardly surprising in view of the collusion existing between South Africa and Israel. It was common knowledge that South Africa was supplying men and weapons for the Israeli army. As for the theory that Zionism, which was a racist and colonialist movement, should be considered a liberation movement, it was not only strange but unacceptable. Was *apartheid* to be considered a national liberation movement of the South African settlers?

70. The representative of Israel had said that the question should be considered in detail by another committee. The Arab countries would certainly return to the question on that occasion. But he still believed that the question of the realization of the right of the

Palestinian people to self-determination came within the purview of the Third Committee.

71. Mr. BAROODY (Saudi Arabia), exercising his right of reply, said that he wished to place the problem of Zionism in its proper historical context and pointed out that he himself had studied the question very closely for some 50 years. He recalled that Wilson had been the first to draw attention to the question of the right of self-determination, and that principle had been embodied in article 22 of the Covenant of the League of Nations. At that time Zionism, advocated by Herzl, whose motives were largely religious, had been developing rapidly. It would be recalled that the Zionists were descended from emigrants from central and eastern Europe who had converted to Judaism in the eighth century and were not Semites. Their conversion could not make them Semites in the ethnical sense of the word, any more than the conversion of Asians or Africans to the Moslem faith made them Semites. Only the Sephardic Jews were Semites. The representative of Israel claimed that God had given Palestine to his country, which was nonsense; God did not deal in real estate. Actually, Judaism had been used for political and economic ends to justify the presence of aliens, because if there had been Jews in Palestine in ancient times they had been Semitic Jews, not European Jews. He recalled that he had already had occasion to discuss that aspect of the question both in the Security Council and in the Special Political Committee. He recalled, in particular, the role of Balfour who, in 1917, had yielded to pressure from the Zionists and promised them Palestine—which was not his to give anyway—because the support of the Zionists was needed in order to bring the United States into the conflict. As for the "diaspora", that phenomenon had occurred several times in the course of history and in each case had only affected rich and influential Jews, since the others had not been in a position to flee.

72. He himself had participated for years in the work done by the Third Committee to make the principle of self-determination a right, largely for the benefit of the African countries which, in 1948, had still been under colonial rule. Since that time he had constantly reiterated, in private and in public, that there would never be peace in Palestine until that universal right to self-determination was respected. Sovereignty belonged not to the rulers but to the people themselves, notwithstanding the arrogance shown towards them by the great Powers. The United States, for example, was currently all-powerful, but many empires had crumbled to dust over the centuries and, in more recent times, France and the United Kingdom had lost their colonies one by one. The negative votes cast by countries like the United States, the United Kingdom or Spain on the draft resolution concerning Guinea-Bissau were very revealing, as were the abstentions of countries such as the Federal Republic of Germany, which were actually doormats of the United States. He called attention to the remarks he had addressed to those countries when that vote had been taken.

The meeting rose at 6.50 p.m.

2019th meeting

Wednesday, 7 November 1973, at 10.50 a.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2019

AGENDA ITEM 59

Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights: report of the Secretary-General (concluded) (A/9154, A/C.3/L.2047/Rev.1)

1. Mr. SCHREIBER (Director, Division of Human Rights) said that after consulting the sponsors of draft resolution A/C.3/L.2047/Rev.1 he was able to state that operative paragraph 9 of the text referred to a report on the implementation of the provisions of paragraph 8. It should be pointed out in that connexion that reports of the kind were in fact already being prepared, and were submitted to the Fourth Committee and examined by it. In the event that, on the basis of recommendations by the Fourth Committee, the General Assembly requested the Secretary-General to continue providing such reports, they would be taken into consideration when the Secretary-General prepared the report on the implementation of the resolution.
2. Mr. BAL (Mauritania) drew attention to the wording of operative paragraph 8 of the draft resolution, which had been changed to read: "*Requests* the Secretary-General to continue to assist the specialized agencies and other organizations within the United Nations system in working out measures for the provision of increased international assistance to the peoples of colonial territories;".
3. The CHAIRMAN invited any members of the Committee who wished to do so to explain their vote on the draft resolution before the vote, under rule 130 of the rules of procedure of the General Assembly.
4. Miss PRODJOLALITO (Indonesia) said that Indonesia was one of the 11 Member States granting assistance to Trust Territories, as mentioned in the Secretary-General's report on the question (A/9154); in addition, it had made contributions to the United Nations Trust Fund for South Africa, the United Nations Educational and Training Programme for Southern Africa, the United Nations Fund for Namibia and the Liberation Committee of the Organization of African Unity (OAU), and it had also been a sponsor of the text adopted as General Assembly resolution 2955 (XXVII). As could be inferred from those facts, Indonesia considered that it was not sufficient to express opposition to the policies of Portuguese colonialism, but that action should be taken in that connexion. Accordingly, her delegation was pleased to join the sponsors of draft resolution A/C.3/L.2047/Rev.1, to operative paragraphs 8 and 9 of which it attached particular importance.
5. Mr. PETHERBRIDGE (Australia) said that his delegation would vote in favour of the draft resolution, since his Government fully supported the right of peoples to self-determination and the draft reflected the

aspirations of peoples, particularly in Africa, to sovereignty and independence and stressed the importance of the universal realization of that right for the guarantee and observance of human rights. Nevertheless, in accordance with the position it had stated on other occasions with regard to the use of force to solve African problems and with its hope that the question of the Portuguese Territories could be settled by negotiation, his delegation regretted the inclusion of the reference to "armed struggle" in operative paragraph 2.

6. His delegation would have preferred the draft to concentrate on African questions relating to liberation movements recognized by OAU and working closely with the United Nations. In the current circumstances, when an effort was being made to reach a settlement of Middle Eastern questions, a different wording of operative paragraph 6 would have been more appropriate, and accordingly his delegation would abstain from voting on that paragraph.

7. Mrs. MAIR (Jamaica) said she was pleased to support draft resolution A/C.3/L.2047/Rev.1, since colonialism was a negation of virtually all the human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights. Her delegation acknowledged with appreciation the Secretary-General's report on the item (A/9154), which gave concrete evidence of the international concern for the welfare of those still under the yoke of colonialism, and paid a tribute to the dedicated work of those who, under the aegis of organizations such as WHO, UNESCO, OAU, UNICEF and the World Food Programme, contributed to the welfare of colonial victims and helped to advance the cause of self-determination.

8. On the other hand, given the resources of Member States and their priorities, and in view of the monetary value of the resources made available to liberation movements, it could rightly be claimed that the international community could do much more. Accordingly, the requests contained in operative paragraphs 3 and 7 of the draft resolution were extremely appropriate, and her only reservation was that they could have been worded more strongly.

9. Her delegation saw the draft resolution as containing a very special challenge to the United Nations, since in certain fields only the United Nations and its related organs could perform effective work in implementing the principles of the Charter and of the Universal Declaration of Human Rights. That was particularly true in the field of information, since the United Nations system possessed both the technical resources and the necessary integrity to do what was needed. The mass media of the developed countries were too compromised by their relationship to the international imperialist system, and in any case they failed to reach millions of inhabitants of the developing world, who felt a natural solidarity with the freedom fighters. Under the circumstances, the organs of the United Nations sys-

tem had a special responsibility for making known to the whole world, both verbally and by audiovisual means, the evils of colonialism and the sufferings it still inflicted on men, women and children.

10. The draft resolution directed the attention of the General Assembly to vital areas in which colonialism had to be attacked, and reaffirmed the legitimacy of the peoples' struggle for liberation from colonial and foreign domination by all available means including armed struggle. In that connexion her delegation, while understanding why all references to Guinea-Bissau had been removed from the draft, nevertheless regretted that that had been done. Jamaica was proud to have been one of the first countries in the world to recognize the independence of that courageous nation, whose determined efforts were an inspiration to all men and women who had endured or were still enduring the colonial experience. The achievements of Guinea-Bissau dramatically emphasized the legitimacy of armed struggle when the enemy was colonial domination.

11. Her delegation endorsed the paragraphs of the draft resolution condemning those Governments which were still aiding the forces of racism and repression. It also supported those passages which made it clear that the denial of self-determination was not a phenomenon peculiar to southern Africa.

12. Mr. SÖYLEMEZ (Turkey) said it had always been Turkey's policy to support measures and actions designed to expedite the historic process of decolonization. Accordingly, his delegation was ready to vote for draft resolution A/C.3/L.2047/Rev.1. Nevertheless, while it supported that African initiative as a matter of principle and policy, it had certain reservations with regard to operative paragraphs 2, 4 and 5 on grounds of drafting, scope and substance. Consequently his delegation would abstain if a separate vote was taken on those paragraphs.

13. Mrs. LYKOVA (Union of Soviet Socialist Republics) shared the view expressed by other delegations that the item under discussion was one of the most important on the Committee's agenda. The draft resolution reaffirmed support for the Declaration on the Granting of Independence to Colonial Countries and Peoples and recognized the right of those peoples to self-determination.

14. In that connexion, she recalled that from 25 to 31 October 1973 the World Congress of Peace Forces had met in Moscow and had been attended by more than 300 delegates from 140 countries who, although representing different political parties, organizations and beliefs, had shared the conviction that mankind's primary objective was to strengthen world peace and security. The Congress had paid particular attention to national liberation movements and their struggle against colonialism and racism.

15. In accordance with its fundamental policy, her delegation firmly supported the draft resolution and particularly welcomed the fact that it was to be adopted on the Soviet Union's National Day, on the fifty-sixth anniversary of the historic October Revolution which had laid the foundations for the liberation of peoples from colonial oppression.

16. Mr. PETROPOULOS (Greece) said that his country had always voted in favour of resolutions designed

to bring about decolonization. In accordance with that position, it would also vote in favour of draft resolution A/C.3/L.2047/Rev.1, although it had some observations and reservations to make in that connexion. First, although Greece maintained friendly relations with the non-aligned countries, it did not consider it necessary to refer, in the third preambular paragraph, to a forum outside the United Nations. Secondly, with regard to operative paragraphs 4, 5 and 6, his delegation felt that expressions of condemnation weakened resolutions unless they were accompanied by practical measures. It also considered that the reference in paragraph 6 to the peoples of Africa and to the Palestinian people was not appropriate since the right to self-determination should not be limited to specific areas or regions.

17. Mr. FØNS BUHL (Denmark) said that his delegation and those of Iceland, Norway and Sweden would abstain in the vote on draft resolution A/C.3/L.2047/Rev.1 as a whole and on all its paragraphs if each one was voted on separately. On several occasions, the delegations of Denmark, Iceland, Norway and Sweden had drawn attention to the disadvantages of duplication of effort in the Main Committees of the General Assembly and, in their opinion, the draft resolution related to questions which were dealt with in two other Main Committees of the General Assembly and in the Security Council. For the same reasons, they had abstained in previous years in the vote on General Assembly resolutions 2787 (XXVI) and 2955 (XXVII) on the same matter. The abstention of the four Nordic countries was not, however, an expression of their position on the substance of the draft resolution.

18. Mr. PAPADEMAS (Cyprus) said that his Government, which was a member of the group of non-aligned countries, had supported all the liberation movements of colonial countries and peoples. Proof of that support had been given in the joint communiqué issued the previous week by Archbishop Makarios, the President of Cyprus, and Emperor Haile Selassie of Ethiopia, when the Archbishop had visited Addis Ababa. The two leaders had reaffirmed in the communiqué their will and desire to work for the independence of the African countries under colonial domination, the elimination of racial discrimination, and the defence of the right of all peoples to self-determination. In accordance with that position, his delegation would fully support draft resolution A/C.3/L.2047/Rev.1.

19. Mrs. DE BARISH (Costa Rica) endorsed the principles on which draft resolution A/C.3/L.2047/Rev.1 was based, since peoples must be in a position to exercise their right to self-determination if human rights were to be enjoyed by all. With regard to the text itself, her delegation would have no difficulty whatever in supporting the ideas in operative paragraph 1, but had reservations concerning the reference to General Assembly resolutions 2649 (XXV) and 2787 (XXVI), on which it had abstained. Nor could it agree that paragraph 2 should read: "by all available means including armed struggle", since Costa Rica had a long tradition of peace and non-violence; as paragraph 2 read, it amounted to recognition by the General Assembly of various forms of violence, such as terrorism and hijacking of aircraft. With regard to paragraph 3, her delegation could approve all of the wording, except for the phrase "and any other assistance". It regretted that it could not support paragraph 6, in which reference was made to a situation

which was of a political and not a colonial nature, and was currently the subject of negotiations at the highest level between the parties concerned and under continuous and careful consideration in the Security Council. Her delegation would therefore abstain in the vote on those paragraphs and on the draft resolution as a whole, while regretting that it could not vote in favour of it.

20. Mr. IRARRAZAVAL (Chile), reaffirming the position which his Government had maintained since the establishment of the United Nations, he said that he would vote in favour of draft resolution A/C.3/L.2047/Rev.1. His delegation welcomed the initiative of the sponsors of the draft resolution to withdraw some paragraphs, thus broadening the margin of acceptance of the text. That set a good precedent, since the inclusion of various points which would detract from the main purpose of the draft resolution had thus been avoided and it would now constitute a step forward in the struggle against colonialism and promote the self-determination of peoples in those parts of the world where that fundamental right was still not recognized and unacceptable colonialist practices were still taking place.

21. Mr. RODAS MARTINEZ (Guatemala) said that because of its tradition of giving support to the independence of colonial Territories and peoples in accordance with the Charter and the relevant resolutions of the General Assembly, his delegation would have liked to vote in favour of draft resolution A/C.3/L.2047/Rev.1. However, because of the inclusion of paragraphs which did not directly relate to the item or whose scope was not sufficiently clear, his delegation would have to abstain in the vote on the third and fourth preambular paragraphs, on operative paragraphs 2, 5 and 6, and on the draft resolution as a whole.

22. Mr. NOMURA (Japan) said that he sympathized with the aspirations of the peoples still under colonial and alien domination and fully understood the reasons why the sponsors had submitted draft resolution A/C.3/L.2047/Rev.1. His delegation considered, however, that, in view of the political nature of the draft, it would be more appropriate for it to be dealt with elsewhere, for example, in the Fourth Committee. Therefore, although it could support some of the paragraphs, it would abstain in the vote on the draft resolution as a whole and on all the paragraphs if they were voted upon separately.

23. Mrs. GERÉB (Hungary) said that since everyone seemed to be in favour of the right of peoples to self-determination, it was strange that in the explanations of vote some delegations had said that they would abstain on operative paragraphs 2, 3 and 6 of the draft resolution. It was well known that peoples under colonial domination wished to achieve independence peacefully, but they were not in a position to choose the means to be used for that purpose. The Committee should state that even armed struggle was legitimate for the achievement of independence. She therefore considered that all delegations should vote in favour of the draft resolution.

24. Mrs. MARICO (Mali) said that there was a typing error in paragraph 5 of the French version of draft resolution A/C.3/L.2047/Rev.1. The word "*deux*" should be replaced by "*ceux*".

25. The CHAIRMAN put to the vote draft resolution A/C.3/L.2047/Rev.1 as orally revised, and with the following additions to its original sponsors: Burundi, Indonesia, Liberia, Malaysia, Sudan and Togo.

26. Mrs. RANA (Nepal) requested a separate vote on operative paragraph 6.

27. Mr. COSTA COUTO (Brazil) requested that the operative part be voted on paragraph by paragraph.

Preamble

The preamble was adopted by 97 votes to 1, with 16 abstentions.

Operative part

At the request of the representative of Cuba, a recorded vote was taken on the paragraphs of the operative part.

Paragraph 1

In favour: Afghanistan, Algeria, Argentina, Australia, Bahamas, Bahrain, Barbados, Belgium, Bhutan, Bolivia, Botswana, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Congo, Cuba, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Ecuador, Egypt, Ethiopia, Fiji, France, Gabon, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Honduras, Hungary, India, Indonesia, Iran, Iraq, Italy, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Laos, Lebanon, Liberia, Libyan Arab Republic, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, United States of America, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia.

Against: Israel, Portugal.

Abstaining: Austria, Brazil, Costa Rica, Denmark, Dominican Republic, Finland, Germany (Federal Republic of), Iceland, Ireland, Japan, Netherlands, Norway, Sweden, United Kingdom of Great Britain and Northern Ireland.

Paragraph 1 was adopted by 102 votes to 2, with 14 abstentions.

Paragraph 2

In favour: Afghanistan, Algeria, Argentina, Bahrain, Barbados, Bhutan, Botswana, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Congo, Cuba, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Ecuador, Egypt, Ethiopia, Gabon, German Democratic Republic, Ghana, Guinea, Hungary, India, Indonesia, Iran, Iraq, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Liberia,

Libyan Arab Republic, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia, Zaire, Zambia.

Against: Austria, Bahamas, Bolivia, Brazil, Colombia, France, Germany (Federal Republic of), Israel, Nicaragua, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Belgium, Costa Rica, Denmark, Dominican Republic, Fiji, Finland, Greece, Guatemala, Honduras, Iceland, Ireland, Italy, Ivory Coast, Japan, Netherlands, New Zealand, Norway, Spain, Sweden, Turkey, Uruguay, Venezuela.

Paragraph 2 was adopted by 82 votes to 12, with 23 abstentions.

Paragraph 3

In favour: Afghanistan, Algeria, Argentina, Australia, Austria, Bahrain, Barbados, Belgium, Bhutan, Botswana, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Congo, Cuba, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Ecuador, Egypt, Ethiopia, Fiji, Finland, Gabon, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Honduras, Hungary, India, Indonesia, Iran, Iraq, Italy, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Liberia, Libyan Arab Republic, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, New Zealand, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia, Zaire, Zambia.

Against: Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Bahamas, Bolivia, Brazil, Colombia, Costa Rica, Denmark, Dominican Republic, France, Germany (Federal Republic of), Iceland, Ireland, Israel, Japan, Netherlands, Nicaragua, Norway, Spain, Sweden, Uruguay, Venezuela.

Paragraph 3 was adopted by 94 votes to 3, with 20 abstentions.

Paragraph 4

In favour: Afghanistan, Algeria, Argentina, Australia, Bahamas, Bahrain, Barbados, Bhutan, Botswana, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Ecuador, Egypt, Ethiopia, Fiji, Finland, Gabon, Ger-

man Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guyana, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Liberia, Libyan Arab Republic, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, New Zealand, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia, Zaire, Zambia.

Against: Brazil, Portugal, Spain, United States of America.

Abstaining: Austria, Belgium, Bolivia, Colombia, Denmark, Dominican Republic, France, Germany (Federal Republic of), Iceland, Ireland, Israel, Italy, Japan, Laos, Netherlands, Nicaragua, Norway, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela.

Paragraph 4 was adopted by 93 votes to 4, with 22 abstentions.

Paragraph 5

In favour: Afghanistan, Algeria, Argentina, Australia, Bahrain, Barbados, Bhutan, Botswana, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Ecuador, Egypt, Ethiopia, Fiji, Finland, Gabon, German Democratic Republic, Ghana, Guinea, Guyana, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Liberia, Libyan Arab Republic, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, New Zealand, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia, Zaire, Zambia.

Against: Belgium, Brazil, France, Germany (Federal Republic of), Italy, Nicaragua, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Bahamas, Bolivia, Colombia, Denmark, Dominican Republic, Greece, Guatemala, Iceland, Ireland, Israel, Japan, Laos, Netherlands, Norway, Spain, Sweden, Turkey, Uruguay, Venezuela.

Paragraph 5 was adopted by 89 votes to 9, with 20 abstentions.

Paragraph 6

In favour: Afghanistan, Algeria, Argentina, Bahrain, Barbados, Bhutan, Botswana, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Repub-

lic, Cameroon, Central African Republic, Chad, Chile, China, Congo, Cuba, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Ecuador, Egypt, Ethiopia, Gabon, German Democratic Republic, Ghana, Guinea, Guyana, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Liberia, Libyan Arab Republic, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia, Zaire, Zambia.

Against: Bolivia, Brazil, Dominican Republic, Israel, Nicaragua, United States of America.

Abstaining: Australia, Austria, Bahamas, Belgium, Colombia, Costa Rica, Denmark, Fiji, Finland, France, Germany (Federal Republic of), Greece, Guatemala, Honduras, Iceland, Ireland, Italy, Japan, Laos, Nepal, Netherlands, New Zealand, Norway, Portugal, Sweden, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela.

Paragraph 6 was adopted by 85 votes to 6, with 28 abstentions.

Paragraph 7

In favour: Afghanistan, Algeria, Argentina, Australia, Austria, Bahamas, Bahrain, Barbados, Belgium, Bhutan, Botswana, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Finland, France, Gabon, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guyana, Honduras, Hungary, India, Indonesia, Iran, Iraq, Italy, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Republic, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, New Zealand, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia.

Against: Portugal.

Abstaining: Bolivia, Brazil, Colombia, Germany (Federal Republic of), Iceland, Ireland, Israel, Japan, Laos, Netherlands, Nicaragua, Norway, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Paragraph 7 was adopted by 103 votes to 1, with 15 abstentions.

Paragraph 8 as orally revised

In favour: Afghanistan, Algeria, Argentina, Australia, Austria, Bahamas, Bahrain, Barbados, Belgium, Bhutan, Bolivia, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Ecuador, Egypt, Ethiopia, Fiji, Finland, France, Gabon, German Democratic Republic, Germany (Federal Republic of), Ghana, Greece, Guatemala, Guinea, Guyana, Honduras, Hungary, India, Indonesia, Iran, Iraq, Italy, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Republic, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, New Zealand, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia.

Against: Portugal.

Abstaining: Brazil, Denmark, Dominican Republic, Iceland, Ireland, Israel, Japan, Laos, Netherlands, Nicaragua, Norway, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Paragraph 8, as orally revised, was adopted by 104 votes to 1, with 14 abstentions.

Paragraph 9

In favour: Afghanistan, Algeria, Argentina, Australia, Bahamas, Bahrain, Barbados, Belgium, Bhutan, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Ecuador, Egypt, Ethiopia, Fiji, Finland, Gabon, German Democratic Republic, Germany (Federal Republic of), Ghana, Greece, Guatemala, Guinea, Guyana, Honduras, Hungary, India, Indonesia, Iran, Iraq, Italy, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Republic, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia.

Against: Portugal.

Abstaining: Austria, Brazil, Denmark, Dominican Republic, France, Iceland, Ireland, Israel, Japan, Netherlands, Norway, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Paragraph 9 was adopted by 102 votes to 1, with 14 abstentions.

Draft resolution as a whole, as orally revised

At the request of the representative of the United Republic of Tanzania, a recorded vote was taken on the draft resolution as a whole.

In favour: Afghanistan, Algeria, Argentina, Australia, Bahrain, Barbados, Bhutan, Botswana, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Congo, Cuba, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Ecuador, Egypt, Ethiopia, Fiji, Gabon, German Democratic Republic, Ghana, Greece, Guinea, Guyana, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Republic, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, New Zealand, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia, Zaire, Zambia.

Against: France, Israel, Nicaragua, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Bahamas, Belgium, Bolivia, Brazil, Canada, Colombia, Costa Rica, Denmark, Dominican Republic, Finland, Germany (Federal Republic of), Guatemala, Iceland, Ireland, Italy, Japan, Laos, Netherlands, Norway, Spain, Sweden, Uruguay, Venezuela.

Draft resolution A/C.3/L.2047/Rev.1 as a whole, as orally revised, was adopted by 91 votes to 6, with 24 abstentions.

28. Miss CAO PINNA (Italy), explaining her vote, said that Italy firmly supported the inalienable right of peoples to self-determination in accordance with Article 1 of the Charter. It was therefore with regret that her delegation had abstained in the vote on draft resolution A/C.3/L.2047/Rev.1. The Italian delegation had clearly expressed its reservations on the condemnations of countries which were members of the North Atlantic Treaty Organization (NATO) that were repeatedly included in draft resolutions on self-determination recommended by the Third Committee. She considered those condemnations not only groundless, and therefore unacceptable, but also dangerous because they might be taken as an expression of hostile propaganda against some Western countries, thus impairing the spirit of mutual respect which should prevail among States Members of the United Nations. For those reasons, her delegation had voted against operative paragraph 5 of the draft resolution. It had also abstained on paragraph 2 because it rejected the use of force, which was contrary to the very principles of the Charter, on paragraph 4 because it believed that the General Assembly was a body to promote better understanding and co-operation among Member States and not a court authorized to express condemnations, and

on paragraph 6 because it believed that the situation of the Palestinians could not be considered in isolation but must be seen within the broader and more complex situation of the Middle East, which it fervently hoped would be settled as soon as possible.

29. The Italian delegation supported the spirit and general principle on which the draft resolution was based, but the fact that its views on some of the paragraphs differed from those of the sponsors had prevented it from voting in favour of the draft resolution, as it would have liked to do, because of its firm attachment to the right to self-determination.

30. Mr. ROUX (Belgium) associated himself with the Italian delegation's position and with the arguments and comments put forward by the Italian representative.

31. Mr. VALTASAARI (Finland) reiterated the position adopted by the Finnish delegation in various United Nations bodies, to the effect that the only way to achieve the purposes of the Charter was to grant national independence and self-determination to all colonial peoples. His country had also consistently emphasized that the struggle for independence and self-determination must take place within the framework of the Charter. That was the foundation of Finland's commitment, renewed in the additional protocol to the programme adopted recently by the Finnish Government for the provision of active humanitarian assistance to peoples suffering under racism and colonialism. Consequently, his delegation fully supported the basic concept embodied in the draft resolution that had just been adopted, and regretted that the sponsors had, in some paragraphs, and particularly operative paragraph 2, chosen language that was not compatible with Finland's interpretation of the provisions of the Charter. That was why his delegation had been unable to support the draft resolution.

32. Mr. COSTA COUTO (Brazil) said that his delegation's vote should not and could not be construed as an indication that the Brazilian Government did not acknowledge the principle of self-determination, which was basic to the Charter. His country had always expressed its absolute faith in the right of peoples to take their destinies into their own hands, as could be seen from the part it had played in the San Francisco Conference and its own early political history. However, despite its willingness to vote for draft resolution A/C.3/L.2047/Rev.1, his delegation had been obliged to abstain because although some parts of the text reiterated the fundamental principles of the Charter, others were contrary to those principles.

33. His delegation would have supported the draft resolution had it reaffirmed one of the cardinal principles of international order, without which such order was inconceivable, namely, the principle of the peaceful resolution of international conflicts, including problems relating to Non-Self-Governing Territories, to avoid endangering international peace and security. As that had not been done, his delegation had been obliged to vote against operative paragraph 2. Likewise, it considered that the assistance given by the United Nations and Member States to peoples aspiring to self-determination must be exclusively peaceful in nature. Moreover, it could not support the general condemnations and inappropriate references in some paragraphs containing passages whose tone was incompatible with

the Committee's mandate, which was social, cultural and humanitarian. If the preambular paragraphs had been voted on separately, his delegation would have voted for the first two and abstained on the others.

34. Mr. CADENA COPETE (Colombia) said that the reference in the third preambular paragraph to the Political Declaration of the Fourth Conference of Heads of State or Government of Non-Aligned Countries had obliged his delegation to abstain in the vote on the preamble, but that did not mean that its position with regard to the right of peoples to self-determination had changed. It had also had to abstain on some operative paragraphs because they entailed a violation of fundamental principles of the Charter or referred to matters beyond the purview of the Third Committee. However, it had voted in favour of the provisions expressing appreciation of the assistance given to dependent territories by Governments, United Nations agencies, and intergovernmental and non-governmental organizations, and the paragraphs requesting that such assistance should be continued and increased.

35. Mrs. BERTRAND DE BROMLEY (Honduras) said that her delegation had voted in favour of draft resolution A/C.3/L.2047/Rev.1 as a whole, reaffirming its steadfast belief in the right of all peoples to self-determination and its sympathy for the African peoples' struggle for their independence. However, it had abstained on operative paragraph 2 because of the reference it contained to armed struggle, and also on paragraph 6 because it considered that all peoples subjected to colonial domination were equally important and that it was not right to single out some of them for special mention.

36. Mr. ABSOLUM (New Zealand) said that his delegation had voted for the draft resolution just adopted, as an expression of its unswerving support for the right of peoples to self-determination—a right which it considered to be as fundamental as it was undeniable. His delegation was, however, troubled by operative paragraphs 2 and 6. The Government of New Zealand had reservations about the use of armed force for the purposes outlined in the text, as it considered that such action ran counter to the Charter and to a corner-stone of the United Nations, that is, the ideal of the peaceful resolution of disputes. It would have preferred, therefore, to see the reference to armed force excluded from the text. The reference to the complex Palestinian problem in operative paragraph 6 was open to ambiguous interpretation and it would have been preferable to refrain from prejudging, in the Third Committee, the important issues that were to be discussed in the General Assembly. Despite those significant reservations, his delegation thought it important that there should be no doubt about its sympathy with the basic thrust of the text and had therefore decided on a positive vote.

37. Miss AL-MULLA (Kuwait) expressed gratification at the outcome of the vote on draft resolution A/C.3/L.2047/Rev.1, which her delegation had co-sponsored. The countries that were fortunate enough to be free should not hesitate to offer the most generous assistance to the freedom fighters. The peoples of Angola, Mozambique, Guinea-Bissau and Palestine needed support and assistance. Peace would not prevail in the world unless those peoples attained their inalienable right to self-determination, a right which was embodied in the Charter and reaffirmed in numerous res-

olutions adopted in the United Nations. Lending support to the freedom fighters meant helping the Organization in its quest for its realization of the purposes and principles of the United Nations. Consequently the adoption of the draft resolution was a major step in the right direction.

38. Mr. SCOTLAND (Guyana) said he was sorry he had been absent during the vote on the first part of the draft resolution and said that, if he had been present, he would have voted in favour of the preambular part and operative paragraphs 1, 2 and 3.

39. Mr. PARDOS (Spain) said that despite Spain's clear-cut position on the principle of self-determination, the Spanish delegation had been unable to vote for operative paragraph 4 of the draft resolution because it referred explicitly to a country with which Spain had fraternal ties and good-neighbourly relations. The Spanish delegation had voted for operative paragraph 6 because it stood for the defence of human rights, but had been obliged to abstain in the vote on paragraph 2, because the reference to the use of armed force was incompatible with the principles concerning the peaceful settlement of disputes. In view of those considerations it had also abstained in the vote on the draft resolution as a whole.

40. Mr. TRAVERT (France) said that his delegation had been compelled to vote against the draft resolution because it felt that the controversial aspects had not been debated with sufficient thoroughness, and that too short a time had elapsed between the submission of the draft resolution and the vote. That certainly did not mean that there had been any change in France's position concerning the right of peoples to self-determination.

41. Mr. VON KYAW (Federal Republic of Germany) said that his delegation had abstained on a number of paragraphs in the draft resolution because it did not consider their wording sufficiently clear or balanced, and had also felt compelled to vote against operative paragraphs 2 and 5.

42. The Federal Republic of Germany had renounced the use of force in accordance with the principles of the Charter and had done so also, and in particular, with respect to the solution of its own national problem. In view of that basic position his country could not lend its support to the use of force and violence or to the notion of a struggle for liberation "by all available means including armed struggle", as embodied in paragraph 2. It supported the legitimate desire of peoples still under colonial domination to achieve freedom and independence through an evolutionary and peaceful process, and urged Portugal to enter into the negotiations with representatives of the population of the Territories under its administration.

43. As far as operative paragraph 5 was concerned, he rejected the allegation that members of NATO were assisting Portugal and other racist régimes in the policies described in that paragraph. The Atlantic Alliance, which his country considered essential for its security and an element of stability in the world, was strictly confined to a geographical area which did not include any African territory.

44. In spite of those objections and difficulties his delegation had abstained on the draft resolution as a whole in order to indicate its sympathy with those who

were struggling for freedom and the universal realization of the right to self-determination in accordance with the principles of the Charter. Its position in that respect had been clearly stated by Chancellor Willy Brandt and by the Minister for Foreign Affairs of the Federal Republic of Germany at the current session of the General Assembly (2128th and 2119th plenary meetings respectively).

AGENDA ITEM 60

Principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity (A/9003 and Corr.1, chap. XXIII, sect. A.9; A/9136)

45. Mr. SCHREIBER (Director, Division of Human Rights) said that the importance attached by the United Nations to the question of the punishment of persons guilty of war crimes and crimes against humanity had been manifested from the earliest years of the Organization's existence in a series of resolutions and extensive studies. The General Assembly had reiterated the Nuremberg principles in its resolution 95 (I) of 11 December 1946. It had later studied the possibility of preparing a draft code of offences against the peace and security of mankind and a draft statute for an international criminal court. In 1948 it had adopted the Convention on the Prevention and Punishment of the Crime of Genocide.

46. Starting in 1965, United Nations work in the field had been intensified. As the result of a recommendation by the Commission on Human Rights, and after a preliminary study submitted by the Secretary-General on the subject to the Commission at its twenty-second session,¹ the General Assembly had adopted in 1968 the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, which had entered into force in 1970. Twenty States had ratified or acceded to that Convention.

47. Since 1969, at the request of the Economic and Social Council and, subsequently, of the General Assembly, the Secretary-General had submitted further, in-depth studies on all aspects of the problem, together

¹ E/CN.4/906.

with comments and suggestions by various Governments at the twenty-fifth session of the Commission on Human Rights² and at the twenty-sixth³ and twenty-seventh⁴ sessions of the Assembly. Those studies had emphasized the importance of increased international co-operation, particularly with regard to the exchange of information and evidence and to extradition. In 1971, the General Assembly, in its resolution 2840 (XXVI), had requested the Commission on Human Rights to consider the principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity. The note by the Secretary-General (A/9136) reviewed the history of the item, since that time, which was marked by such milestones as Commission on Human Rights resolution 7 A and B (XXVIII),⁵ Economic and Social Council resolution 1691 (LII), General Assembly resolution 3020 (XXVII), Commission on Human Rights resolution 13 (XXIX)⁶ and Economic and Social Council resolution 1791 (LIV). It would be recalled that, in its resolution 13 (XXIX), the Commission had approved the text of a set of draft principles of international co-operation in the matter. The draft principles, the text of which was contained in the annex to the note by the Secretary-General, covered the main questions relating to the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity. In its resolution 1791 (LIV), the Economic and Social Council had approved the draft principles transmitted by the Commission and recommended for adoption by the General Assembly a draft resolution proclaiming those principles.

48. The CHAIRMAN drew attention to the draft resolution submitted by the Economic and Social Council (A/9136, annex).

The meeting rose at 12.30 p.m.

² E/CN.4/983 and Add.1 and 2.

³ A/8345.

⁴ A/8823 and Add.1.

⁵ See *Official Records of the Economic and Social Council, Fifty-second Session, Supplement No. 7, chap. XIII.*

⁶ *Ibid.*, *Fifty-fourth Session, Supplement No. 6, chap. XX.*

2020th meeting

Thursday, 8 November 1973, at 10.50 a.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2020

AGENDA ITEM 60

Principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity (*continued*) (A/9003 and Corr.1, chap. XXIII, sect. A.9; A/9136)

1. Mrs. KARPENKO (Byelorussian Soviet Socialist Republic) noted with satisfaction that the Committee had before it the draft principles contained in the annex to the note by the Secretary-General (A/9136), and emphasized that the text had been arrived at as the

result of an agreement and after protracted debates and efforts. The main sources of the draft were international legal instruments such as the principles of international law recognized by the Charter of the International Military Tribunal, Nuremberg, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, and numerous General Assembly resolutions.

2. She pointed out that the idea expressed in principle 1, namely, that the perpetrators of war crimes and

crimes against humanity must be punished whenever and wherever they had committed their offences, was generally accepted, and in that connexion, she noted that the detection, arrest, extradition and punishment of persons guilty of such crimes were possible only if there was co-operation between States on the basis of bilateral and multilateral agreements. The importance of principles 2 and 3 should also be emphasized; they made it clear that States should not only punish such crimes but should also halt and prevent them—again through co-operation at the international level. She also stressed the essence of principle 4: as a general rule, perpetrators of such crimes should be tried and punished in the countries in which they had committed them. That principle was recognized in General Assembly resolution 3 (I), which had been adopted unanimously. Principle 5 also called for co-operation between States in the exchange of information and evidence necessary to establish the guilt of the perpetrators of such crimes. Principle 6 confirmed that perpetrators of war crimes or crimes against humanity could not enjoy the right of asylum; principle 7 established international obligation not to take measures which might be prejudicial to the principles and objectives of the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, and principle 8 established the basis for international co-operation in that field.

3. International co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity was a means of combating violations of human rights; consequently, the adoption of the draft principles would be an appropriate measure for the observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights. The purpose of those principles was to establish conditions in which no one could commit such crimes, and that would be a serious warning to the Israeli aggressors, the Portuguese colonialists, the South African racists and all imperialist reactionary forces which committed such crimes in order to pursue their objectives. The adoption of the draft principles would strengthen the forces of democracy, peace, freedom and independence. Acts of aggression were still being committed in the world and a not inconsiderable portion of the world's population was still far from feeling free of terror. Those principles were humanitarian in nature and would serve as a guide to States in their efforts to attain the objectives of the Charter. Finally, she appealed for support for the draft and expressed the hope that the international co-operation which it sought to achieve would be manifested in its adoption, and, subsequently, in its implementation.

4. Mr. BOURGOIN (France) said that his delegation had always been interested in the question of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes or crimes against humanity. It had approved the text of the draft principles before the Third Committee, both in the Commission on Human Rights and in the Economic and Social Council, reflecting the vigilant attitude of the Government of France with respect to the question of the punishment of war criminals. He also recalled the active role played by his delegation in the preparation of the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity and pointed out that the subsequent inclusion of

concepts which were not in keeping with the original spirit of that Convention, and which were contrary to French law, had been the reason why the Government of France could not accede to the Convention. French judicial authorities, however, were still concerned with the prosecution of war criminals as defined by the Charter of the Nuremberg and Tokyo Tribunals and by the international jurisprudence recognized by France in that sphere. The highest authorities in France were concerned with the subject, as evidenced by the request for extradition of a war criminal unmasked some time earlier. Thus, after nearly 30 years, the Government of France was still resolved to punish those war criminals.

5. The draft principles before the Committee were conceived, in general, in the same spirit as French legislation in that field, and France not only believed that it was most important to establish international co-operation in the matter, but had already entered into bilateral agreements for the extradition of war criminals. His delegation had no fundamental objections to the draft principles submitted by the Economic and Social Council and would have no difficulty in approving them once again if retained in their present form. He nevertheless had some reservations to express. First, in French law, an accused person was not *a priori* presumed guilty, since it was for the courts to establish guilt, and his delegation viewed the draft in the light of that consideration. Secondly, his delegation had reservations regarding the scope given to crimes against humanity by the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity. France could not accede to that Convention as currently worded because the definition of some crimes introduced political and doctrinal criteria into a convention dealing with criminal matters; that was contrary to the rules of French criminal law, in which definitions had to be interpreted restrictively. His delegation therefore considered that the principles under consideration should be applied to war criminals as defined by the Nuremberg and Tokyo Tribunals and by the jurisprudence recognized by France.

6. Mr. NENEMAN (Poland) said that the draft principles before the Committee, which had already been adopted by the Commission on Human Rights and the Economic and Social Council, had been arrived at after long, careful and sometimes difficult work, and were the result of a compromise. It was therefore important that the Committee should adopt them in their present form and without further delay. The principles had been elaborated because experience had shown that the detection and punishment of persons guilty of war crimes and crimes against humanity needed closer international co-operation. In the preparation of the principles, war crimes and crimes against humanity that had been committed in the past, that were currently being committed and that might be committed in the future, had been taken into consideration. Despite the fact that almost 30 years had passed since the Second World War, not all the crimes committed in that war had been punished. That, however, was not the only reason for which closer international co-operation in that field was needed: if adopted, the principles would play a very important preventive role. War crimes and crimes against humanity nurtured by the policies of imperialism, aggression, neo-colonialism and *apartheid* must be punished whenever and wherever they were

committed, in the interests of justice and international peace and security.

7. The principles under consideration by the Committee were based on existing international conventions and other instruments concerning the prevention and punishment of war crimes and crimes against humanity, including the Hague Conventions of 1907 and the Geneva Conventions of 1949. The adoption of the principles would lead to a better and more precise implementation of existing instruments and would add to international bilateral and multilateral co-operation intended to halt and to prevent war crimes and crimes against humanity. With that in mind, his delegation was ready to accept the draft principles as adopted by the Commission on Human Rights and by the Economic and Social Council, and it hoped that other delegations were prepared to do likewise.

8. Mr. MIKOLAJ (Czechoslovakia) said that, despite the efforts of peace-loving States to prevent conflicts at their source, mankind continued to be the witness of unjust and aggressive wars which were being started in many parts of the world and in which war crimes and crimes against humanity were being systematically committed. From the point of view of humanity and justice, it was unacceptable that persons who had committed crimes against defenceless peoples should remain at liberty and not be punished for their crimes. His delegation had repeatedly expressed its determination to provide moral and material assistance to progressive national liberation forces so that they might achieve national and political independence and freedom from the yoke of the colonial Powers. It therefore considered that the principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity should also apply to crimes resulting from the implementation of racist, colonialist and *apartheid* policies.

9. The possibility of inflicting just punishment on persons guilty of such crimes depended on the consistent utilization and implementation of all international instruments and resolutions and decisions adopted by the General Assembly to that effect. In addition, the effective legal prosecution of such persons required the mutual and co-ordinated co-operation of all States. It was generally recognized that international co-operation was needed, not only in the interests of justice, but also because the effective punishment of such persons with the co-operation of the States concerned contributed significantly to the prevention and elimination of further crimes against humanity.

10. Since its liberation from the Nazi yoke, Czechoslovakia had pursued persons guilty of war crimes and crimes against humanity and the Czechoslovak Commission for the Prosecution of Nazi and War Criminals was co-operating with similar bodies in other countries. Effective co-operation required the inclusion in legal instruments of the fundamental principles of mutual and co-ordinated international co-operation in the detection, arrest, extradition and punishment of persons guilty of such crimes. For that reason, the Czechoslovak Socialist Republic had made the greatest possible efforts in the United Nations to ensure that persons guilty of war crimes and crimes against humanity would be pursued and justly punished. In its desire to prevent a repetition of the sufferings of millions of inno-

cent people, his Government had always supported the establishment of international norms which would provide for the punishment of such persons in the interests of humanity and the protection of human dignity. That could also be seen from its close and co-ordinated co-operation with other States in the detection, extradition, arrest and punishment of persons guilty of such crimes, in accordance with the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter.

11. The adoption at the twenty-eighth session of the General Assembly of the draft principles in the form in which they had been endorsed by the Commission on Human Rights in its resolution 13 (XXIX)¹, and by the Economic and Social Council in resolution 1791 (LIV), would contribute significantly to constructive co-operation among States, to the effective implementation of the fundamental principles of international law, to security in the lives of people, to the fulfilment of the purposes of the United Nations and, also, to international peace and security. He therefore hoped that the Committee would unanimously adopt the draft resolution of the Economic and Social Council (A/9136, annex).

12. Mr. GAHUNGU (Burundi) said that his delegation attached great importance to principles and measures designed to protect and safeguard mankind. Civil wars and wars between countries constituted a serious threat to the life of the civilian and military population and caused economic and social disasters. In the current war in the Middle East, tens of thousands of human lives had been uselessly sacrificed in order to satisfy mad urges to dominate.

13. His delegation supported all efforts to punish war crimes and crimes against humanity but considered that the principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of such crimes were not clearly defined, particularly with regard to the exchange of documentary and other types of evidence. To ensure that the principles were uniformly implemented, all States should incorporate into their national laws the principles of international law concerning the punishment of persons guilty of war crimes or crimes against humanity and agree that such persons should be arrested and tried even if their crimes had been committed in other countries. Similarly, all States should adopt the principle of "dual criminal status". Moreover, the draft resolution submitted by the Economic and Social Council seemed to disregard matters relating to other crimes against humanity committed in time of peace, and his delegation would like wars of aggression and policies and practices based on racism, *apartheid* and colonialism also to be recognized as crimes against humanity.

14. Mr. GRAEFRATH (German Democratic Republic) congratulated the Commission on Human Rights on its successful elaboration of the principles under consideration by the Committee and said that his country believed that those principles constituted the minimum that could be said on the subject. His Government had repeatedly expressed its conviction that the prosecution of all persons guilty of war crimes and crimes against humanity was an important element

¹ See *Official Records of the Economic and Social Council, Fifty-fourth Session, Supplement No. 6, chap. XX.*

in the prevention of such crimes, in the protection of human rights, in the maintenance of international peace and security, in the strengthening of confidence among peoples and in the promotion of co-operation among States.

15. In the German Democratic Republic, 12,821 persons had been punished for war crimes, and the prosecution and punishment of persons guilty of crimes of that kind perpetrated under fascism had been and continued to be, for his country, a means of safeguarding peace. The Constitution and legislation of the German Democratic Republic were in full agreement with the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity and with the generally recognized rules of international law expressed therein. The courts of the German Democratic Republic made an essential distinction between crimes against peace and humanity and war crimes, on the one hand, and common criminal acts, on the other. That referred not only to non-limitation but also to the application of the principle of universal criminal jurisdiction and other questions.

16. The German Democratic Republic transmitted to all States, including States with which intergovernmental agreements on legal assistance had not yet been concluded, material and information needed as evidence with regard to such international crimes and their perpetrators. In doing so, it was acting in accordance with the principle of universal jurisdiction as it applied to those international crimes, and as reflected in the Moscow Declaration of 1943, the Charter of the International Military Tribunal, Nuremberg, the Geneva Conventions and the Convention on the Non-Applicability of Statutory Limitations to War Crimes. Unfortunately, the material and information transmitted for the prosecution and punishment of offenders was not used in all cases. His delegation drew the Committee's attention to the fact that numerous war criminals and persons guilty of crimes against humanity had found refuge in the territory of some States and enjoyed their protection and that, until recently, such crimes had persisted in various parts of the world.

17. It was therefore not sufficient to lay down fundamental principles. Co-ordinated efforts should be made to ensure their application. In that connexion his delegation endorsed what had been stated by the Secretary-General in paragraph 60 of his report on the question at the preceding session² to the effect that extradition laws, bilateral treaties and practices of States should be brought into harmony with the basic principles of international law on the prosecution and punishment of persons guilty of war crimes and crimes against humanity. His delegation understood the draft resolution before the Committee to constitute an appeal to States to pay regard to the principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity, in particular when concluding extradition agreements, agreements on legal assistance or similar bilateral or multilateral agreements. It would therefore be glad if the Secretary-General would propagate those principles as widely as possible.

18. Mr. VALDERRAMA (Philippines) said that his delegation had supported the text adopted as General Assembly resolution 3020 (XXVII), as well as that

adopted as resolution 13 (XXIX)¹ of the Commission on Human Rights, as the Philippines had suffered untold losses in the Second World War and recognized the need for international co-operation in the punishment of war criminals.

19. It also considered that there was still such a need, not only for the punishment of those guilty of war crimes but also for the punishment of persons who committed such crimes against humanity as *apartheid*. However, when the Commission on Human Rights had adopted the draft resolution without a vote, his delegation had placed on record its reservations regarding principle 4, indicating that States should be requested to co-operate with regard to the extradition of persons subject to the limitations laid down in their national legislation. His delegation wished to reiterate that reservation.

20. Mrs. WARZAZI (Morocco) considered that the text of the draft resolution could be made clearer and more precise if certain changes were made. For example, principle 1 was a repetition of principle 4 and, in a text of that kind, the more concise the language was, the more effective it would be. She accordingly suggested that principle 1 should simply state: "War crimes and crimes against humanity, whenever or wherever they are committed, shall be subject to investigation", and that the rest of the paragraph should be deleted. Principle 4 should deal with the manner in which the investigation should be conducted, incorporating the concepts deleted from principle 1, and thus beginning with the words: "Persons against whom there is evidence that they have committed war crimes and crimes against humanity shall be subject to tracing, arrest, trial . . .". Principle 1 would thus refer to investigation, principle 2 would refer to co-operation between States, principle 3 to mutual assistance in detecting, arresting and bringing to trial persons suspected of such crimes, and principle 4 would refer to the measures to be adopted.

21. Furthermore, principle 2 was insufficiently clear because, although it was possible to "take" domestic measures, international measures had to be "applied". She therefore proposed³ that, in principle 2, the word "humanity" should be followed by the words "shall take the domestic measures necessary for that purpose and shall adopt and apply international measures relating thereto".

22. Mr. VON KYAW (Federal Republic of Germany) recalled that the principles established by the Charter of the International Military Tribunal, Nuremberg, and the allied tribunals had thus far been applied almost exclusively to nationals of the countries that had lost the Second World War. He drew attention to the need for the general application of the idea of international criminal responsibility of individuals for war crimes and crimes against humanity.

23. The principles set forth in the draft before the Committee, although not binding, would nevertheless serve as guidelines for future action and should therefore correspond to accepted ideas of justice and accepted legal concepts. With regard to the first of the principles, his delegation was of the opinion that it should not be understood as establishing universal jurisdiction in all States in respect of the investigation and punishment of war crimes and crimes against humanity irrespective of nationality and the principle of

² A/8823 and Add.1.

³ Text subsequently circulated as document A/C.3/L.2049.

territoriality. It also took the view that the paragraph did not affect the rules governing statutory limitations in the Federal Republic of Germany.

24. In principle 2, his delegation interpreted the term "international measures" in the sense that it should not be understood to mean any interference in the judicial matters of other States. It also assumed that co-operation between States, as defined in principles 3 and 5, would take place within the scope of the domestic legislation of States governing extradition and international judicial assistance in criminal matters.

25. In his delegation's opinion the principle of territoriality, termed "a general rule" in principle 4, did not preclude the jurisdiction of another State on the basis of its own legislation. With regard to the question of granting political asylum, dealt with in principle 6, the Federal Republic of Germany was bound by its own constitutional law. Each individual request for asylum would therefore have to be examined on its own merits. If asylum was granted to a person persecuted on political grounds, that would not necessarily exclude the possibility of initiating proceedings in the Federal Republic of Germany against such a person for war crimes or crimes against humanity.

26. His delegation expressed the hope that the Committee would find it possible further to improve the principles without introducing any new concepts or

elements that might endanger the general consensus which seemed to have already emerged on the item. In principle, his delegation was in favour of the draft resolution before the Committee.

27. Mr. COSTA COUTO (Brazil) thought that the suggestions made by the representative of Morocco were useful and improved the text, and might appropriately be submitted as amendments.

28. Mrs. WARZAZI (Morocco) formally proposed that principle 2 should be amended as she had suggested in her earlier statement, but wished her comments on principles 1 and 4 to be regarded as suggestions.

29. Miss FAROUK (Tunisia) and Mrs. de BARISH (Costa Rica) supported the Moroccan amendment.

30. After a procedural discussion in which Mr. PELLICER (Mexico), Mr. SÖYLEMEZ (Turkey), Mr. KRISHNAPPA (India), Mr. CATO (Ghana) and Mr. WIGGINS (United States of America) took part, the CHAIRMAN announced that the time-limit for the submission of amendments to the draft resolution would expire at 6 p.m. and suggested that at the following meeting, after hearing representatives who wished to speak and after considering any amendments submitted, a vote should be taken on the draft resolution.

The meeting rose at 12.10 p.m.

2021st meeting

Friday, 9 November 1973, at 10.45 a.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2021

AGENDA ITEM 60

Principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity (*continued*)
(A/9003 and Corr.1, chap. XXIII, sect. A.9; A/9136, A/C.3/L.2049)

1. The CHAIRMAN pointed out that the deadline for the submission of amendments to the draft resolution in the annex to document A/9136 had expired at 6 p.m. the previous day; only the delegation of Morocco had submitted an amendment (A/C.3/L.2049).

2. Mr. BAROODY (Saudi Arabia) said that although the deadline to do so had expired, his delegation would like to propose some amendments which it had not been able to submit earlier for reasons of *force majeure*. They involved texts which were an integral part of a draft optional protocol to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity submitted by Saudi Arabia in the Third Committee during the twenty-third session of the General Assembly.¹ If the Committee agreed, he would submit those amendments; otherwise, he would not insist on his proposal.

¹ See *Official Records of the General Assembly, Twenty-third Session, Annexes*, agenda item 55, document A/7342, para. 104.

3. He pointed out that almost all wars were in essence criminal, with the exception of those which were waged in legitimate self-defence, but often the nations at war invented more or less valid excuses to explain them. The goals pursued by war were generally economic or political. For example, the cause of the First World War had been German mercantilism and not the defence of democracy, and the concept of war criminal had only begun to take shape after that conflict, when Kaiser Wilhelm had been considered a war criminal for having defied Great Britain, France and their allies in the mercantile sphere. It was appropriate to ask, therefore, whether the only war criminals were the vanquished. When the belief that might was right prevailed, man believed himself capable of ruling destinies because he held power in his hands. However, in the last analysis, a soldier was a criminal by compulsion, not by choice. Various examples taken from the Second World War—the destruction of Coventry by the Germans, of Dresden by the allies, of Hiroshima and Nagasaki by the United States—raised the question of who was entitled to try war crimes. In recent history war criminals had always been the vanquished, tried by the victors.

4. With reference to the foregoing, he said he felt that the draft resolution under consideration did not reflect the causes of war since it was based on fallacious arguments and its current text could give rise to a chain

reaction of vengeance. Accordingly, if there was no objection, he would like to propose, as an amendment, the insertion in the text of the four first articles from the draft optional protocol submitted by his delegation to the Third Committee in 1968. Article 1 stated: "Any person accused of war crimes or crimes against humanity shall be tried by a tribunal consisting of judges of States not parties to a given war." In that connexion it should be emphasized that it was important that nationals of States which had participated in the war should not be members of the tribunal. Article 2 read: "Without prejudice to the provisions of the preceding article 1, every State has the right to try its own nationals for war crimes or crimes against humanity." Article 3 provided that: "The tribunal shall be authorized to try persons accused of war crimes or crimes against humanity, who are nationals of States parties to a given conflict." Article 4 stated: "The right of asylum shall be denied to a person accused of war crimes or crimes against humanity, where the charges against him have been confirmed by a tribunal."

5. His delegation asked the officers of the Committee and the Director of the Division of Human Rights to decide where those four paragraphs should be inserted in the draft principles of the Economic and Social Council. If they were not inserted, the document would generate vengeance and hatred, contrary to the intentions of its sponsors, and everything which generated hatred and vengeance should be eliminated by the United Nations.

6. The CHAIRMAN pointed out that since the deadline had expired, the Committee's consent would be required for the submission of new amendments to the draft resolution.

7. Mr. LOSHCININ (Byelorussian Soviet Socialist Republic) observed that the deadline set by the Committee for the submission of amendments had already expired. He welcomed the spirit of co-operation on which delegations had prided themselves in not submitting more amendments other than that of Morocco (A/C.3/L.2049), which in the view of his delegation was fully acceptable.

8. Mr. HUMAM (Democratic Yemen) said that the draft resolution before the Committee had been thoroughly revised and was the result of consultations and accommodations. It could be considered as an appeal to Member States, to peace-loving countries and to all defenders of human rights to co-operate fully in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity. It was no secret that many persons guilty of such crimes, and many who were still continuing to commit them, were still at large and that it was contrary to the interests of justice, human rights, friendly relations among peoples and international peace and security to leave such persons unpunished. All possible measures should be taken to prevent any repetition of such offences and to alleviate the sufferings and correct the injustices done to millions of innocent people. Peace and stability could not be achieved while the war criminals of Portugal, South Africa, the white minority in Southern Rhodesia and Israel continued to commit war crimes and crimes against humanity without being brought to justice. It was necessary not only to punish persons who had been guilty of war crimes and crimes

against humanity in the past, but also to prevent any repetition of such crimes now and in the future.

9. His delegation supported the draft resolution submitted by the Economic and Social Council and urged its adoption without unnecessary delay. The draft principles were in conformity with the principles and purposes set forth in the Charter of the United Nations concerning the promotion of co-operation between peoples and the maintenance of international peace and security.

10. Mr. BIRBAUM (Austria) said that the subject with which the Third Committee was concerned should not be a matter of indifference to anyone since it represented a step further towards the adoption of effective measures to punish particularly atrocious crimes—which should result in better prevention of such crimes. Austria had experience in the punishment of war crimes. More than 100,000 persons had been brought to justice and more than 10,000 had been found guilty and sentenced by Austrian tribunals. Austrian law punished any Austrian who had committed a criminal act, wherever it was committed, any individual who had committed such an act in Austrian territory and, where the case arose and in application of the penal principle of universality, any person who committed a criminal act, whatever his nationality or wherever the act was committed. As the result of an amendment to the Austrian Penal Code, in 1965 the statutory limitation for all crimes carrying the death penalty, in particular homicide, had been abolished. Consequently, the spirit of principle 1 was a reality in Austria, and it was therefore acceptable to his delegation.

11. Austria's co-operation with other States in criminal matters was ensured through a series of bilateral treaties on mutual assistance in criminal matters and by its accession to multilateral conventions, particularly the European Convention on Mutual Assistance in Criminal Matters. Even without a treaty, co-operation was effected on the basis of reciprocity. Hence principles 2, 3 and 5 presented no insuperable problems for his delegation.

12. The rule of priority of the State in which an offence was committed, included in principle 4, would not be appropriate in all cases, and in that connexion he referred to principle IV of the principles of international law recognized in the Charter of the International Military Tribunal, Nuremberg, and in the Judgement of the Tribunal, and confirmed in General Assembly resolution 95 (I). In connexion with the same principle in the draft resolution, Austria would not depart from the generally recognized principle of non-extradition of its nationals; but that reservation could be covered by the limitation included in principle 4, namely that it would be applied "as a general rule".

13. With regard to territorial asylum, Austria considered every case in the light of the provisions in force in the country and taking into account all the international obligations assumed in that area. Principles 7 and 8 prompted no comment on the part of his delegation, which found their provisions clear.

14. Basically, the draft principles, in the form in which they had been recommended to the General Assembly by the Economic and Social Council, accurately reflected some of the ideas which should guide States if they wished to prevent and effectively combat

crimes that struck at the very foundations of humanity and of relations between countries. His delegation could accept the principles and was prepared to consider any proposal calculated to make them more specific.

15. Mr. VAN WALSUM (Netherlands) said that, in varying degrees, most of the countries of Eastern and Western Europe had suffered the terrible consequences of Nazi occupation, and his delegation's thinking on the matter was similar to that of the countries of Eastern Europe. Accordingly, in so far as they were based on the definition of "war crimes" and "crimes against humanity" found in the Charter and Judgement of Nuremberg, the draft principles should not pose serious problems for any delegation. The general agreement as to the wording of those draft principles might, however, tend to conceal the fact that there were divergent views on the possibility of finding updated definitions for those two types of crime outside the Charter and Judgement of Nuremberg. It should be recalled that disagreement on that matter had radically restricted the number of States that had acceded to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, although many countries, including the Netherlands, had complied with the spirit of that Convention by changing their domestic legislation in order to except war crimes and crimes against humanity from the statute of limitations.

16. It had been observed on previous occasions that strict limitations to the Charter and Judgement of Nuremberg as the only valid source of appropriate definitions restricted the whole concept of war crimes and crimes against humanity to the Second World War, i.e., to crimes committed in the past. It had been said that that was unrealistic, to say the least, because there was no reason to assume that war crimes and crimes against humanity could not be committed in the present or the future. His delegation considered that a valid objection and was prepared to qualify its view that the definition of "war crimes" and "crimes against humanity" was to be found in the Charter and Judgement of Nuremberg by stating that those documents should not be considered the only source for all time. It was not the view of his delegation that only crimes committed during the Second World War could be classified as war crimes or crimes against humanity. However, he wished to point out that, although it was not easy to decide what constituted current international law, it was his delegation's view that international penal law could not be created by hasty drafting work in the Third Committee or in any other Committee of the General Assembly. International law had to be based on a very wide consensus and almost universal acceptance, and it was clear that it could not be the product of a simple majority vote in the Third Committee. With regard to the definition that would serve as a basis for the draft before the Committee, his delegation welcomed and endorsed the eight principles under consideration on that understanding.

17. Mr. PETROV (Bulgaria) said that for various reasons his delegation attached great importance to the item under consideration in the Committee. First, since its very inception the United Nations had been concerned with the problem of the just punishment of war criminals; but in spite of the continuous efforts of the international community and the majority of Member States, there were still persons guilty of war crimes who

had not been duly tried and punished. Secondly, present-day reality confirmed the urgent need for a still more active struggle on the part of the international community and the United Nations to prevent war crimes and crimes against humanity. Thirdly, the experience of the United Nations and of the Member States in that respect proved to be positive and effective when broadly based on full international co-operation; and the principles of such co-operation should be clearly defined. Lastly, the just and common struggle for the punishment of war crimes and crimes against humanity of the past and the present, as well as the common will and preventive measures to eliminate those crimes, were of a noble humanitarian nature and largely contributed to the further strengthening of the spirit of international co-operation and the promotion of human rights.

18. The Bulgarian delegation, which had been one of the sponsors of the text adopted as General Assembly resolution 3020 (XXVII), felt that the great political, legal and humanitarian significance of the principles under consideration was self-evident, since they were devoted to and aimed at the promotion of international co-operation, which was a basic principle of the Charter of the United Nations. In that connexion it would be well to recall such widely acknowledged examples of international co-operation as the Nuremberg Charter, General Assembly resolution 95 (I), the Convention on the Prevention and Punishment of the Crime of Genocide, the Geneva Conventions, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, and the Convention on the Suppression and Punishment of the Crime of *Apartheid*. Those historic acts of the United Nations had served as a legal basis for the elaboration of many international instruments and had contributed to the process of codification of international law. No doubt the adoption of principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity that had long been dispersed in so many instruments would further strengthen those instruments, bring them up to date and have a direct bearing on the process of codification. Such principles would inevitably affect the policy of aggression, colonialism, *apartheid* and racism, because it was clear that those evils were the sources of the gravest crimes against humanity today, and because the need for international co-operation to eradicate them was acknowledged. Thus, the adoption of the principles of co-operation in the punishment of war crimes in the past and the prevention of future crimes would prove to be a useful projection into the future rather than a shadow of the past. It would also be an appropriate and important contribution to the commemoration of the twenty-fifth anniversary of the Universal Declaration of Human Rights and a new and noble humanitarian act.

19. In view of those considerations and in accordance with its positive position on the item in the Commission on Human Rights, his delegation would vote in favour of approval of the principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity, and hoped that the Committee would follow the example of the Commission on Human Rights and the Economic and Social Council and adopt the draft principles without a single negative vote.

20. Mr. SMIRNOV (Union of Soviet Socialist Republics) said that international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity was a contemporary aspiration, reflecting the objectives embodied in the Nuremberg Charter, which in turn were basic principles of the Charter of the United Nations. The United Nations had developed those principles and had adopted a whole series of international instruments in that sphere. Despite all that, however, the question of the punishment of war crimes and crimes against humanity continued to be an urgent problem.

21. At the twenty-seventh session, the General Assembly, in its resolution 3020 (XXVII), had requested the Commission on Human Rights to complete the preparation of draft principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity. The Commission had done so and by its resolution 13 (XXIX),² which had been adopted without a vote, it had endorsed the text before the Committee. The Economic and Social Council in its resolution 1791 (LIV) had also endorsed the draft, by 22 votes to none, which was further proof that the principles had been carefully studied on various occasions. Moreover, before the expiry of the time-limit stipulated in the Third Committee, only one amendment (A/C.3/L.2049) had been submitted to the Council's draft resolution, which constituted a complete, definitive and well-formulated document, simple in form and clear in content.

22. The USSR supported the draft resolution submitted by the Economic and Social Council and endorsed the Netherlands' view that international law should be based on the widest possible agreement among States and should be applied on a universal scale. His delegation hoped that the draft resolution would be the subject of such agreement both in the Third Committee and in the General Assembly, since it considered that the approval of those principles would also serve as a warning to anyone planning to commit war crimes or crimes against humanity in the future.

23. Mr. SAARIO (Finland) noted that the draft principles had undergone modifications which to a great extent eliminated the constitutional difficulties Finland had had with the previous drafts. Although the principles were acceptable to his delegation in substance, it still had certain reservations with regard to the interpretation of the meaning of some of them.

24. The Finnish Constitution prohibited any legislative measures with a retroactive effect in criminal law. That was one of the reasons why Finland had not been able to accede to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity. In draft principle 1, the word "whenever" might be interpreted as referring to the absence of any statutory limitation. His delegation could accept that principle only on the understanding that it did not presuppose the co-operation of a State in past cases where, under the national criminal law of the State, such co-operation was no longer possible. That reservation, however, did not have any great practical significance in Finland, since for those offences falling within the category of war crimes or crimes against

humanity which, at the same time, could be considered as such serious crimes as murder, for which the maximum penalty was lifetime hard labour, there had never been any statutory limitations under Finnish criminal law.

25. With regard to draft principle 4, it was a generally applied rule that States did not extradite their own citizens. That was the case in Finland, where the Extradition Act explicitly prohibited such extradition. Consequently, his delegation could accept the draft principle only with the reservation that the obligation of a State to extradite did not apply to its own citizens. Again, however, that reservation did not have great significance in Finland, where the principle of universal jurisdiction was applied in criminal law. Consequently, a person guilty of a war crime or a crime against humanity could be prosecuted and tried in Finland even if the crime had been committed abroad.

26. With regard to the draft resolution itself, his delegation would abstain on the first preambular paragraph if it was put to the vote separately because it referred to resolutions which his delegation had been unable to support at the time, but it would vote in favour of the draft resolution as a whole.

27. Mr. PETHERBRIDGE (Australia) said that Australian legislation relating to war crimes and crimes against humanity placed no statutory limitations on prosecution and punishment. Furthermore, Australia was a party to the Convention on the Prevention and Punishment of the Crime of Genocide and the Geneva Conventions of 1949, and had introduced the War Crimes Act in 1945 to make provision for the trial and punishment of violations of the laws and usages of war committed during any war in which Australia had been engaged since 2 September 1939 against any persons who had at any time been resident in Australia or against persons of allied or associated Powers.

28. Therefore, from a broad point of view, his delegation had no objection to the principles under consideration. However, it did have difficulty with some of the wording, either because it was vague, because it encompassed too much, or because it was unnecessary. Some of the principles might be tightened up with a measure of redrafting, but it should be borne in mind that the Committee's only concern was the statement of some principles that were not legally binding.

29. Principle 1 could be improved, but it was easily comprehensible. The Moroccan proposal (A/C.3/L.2049) improved principle 2, which covered a wide and uncertain field. Principle 4 stated a general rule, but his delegation doubted whether it would have general application to all the crimes to which it referred. Account should also be taken of the terms of extradition treaties under which countries like his own proceeded with extradition. With regard to principle 7, there was a special need for countries with a federal system of government, like Australia, to ensure that their legislation was not in conflict with a treaty before they ratified it.

30. Mrs. WARZAZI (Morocco) said that she had perhaps not given a clear explanation of the amendment proposed by her delegation to principle 2 contained in the draft resolution, since several delegations had indicated that they had difficulty with the words "shall adopt" which appeared in the amendment

² See *Official Records of the Economic and Social Council, Fifty-fourth Session, Supplement No. 6*, chap. XX.

(A/C.3/L.2049). The amendment was aimed at improving the text, having regard to the fact that States could not take international measures as they would domestic measures; the international measures referred to were those approved within the framework of international conferences. That implied the formulation and adoption by States of measures to be applied subsequently. Her delegation did not understand the objections raised in that connexion, particularly as the paragraph in question was concerned with suppressing and preventing war crimes and crimes against humanity. It seemed to her inconceivable that any State should oppose the adoption of international measures against such crimes. Her delegation was prepared to withdraw its amendment in order to prove that it had had no ulterior motives in submitting it, if that was necessary in order to satisfy the majority. It would do so in the light of the comments made on the amendment. It would, however, be regrettable if among the members of the Committee there were delegations that opposed the amendment, which had to do with the adoption of international measures against war crimes and crimes against humanity.

31. Mr. SÖYLEMEZ (Turkey) said that his delegation had given careful consideration to the draft resolution and fully agreed that war criminals should not escape punishment, because although Turkey had not been a belligerent country until the very end of the Second World War it had suffered from the consequences of that conflict. He stressed the importance of the instruments adopted in that field during the post-war years, such as the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to which his country was a party. His delegation welcomed the draft principles as a whole, but although it fully supported the idea underlying them, it had certain difficulties and reservations.

32. In the first place, the Turkish legal system gave preponderance to the principle that accused persons were presumed innocent until proven guilty after due process of trial and judgement. It was his delegation's understanding that principle 1 did not run counter to that important principle. In the second place, it was his delegation's understanding that the opening phrase of principle 1, namely, "War crimes and crimes against humanity, whenever or wherever they are committed", was not retroactive. The Commission on Human Rights had improved the text by deleting the unacceptable allusion to retroactivity, a concept unacceptable to his country, since Turkish legislation embodied the fundamental rule of prescription which found expression in

article 33 of the Turkish Constitution and article 2 of the Turkish Penal Code. That being so, his delegation feared that principle 1 might be interpreted as running counter to that fundamental rule. In that respect, there was some discrepancy between the original French phrase "*quel que soit le moment où ils ont été commis*" and the English translation, which should be clarified since it might be open to different interpretations. Finally, although principle 4 clarified principle 1 by stating that trial and punishment of war crimes would, as a general rule, take place in the countries in which those crimes had been committed, his delegation believed that principle 1 would be more precise if those two issues were linked organically. Consequently, his delegation wished to reserve its position on principle 1 in the draft resolution.

33. Mr. SAYEGH (Kuwait) said that his delegation was in an embarrassing situation. Like other delegations, it would like to submit amendments despite the fact that the time-limit had expired, because it had difficulties with the text under consideration, which it would not be able to approve as it stood. The basic shortcoming, in his view, was the absence of definition of the key terms used; he knew of no legal text which did not include relevant definitions. As the issue went beyond procedural questions, he asked the Chairman whether some flexibility could be allowed so that delegations could submit new amendments; and he requested that the vote be postponed until the delegations concerned had proposed amendments that would enable them to support the draft resolution.

34. The CHAIRMAN said it was his understanding that there had been a proposal to postpone the vote until the afternoon meeting. With regard to the submission of amendments after expiry of the time-limit, since the Committee had accepted the time-limit without opposition at its previous meeting, authorization would have to be given by the Committee itself; any proposal submitted to that effect by a delegation would be put to the vote.

35. After an exchange of views in which Mr. PETROV (Bulgaria), Mr. KHMIL (Ukrainian Soviet Socialist Republic), Mr. BADAWI (Egypt) and Mr. PAPADEMAS (Cyprus) participated, the CHAIRMAN announced the beginning of the voting on the draft resolution. The votes would actually be cast and explanations of vote given at the next meeting.

36. Mrs. KOROMA (Sierra Leone) requested that a separate vote be taken on the various parts of the draft resolution.

The meeting rose at 12.55 p.m.

2022nd meeting

Friday, 9 November 1973, at 3.15 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2022

AGENDA ITEM 60

Principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity (concluded)
(A/9003 and Corr.1, chap. XXIII, sect. A.9; A/9136, A/C.3/L.2049)

1. The CHAIRMAN invited delegations which wished to do so to explain their vote before the draft resolution submitted by the Economic and Social Council in resolution 1791 (LIV) and appearing in the annex to document A/9136 was put to the vote.

2. Mrs. DE BARISH (Costa Rica) said that at the preceding session her delegation had voted for the procedural General Assembly resolution (3020 (XXVII)) referring the draft principles to the Commission on Human Rights in the hope that the Commission would take account of the legal objections raised by her delegation. She welcomed the improvements to the text, which currently represented a balance between the various positions adopted. She felt it necessary, however, to provide some clarifications concerning her delegation's interpretation of the draft principles. In general, she considered that the text contained guiding principles to be followed which would not, however, be obligatory. With regard to principle 1, since Costa Rican constitutional law did not recognize the principles of retroactivity and non-applicability of statutory limitations, her delegation could not approve of the words "whenever or wherever they are committed" and would have to request that a separate vote be taken on those words. In addition, it interpreted the last sentence of principle 4 concerning extradition as meaning that States would apply the rules relating to extradition embodied in their own constitutional law and in the bilateral conventions to which they were parties. With regard to principle 6, which referred to article 1 of the Declaration on Territorial Asylum of 14 December 1967, her delegation interpreted it according to the meaning of article 1 of that Declaration as a whole and placed particular stress on paragraph 3 of that article. It considered that, although the right of asylum could not be granted to persons with respect to whom there were serious reasons for considering that they had committed a crime against peace, a war crime or a crime against humanity according to international instruments containing provisions relating to such crimes, it would, nevertheless, rest with the State granting asylum to evaluate the grounds for the grant of asylum.

3. Her delegation would vote in favour of the draft resolution submitted to the Committee.

4. Mrs. WARZAZI (Morocco) said that her delegation would vote in favour of the draft resolution under consideration and, in particular, in favour of principle 2 because, although it was true that Europe had suffered greatly as a result of the Second World War, it was also true that there were currently regions of the world

which were suffering as a result of wars and policies of racial supremacy or of colonialism. The countries of the third world, which had a clear conscience with regard to the problem which had led to the preparation of the draft resolution, could not remain indifferent to the crimes against humanity committed by persons who were blinded by their own interests and devoid of conscience and morality. She considered that the draft resolution should not be focused on the past, but, rather, on the present and the future, so that the principles to be adopted would be realistic.

5. Mr. COSTA COUTO (Brazil) said that his delegation had followed with the greatest interest the discussions on the item under consideration, fully supported the principles contained in the draft resolution and welcomed the improvements the sponsors had made to the original text. He considered, however, that the aspects of principle 1 which related to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity should be amended because, in Brazilian law, there were time-limits for prescription which varied according to the nature of the crime. Moreover, principle 4, relating to extradition, was not compatible with Brazilian law and its wording should be brought into line with the second paragraph of article VII of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, as it appeared in article XI of the Convention on the Suppression and Punishment of the Crime of *Apartheid*. Brazil could not extradite a person accused of a crime unless it had an extradition convention with the requesting country. In addition, the rule of the non-extradition of Brazilian citizens and the rule which provided that an act defined as criminal in the State requesting extradition should also be punishable under the laws of the Brazilian State also limited the application of the principle of extradition. Finally, principle 6 was not clear with regard to the right to asylum and, in that connexion, his delegation recalled that all Latin American States were bound by the long tradition that the State which granted asylum was competent to decide on the nature of the crime of which the refugee had been accused.

6. His delegation would abstain in the vote on the draft resolution for the reasons he had just given.

7. Mr. BAROODY (Saudi Arabia) expressed regret that the sponsors of the draft resolution had not allowed him to make any changes in the text, which, in his opinion, contained many gaps and was often imprecise. In particular, principles 4 and 6 placed limitations on the right to territorial asylum which were not acceptable to Saudi Arabia, a Moslem country for which the right to asylum was sacred and which had its own laws on extradition. The text did not state clearly who was competent to collect evidence showing that persons had committed war crimes or crimes against humanity. He feared that the proposed text would enable the victors to set themselves up as judges of the van-

quished, without being liable to punishment for their own crimes, as had already been the case after the Second World War. He drew the attention of the African and Asian countries which might be tempted to vote in favour of the draft resolution, in the false hope of being able to try persons guilty of crimes against humanity perpetrated in their respective regions, to the dangers of adopting such a text, which, in its current form, was only a manoeuvre of the big Powers to consolidate their sphere of influence. His delegation would not take part in the vote on the draft resolution and would submit to the General Assembly some constructive amendments to the draft.

8. Mr. BADAWI (Egypt) said that the punishment of persons guilty of war crimes and crimes against humanity came within the framework of the efforts made by the international community with a view to achieving the objectives of peace and security embodied in the Charter of the United Nations. The persistence of war crimes and crimes against humanity in various parts of the world required the adoption of measures and, in particular, of resolutions and conventions providing for the punishment of persons guilty of such crimes. In that connexion, his delegation had been gratified by the adoption by the Committee of the draft Convention on the Suppression and Punishment of the Crime of *Apartheid* and also welcomed the draft resolution contained in the annex to document A/9136. His delegation was of the opinion that the terms "war crimes" and "crimes against humanity" should be understood according to their meaning in international instruments. Those crimes included war crimes as defined in the Charter of the International Military Tribunal, Nuremberg, of 8 August 1945, and confirmed by General Assembly resolutions 3 (I) and 95 (I), particularly the "grave breaches" enumerated in the Geneva Conventions of 12 August 1949 for the protection of victims of war and crimes against humanity, including eviction by armed attack or occupation and inhuman acts resulting from the policy of *apartheid*, and the crime of genocide as defined in the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, even if such acts did not constitute a violation of the domestic law of the country in which they had been committed.

9. His delegation would vote in favour of the draft resolution submitted to the Committee.

10. Mr. FUENTES IBÁÑEZ (Bolivia) said that his delegation was not able to vote in favour of the draft resolution. First, Bolivian law provided for a 10-year period of statutory limitation for all crimes. Bolivia could therefore not undertake to adopt measures such as the ones provided for in principle 2, which ran counter to its domestic legislation. Principles 6 and 7 also raised some difficulties—principle 6, because it did not lay the legal foundations for the refusal by a State to grant asylum and because inter-American law provided that it was States themselves which stated the grounds on which they granted asylum, and principle 7, because its provisions tended implicitly to give a spirit of revenge precedence over the natural right of States to adopt, without any outside interference, any measures they considered appropriate, in accordance with their legal traditions and the humanitarian feelings which were deeply rooted in the conscience of their peoples. For all those reasons, his delegation would vote against the draft resolution as a whole.

11. Miss AL-MULLA (Kuwait), while reaffirming her support for the principles enunciated in the draft resolution, said that the absence of a definition of the key words "crime against peace" and "war crimes and crimes against humanity" would give rise to many difficulties when those principles were applied to specific cases. Accordingly, her delegation would abstain in the voting on the draft resolution.

12. Mr. JAMAL (Qatar) said that his delegation shared the concern of the international community with regard to war crimes and crimes against humanity. No effort should be spared in combating such crimes, and the United Nations should take the initiative in formulating the principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity. However, while supporting the principles enunciated in the draft resolution, his delegation had a number of reservations with regard to the wording, which was vague and could give rise to different interpretations; consequently, his delegation would abstain in the voting on the draft before the Committee.

13. Mrs. AL-SAID (Oman) said that her delegation would abstain in the voting on the draft resolution which she felt was somewhat imprecise; in particular, the terms "war crimes" and "crimes against humanity" should be defined more clearly.

14. Mr. SADOU (Cameroon) said that the draft resolution before the Committee added something to the existing machinery for the maintenance of international peace and security. However, the terms "war crimes" and "crimes against humanity" were not defined clearly; furthermore, like the representative of Saudi Arabia, his delegation wondered to what extent the victors in a war had the right to accuse the vanquished of war crimes. The term "war" itself needed further definition. For those reasons, his delegation would abstain in the voting on the draft resolution.

15. Mr. HUMAIDAN (United Arab Emirates) said that his delegation would abstain in the voting on the draft resolution under consideration for the same reasons as those mentioned by the representatives of Oman, Kuwait and Qatar.

16. Mr. NENEMAN (Poland) said that the terms "war crimes" and "crimes against humanity" should signify crimes which raised doubts as to the chances of survival of mankind as a whole. He had in mind such cases as the concentration camps of the Second World War, which had been veritable death factories in which millions of people had been exterminated. Such crimes should not go unpunished on the flimsy pretext that they had been committed in time of war. The draft resolution submitted for the Committee's consideration was not motivated by a desire for vengeance but by the desire to prevent the errors of the past from being repeated.

17. Mr. ALKHAJA (Bahrain) said that his delegation, while subscribing to the principles enunciated in the draft resolution, would abstain in the voting because of the lack of clarity of the proposed text.

18. Miss MENESES (Venezuela) recalled that the London Agreement of 8 August 1945, to which Venezuela adhered in accordance with the provisions of article 5 of that instrument, provided for punishment by States parties of three categories of crimes, namely

crimes against peace, war crimes and crimes against humanity. In its resolution 3 (I), the General Assembly had taken note of that instrument. Consequently, since its inception, the United Nations had been concerned with the question of the punishment of war crimes and crimes against humanity. Her delegation, although aware of the importance of that question from the humanitarian standpoint, would nevertheless be obliged to abstain in the voting on the draft resolution, which contained a number of deficiencies on points which her delegation considered essential and which also presented certain difficulties. Her delegation could not, for example, subscribe to the phrase "whenever or wherever they are committed" in principle 1, since the concept enunciated was contrary to the provisions of the Venezuelan Penal Code, which provided a period of statutory limitation for crimes. The Venezuelan Penal Code also provided for the non-retroactivity of all laws.

19. Mr. BRUNO (Uruguay) said that the draft resolution before the Committee (A/9136, annex) was incompatible with his country's legislation and Penal Code. The effect of the draft resolution would be to make the statutory limitations established by Uruguayan law inapplicable to war crimes and crimes against humanity, which were not defined as punishable acts under Uruguayan law or, for that matter, in the draft resolution in question. Furthermore, the principle 1 proclaimed in the draft resolution raised the problem of the retroactivity of penal legislation; it should be stressed that Uruguayan penal legislation was based on the principle of non-retroactivity of penal laws. His delegation felt that the expression "with respect to whom there are serious reasons for considering", in principle 6, lacked clarity, particularly in respect of the procedure to be followed. For those reasons, his delegation would be obliged to abstain in the voting.

20. Mr. OLIPHANT (Botswana) said that, although his delegation could not vote against the draft resolution because of its importance, it would be forced to abstain in the voting since the text was frequently lacking in clarity. For example, the wording of principles 1 and 3 was unclear regarding the detection, arrest, extradition and punishment of persons guilty of the crimes mentioned in the draft resolution. Furthermore, he felt that the words "whenever or wherever they are committed", in principle 1, were far too sweeping. Principle 7 raised a problem in respect of the sovereign rights of each State with regard to its own Constitution. His delegation would be unable to vote for those principles until the text had been clarified, taking into account the observations which he had made.

21. Mr. SCHWARTZ (Spain), while recognizing the importance of the draft resolution, said that his delegation was not convinced that the text, which was vague, constituted any real progress towards the establishment of an international penal law which expressed the will of the international community at the juridical level and could be used to define new norms. His delegation would be unable to vote for the adoption of the legal text under consideration—the scope of which would be considerable—because of the vagueness of the concepts on which it was based. The concepts of "war crimes" and "crimes against humanity" were themselves open to different interpretations since they were not defined clearly on the basis of juridical criteria. Furthermore, the draft touched on the question of

statutory limitations and contained elements which were not always compatible with generally accepted principles relating to extradition.

22. Until provisions permitting the uniform definition and punishment of the crimes referred to in the draft resolution were incorporated into international law, Spain, which would be obliged to abstain in the voting on the text, would continue to enforce its domestic legislation, taking into account the norms established in various instruments such as the Convention on the Prevention and Punishment of the Crime of Genocide and the Geneva Conventions. He felt that the implementation of those various provisions was sufficient evidence of Spain's juridical solidarity with the international community.

23. Mr. MOHAMMED (Nigeria) said that, in general, his delegation supported the draft principles, with the exception of the provision, in principle 4, relating to extradition. Furthermore, the words "crime against peace" in principle 6 were lacking in clarity. His delegation would therefore abstain in the voting on those two principles.

24. The CHAIRMAN said that the Committee noted the amendments which the representative of Saudi Arabia wished to submit and would transmit them to the General Assembly. Before inviting the Committee to vote, he asked the representative of Morocco if she wished to press the amendment submitted by her delegation (A/C.3/L.2049).

25. Mrs. WARZAZI (Morocco), referring to the statement by the representative of Poland, said that the crimes mentioned in the draft resolution were in effect crimes committed during the Second World War, which were of considerable concern to certain delegations; her delegation, for its part, was not sufficiently concerned to intervene in the drafting of the text. She was convinced that, if the Moroccan amendment was put to a vote, it would be adopted, since the delegations concerned had found it excellent; however, a number of delegations had announced their intention of abstaining in the voting on the amendment because of difficulties with the substance of the text. Consequently, she would withdraw the amendment submitted by her delegation on the understanding that her current explanation of vote and the statement which she had made at the previous meeting were very faithfully reflected in the relevant summary records.

26. The CHAIRMAN invited the Committee to take a separate vote on each paragraph of the draft resolution (A/9136, annex), and recalled that a separate vote had been requested on the words "whenever or wherever they are committed" in principle 1. If there were no objections, and if no other separate vote was requested, he intended to put to the vote first the preamble and the operative paragraph of the draft resolution, and then each of the principles, after the Committee had taken a separate vote on the words he had mentioned.

It was so decided.

Preamble and operative paragraph

The preamble and the operative paragraph of the draft resolution were adopted by 82 votes to none, with 15 abstentions.

Principles

27. The CHAIRMAN put to the vote the phrase "whenever or wherever they are committed" in principle 1.

The phrase in question was retained by 34 votes to 22, with 36 abstentions.

Principle 1 as a whole was adopted by 64 votes to 1, with 35 abstentions.

Principle 2 was adopted by 81 votes to none, with 14 abstentions.

Principle 3 was adopted by 78 votes to none, with 18 abstentions.

Principle 4 was adopted by 56 votes to 1, with 40 abstentions.

Principle 5 was adopted by 75 votes to none, with 22 abstentions.

Principle 6 was adopted by 56 votes to 2, with 38 abstentions.

Principle 7 was adopted by 73 votes to none, with 25 abstentions.

Principle 8 was adopted by 85 votes to none, with 14 abstentions.

The draft resolution as a whole was adopted by 75 votes to 1, with 30 abstentions.

Mr. Moussa (Egypt), Vice-Chairman, took the Chair.

28. Lord GAINFORD (United Kingdom) said that his delegation had voted for the draft principles but had a number of reservations, in the first place with regard to the very use of the term "war crimes and crimes against humanity". Whereas the Charter and Judgement of the International Military Tribunal, Nuremberg, contained an agreed definition of what constituted a war crime, there was no agreed definition of what constituted a crime against humanity. His delegation felt that the latter term had a special technical and legal significance and did not interpret the phrase "whenever or wherever they are committed" in principle 1 as extending its meaning.

29. Secondly, his Government did not consider itself legally bound by principle 2 to halt war crimes in territories other than its own. The only obligations it recognized in that respect were those deriving from the Geneva Conventions and the Convention on the Prevention and Punishment of the Crime of Genocide, which obliged it to take action only in its own territory.

30. His delegation would have preferred to see a reference in principle 4 to the limitations of national legislation with respect to extradition. In particular, his Government could not accept an obligation to extradite accused persons without the requirement that a *prima facie* case against them should first be established.

31. His delegation had voted in favour of the Declaration on Territorial Asylum and could accept principle 6 on the understanding that the right of asylum as set out in article 1 of the Declaration was intended only in the sense of a moral right and entailed no legal obligation and that it was for the State granting asylum to evaluate the grounds for doing so. Finally, his delegation had voted for principle 8 on the understanding that the reference to the Declaration on Principles of International Law concerning Friendly Relations and Co-operation

among States in accordance with the Charter of the United Nations should be read in the light of the interpretative statement made by the United Kingdom representative when the Declaration had been drawn up.

32. Mr. ACEVEDO MORGÁ (Mexico) said his delegation had voted for the draft resolution because it was based on principles whose validity his Government recognized without the slightest reservation. Nevertheless, his Government interpreted the draft resolution as a whole in the light of the provisions of its national legislation; moreover, it interpreted principle 6 in the light of the conventions in force in relation to territorial asylum and of the whole of article 1 of the Declaration on Territorial Asylum of 14 December 1967.

33. Mr. DAMMERT (Peru) said that Peru recognized without reservation the principles on which the draft resolution was based, and his delegation had accordingly voted for the draft; nevertheless, his Government interpreted the draft in the way the representative of Mexico had just indicated.

34. Mr. WIGGINS (United States of America) said that his delegation had voted for the draft resolution because of the fundamentally humanitarian considerations underlying it and also because it shared the views expressed by the representative of Poland. A distinction should be made between the conduct of war and actual war crimes. His delegation had abstained in the vote on principle 7, on which it had already stated its position at the twenty-ninth session of the Commission on Human Rights, but its abstention had not prevented it from voting for the draft resolution as a whole. Furthermore, his delegation had voted for principle 4, but on the understanding that extradition proceedings remained subject to national legislation and to the treaties in force on the subject; its position would not exclude the possibility that an accused person might also be tried in the country of custody. Moreover, his Government understood principle 5, relating to co-operation in the collection and exchange of information, as pertaining to States that were parties in interest, either because of having custody over the persons concerned or being the State in whose territory the alleged crimes were committed. In general it was his Government's understanding that the principles as a whole were applicable in accordance with the provisions of each State's own legislation.

35. Finally, he wished to thank the representative of Morocco for withdrawing her amendment, which would, if maintained, have created legal problems for his Government.

36. Mr. IRARRAZAVAL (Chile) said that his delegation had voted for some paragraphs of a general nature relating to international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity but had been compelled to abstain in the vote on the draft resolution as a whole, since it contained provisions which were incompatible with Chilean penal law. Despite the reservations his delegation had expressed on the subject in the Commission on Human Rights, the wording of principle 1 remained vague on the subject of possible retroactivity of penal law. Accordingly, his delegation had supported the Costa Rican proposal for a separate vote on the phrase "whenever or wherever they are committed". Chile had abstained in the vote on the Convention on the Non-Applicability of Statutory

Limitations to War Crimes and Crimes Against Humanity, which it had still not signed, and consequently the statutory limitations laid down by Chilean law for all criminal offences remained in force.

37. The other objection his Government wished to make related to principle 6, the text of which it found incomplete in that it deprived a State granting asylum of any possibility of considering the nature of the crime committed.

38. He hoped that changes would be made in Chile's national legislation with regard to the non-applicability of statutory limitations to war crimes and crimes against humanity and that the right of asylum, which was of such importance to the Latin American countries, would be fully safeguarded in all international instruments which might in future be drafted.

39. Mr. LARSSON (Sweden) said that his delegation had abstained because it found the provisions of the draft resolution insufficiently precise to satisfy certain aspects of Swedish law. His Government did not have the slightest intention of protecting war criminals and was fully prepared to co-operate without reservation in bringing them to trial when there was *prima facie* evidence of their guilt; however, it could not subscribe to any unconditional obligation in relation to extradition and reserved the right to examine each case in the light of the relevant provisions of Swedish law, which provided *inter alia* that extradition could not take place in cases where it would be incompatible with the principle of territorial asylum guaranteed by Swedish law.

40. Mr. ROUX (Belgium) said that his delegation had voted for the draft resolution as a whole as well as for each of the principles it contained. However, while those principles possessed moral force, they did not have the binding legal nature of an international convention. Under Belgian law, a person was considered guilty of a crime only after being convicted by a court with final effect. Moreover, Belgian law recognized the principle of the non-retroactivity of legislation, and for that reason he had voted for the deletion of the phrase "whenever or wherever they are committed" in principle 1. In addition, Belgian law did not permit Belgium to extradite its own nationals. Asylum was granted only after close study of each case. Finally, with regard to the definition of the concept of war crimes and crimes against humanity, his Government based its position on the Charter of the International Military Tribunal, Nuremberg, and the body of judicial practice to which it had given rise.

41. Mrs. DE CUADROS (Colombia) said that her delegation had voted for the preamble and the operative paragraph and for some of the principles in the draft resolution but had been compelled to abstain in the vote on the text as a whole because of its reservations with regard to principle 6.

42. Mr. BENOUNICHE (Algeria) said that he had voted for the draft resolution because his country fully endorsed the principles contained in it. The draft embodied essentially moral obligations and constituted condemnation of persons guilty of crimes of the kind which were constantly being committed on the African continent as a result of colonialism and *apartheid* and in occupied Palestine. However, his delegation had voted against principle 6 because, although the concept of war crimes had been clearly defined by the Nuremberg

Tribunal and crimes against humanity were defined in the Convention on the Prevention and Punishment of the Crime of Genocide and in the Convention on the Suppression and Punishment of the Crime of *Apartheid*, that was not true in the case of crimes against peace, the notion of which was imprecise and could give rise to differing interpretations. Finally, it was legally unacceptable to seek to base a person's guilt solely on the fact that there were "serious reasons for considering" that he had committed a crime, as stated in principle 6.

43. Mrs. BONENFANT (Canada) said that her delegation had voted in favour of the draft principles but had reservations concerning the terms used in the text, which it considered to be imprecise. If the text had been submitted in the form of a convention, her delegation would not have voted in favour of it. Furthermore, the text could be interpreted as calling upon States to adopt retroactive criminal legislation, which would be contrary to the normal legal principles in force in Canada and a number of other countries. However, since the draft resolution constituted a declaration of principles which did not legally bind States, her country had been able to vote in favour of it.

44. Miss CAO PINNA (Italy) noted that her country had voted in favour of the draft resolution but had abstained in the vote on the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity because of the latter's lack of legal precision in defining the crimes in question. Italy had not subsequently ratified the Convention. Her delegation's vote in favour of the text under consideration had been based on the definition of war crimes and crimes against humanity contained in the Charter of the International Military Tribunal, Nuremberg.

45. Mr. BROMMELAND (Norway) said that his country had voted in favour of the draft resolution, which constituted a compromise text and was the outcome of several years of effort. He hoped that its adoption would assist in intensifying international co-operation in the matter. He wished to point out, however, that Norwegian law did not permit the extradition of Norwegian nationals. In the particular case of principle 4, it should be understood that the draft principles which the Committee had just adopted remained subject to the limitations imposed by Norwegian law.

46. Mr. VALDERRAMA (Philippines) said that his delegation had voted in favour of the draft principles. With regard to principle 4, however, he wished to point out that extradition proceedings remained subject to the relevant domestic law in force.

47. Mrs. ESHEL (Israel) said that her country, which had consistently supported United Nations efforts to deal with the question under consideration, had voted in favour of the draft principles and regretted that they had not been drawn up and adopted long before. Her Government had adopted the necessary legislative measures in that field and had co-operated with many States in connexion with the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity. Her delegation shared the views expressed by the Polish representative regarding the nature of war crimes under discussion. In voting in favour of the draft principles, her Government had been guided by the definition of war crimes set out in the

Charter of the Nuremberg Tribunal and by the resulting body of judicial practice.

48. Mr. FØNS BUHL (Denmark) said that his Government, desiring to promote international co-operation with a view to the punishment of persons guilty of war crimes and crimes against humanity as defined in the Charter of the International Military Tribunal, had voted in favour of the draft principles submitted to the Committee. However, with regard to the provisions of principle 4, for which his delegation had voted, he wished to point out that extradition proceedings remained subject to the limitations imposed by the relevant national law and treaties in force.

49. Mr. ABSOLUM (New Zealand) welcomed the success of the Committee's work. He wished to state, however, that his Government adhered to the definition of war crimes and crimes against humanity contained in the Charter of the International Military Tribunal. Furthermore, he felt that the phrase "in the countries in which they committed those crimes" in principle 4 was restrictive, particularly in the event of a conflict. His delegation would have preferred a text that followed the Geneva Conventions, which imposed a universal jurisdiction and obliged States to prosecute persons or also extradite them. It would also have preferred to see a reference to the limitations imposed by national legislation with regard to extradition. His Government had, however, refrained from submitting an amendment to the draft principles, which represented a compromise text.

50. Mr. CATO (Ghana) said that his delegation had voted in favour of the draft principles as a whole but at the same time had recognized their weaknesses. It regarded the principles as closely linked with the Convention on *apartheid* which the Committee had recently adopted. His delegation felt that the crime of *apartheid* formed an indisputable part of crimes against humanity. Since it unconditionally supported all efforts to combat the policy and practice of *apartheid*, it could not but welcome the adoption of the draft resolution.

51. Mr. VON KYAW (Federal Republic of Germany) said that his delegation had voted for all the draft principles with the exception of principle 1, 4 and 6, regarding which it had had to abstain. The reasons for that as well as his country's understanding of the draft principles had been stated at the 2020th meeting.

52. Mr. SMIRNOV (Union of Soviet Socialist Republics) said that his country could not have failed to vote for the draft resolution as a whole and for each of its paragraphs. The principles contained in it were in keeping with the purposes of the Charter of the United Nations in the field of international co-operation aimed at ensuring international peace and security.

53. One representative had stated that the Soviet Union was behaving like a victorious State. It was certainly true that the USSR had been victorious over fascism, but not until it had been the victim of fascism, and it had paid very dearly for that victory. More than 20 million Soviet people had died during the Second World War; in the Soviet Union, there was not a single family that had not lost a member during the war, and thousands of towns and villages had been destroyed; Saudi Arabia had certainly not suffered in that way. The representative of Saudi Arabia hoped that the past would be forgotten, but the Soviet Union could not

share that view. The representative of Poland had expressed his view very well in that connexion. The central aspect of the question was not to punish guilty persons in a spirit of revenge but to take the necessary steps to prevent such acts in the future. Furthermore, the General Assembly had adopted many resolutions to that end. Certain delegations had used the pretext of omissions and weaknesses in the text in order to abstain; that was their right. He did not share that view and considered that the draft principles constituted a first step in establishing rules that would be of use to mankind as a whole with a view to preventing such crimes. The representative of Ghana had been correct in saying that the crime of *apartheid* was a crime against humanity; that was equally true of all crimes committed by the racist and colonialist régimes. If the domestic law of various countries concerning the right of asylum had forced certain delegations to abstain, they should review their legislation in order to make the necessary changes, since persons guilty of war crimes and crimes against humanity should not benefit automatically from the right of asylum.

54. Mr. BAROODY (Saudi Arabia), exercising his right of reply, said that the fact that no Saudi Arabian villages had been destroyed during the Second World War had no bearing on the question of the amendments which he wished the Committee to consider. He had objected to the way in which the Soviet delegation had prevented him from submitting those amendments, which it had not even studied. The Committee was perhaps witnessing a show of force by a big Power. The question of solidarity had also been raised, but his delegation was not bound by considerations of solidarity. It was guided solely by the voice of its conscience and concerned itself in particular with humanitarian questions.

55. Although Saudi Arabia had not lost any villages during the Second World War, that could happen if the big Powers—for which Asia, and soon Latin America, too, were a mere chessboard on which they fought over spheres of influence—were to declare a nuclear war.

56. Mr. SMIRNOV (Union of Soviet Socialist Republics), exercising his right of reply, said that, with regard to the question before the Committee, his delegation had been guided purely by humanitarian considerations; it had wished to avoid a repetition of experiences like those which the Soviet people had undergone during the Second World War. As for the risks of nuclear war, the USSR would do its utmost, particularly within the United Nations, to prevent such a war from breaking out. He recalled that his delegation had been guided since the founding of the Organization by the idea that the sufferings borne by the USSR and other countries during the Second World War must not recur. That was a deep conviction, and his delegation felt that the principles adopted in the draft resolution would help to prevent war crimes and crimes against humanity.

57. Mr. BAROODY (Saudi Arabia), exercising his right of reply, said that he did not question the intentions which had led the USSR to work, in the Economic and Social Council and other bodies, for the draft resolution which had just been adopted.

58. But the texts of the Economic and Social Council were not sacrosanct, and when they came before the Third Committee the latter should be able to improve them where necessary. That was why he had objected

to the arbitrary way in which the Soviet delegation had acted.

59. The CHAIRMAN declared the discussion on item 60 closed and invited the Committee to consider item 58, on the question of the elderly and the aged.

AGENDA ITEM 58

Question of the elderly and the aged: report of the Secretary-General (A/9003 and Corr.1, chap. XXI, sect. A.7; A/9126)

60. Mrs. SIPILÄ (Assistant Secretary-General for Social Development and Humanitarian Affairs), introducing the Secretary-General's report on the question of the elderly and the aged (A/9126), said that the document had been prepared in compliance with General Assembly resolution 2842 (XXVI), in which the Secretary-General had been requested to continue the study of the changing socio-economic and cultural role and status of the aged in countries of different levels of development and to prepare a report suggesting guidelines for national policies and international action related to the needs and the role of the elderly and the aged in society in the context of over-all development, particularly in countries where the socio-economic problems of the aged were marked. The report was based on a research project on policies and measures with regard to older persons which had been approved by the Commission for Social Development and the Economic and Social Council in 1970 and had been an item on the programme of work of the Social Development Division for 1971-1973. The programme of activities on the subject had steadily expanded to encompass studies dealing with countries where the socio-economic problems of the elderly were serious.

61. Commenting on some of the points dealt with in the report, she observed that aging was a physiological, psychological and sociological process which began with conception, continued throughout the life span and ended with the biological death of the organism. It was thus a phenomenon which moved the organism over time from the stages of growth and development into maturation and, finally, some decline. Currently it was not clear how many of the changes which occurred—and especially those related to decline in the later stages of life—were associated with intrinsic biological and physiological changes within the aging organism or were brought about through interrelated or independent psychological and sociological factors. It was quite possible that the lowering of retirement age and the deprivation of the work role in some societies contributed more to the process of psychological and biological decline than the physiological changes characteristic of aging. Then there was the fact that most social policies relating to aging were based upon chronological age and approaches which failed to deal with the individual characteristics and requirements of older persons. In many countries there were prescribed ages for retirement and entitlement to social security or pension benefits. It should be noted that terms such as "the aged", "the elderly" or "those in advanced age" could cover persons aged 60 to 65 years and even 100 or more. It should be recognized that there were vast differences among persons at a particular age and even greater differences among those who were in their sixties or seventies and those in their late eighties or

nineties. To date, it would appear that statistical information concerning aging and social policies affecting those in their later years had not taken into account those differences. It was important to separate chronological age from inherent functional and social capacities of older persons and to distinguish between the various age groupings which together comprised the broad category of "the aged".

62. Demographically there was an increase in the absolute and relative size of the aging populations in most countries of the world and that trend could be expected to continue with the advances in medicine and the decrease in birth and death rates. Currently there were 200 million aged persons in the world, that is, 24 million more than there had been five years earlier; and it was estimated that by 1985 the figure for the aged would reach 270 million. Apart from the decline in birth and death rates, industrialization and urbanization also played a part in the phenomenon of demographic aging.

63. In many industrialized countries factors such as technological progress and the emergence of what might be termed a "youth culture" had contributed substantially to the isolation of older persons from economic and social life and their increased economic dependence within society. That phenomenon had had a social and personal impact on the young as well as the aged.

64. The available data showed that the status, conditions and role of elderly persons in many developing countries would inevitably undergo rapid change in view of the fast rate of social and technological change, the alteration of values and the evolution of traditions. Those changes would have sweeping repercussions on the social, economic and family role of older persons. Thus, as the number and proportion of elderly persons in society increased, the traditional methods employed to meet their physical, social, psychological and economic needs would become less and less effective and new methods would have to be devised to ensure the well-being of the individual, the family and the community.

65. The report before the Committee showed that aging, from the point of view of social policy, would perhaps be one of the most crucial questions of the last 30 years of the twentieth century. The social and public health policies of the century, with a major emphasis on lowering the mortality rate and protecting mothers and children from infectious diseases and environmental hazards, had given rise to the extension of life expectancy. The population structure had also been affected by population policies and the efforts made to afford those who survived a better quality of life through improved nutrition and an emphasis on economic protection and security; it had similarly been affected by new trends of urbanization and industrialization. However, those major policy directions had given rise to critical issues fundamentally related to aging. For example, the lowering of death rates as a result of health policies, and of birth rates as a result of population policies, had led to an over-all aging of the population which created fundamental problems of social and economic development and human resources. With increasing emphasis on the development of national resources and the setting of goals for economic and social development it was essential that policies in that field should take into account the requirements of older persons and

the contributions which they could make to the attainment of those goals; as social welfare policies and programmes were formulated, the question must be raised as to whether or not they took into account the needs and resources of the aging. The existence of age discrimination, economic insecurity and failure to provide for an equitable distribution of national income and wealth, required major redefinition of existing policies, such as social security, the right to work, the right to needed social and health services, housing, educational, cultural and recreational opportunities. A policy on aging, therefore, was essential as the world approached the twenty-first century, in order to assure the increasing numbers and proportions of older persons their basic rights and full participation in society.

66. The problems of aging in the present-day world could not fail to concern the United Nations, which had a key role to play, both at the national and international levels, in meeting the needs of older persons. Probably the first question that arose was whether Governments, in the developed and developing countries, were committed to building a better quality of life for everybody, including the aged. The latter needed immediate attention as their number was growing at an alarming rate and they could become an economic and social burden for society and thus jeopardize the efforts made by countries to promote progress and development.

67. Mr. BAROODY (Saudi Arabia) thought that the time had come to consider the question of the elderly

and aged, an item whose inclusion in the Third Committee's agenda the Maltese delegation had requested some years before. As a result of increased life expectancy, older persons were becoming more numerous in all countries. Although the rise in the level of living afforded many advantages it also presented certain disadvantages, the most serious of which, from the point of view of the question under consideration, was the dispersal of the family. Within the framework of the social unit constituted by the extended family, which still existed in many countries of Asia and Africa, elderly persons lived with their children and grandchildren, who could take care of them. But where that family attitude changed, older people found themselves alone. Even in cases where, as in such countries as Sweden, their material welfare was assured, they suffered considerable moral and emotional alienation. The sense of isolation was even more acute when they had no role to play in society and felt useless. The situation was a matter of concern in many countries, such as the United States, where volunteers visited the elderly in order to alleviate their solitude. It was necessary to find other structures to replace the extended family and he was willing to give consideration to any study the Secretariat might make on the subject and to any draft resolution submitted with a view to solving the problem.

The meeting rose at 6.10 p.m.

2023rd meeting

Monday, 12 November 1973, at 3.15 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2023

AGENDA ITEM 58

Question of the elderly and the aged: report of the Secretary-General (*continued*) (A/9003 and Corr.1, chap. XXI, sect. A.7; A/9126 and Corr.1, A/C.3/L.2051)

1. Mr. BELLIZZI (Malta) recalled that two years previously, on the recommendation of the Third Committee, the General Assembly had adopted resolution 2842 (XXVI), in which it had requested the Secretary-General to continue the study of the changing socio-economic and cultural role and status of the aged and to prepare a report suggesting guidelines for national policies and international action related to the needs and the role of the elderly and the aged in society, in the context of over-all development, particularly in countries where the socio-economic problems of the aged were marked. By adopting that text and interesting itself in the fate of the elderly and the aged, the Third Committee had shown itself to be equal to its responsibilities as a body dealing with social, humanitarian and cultural matters and had further broadened its field of study and activity.

2. One other important fact should be noted: in resolution 2842 (XXVI), the Secretary-General had also

been requested to submit a report on the subject of the elderly and the aged to the Economic and Social Council in 1973, through the Commission for Social Development, and to report to the General Assembly at its twenty-eighth session. At its twenty-third session, the Commission for Social Development had considered the question on the basis of a report of the Secretary-General entitled "The aged and social change",¹ and on the recommendation of the Commission, the Economic and Social Council had adopted resolution 1751 (LIV), entitled "The aged and social security". In that connexion, his delegation wished first to commend the Commission for Social Development for its work. It had not been greatly assisted in that work by the report of the Secretary-General, since owing to factors beyond his control the latter had been able to prepare only a progress report lacking the findings and guidelines that might have aided the Commission in its task. Such findings and guidelines were contained in the report under consideration, and the Committee should take immediate action to ensure that its approach to the question did not become distorted. The question of the elderly and the aged did not only involve problems of social security, as might be implied by the title of the Council resolution, but a whole cluster of problems

¹ E/CN.5/482.

concerning the personality of the elderly and their role in society. In that connexion, he wished to make some comments on that resolution.

3. Its title—"The aged and social security"—appeared to indicate that the Commission for Social Development had deviated from its terms of reference; as had been explained in the report of the Secretary-General,¹ those terms of reference had emanated first and foremost from General Assembly resolution 2842 (XXVI), which related not only to social security but to everything connected with the elderly. Furthermore, it was apparent that the issue had not only been dealt with from one particular angle—namely, social security—but had to a certain extent been obfuscated by the introduction of new elements. Thus, paragraph 3 of the Council resolution made recommendations for "workers with special needs, in particular women", "immigrant workers and their families" and "the vocational training and employment of the handicapped", while paragraph 4 dealt with the participation of trade unions in the field of social security as well as in the improvement of the general well-being of the population. While his delegation had no objection to any of those recommendations, it felt that, in the context in which they had been stated, they had merely served to confuse an issue which had been submitted to the Commission for Social Development by the General Assembly in straightforward terms and, even more serious, had made it a side issue. Having said that, his delegation recognized the value of that resolution and particularly welcomed the provision regarding the preparation of a comparative study of social security systems to which the ILO would contribute.

4. It was not his intention to refer to matters already dealt with in the Secretary-General's report (A/9126 and Corr.1), which was extremely comprehensive. He merely wished to highlight the complex problem of old age which had been brought out in the report and to focus attention on the approach that should, in his opinion, be taken in dealing with that problem.

5. The question of aging raised three major problems. First, there was a population problem. Calculations showed that the absolute and relative size of the aging populations was increasing. That trend could be expected to continue, both in the developed and in the developing countries, and in many cases to accelerate. In 1970, there had been approximately 291 million old people in the world. By the year 2000 they were expected to number approximately 585 million—or an increase of almost 100 per cent in 30 years—while the world population as a whole would increase only by some 80 per cent.

6. That increase in the absolute and relative size of the aging population represented both an opportunity and a challenge to society. The untapped human resources constituted by the elderly and their potential economic and social contribution held out great possibilities. However, the question was how countries could utilize such resources by involving the elderly in national and international efforts. Too often, the elderly were regarded, especially in the developed countries, as dependent and unproductive members of society. That was a negative development which the developing regions should try to avoid; they now had the opportunity to do so and to harness the human resources constituted by their older citizens to meet the needs of elderly

persons who required aid and assistance, and those of dependent young people.

7. Secondly, aging presented a social problem. In the developing countries, where households contained three or more generations, real economic and social power resided in the head of the family, who was its senior member. However, as was also indicated in the Secretary-General's report, it could be expected that the younger urban generations in most developing countries would loosen their traditional ties with the family and that the prestige and power of older people would decline. Furthermore, the acceleration of urbanization and rapid economic and technological growth could lead to a relatively rapid change in the situation of the aged. There was no doubt that the growing economic independence of each one of the three generations from the other two affected the nature of the interrelationship between children, parents and grandparents, because of the disappearance of an essential basis for co-operation—the pooling of forces and work with a view to the allocation of resources among family members. Family ties were slackening, and the traditional role of the elderly within the family was being eroded. The most significant consequence for the family of the increase in the size of aging populations was the fact that the three-generation family was increasingly coming to be replaced by the family of four or even five generations. That phenomenon, coupled with the geographical dispersal of the family as a result of emigration, had a substantial impact on the traditional roles of the various generations and the responsibilities of family life, particularly in regard to aged family members.

8. Thirdly, aging raised an economic problem. The elderly were on the fringe of economic and social life; in highly industrialized countries, at the age of 60 to 65 years they entered a particularly frustrating phase of life since, while their needs and capacities had in some cases changed little, their opportunities for self-expression had been reduced because of dwindling finances. Also they might become dependent on their spouse of children or, worse still, in the absence of personal or family resources and of a social security system, they might have to turn to charitable institutions for support. In rural areas, the problem was relatively new, particularly in developing countries. However, because of the migration of young people to the cities, a large number of elderly persons were deprived of their traditional sources of income and support. Moreover, as a result of industrialization, the growth of the economy was increasingly dependent on the efficiency of the individual worker; each one became a focal unit in the social system and, judged on the basis of personal achievement which was fundamental in such an evolution, elderly people were becoming increasingly vulnerable. If for elderly people the loss of their own income was a sad reality, for society it was a heavier burden and the question was whether economic assistance for elderly persons was a right they had acquired or an inherent human right.

9. All those considerations showed that the problems of elderly persons must be considered comprehensively if it was desired to give elderly persons the possibility of preserving their personality into old age. Elderly persons would be able to fulfil themselves merely by being provided for through a social security scheme.

10. The problem was where to look for remedies. An article in the *The times* of London rightly pointed out that most health and welfare services were designed for infirmed elderly persons and that there was often a tendency to equate old age with illness. Quite frequently, active elderly persons were not considered as being elderly. Currently, very little was known of what elderly persons thought about the assistance provided to them by society, and no critical evaluation by those who benefited from such assistance was available. Provisions for later life must be rethought. The Secretary-General was right in proposing the elaboration of dynamic long-range policies for the elderly and in suggesting an approach to the problem which would replace traditional measures designed to cure rather than prevent, by measures actually aimed at prevention and development. The Secretary-General stressed the idea that elderly persons must not be treated in isolation and that their particular needs and the positive role they could continue to play must be dealt with in national policies for the promotion of social and economic development. The report of the Secretary-General clearly indicated that more research would be necessary at the international level so that the suggested guidelines might be implemented. His delegation was of the opinion that the Secretary-General should be the focal point for the activities which would be undertaken for that purpose. Hence along with a number of other delegations, now joined by the Australian delegation, his delegation was submitting a draft resolution (A/C.3/L.2051), which while not increasing the financial burden of the United Nations would enable the Secretary-General to undertake the activities his delegation considered to be the next stage after the initial studies requested two years previously by the General Assembly.

11. The draft called for an integrated approach to the problem and dealt with various matters which might help to solve it. Thus, operative paragraph 3 invited Governments to take action not only in the field of social security, but in a number of other fields as well. Paragraph 4 related to what the Secretary-General might be requested to do with the resources at his disposal. The request made in paragraph 4 (a) was not new. The Secretary-General was also requested to intensify research in order to be better able to give opinions and advice. In that connexion, he expressed the hope that, at the next session, a more complete report would be available to the General Assembly.

12. With regard to the progress report proposed in paragraph 7, the sponsors had considered that the Secretary-General would not have enough time to report to the Commission for Social Development by 1975. Three years would have been sufficient, but since that body did not meet in 1976 the date selected had been 1977. The draft resolution had been worded in very general terms in order to avoid any controversy, and some delegation would probably wish to expand certain of its provisions.

13. The text was not incompatible with other resolutions on the subject, particularly Economic and Social Council resolution 1751 (LIV). Moreover, the study proposed by the sponsors should not involve additional expense. He therefore hoped that the draft resolution would receive unanimous support.

14. Mr. MUSAFIRI (Zaire) said that the report of the Secretary-General on the question of the elderly and the aged (A/9126 and Corr.1) and the introductory statement by the Assistant Secretary-General for Social Development and Humanitarian Affairs (2021st meeting) were very much in keeping with the outlook of the Executive Council of Zaire in that field, and the practical activities undertaken in Zaire for the benefit of the elderly and the aged were in conformity with the basic principles contained in the reports of the United Nations. All political and economic activities in Zaire were aimed at improving the living conditions of the people and promoting their personal fulfilment, but the solution to social and humanitarian problems was sought in the framework of authentic Zaire culture, which also included the concerns of the Government for the elderly and the aged. In that connexion, the Manifesto of the Zaire national party known as the People's Revolutionary Movement stated that elderly persons must be able to end their days without material cares and without being subjected to material poverty because of advancing age. Pursuant to that decision, Zaire had initiated a whole range of co-ordinate promotion and social welfare services under the authority of the State Commissioner for Social Affairs, its main objective being to bring about qualitative and quantitative changes in the life styles of the people of Zaire. The Department of Social Affairs, whose task was to provide assistance to elderly persons, was striving to determine their real needs and seek equitable solutions, either by assisting them at home through the intermediary of social centres located in their communities or by admitting them to social welfare homes. At the same time, a great deal of importance was attached to the virtue of filial devotion, which obliged children to make their elderly parents as happy as possible in their old age. In that connexion, it should be borne in mind that the developing countries very often did not have the necessary material resources to establish institutions which could receive ever-increasing numbers of elderly and aged persons.

15. For the benefit of that age group, the Zaire Government was trying to prepare general social service programmes which were related to other aspects of its national policy and associated private initiative with State activities. The responsibility for elderly persons must be assumed both individually and collectively and at the level of the various groups in the community. In that connexion, the best solution for the developing countries would be to organize national solidarity councils for co-ordinating various types of assistance for social welfare and also to establish national public welfare commissions. The activities of such commissions would not be limited to material aid only. They would also provide more active assistance by studying each case and seeking practical ways of enabling those being helped to adapt more easily to their living conditions. His delegation was prepared to take part in the search for means of improving the living conditions of the elderly and the aged throughout the world.

16. Mr. KHMIL (Ukrainian Soviet Socialist Republic) noted that the report of the Secretary-General (A/9126 and Corr.1) described the measures taken in the socialist countries for the benefit of the aged—retirement homes and hostels, supportive services, home help services, and social security systems, but

that the indications given did not truly reflect the useful experience those countries had acquired.

17. In the Ukrainian SSR, in particular, life expectancy continued to increase as a result of social progress, improved living conditions and medical advances, and also because the country had enjoyed more than 28 years of peace. By 1970, there had been almost four times as many elderly as in 1926. The Constitution guaranteed each citizen old-age assistance, including sickness benefits. The right to retirement was granted to men aged 60 who had worked for 20 years and to women aged 55 who had worked for 15 years, the required number of years of employment being less in the case of particularly arduous occupations. The retirement pension represented between 50 and 70 per cent of wages. Retirement was not automatic and any worker who so desired could continue to work. In certain occupations he would then receive, in addition to his wages, a bonus representing between 50 and 100 per cent of the retirement benefit to which he would have been entitled; consequently, 22 per cent of persons of retirement age continued to work. The retired worker was entitled to remain in the same housing, at a very low rental. If necessary, he could apply for home help for certain tasks. Medical and dental services and medication were free and, if rest or special care was needed, there was a large network of rest homes and sanatoria in which he could be accommodated. Under the ninth five-year plan, provision was made for further improving the lot of the elderly; the plan also provided for more cultural activities for the whole population, including the aged. Socialist society was conscious of its debt to those who had worked for its development; consequently, social security constituted an important element in economic and social development planning and was a significant item in the State budget. Socialist society was structured so as to ensure that the elderly did not become isolated. Private life was not limited to the family circle, but merged into community life. The worker had strong links with the community in which he worked and retired persons were not excluded from the community, but remained members of the organizations to which they had belonged before retirement.

18. The report of the Secretary-General, in particular paragraphs 4 to 9, showed that the question of the elderly and the aged was not new; as a result of the past activities of United Nations bodies in that area, the United Nations had had a fairly clear idea of the importance of that question, and of the resources which would be needed to deal with it, even before the adoption of General Assembly resolution 2599 (XXIV). At its twenty-sixth session, the General Assembly had considered the question on the basis of the preliminary report of the Secretary-General,² which had preceded the report which was currently before the Committee. All aspects of the question—moral, social, economic and other—had been laid before the Commission for Social Development and the Economic and Social Council; those two bodies had decided to concentrate on the social aspect and the Economic and Social Council had accordingly adopted resolution 1751 (LIV). That resolution rightly stressed social security, since the establishment of an adequate social security system was the first step to be taken in resolving the social aspects of the problem of the elderly. The

preamble to that resolution referred to the importance of social security and to article 11 of the Declaration on Social Progress and Development, and stressed the fact that the protection of the aged was an important element in any comprehensive social security scheme and that it could not be dealt with in isolation: the latter assertion answered the objection of the Maltese delegation that the resolution would bring outside elements into the problem.

19. Referring to the operative part of that resolution, he noted, *inter alia*, that paragraph 3 recommended that Governments should carry out the necessary social security measures to ensure that the aged received adequate social security payments, and that in paragraph 4 the whole community, including the trade unions, was called on to participate in those efforts.

20. Economic and Social Council resolution 1751 (LIV) conformed throughout with the report of the Secretary-General, and his delegation therefore proposed that the resolution should be adopted as a General Assembly resolution. The United Nations should not duplicate the effort of the specialized agencies such as the ILO and WHO, but should indicate ways of finding a solution to that world-wide problem. Social security provided the key which would enable a solution to be found. He hoped that the members of the Committee would share his views and would support his proposal.

21. The CHAIRMAN announced that the Committee had before it, in addition to draft resolution A/C.3/L.2051, a draft resolution submitted by the Ukrainian SSR.³

22. Mrs. BONENFANT (Canada) congratulated the Secretary-General on his excellent report. Although the scope of that report was world-wide, since it dealt with all geographical regions, her delegation felt that the problem of terminology had not been solved and that there was an urgent need to establish an international terminology which would enable countries to understand one another better in international exchanges.

23. Referring to the question under consideration, she said that the first priority was to recognize the new situation resulting from the continued growth of the elderly population in industrialized societies, where technological progress, while improving levels of living, mobility and communications, tended to exclude the elderly members of society from the productive sector and to accentuate the isolation and segregation of the elderly population by accelerating the trend towards urbanization.

24. The second priority was to take the necessary measures to prevent a progressive deterioration of the situation of the elderly in the developing countries, even if, in those countries, tribal and community structures had in general continued to evolve as far as the elderly were concerned.

25. The third field of action related to the attitudes of society and of the elderly themselves. In the industrialized countries, those attitudes must change if full use was to be made of the resources offered by that age group; in that connexion, a systematic campaign should be waged to secure the participation of the elderly in

² A/8364.

³ Subsequently circulated as document A/C.3/L.2053.

planning and organizing programmes for other elderly persons, in order to prove to them that they could continue to play an important role in society. In the developing countries, where, in general, the elderly still constituted a productive sector of society, every effort should be made to ensure that their influence and their participation did not decline. In general terms, new roles must be found for the elderly, and the Canadian Government had made efforts in that direction. In 1972, the Canadian Minister for National Health and Welfare had prepared and launched the "New Horizons" programme which was designed to help the retired and the elderly in general and to enable them to engage in useful and satisfying activities. The programme provided funds for the full or partial financing of activities organized by or for the elderly, but did not provide for the direct remuneration of those taking part. The intention of the programme was not to provide the elderly with additional income, but rather to enable them to extend their field of interests and to maintain and increase their links with the rest of society, notably the young, within the framework of participation projects.

26. Once it had thus been proved that the elderly could play a productive role in society, the fourth priority was to adopt a creative and innovative attitude in conceiving new and valuable roles for them, as technological progress and social evolution rendered traditional roles obsolete.

27. In order to continue to play an active role, the elderly must of course enjoy good health and it would be necessary to launch constructive programmes which would emphasize preventing illness, as well as returning the elderly to and keeping them in active life. The improvement and maintenance of the health of the elderly constituted an essential part of general planning.

28. It was necessary to intensify the role of private and voluntary organizations and agencies so that isolated elderly persons could be traced more effectively. There was an urgent need for well-planned co-operation between the various public authorities at all levels and between Governments and voluntary organizations, not only in connexion with the financing of the programmes but also in establishing the necessary services.

29. She expressed the hope that the General Assembly would adopt the "suggested guidelines for the development of national policies and international action" put forward by the Secretary-General in chapter V of his report on the question, and that the Secretariat would use all means at its disposal to ensure that the measures suggested were implemented. She also felt that a progress report should be presented to the General Assembly in 1977.

30. In conclusion, she said that her delegation wished to co-sponsor draft resolution A/C.3/L.2051.

31. Mr. BIRBAUM (Austria) stressed the importance in humanitarian and social terms of the question of the elderly and the aged, and said that he had a number of observations to make on the problems faced by that particular age group, which comprised an increasingly broad sector of the population.

32. Firstly, he wondered whether the industrialized countries, in the name of efficiency, had not been somewhat too hasty in putting aside those persons who no longer directly played a part in active life, and

whether it would not be better to give the elderly a new lease on life by providing them with a social function which would enable them to assume responsibilities, to make use of their creative energies and their abilities and thus to remain a part of the social process.

33. At the same time, the elderly should be provided with a whole range of social services enabling them to remain as long as possible in their usual surroundings: home visits, home help services, assistance in cases of illness or permanent disability, home meal services, and so on. He referred in that connexion to the example of Austria. However, such social services were useless if the State did not guarantee the elderly reasonably adequate old-age pensions. Social justice required that the material interests of the retired should be safeguarded. His Government had taken such action by instituting a scale of pensions linked to the cost of living, which also took into account improvements in the level of living in general. His Government was thus doing everything it could to put into effect the right to security in old age, which was set out in article 25, paragraph 1, of the Universal Declaration of Human Rights.

34. His delegation would give its support to any project designed to improve the lot of the elderly and involve them in social life, as well as any resolution which pursued those goals.

35. Lord GAINFORD (United Kingdom) said that his delegation attached great importance to the question of the elderly and the aged, and welcomed the introduction of the item for discussion by the Committee. His Government viewed the problem of the elderly with profound concern. Life expectancy was growing considerably as a result of progress in medical science and, since retirement age in the United Kingdom was about 65, millions of persons faced a number of years living on a pension and regarded apprehensively that period of their lives which might appear to be no longer useful and might be difficult from the material point of view. His Government was aware of those problems, and was seeking to ensure that pensions for the elderly kept in step with increases in the cost of living. Moreover, many persons received additional pensions from the companies or government organizations which had employed them. Also, certain kinds of employment, such as clerical jobs, were open to retired persons. Finally, advisory services were organized for the purpose of helping them to make the most of their leisure during retirement. Despite those efforts, there were still elderly persons with the government pension as their only income who lived entirely alone in squalid conditions. Regardless of efforts made by official and voluntary social workers, such persons, usually the survivors of an age when security was provided by the family, did not manage to make new friends. In order to avoid such tragedies, preparations for dealing with that period of life should be made at a very early stage, and, in that connexion, education could play a major role in enabling each person to develop his abilities and talents and enjoy a richer and more varied life. As an example, he referred to the activities of certain local authorities in the United Kingdom, particularly the Greater London Council, which not only provided its staff with an efficient pension scheme, organized courses for employees approaching pensionable age and offered them advice, but also organized in many colleges and schools courses covering almost every subject, which were

open to students of all ages. At the outset, those courses had been attended by young people endeavouring to gain professional qualifications, but they were now attracting a growing number of elderly persons who thus kept their minds active, broadened their social contacts and, through their experience, assisted their teachers and their younger fellow students.

36. Finally, from the psychological point of view, he stressed the importance of the terminology used to refer to the social group of the elderly: whereas such adjectives as "old" or "elderly" tended to emphasize the negative aspects of aging, the phrase "senior citizen" suggested a person who had lived a fruitful and interesting life and who could still be of service to the community.

37. His delegation reserved the right to speak later on the subject of the draft resolution before the Committee (A/C.3/L.2051).

38. Mrs. MAIR (Jamaica) said that the appearance of the Secretary-General's report (A/9126 and Corr.1) was particularly timely: progress in gerontology now made possible better understanding of the biological, psychological and sociological implications of aging and, accordingly, the needs and potential of the elderly, at a time when, because of developments in society, the basic human rights of the aged and the elderly were being threatened. The United Nations, with its specialized agencies, was the organization best equipped to view global social issues in a long perspective, to pool national resources for the solution of international problems and vice versa, and to point out guidelines for the future. The Secretary-General's report on the subject was commendable, both for the basic information it provided and for its suggested guidelines for the development of national policies and international action.

39. The elderly and the aged constituted a minority group, currently amounting to 8 per cent of the world's population. Their numbers were steadily growing, and it was clear that society's responsibility for them would also grow. The vital question of maintaining their income levels, for example, was a critical one, and society had a duty to guard against the economic deprivation of the elderly. The Secretary-General's report made it clear that the elderly, especially in the developed countries, were among the most deprived and that the situation of women was particularly unfavourable; they also experienced social and emotional isolation.

40. Governments had an important role to play in protecting the elderly. For that reason, her delegation had become a sponsor of the text adopted as Economic and Social Council resolution 1751 (LIV), relating to the aged and social security, in which the protection of the elderly was regarded as an integral part of the social and economic development of society as a whole, and which stressed that that question could not be dealt with in isolation. The developing countries in particular should establish comprehensive social security schemes, granting high priority to the needs of the elderly and the aged. In that connexion, the Economic and Social Council resolution was particularly relevant for countries now engaged in social planning. The question of the elderly presented special challenges for the developing countries. The aged and the elderly currently represented between 5 and 6 per cent of their population but, given the phenomenal rise in life expectancy, there would be a higher proportionate increase in

the elderly population there than in the developed countries. In addition, the developing countries, which had limited resources, encountered difficulties in financing measures to benefit the aged. Some countries, such as her own, had established insurance schemes based on deductions from salaries, but that system bypassed the jobless. The developing countries, which were confronted with the problem of massive unemployment, found it difficult to keep the elderly in the productive process: one possible approach would be to promote flexible employment practices and develop social services which could make use of their abilities. Another role of the elderly was to preserve the values and customs of the traditional family. Finally, the usefulness of self-help measures and individual initiative should not be ignored.

41. It was regrettable that the Secretary-General's report did not cover the situation of the elderly and the aged in Africa and Asia, but was based exclusively on the experience of the developed countries. She also believed that the report attached too much importance to national plans, which did not always faithfully reflect local social realities. As the United Nations continued its work, it should draw on a wide range of experience which transcended national differences.

42. Mr. PETHERBRIDGE (Australia) said that his delegation had made a preliminary study of the Secretary-General's report (A/9126 and Corr.1) and had realized that it was an important and valuable document, which would be forwarded to his Government for more detailed study. The report had been issued at a particularly opportune moment for his Government. The aged and the elderly represented 10 per cent of the total population of Australia, and their needs were met by a three-tiered programme providing a comprehensive range of benefits and welfare services: some programmes—pensions, free medical treatment and tax concessions—were wholly financed and administered by the Government of the Commonwealth of Australia; others, such as housing, welfare services, free hospitalization and low-rental housing, involved both the Federal and State governments; lastly, there were schemes in which the Government joined financially with religious and charitable bodies.

43. Realizing the inadequacy of existing social and economic structures to meet the needs of modern society, the new Australian Government which had come into power in December 1972, had launched a programme designed to achieve basic changes in the structure and administration of society. Studies were currently being made on new measures to assist the elderly and the aged: a National Commission on Social Welfare had been set up to study community needs in that field, to report and to make recommendations on the matter; a Commission of Inquiry into Poverty was to investigate the extent, incidence and causes of poverty in Australia and ways of alleviating the problem; a National Superannuation Committee of Inquiry would examine and report on a national superannuation scheme and a Working Party on Homeless Men and Women would propose recommendations for government action designed to assist that particular group. All those bodies had been established relatively recently and the Secretary-General's report should be of valuable assistance in directing their attention to a number of points, such as the need to institute policies and programmes

for the elderly and the aged within the framework of the country's over-all economic and social planning; the importance to the elderly and the aged of anti-inflationary measures and, generally, of all measures to maintain the economic level of the country so that social services could be improved.

44. He also noted that the Secretary-General's report had pointed out that the proportion of the elderly and aged in the total population was increasing as a result of increased life expectancy, which was in turn the result of medical and scientific progress. The report also drew the international community's attention to the psychological and human problems of the elderly and the aged and to the untapped reservoir of skill, talent and knowledge provided by that section of the population, which went to waste when compulsory retirement ages did not give the elderly the opportunity to continue to lead an active and fruitful life. It rightly pointed out that aging might be one of the crucial questions of the latter part of the twentieth century and that the international community's interest in the problem should be aroused so that Governments could be encouraged to take the broad measures required in that field.

45. Mr. WILSON (Liberia) said he was glad to see that the international community was directing its attention to the question of the elderly and the aged, which had always been a matter of concern to his delegation. He stressed that the question could be considered from several different viewpoints, depending on the cultural background and the life style of the individual. Throughout Africa, and particularly in Liberia, everyone was accustomed from childhood to think of himself in relation to his family, his clan and his tribe. The members of each group were obliged to help each other in poverty, sickness and old age. Because of the extended family system, there was always someone to look after the elderly, and the latter were respected by everyone for their wisdom and experience. In the absence of a written tradition, it was the elderly who were the educators of the young. Liberia naturally had a Ministry of Social Welfare, one of whose functions was to take measures to provide for the socio-economic needs of the elderly, but it was always the family which assumed the main responsibility in that respect. In any case, the Liberian delegation would unreservedly support any decision which the Committee might take for the benefit of the elderly and the aged.

46. Mr. FØNS BUHL (Denmark) said that his country had always devoted much attention to the problems of the elderly and the aged. As long ago as 1891, the Danish Parliament had enacted the first legislation providing for public pensions for indigent elderly people. The Government had also endeavoured to meet the housing needs of that section of the population by providing homes for old people, institutions and other residential arrangements. Furthermore, a ramified system of service was provided to assist people who continued to live in their own homes: it included home nursing and domestic help. A variety of leisure activities was also organized for the elderly.

47. His Government had acquired considerable experience in the field of gerontological research. The National Institute of Social Research, which had been established in 1958, had already published nearly 20 reports on the living conditions and social problems of the elderly and the aged. In the light of that experience,

the Danish delegation would make some comments on specific passages of the Secretary-General's report (A/9126 and Corr.1), the high quality and usefulness of which it greatly appreciated. First, at the end of paragraph 20, the observation about the increasing number of elderly persons, and the future acceleration of that trend was certainly true for many developing countries, but not for the developed countries. In Denmark, for example, the percentage of people over 65 years of age was expected to grow at a decelerating pace until 1990 and then begin to decrease, which meant that the care of the elderly would impose a smaller burden on the other sections of the population and that the development of services for their assistance should be facilitated. His delegation was not convinced that the reduction in the death rate could be ascribed principally to advances in medicine, as was stated in paragraph 58 of the report. It was conceivable that improvements in living conditions and an increase in real *per capita* income had played a greater part.

48. Another point to which he wished to refer was the isolation of the elderly. The picture given in paragraph 85 was perhaps somewhat exaggerated. A study conducted in Denmark had shown that over 80 per cent of elderly persons living alone had had some sort of social contact on the previous day and that only 5 per cent had not had any kind of social contact during the week preceding the inquiry. That did not mean that the problem did not exist in Denmark, but it was certainly not so great as was generally assumed.

49. With regard to the economic position of the elderly, it was stated in paragraph 101 of the report that in the most affluent countries the aged were among the most impoverished in the nation. That was not the case in Denmark, where interviews had shown that the large majority of elderly persons over 65 thought that they were no poorer than they had been 10 years previously. He thought it was the same in the other Nordic countries. With regard to the question of leisure and recreational activities, mentioned in paragraph 137, he thought that the developed countries should give serious attention in coming years to the creation of a service machinery to cover the real needs which existed in that field for, as the most elementary needs were satisfied, new needs, of a more cultural nature, tended to emerge.

50. With regard to the age of retirement, referred to in paragraphs 172 and 173 of the report, he said that Denmark had set up a special committee to review the whole pension system.

51. His delegation agreed with the observations in paragraph 185 of the report with regard to the establishment of new centres and, particularly, the training of personnel. It was a question to which the Danish Government attached very great importance: care must be taken not to underestimate the needs. For example, qualitative improvements in institutions for the elderly and the fact that it would become increasingly difficult for such persons to count on assistance from their children would probably result in an increase in the number of applications for admission to such institutions greater than might be anticipated at first sight if projections were based solely on the increase in the number of elderly persons. His delegation did not approve of the tendency to give priority to providing places in institutions to give the elderly the long-term care and facilities

they required, mentioned in paragraph 200 of the report. In many cases, the provision of home services was a more satisfactory and less expensive solution than placement in an institution.

52. With regard to the goals listed in paragraph 207, his delegation thought that it would have been appropriate also to refer to the question of employment opportunities. It did not suffice to give priority to the need for counselling and adjustment services related to losses associated with aging; efforts should also be made to provide better employment opportunities for elderly persons who wished to work. The Danish Ministry of Labour had set up a committee to recommend measures to that end.

53. Mr. TUROT (France) pointed out that during the previous 20 years, the United Nations had tended to concentrate on problems posed by the younger age groups and the general increase in population as a direct consequence of the success achieved in the effort to combat sickness, poverty and natural disasters. Although specialists had anticipated an increase in the number of elderly persons and in their proportion in relation to the total population, that problem had not been viewed as a matter of priority by Governments and public opinion. One reason was that the people who had reached the age of grandparenthood constituted a small minority, often without means of action, whereas the young commanded attention; furthermore age-old traditions had made it possible to solve the problem to some extent through the social structures of each civilization and, lastly, the situation varied considerably from one country to another and from one region to another.

54. He commended the Secretariat on the excellent report before the Committee which was both precise and well documented; although the report inevitably failed to cover certain aspects, its purpose was merely to state the problem and not to propose ready-made solutions that could be universally applied. His only regret was that the document, like many others, sometimes tended to make too rigid a distinction between developed and developing countries. He stressed the need to guard against *a priori* classifications, and considered that a regional approach would be more appropriate. At the current stage, data should first be obtained on all existing situations, since there was still an insufficient understanding of all the causes and consequences of aging, which was linked to climate, geography, ethnology, sociology, physiology and psychology.

55. Aging was a world-wide phenomenon whose consequences were becoming increasingly acute, as could be seen from a mere projection of current population trends, and which would mainly affect the developing regions, since it was in those countries that the impact of a longer life span would be greatest. The working population would therefore have to bear an increasing burden which would become overwhelming if the age of retirement was lowered. There was a risk that the traditional solution based on a policy of family assistance, and which was threatened by the radical transformation of social structures, would prove inadequate. The only realistic course was to forecast future developments and seek solutions based on equity and social justice.

56. With regard to France, which was mentioned several times in the Secretary-General's report, he pointed out that the current active population—between the ages of 20 and 64—represented approximately 55 per cent of the total population, but if the age of retirement were fixed at 60, the active population would barely equal the non-active. The proportion of persons over 65 years of age was currently 13 per cent. In 40 years the life expectancy of men had increased by 12 years, and that of women by 19 years. It was expected that by 1980 persons over the age of 70 would represent nearly 10 per cent of the total population.

57. The many measures taken in France during the preceding few decades for the benefit of the elderly and aged had recently been co-ordinated into a coherent whole which constituted a genuine policy for the elderly. For example, 10 years earlier a special committee had been set up to harmonize the regulations in force and to propose new measures, which often ran counter to certain ideas—as, for example, when it was proposed that elderly persons should adhere as long as possible to their normal way of life. The eminent specialist Mr. Sauvy had rightly observed that a sound policy for the elderly should not aim at preventing elderly people from leading an active life. The transition to total inactivity must be gradual, and should take into account the wishes and capabilities of the individual.

58. The system instituted by the French authorities was based on three main ideas: to ensure an adequate standard of living for elderly persons by guaranteeing their means of existence; to enable them to obtain housing suited to their needs; finally, to help them to maintain their position in society or facilitate their reintegration. The first two objectives had largely been attained by various means: a compulsory retirement system, allowances for non-wage earners, health insurance, social assistance, the provision of apartments and the building of homes, residential institutions and retirement colonies. Less progress had been made towards achieving the third objective, but various measures had already been taken, notably with a view to facilitating employment of elderly persons by removing age limits or restrictions on pensioners who wished to earn a living. He also mentioned the exemptions or reductions allowed to elderly persons on certain taxes or transport charges. In fact, the French system included virtually all the measures mentioned in the study contained in annex II to the Secretary-General's report. Owing to the additional financial effort needed to implement such policies, the expenditure on elderly persons accounted for approximately 36 per cent of the French social welfare budget.

59. He thought that that information would explain his delegation's interest in United Nations work in the field under consideration. The French delegation, which had been one of the sponsors of the text adopted as General Assembly resolution 2842 (XXVI), had expressed, at the twenty-third session of the Commission for Social Development, its regret that the question of elderly persons had ceased to be studied separately, and that its significance had been reduced as a result of its being partially merged with social security problems. It now wished to express its support for the draft resolution submitted by the delegation of Malta on behalf of several delegations (A/C.3/L.2051) because the text derived directly from resolution 2842 (XXVI), and,

without creating additional burdens, would make it possible to achieve further progress in the study of the problem of the elderly, in knowledge and control of the aging process, in development assistance and in the harmonization of the policies adopted. The draft resolution was in accordance with the objectives and principles of the Charter, under which the Organization was entrusted with the task of promoting international co-operation by solving economic, social, intellectual and humanitarian problems, and by harmonizing national efforts to that end.

60. Mr. VON KYAW (Federal Republic of Germany) noted that the proportion of elderly persons was constantly growing and said that his delegation supported the proposals made by the Secretary-General in his excellent report. The question of the elderly and the aged would be of major importance in coming years, largely because of the increase in life expectancy throughout the world. Industrialization and urbanization imposed new responsibilities upon society. The complexity of those problems was linked not only to the diversity of socio-economic and cultural systems, but also to the extreme variety of the needs of the elderly themselves, and it had quite rightly been emphasized by the Secretary-General in his report.

61. In the Federal Republic of Germany the social security system and services providing special assistance for elderly persons made it possible to meet the needs of such persons. It should be noted in particular that the amount of pensions was raised automatically to coincide with the increase in the cost of living, salary rises granted to other sections of the population and inflationary trends. Special efforts had also been made in connexion with the establishment of retirement homes and institutions and the introduction of support services. As for foreign workers, international social security agreements had been concluded with a number of the countries of origin of the migrant workers.

62. The Federal Republic of Germany intended to give priority to the question of measures to enable older persons to lead an active life and remain an integral part of society. Measures had already been taken to that end, notably in the field of preventive and medical care and other support services. Research had been undertaken to determine the most effective ways of meeting the needs of the elderly.

63. The United Nations had an important role to play in such matters, and could help to promote a better understanding of the needs of the elderly and aged and of the measures that needed to be taken for their benefit.

64. With regard to the draft resolution which had just been submitted (A/C.3/L.2051), at first sight his delegation considered it satisfactory in that it took an over-all approach to the problem.

65. Mr. ABSOLUM (New Zealand) said that his delegation had read with considerable interest the Secretary-General's excellent report, paragraph 90 of which summed up perfectly the medical, social, economic and psychological problems that confronted the elderly. Owing to the considerable progress of medicine and the prolongation of the life span, and also to the significant decline in the birth rate in many countries, elderly persons now represented a far greater proportion of the total population than they had in

previous centuries. It would be a mistake to regard to problem as one which concerned only the developed countries: industrialization and its attendant phenomena would sooner or later pose similar problems for the developing countries.

66. The goals aimed at were easy to define. First there was a need to keep elderly persons alive and in good health as long as possible. In many countries the problems facing the elderly were simply those of survival. In addition to medical services and housing, they should be ensured an acceptable minimum level of economic security. Moreover, elderly persons must be made to feel useful, and, consequently their living patterns must meet their social and psychological needs. In many societies elderly people represented a source of tremendous experience, which was too often ignored, so that society as a whole suffered.

67. Although the goals were reasonably clear-cut, the solutions were not easy; elderly people did not constitute a homogeneous group in terms of financial status, health or family circumstances. It was therefore difficult, even within countries, to devise appropriate systems of income maintenance and welfare services. It would be even harder to devise systems that would be universally applicable. Discussions had revealed that there were striking differences between various countries and in the way in which different countries sought to solve the problem. While each country must meet the needs of its aged population, the United Nations could play an important role by helping countries to draw up their own policies, taking into account their stage of economic development and social circumstances. New Zealand had acquired considerable experience in that field, particularly with regard to the provision of economic support for the elderly. It was prepared to make available to the Secretariat or to interested countries the information it had on the subject.

68. His delegation had not had time thoroughly to study the draft resolution which had just been submitted (A/C.3/L.2051). It seemed balanced and positive, but his delegation had slight reservations about operative paragraph 3 (d), which recommended that Governments should discourage discriminatory policies and measures based primarily on age. As it stood, the subparagraph seemed to conflict with the practices followed in many countries concerning a mandatory retirement age. He wondered if that was the intention of the sponsors or whether his delegation had misinterpreted the subparagraph, and would welcome some clarifications on that point.

69. With regard to the draft resolution proposed by the representative of the Ukrainian SSR, his delegation would have no hesitation about supporting it.

70. Mrs. PICKER (United States of America) said that the excellent report submitted by the Secretary-General clearly defined the problems faced by most countries, whether developed or developing, as a result of the substantial increase in the proportion of elderly and aged persons. The document contained information on the ways in which different countries had been dealing with those problems, and recommended guidelines for national and international action. The United States Government was in accord with the approach taken in the report and felt that the Secretariat should continue its research on the subject in co-operation with the specialized agencies and non-governmental or-

ganizations concerned. The United Nations had a pivotal role to play in developing a variety of programmes that could be used by the varied cultures and countries that made up its membership. Her delegation saw that as a multidisciplinary and balanced approach—a chance to plan from the beginning. She hoped that the Secretariat could set up a clearing house of information on research, social programmes and policies, experiments and evaluations which all countries could contribute to and seek assistance from when developing their own policies for dealing with the aging. She also hoped that attitudinal changes would evolve towards older people in those countries where age had not been as venerated as in some of the world's older cultures. The elderly should not be thought of as a dependent segment of the population but should be accorded the rights and privileges that belonged to them. They were an economic resource and a moral force in a complex changing world. It was to be hoped that the good aspects of older traditions and cultures would be maintained and combined with the integrated planning for development that was being sought internationally, nationally and regionally.

71. Her delegation approved of the contents of the draft resolution submitted by the representative of Malta on behalf of his country and several others (A/C.3/L.2051).

72. Dr. MALAFATOPOULOS (World Health Organization), speaking at the invitation of the Chairman, recalled that WHO had taken an active part in the consideration of the question of the elderly and the aged and had, at an earlier stage, submitted a paper on the subject which had been transmitted to the Third Committee at the twenty-fourth session in a note by the Secretary-General.⁴ At the current session it had submitted a note which had been reproduced as annex III to the Secretary-General's report (A/9126 and Corr.1). The WHO Regional Office for Europe had recently conducted a Symposium on Mental Disorders in the Elderly, and in 1974 there would be a meeting of a WHO Working Group on Rehabilitation and Long-Term and Geriatric Care, at Copenhagen. WHO's experience in the study of geriatric problems, which dated back to the 1950s, had led it to virtually the same conclusions as those reached by the Social Development Division and other arms of the United Nations Secretariat; it could therefore readily endorse the guidelines for national and international activities set forth by the Secretary-General in his report.

73. WHO felt that the question of the elderly and aged was a field in which the activities of the United Nations and specialized agencies could effectively complement each other. The multidimensional aspects of the problem were outlined in chapter III of the note by WHO and, more particularly, in paragraph 66, which stressed that health care for the aged was no longer a matter of charity but a matter of social justice. It had also been recognized that there was a need for a long-term approach to the problem and that the preventive aspects of health programmes for the elderly were of primary importance. Such programmes must be co-ordinated with other services, such as education, housing, employment and the like, so that those separate elements formed part of an integrated programme of care.

74. The medical and health aspects of the problems of the elderly and aged were becoming increasingly important to the developing countries as well as to the developed. In the former group, the question became more complicated owing to the lack of adequate health services. Special emphasis should be laid on the importance of preventive measures to combat cardiovascular disease and cancer, which accounted for a high proportion of deaths in many countries. Since many cardiovascular diseases were preventable, WHO had for many years initiated prevention trials to promote a co-ordinated approach, including action to suppress smoking, enhance physical activity and treat other factors predisposing to heart diseases. WHO was intensifying its activities in that field, particularly by promoting and co-ordinating research, emphasizing efforts in connexion with education, information and the standardization of methods to control cardiovascular disease, and publishing recommendations concerning its control.

75. With regard to cancer, he recalled that WHO had established an International Agency for Research on Cancer. It was also advising Governments in the organization of cancer-control services and co-ordinating studies carried out by various institutions. The World Health Assembly had repeatedly expressed its concern by means of a series of resolutions, the most recent of which—resolution WHA26.61—called for long-term planning of international co-operation in cancer research. WHO would convene a meeting of experts to make recommendations for the programme, and those recommendations would be submitted to the World Health Assembly the following year.

76. With reference to table 1, in paragraph 21 of the Secretary-General's report, and to the report's projection that aging would be one of the crucial social-policy questions of the latter part of the twentieth century, he observed that, with the marked increase in the proportion of elderly persons, the problems of geriatric medicine, preventive as well as curative, would be more and more pressing. Currently, the resources to meet the need were inadequate in all respects—as regards personnel, facilities and equipment—and most countries were not geared to meet the problems adequately because it had taken too long to understand the magnitude of the problem. Funding helped, but failed to solve the problems unless trained personnel was available. Most professionals in the field were without special preparation and, although they might be doing their best, that was not good enough. A primary step towards correcting the situation would be a change in attitude on the part of the faculties of medical and nursing schools towards the elderly patient. There should be special programmes for staff interested in treating elderly patients, to provide information on the special problems of geriatrics—problems whose very existence was frequently denied. It was unfortunate that resident staff physicians too rarely took an interest in patients over 70 years of age.

77. Another important facet of the problem which he wished to emphasize was the lack of contact and communication between different groups which should be involved in the care for elderly patients—physicians, nurses, social scientists, managers, among others. Another approach to keep in mind was continued public education regarding basic health principles, plus the

⁴ A/C.3/616.

recognition and meticulous treatment of the diseases he had mentioned earlier. Physicians and social scientists must participate in the development and continuation of that educational programme.

78. In conclusion, he stressed that the basic key to progress was research, not only in the diseases he had mentioned but also in the mechanisms of aging and methods of interrupting the process. Only by exploring that field would it be possible to make a more significant

contribution not only towards enhancing the quality of life in old age but also in extending the productive middle years in the life span. WHO would continue its commitments to the health needs of the older age groups and would co-operate with any other interested organizations and agencies, both within and without the United Nations system, to facilitate progress in that field of endeavour.

The meeting rose at 6.25 p.m.

2024th meeting

Tuesday, 13 November 1973, at 10.50 a.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2024

AGENDA ITEM 63

Human rights and scientific and technological developments: report of the Secretary-General (A/9075, A/9227, A/C.3/L.2050)

1. Mr. MAHEU (Director-General, United Nations Educational, Scientific and Cultural Organization),* introducing UNESCO's observations on the item under consideration (see A/9227), prepared in pursuance of paragraph 2 of General Assembly resolution 3026 A (XXVII), said that as far as he knew it was the first time that the Assembly was to give in-depth consideration to the important cultural questions of the preservation and further development of cultural values, and what could be done by the international community in that connexion. That was in fact one of UNESCO's major responsibilities under its mandate to ensure the preservation and expansion of culture; it should be stressed that in little more than a quarter of a century, UNESCO had expanded, deepened and diversified its activities and had obtained far-reaching and favourable results and responses. In contemporary society, cultural matters were assuming increasing importance; culture was no longer a luxury, a privilege of the *élite*; today it was part of a general and profound demand of society as a whole; young people, in particular, considered culture an essential. Culture was closely linked to the concept of the quality of life which increasingly dominated the problem of development and of the environment in the industrialized countries. For the developing countries, culture lay at the root of their distinctiveness and national identity, and was the best form of protection against the transfer of foreign life styles that could accompany the transfer of technology. In his view, the debate to be held in the Committee would be a landmark in the development of international co-operation, and for that reason he had particularly wanted to introduce the observations personally.

2. The document was in two parts, in accordance with resolution 3026 A (XXVII), in paragraph 2 of which the Assembly requested the Director-General of UNESCO to communicate to it, at its twenty-eighth session, his

views on the problem of the preservation and further development of cultural values—which was done in the first part of the document—and on the measures already taken by the international community and on further measures that should be taken—a subject covered in the second part in the form of a note by the secretariat of UNESCO. While within the United Nations system UNESCO was the organization competent to deal with cultural questions, many other intergovernmental and interregional organizations, and government agencies were playing an active role in the field of culture, in close co-operation with UNESCO; and in that sense the observations could not be regarded as complete, since they did not refer to the activities of such organizations and agencies. The information contained therein was of a factual nature and required no introductory comment; however, he would be at the disposal of the Committee for any clarifications which might be requested of him particularly since the first part of the document referred not to specific facts but to ideas and thoughts regarding problems of major importance; and they might be the subject of differing interpretations and criticisms.

3. Although resolution 3026 A (XXVII) was welcome in substance, the way in which the text was worded had unquestionably raised certain difficulties of interpretation, and for that reason he wished to make some preliminary comments in order to define UNESCO's viewpoint. With regard, first, to a basic problem posed by the resolution, while it was true that there was a growing uniformity in the world from the cultural point of view, there was, on the other hand, a marked tendency towards pluralism. It would be a mistake not to take account of the unquestionably increased intensity of cultural life, particularly in urban centres, and the multiplication of cultural centres, a trend accentuated by the growth of the information media. Those factors served to establish a balance between uniformity and diversity which perhaps was unrecognized.

4. Science was a cultural phenomenon, and nothing could be more erroneous than to regard scientific progress as being incompatible with cultural development. In the intellectual and ethical sense, science was perhaps the major cultural phenomenon in modern civilization, and hence there was no dichotomy between science and culture. What resolution 3026 A

* The statement by the Director-General of UNESCO is reproduced *in extenso* in accordance with the decision taken by the Committee (see para. 34 of the present meeting).

(XXVII) actually pointed to was the consequence of the misuse of science on cultural values. As Director-General of UNESCO, an organization with a constitutional mandate for the development of both science and culture, he could not associate himself with any concept that drew a dividing line between science and culture. The utilization of science and technology was a cultural issue because use or misuse was determined by the values of a society; as culture was both a repository of values and a creative principle, every society had the type of science and technology which its culture had chosen.

5. With regard to the preservation of cultural values, which was dealt with in paragraph 9 of the text, it was necessary to determine the causes of the disturbance—which without doubt existed and whose scope, depth and suddenness were astounding—affecting cultural values and raising preservation problems. In that connexion, mention should be made of the population and information explosion particularly in the major urban centres. Another closely allied cause was the collapse of the traditional structure of spiritual values, with a resulting curtailment of “spiritual space” or room for reflection. The substantial increase in population, in urban population density, and the bombardment of men’s minds by numerous diverse fragments of information made it impossible to establish the perspective essential to culture. When there was no distance in time or feeling between the facts and the subject, the individual reacted by reflex, not by reflection. When man was constantly absorbed in action, when there was no detachment for contemplation, criticism and creation, cultural life must suffer. Still another factor, which was new, surprising and brutal, was the attitude of certain young people, particularly the cultured and educated, who not only challenged established culture, as young people had always tended to do, but who also rejected it altogether. Certainly a large percentage of young people who repudiated their heritage at the age of 20 were normally reconciled to it by the age of 25 or 30, but the challenge of youth today appeared to be unique to the times because of its anti-historical spirit.

6. At the same time, attention should be drawn to a positive and new factor in the newly independent countries: the return to the cultural fountainhead and to traditions threatened with extinction; in those countries, no contradiction was seen between the return to indigenous culture and the acquisition of the positive aspects of modern science and technology.

7. He emphasized that that cultural pluralism was a positive and welcome phenomenon which was helping to overcome the pressures towards uniformity exerted by technological civilization. The problem of the conservation of cultural values arose at the national as well as the international level, particularly in the case of indigenous minority cultures which colonial rule had relegated to inferior status. However, there were few instances of monolithic national cultures—in most countries culture had a multiplicity of sources, and when attempts were made to conserve national cultures with multiple origins, the various cultural sources should be expressly recognized. If the international community was interested in cultural problems, it should support the preservation of such minority cultures.

8. With regard to the further development of cultural values, which was dealt with in paragraph 25 of the document, he believed that any attempts at preservation that were limited to the application of static measures would be doomed to failure. Culture, which was life itself, was not static, but essentially dynamic; thus, preservation required an effort not to maintain the *status quo* but to ensure continuity of a heritage through the development of its powers of renewal and creation. Therefore, there could be no opposition between preservation and creation. Each measure for preservation was a reactivation; each act of development was creative. Development was preservation in the sense that it gave a continuity to the past, for it revised and reshaped the heritage received.

9. In the view of UNESCO, as expressed in paragraph 28, the way to achieve creative renewal was to consider cultural development as an essential dimension of the total development process. That idea had first emerged at the International Conference on Cultural Policies organized by UNESCO in Venice in 1970, which preceded a series of intergovernmental conferences, comprising the 1972 Regional Conference of European Ministers of Culture at Helsinki and the December 1973 Conference of Asian Ministers of Culture at Jogjakarta. UNESCO’s view was, basically, that the concepts of development and culture should be revised so as to introduce culture as an integral component of development; in other words, it was a question of adding another human dimension to economic growth of shifting emphasis from man’s having more to his being more. That concept had expanded during the 1960s, when the importance of factors such as education were recognized. Development was now conceived as a process in which man was both the agent and the ultimate goal and the Second United Nations Development Decade would be characterized by the introduction of the cultural dimension, since cultural development was a part of human development.

10. Profound changes had occurred in the concept of culture. For a long time, culture had been regarded as the product of rare moments of leisure, an activity for a select minority. The concept of cultural development rejected that élitist idea. Culture was a necessity and an asset belonging to all men at all times. Consequently, the movement for the democratization of culture had nothing to do with the popularizing of *élite* culture. The right to culture, which stemmed from the concept of cultural development and which was recognized in article 27 of the Universal Declaration of Human Rights, entailed responsibilities for the public authorities in the form of an obligation to work out and implement a cultural policy. Public authorities must guarantee every citizen access to and active participation in the cultural life of the community as a whole. That was not to say that UNESCO favoured government direction of artistic creativity; on the contrary, it was opposed to such a policy, for culture could not truly develop under *dirigisme*.

11. Cultural problems were common to both the developed and the developing countries, but they had different features in each case. In the industrialized countries, science and technology were not sufficiently integrated into the culture: the acculturation of technology must be achieved by the development of a scientific humanism in education which would progressively

bring technology into the cultural domain. However, that would happen only if that education presented science less in terms of the power it conferred, than in terms of its essential intellectual and ethical aspects. Another basic problem in the industrialized countries was that of the disturbances of the cultural environment resulting from haphazard industrialization and urbanization. The damage wrought by industrialization on the cultural environment was no less serious than the damage done to the natural environment, as evident in the tensions and frustrations of urban life which affected personal relationships. Disturbances of the natural environment were reflected in the crisis of the arts, particularly music and painting and could not help having severe cultural effects, as man himself was a creature of nature. The cultural environment should be restored and harmonized with the natural environment and, to that end, as a beginning, more attention should be paid to town planning and architecture. One of the greatest tasks of cultural development was the reconciliation of nature and culture.

12. With respect to the developing countries, he pointed out a negative and a positive aspect. The negative aspect was that of the cultural repercussions of the importation of technology combined with the transfer of foreign socio-cultural models. The transfer of technology was vital for the developing countries, but that did not necessarily mean importing foreign life-styles, i.e. foreign socio-cultural models. Each technology was born within the framework of a specific socio-cultural model, but when it was transferred it should be separated from that framework. Developing countries should be careful not to imitate mechanically the industrialized countries as they borrowed their technologies. Each importation of technology called for courage and critical assessment in determining whether the technology was applicable to the developing country's needs and cultural characteristics. In most cases, profound changes and adjustments had to be made, and the success of such transfers would depend ultimately on the country's capacity to make the necessary adaptations. Developing countries were quite cognizant of that necessity; the agencies involved in the practical process of transfer of technology must become more so.

13. The positive aspect was that of the opportunities the third world had of contributing to cultural discovery. There was no reason why the developing countries should adopt a defensive or assimilationist attitude in cultural affairs; on the contrary, they had a rich cultural heritage and, more important, a capacity for cultural discovery and renewal which could benefit not only themselves, but the entire world. Culture was the best means for affirming their distinctiveness and for taking their proper place, in full confidence and freedom, in a system of fraternal co-operation.

14. In conclusion, he wished to stress four main points. First, there was no opposition between the preservation and the creation of values in the historical development of culture, since culture was an essentially dynamic phenomenon. Secondly, there was no opposition between science and culture; the real issue was the misuse of science and technology. Thirdly, there were both negative and positive factors in the situation; the world was in constant flux; man could not know what the future would bring; everything depended on man; nothing was predetermined. Finally,

the developmental struggle of mankind always took place on the field of culture. Culture was the hope of all nations, equally, though in different ways. But the time had come to rationalize efforts, because culture was necessary and beneficial to all. That was the core of the concept of cultural development and of the cultural policies to which UNESCO's work was devoted.

15. Mr. NENEMAN (Poland) recalled that at the twenty-seventh session his delegation had been one of the sponsors of the draft resolution on the preservation and further development of cultural values which had subsequently been adopted unanimously both by the Committee and by the General Assembly as resolution 3026 A (XXVII). The Third Committee now had before it the observations of the Director-General of UNESCO (see A/9227) requested in paragraph 2 of that resolution, which had been introduced personally by the Director-General. Bearing in mind the observations and conclusions, he introduced draft resolution A/C.3/L.2050 on behalf of his delegation and those of Ethiopia, Finland, France, Indonesia, Iran and Trinidad and Tobago. Certain changes had been made in the text; thus, the beginning of the fifth preambular paragraph should read "*Convinced* that, on the one hand, intensified efforts must be made to abate those possible misuses of scientific and technological developments which endanger the distinctive character of all cultures and that . . .". Also, in operative paragraph 1 (d) (ii), the words "social and ideological values" should be replaced by "social and ideological significance".

16. As the great African leader Amílcar Cabral had said, culture was the very foundation of the liberation movement and was essential to the historical process. Every culture had its distinctive character and unique value. Theories about the superiority or inferiority of particular cultures were always connected with the tendency to dominate and, in their extreme forms, based on racist concepts, and they should therefore be rejected and condemned.

17. In stating, in the fifth preambular paragraph, that intensified efforts must be made to abate the possible misuses of scientific and technological developments, the sponsors had particularly borne in mind paragraph 24 in part A and paragraph 41 in part B of the observations submitted by the Director-General of UNESCO, which referred to the development of electronic telecommunications, including telecommunication by satellite, the use of which was of the utmost interest both for facilitating the free flow of information and for protecting national cultures against the one-way onslaught of broadcasts emanating from countries enjoying an overwhelming technological superiority. At the same time, however, they were not advocating cultural isolation. The mass media and space communications could add enormously to the spread of cultural values, provided they were used on the basis of partnership and with due regard for the principle of sovereignty and equality of States.

18. In the operative part of the draft, Governments were urged to make cultural values, both material and spiritual, an integral part of development efforts. The various subparagraphs of paragraph 1 enumerated those aspects which might be of particular importance for the cultural policies of Governments. In paragraph 2, the draft recommended that the

Director-General of UNESCO should initiate preparation of an interdisciplinary programme, the scope of which was described in the relevant subparagraphs. Since the Director-General would need considerable time to assemble information on the problems involved and to analyse the role of the mass media in the preservation and further development of cultural values, paragraph 3 requested him to report to the General Assembly at its thirty-first session on the progress made.

19. Draft resolution A/C.3/L.2050 was not a controversial one and was aimed at drawing the attention of Governments, the United Nations, and especially UNESCO, to a problem which was of increasing concern to mankind. He hoped the draft resolution could be voted on during the current meeting, while the Director-General of UNESCO was present, without prejudice to further discussion of the item later on.

20. Mr. HOVEYDA (Iran) said that Iran had a great interest in the item. Ten years before, it had initiated an economic and cultural revolution with a view to becoming an industrial nation, and since then it had recognized the importance of integrating culture into economic development.

21. He thanked the Director-General of UNESCO for introducing his observations, the conclusion of which, in general, he endorsed. With regard to the Director-General's statement that there was no opposition between science and culture, but rather between culture and the abuse of science, he pointed out that care must be exercised with regard to the abuse of culture. He was referring particularly to certain groups which used culture for inadmissible ends, such as spreading hatred, racism, colonialism and war.

22. The remarks of the Director-General had three main aspects: artistic manifestations, mass communication media, and the separation between the industrialized and the developing countries. With regard to the first aspect, the last sentence of paragraph 51 of the observations did not accurately reflect the current situation of the arts; contemporary theatre was not in a state of confusion, either in the developed or in the developing countries, and the same could be said of the cinema, literature and painting. His own personal conclusion was that all the arts showed a trend towards the visual, because the visual was not purely figurative; the fact that all arts were returning to their sources should be viewed with satisfaction.

23. With regard to the communications media, the problem had been raised in other UNESCO reports, as well as in the United Nations in general, but it had been misstated. The fact that the information media reported on crimes and police news was not the main issue. The problem consisted of establishing whether the truly important information was reported or not. For example, in 1905, the newspapers had reported on political and other events that had since been completely forgotten; yet they had not reported the most significant event of the times: the publication of Einstein's article on relativity, which had only been noted by technical journals. The phenomenon had repeated itself throughout the centuries since Herodotus, whose history did not reflect the important events of his period. Therefore, the problem of the content of the information media should be the subject of specific studies.

24. The third aspect of the Director-General's observations was the separation between the industrialized and the developing countries. He considered that an erroneous approach. What took place in the modern world was of interest to all countries, regardless of their stage of development. The manifestations of science and technology after 1959 were new and disturbing to every nation. The mutation of the contemporary world affected everyone; the problem of adjustment to new cultures and modern technology was common to every country; and the problems of youth probably existed in the developing countries as well as in the developed countries.

25. Lastly, he read out an article by Gaetán Picón on contemporary style, in which it was stated that the current evolution affected all aspects of reality, and another article by Jacques Berque on decolonization, in order to show that there were new ways of considering those problems, which would have to be confronted if it was desired to achieve genuine co-operation within the United Nations.

26. Mrs. SAARINEN (Finland) said that there could be hardly any doubt that perception of the importance of the preservation and development of cultural values had substantially broadened and deepened. At the normative level, the unanimous view had been adopted in many international recommendations on specific aspects of that problem and of both the 1970 Venice Conference and the 1972 Helsinki Conference that culture and cultural values should not be considered as a luxury but, rather, as an essential part of social life. In accordance with that view, her Government fully supported all measures designed to preserve the national and international cultural heritage. Her delegation was sponsoring draft resolution A/C.3/L.2050 in order to emphasize the close link between the rapid pace of scientific and technological development and the preservation and development of cultural values. In her delegation's opinion, that link, and especially its implications, should be understood as broadly as possible, especially at the decision-making level. Her delegation would be reluctant to adopt the rather fatalistic view that technical progress in itself entailed the destruction of cultural values. Such a view would lead nowhere, since technological progress was both desirable and necessary from many other points of view. What was necessary, therefore, was to understand the existence of the link between technological progress and cultural values in order to draw the appropriate conclusions at the decision-making level and to adopt policies designed to avoid adverse effects. The Polish representative's oral revision of the fifth preambular paragraph of draft resolution A/C.3/L.2050 was based on that reasoning. At the same time, her Government was fully aware of the dangers of an orientation towards technological effectiveness, of the unifying effects of the integration process and of the extensive use of mass media to the survival of particular subcultures of various countries, regions or ethnic groups.

27. Those considerations led to another aspect of the problem, which was emphasized in the draft resolution and to which the Director-General of UNESCO had referred in his observations (see A/9227), namely, the necessity of considering the preservation and development of cultural values not as a separate question, but as part of the over-all development process. The International Development Strategy for the Second United

Nations Development Decade differed from the strategy for the previous Decade in that it approached the development process from the point of view of the individual. Among its goals was the need to guarantee every individual living conditions compatible with the dignity of man. In addition to quantitative elements, that concept implied a large number of qualitative considerations which might be grouped under the heading of the human environment, as had been done by the Director-General of UNESCO. That approach had the advantage of making it impossible not to be aware that individuals living in different conditions were bound to perceive their environment in different ways. Policy priorities must be judged accordingly. A successful policy for densely populated urban areas might stress town planning and architecture. In rural areas of developing countries, where people lived in absolute poverty, the most basic needs of the individual must be satisfied. Only a full understanding of the diversity of the cultural policies required in different conditions could lead to the practical conclusion that culture was not a luxury, but rather an essential part of the life of societies.

28. Mr. BOURGOIN (France) said that the item the Committee was dealing with related to one of the most important problems facing the current generation. Culture in the broadest sense continued to be the basic criterion for consideration of the problem of the protection of human rights in the context of scientific and technological progress, not only in relation to economic, social and cultural rights as defined in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, but also in relation to civil and political rights. That had been demonstrated by recent events, of which all were aware and which it was not necessary to recall. The quality of life—a basic aspect of the study which was being carried out—was a just and essential corollary of economic growth. "Being more" was, actually, the purpose of the Committee. In that connexion, culture was fully meaningful in so far as it enabled man to preserve his identity and integrity when faced with staggering technological developments. That was, in fact, the essence of the problem of the moral value of science. He wondered whether the debate, which had been continuing for so long a time, would ever be brought to a conclusion.

29. There was, however, one point which should be discussed. The observations of the Director-General of UNESCO referred to the revival and increased intensity of cultural life, which were a result of creativity focusing on the search for and recovery of national identity in the context of the reality of modern problems. There was no doubt that that was true, but now, in a time characterized by the ever greater speed of travel and the even more amazing rapidity of individual communications and communications via the information media, some questions should be asked about the real scope and meaning of that affirmation. At a time when the concept of human rights tended to be universal and the interpretation of civilizations and cultures were promoting both mutual understanding and uniformity in modes of life and thinking, it should be asked whether that "return to the fountainhead" was the result of a phenomenon of withdrawal and even of negation or whether, on the contrary, it was a necessary stage in the establishment of a universal cultural balance. Whether

it was temporary or irreversible, that phenomenon could be interpreted as a legitimate defence reaction caused by man's concern about scientific and technological progress, which was exciting at first, but, then, terrifying. Expressing its support for the conclusions of the Director-General of UNESCO, his delegation, which was a sponsor of draft resolution A/C.3/L.2050, considered that the highest objective should be cultural pluralism within the framework of harmonious co-operation, although it did not deny that that would be a difficult balance to strike.

30. Referring to the specific question of the protection of human rights in the context of scientific and technological progress, he said that many people were asking whether it would not be advisable, if not to halt progress, at least to contain it and control it strictly, since the time of blind faith in progress was past. Like all things, progress had two aspects: positive and negative. As a result of recent scientific and technological discoveries, new dangers had emerged which threatened human rights and fundamental freedoms. The problem was not to halt the irresistible march of progress, but to resolve, as harmoniously as possible, the conflicts it inevitably created. All countries and social *milieux* were more or less deeply concerned about scientific and technological progress. That concern was being expressed increasingly clearly at the international level. All countries, regardless of their level of development, were united in the search for the difficult balance between the beneficial and adverse effects of scientific and technological progress. In that connexion, respect for the concept of universality was imperative. The best example was the pollution and protection of the environment, which clearly showed the need to find solutions at both the national and international levels.

31. In his delegation's opinion, the problem of the distinction between the protection of individual freedoms and private life, on the one hand, and the power of the State and the preservation of public order, on the other, was particularly important. Without underestimating the disparity of existing conditions in various countries and the diversity of norms which should be adopted at the national level, his delegation considered that international standards and rules of conduct could and should be worked out, since the rapid development of science and technology made consideration of its impact on fundamental civil liberties and human rights as a whole urgently necessary, not only in developed countries, but in the international community as a whole. The broad scope of the question made it necessary to carry out interdisciplinary technical and legal studies, which could be done only under the auspices of the specialized agencies of the United Nations, in particular, WHO, the ILO and UNESCO. In so far as possible, such studies should be of a universal nature and non-governmental organizations should take part in them.

32. In France, legislative and regulatory provisions had already been adopted with regard to the protection of civil and political rights in the context of scientific and technological progress and, more particularly, with regard to computer science. Such legislation was still inadequate and imperfect, but it was a first step. Each country should independently prepare its own legislation in that field, in accordance with its particular condi-

tions. Respect for the principle of national sovereignty did not seem incompatible with the preparation of international standards because, in that sphere as in others, such respect should, in his delegation's opinion, be the ultimate objective and *raison d'être* of the United Nations.

33. Mr. PAPADEMAS (Cyprus) supported by Mrs. WARZAZI (Morocco), requested that the statement by the Director-General of UNESCO should be

reproduced *in extenso* in the summary record of the meeting.

34. The CHAIRMAN said that if there were no objections, the statement by the Director-General of UNESCO would be reproduced *in extenso* in the summary record of the meeting.

It was so decided.

The meeting rose at 1 p.m.

2025th meeting

Tuesday, 13 November 1973, at 3.10 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2025

AGENDA ITEM 58

Question of the elderly and the aged: report of the Secretary-General (*continued*)* (A/9003 and Corr.1, chap. XXI, sect. A.7; A/9126 and Corr.1, A/C.3/L.2051, A/C.3/L.2053, A/C.3/L.2054, A/C.3/L.2056)

1. Mrs. WATANABE (Japan) said that the Secretary-General's report (A/9126 and Corr.1), which was excellent, raised some fundamental questions concerning the very concept and definition of aging. In view of the task which the General Assembly had entrusted to the Secretary-General in its resolution 2842 (XXVI), her delegation would limit its remarks to the manner in which the situation of the aged in Japan should be assessed in the light of recent changes in national and international socio-economic and cultural conditions and to determining the seriousness of the socio-economic problems of the aged in Japan.

2. To assess the development of the situation of the aged, the first factor to be examined was life expectancy. In Japan, life expectancy had increased by 15 years since 1947 and now stood at nearly 76 years for women and between 70 and 71 for men. That phenomenon was due to the decline of the death and birth rates since the Second World War. Japan was not only one of the countries with the highest life expectancy, but was also among those in which virtually all the people were covered by one or another of various retirement pension schemes; pensions were paid to all insured persons, including the self-employed. There were also social insurance schemes under which the insured were provided with medical care free of charge and at half-cost for their dependants. Those facilities were to be further improved in the near future.

3. Emphasizing that the progress of medical science, both curative and preventive, had contributed greatly to those developments, as had voluntary and public social welfare programmes, she said that her country owed much of its progress to the specialized agencies, especially to WHO and other commissions and non-governmental organizations. Japan's participation in international activities therefore supplemented its national and regional efforts.

* Resumed from the 2023rd meeting.

4. Despite those achievements, the gravity of the socio-economic problems of the aged in Japan should not be underestimated. The growth of the *per capita* income as a whole fell considerably short of the growth of the gross national product, and many problems needed to be solved in the near future to meet the needs of the aged; although those people still represented only 7 per cent of the population, that figure was expected to reach 8.5 per cent in a decade or so. The problem was becoming serious because life expectancy had increased too rapidly and because that increase had coincided with the initial period of the enforcement of the revised family code authorized by the new Constitution. The old system, based primarily on inheritance by the eldest son, had been abolished and replaced by a concept which took into account the rights of all the members of the family. That change had seriously affected certain elderly men, who had had little time to adjust to their new status in the family and in employment. Under the old system, they could take it for granted that someone in the family would look after them in their old age, whereas now they practically had to fend for themselves; the rapidity of the changes had made it impossible for them to foresee the problems with which they would be faced and to take steps to supplement their inadequate pensions from other sources. They found it very difficult to obtain new employment. Also hard-hit were the aged engaged in farming in remote areas and the aged who were mentally disturbed. As the result of a recent survey which had shown that only 58.4 per cent of people over 65 years old were in good health, the Japanese Government had urgently introduced a series of measures to improve services for the aged; at the same time, the social welfare organizations and the trade unions were trying to take similar action.

5. She drew attention to a characteristic feature of Japan which might prove to be an asset in the development of the situation of the aged: that was the traditional habit of the Japanese to continue to take lessons in everything that interested them, regardless of age. Those activities had the advantage of enabling the elderly to keep in contact with younger people and, in some cases, to earn a little money. A recent survey had shown that the participation of people aged 60 and over in cultural and sports activities was equal to that of

other age groups. In 1970, there had been 80,000 clubs for the elderly in Japan, not counting residential institutions, and nearly half of the population over 60 belonged to one or another of those clubs.

6. It was the duty of Governments, acting in the spirit of the guidelines provided in the Secretary-General's report, to adopt flexible and dynamic policies to meet the needs of the aged, with their diverse interests.

7. The CHAIRMAN said that the time-limit for the submission of draft resolutions and amendments on the question of the elderly and the aged would be 5.45 that afternoon.

8. Mrs. DE BARISH (Costa Rica) said that her delegation had taken an interest in the question of the elderly and the aged since the Maltese delegation had drawn the Committee's attention to the problem at the twenty-fourth session. Costa Rica had been among the sponsors of the draft resolutions which had served as a basis for the adoption of General Assembly resolutions 2599 (XXIV) and 2842 (XXVI).

9. Her delegation welcomed the excellent report that the Secretariat had submitted on the question and endorsed the suggestions made in that document. It also noted the contributions of the ILO and WHO to the report.

10. The sociological and psychological aspects of the problem of the elderly and the aged were linked with the phenomenon of modernization. That was also true of the physiological aspect of the question, owing to advances in medical science, especially preventive medicine, and to the development of gerontology and geriatrics. All those factors had promoted the increase of life expectancy throughout the world, but that victory of science over aging and death was the very source of the psychological and sociological problems that had arisen in that sphere. In industrial societies, with their excessively utilitarian view of human existence, elderly people, whose experience had always been respected in more traditional societies, no longer played an active part; that was the cause of the psychological problems of old age, which aroused profound feelings of isolation and uselessness in elderly people.

11. A plan of action must therefore be established, with due consideration given to all the dimensions of the problem. Countries where age was not yet a cause of insecurity and suffering would have to face the problem later, when they began to feel the effects of modernization, such as urban crowding, depersonalization and individual feelings of inadequacy. Her delegation was therefore pleased once again to join the Maltese delegation in submitting, with other delegations, a draft resolution (A/C.3/L.2051) which set out the principal points made in the report and recommended to Governments, in formulating their national policies and programmes regarding the elderly, to take into account the guidelines suggested in the Secretary-General's report and to take appropriate action. The draft resolution might be regarded as a logical consequence of resolution 2842 (XXVI), in which the Assembly had requested the Secretary-General to suggest guidelines for national policies and international action related to the needs and the role of the elderly and the aged in society in the context of over-all development, particularly in countries where the socio-economic problems of the elderly were marked.

12. Her delegation commended the draft resolution to the Committee and hoped that it would be adopted unanimously.

13. Mr. COSTA COUTO (Brazil) said that he had prepared a statement on the question of the elderly and the aged, but that after hearing the many statements that had already been made on the subject he had thought it wiser to try to draw some conclusions from those statements, rather than to describe what had been done in Brazil to improve the lot of the elderly. His delegation had already made a statement on the subject that year, in the Economic and Social Council; Brazil's situation was similar to that of other developing countries which were undergoing rapid industrialization and urbanization.

14. Two extreme positions had emerged in the debate—on the one hand, that of the highly urbanized countries where small families were the rule and where the situation of the elderly had deteriorated, not necessarily in economic terms but at least with regard to their position in society and, on the other hand, that of the less developed countries where the elderly in rural areas were not necessarily richer or in better health than in the developed countries but enjoyed the support, respect and affection of younger persons. Those two extreme situations were never found as such, for in each of the two groups of countries there were segments of the population where the reverse of what would be expected prevailed. Even in rural societies, to the extent that they were in the process of development, family ties were being weakened and the elderly becoming an increasingly heavy burden on society. In the long run no State would be spared. The Secretary-General had made an interesting observation in that regard in paragraphs 18 to 20 of his report to the effect that the changes would be significantly accelerated in the developing countries.

15. The function of the United Nations in the question under consideration should be to urge international organizations and countries themselves, developing and developed alike, to co-operate and to exchange the results of their experience with a view to improving the situation of the elderly throughout the world, as their status would probably continue to deteriorate for the remainder of the century. The Secretary-General had very wisely refrained from suggesting universal guidelines in his report, since the status of the elderly and the aged varied considerably from one country to another, particularly in relation to the degree of economic and social development of the country; within each country, too, there were regional differences.

16. With regard to draft resolution A/C.3/L.2051, introduced by the delegation of Malta on behalf of a number of delegations, he wished to put forward a number of amendments.¹ First of all, at the end of the third preambular paragraph he would like a reference to article 25 of the Universal Declaration of Human Rights to be included, since that article mentioned old age. Furthermore, he proposed the addition of two new preambular paragraphs, which he read out and which were designed to formulate the idea that the participation of senior citizens in the mainstream of national societies was a matter of interest for all countries, irrespective of their stage of development, and to make it

¹ Subsequently circulated as document A/C.3/L.2057.

clear that the status of senior citizens varied from country to country, and even from region to region within the same country, a fact which made it impossible to elaborate universal guidelines. With regard to the operative part, he proposed a new text for paragraphs 3 (a) and (d), which he read out. The new text of subparagraph (a) was intended to stress the importance of the social integration of the aged in society, their participation in productive activities, as well as retraining and consulting activities. The new text of subparagraph (d) was intended to introduce more flexibility so as to take into account the diversity of the conditions existing in different countries with regard to employment. That amendment met the concerns expressed by the representative of Jamaica (2023rd meeting) and should also make it possible to have a more elastic application of retirement rules: in many developing countries there was a shortage of qualified personnel, and it was desirable for such persons to be able, if they so wished, to continue working after reaching retirement age. Finally, he read out the text of a new subparagraph which he proposed for inclusion in paragraph 4 following subparagraph (e). That amendment was intended to respond to the problems of the elderly who did not live in their own country, for while it was possible for them to receive their retirement pensions abroad, it was much more difficult for them to secure the benefit of the relevant social security programmes. Such problems should be settled by means of bilateral or multilateral agreements, but it was appropriate for the international community to encourage countries to give their attention to that problem, which was of great importance for the developing countries and, even more so, for migrant workers.

17. With regard to the draft resolution submitted by the Ukrainian Soviet Socialist Republic (A/C.3/L.2053) which, except for a minor change, was identical to Economic and Social Council resolution 1751 (LIV), he felt that the initiative taken by the Ukrainian SSR in the Economic and Social Council had at that time been of great interest, but he did not see any need to reproduce exactly the text of the Council resolution in order to have it adopted by the Third Committee. He did not see that the Committee could add anything to the text already adopted by the Council. The Ukrainian draft resolution did, however, include some relevant points; he therefore suggested that the Ukrainian representative should consider the possibility of getting together with the delegation of Malta with a view to combining the two draft resolutions in a single text by incorporating in the text introduced by Malta certain paragraphs of the Ukrainian text, such as paragraph 1 and paragraphs 3 (d) and (f), which would usefully round out the text. The other provisions of the Ukrainian draft resolution did not deal with the question of the elderly but with the more general question of social security. If the Ukrainian delegation wished to have the General Assembly endorse the resolution adopted by the Economic and Social Council, it should proceed in the manner suggested and incorporate in a separate draft resolution the other paragraphs of its text which were more general.

18. He had some misgivings with regard to the wording of operative paragraph 3 of the Ukrainian resolution (A/C.3/L.2053): he saw no need to place special emphasis on the situation in the developed countries. That paragraph applied to all countries without distinction,

particularly since it was made very clear that the measures to be taken would fall within the framework of general planning.

19. He would support the amendments contained in document A/C.3/L.2054 and Corr.1, the purpose of which was to take account of the particular situation of the developing countries.

20. Mr. BADAWI (Egypt) associated his delegation with the Secretary-General's statement that a policy on aging was essential in order to assure the increasing numbers and proportions of older persons their basic human rights of full participation, as well as protection, in the society of which they were a part. On that subject, the Egyptian national Charter stressed the need to develop the system of social security as well as health services for the benefit of the elderly. The Constitution, pointing out that society was based on social solidarity, laid down in article 7 that the State would provide social security and health services and provide disability, unemployment and old-age pensions to all citizens. Although family ties were very strong in Egypt, wage-earners in the public and private sectors enjoyed the benefit of pensions, and elderly persons who did not fall within those two categories were entitled to an old-age allowance and social security. The Minister of Social Affairs had set up 26 old-age homes and institutions for the elderly, and 20 more were planned. Admission to 50 per cent of those institutions was free of charge. The Ministry of Social Affairs was also planning to set up 10 clubs for the elderly and 10 centres for old people without families.

21. His delegation supported all efforts at the national and international levels to solve the problems of the elderly and the aged. The co-operation of the international community was extremely important if States, particularly the developing countries, were to be able to put into effect programmes for the elderly which, while meeting their needs, reinforced the concept and the structure of the family since, ideally, it was in the family that the solution to the problem of the elderly should be sought.

22. Mr. MIKOLAJ (Czechoslovakia) said that the increasing longevity and the aging of the population had an impact on the whole society; an attempt should therefore be made to resolve the question of the elderly and the aged, having regard both to the economic and social position of that population group and to the relationship between that group and society. The process of the aging of population in Czechoslovakia was similar to that in other industrialized countries. The percentage of the population aged 65 and over had increased from 8.8 per cent in 1961 to 11.3 per cent in 1970 and would reach approximately 12.8 per cent in 1980. Both in absolute and relative terms, the number of persons aged 80 years and over had increased, and it was expected that the number of the aged would double in the next two decades. Those important changes in the age structure of the population would require the establishment of new priorities and a redistribution of the various social services.

23. The report of the Secretary-General contained a positive assessment of the services organized in Czechoslovakia for the aged and the elderly. In that country, social security services for the aged were the responsibility of the Government. The health services provided free of charge to that population group in-

cluded not only treatment by physicians and specialists, but also treatments and cures in various institutions and centres. Medicaments and dental care were also free of charge. In view of the increase in the number of the elderly and the aged and in the percentage of chronic and long-lasting diseases, home assistance services had been developed for the aged, who received regular visits from skilled nurses, and specialized institutions for the treatment of the diseases of the aged had been established. The standard of care for the elderly living in specialized institutions was extremely high. In Czechoslovakia, social policy for the aged was based primarily on their own needs. All wage-earners and their dependants and surviving relatives were granted retirement pensions. All other aged persons were entitled to old-age pensions. Moreover, every wage-earner had a right to a retirement pension provided that he had worked for 25 years and had reached the age of 65 years in the case of men and 53 to 57 years in the case of women, depending on the number of children of the woman concerned. Certain categories of wage-earners who worked under particularly difficult conditions were entitled to receive pensions at an earlier age. The particular needs of the aged were the subject of sociological work and applied research, which formed the basis for the elaboration of short-term and long-term care plans for that group. Those plans were an integral part of the national economic development plans. The planned development of the national economy and the high rate of employment created favourable conditions for the voluntary extension of the economic activity of the aged; since the right to a pension was acquired at a relatively early age, a number of the aged decided to remain employed if they were able to do so without risk to their health.

24. His delegation supported resolution 1751 (LIV) which had been adopted by the Economic and Social Council and proposed for adoption by the General Assembly by the representative of the Ukrainian Soviet Socialist Republic.

25. Mrs. WARZAZI (Morocco) said that the excellent report by the Secretary-General had the merit of meeting the wish of those who had been concerned with the problem of the elderly and the aged for many years and of arousing the attention of those countries which, in a few decades perhaps, would have to give consideration to the question. Currently, however, the problem of the elderly and the aged arose primarily in the industrialized societies, where a progressive breakdown of traditions and customs was taking place, owing, in part, to the increasingly complex economic and social changes brought by technological innovations and urbanization.

26. The problem of the elderly and the aged had been raised for the first time in the United Nations in 1948, when the General Assembly had included only a small number of countries from the third world. The Economic and Social Council, in resolution 198 (VIII), of 2 March 1949, had requested the Secretary-General to prepare a report on the basic features of measures for the benefit of aged persons, especially in countries with comprehensive old age security schemes including old age pension schemes. The draft resolution submitted by the Ukrainian delegation thus constituted an element of continuity between 1949 and 1973. The

scope of the problems presented by the increase in the number of older people—406 million aged 60 years and over in 1985, according to demographic projections—alarmed the industrialized countries, but, for the developing countries, what gave rise to particular concern were the projections relating to the increase in the number of young persons, i.e. those up to 24 years of age: 2,499 million in 1980, or 55 per cent of the world's population, with more than 60 per cent of that total in the developing countries. The latter thus had to face a vast problem, at a time when their share of world trade had fallen from 21.3 per cent to 17.6 per cent and the terms of trade had deteriorated, while their debt had increased from \$18 thousand million to \$69 thousand million. They must, as a matter of priority, take steps to stimulate economic and social development, absorb unemployment, put an end to underemployment and establish their development plans in relation to their needs and available resources. In the circumstances, they could not elaborate development programmes devoted exclusively to the elderly, ensure their retraining, enhance their contribution to social and economic development or encourage the creation of job opportunities for them. In other words, they could not put into practice the guiding principles suggested in draft resolution A/C.3/L.2051.

27. Furthermore, the developing countries should not repeat the mistakes of the industrialized countries. One of the causes of the current problem in those countries was the breakup of the family and the rejection of the elderly by society by the mere existence of competition and a society where there was an excessive tendency to gauge a person by his productivity and inactivity was somewhat suspect. The report of the Secretary-General had recognized that in Africa and Asia, the elderly enjoyed great respect and were cared for by the community itself. Her delegation was firmly convinced that the family could play an active role in solving the problem of the elderly, and she noted with regret that draft resolution A/C.3/L.2051 had not taken the family factor into consideration. Apart from that omission, the text failed to take account of the difficulties which its wording might present for the developing countries.

28. For all those reasons, her delegation had decided to submit some amendments (A/C.3/L.2054 and Corr.1) to the draft resolution, in order that it might receive the maximum support. The first amendment was justified by paragraph 19 of the Secretary-General's report, which made it quite clear that the problem of the increase in the number of the elderly was particularly acute in the industrialized countries. The amendment to operative paragraph 2 was intended to leave each country free to elaborate policies for the elderly if that was a matter of particular concern for it. One of the amendments to operative paragraph 3 corresponded to a recommendation by the Secretary-General, who had stated in the report submitted during the twenty-sixth session² that a country's policies and programmes should be placed within the general framework of its economic and social planning, rather than being considered in isolation. The purpose of all the other amendments to paragraph 3 was to enable the developing countries to vote on the text and thereby to make their contribution to the preparation of a resolution aiming at the well-being of a particular

² A/8364.

category of the population, particularly in the industrialized countries, while the amendment relating to subparagraph (d) was also based on a desire to delete a pessimistic and discouraging provision. Lastly, her delegation felt that it was essential to mention the role of the family in the draft resolution and proposed that a new subparagraph covering that point should be inserted in operative paragraph 3. In that connexion, she believed that Governments should grant each family a pension for each elderly person for whose care it assumed responsibility and, furthermore, should endeavour, through information and education media, to place emphasis on the role and duties of the family in respect of the elderly.

29. Mr. VALDERRAMA (Philippines) commended the Secretary-General on his report and expressed appreciation to the Assistant Secretary-General for Social Development and Humanitarian Affairs for her introductory statement (2022nd meeting).

30. The report of the Secretary-General provided extremely useful information on the biological, psychological and social aspects of the aging process and on the implications of increased expectation of longevity throughout the world as a result of the urbanization and secularization of societies, accompanied by higher rates of mobility, rapid social changes and the breakdown of traditional habits and customs which made it possible to meet the needs of the elderly.

31. The problem of the elderly was particularly acute in the industrialized regions, but it was beginning to make itself felt also in many developing countries, which must view the problem in the context of their over-all development. The serious problems raised by the elderly in the industrialized regions should by no means lead the developing countries to give up the idea of undertaking urbanization and modernization programmes with a view to modifying their economic and social structures. The developing countries should take a lesson from the experience of the developed countries, so that economic prosperity would not mean the isolation and alienation of one group of society but should, on the contrary, bring with it a greater sense of national community and cohesion. To that end, the traditional and cultural values of each country should be preserved.

32. Aging was an inevitable process and all societies, whatever their level of development, should take steps at the national and international levels to ensure that all their sectors, including the elderly and the aged, participated in the social, cultural and economic life of the community. The Government of the Philippines had taken a number of measures for the welfare of the aged, including the establishment of a social security system which covered all commercial and industrial private enterprises. All government employees had long been protected by a social insurance system. In all cases, the compulsory retirement age was 65 and there were provisions for optional retirement with relatively reduced pensions and other benefits after 20 years of service. A "medicare" programme had been established in 1969 and there were plans to extend it to those who were not covered by either the social security system or the government service insurance system. Ten community hospitals had recently been established to take care of the sick and aged.

33. Turning again to the report of the Secretary-General, he said that while he recognized that the various aspects of aging and social services for the aged were discussed at length, he thought that an action-oriented report which was much more concisely written and tightly organized would better serve the General Assembly as a basis for the adoption of a resolution indicating policies to be used as guidelines for the formulation of national programmes and international action. The demographic projections in the Secretary-General's report pointed to the need to begin planning at once for the problems that would inevitably accompany changes in the age structure of populations. In that connexion, his delegation endorsed the Secretary-General's recommendation that the collection of global data and the analysis of trends relative to aging should be centralized in a unit of the Secretariat, the Centre for Social Development and Humanitarian Affairs. It could be seen from the note by the Secretary-General submitted to the Economic and Social Council at its fifty-fifth session³ that the work programme and budget for 1974-1975 and the medium-term plan for 1974-1977 relating to economic, social and human rights activities provided for the convening of an *ad hoc* expert group to formulate guidelines for measures to be taken at the national and international levels to deal with the problem of the aged in the context of over-all development. It regretted that the expert group had not been convened earlier during the current year to consider the Secretary-General's report, so that the General Assembly would have been able to take the expert group's recommendations into account at its current session.

34. Fortunately, draft resolution A/C.3/L.2051 could provide a basis for a substantive resolution on the question, subject to certain amendments. In that connexion, he proposed that the wording of the sixth preambular paragraph should be reworded to read as indicated in the amendment submitted by the Philippines (A/C.3/L.2059). Several speakers had expressed doubts that the guidelines recommended in operative paragraph 3 might affect laws concerning compulsory retirement. Subparagraph 3 (d) in particular had given rise to misgivings, although his delegation did not think they were justified. The subparagraph in question referred to discriminatory attitudes towards persons approaching the compulsory retirement age and it was clear that the recommendation made was in no way intended to do away with legislative provisions regarding compulsory retirement. The measures which the Secretary-General was requested to take in operative paragraph 4 of the draft resolution should be supported. His delegation was happy to note that they were to be carried out by the Secretary-General "with the resources at his disposal". As to subparagraph 4 (c), his delegation believed that the studies to be undertaken in the field in question at the international level should be directed towards evolving a useful body of data and the analysis of trends to help countries formulate practical policies concerning the aged. Every country or region, of course, had its own peculiar problems with respect to the aged, which varied according to economic, social and cultural conditions. Each Government therefore had a primary responsibility to solve its problems by itself. Nevertheless, the United

³ E/5329.

Nations should be ready to assist the less developed countries whenever necessary.

35. His delegation had draft resolution A/C.3/L.2053 under consideration. It appreciated the reasons why the representative of the Ukrainian Soviet Socialist Republic had proposed (2023rd meeting) the adoption by the General Assembly of the text of Economic and Social Council resolution 1751 (LIV) but considered that it was for the Council, as a principal organ of the United Nations, to make the final pronouncement on the question of the aged and social security.

36. Mrs. LYKOVA (Union of Soviet Socialist Republics) said that the Secretary-General's report, in a detailed analysis of the situation of older people in countries which had attained various levels of development, rightly stressed that policies and programmes concerned with that age-group should be an integral part of the economic and social planning of each country. In the USSR, the State was responsible for the material welfare of citizens who, through their work, had contributed to the building of society. The State assumed full financial responsibility for social welfare services, no contribution being required of the workers. Of the 43 million retired persons in the Soviet Union, 27 million had retired because they had reached the appropriate age. The remainder were receiving pensions on various grounds, for example persons disabled by war or by work. Social security was provided on the basis of the socialist principle "to each according to his work" and the right to a pension depended exclusively on the number of years of work. The amount of the pension was related to the quality of the work—with those who had received a high salary receiving a high pension—but account was also taken of the family situation. The retirement age, which was normally 60 years for men and 55 years for women, was lower for certain arduous occupations. In the construction industry, it was 55 years for men and 50 years for women while in the metallurgical and chemical industries it was 50 years and 45 years respectively.

37. The Secretary-General's report reflected concern with the question of compulsory retirement. She pointed out that in the USSR there was no law prohibiting a retired person from carrying on a remunerated activity while at the same time receiving a pension. In fact, the simultaneous receipt of a salary and a pension was quite frequent. Furthermore, studies had shown that appropriate activities prolonged the life of old people, and the authorities had therefore adopted measures with a view to encouraging retired persons to continue to work. If they were unable to continue their former activity, they could work in special workshops, in enterprises especially established for them where, in view of their particular needs, safety measures had been strengthened, production norms lowered, working hours reduced and vacations prolonged. Part of the income from such enterprises was devoted to cultural activities organized for the elderly. Furthermore, the elderly—and particularly women—could work at home. Once they had retired, workers remained members of the trade unions to which they had belonged and to the workers' councils, they concerned themselves with consumer services and belonged to artistic groups. All such activities gave a purpose to their lives and they did not feel isolated.

38. The Secretary-General's report also referred to the question of housing. In the USSR, that question was dealt with by the social security agencies and the community services. Since the war, the building industry had developed greatly, many new dwellings were being constructed and a particular effort was being made to establish "micro-regions" in which the community services—schools, polyclinics, and so on—were concentrated so that elderly persons living in such districts could more easily be given the medical services which they needed and which were mainly provided in the polyclinics. They could also benefit from medical house calls. From the medical standpoint, there were many institutes in the USSR which carried out studies on the diseases from which the elderly were particularly liable to suffer, such as cardiovascular conditions and arteriosclerosis. In addition, a number of international seminars on the welfare of the elderly had been organized under WHO auspices in the USSR, where there was also the very important Institute of Gerontology.

39. Admittedly, not all the problems had been solved. The experience of other countries could be valuable and her delegation had read the Secretary-General's report and listened to the statements during the debate with the greatest interest. The USSR social security services maintained contact with the International Social Security Association, which was studying the experiments in the field of social services for the elderly carried out in various countries, and took account of its recommendations.

40. Her delegation had no objection of principle to draft resolution A/C.3/L.2051, to which useful amendments had been proposed, in particular by Morocco (A/C.3/L.2054 and Corr.1). The Ukrainian draft resolution (A/C.3/L.2053) dealt with a crucial question. It should not be forgotten that, whatever the measures taken to improve the lot of the elderly, social security would remain the most important. She therefore supported that draft resolution, which did not in any case conflict with the draft resolution submitted by the Maltese delegation, whose provisions it complemented.

41. Mr. PETROPOULOS (Greece) considered that the analysis of statistical and other data contained in the Secretary-General's report constituted a good basis for the work of the Committee. A study of the document revealed the complexity of the problem and the need to distinguish between its various aspects. Examination of the subject as a whole resulted in oversimplification, and if problems of a dissimilar nature were treated together, some confusion arose.

42. At the outset, a clear distinction should be made between the elderly and the aged on one hand and, on the other, persons who were included in that category although their biological age did not justify such inclusion since it did not coincide with their chronological age. It was stated in paragraph 46 that it was important to separate chronological age from inherent functional capacities of older persons—a most important observation because it meant that persons wrongly included in the group were victims of a social injustice. The elderly and the aged did not form a uniform group. Some of them were able and willing to continue to offer their services to society. Compulsory retirement was tantamount to depriving them of their right to work, which constituted a violation of human rights, since the right to work was provided for in article 23, paragraph 1, of

the Universal Declaration of Human Rights. Furthermore, when speaking of the psychological problems of the elderly, it must not be forgotten that it was often society itself which created such problems through the practice of compulsory retirement, since those affected felt rejected by society. Moreover, society was depriving itself of many resources that could be derived from the contribution of some highly qualified elderly people. Therefore, before discussing retraining and second careers, it might be advisable to study the possibility of keeping people on longer in their jobs.

43. As some delegations had already observed, the urgency and importance of the problem of the elderly varied according to country traditions and culture. As the French representative had stated (2023rd meeting), he, too, thought that instead of examining the question from the viewpoint of developed and developing countries, it would be more meaningful to approach it through an analysis of specific civilizations and cultures. The respect for old age inherent in certain cultures, made it possible, for example, to solve the problem of the elderly whose families took care of them. To some extent, that was the case in Greece.

44. His delegation supported draft resolution A/C.3/L.2051, although it would have liked to see the diverse issues in the draft treated separately and some very important aspects of the report brought out more clearly—in particular, the inadequacy of the criteria currently used to determine old age and the need to promote research in that field. The draft resolution submitted by the Ukrainian SSR (A/C.3/L.2053) referred to many measures already applied in Greece and his delegation would support it.

45. Miss CAO PINNA (Italy) welcomed the report requested in General Assembly resolution 2842 (XXVI). The fact that it had been in the preparatory stage when the Commission for Social Development had met might explain why the resolution adopted by the Economic and Social Council did not cover in a balanced way all the problems of the elderly or the variety of situations in different regions.

46. Aging was a world-wide phenomenon, and its social implications—in the developing regions of the world—went beyond an increase in the numbers and proportion of older persons in society, because changes in values and traditions had tended to erode the role of the elderly in family life and in the community. Her delegation thought that in dealing with the problems of the elderly and the aged account must be taken of the three main conclusions to be drawn from that state of affairs. First, the United Nations should give particular attention, in further studies, to the future situation in developing countries. Secondly, those countries whose existing plans, through force of circumstances, paid limited attention to the needs of the elderly, should start as soon as possible to study those needs and to adopt the appropriate measures to meet them. Thirdly, for a certain period at least, developing countries should not endeavour to adopt the methods and programmes of developed countries but should take advantage of the progress made by the latter in the field of social science.

47. In the light of those considerations, she thought that the Secretary-General's report (A/9126 and Corr.1) well reflected the growing importance of the problems of the elderly in developing countries, particularly in chapter II where a clear distinction was made between

the situation in developed countries and that in developing countries; that distinction, however, became blurred in the other chapters, perhaps owing to lack of information with regard to developing countries. In order to improve that state of affairs, studies on developing countries must be encouraged so that the situation could be analysed by region. To that end, the co-operation of the regional economic commissions would be very valuable and she wondered why only ECAFE, as indicated in paragraph 15 of the report, had provided additional material.

48. Her delegation attached great importance to the question of the isolation of the elderly, which was dealt with in paragraphs 85 to 87 of the report. In its view, the key principle behind any policy or service for the elderly should be maximum prevention possible of isolation and loneliness among the elderly and reaffirmation of the responsibility of the family towards them. That applied not only to developed countries, where a number of services of that type existed, but also to the developing countries, where, although the family still looked after the elderly, the need for organized services would soon make itself felt. She hoped, therefore, that the Social Development Division would undertake a deeper analysis of that basic aspect of organized services for the elderly.

49. Her delegation supported draft resolution A/C.3/L.2051, but wished to make some suggestions. Since the problem of the elderly would become increasingly important in the developing countries, it would be advisable to insert, after the word "Governments" in operative paragraph 4 (a), the words "especially those of developing countries". The report referred to in operative paragraph 5 was presumably the report which the Secretary-General was to submit on the action taken in pursuance of the resolution. Operative paragraph 5 should therefore be co-ordinated with operative paragraph 7. As to the question of timing, her delegation agreed with the date proposed in operative paragraph 7 but hoped that, since the Commission for Social Development was to meet in 1975, the Social Development Division would be able in the meantime to update the Secretary-General's report in the light of the comments made by the Third Committee.

50. Her delegation had no difficulty with the Icelandic amendment (A/C.3/L.2056), but it would have some observations to make with regard to the Moroccan amendments (A/C.3/L.2054 and Corr.1). It would make its views known later on the draft resolution submitted by the Ukrainian SSR; however, at the current stage she could say that, in her opinion, the text did not conflict with draft resolution A/C.3/L.2051, of which it was, in a sense, an extension.

51. Mr. OLIPHANT (Botswana) said that in Botswana, as in other developing countries, tradition required that the indigent and the elderly should be taken care of by the community in a spirit of neighbourliness. That spirit, to which the solidarity of the extended family was fundamental, was disappearing as families were breaking up and the able-bodied were moving to urban areas, leaving behind the infirm and the aged.

52. Through its social welfare department, Botswana was developing measures to care for the indigent and aged. But much remained to be done because pensions were enjoyed only by retired civil servants and a few

private employees and there was no machinery to care automatically for the infirm and aged.

53. That left no doubt that there must be full recognition of the need for a phase of transition to involve Governments of developing countries in new ways of developing programmes for the aged. The suggestion by the representative of Zaire (2023rd meeting), calling for a national solidarity council among countries to study ways and means of helping to set up patterns of social security, was a most judicious one. He also agreed with the reservation made by the representative of Jamaica (*ibid.*), who had pointed out that some recommendations in the Secretary-General's report were based strongly on the standards of developed countries without taking into account the position of the developing countries.

54. Draft resolutions A/C.3/L.2051 and A/C.3/L.2053 appeared to complement each other. Operative paragraph 4 (a) of the draft resolution introduced by Malta (A/C.3/L.2051) formed a basis for the recommendation proposed by Zaire. He also asked that particular attention should be directed to paragraph 5 of that text, in which the Secretary-General was requested, in the preparation of his report, to take into account the views expressed by Member States during the debate on the item in the Third Committee.

55. Mr. KLEMOLA (Finland) said that the Secretary-General's report called forth concrete efforts to solve the problems of the aged, which were becoming more acute. The increase in the elderly age group was far more rapid than that of any other group, both in the industrialized and the developing regions. However, in the less developed regions the rate of increase would be 150 per cent, while in the more developed regions it would be only 50 per cent, so that the fastest increase would take place in regions that were economically least capable of meeting the growing demands in the field of social security. The need to adopt international instruments and measures to enable the less developed regions to meet the new demands must therefore be emphasized. Since national policies aimed at improving social security, especially for the elderly and the aged, depended largely on over-all economic development, the less developed regions would lag further and further behind the areas that were already highly developed unless they were given support in that field.

56. Although it was important to endorse international goals and guidelines for improving the status of the elderly and the aged, their realization in practice would necessarily depend on national circumstances. National inequalities stemmed from such factors as economic resources, population structures, death rates and the public health situation, levels of education, the degree of industrialization and urbanization, cultural characteristics and the like. A high standard of living, urbanization and industrialization seemed to cause a decrease in the participation of older persons in national life, or prevent social contacts, whereas in the less developed regions the quest for a livelihood was of primary importance.

57. In Finland, the question of the elderly and the aged was considered an essential part of the common social security policy, the aim of which was to ensure a satisfactory standard of living for all age groups. Social expenditure accounted for approximately one fifth of the gross national product of Finland, and half of that

expenditure was for old-age and disability pensions. The proportion of the population over 65—which was the pension age—was about 10 per cent. The lowest pensions corresponded to the established minimum salary. The low infant death rate was a reflection of the quality of public health services. Less progress had been made in reducing cardiovascular diseases and arterial hypertension. Research was being done in that field as part of a major project undertaken in co-operation with WHO.

58. Efforts were being made, under current national plans, to simplify the administration of social services and make them less bureaucratic. Efforts were also being made to improve the unemployment insurance system and housing conditions. In the near future great attention would be paid to preventive measures and measures to ensure the rehabilitation and increased participation in society of the elderly and the aged.

59. In Finland the legal instruments for improving the status of the elderly and the aged involved government departments and institutes and non-governmental organizations, trade unions, employers' organizations and pensioners' organizations. Many problems characteristic of old age also concerned other people subject to the social security system, one of whose major goals was to integrate all those groups into society. Old age should not be regarded as leisure time but as a time for full participation in all activities of society, including work, in proper forms, and education. Each nation needed the contributions of its senior citizens. Those goals could not, however, be achieved by concentrating only on social security questions; all social aspects and needs had to be taken into account in over-all socio-economic planning and decision making.

60. Since the urbanization and industrialization processes would probably be faster in the developing countries than in the currently industrialized countries, and the related social problems would consequently be aggravated, the more developed countries should be called upon to give increased assistance to make that development smoother.

61. Mr. KAPER (Netherlands) said that his delegation whole-heartedly supported draft resolution A/C.3/L.2051, whose adoption would enable a further move to be made in combating the problems of the elderly and the aged.

62. However, his delegation would like to suggest that a reference to the housing problem should be included in operative paragraph 3 (a) of the draft resolution, as one of the measures needed to ensure the maximum economic independence and social integration of older people with other segments of the population. Such a reference would be in accordance with paragraph 92 of the Secretary-General's report, which dealt with housing and living conditions. The housing conditions of older persons were often unsatisfactory, and consequently the building of low-rent housing should be encouraged by Governments, which might provide financial aid for the purpose. Preferably such housing should be located in areas where contact with everyday life would be assured. For people who could not live independently, accommodation should be made available in nursing homes.

63. With regard to draft resolution A/C.3/L.2053, his delegation had not had an opportunity to study it in

detail, but suggested that the sponsors of the two drafts might consider the possibility of submitting a single text.

64. Mr. SRINIVASAN (India) pointed out that, since the first study made in 1949 by the United Nations⁴ on the question of the aged, the problems of the aged had considerably increased. Until the beginning of the century, Governments had focused attention primarily on the younger generation, and the special needs of the aged had been viewed mainly as a family responsibility. Health schemes had made it possible to reduce infant mortality and epidemic and endemic diseases, but they had brought new problems in their wake, partly by increasing life expectancy.

65. According to the Secretary-General's report, on the basis of a projection covering the next seven years, the rate of increase of the 65 and over age group would be quicker than last of the world's total population or that of any other age group. While the total world population would have gone up, by 1980, by 22.7 per cent, and by approximately 27.8 per cent in the less developed regions, the equivalent percentage increase in the 65-and-over age group would be 30.2 per cent for the whole world and 38.2 per cent for the less developed regions. Recent studies on the subject tended increasingly to agree that death was due more to illness than to aging. With advances in preventive and curative medicine, the question of the aged posed a growing problem for most countries. How, for example, could the demands of an employment policy which did not call for the retirement of workers reaching retirement age be reconciled with the need to provide jobs for young people entering the labour market in increasing numbers? How could older persons, who were in excellent physical and mental condition at retirement age, be given an opportunity to engage in productive activity? The solution might be to give them part-time work over a certain period to facilitate the transition from full employment to inactivity. In some countries older persons were being increasingly forced to live in a kind of ghetto in rural areas as the young were drawn to urban centres in search of employment.

66. In India, although family structures were changing, young people were increasingly migrating to urban centres and there were fewer and fewer three-generation and four-generation families living under the same roof, the elderly continued in general to have family support.

67. As in most developing countries, the problem in India was one of limited resources with which to meet a multiplicity of demands. Also, particular care had to be taken to ensure that projects undertaken in one field did not absorb too many of the resources required in others, thus aggravating the problems to be overcome. Hence the need for an over-all plan taking into account the demands of the various programmes to which resources must be allocated.

68. The information which the United Nations and specialized agencies such as the ILO and WHO could provide with respect to the matter would be particularly useful to all countries seeking to solve their problems in that field.

69. Mrs. GERÉB (Hungary), noting the importance which the question of the elderly and the aged had

assumed because of the constantly increasing number of persons in that age group in every society, said that the general situation of the elderly, particularly in the most developed countries, was characterized by discrimination based on age, economic insecurity, the denial of the right to work, and the absence of a will to ensure the equitable sharing of income and national wealth.

70. States unquestionably had the responsibility of meeting the particular needs of that age group. While those needs varied from one part of the world to another, the report of the Secretary-General on the question rightly noted that all over the world the main concern was to guarantee the elderly a means of subsistence and that consequently social insurance and income maintenance systems must be re-evaluated and reoriented. Her delegation accordingly welcomed Economic and Social Council resolution 1751 (LIV) on the question.

71. As the Secretary-General's report noted, working people, particularly industrial and agricultural workers, encountered the greatest difficulties when they retired. In Hungary, however, there were no inequalities, for the entire population, including the workers and farmers on State farms and agricultural co-operatives, were covered by the social security system, and when women who had not had an occupation were widowed they received a pension, the amount depending on the number of their children. Retired persons, like workers, had access to free medical care. Moreover, retirement pensions had for several years been automatically increased every year by 2 per cent and the system of social welfare benefits had been expanded. With their material needs thus guaranteed, elderly persons could take an active part in the life of society; in addition, after reaching retirement age, which in Hungary was 55 for women and 60 for men, retired persons could often continue to work. An annual pension increase of 7 per cent for manual workers and 3 per cent for workers in other categories was guaranteed. The trade unions and other organizations as well as special committees organized cultural and other activities. In the Houses of Culture there were clubs for retired persons, and meetings with them were organized by the youth organization. It was important that young people should be concerned with the psychological well-being of elderly persons and the family had responsibilities towards the older generation. Every retired person should, however, have the right to lead an independent life and have his own dwelling.

72. With regard to the two draft resolutions before the Committee, she noted that they were not contradictory. She supported draft resolution A/C.3/L.2053 and wished to emphasize the importance of operative paragraphs 3 and 6. In her opinion, the comparative study of social security systems, social security planning, and the role and responsibility of the State in that matter should prove very useful for countries which did not yet have such systems.

73. While the Hungarian People's Republic had not yet solved all the problems of the elderly, it was constantly striving to improve their conditions of life and it intended to profit by the conclusive experience of other countries in that field.

74. Mr. ALI (International Labour Organisation), speaking at the invitation of the Chairman, said that one

⁴ E/CN.5/200/Add.1.

of the most important problems of old age related to work and to participation in economic life, as the representative of Malta had stated (2023rd meeting) and as the Secretary-General's report on the question also emphasized.

75. In 1962, the report of the Director-General of the International Labour Office to the forty-sixth session of the International Labour Conference had covered the problems of older workers who were still active in economic life as well as those of persons who had retired. In 1970, the International Labour Conference had adopted a resolution concerning the employment of older workers in which it had urged that the questions of age, work and retirement should be placed on the agenda of a future session of the International Labour Conference. At the request of the Governing Body, the ILO had made a study of discrimination in employment based on age which estimated that there were currently 968 million people 40 years of age or over, in other words, 168 million more than 10 years earlier, and that by the year 2000 there would be 1,758 million people of that age. The problem of aging workers was particularly critical in industrialized countries, where society's burden of age dependency would increase greatly in the future.

76. It was likewise recognized that employment possibilities diminished with increasing age and that the difficulties encountered became particularly great after the age of 50. The average period between jobs for workers over 45 years of age was four times longer than that of workers under 20. The group between 55 and 59 years of age and the group between 60 and 64 were particularly vulnerable. In some countries persons over 50 accounted for two thirds of all unemployed who had been unable to find work for six months or longer. Manual labourers were usually hit first and hardest, but office workers and executives were also affected and often gave up trying to find employment. The unemployment rate for women in that age group had long been somewhat higher than that for men and the gap appeared to be widening. There were various reasons for those difficulties, notably the fact that the training which such workers had received was out of date and the fact that the decline in their physical strength precluded their being employed in certain types of work. Stubborn prejudices to the effect that older persons were less adaptable and slower, and the very obvious discrimination manifested in advertisements in newspapers regarding vacancies—advertisements which often stipulated an age limit of 40 years—were partly responsible for the situation. There was also discrimination in respect of layoffs, paid annual leave and other employment conditions.

77. Better health care, improved living conditions, better diets which were increasing life expectancy, and

an improvement in the quality of life were making many of the prejudices concerning older workers anachronistic. It was encouraging to note that certain countries, such as France, Belgium, Costa Rica, Spain, the United States, the United Kingdom and Sweden, to name a few, had taken steps to combat discrimination against older workers. In socialist countries enterprises were normally required to retain their workers until retirement age. The 1974-1975 programme of the ILO included provision for a symposium on equality of opportunity and treatment in employment in the European region, and the Governing Body would consider including in the agenda the problems arising with regard to certain categories of workers, including women and older workers.

78. The Committee would be interested to note that during the 1960s the ILO had revised and brought up to date its Conventions and Recommendations dealing with pensions, notably Convention No. 102 concerning Minimum Standards of Social Security (part V), 1952,⁵ Convention No. 118 concerning Equality of Treatment (Social Security), 1962,⁵ and Convention No. 128 and Recommendation No. 131 concerning Invalidity, Old Age and Survivors' Benefits, 1967.⁶ Since many social security schemes covered only urban industrialized workers and large numbers of rural workers remained outside their scope, and likewise because family structures were changing, it was becoming increasingly important to provide security for older people, not only in the industrial sector but in the rural sector as well.

79. In view of the particular interest in social security that had been expressed, he recalled that the Commission for Social Development, at its twenty-second session, in March 1971, had considered a report on social security in the context of national development,⁷ prepared by the International Labour Office. The main conclusions of the Commission were summarized in paragraph 18 of its report⁸ and they were, of course, still relevant and valid. They had special significance in view of the request contained in paragraph 6 of resolution 1751 (LIV). In that, as in other questions relating to the aged, the ILO would continue to co-operate closely with the United Nations.

80. The CHAIRMAN announced that Burundi had become a sponsor of draft resolution A/C.3/L.2053 and that Guyana, the United States and Zaire had joined in sponsoring draft resolution A/C.3/L.2051.

The meeting rose at 6.20 p.m.

⁵ See *Conventions and Recommendations, 1919-1966* (International Labour Office, Geneva, 1966).

⁶ International Labour Office, *Official Bulletin*, vol. L, No. 3, Supplement 1, July 1967.

⁷ E/CN.5/460 and Corr.1-3.

⁸ *Official Records of the Economic and Social Council, Fiftieth Session, Supplement No. 3.*

2026th meeting

Wednesday, 14 November 1973, at 3.10 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2026

AGENDA ITEM 58

Question of the elderly and the aged: report of the Secretary-General (concluded) (A/9003 and Corr.1, chap. XXI, sect. A.7; A/9126 and Corr.1, A/C.3/L.2051 and Rev.1, A/C.3/L.2053, A/C.3/L.2054 and Corr.1, A/C.3/L.2056-2059)

1. Mr. KOLBASIN (Byelorussian Soviet Socialist Republic) said that in the Byelorussian SSR, as in all Republics of the Soviet Union, the right of retirement was guaranteed by the Constitution. The State paid considerable attention to the needs of elderly persons and, as the Soviet delegation had mentioned (2025th meeting), new measures had recently been adopted to enable them to participate in the productive life of the nation. Old age was not a time of isolation, since the elderly continued to be socially active. Moreover, there was no generation gap, since the ideals of all citizens were those of the October Revolution, and the different generations were bound together by common interests. Respect for the elderly, who had a wealth of experience and in some cases were extremely cultured and even possessed advanced scientific skills, was inculcated in children. For their part, the elderly had a duty to try to hand down their experience to the young generations. Encounters between old and young people took place in clubs, factories, and universities, where questions of common interest were discussed.

2. The question of the elderly and the aged had for some time commanded the attention of a number of United Nations bodies, and his delegation believed that that question should continue to be accorded the attention that it warranted.

3. Draft resolution A/C.3/L.2053 defined the approach that the United Nations and the specialized agencies should take, and he would vote for it, as well as for draft resolution A/C.3/L.2051, which posed no problems for his delegation. The Committee should be able to adopt those two texts, which were mutually complementary. The various amendments submitted were also acceptable, since they improved form without affecting substance. He wished to congratulate the Secretary-General on his report (A/9126 and Corr.1), which was the outcome of considerable effort, but felt that that document could be criticized for lacking a sufficiently sound scientific basis.

4. He wished to draw attention to the fact that the strengthening of peace, disarmament measures, the elimination of *apartheid*, racism and colonialism, and also détente, could have a considerable impact on the problem under consideration. Substantial sums were still being spent for military purposes, to the detriment of social expenditure. Consequently, any United Nations initiative to promote disarmament and détente would enable States, acting in co-operation with each other, to devote more attention to the elderly.

5. In conclusion, he observed that, when recommendations and programmes of action for the elderly were prepared, account should be taken of the views expressed at the World Congress of Peace Forces held in Moscow and attended by representatives of 143 countries, at which emphasis had been placed on the need to pay great attention to human rights, the improvement of public health systems, housing and social security schemes and co-operation among States.

6. Mr. CARPENTER (Nigeria) said that the Nigerian social system, which was based on the concept of the extended family, afforded security to all members of the community. Consequently, in the particular case of the elderly and the aged, the question of loneliness, boredom or desolation did not arise. In rural communities, older persons took on progressively lighter duties, and at home they occupied themselves with handicrafts. Elderly members of the family played a vital role in educating the young, to whom they transmitted the cultural heritage of the community, its religion, arts and history. They were revered and respected by the whole community, which sought their opinion and advice in the conduct of its daily business.

7. However, the traditional system was gradually being eroded by the urbanization and industrialization of the country. The young and the educated members of the community were tending to migrate to the urban centres. That trend had not yet raised any problems for elderly people in rural areas, who were looked after by the community and assisted financially by the other members of the family who worked in the towns and regarded it as an obligation to contribute to their maintenance. The real problem was that of the urbanized workers, who were living under modern conditions of employment and were alienated from their traditional way of life and deprived of social security. The Nigerian Government was conscious of that problem and had taken steps to guarantee social security to urban workers. Thus, Government-employed workers were covered by a retirement pension scheme which assured them a steady income for the rest of their lives. Provision had also been made for the re-engagement of retired persons to enable them to increase their income by undertaking duties more appropriate to their age. For workers in the private sector, the Nigerian Government had established a National Provident Fund financed by deductions from wages and by contributions from employers which were double those made by employees. That money and the interest earned from its investment were paid to employees on retirement. Finally, the elderly were exempt from payment of community taxes. Social, medical and health services were provided free of charge to all members of the Nigerian community.

8. The Nigerian Government, which was aware of the problems arising—particularly for the elderly and the aged—from the breakdown in the traditional system caused by urbanization and industrialization, would

support the United Nations in its effort to make public opinion conscious of those problems and to find effective solutions that were suited to the particular situation obtaining in each country.

9. Mr. GRUBER (German Democratic Republic) said he shared the view that the item under consideration was an important humanitarian question and that the situation of the elderly and the aged varied according to social systems and regions. For instance, despite the increase predicted for the world as a whole, there would be a 1.5 per cent decrease in the percentage of elderly people in the German Democratic Republic by 1980.

10. Although it was difficult to make any general assessment of the problems of that age group, his delegation welcomed the fact that the United Nations and the specialized agencies intended to consider the topic, since that exchange of views would be useful to States for the shaping of national policy in that field.

11. The German Democratic Republic's special interest in that question stemmed partly from the fact that, as a consequence of the Second World War, it had a particularly unfavourable population structure. Twenty-two per cent of the population was over 60 years of age, whereas the average for Europe and North America was 15 per cent. His delegation felt that Governments should provide social security for the elderly and ensure their integration into society. Article 36 of the Constitution of the German Democratic Republic stipulated that every citizen was entitled to social care in old age, and social policy aimed at guaranteeing social security for all citizens, including the aged. The State also endeavoured to ensure that elderly persons were not cut off from economic activity and, hence, from social life. The right to work was thus guaranteed to every elderly person and every pensioner. In addition, enterprises were obliged by law to provide especially favourable working conditions for elderly people. In 1972, 44.2 per cent of retired men aged between 65 and 70 and 31.5 per cent of retired women aged between 60 and 65 had still been working. In addition to their retirement pension, such pensioners received full wages, and also enjoyed full insurance coverage, without having to pay any insurance contributions. Moreover, medicine and medical treatment were paid for by the social insurance scheme.

12. Every effort was also made to ensure the social integration of elderly persons in residential areas and to care for them in the cultural field; in that connexion, he drew attention to the efforts made by the People's Solidarity, an organization with more than 1.5 million members. In the area of medical research, the problems of the elderly were the subject of intensive scrutiny; since 1969, a large number of scientists had been co-operating in a Ministry of Health project relating to gerontology, a science pioneered by Professors Hufeland and Bürger.

13. It was essential, when devising any policy for elderly people, to ensure that the State guaranteed their social integration and security. For that reason, his delegation warmly supported draft resolution A/C.3/L.2053, submitted by the Ukrainian SSR, which covered that point. It was also able to support draft resolution A/C.3/L.2051. In his opinion, the two texts were very close to each other: one was more general and the other more oriented towards the fundamental question of social security.

14. Mrs. ESHEL (Israel) said that the percentage of elderly people in Israel had risen from 3.8 per cent of the total population in 1949 to 7.2 per cent by 1970, and the forecast for 1980 was that it would rise to 9.5 per cent. The increase was only partially due to the rise in life expectancy, since two thirds of the elderly were new immigrants who had come to Israel at the age of 50 or more, forming a heterogeneous population with varied cultural backgrounds, traditions and mores. In the face of that vast problem, Israel had had to establish priorities in dealing with the elderly and the aged, and some of the measures taken might be of interest to the members of the Committee because of the new elements they introduced.

15. In 1969 an association for the planning and development of service to the aged had been established, its funds being derived in equal parts from government sources, the interested ministries, and voluntary organizations. In determining community service for the aged, the association had been guided by the principle that the elderly preferred to live in their own homes as long as their physical condition permitted and as long as medical and social care was dispensed. The main plans of the association were to promote the responsibility of local government for the aged in its area through the establishment of local committees for their care; to spread services for the aged all over the country; to provide comprehensive facilities in homes so as to ensure continuous care for aged residents becoming infirm; to step up the establishment of protected housing units for the aged within the community, with central services; to build up multifunctional services for the aged within the community, including home care services, social activities, employment counselling and mental health counselling; and to prepare legislation regarding easy access to public buildings and use of public transport for aged and handicapped persons. Part of the association's budget was set aside for training medical and administrative staff, and community centre and social workers. It was planned to set up a gerontological institute to study all facets of the problem of the aged and to establish geriatric wards in hospitals. One of the important functions of the association was to help towns and townships to set up their local services, and to that end community planning committees had been set up including doctors, nurses, social and community workers, together with local citizens, to study the needs of the aged in their locality and the network of services required. As a second stage it had been decided to set up a local association for the aged in conjunction with the local authorities, to be responsible for local projects. To increase the possibility for the aged to continue living in the community, either independently or with some help and support, efforts had been made to encourage the development of preventive programmes for the elderly.

16. There was no single solution to the problems of the aged, and many countries did not have adequate financial resources to undertake special programmes for the benefit of old people. She nevertheless considered that the needs of the elderly could be satisfied as part of the social policy of Governments. The United Nations had an important part to play in working out guidelines for national policies and action relating to the elderly.

17. Her delegation would find no difficulty in supporting both the draft resolutions before the Committee, but it hoped that the two texts could be fused into one.

18. Mr. INGVARSSON (Iceland) said that his delegation unreservedly supported the Ukrainian draft resolution (A/C.3/L.2053) as rounding out the other text before the Committee (A/C.3/L.2051), of which his delegation was a sponsor. Iceland felt that the Ukrainian draft would be strengthened by a mention of the need to provide for architectural installations designed for the aged and handicapped persons, and his delegation was submitting an amendment to that effect (A/C.3/L.2056).

19. Mr. PAPADEMIS (Cyprus) said he hoped that the Secretary-General's report, which was comprehensive and dealt with certain aspects of the problem of the elderly and the aged for the first time, would arouse greater interest in the question at the national level and that Governments would publicize the document widely.

20. In Cyprus, because of the social structure and the cultural situation, the problem of aged and elderly persons was not unduly acute. In the rural areas, old people continued to work to a ripe old age if their strength permitted them, and they were surrounded by the care and affection of their families. In urban areas, they invariably lived in the family circle, so that they did not suffer from moral isolation. Nor did they have material problems, since there was an efficient system of social security under which old-age pensions were payable.

21. The question under consideration was world-wide in scope and called for intervention by the United Nations in the same way as the questions of youth and of women. The elderly were not only at times physically handicapped, but unlike young people, for example, they had no means of pressing their claims.

22. Governments should see to it that the elderly had a minimum income, and the Secretary-General's report rightly emphasized the economic independence of the aged. The State should likewise provide medical services for old people in poor health. It was also important to see that the aged were happy in their declining years. The problem did not arise where the family entity was strong, but social structures changed, families split up, and the problem arose; and it was the duty of the State to solve it by taking the necessary measures.

23. The draft resolutions before the Committee did not attempt to solve all the problems, and did not give specific directives to Governments, but merely general guidelines. He thought that by the time the next report was submitted, Governments would be in a position to make recommendations based on their own experience for the solution of a problem which was becoming more and more acute with the growth of population, longer life expectancy, and urbanization. It might be advisable, as had been suggested, to make arrangements for additional scientific studies not only in the medical field but in the social field as well.

24. Mrs. SIPILÄ (Assistant Secretary-General for Social Development and Humanitarian Affairs) expressed appreciation of the positive response by the Committee to the Secretariat's report on the elderly and the aged (A/9126 and Corr.1) and said she would like to reply to a few remarks made with regard to the report. First of all, the question of in-depth studies in develop-

ing countries was a major concern of the Secretariat. While research literature was expanding very rapidly in the highly industrialized countries, there was a lack of studies in the field of aging in most developing countries, and in some even the basic data were not available. That situation had prompted the Secretariat to conduct its preliminary study. She was well aware that the number of countries studied was not representative of all developing countries, but she believed that it was a first step in the right direction. The choice of countries had been based on considerations of geographical distribution: from Africa two countries had been selected—Ghana and Uganda; from Asia, Iran and Pakistan; from the Mediterranean region, Malta and Lebanon; from South America, Mexico and Bolivia; from Europe, Greece, Yugoslavia, Hungary and the Ukrainian SSR. Material had also been sought from the various United Nations regional offices and economic commissions, but the non-availability of information and limited personnel resources had curtailed their contribution. She hoped that that information met the Italian representative's request (2025th meeting).

25. Secondly, a remark had been made on the advisability of conducting research in the field of aging at the regional level. The Secretary-General's report emphasized that it was basic to policy formulation and implementation, as well as to the development of specific programmes and services, to gather information on the conditions of the aging in specific geographical areas. A major need in that connexion was for Governments to develop standardized definitions and approaches to permit the collection and analysis of demographic data and research studies on specific problem areas of aging at the regional and international levels. In addition, the report recommended the development of demographic designs for the better identification and assessment of the characteristics and trends of aging populations, as well as subpopulations within the aging groups at regional and national levels. Research was essential not only for the verification of policy issues but also for the evaluation of programme effectiveness. Furthermore, easier access to knowledge regarding the studies and programmes of different types of research activities was needed, and a system for the collection and dissemination of information was recommended in the Secretary-General's report.

26. Finally, the question of the role of the family had been raised. Research evidence indicated that mutual support and assistance within the family were widespread in both developed and developing countries, whether or not the members lived under the same roof. However, it must be admitted that very little was known about the quality of the interaction between old people and their families and the function of such interaction within different societies. The importance of that problem was underlined by the fact that all societies in time reached the limit of their resources for services of any kind for any target population. That suggested some form of equilibrium so that the family and its kin system would continue to be involved with adequate compensation for their efforts. Those questions required further consideration.

27. In conclusion she stressed that over the preceding quarter of a century mankind had taken an enormous leap forward in its aspirations. Virtually all societies had as their goal the liberation of men from poverty and

disease, which embraced direct concern for the elderly. Some societies looked further and sought a new vision of man, his relation to his fellow-men, and his environment. In its advocacy of the rights of the aged, the United Nations shared those ideals.

28. The CHAIRMAN said that the Committee had completed the general debate on item 58 of its agenda and said that following a meeting between the sponsors of draft resolution A/C.3/L.2051 and the amendments thereto, the Committee now had before it a revised draft resolution (A/C.3/L.2051/Rev.1).

29. Mrs. WARZAZI (Morocco) said that the sponsors of the revised draft resolution had taken account of the spirit underlying the amendment submitted by Morocco (A/C.3/L.2054 and Corr.1). Her delegation would therefore withdraw its amendment.

30. Mr. COSTA COUTO (Brazil) thanked the sponsors of the revised draft resolution for incorporating into their text most of his delegation's suggestions, the essence of which was reflected in the third, fifth and sixth preambular paragraphs and in operative paragraph 3 (a), (d) and (g) of the revised draft. He would, however, like the words "for the benefit of the aged", which appeared in the text of the Brazilian amendment (A/C.3/L.2057), to be kept in operative paragraph 3 (g) of the revised text.

31. His delegation, which was withdrawing its amendments, would vote for the revised draft resolution and hoped that the Committee would adopt the text unanimously.

32. Mr. VELLA (Malta), noting that the sponsors of the revised draft resolution (A/C.3/L.2051/Rev.1) had taken account of the amendment proposed by the Philippines (A/C.3/L.2059), announced, on behalf of the Philippine delegation, that the latter was withdrawing its amendment. He also wished to draw attention to some minor changes that needed to be made in the revised text of the draft resolution. First of all, the English version of the fifth and sixth preambular paragraphs contained the term "senior citizens", which was not altogether appropriate since an older person might need assistance even if he was not a citizen of the country concerned. That term should therefore be replaced in those two paragraphs by "the elderly". He also pointed out that the order of operative paragraphs 5, 6 and 7 was illogical because paragraph 5 referred to a report which was requested in paragraph 7. The order of the paragraphs should therefore be reversed so that paragraph 5 became paragraph 7 and *vice versa*. Lastly, with regard to the comment just made by the representative of Brazil regarding paragraph 3 (g), he confirmed that there had been an oversight and that the words "for the benefit of the aged" should appear at the end of the sentence.

33. He could agree to the unanimous adoption of the draft resolution, as suggested by the representative of Brazil.

34. Mr. FØNS BUHL (Denmark) said he was sorry that he had been unable to consult the sponsors of the draft resolution about the amendment proposed by his delegation (A/C.3/L.2058). He hoped that the sponsors would agree to incorporate that amendment in their draft and that it could be adopted unanimously.

35. Mr. VELLA (Malta) said that he had not consulted the other sponsors but, as far as he was con-

cerned, he would have no objection to complying with that request.

36. The CHAIRMAN said that, if the other sponsors had no objections, the Danish amendment (A/C.3/L.2058) would be incorporated into the text of the revised draft resolution (A/C.3/L.2051/Rev.1).

It was so decided.

37. Mr. KHMIL (Ukrainian Soviet Socialist Republic) thanked the delegation of Burundi for becoming a sponsor of the Ukrainian draft resolution (A/C.3/L.2053) and also thanked all delegations that had supported that draft. He wished to reiterate that, in his delegation's opinion, the two draft resolutions did not conflict with one another. One draft dealt with the question of the elderly and the aged as a whole and the other dealt more specifically with the social context in which the problem of the aged should be viewed. He hoped that the Committee would adopt both draft resolutions. As for the proposed amendments to the Ukrainian draft resolution, he had no difficulty in accepting the amendment proposed by Iceland (A/C.3/L.2056) and could agree to delete the words "especially in the developed countries" from operative paragraph 3, as requested by the representative of Brazil.

38. Mr. VAN WALSUM (Netherlands) said that his delegation had some problems with operative paragraph 3 (f) of the revised draft resolution (A/C.3/L.2051/Rev.1) which called for the promotion, by all possible means, of the strengthening of the family unit. While that might be necessary in some societies, the provision, as it stood, presented problems for his delegation, mainly because of the categorical tone of the wording. He pointed out that in other subparagraphs of paragraph 3 the sponsors had seen fit to introduce such terms as "as required" and "whenever the over-all situation allows". His delegation's difficulties were due to the fact that in the Netherlands there was an ongoing debate on the role of the family and some people held the view that to make the family the foundation of society would be to discriminate against all individuals who did not participate in the family structure. If the wording was retained, his delegation would like its reservations to be duly placed on record, but it would prefer it if the text could be changed.

39. The CHAIRMAN said that the reservations of the Netherlands delegation would be duly recorded.

40. Mr. ALFONSO (Cuba) considered that the question of the elderly and the aged was particularly important and that the two draft resolutions before the Committee were both very constructive. The revised draft resolution (A/C.3/L.2051/Rev.1) was an improvement on the initial text and his delegation would vote for it. However, he noted that the Spanish version of the fifth preambular paragraph was not entirely correct and should be brought into line with the English text. The provisions of operative paragraph 3 (a) were particularly important for his country because it was not employment that was lacking but manpower, and older persons should be able to carry on an activity as long as they wished.

41. With regard to the draft resolution submitted by the Ukrainian SSR (A/C.3/L.2053), his delegation would have no difficulty in voting for it and welcomed

the deletion of the phrase "especially in the developed countries" at the beginning of operative paragraph 3.

42. The CHAIRMAN said that the Spanish text of the fifth preambular paragraph of the revised draft resolution (A/C.3/L.2051/Rev.1) would be made to correspond to the English text.

43. Mr. VAN WALSUM (Netherlands) asked for a separate vote on paragraph 3 (f) of the revised draft resolution (A/C.3/L.2051/Rev.1).

44. Mr. COSTA COUTO (Brazil) thanked the Ukrainian delegation for agreeing to his proposal. He also wished to appeal to the representative of the Netherlands not to insist on his proposal that there should be a separate vote on paragraph 3 (f) of the draft resolution, so that the Committee could adopt the text unanimously.

45. Mr. VAN WALSUM (Netherlands) said that his delegation had asked for a separate vote because it had thought that other delegations might share its views. In a spirit of co-operation it would forgo its request. However, it maintained the reservations it had expressed earlier.

46. Mrs. WARZAZI (Morocco) said that, in view of the spirit of co-operation shown by the representative of the Netherlands, her delegation would not ask for a separate vote on the fifth preambular paragraph, as it had intended to do.

47. The CHAIRMAN said that all the amendments had been withdrawn by their sponsors and the Committee now had before it two draft resolutions.

48. If there was no objection, he would take it that the Committee adopted draft resolution A/C.3/L.2051/Rev.1.

It was so decided.

49. The CHAIRMAN said that if there was no objection, he would take it that the Committee adopted draft resolution A/C.3/L.2053, as revised.

It was so decided.

50. Mr. EVORA (Portugal) said that his delegation was happy to see the objective and positive attitude shown by members of the Committee, which had facilitated the adoption of the two draft resolutions dealing with a problem of concern to all countries. He hoped that the work done on that subject would be continued in the same spirit of co-operation and that account would be taken of the different systems of values prevailing, for the good of all mankind. He also hoped that, in view of his own country's traditions, any solutions that might be adopted would preserve the role of the family in society.

51. Mr. LÖFGREN (Sweden) wished the summary record of the meeting to reflect the fact that his delegation entertained reservations similar to those voiced by the Netherlands delegation concerning paragraph 3 (f) of the revised draft resolution A/C.3/L.2051/Rev.1).

52. The CHAIRMAN announced that the Committee had completed its consideration of agenda item 58.

AGENDA ITEM 62

World social situation of youth: report of the Secretary-General (A/9003 and Corr.1, chap. XXI, sect. A.8; A/9919 and Corr.1, A/C.3/L.2052, E/CN.5/486 and

Corr.1, Add.1 and Add.1/Corr.1 and E/CN.5/486/Summary and Corr.1)

53. Mrs. SIPILÄ (Assistant Secretary-General for Social Development and Humanitarian Affairs), introducing the Secretary-General's report on youth (E/CN.5/486 and Corr.1, Add.1 and Add.1/Corr.1 and E/CN.5/486/Summary and Corr.1), said that the events of the preceding 12 months and the initial reports on progress made during the Second United Nations Development Decade reinforced the conviction she had expressed the previous year to the effect that Member States wanted the United Nations to be an advocate for young people rather than simply a passive observer of their needs and aspirations. In most countries of the world young people continued to be a "vulnerable" group with little power to redress the social imbalances that sometimes made their situation desperate. It was the young who, proportionally speaking, were mainly affected by growing unemployment, the crisis in education and deficiencies in health care, nutrition and recreation. At the same time, young people could make a far greater contribution to the development process, because of their energy, their positive view of the future and their insights, if they were only given the opportunity.

54. The Economic and Social Council in its resolution 1407 (XLVI) of 5 June 1969 had requested the Secretary-General to prepare an analytical study in depth of the world social situation of youth, describing the needs and aspirations of the world's young people to help the United Nations, Governments and other interested parties to better understand the situation of youth and point the way to better solutions to its problems. The task was not a simple one. The notion of "youth" was not easy to define and did not relate to a homogeneous group. However, during the preparation of the report, it had been found that a seemingly arbitrary age classification—the 15-to-25-year-old age group—would be useful to provide a general framework of mutual understanding that might otherwise be difficult to achieve. However, the classification was only helpful if linked to an analysis of more concrete characteristics and phenomena, such as opportunities for education, employment and participation, and the implications of social class on physical and socio-psychological development.

55. The fact remained that if the international community could deal constructively and imaginatively with the issues relating to the 15-to-25 years age group, it would be dealing with the largest part of the "youth issue" even if it had not been possible to arrive at precise definitions. In doing so it would be dealing with one of the most intractable problems of development in the current decade.

56. The Secretary-General's report provided information on and an analysis of the issues facing youth and offered some suggestions for meeting them. It seemed clear from the report that the problems affecting young people could be solved only if new concepts of employment, social participation, learning, health, nutrition and recreation were formulated.

57. The task was an extraordinarily difficult one, for the United Nations, despite its declarations and its good intentions, had not been able to make a significant impact in terms of the social aspects of development,

i.e. those relating to the basic vulnerability and powerlessness of groups such as young people, women, young children and the handicapped. Population pressures and the growing food production gap were likely to intensify those problems, and successes and failures in over-all development efforts would be even more closely linked to action taken in the social field. What was needed for success in that field was a combination of will and resourcefulness in order to reconcile new concepts and techniques with long-standing social and cultural modes. In that connexion, two relatively new approaches to the problems of young people appeared especially promising: first, a concept of employment related to social service rather than exclusively to economic resource allocation, which could help to increase rates of youth employment, especially in developing countries; secondly, new techniques of non-formal education, grounded in indigenous social and cultural forms and aimed at building both national and personal self-reliance. Some experience had been gained in both those areas, but much more was needed.

58. The report also emphasized the need to strengthen channels of communication between the United Nations on the one hand and youth and international youth organizations on the other. The conclusions and observations in the report regarding youth and the international community confirmed that young people had scanty knowledge at best of the United Nations and its activities. At the preceding session the General Assembly had adopted resolution 3022 (XXVII) on the basis of which the United Nations was now attempting to experiment with several proposals for working more closely with young people and their organizations on questions of common interest. In that resolution the General Assembly had approved the recommendation of the Secretary-General to convene an *Ad Hoc* Advisory Group on Youth to advise him on activities that should be undertaken by the United Nations to meet the needs and aspirations of youth. That Group had held its first meeting in New York in August. Following the procedure called for by the General Assembly, the report of the Group would be transmitted by the Secretary-General, with his comments, to the Economic and Social Council at its fifty-sixth session in the spring of 1974. The Advisory Group's report dealt with a number of issues that were of concern to young people and the United Nations alike, from youth participation in national policy making and planning to improved communications between youth and the United Nations. The members of the Advisory Group, 70 per cent of whom were under the age of 30, came from all regions of the world and represented a wide variety of social, economic and political experiences.

59. The Centre for Social Development and Humanitarian Affairs had co-operated with the Division of Human Rights in organizing the Second United Nations Seminar on Youth and Human Rights, held at San Remo, Italy, from 28 August to 10 September 1973. The conclusions of that Seminar (see A/C.3/L.2052), which related primarily to ways in which young people might better participate in promoting and protecting human rights, demonstrated the growing interest of youth in that area of United Nations activity.

60. Finally, the preparation of the Secretary-General's report had made evident the need to increase substantially the United Nations

capabilities for studying the needs and aspirations of young people. Statistics on the social, economic and political situation of youth at the national level were very sketchy in many cases, which made it difficult for a thorough analysis to be made of youth participation in the Second United Nations Development Decade called for in the International Development Strategy for the Decade. It was also essential to increase the ability of the United Nations to understand youth participation in the development process in other than strictly economic terms. There was a need for more thinking and analysis with respect to the participation of youth in social development and political life and to indicators to measure such participation.

61. Mr. CHIRILA (Romania) said that he was glad to see the General Assembly considering the world social situation of youth and thanked the Secretary-General and the specialized agencies for the report on that subject which had been prepared. That document, which was the result of an extended study undertaken in 14 countries, including Romania, analysed the diversity of situations of young people as determined by such factors as social and political systems, level and direction of social and economic development, and the traditions and culture peculiar to each people, and highlighted the complexity of the problem of youth in relation to the realities of the modern world and the demands of the world of tomorrow. The scope of those problems was such that it had not really been possible to deal with the question in its entirety. His delegation would have preferred a more dynamic approach supported by specific suggestions for future activities, but it felt that the report had the merit of offering a basis for discussion and providing an inventory of the existing problems; it was for the Committee to work out solutions and constructive proposals in a field which offered prospects for fruitful co-operation among all the States of the world, whatever their social and political régime.

62. Young people must be recognized as having an active social and political status which would enable them consciously to participate in the creation of material and spiritual values in a constantly changing world. It was also essential, as Mr. Ceaușescu, President of the Council of State of the Romanian Socialist Republic, had said, to create conditions enabling youth to participate more actively in social life and to devote its energy to perfecting human society and working for the triumph of the ideals of justice, freedom and well-being for all mankind.

63. In Romania great importance was attached to the participation of youth and its organizations, imbued with a spirit of profound social responsibility, in the implementation of the country's multilateral development programme and in the building of a socialist society. While according youth the broadest social and political rights, Romania was developing public education, providing for the vocational and cultural training of its youth, and modernizing the structure and content of education; it believed in the education of youth by work and study, by personal political and social experience and by conscious participation in the process of the renovation and improvement of all aspects of the economic, social and political life of the country.

64. At the same time, Romania offered real possibilities for the social advancement of young people, in accordance with their training, aptitudes and aspira-

tions. Youth and its organizations played an active social and political role supported by an institutional system which ensured their direct participation in the management of society, in the decision-making process and, in general, in the life of the nation. Young people were represented in the central and local organs of State power and administration, in economic units, in trade union councils and in university assemblies.

65. Romania considered that the United Nations could provide an appropriate framework within which a broader and more unified approach could be taken to the problem of the young generation, and thought that its activities in that field, which was currently of general interest, could be developed and broadened. Research, studies and analyses concerning youth and its problems in the modern world, especially in the developing countries, should be continued and intensified; there the United Nations and the specialized agencies concerned with social and humanitarian questions had a special role to play. It would be particularly useful to prepare, over a period of several years, and with the help of the interested United Nations bodies, a new report on the situation of youth, based in particular on information from Member States.

66. Future analyses undertaken by the United Nations with regard to youth should be concerned to a greater extent with the role played by youth in the modern world, particularly in promoting the full implementation of the principles of the Charter of the United Nations, international peace and co-operation and the elimination of colonialism, racial discrimination and *apartheid*, and in furthering progress and justice.

67. It might likewise be useful to draft appropriate recommendations concerning conditions of work, study, living and social welfare, and to study ways of enabling young people to give greater expression to their views and to participate effectively in taking decisions at the national, regional and international levels.

68. Considering the place and the role of youth in modern society, his delegation thought that the competent bodies of the United Nations should give thought to the formulation of a comprehensive international instrument concerning the young generation.

69. His delegation would like to see better coordination of the efforts of the various bodies which, each from its own standpoint, were concerning themselves with youth. Discussion of the Secretary-General's report offered an occasion to direct the efforts of the United Nations towards the most important aspects of international co-operation in respect of youth. The General Assembly could also use the occasion to address an appeal to those United Nations bodies and specialized agencies whose activities had a bearing on the situation of youth in the world to work for the implementation of decisions already taken and to adopt new ones concerning questions that were of definite interest to the young generation.

70. As far as specific action was concerned, his delegation did not think that it would be possible to make real progress on questions concerning youth without the direct participation of youth itself and its organizations. In that connexion he recalled that Romania had helped to organize a number of meetings concerning youth, some of them in close co-operation with the United Nations specialized agencies. Thus in 1974 Romania would be host to a conference on youth which would precede the World Population Conference, and it had offered to be host in 1975 to an international seminar on the theme "Human rights and youth: the participation of youth in the organization and administration of society".

71. In conclusion, he expressed the conviction that by joint efforts the Members of the United Nations could succeed in making a real and concrete contribution to international co-operation in that important social and humanitarian field.

The meeting rose at 5.40 p.m.

2027th meeting

Thursday, 15 November 1973, at 10.40 a.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2027

AGENDA ITEM 62

World social situation of youth: report of the Secretary-General (*continued*) (A/9003 and Corr.1, chap. XXI, sect. A.8; A/9119 and Corr.1, A/C.3/L.2052, E/CN.5/486 and Corr.1, Add.1 and Add.1/Corr.1 and E/CN.5/486/Summary and Corr.1)

1. Mr. SCHREIBER (Director, Division of Human Rights) said that at its twenty-ninth session, the Commission on Human Rights had again considered the role of youth in the promotion and the protection of human rights, an item which it had included in its agenda in accordance with instructions from the General Assembly and which reflected the Assembly's concern. In the current year, the Commission had concentrated its at-

tention on two problems: conscientious objection to military service, and the teaching of human rights in universities and development of an independent scientific discipline of human rights. The Commission had decided to continue its consideration of the first question at its thirtieth session in the light of the information provided by Member States regarding their internal legislation and other measures and practices relating to conscientious objection to military service and other possible forms of service. With regard to the second question, the Commission had considered a report submitted by UNESCO¹ and had adopted resolution 17 (XXIX),² which requested UNESCO to continue to

¹ E/CN.4/1119 and Corr.1 and 2.

² See *Official Records of the Economic and Social Council, Fifty-fourth Session, Supplement No. 6*, chap. XX.

extend its activities in those fields and, in particular, to encourage teaching and research in human rights in universities and to that end to accelerate the preparation of appropriate material for the teaching of human rights in universities, for the guidance of universities and institutes in which the various legal, scientific, technical and other disciplines were taught. The Commission had also drawn the attention of the Economic and Social Council to the fact that it favoured the establishment of a centre for teaching and research in the field of human rights within the framework of the United Nations University established by General Assembly resolution 2951 (XXVII). At its fifty-fourth session, held in May 1973, the Economic and Social Council had taken note of the views expressed by the Commission on Human Rights.

2. The Secretary-General, for his part, had organized a Seminar on Youth and Human Rights, which had been held in San Remo from 20 August to 10 September 1973 at the invitation of the Government of Italy. The conclusions of the Seminar, which had also benefited from the valuable co-operation of the Institute of Humanitarian Law of San Remo, had been adopted unanimously and were reproduced in document A/C.3/L.2052. Several of the recommendations contained in those conclusions referred precisely to certain aspects of the item under consideration. It was to be hoped that in the future it would be possible to organize other seminars on the same topic within the programme of advisory services in the field of human rights, in accordance with the wishes of the General Assembly and the Commission on Human Rights.

3. Mr. HUMAM (Democratic Yemen) said that his delegation was greatly interested in the item under consideration, since the youth of his country was engaged in the political, social and cultural transformation of society. Democratic Yemen had done much to meet the needs and aspirations of youth and to increase their role in national development, as could be seen by comparing the situation of youth before and after independence. After the achievement of national independence, the Revolutionary Government of the People's Democratic Republic of Yemen had taken all possible measures to improve the situation of youth and encourage their participation in the process of change and construction of the new society; thus, articles 28 and 59 of the Constitution referred in particular to the welfare, education and organization of youth.

4. The preparatory conference for the establishment of the Democratic Yemen Youth Organization, held in February 1973, had laid the foundation for a wide and effective youth movement which would direct the energies of youth towards the achievement of the goals of the revolution. At the national level, the conference had endorsed the idea of reforming the existing educational programmes and eradicating illiteracy and had emphasized the need to mobilize all sectors of youth to achieve that goal as soon as possible. At the international level, the conference had saluted the struggle of world youth against imperialism and on behalf of peace and had considered the holding of the Tenth World Festival for Youth and Students in Berlin, the capital of the German Democratic Republic, a significant manifestation of the struggle of world youth against imperialism and on behalf of peace, friendship and solidarity.

5. His delegation took pride in the fact that the youth of its country co-operated enthusiastically and effectively with their elders in the administration of the country. In six years of independence, they had achieved what had been unattainable in 129 years of colonial domination. For that reason, his delegation welcomed the growing interest of the United Nations in improving the world social situation of youth, in meeting their needs and aspirations and in expanding their role in all aspects of national and international development.

6. Mr. GRUBER (German Democratic Republic) said his delegation felt that the United Nations and the specialized agencies were in a position to make a valuable contribution to the definition and implementation of the rights and obligations of youth and that each State bore responsibility for using that exchange of opinions to solve the problems of youth. The Secretary-General's analytical study on the world situation of youth (E/CN.5/486 and Corr.1, Add.1 and Add.1/Corr.1 and E/CN.5/486/Summary and Corr.1) showed that in some States there still existed a wide gap between social practice and the ideal proclaimed in the Universal Declaration of Human Rights. The report justly and expressly pointed out that in many countries the situation of youth was characterized by social insecurity, insufficient general education and vocational training, the lack of co-determination in the solution of important social questions, bad health, hunger, inequality of women and girls and worse conditions for rural youth than for urban youth. It confirmed that in many countries large sectors of youth who belonged to the socially inferior strata of the population were in an especially unfavourable position. The problems of youth in the developed capitalist countries naturally differed from those in the developing countries. The report also made it clear, with regard to the rights of youth, that many developing countries were still facing the effects of centuries-old exploitation and oppression by imperialism. His delegation noted with interest the pertinent statement in the report to the effect that the socialist system ensured implementation of the elementary principle of full employment among youth and thus guaranteed a decisive prerequisite for the realization of the political rights of youth.

7. The analysis of the situation of youth contained a number of conclusions and suggestions for the youth policy of States, among which he considered the following to be especially important: the adoption of measures to prevent and eliminate unemployment; the elimination of educational privileges and the implementation of comprehensive educational programmes, especially for the children of workers and peasants; the guaranteeing of vocational training and the application of just development principles; the implementation of agrarian reform as a prerequisite for improving the education of youth; the continuous review and improvement of educational systems; achievement of the co-determination of youth in the elaboration and implementation of national development programmes; the improvement of health care and nutrition; and the necessity of taking measures against drug abuse.

8. In that connexion, his delegation wished to state that those and other proposals were self-evident practice in the socialist countries or were implemented in them with success. The social roots of economic exploitation, unemployment, educational privileges and

other disadvantages had been eliminated long ago and for ever, and it would have been desirable for the report to pay more attention to that fact in the interests of a better and more balanced assessment. His delegation held that it was not enough, for example, to indicate a further growth of unemployment among youth as a general trend without pointing out the social reasons for it and without saying that unemployment did not exist in the socialist countries.

9. The Government of the German Democratic Republic attached special importance to the political co-determination of youth. Of the 17 million citizens of the German Democratic Republic, more than 2.5 million were young people of 14 to 25 years of age, who did excellent work in socialist construction in all spheres. The fact that 20 per cent of all the deputies of the various people's representative bodies were young people aged between 18 and 30 was regarded as a significant achievement. The unified youth organization of the country—Free German Youth—had its own groups in the People's Chamber and in the local representative bodies of the people. In addition, there were many other opportunities for youth to participate in the management of political and social life. The Government had drafted a new youth bill which dealt with the rights and social position of youth. Since its birth, the German Democratic Republic had paid special attention to the education of youth, and one of its decisive reforms had been the elimination of educational privileges, so that education was now guaranteed to all citizens, on the basis of the law on the integrated socialist educational system, which covered all stages of education and which had introduced compulsory 10-year general secondary education. Currently, 37 per cent of the student body at universities were women, while the percentage of girls in the specialized schools was 50 per cent. Education was free and every boy and girl had the right and the duty to learn a trade or profession. The universities, colleges and specialized schools were open to all gifted young people free of charge. He wished to stress the high percentage of workers and farmers and of girls in the total number of students.

10. The youth policy of the German Democratic Republic was aimed at educating the younger generation in the spirit of peace, international friendship and social progress. That policy was fully in line with the purposes and principles of the United Nations, in particular with the principles of the Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples, which had been adopted as General Assembly resolution 2037 (XX). The youth of the German Democratic Republic had demonstrated its will for peace and its solidarity with all oppressed peoples by acting as host for the Tenth World Festival of Youth and Students held in the summer of 1973 at Berlin, the capital of the German Democratic Republic. The 25,000 foreign guests, representing 1,700 national and international associations and coming from 140 countries of the world, had had an opportunity to acquaint themselves with the life of young people in the German Democratic Republic. He gave assurances that the German Democratic Republic was prepared to contribute to the co-operation of States in promoting the well-being of youth.

11. Mr. BAL (Mauritania) said that his country had always considered young people as a human resource of incalculable value to development and for that

reason had been endeavouring to train them to play an active role in the life of the nation. Thus, the Government authorities were striving to ensure the participation of youth in the elaboration and implementation of development plans.

12. His delegation emphasized the urgent nature of the problem under consideration, and felt that it would be wise and realistic to accord priority to it in the coming years. The current opportunities for understanding and reflection, especially those offered by the information media, enabled young people to gain a very early awareness of reality and of their own potential. In the developing countries, there were also other reasons why the younger generation reached maturity at an early age: the daily difficulties of their existence and the multiple economic and social problems which they had to face. Moreover, young people to whom lofty ideals had been transmitted in the family, the school and the university were not slow to realize that those principles were not observed by adults but were mocked when discrimination, oppression and social injustice were accepted. Youth therefore felt impelled to establish its own scale of values, with a view to achieving a new and peaceful world in which the dignity of every human being constituted a living reality. The young people of the developing countries wished to gain access to health, education and interesting employment consistent with scientific and technological progress. They also wanted a purpose in life other than the accumulation of material goods, and in that respect it could be said that there was a real generation gap.

13. On examining the recommendations contained in document A/C.3/L.2052, his delegation noted that the concerns of modern youth were constant. In 1970, the World Youth Assembly held at United Nations Headquarters had condemned colonialism, *apartheid*, racial discrimination, the deterioration of terms of trade, and so forth. The young people participating in the seminar held at Belgrade in June 1970 had also condemned those evils. In that context, there was no denying that young people had adopted an attitude of scepticism with regard to the values and structures of modern society and even, perhaps, with regard to the United Nations.

14. Like most developing countries, Mauritania, with meagre resources, was providing for the education and training of young people, their integration in a rapidly changing society, and their participation in national development. The main concern of his country was to stimulate the younger generation to participate as actively as possible in development and to awaken their enthusiasm and spirit of initiative.

15. He asserted that any draft text that was adopted on the subject should be realistic and reasonable, and should take into account the fact that it was impossible to dissociate the ills suffered by young people in Africa, Asia and Latin America from the tragic fate which the young of countries under colonial and foreign domination had long been suffering, sometimes in silence. In that connexion, more data and know-how were required on the question of youth, since, as the Assistant Secretary-General for Social Development and Humanitarian Affairs had indicated in introducing the item (2026th meeting), the United Nations had a very important role to play in that regard. In future studies undertaken by the United Nations on the world social situation of youth, particular attention should be de-

voted to the role which youth could and should play in the contemporary world.

16. Mr. VENIŠNIK (Yugoslavia) said that although there was no doubt that young people everywhere had to confront to a greater or lesser degree the growing problems and difficulties of the modern world, there was also no denying the fact that the actions of young people were motivated by the desire to secure a better future not only with respect to economic and social matters but also in the political, national and international spheres.

17. Youth constituted a part of society and, consequently, the problems of youth were social problems and could not be solved in a vacuum, outside a broader economic, social and political context. It was an accepted fact that there existed a close relationship between the social problems of the community, on the one hand, and its wealth and the methods of distribution of that wealth, on the other. The problems of young people in such spheres as education, employment and health had their roots in social and economic facts, both at the national and at the international level. In most parts of the world, young people were fully aware of their responsibilities and contributed to the creation of the material and intellectual wealth of society, but where the process of distribution was concerned, they took very little part in either its planning or the enjoyment of its benefits. Those problems manifested themselves in a particularly acute form in the developing countries, a fact which imposed special obligations on them, on the international community and, above all, on the highly industrialized countries. The young, who considered that a more equitable redistribution of goods and more balanced world development constituted a prerequisite for securing a better future for mankind, fully supported the measures adopted both within and outside the United Nations to help the developing countries, measures which would obviously help to solve many problems of youth.

18. Mention should also be made of the relationship between the social situation of young people and fundamental human rights, because there was no doubt that the social situation of young people was largely determined by the opportunity afforded them to enjoy the fundamental rights set forth in the Universal Declaration of Human Rights.

19. The general conclusion that could be drawn from the Secretary-General's report on the subject was that in most countries of the world the social situation of young people was unsatisfactory or even deplorable. The forecasts based on well-founded arguments were even more disquieting, and in that connexion he referred in particular to the growing number of illiterates in developing countries and to the increasingly difficult situation that young people had to face in the sphere of employment. Those projections should be a warning to Governments and to the international community of the urgent need to solve those cumulative problems. Certainly, all measures aimed at reducing the disparity between the developed and the developing countries, as well as the constant struggle against the policy and practice of neo-colonialism and economic domination, would always be supported by young people and would warrant their active interest. Essential structural and social changes had to take place, differences of class, race and other kinds had to be overcome, and young

people had to be granted their proper role in the evaluation, establishment, planning and development of national and international policy in all its forms. It should also be borne in mind that young people represented the best educated part of the community and, consequently, had an immense potential that was not sufficiently realized or was simply ignored for various reasons.

20. The system of social self-management that marked the structure of Yugoslav society expanded civic rights and offered great opportunities to youth, while at the same time imposing on them the obligation to participate in all activities of their society. Thus, young people participated on an equal footing in the adoption and implementation of all decisions of general interest, and both young people attending schools and women workers participated fully in the building of the society. For that reason, his delegation was convinced that youth could also play a role of prime importance in development programmes at the international level and within the United Nations, particularly within the framework of the International Development Strategy for the Second United Nations Development Decade. In that connexion, he supported all the proposals that appeared in the Secretary-General's report. The report showed that the aspirations of the young, in addition to their own emancipation, reflected their great interest in the ideals of peace, equality and progress and in the solution of the problems of the international community. In Yugoslavia that interest had led to the formation of clubs supporting the United Nations and UNESCO and of other youth organizations.

21. At both the national and the international levels, youth activities were more intense in areas where the situation was least satisfactory, in other words, in those areas where human rights were most flagrantly violated. Since most young people today were politically aware, it would be useless to try to take the political element out of the debate on the current situation of youth. In that connexion, it was necessary to devote special attention to the young people in various parts of the world where the prevailing situation impeded the establishment of the necessary conditions for their development, in particular the youth of Angola, Mozambique, Guinea-Bissau and Cape Verde, who were affected by Portugal's colonial war; the youth of Zimbabwe, Namibia, and South Africa, who were victims of racial discrimination; the youth of Palestine, who were enduring an unjust and exhausting war; those who were imprisoned in Saigon; and the students whom the soldiery of the military régime in Chile had expelled from their universities.

22. His delegation was pleased that the questions relating to youth were being considered with increasing interest in the United Nations. Now that the United Nations had achieved almost complete universality in its representation of States, it was particularly necessary to continue the efforts along those lines with regard to youth, *inter alia* by increasing contacts with national non-governmental youth organizations. He trusted that the Committee's debate would complement the considerable contribution which the Secretary-General's report represented by adding suggestions and proposals on the activities relating to communication with young people, analysis of the social and other problems of youth and possible measures within the United Nations

system. His delegation and the youth of Yugoslavia would, as always, co-operate fully in those tasks.

23. Mr. MUSAFIRI (Zaire) said that his delegation endorsed the suggestions and proposals on behalf of youth that appeared in the Secretary-General's report, which it had studied with great interest. In his country the problems of youth were viewed in the light of standards of justice, democracy, technical progress, laws and universal freedom, and the manifesto of the People's Revolutionary Movement committed all citizens to unified collective action. That criterion reflected and strengthened the principles of the Constitution of Zaire, article 13 of which provided for national public education and stipulated that all students should have access to such education, without distinction as to origin, race or political or philosophical opinion. The National Party likewise was concerned with training young people to fulfil their future responsibilities as citizens; one of its main objectives was to enable all young people to have the same opportunities in the fields of education, nutrition, health, employment and national planning. At the First Regular Congress of the Party, resolutions had been adopted which opened up new prospects for the polyvalent training of young people, not as recipients of State aid, but as agents of development and economic, social and cultural progress.

24. Mrs. OBRCIANOVÁ (Czechoslovakia) said that the fact that the Committee had been dealing with the question of youth for some time underlined the importance of the item. She was glad that no doubts had been raised with regard to the right of the younger generation to participate in the consideration of current and future problems, since she considered such participation to be of great importance.

25. Some months previously there had taken place an event of great importance—the Tenth World Festival of Youth and Students, held at Berlin and attended by 25,000 young people from countries throughout the world, who had proclaimed their unanimous determination to struggle for peace, democracy, freedom and the rights of youth, and had expressed very clearly the ideals of elimination of discrimination against young people and equal rights in respect of education and participation in the administrative process. The consideration of the problems of youth within the United Nations represented an important step forward, and in that connexion mention should be made of General Assembly resolution 2037 (XX) which proclaimed the Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples.

26. The social situation of youth was developing side by side with the social situation of States, so that young people could not be dissociated from the social conditions prevailing in the world. One of the basic duties of States was to ensure the integration of the young in society by guaranteeing their access to education and to occupations and by enabling them to participate in social administration. Young people constituted an important sector in society, and could not be indifferent to the problems of inequality, colonialism, discrimination and other existing evils. The fact that young people took an active approach to the questions of the day was a guarantee that the younger generation would adopt a

progressive position with regard to the problems of society.

27. The Constitution of Czechoslovakia laid down the necessary conditions for ensuring equal rights to young people in respect of education and free medical attention, employment, and full physical and intellectual development, while at the same time their sense of patriotism and internationalism was encouraged. Moreover, special importance was attached to the satisfactory development of the personality of the young and their active participation in public life, as was illustrated by the fact that the proportion of young people elected to public office in the 1971 elections had been one third of the total. Youth was thus offered the opportunity to lead a full life.

28. Her delegation would support all constructive steps taken by the United Nations with a view to the promotion among youth of the ideals of peace, mutual respect and understanding between peoples.

29. Lord GAINFORD (United Kingdom), referring to the problems that were faced in dealing with the important and complex problem of youth, noted firstly, the generation gap, which presented itself in different ways, one of them being the fact that the old attempted to decide the future of the young. Although some people associated the idea of youth with the attitude of rebellion and contempt for authority and tradition of certain young people, in reality there were millions of young people ready to take on duties and responsibilities. It was necessary to achieve a synthesis whereby the zeal and enthusiasm of young people would be encouraged while they in turn listened to the voice of experience.

30. Another factor was the size of the problem: if young people were defined as those under 25, the group would comprise more than 2,000 million people. On that scale, it was easy to talk about goals of improved education and more employment opportunities and the need for improved nutrition, health and housing for young people, and to urge Governments to adopt the necessary measures, but it was much more difficult to formulate simple action programmes that would yield concrete results. A meeting of Commonwealth Ministers on youth, held early in 1973, had agreed in three days on a programme which might serve as an example in that respect. It comprised the training of youth leaders, particularly for youth organizations in the developing countries of the Commonwealth; education of youth; material assistance between the developing countries; youth award schemes; and the drafting of legislation to ensure employment opportunities for youth. He was confident that the United Nations would be able to prepare a similar or even better programme, given the multiple resources and the expertise at its disposal. At the same time, greater attention should be paid to the young in the dialogue between the developed and the developing countries.

31. In conclusion, he referred with satisfaction to the arrangements for the participation of youth in the World Population Conference, to be held at Bucharest in August 1974, and welcomed most warmly the action of Romania in that field, as mentioned by the delegation of that country at the preceding meeting. During the deliberations of the Population Commission which had taken place at Geneva a few days earlier, it had been agreed that the representatives of youth organizations

from all over the world should meet at Bucharest during the week preceding the Conference in order to express their own views in advance, and then participate directly in the deliberations through the non-governmental organizations which would attend the Conference as observers. That would give young people in whose hands the future of the world lay, the opportunity to make a real contribution to the Conference.

32. Mr. IRARRAZAVAL (Chile), speaking in exercise of the right of reply, said that the delegation of Yugoslavia had once again referred to Chile and its Government in the Committee, and had once more made a false and malicious accusation. In the first place, it was quite inadmissible that the representative of a Government which could hardly be characterized

as democratic in its origins should refer scornfully to the "soldiers" of military régimes, which existed in many respectable and respected countries. Secondly, what the Military Junta of Government in Chile had done in relation to the country's universities, was to make them non-political and ensure that they again became the centres of culture to which thousands of students from all over the Americas had flocked, which they had been until three years previously. The Chilean Government was making every effort to restore the prestige which had made the University of Chile, in particular, famous throughout the world, and the meddling of a representative of Yugoslavia would not make the Government of Chile change its course.

The meeting rose at 12.15 p.m.

2028th meeting

Thursday, 15 November 1973, at 3.10 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2028

AGENDA ITEM 62

World social situation of youth: report of the Secretary-General (continued) (A/9003 and Corr.1, chap. XXI, sect. A.8; A/9119 and Corr.1, A/C.3/L.2052, E/CN.5/486 and Corr.1, Add.1 and Add.1/Corr.1 and E/CN.5/486/Summary and Corr.1)

1. Mr. THOMAS (Liberia) associated himself with the compliments expressed to the Director-General of UNESCO on his clear and lucid statement at the 2024th meeting, during consideration of agenda item 63.

2. The subject under discussion was of vital importance, because youth was the most valuable potential of any nation. His Government attached great importance to the youth of Liberia and believed that it was its responsibility to stimulate their latent promise for work for spiritual values and serving society creatively. It held that, if Liberia was to rise out of under-development, there would have to be a massive return to the land by young educated people, whose scientific skills could increase productivity and, accordingly, *per capita* income.

3. Since the family was the first unit of society, it was essential that parents should instil into their children the right principles, which would favourably influence their future. It was therefore important that children should be able to attend the best schools and be taught by the best teachers. Young people should be free to think and to develop their thought processes, but they should also be subjected to restraining influences and discipline; much of the current widespread juvenile delinquency was undoubtedly due to the fact that parents and teachers had neglected to perform that duty towards their children and pupils.

4. His delegation believed that the United Nations should devise some plan to assist Member States in implementing their educational programmes for developing young people into citizens who could make a worth-while contribution to their countries and the world in general.

5. Mr. BIRBAUM (Austria) observed that throughout history youth had been the hope of nations and the subject of special care. The situation of contemporary youth, however, had features which had never arisen in earlier generations. For instance, a substantial proportion of young people, when they took up a career, would no longer find their parents' professions available, simply because they had disappeared. During their working life many young people would have to change professions several times, because technological and economic progress would require the elimination of their jobs. Such mobility would inevitably lead to abandoning the emphasis on a single period of vocational training during one's lifetime; it demanded an open-mindedness and mental flexibility which would make young people capable of facing a variety of situations and adapting themselves to a variety of tasks. However, it was not merely a question of preparing young people for life, in the spheres of education, vocational training or health. Youth was not just a period of preparation; it was a period which had its own significance. Youth should be allowed—or given back—freedom of action; in the contemporary world, to educate was to confer responsibility. Young people were prepared to accept responsibility and, in so doing, they worked out ways of thinking and acting that were appropriate for them. In so doing, they would cease to be a mere reproduction of the previous generation, and therein lay society's best chance of self-renewal. It was for that reason that Austria had encouraged that transfer of responsibility by lowering the voting age and the legal age of majority from 21 to 19 years.

6. The situation of youth undoubtedly raised a great many problems, and since those problems generally transcended national boundaries, his delegation believed that the help of the United Nations and the specialized agencies was eminently desirable and, indeed, essential. His delegation, which had frequently been associated with proposals concerning youth within the United Nations, would welcome any measures to improve the world situation of youth.

7. Mr. NENEMAN (Poland) said that his delegation was gratified by the interest taken by the General Assembly in questions relating to the world social situation of youth. His delegation, while recognizing that it was no easy task to prepare an analytical study on so wide-ranging and complex a subject as the needs and aspirations of young people, felt compelled to state that the report of the Secretary-General (E/CN.5/486 and Corr.1, Add.1 and Add.1, Corr.1 and E/CN.5/486/Summary and Corr.1), although it contained a wealth of interesting data and some progressive suggestions, also had shortcomings. The questionnaire used to obtain information had been unsatisfactory and had affected the quality of the information supplied. In particular, the questions, in content and scope, were primarily related to young people from the sphere of European and American culture, rather than to those from Asian and African countries, whose culture was quite different. Moreover, it was almost impossible to compare the data supplied by different countries in response to the same questions, because the questions themselves had been understood and interpreted differently owing to dissimilar cultural patterns and economic processes. It was likewise almost impossible to compare the social processes of the countries concerned, and, because no indices of socio-economic development had been employed, no synthesis was possible. Moreover, the questionnaire had been addressed only to educated or semi-educated urban youth. He also regretted that so few countries had been surveyed for the report and that those chosen were representative of neither individual geographic regions nor of existing socio-economic systems.

8. He had reservations on another point: the universal tone of the report. Certain problems, such as planning and programming for youth or the participation of youth in national development and international life, were shared by all countries, but there were others which had long ceased to beset the socialist countries but continued to be most pressing in the developing countries, such as hunger, illiteracy, lack of medical care or unemployment. Similarly, there were other problems which were characteristic of advanced capitalist countries—educational crisis, lack of full employment, racial segregation, drug abuse. In addition, there were problems which had been entirely overlooked, such as those of young immigrants seeking employment, the exploitation of youth, refugee youth and young people in colonial territories struggling for independence.

9. Furthermore, his delegation did not agree with the view that the problems, aspirations and needs of young people were common to all youth and independent of national or class conditions. Youth was not a phenomenon which could be approached in the abstract: young people were always a component part of a definite community, which was conditioned by specific economic, social, political and cultural circumstances. It would therefore be more appropriate to survey the position of young people by separate categories of country—advanced capitalist countries, developing countries and socialist countries. Young people in many Western countries often revolted against the degeneration of their communities and struggled for progress and for their own rights, a development which made their elders fearful; in socialist countries, however, young people were a social force accelerating the

material and cultural advancement of their nations and participated in creating the conditions in which they lived.

10. Accordingly, his delegation considered the Secretary-General's report to be a brief description of the problem, rather than an attempt to delve into its real dimensions or seek solutions. The report would, nevertheless, provide a useful basis for discussion and inspire further and more detailed work; it might also induce UNESCO, UNICEF and other United Nations bodies to give more attention to the needs of youth in their programmes.

11. Young people accounted for two thirds of the world's population and the problems of youth were preoccupying every modern society mindful of its future. His country paid special attention to youth problems, both on account of the basic propositions of its social system and because of the national demographic situation. Poland was one of the youngest States in Europe: almost half of its citizens were under the age of 30. The younger generation, born after the war, formed a very dynamic segment of the society. It had not experienced national enslavement, social exploitation, unemployment, hunger or humiliation. It had had access to education and culture, and had enjoyed social protection from the State. His was one of the few countries in the world which had drawn up a comprehensive national programme for youth, in the implementation of which institutions, and social and State organizations would participate, forming a unified front to deal with the entire complex of youth affairs. That programme gave prominence to education, vocational training and, in particular, to leisure. Efforts were being made to develop active social, cultural and sports movements and to provide the necessary material facilities.

12. Generally speaking, employment raised no problems, and conditions were created to facilitate the transition from school to working life. Furthermore, family-oriented social benefits were to be increased in order to strengthen the educational functions of the family. Finally, the widest possible participation of young people in all the representative organs of society was being encouraged.

13. Mr. GAHUNGU (Burundi) said that the fact that in some parts of the world the infant mortality rate was high, that in others life expectancy did not exceed 30 years and that, on the other hand, in other better-off regions it was very high was the logical consequence of the way in which the problems of youth presented themselves to society and were resolved by it. In spite of the laudable efforts made by the specialized agencies of the United Nations and by voluntary organizations to combat poverty, disease and ignorance, the special problems presented by the world social situation of youth had not yet been properly explored. Youth was the dynamic element of society, and the problems of youth should be given special attention. In the "have not" countries, young people wished to have access to education and adequate material support. Inspired by an ideal of peace and security, young people were confused in the face of social injustices. He mentioned in particular the young people who were the victims of the policy of *apartheid*, racial discrimination or foreign occupation; for them, two worlds existed: that of the oppressed and that of the oppressor. Moreover, young people found it hard to tolerate the disdainful and ar-

rogant attitude of those who considered them irresponsible and did not allow them to co-operate and participate in active life. That was why throughout the world, and particularly in the developed countries, young people had become protestors.

14. His country associated youth in the life of the country by giving it active participation in community development activities in such fields as literacy and information campaigns, agricultural co-operatives and school construction.

15. His delegation had been gratified by the happy initiative of the Yugoslav Government, which, in 1970, had hosted a world youth seminar. It had also supported resolution 2633 (XXV) adopted by the General Assembly in 1970, wherein the specialized agencies concerned had been requested to continue to undertake, on a regional and on a world-wide basis, programmes and projects related to the problems and needs of youth. He also stressed that events such as the Tunis Pan-African Festival, the Tenth World Festival of Youth and Students, held at Berlin, and the Seminar on Youth and Human Rights, held at San Remo, had enabled young people to obtain an awareness of their common aspirations: unity and solidarity in the struggle against racism and *apartheid*, the promotion of culture, education and health and the elimination of unemployment and all forms of social injustice; only through sincerity and action could youth attain those objectives.

16. Mr. VAN OVEN (Netherlands) said that his delegation had read with appreciation the Secretary-General's report on youth. With regard to the aspirations of youth, the most striking point seemed to be the need to ensure the full participation of youth in all the activities of society, which meant that young people should have the same rights and the same responsibilities as other nationals. As the report indicated, there was still a lot to do in that field, both at the national and at the international levels. At the national level, it was necessary to ensure the participation of young people not only in the execution of decisions taken by others but also in the decision-making process. Accordingly, his Government had lowered the minimum voting age to 18; furthermore, measures had recently been adopted to ensure the participation of students in decision making on internal university affairs. Steps had been taken in other fields also.

17. At the international level, the situation seemed worse. Unquestionably, many young people were concerned with international affairs; in his country, for example, a boycott of coffee imported from Angola had been organized, and many shops were being opened drawing attention to the problems of the third world, *inter alia* by selling their products. The United Nations Conference on the Human Environment, held at Stockholm in 1972, had also aroused a great deal of interest and had encouraged the adoption of many measures for the preservation of the environment. He mentioned also the initiative taken by some of his compatriots to start a self-tax movement in the late 1960s with the aim of making up, by voluntary contributions, the difference between the percentage of the national income which should be transferred to poor countries as development co-operation, following the targets set by the United Nations, and the percentage of the national

income actually spent under that head. Initiatives of that kind were, however, still too rare.

18. As the Secretary-General had said in his report, there were still many young people who had only a very vague and frequently inaccurate knowledge of the United Nations system. He recalled further that the previous year his delegation had proposed that a maximum age should be set for membership of the *Ad Hoc* Advisory Group on Youth. He could therefore only note with amazement that of the 10 members making up the Group, three were over 30 years of age—which itself seemed a rather high maximum—when the Secretary-General himself had stressed in his report that young people had a strong aspiration to participate in decision making, the composition of the World Youth Assembly held in 1970 had been the subject of heavy criticism because 35 per cent of its participants had been over 25 years of age, the official age limit, and the composition of the United Nations Secretariat had itself been the subject of criticism because 95 per cent of its professional staff were over 30 years of age. He noted further that the San Remo Seminar had recommended that pursuant to General Assembly resolution 2633 (XXV) Governments should include young representatives in their delegations, and he could not but wonder how far that recommendation had been implemented.

19. When the Committee had considered agenda item 58, several representatives had stressed the importance of the role of the aged in society. He fully shared that point of view but felt that the same was true for young people; society would benefit by utilizing the abilities of all age groups: together, the experience of the aged and the creative spirit of the young could help to form a society that would be more capable of facing the greatest problems of the time, namely, the gap between the developed and the developing countries, the problems of the environment and the question of disarmament.

20. With regard to the needs and social situation of young people, which were dealt with in part two of the Secretary-General's report (E/CN.5/486/Add.1 and Corr.1), his delegation endorsed the conclusions in the report. It would, however, like to stress one particular aspect of the question, namely, the need to eliminate all inequality between boys and girls in the field of education. Another problem to which it wished to draw attention was that of youth salary. At a time when it was generally recognized in principle that men and women were entitled to the same salary for the same work, young people too often received a lower salary merely because of their age. In his country, in order to remedy that state of affairs, the Minister for Social Affairs had recently announced that, starting in 1974, a minimum salary for young people would be established by law.

21. His delegation supported most of the measures proposed in part three of the report (E/CN.5/486/Summary and Corr.1) and endorsed the statement in paragraph 40 of that document that planning for youth should be integrated into over-all development plans, because youth problems were facets of the over-all social and economic situation. His delegation would take up at greater length the question of measures to be adopted when the Committee had a draft resolution before it.

22. Mr. ABSOLUM (New Zealand) said that the first problem that arose, with regard to youth, was that of

definition. Precisely what was meant by the term "youth"? Did it mean children, teen-agers, people in their twenties? Even if it were possible to agree on a definition in terms of chronological age, that would be of very limited value, as the Secretary-General had pointed out in his report. Furthermore, the sheer breadth of the subject tended to encourage generalization and to inhibit the identification of specific projects. As the United Kingdom representative had pointed out at the previous meeting, the term "youth" could be interpreted as embracing half the world's population. Moreover, it seemed difficult to separate questions of special concern to youth from those of concern to society as a whole. In the case of drugs, for example, should that problem be viewed in the context of efforts to improve the situation of youth or should it be regarded as a problem facing society as a whole? The question of youth could itself be viewed from many angles: youth could be considered in the same way as other groups which were the subject of discrimination on grounds of race, religion or sex; following that approach, it would be necessary to examine all cases where youth was precluded, on grounds of age, from any participation in the various fields of activity, such as administration, education, development and employment. Another approach would be to examine problems which were peculiar to youth or which affected youth to a greater extent than they did the rest of society. A third approach would be to take as a basis the knowledge that youth would inevitably be called upon one day to assume the primary responsibility for the running of the world; it would then be necessary to examine ways of giving young people assistance, protection and encouragement.

23. In view of the magnitude of the question under consideration, it was essential to avoid over-generalized and unproductive discussions and to determine the way in which the question should be approached, by setting a specific goal. His delegation therefore hoped that the Committee would decide, at the current session, on a particular area for its further work. The area which his delegation had in mind was that relating to the situation of youth with regard to employment. As the Secretary-General said in his report, that problem was urgent because it was clear that in some countries there was discrimination against young people, on the pretext that they were lacking in experience. It was therefore necessary to find ways of facilitating access by young people to the labour market. Other countries had serious unemployment problems which resulted in the wastage of young people's skills and energies. Of course, employment problems affected society as a whole, but there could be no question that they hit youth harder than they did other segments of the economically active population. He emphasized that the Commonwealth Secretariat's Education Division was currently studying ways and means of providing employment for school leavers in the developing countries. That study might usefully be complemented by a similar study on non-Commonwealth countries by the United Nations.

24. In conclusion, he said that he would resist the temptation to recount in detail all the steps taken by his country to meet the health, educational and nutritional needs of young people and to encourage their participation in decision making and in every aspect of national life. He would refrain from doing so since he believed it

was more important for the Committee to focus its attention on ways of achieving a positive and concrete outcome to its deliberations than to congratulate itself on what had already been done.

25. Mr. ONISHENKO (Ukrainian Soviet Socialist Republic) said that there could be no doubt that youth was the hope of mankind. Consequently, every society wished to provide a better future for its young people.

26. As had been shown by various international youth meetings, particularly that held in 1973 at Berlin, young people were not indifferent to the problems of war, peace, *apartheid*, racism and social oppression. Youth could help to promote détente, to make it endure and to combat bellicose policies. Unfortunately, in the present-day world young people often found themselves in an ambivalent situation: although they wanted to live in peace, they were sometimes obliged to make war, whether participating in the struggle against colonial oppression or, instead, having to assist reactionary régimes.

27. The report of the Secretary-General analysed the needs of contemporary youth against the background of their living conditions. However, that document contained gaps, as it examined only a small number of problems affecting young people and made no mention of the economic and social factors which really prevented them from achieving their aspirations. He expressed the hope that those omissions would be remedied.

28. As had rightly been said, the problems of the young were influenced by the problems of the societies in which they lived. Those problems should therefore be considered in the context of social conditions. Thus, young people in the capitalist countries were constantly encountering difficulties stemming from the problems peculiar to bourgeois societies. Unemployment, the generation gap, the rebellion of young people against their elders and drug addiction were products of the social conditions obtaining in those countries, where young people met with discrimination and oppression. As the ILO representative had indicated, millions of young people in the capitalist countries were unemployed or earned wages that were only 40 to 50 per cent of those that would be paid to adults for similar work. In that connexion, reference should be made to the particularly difficult situation prevailing in rural areas, where education opportunities were very limited and working hours very long. Awareness of their desperate plight led young people to fight for their rights.

29. He had listened carefully to the representatives of the developing countries, some two thirds of whose population consisted of young people. Those young people had to confront the problems inherited from colonialism, oppression and exploitation and to fight to eliminate the vestiges of colonialism and the manifestations of neo-colonialism. The growing political activity of youth in those countries fostered progress and accelerated industrialization and the modernization of agriculture while bringing about a cultural revolution.

30. Socialist experience showed that the problem of young people could be resolved only by a thorough transformation, with the participation of youth, of social and economic structures.

31. In the Ukrainian SSR, young people fully enjoyed all civil and cultural rights because of the transforma-

tion of the economic and social structures of society—a process in which they had participated. Young people could make a valuable contribution to efforts to promote social progress. They were working in all sectors of the economy, contributing to the implementation of economic plans and taking an active part in political life. They were entitled to vote at the age of 18 and eligible for election at the age of 21: 27.8 per cent of the representatives in local soviets were less than 29 years of age and 10 per cent of the deputies in the Supreme Soviet were under 26. The major issues affecting youth were examined in collaboration with its representatives. In the Supreme Soviet of the Ukrainian SSR there was a commission in which the Leninist Communist League of Ukrainian Youth—an organization with a membership of 5 million young people—was represented. The Commission met regularly to consider matters of interest to youth. Young people were entitled to free social security and medical care and received grants and access to transport facilities at reduced rates. The aim of education, which was free, was to provide young people with vocational training, to increase their culture and to give them a better knowledge and understanding of current world problems.

32. His delegation fully comprehended the hopes and aspirations of young people throughout the world and believed that the United Nations should endeavour, by all possible means, to help them to realize their wish to participate in creative work. However, his delegation was not convinced that the establishment within the United Nations of an *ad hoc* body to deal with the problems of youth was the appropriate procedure to follow; in its opinion, solutions to those problems could be found only within the framework of the various social systems in which they arose. The United Nations should confine itself to making general recommendations, for it could not take the place of national organs. Its principal purpose must be to promote the attainment of the objectives of the Charter; détente and peace would unquestionably help to resolve the problems of youth in the modern world.

33. Mrs. MARICO (Mali) said that the general crisis afflicting post-war youth was a crisis not so much of growth as of civilization; it was not only the product of an imbalance between technological progress and social development but a reflection of youth's despair in a world which was becoming increasingly dehumanized.

34. The social balance sought by societies would be achieved only when they took account of the aspirations of youth and re-established a dialogue with young people on the basis of their moral and civic values. At the national level, countries should attempt to bring about a mental "depollution" of young people by increasing the volume of cultural activities, so that the ultimate goal of their efforts was man himself and not worship of the machine and the consumer society. That was what the Malian Government was trying to achieve through the Centres for Cultural and Outdoor Activities, which warranted encouragement from UNESCO. That "depollution" would be effective only if healthy rural youth managed to resist the deceptive lure of the town and escaped the degrading effects of certain pernicious forms of visual education.

35. At the international level, the United Nations should undertake in-depth research concerning the ultimate goal of development, which should be the satis-

faction of man's vital needs. It was true that the developed countries had succeeded in creating abundance—but only at the cost of turning man into a robot; moreover, no just solution had yet been found to the conditions of poverty in which the vast majority of the world's inhabitants lived. Such research, which should be carried out by specialized agencies such as UNESCO and the ILO, as well as UNICEF, might centre on surveys by a group of experts—dealing first with young people and then with parents and educators. The United Nations could then centralize the information derived from studies at the national level with a view to establishing the global objectives to be achieved.

36. Her delegation believed that the way to involve youth in socio-economic and cultural life was through child education—in other words, without prejudice to over-all culture, by including subjects of national concern in school curricula. The school should be a centre for training man the citizen. To that end, a prominent position was given in primary and secondary school curricula in Mali to "general, global and integrated training" aimed at providing the child with the knowledge essential for his future integration into a society in full evolution. As far as higher education was concerned, the Malian Government had elected to make institutions of higher education into centres in which students were able to acquire both general knowledge and the vocational training which would enable them to participate in national construction. Finally, the school should be a training centre for man the producer: there was nothing more lamentable than to turn out young people who were maladjusted because their training bore no relation to the specific realities of the country. Consequently, the Malian Government was giving preference to training at home rather than training abroad and, to that end, had established five institutions of higher education.

37. Mr. ALKHAJA (Bahrain) said that his delegation had read with interest the Secretary-General's report. Youth was a very interesting social and psychological phenomenon because it stood between the past and the future. It was difficult to define exactly when youth began and ended, but it might be said, roughly, to be the period of time between childhood and adulthood, in other words, between the ages of 16 and 25. For too long youth had been labelled immature by adults, and that had led most youth to turn away from the world of adults and all that it represented. The main problem, therefore, was to find a means of fulfilling the real aspirations of youth, who were in need of love, esteem and recognition of their true work. The goal should therefore be to make adults and society more aware of the importance of youth, and to promote such awareness in youth itself.

38. His Government had assigned to its Ministry of Social Affairs the task of developing plans for youth, and budgetary funds had been made available for the purpose of launching a programme in that field. The problems of youth were being followed very closely; special efforts were being made to develop sports activities; cultural and intellectual activities were being organized by young people themselves and a number of staff members of the Ministry of Education had been assigned to tasks relating to the organization of leisure time—including summer trips, camping, meetings and

scouting. Moreover, Bahrain had participated in a number of regional conferences and meetings on youth held in different Arab countries, as well as sports contests within the Asian region. Finally, it had participated in international conferences such as the seminar held at San Remo, and would continue to do so. Bahrain was a young nation, which intended to give the young generation a chance to participate in the administration of governmental affairs.

39. He recalled that his country had advanced a number of suggestions at the San Remo seminar. It had, in particular, suggested studying thoroughly the problems of youth and the means for their solution; teaching youth about different civilizations and cultures in an objective and egalitarian spirit; ensuring the acceptance of youth's participation in decisions which concerned them; expanding female education, since women played an extremely important role in the education of youth; encouraging the exchange of youth delegations among different nations and increasing the number of scholarships given by each country to students of other nations. Developed countries as well as United Nations bodies should be able to meet those suggestions, which related to problems of equal importance to all countries.

40. Mrs. RAKOTOFIRINGA (Madagascar) said that her delegation felt some apprehension about a possible conflict between measures for the benefit of the elderly, which had been recommended at the national and international levels, and those contemplated for the benefit of youth. On the one hand family planning was advocated in order to avoid the consequences of overpopulation, and on the other hand attempts were being made to prolong human life; efforts were being made to solve the problem of unemployment among youth, while at the same time the creation of jobs for the elderly was being encouraged. It seemed that the generation conflict was deeper than was generally realized.

41. With regard to the Secretary-General's report, she noted that young people defined youth as "a state of mind, an attitude towards life", a state of mind which adapted to circumstances and events and was therefore dynamic and consequently characterized by confrontation, a refusal to inherit legacies from the past, and a tendency to question existing structures. Those characteristics manifested themselves in different ways according to the social structure to which young people belonged or their degree of awareness of the situation in which they found themselves. The results of such manifestations of dynamism varied according to whether they were motivated by a genuine desire for change or were inspired by what happened elsewhere or simply by a negative feeling of dissatisfaction. In any case, it was necessary for young people themselves to make known their aspirations and needs, and it was perhaps because an attempt had been made to anticipate them that, as the Secretary-General's report concluded, "most present arrangements for dealing with the needs and aspirations of young people are inadequate, in some cases seriously so". It was of course difficult to define and assess the general aspirations and needs of young people, given the diversity of viewpoints, and the Secretary-General's report itself recognized that. Indeed, the delegation of Madagascar believed that the attitudes of young people in a number of countries described in the report were not necessarily shared by

young people in all countries of the world or even those of a single region.

42. With regard to Madagascar, in 1972, at a national congress of students, pupils, teachers, workers, peasants and disadvantaged youth, all categories of citizens had considered their aspirations and needs, freely expressed them and discussed their promotion with Government authorities. To make young people aware of the possibilities at the level of practical application, the Government had created territorial administrative structures and institutions, such as the People's National Development Council and the National Education and Youth Council, which young people would be invited to attend in order to participate in the preparation and implementation of national development programmes. Her delegation was convinced that young people must first become aware of the role which they had to play at the national level before they could participate more effectively in the solution of international problems. In that spirit it would support any proposal designed to make young people better prepared for the struggle against obstacles standing in the way of their fulfilment and their active participation in national and international life.

43. Dr. MALAFATOPOULOS (World Health Organization), speaking at the invitation of the Chairman, said that the policy of WHO was to approach public health problems in terms of the family as a basic unit of society, and as part of the community health services. It was within that context that WHO attempted to deal with the problems of young people and adolescents.

44. The Division of Family Health at WHO headquarters was the focal point for youth questions, and WHO was providing technical advice whenever that might contribute to the effectiveness of activities undertaken as a result of joint consultations with the United Nations Secretariat, other United Nations agencies and the Ministries of Health of various countries. WHO gave priority assistance to Member States in the strengthening of their health services through the training of medical staff at all levels; it also assisted the health administrations of various countries in the development of their national health systems, so that all citizens of the community, including young people, could have ready access to preventive and curative services, particularly in neglected rural areas.

45. Turning to some of the particular problems of youth, he noted that, in the case of smoking, health education had not been as successful as had been hoped, either with the young or their elders. In the case of drugs, WHO and its expert committees were doing much technical work on drug dependence, a problem directly related to young people. In that connexion, it should be noted that drug addiction, which was often considered a disease, was in reality a symptom of a disease rooted in social and economic conditions which tended to create dissatisfaction, unhappiness, tension and strife among youth. Education on the subject should be provided at all levels, without excluding adults, so that parents with authoritative information could give advice to their children.

46. The annual report of the Director-General of WHO drew attention to a recrudescence of venereal disease—syphilis and gonorrhoea. In almost all countries there had been an annual increase of 8 to 10 per cent in cases of gonorrhoea, a disease which primarily

affected the 15 to 25 year age group. The syphilis situation was only slightly less alarming. WHO was convinced that the spread of venereal disease was mainly due to insufficient health education. The health authorities of various countries should endeavour to gain the confidence of young people, persuade them that venereal diseases were not shameful and encourage them to seek medical treatment as soon as possible.

47. Traffic accidents were among the most serious hazards to the young. There also, emphasis should be placed on preventive education and on the establishment of specialized treatment facilities, including rehabilitation centres, for accident victims.

48. He drew the Committee's attention to the underprivileged position of rural populations as compared to

urban populations, which enjoyed far greater advantages in health matters. It was essential for the authorities to organize health services which could cover the entire population of a country, and to train staff—particularly auxiliaries—capable of providing minimum services to those sections of the population that were completely destitute of them.

49. The CHAIRMAN requested members of the Committee wishing to speak on the item to limit their statements to 10 minutes, and said that he hoped, with their co-operation, to be able to avoid having to apply rule 108 of the rules of procedure of the General Assembly.

The meeting rose at 4.55 p.m.

2029th meeting

Friday, 16 November 1973, at 10.45 a.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2029

AGENDA ITEM 62

World social situation of youth: report of the Secretary-General (*continued*) (A/9003 and Corr.1, chap. XXI, sect. A.8; A/9119 and Corr.1, A/C.3/L.2052, A/C.3/L.2061-2063, E/CN.5/486 and Corr.1, Add.1 and Add.1/Corr.1 and E/CN.5/486/Summary and Corr.1)

1. Mrs. BAZARKHAND (Mongolia) said that, in her delegation's view, young people should play a fundamental role in the struggle for peace, the elimination of colonialism and racism, and social progress.

2. The People's Republic of Mongolia had sought to establish the necessary conditions for the development of the young generation, which in that country was provided with free education and medical care. Mongolia was particularly interested in educating young people so that they would have a communist attitude to work and be fully aware of their civic duties and their obligations as members of society. The young people of Mongolia played a fundamental role in the building of socialism and participated actively in the affairs of the Party, the State and society in general. The Government also devoted particular attention to the establishment of universities and educational institutions so that the young generation could improve its qualifications and acquire the necessary ability to govern the country and manage industry.

3. Youth organizations in Mongolia likewise contributed to international peace, solidarity and co-operation; in that connexion, it was noteworthy that the Revolutionary Union of Mongolian Youth maintained relations with 200 organizations in 100 countries throughout the world. Among other activities, the Union had participated in a movement to provide assistance to the Viet-Nameese people and had recently taken part in a congress against imperialism held in Berlin.

4. She was gratified that the United Nations was paying attention to the problems of young people; her delegation supported the goals set out in the report on the world social situation of youth (E/CN.5/486 and Corr.1, Add.1 and Add.1/Corr.1 and E/CN.5/486/Summary and Corr.1), although in describing the evolution of that situation insufficient account had been taken of the different approaches and trends in the various social systems with regard to the opportunities offered to young people. Her delegation was ready to support all efforts to solve the problems of young people and to strengthen international peace and security.

5. Mr. PARIS (Costa Rica) said that, since the question under discussion was non-controversial, his delegation would make no statement in the general debate on the item, but reserved the right to speak at a later stage.

6. Mr. SENSOY (Turkey) said that his country based its hopes on young people, who made up more than 60 per cent of its population. The problems of the young were not identical throughout the world and it had been emphasized that the young generation of the developing countries faced more difficulties than young people in developed countries. In the developing countries, where capital was scarce, the efficient use of manpower resources was of the highest priority and constituted the most important element in the development strategy. However, it was difficult to determine priorities in view of the limited resources allocated to education and training. Although the funds allocated for those purposes had increased considerably in all developing countries, they still did not meet current needs. Moreover, teachers were insufficient in number and unequally distributed, since most were concentrated in urban areas. That limited the literacy rate and adversely affected the quality of education.

7. The rapid increase of population in most of the developing countries was another serious problem which must be solved as a matter of urgency since the absolute number of illiterates was increasing in many

countries, despite the decrease in the illiteracy rate, and young people were naturally the immediate victims of that situation. Another problem of paramount importance was unemployment or underemployment, and in that connexion there should be a close relationship between education and employment policies. In the developing countries, unemployment was especially noticeable in the agricultural sector, a fact which created urbanization problems which sometimes resulted in a transfer of unemployment to the urban sectors of the economy. Mention should also be made of the brain-drain, resulting from the economic discontent of the young, which was detrimental to the developing countries.

8. Furthermore, in developing countries the possibility of making advantageous use of the leisure of young people through activities conducive to the development of their talents and to physical and psychological fitness were often very limited. In those countries the question of integrating young people into society was closely linked with the question of over-all economic and social development. For the majority of young people, who were deprived of even basic education, the concept of human rights meant very little in practical terms, and he stressed the need for more education and economic opportunities for young people.

9. Currently, about 1 million Turkish workers, many of them young, were employed abroad, and young people and adults alike benefited from the educational, health and social security facilities provided by the host countries. That was an example of the interdependence of countries and also emphasized the vitality of economic, social and cultural co-operation. Although the problems facing young people varied from country to country, and the approach and solutions to those problems might therefore be different, it was essential to stress the importance of co-operation among nations with a view to achieving the utmost in terms of peace, security and social well-being in the world.

10. At the international level, the United Nations and its specialized agencies had played a significant role, although closer contacts should be established with young people and their organizations. In that connexion, it should be noted that the publicity given by the United Nations to its activities, especially in the field of human rights, was inadequate. In his delegation's view, the establishment of the United Nations University would be a great contribution to the education of the young people of the world and to the realization of their human rights. The Turkish Government had volunteered to set up the Environmental Department of the United Nations University in Ankara, and hoped that Member States would grant their valuable support to that offer.

11. Miss PRODJOALITO (Indonesia) said that, in her delegation's view, young people represented a major world resource and if permitted genuine participation would prove to be a dynamic force for the realization of the aims of the Charter of the United Nations and the Universal Declaration of Human Rights. Consequently, in order to ensure the participation of future generations, the United Nations should establish better contacts with young people and youth organizations with regard to subjects of mutual interest. In that connexion, her delegation regretted that, thus far, only one youth organization had achieved consultative

status with the Economic and Social Council, and recommended that such organizations should be given higher status.

12. Throughout the world, young people were pressing for a new change. Her delegation felt that every effort should be made to understand the underlying causes of the activism of youth and its message, since it was the lack of opportunity to assume responsibility that determined the difference between the creative spirit and destructive action of youth. The proper response would be to give young people an opportunity to participate in the life of the nation. The question of training and education was likewise essential, and in that connexion emphasis should be placed on equality of opportunity for all young people, with no distinction as to sex and irrespective of whether they lived in rural or urban areas.

13. With regard to the young people of Indonesia, university students spent six months participating in extension programmes in which they provided technical guidance for local development efforts in the fields of education, engineering and agriculture. There was also a voluntary field service programme for university graduates, who worked for two years in self-help projects in villages. In all those efforts, the goal of the Indonesian Government was to engage the creative capacity of youth.

14. In conclusion, she stressed that it was in the vital interest of the United Nations to improve its communication with youth, since if it did not do so it would run the risk of losing the interest of future generations.

15. Mrs. DE GOMEZ (Colombia) said that the lack of educational facilities available to the majority had deprived many of the world's young people of access to culture and the possibility of becoming a driving force for progress. She stressed the importance of educating young people so that they could make a dynamic contribution to structural change and the elimination of social injustice throughout the world.

16. With regard to paragraph 7 of the conclusions of the Seminar on Youth and Human Rights (see A/C.3/L.2052), concerning compulsory education, she suggested that the words “, as far as possible,” should be inserted after the word “take”. With regard to paragraph 19, concerning the unemployment problem, she said that full employment was a social obligation in the modern world because unemployment was one of the most critical social phenomena and a source of bitter frustration for young people.

17. An active literacy and education campaign was being carried out in Colombia so as to give young people the means to make a contribution to society. Forty per cent of the country's budget was allocated to education, and her delegation considered that everything that was done to promote the education of young people was constructive.

18. Mr. SORENSEN (Denmark) said that his delegation had studied with great interest the Secretary-General's report on youth, which gave a clear picture of the aspirations and needs of young people and their social problems. Those problems resulted not so much from youth itself as from social and technological change: the situation of youth was a part of the social and institutional situation characteristic of the age. Young people in Denmark felt concerned about

the inequalities of wealth and privilege within and between nations, questioned the system of values and norms on which society was based, and criticized the failure of adults to live up to the ideals which they themselves had set. Danish young people felt that it was of decisive importance to participate constructively in the life of society in order to become a part of society, a point which was stressed in paragraph 16 of the report.

19. Education should aid in the full development of the person, and that called for a flexible educational system offering equality of opportunity to all individuals and eliminating distinctions between formal and out-of-school education. In that connexion he mentioned the Danish Folk High School founded in his country more than 100 years earlier as an example of an institution providing all-round education, especially for farmers and workers, which had played an important part in the formation of the country's political and social system. With reference to measures to ensure equal access to educational and economic advancement and employment opportunities, he said that Danish youth organizations were particularly interested in securing access for all to education, equitable remuneration and job opportunities, satisfactory housing facilities and participation in the decision-making process in society.

20. He emphasized the importance of the application of effective family planning among youth, as also of the allocation of adequate resources for youth programmes. He also attached importance to the allocation of means for youth participation at the international level and mentioned the funds made available by the Scandinavian countries to enable national youth organizations to establish and maintain contact with each other in the European context. As to relations between youth and the United Nations, his delegation felt that the latter should act principally as a service organ and that it should be left to the international youth organizations and other non-governmental youth organizations to draw up guidelines for their relations with the Organization. To that end, there should be further co-ordination between the United Nations bodies in order to remove the difficulties confronted by youth organizations because of the compartmentalization of United Nations functions; it was to be hoped that closer consultation between those organizations and the United Nations would lead to increased awareness among young people at the national level of the implications for Governments of the various resolutions on youth adopted by the United Nations.

21. Mrs. MAIR (Jamaica) said that young people were rapidly becoming a majority in her country and throughout the world; therefore, if countries could adopt just provisions for their youth, they would have gone more than half way towards establishing a just society based on the full development of their human resources. To ensure young people the maximum participation in the political and planning process, the voting age in Jamaica had recently been lowered to 18 years, and education from primary school to the university level was free. The national services offered to young people in different spheres, including training for agriculture and industry, would, in turn, enable young people to make a useful contribution to society and become an integral part of the national development process.

22. The Secretary-General's report to the Commission for Social Development at its twenty-third session contained statistical evidence of the failure of the First United Nations Development Decade, particularly with respect to the integration of youth—representing approximately 50 per cent of the world's population—into the development process. A critical index of that problem was unemployment among youth, which reached 30 per cent for young men and more than 40 per cent of young women leaving school. The problem was aggravated in tropical regions by the effects of the thrust of modern economic development, because there the largest productive activities were highly capital-intensive and employed relatively little labour. One of the consequences of that circumstance was the exodus of youth from rural to urban areas.

23. The participation of youth in the promotion of human rights had been amply dealt with in the conclusions and recommendations of the San Remo Seminar, summarized in document A/C.3/L.2052. There was, however, one aspect of the question which was touched on only marginally in that text, in paragraphs 18 and 19 of the conclusions: the special role of youth in the fuller promotion of the human rights of women and the elimination of discrimination against women. Statistics on teen-aged girls in countries undergoing rapid industrialization and urbanization showed that such girls were the first to migrate from the countryside to the city in search of better economic opportunities. Young women had less access to training, employment opportunities and housing, and consequently received the lowest wages; similarly, it was among them that the incidence of unemployment and underemployment was greatest. National and international resources, including the resources of youth, must be mobilized to produce the kind of development which alone would provide a sound basis for the genuine implementation of human rights. The United Nations could give great momentum to that process, and in that connexion she welcomed the convening of the *Ad Hoc* Advisory Group on Youth in conformity with General Assembly resolution 3022 (XXVII). Her delegation was proud of the fact that Jamaica was represented in that Group by one of its youth leaders, and it was awaiting with interest the conclusions which the Group would reach.

24. Mr. ACEVEDO MORGÁ (Mexico) said that the needs and aspirations of youth should be examined in the context of the realities of the world's social and economic situation: population increase, the imbalance in the distribution of wealth, the lack of opportunities to obtain education and employment, the food and health situation, and the difficulties encountered in making ideals a reality. So long as measures to promote development were not taken and the changes required for the more equitable distribution of wealth within and between countries were not made, there would be little hope of offering a better future to young people. In Mexico efforts were being made to enable the young generation to participate to a greater extent in political, economic, social and cultural life, and he wished to mention in that connexion the Instituto Nacional de la Juventud Mexicana, the purpose of which was to bring young people together and encourage them to study national problems and incorporate them into the process of development. The Institute granted scholarships to young people from rural areas who lacked financial means and it carried on its activities in rural

and urban areas by means of the youth houses established throughout the country, where out-of-school activities aimed at development, the restructuring of schools, literacy and reforestation campaigns and so forth were planned. In order to promote the physical and psychological fitness of the population, welfare institutions had been established in Mexico which provided services under a broad programme of social security, including the Instituto Mexicano de Asistencia a la Niñez, the Instituto Nacional de Nutrición and the Instituto Nacional de Protección a la Infancia, the purposes of which were to raise levels of living and of health. To solve housing problems the Instituto del Fondo Nacional de la Vivienda para los Trabajadores had been established and was developing a plan for housing construction, renovation of existing housing and permanent improvements in the houses which were being constructed; it also provided for the improvement of urbanized areas and the development of others in the future. With respect to ecological problems, an Office of the Under-Secretary for the Environment had been established; and in order to give young people greater participation in political life, the minimum voting age had been reduced from 21 to 18 years. The current system in Mexico was characterized by the participation of young people in high cabinet posts, and various Mexican ambassadors were young professionals who had distinguished themselves in their country.

25. In the changing conditions of society, the school had ceased to be simply a place of learning and had become a centre for the dissemination of information, and it was urgently necessary to strengthen the family structure in order to prevent young people from adopting undesirable attitudes and to ensure that their anxieties would not be taken advantage of by outside interests which impaired the public's mental health and inculcated in many young people anti-social attitudes. The human person must be recognized as a unit of value and as an end in itself; and a permanent relationship should be established between centres of education and centres of production so that young people could maintain contact with realities. At the same time, it was essential to promote youth seminars, such as that held at San Remo, Italy, in accordance with the provisions of General Assembly resolution 926 (X). He suggested that youth organizations should be urged to celebrate the twenty-fifth anniversary of the Universal Declaration of Human Rights.

26. Mr. DOS SANTOS (Portugal) said that the Secretary-General's report put before the Committee a programme suggesting the organization of groups to study the problems of youth not only from the standpoint of individual development but also from the more complex standpoint of social integration. Thought should be given to the power of the communications and information media on young people of social groups at differing levels of development and from different cultures; similarly, it must be borne in mind that the communications media and the schools were not, for the most part, geared to the training of young people in both its intellectual aspect and the aspect relating to work, which was an essential element of development. In addition, in order to prepare young people to participate more extensively in national and international programmes serving the cause of human rights, as had been stated, according to the Secretary-General's note (A/C.3/L.2052), at the San Remo Seminar, ways must

be found of instilling in young people a desire to work to the fullest extent of their capacities for the cause of the progress of all. The essential thing would seem to be to establish structures within which young people would be able to direct their activities towards serving human society. While it was true that youth had problems which were common to everyone, it seemed equally true that they were problems which were naturally related to the basic structure of the family and of the fundamental community units which, by their very nature, participated in the creation of conditions which would be conducive to the development of the human faculties.

27. The reforms in education desired by youth must be carried out in accordance with the various degrees of development of each society, taking into consideration the culture and tradition of each people which, in one aspect, were always the basis and point of departure of the national identity, inasmuch as the nation was one of the fundamental structures for the development and progress of individuals. There appeared to be two basic approaches to a study plan for the education of youth: education for a specific type of society or orientation towards the development of the individual. However that might be, a renovation of educational systems must be initiated so that the individual and his future would be the goal, superseding systems vitiated by social traditions in which the individual suffered from exploitation by individuals and groups or from lack of the material means to achieve the development and freedom which it was his mission to seek. It was also important to distinguish clearly between that which belonged to the individual with his own destiny in the world and what the individual was and signified in the family, including his place in what was called the national unit. As the report of the Secretary-General observed, with timely insistence, the true essence of man could not be left out of the educational process.

28. Co-operation with youth, in a generous spirit of willingness to place all human resources at the service of young people for the good of mankind, required, *inter alia*, constructive and sincere dialogue between nations, cultures and peoples. That programme must accompany the programme elaborated for the education of young people, many of whom were turning their backs on fundamental problems because they were in conflict with the society in which they lived and of which, against their human instincts, they felt that they were a result. That was, in part, an explanation of the anguish specifically affecting millions of young people today—the insecurity of the future. Therefore, his delegation believed that the suggested dialogue between peoples could not be separated from the problems of youth. A general plan of joint and varied efforts for the progress of youth and adults could be drawn up only when there was a complete understanding of young people in their various natural, cultural and social environments, and of the aspirations which motivated them.

29. Miss SHAHKAR (Iran) expressed the satisfaction of her delegation at the interest of the General Assembly in the problems of youth. The report of the Secretary-General was unquestionably interesting, but was not entirely satisfactory. For one thing, as the representative of Poland had observed (2028th meeting), the research concerning young people had been

carried out in too few countries and among too few people and did not have the feature of universality necessary to give a more precise idea of the point of view of young people themselves. In addition, the conclusions and recommendations, while interesting, were incomplete and very vague. It was true, as the Secretary-General had noted, that time and means had been limited; her delegation, however, would have preferred to see somewhat simpler and more specific proposals for action formulated.

30. At the same time, her delegation recognized that it was difficult to distinguish between the problems common to all mankind and the specific problems of youth: those problems were inextricably interrelated and profound changes on behalf of youth could not be conceived as long as the basic needs of all, such as food, literacy, health, housing and work, were not met. In any event, the proclamation in 1965 of the Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples (General Assembly resolution 2037 (XX)), the adoption of resolution XX of the International Conference on Human Rights,¹ held at Teheran in 1968, the various relevant resolutions of the General Assembly of the United Nations, and the holding of the World Youth Assembly in July 1970 and the Seminars held at Belgrade and San Remo, had not been in vain. It was agreed that some problems were peculiar to young people and that they could and must be tackled as such. If the declarations and resolutions were to be anything more than a sheaf of papers, the question must be considered in the most practical manner possible, having due regard to the economic and cultural reality of each country.

31. The special problems of young people, once past childhood, could be reduced to two categories: the problems of education and the problems of participation. Resolution XX of the International Conference referred to education, and participation was what the youth of the world had been asking for at that same time. Education was one of the fundamental rights of young people, along with the right to food and housing, and encompassed not only school, but also information in all its forms, meetings, sports activities, and so forth. Education was a comprehensive activity whose purpose should be preparation for life in society and the development of the individual as a creative person. It was known that current education was far from being ideal. Its improvement required two types of action: the introduction of reforms and the implementation of measures designed to satisfy the requirements of an appropriate education. Therefore, all that was needed was to encourage the efforts aimed at revising the methods and objectives of education, which should be concentrated primarily in the following areas: the development of the imagination and creativity of young people, without limiting them to sterile conformity; the establishment of a dialogue with young people in order to learn to understand them, which did not mean, however, that all that they demanded must be accepted; and, finally, teaching geared more to the active life, in which young people would be treated as responsible human beings and not as machines.

32. Naturally, the problems and the manner in which they were faced would differ as between industrialized and less developed countries and depending on the difference in culture and the material means available. The communications media also had great responsibility and could propose to Governments more suitable informational and educational programmes. In that connexion, in-depth studies should be carried out with a view to formulating specific proposals and appropriate measures. Although each Government must make its decisions according to the individual needs of the country, vigorous international co-operation in that sphere was necessary and was the duty of all.

33. Furthermore, education should be related to the purpose for which young people were being prepared, i.e. participation in the life of society, and, with that objective, theoretical teaching should parallel practical application. That would raise problems of organization, as the application of new ideas always did, but its accomplishment was not impossible and it was of concern to all. In that sense too, a study of the question would facilitate the formulation of practical and specific recommendations. Moreover, participation did not presuppose only political and civil rights, but also the right to take initiatives and to assume responsibilities, and the right to work.

34. The problem of unemployment was almost universal and would become worse, especially in the developing countries. Unemployment of youth, however, was particularly unfortunate, because that was the sector of the population most capable of displaying maximum energy and enthusiasm. The main concern should be the solution of the unemployment problem. At the same time, volunteer service by young people should be encouraged, for it would enable them to participate in development and to gain experience which would help them to secure employment. In that connexion, it was gratifying to note the continued progress of the United Nations Volunteers programme carried out within the framework of UNDP. In Iran, much had been done to encourage volunteer service in all its forms, and very positive results had been obtained. There were also other means of promoting the participation of youth in the life of society. In Iran there were the so-called education, health and development corps: after a few weeks of military training, young people of both sexes followed suitable courses in accordance with their aptitudes and served in one of the three corps mentioned, carrying out activities in the fields of literacy, health and development. The establishment and the activities of those three corps had had a very positive influence both on the population in general and on young people themselves, who had fulfilled their obligations with admirable vigour, integrity and enthusiasm.

35. Her delegation was convinced that the studies on the problems of youth were useful and could lead to specific proposals to be submitted to Governments; it felt that the conclusions of seminars, such as that held at San Remo, could contribute much along those lines. Obviously, economic development was neither possible nor justifiable without taking into consideration the cultural context and the basis of the traditional culture in question. Each Government must consider the problems of the youth of its country within its own economic and cultural framework. The Government of Iran was aware of the dangers of importing foreign technology

¹ See *Final Act of the International Conference on Human Rights* (United Nations publication, Sales No. E.68. XIV.2), chap. III.

without careful consideration, which could cause serious disturbances, especially among young people, and for that reason imported techniques must be applied with prudence. It was also obvious that the activities carried out with respect to youth by the different regional and international bodies were most useful; it would be necessary to continue and co-ordinate them and to ensure international co-operation, an area in which the United Nations had a very important role to play. It was with that in mind that her delegation had joined in sponsoring draft resolution A/C.3/L.2061.

36. Mrs. CHIMOMBE (Lesotho) said that the power of youth could no longer be ignored and that the Government of Lesotho was doing everything possible to promote the active participation of young people in the national development. Unfortunately, the country had to export a large part of its labour force to the mines, farms and factories of the neighbouring Republic of South Africa, where the policy of *apartheid* was applied, a policy to which Lesotho was strongly opposed. The number of young people who left to work in South Africa reached 125,000 per year; that was a substantial number considering that the total population of the country was a little more than 1 million. Lesotho could not absorb all those young people in the national development process, and felt that the problem, which was common to many countries, should be considered at the international level.

37. Mr. PETROPOULOS (Greece) said that the Committee had been discussing the question of youth from various aspects which, in his delegation's opinion, tended to take it out of its social context, creating too artificial a climate for the proper consideration of the problems involved. His delegation likewise did not agree with the emphasis placed on the organization of youth. A third element of confusion was the tendency to discuss the matter in terms of assessments made in specific countries and to present those assessments as generally accepted standards. In his view, a proper approach to the question of the world social situation of youth should be based on the culture and civilization of the country concerned rather than on administrative decrees; it should be noted in that respect that one feature of classical Greek culture had been the absence of organizational structures for young people that could have fossilized and destroyed ideas. In his delegation's opinion, there was no reason to inflict the organizational habit upon youth and thus substitute the abstract and sterile for the personal and creative. Youth was synonymous with freedom, spontaneity and creative power, and it was necessary to listen to the genuine voice of youth rather than try to reduce it to a mere echo of the established voice.

38. His delegation agreed with those delegations which had observed that the youth of each society had its specific problems, but at the current stage of the Committee's work it would be advisable to establish some general principles and guidelines based on both the inherent characteristics of youth and the great cultures of humanity.

39. Mr. DE LIMA (Brazil) said that more than half of the population of Brazil was under 21 years of age, the age of majority, a fact of major economic, social and cultural significance, and his Government was trying to involve youth in the development process. At the pre-

vious session, his Government had submitted² its comments regarding the implementation of the Declaration adopted in 1965. It had detailed the plans and projects facilitating such participation, and he would not reiterate them now. He wished, however, to refer to some comments made in the Committee, during consideration of item 63, by the Director-General of UNESCO (2024th meeting) concerning a curtailment in the domain of the spirit, the challenge to established culture and the rejection of the heredity, which were the expression of the critical approach of one sector of the population that was beginning to participate in the processes of society and could not accept the reality of an imperfect world and the process of accelerated change. According to the report of the Secretary-General on youth, young people wished to be a part of the solution and not of the problem, and that was the meaning of their growing participation in the developing countries in the work of nation building. Youth must not be treated with antagonism or paternalism, or be granted special rights or entrusted with responsibilities divorced from those incumbent on the rest of the population.

40. His delegation had considered the constructive draft resolution contained in document A/C.3/L.2061 and supported the measures it provided for, feeling that it was the responsibility of Member States to involve youth in the activities of the United Nations and that the initiatives of the Organization for youth could be taken only through Member States.

41. Mr. SADO (Cameroon) said that the interest of the United Nations in the youth problem was a legitimate one because that sector of humanity was the hope of the future and the continuation of the activities currently in progress. The youth problem was of special importance for his delegation because 51 per cent of the total population of his country was under 20 years of age, 44 per cent was between 20 and 60 years of age and only 5 per cent was over 60. In the first age group, 21 per cent was accounted for by young people between 6 and 13 years of age. After the attainment of independence, the Government had noted that the education system established by the Administering Authority, although productive, was not entirely geared to the economic development of the country and that the young people completing their studies each school year could not be integrated into the economy, to say nothing of the drop-outs who swelled the ranks of the unemployed. Moreover, a large part of the adult population was illiterate, and in addition to those factors there was the disproportion between population growth and the increase in earnings in an essentially agricultural economy. In those circumstances, the Government had adopted measures to involve youth in national development, agriculture and handicrafts, and had taken steps to combat illiteracy, in particular through the reform of primary, secondary and higher education. The result had been a considerable increase in the number of school graduates, and a consequent increase in budgetary allocations for education. However, there were still short-comings in the yield of the education system and a large number of drop-outs, particularly in rural areas. A specialized rural pedagogical institute had been set up to cope with the problem as part of a movement towards the ruralization of education, the aim of which was the collective advancement of both

² See A/8782/Add.3.

young people and adults, offering the same possibilities to all, adapting the student to his environment and preparing him for a better life. In the same context, the previous March at Yaoundé an information seminar had been held for administrative and political staff in which 12 delegations from African countries had taken part, and he wished to thank UNESCO, UNICEF and the German Foundation for National Development for their valuable co-operation in organizing that meeting.

42. At the same time, his Government was organizing the social reintegration of those who had not had the opportunity to complete their studies. In pioneer villages established in various provinces, young peasants, after a one- or two-year course, received a diploma and a large parcel of land together with money and modern tools supplied by the State. All of that was, of course, without prejudice to the offer to successful secondary-school graduates of a broad range of possibilities in higher education within an appropriate university framework. The National Assembly had established compulsory national civil service involving participation in development, making youth a determining factor in development at the decisive stage of nation building. Youth exchange programmes with other countries, particularly with Canada, should also be mentioned. They stimulated imagination and creativity and opened new horizons for education.

43. Lastly, he referred to the oppression of millions of young Africans in southern Africa, and called on all Governments to insist that the racist régimes of Pretoria, Lisbon and Salisbury should put an end to their policy of genocide.

44. Mr. SIAGE (Syrian Arab Republic) said that his delegation had given special attention to paragraph 3 of the report of the Secretary-General appearing in document A/9119 and Corr.1, containing the recommendations of the Economic and Social Council—supporting those put forward in the Secretary-General's report in document E/CN.5/486/Summary and Corr.1—referring to the need to ensure that education was more relevant to the preparation of youth for full participation in all aspects of life and development and to increase youth's opportunities for employment and for full participation in all aspects of national and international life.

45. In Socialist Syria, youth participated fully in all aspects of national and international life, and the great majority of the leaders were young. Young Syrians were grouped into two popular organizations: the National Union of Students of Syria and the Union of Youth for the Revolution. The activities of those two organizations included participation in various regional and international meetings and the organization each year of a work camp enabling thousands of young people in various countries to become acquainted and further their ideal of peace based on justice and the right of all people to self-determination.

46. Concerning the establishment of the *Ad Hoc* Advisory Group on Youth to advise the Secretary-General regarding activities to be carried out by the United Nations to meet the needs and aspirations of youth, he said that his delegation had proposed to the General Assembly at its twenty-seventh session that, to strengthen communications between the United Nations and youth, the message addressed to the General

Assembly by the World Youth Assembly,³ held at Headquarters from 9 to 17 July 1970, should be acted on, in other words, that such an assembly should be held every two years on a democratic basis. He asked what had happened with respect to the application of that resolution and why the Organization had deviated from the express will of young people and sought other means. His delegation stressed yet again the need to convene a new international youth assembly, preferably in a third-world country.

47. Mr. TAKAGI (Japan) said that the item under discussion was of great importance to all countries at a time when social, economic and cultural values were changing. Recognizing the importance of the problem of youth, the Japanese Government had decided to assign to the Prime Minister's office the role of planning and co-ordinating government action in that field. The government programme was intended to enable young people to enjoy more advantages in every sector of life, including education, culture, employment, health and cultural and social activities. For example, his Government had put into effect in 1970 the Working Youth Welfare Law, which was designed to increase the opportunities of young people for vocational training and which also provided cultural activity centres for boys and girls who had left home and taken jobs in other cities. In the field of education, over 99 per cent of Japanese boys and girls finished nine years of compulsory schooling, over 80 per cent attended junior high schools and over 20 per cent entered a college or university. As to the employment of youth in Japan, there was no serious unemployment among the younger generations. Rather, there was a serious shortage of young workers: since Japan lacked almost every kind of natural resource, it necessarily made the maximum use of its human resources.

48. Another activity in that field which his country was emphasizing was the development of international co-operation among young people. It was important for the Japanese people to be well educated and internationally minded, so that they could contribute further to the peace and prosperity of the world; that was a very significant development because, until about a century ago, Japan had been almost completely isolated from the rest of the world for more than 300 years. Hence the Government of Japan had initiated a programme for sending abroad groups of young people selected from various social strata, including students, workers, farmers and representatives of youth organizations, to enable them to have the widest contact with foreign cultures and peoples. His Government had also inaugurated in 1965 the overseas technical co-operation volunteers programme in order to send young technicians to developing countries upon the request of the latter, and to enable them to co-operate in the social and economic development of the host countries. It was gratifying that the programme had proved useful as a means not only of advancing economic and social progress in the host countries but also of promoting better understanding and international friendship in general. In his delegation's view, co-operation between peoples and the promotion of international friendship could best be begun with youth, and that kind of youth exchange might pave the way for increased respect for human rights and fundamental freedoms throughout the world.

³ See *World Youth Assembly*, document 56/WYA/P/10.

49. Mr. OLIPHANT (Botswana) said that the environmental and sociological factors entering into the problem of youth should be examined against the background of that section of the community, which felt ostracized because of the inability of adults to understand its problems and aspirations. The greatest endowment that youth could hope for was a sense of genuine identification with their community, as might be deduced from part one of the Secretary-General's report (E/CN.5/486 and Corr.1).

50. As to the problem of unemployment among youth and, in the light of two conferences on youth held respectively in Kenya two years earlier and in Zambia in April 1973, that problem would appear to be universal, and common to both developed and developing countries. The difference, however, as rightly shown in the Secretary-General's report, was that the conditions prevailing in the developed countries rendered a solution possible, whereas in the developing countries such conditions were only just becoming discernible. In his country, 300 in every 1,000 children who sat for the final examination in primary school either went on to secondary education or were absorbed by the labour market. The remainder were doomed to a life of idleness, mainly because the school curricula were too academic. Those children, added to the thousands who dropped out during the primary school years, invaded urban areas, swelling the number of vagrants and ending up with the usual feeling of frustration. Botswana had had to resort to the informal training of artisans, who were needed in the country's developing economy. The brigades responsible for such training were organized by communities offering three-year in-service training courses. In order to meet the need to improve conditions in the rural areas, a National Youth Council had been established, in which voluntary organizations participated, for the purpose of co-ordinating the activities in question. Attention was focused on village youth committees in which both adults and young people participated. Youth rallies were organized throughout the year as a preliminary to an annual rally which was held in the capital and which featured cultural and sports activities and craft exhibitions; in addition, the committees encouraged the formation of youth clubs whose programmes were designed to boost the image of youth, to help them acquire an identity and achieve a measure of economic independence, and to promote the dignity of rural life.

51. The future of school drop-outs lay in vocational training. In the area of technical training, the developing countries could benefit from training programmes undertaken in the countries themselves instead of abroad. He hoped that the United Nations would help with organizing training programmes intended for the

developing countries, backed by teams of technical personnel and carried out in those countries wishing to take advantage of the scheme. Such a programme would greatly contribute to solving the problem of youth.

52. Mr. ALI (International Labour Organisation), speaking at the invitation of the Chairman, said that youth employment was a major preoccupation in most developing countries. The comprehensive employment strategy missions, under the World Employment Programme that had been carried out in countries of Latin America, Africa and Asia, had devoted special attention to that problem.

53. Another important problem was that of the minimum age for admission to employment. During the period 1919-1965, 10 ILO conventions relating to that question had been adopted. At its fifty-eighth session, the International Labour Conference had considered that the time had come to establish a general instrument with a view to abolishing child labour. The new Convention (Convention No. 138 concerning Minimum Age for Admission to Employment⁴) stipulated that the minimum age for admission to employment should not be less than the age of completion of compulsory schooling and, in any case, should not be less than 15 years.

54. With regard to vocational guidance and vocational training, a group of UNESCO and ILO experts had met in October 1973 at Geneva for the purpose of reviewing the recommendations of the ILO and UNESCO in that area in the light of recent changes in law and practice. The experts' report stressed that the objectives of guidance and training should not be defined too narrowly in terms of the economy, and that, in connexion with technical and vocational education, too much emphasis should not be placed on the activities of the school system, with neglect of preparation for work as well as training outside the system of formal education, especially organized learning in employment. Priority should also be given to the introduction of technical and vocational aspects into general education. The experts had further taken the view that the new ILO instruments should cover training programmes for rural areas and for those branches of the economy in which there had been little systematic training.

55. At its 1974 session, the International Labour Conference would consider new standards for human resources development, vocational guidance and vocational training.

The meeting rose at 1.10 p.m.

⁴ See International Labour Office *Official Bulletin*, vol. LVI, 1973, No. 1.

2030th meeting

Friday, 16 November 1973, at 3 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2030

AGENDA ITEM 62

World social situation of youth: report of the Secretary-General (*continued*) (A/9003 and Corr.1, chap. XXI, sect. A.8; A/9119 and Corr.1, A/C.3/L.2052, A/C.3/L.2061-2063, E/CN.5/486 and Corr.1, Add.1 and Add.1/Corr.1 and E/CN.5/486/Summary and Corr.1)

1. Miss TROPP (United Nations Educational, Scientific and Cultural Organization), speaking at the invitation of the Chairman, said that, in view of the limited time available to the Committee, she would merely give some information about the Second International Free Forum on the Role of the University in Society, which was to open at UNESCO House on 19 November. Thirty young people from as many countries in every region—including African representatives of national liberation movements—would discuss key issues in education, science and culture among themselves and in public debate with specialized journalists, concentrating on the following subjects: youth and the development of science and technology; schools and higher education; student and youth movements in relation to established institutions, national and international; and the meaning of the word “youth” in today’s world. A major purpose of the Forum was to help world-wide youth movements to establish closer relations, to become aware of different approaches to their common concerns and to clarify their objectives and programmes regarding educational innovations, changes in society and youth participation in development. The Forum would aim at encouraging a free exchange of ideas and action programmes among youth movements in order to arrive at a better understanding of contemporary thought and at discussing possibilities for co-ordination on common problems.

2. The agenda for the Forum had been drawn up in consultation with young people from 13 countries, developed and developing. The theme of the Forum was the role of the university, but in view of the fact that student movements usually acted as a detonator or as a focal point for wider social and political action, the implicit central question would be why and how youth had come to take such an important place in modern society and in the reappraisal of social and political institutions.

3. In their consideration of the question of schools and higher education, the members of the Forum would address themselves to the following questions: what were the “internal” problems of the university which sparked off the student movements; what was the significance of the university crisis of the present day; did the education system meet universal needs and make it possible to attain universal objectives, or did it rather serve the interests of a dominant social group; and, in the light of the foregoing question, how had the action of the student movement developed in relation to the

academic authorities. Public debate with specialized journalists would concentrate on the question “Should the school system be destroyed and replaced by another?”, which was the central question in a recent UNESCO study entitled “Learning to Be”.

4. The discussion on youth and the development of science and technology would be particularly concerned with two questions: namely, whether those involved in science and technology would be neutral, and the question of science and power. Public debate with science journalists would centre on the question “Whom does science benefit?”.

5. The members of the Forum were particularly concerned with the relationship of student and youth movements to established authorities, both national and international. Their debate on that subject would focus on the economic dependence of the countries of the third world and young people’s campaigns in developing countries and in the ghettos of industrial cities, and they would ask themselves if youth movements in the third world and those in the industrialized countries were moving in the same direction.

6. Lastly, addressing itself to the very meaning of the word “youth”, the Forum would try to explain why and how youth movements had developed, why and how political, economic and cultural institutions had a specific policy for youth, why and how youth had been the principal sounding board for the major problems of the contemporary era, and whether youth was a monolithic bloc or was divided by different social and political beliefs and cultural values.

7. Mr. EVDOKEEV (Union of Soviet Socialist Republics) stressed the importance of youth in a world in which the scientific and technical revolution was opening up real possibilities for progress in every field of development. The realization of those possibilities, however, depended to a great extent on the solution of international problems and of the economic and social problems of individual countries and it was essential to create a propitious climate for the full development of youth, in particular by putting an end to the arms race, massive unemployment and social inequality.

8. In the USSR, where socialism had made it possible to bring about those conditions and where youth had lived for the preceding few generations in an expanding economy, the education and general development of youth had shown great progress.

9. His country had managed to protect young people—at an age at which they were still vulnerable and easily influenced—against the propaganda of violence, militarism and national and racial hatred and against the amorality which was unfortunately propagated by the mass information media in certain countries. On the contrary, it inculcated in them respect for work for society and for cultural values, and also ideals of peace, mutual understanding among peoples, dem-

ocracy and progress, thus developing high moral and spiritual qualities in them.

10. His Government made education accessible to the greatest possible number of people and to all sectors of the population. During the scholastic year 1972-1973, 81 million people, most of them young, had received an education. In 1971-1972, 4.4 million pupils had attended secondary technical institutes, which trained highly qualified specialists for the national economy, while in 1972-1973 there had been 4.5 million students attending institutes of higher education; girls had accounted for 53 per cent and 49 per cent, respectively, of the total strength of those institutes. The availability of education was such that the social structure of the students reflected that of Soviet society. Moreover, there were hundreds of libraries, cultural centres, theatres, cinemas and museums available to young people.

11. There were many publications in the languages of the different nationalities of the Union; those languages were also used by the other mass information media in spreading the education and culture of the various ethnic groups.

12. The education of the young and the development of their abilities was not confined to schooling. The active participation of young people in public life was a condition of the training of their personality as citizens, workers and creators. It was therefore essential that no discrimination should be tolerated, particularly in the working conditions and payment of young people.

13. His country had had a great deal of experience in the creation of the proper conditions for adapting young people to a productive life. With that end in view, the administrative authorities of the enterprises, trade unions and youth organizations took steps to give young workers material and moral encouragement. It was noteworthy that young people took an active part in the working of the natural resources in Siberia, the Ural and Kazakhstan, for example. The Soviet people were proud of their young people, who were the worthy heirs of their predecessors.

14. Young people also took an active part in political and public life. Under the USSR Constitution, all citizens, without discrimination, had the right to vote at the age of 18 and became eligible for election at the age of 23. More than 618,000, or 28.2 per cent, of the deputies elected to the local Soviets in June 1973 had been less than 30 years of age. The Union of Young Leninist Communists of the USSR played a large part in the preparation of young people for an active life. It numbered 35 million young people, from the ages of 14 to 28.

15. With regard to the Secretary-General's report on youth (E/CN.5/486 and Corr.1, Add.1 and Add.1/Corr.1 and E/CN.5/486/Summary and Corr.1), his delegation considered that the idea of having the problems of youth appraised by representatives of young people themselves was a positive feature of the report, which nevertheless had a number of defects. It described the various aspects of the situation of young people outside the context of the complex socio-economic progress of the contemporary era. For example, such phenomena as the Socialist revolutions and the building of socialism in certain countries, the scientific and technical revolution and the rise of the national liberation movements were passed over in silence or simply mentioned. The report rightly concentrated on

the specific problems of youth, but the special nature of those problems arose from the fact that they were indissolubly linked to those of the social groups and organically linked to those of society as a whole.

16. While he did not deny the importance of the psychological aspect of many problems of youth, he believed that the authors of the report had given undue weight to that aspect of the question at the expense of attention to the social and economic condition of young workers. Thus, the report said nothing about the working conditions of young people, their integration in the enterprise, or the work of young women, young migrants and working students. The report could also be criticized for making virtually no mention of the activities of the numerous youth organizations that existed in the world or of their efforts to secure the observance of the rights of young people and to improve their situation. Yet those organizations had demonstrated their experience in that field and at numerous international meetings had presented programmes proposing solutions to the social and economic problems of the young generation.

17. However, his delegation wished to express its satisfaction at a number of the report's conclusions, in particular the one concerning the need to remove the barriers that existed between the relatively small number of young people belonging to the privileged strata of society and the great majority who did not have equal access to education and economic advancement. It also endorsed the recommendations regarding, among others, equal access to education, discrimination in employment, and the principle of "equal pay for equal work", as well as the recommendation that young people in rural areas should benefit from agricultural reforms on an equal footing.

18. In conclusion, he said that the solution of the problems facing young people today was one of the conditions for the economic and social advancement of the different countries and their development in all fields and that the United Nations had a role to play, in that respect, in the exchange of information and experience.

19. Miss LANDABURU (Spain) said that the interest taken in the question of the social situation of young people throughout the world was due to the fact that progress and social peace depended on the balanced participation of all generations in the life of the nation. As the Committee had recently adopted a draft resolution, on agenda item 58 (A/C.3/L.2051/Rev.1), in which Governments were recommended to enhance the contribution of the elderly to social and economic development, it was logical that it should now be considering the question of the participation of young people in political, economic and social activities. Without the non-conformism and even the challenging attitude of the young, society would become sclerotic. The participation of young people in national affairs differed in each society, however, and depended on a number of factors such as the age structure of the population or the level of development of the society in question.

20. If that participation of young people in the advancement of society was to take place in the best possible conditions, suitable preparatory measures had to be taken particularly with regard to health, family life and cultural formation—school and occupational or university—and young people had to be given increas-

ing responsibility in sports, school and social activities in which they took part. Young people must feel that they were helping to change and to mould society in accordance with their aspirations. Spain's policy in respect of youth was aimed along those lines: the formation of physically and mentally healthy young people, free general education at all levels, according to the aptitudes of the individual, the strengthening of the family by giving it the necessary means to enable it to play its part; and the aggressive and active participation of young people in youth activities and in the political, social and economic activities of the country.

21. With regard to the report on youth prepared by the Secretariat, she considered that it would be advisable, in future, to use more widely representative data in order to reflect the different situations existing throughout the world.

22. Her delegation would support any draft resolution which, in accordance with the principles she had mentioned, would encourage and facilitate the active participation of youth in the life of their country and in the implementation of the ideals of the international community on which the Charter of the United Nations was based.

23. Mr. VALDERRAMA (Philippines) said that from the very beginning of the history of the Philippine nation youth had played an important role in public affairs, and the greatest heroes of the Philippine revolution had been very young men. That traditional involvement of Philippine youth in public life had acquired new urgency since statistics indicated that by 1975 almost one half of the population would be below the age of 19. Because of the importance that the Philippine Government attached to the role of youth in national life, it had lowered the minimum voting age to 18. Citizens as young as 15 years old were obliged to participate in the Citizens' Assemblies in which local and national issues were discussed and decided and in the referendum that had ratified the new Philippine Constitution. Young people occupied ministerial posts, took part in international conferences and were members of the Philippine delegation to the United Nations.

24. His delegation was gratified to note that the United Nations was giving increasing attention to the problems, needs and aspirations of youth of the world and it welcomed the report of the Secretary-General on that subject. On the whole, it could subscribe to the conclusions given in the report, bearing in mind the limited nature of a survey covering only 14 countries. With regard to the Philippines, however, and more particularly education in that country, he wished to correct the wrong impression that might have been given by the statement of an individual Philippine student to the effect that the best schools were still largely limited to the élite class (see E/CN.5/486 and Corr.1, para. 62). The Philippine system of education was far from perfect but it had produced one of the most literate populations among the developing countries with a literacy rate of over 75 per cent. Recognizing the need to adapt education to the manpower demands of the economy, the Government had embarked on a reform of education oriented to the goals of technology but anchored on the principle of liberal education. In order to offset the serious consequences of unemployment and underemployment among youth, the Government had given high priority to expanding employment opportunities for

young people, and training programmes for out-of-work youth in rural and urban areas had been organized by the Department of Social Welfare and the National Manpower and Youth Council of the Department of Labour, with the assistance of the ILO and UNICEF. Those programmes sought to introduce innovations in the educational system as recommended in the Secretary-General's report.

25. With regard to action to be undertaken at the international level, the United Nations should continue to concern itself with the problems of youth and to take dynamic initiatives on their behalf. It should make a calm and candid survey of the situation of youth in order to forge policies and programmes that were responsive to their needs and aspirations. In that connexion his delegation looked forward to discussing at the twenty-ninth session of the General Assembly the conclusions and recommendations of the *Ad Hoc* Advisory Group on Youth.

26. In conclusion he read out extracts of a recent work by the President of the Philippines, *Notes on the New Society of the Philippines*, which stressed the importance of education and culture for the realization of the goals of the revolution and said that the Government fully subscribed to the conclusions (see A/C.3/L.2052) reached by the Seminar on Youth and Human Rights held at San Remo in August.

27. Mr. ACEMAH (Uganda) said that his delegation attached great importance to the item before the Committee and to the need to prepare young people, who represented a substantial percentage of the population in his country, to serve effectively the society of which they were a part.

28. In Uganda young people had shown an exemplary sense of dedication, co-operation and responsibility in tackling many challenging tasks. Through voluntary youth organizations they had undertaken a number of self-help projects such as the construction of roads, homes for old people and schools, water development projects for rural areas, and adult literacy campaigns. That experience had convinced the Ugandan Government that given the chance youth today could play an important role at the international level. Young people, disappointed by the injustice and inequality that characterized the present-day world, affirmed that social, political and economic change was needed if the current situation was not to have disastrous consequences for the international community, and they were prepared to place themselves at the service of mankind.

29. His Government had sought to develop an educational system more relevant to the country's needs and more in line with its social and economic goals and the aspirations of its youth. It had shifted emphasis from élitist education to a more practical form of training. Such subjects as agriculture, carpentry and domestic science had been introduced in the primary and secondary schools. Young people were being encouraged to attend technical schools, agricultural institutions and vocational training institutions to learn skills which were required for national development.

30. The Secretary-General's report on youth highlighted many of the problems facing young people today, especially in the developing countries. The question of employment, unemployment or underem-

ployment continued to be a major concern for the Governments of those countries. The views of young people on that matter should be taken into consideration, and young people should participate in the planning and execution of educational and employment programmes designed for them.

31. Mrs. MANDARA (United Republic of Tanzania) stressed that the problem of youth was a universal one: the various forms which it assumed depended largely on the different types of society in which young people lived. All countries were experiencing the problem of unemployment and that of deciding what education should be provided to young people to enable them to play a role in society and in the international community. In that connexion, her delegation noted with satisfaction that the Secretary-General's report on youth took up the ideas set out by the President of the United Republic of Tanzania in the Arusha Declaration, to the effect that an educational system should foster the social goals of living together, and working together, for the common good, and prepare young people to play a dynamic and constructive part in the development of a society in which all members shared fairly in the good or bad fortune of the group, and in which progress was measured in terms of human well-being (see E/CN.5/486/Add.1 and Corr.1, para. 205).

32. In the United Republic of Tanzania, 98 per cent of the population lived in rural areas; consequently, stress was laid on rural development, the establishment of small-scale industry and the improvement of cultivation methods. Those efforts were aimed at preventing the flight of young people towards the cities, and qualified young people were urged to return and place their abilities at the disposal of the rural population.

33. Her delegation endorsed the conclusions reached by the Seminar on Youth and Human Rights, held in August in San Remo, and would give its support to any resolution on youth which was submitted.

34. Mr. TUMI (Libyan Arab Republic) said that the Libyan Arab Revolution spared no effort to provide young people with the experience and training they required to undertake their responsibilities both towards themselves and towards their nation. Internationally, Libyan young people committed their energies to strengthening the bonds of friendship among the youth of the world, and took part in exchanges of ideas aimed at furthering the cause of peace and brotherhood. To that end, the Libyan Arab Revolution had in 1973 established a youth hostels organization.

35. Libyan youth bore major responsibility for the management of all the country's affairs. The members of the Revolutionary Council were all young—at the time of the Revolution in 1969, none of them was more than 29 years of age. Libyan youth was committed to seeking brotherhood, prosperity, peace and international justice without bloodshed. In order to achieve those objectives, young people must be guaranteed complete political, economic and social freedom: it was only in that context that they could demand measures designed to liberate the peoples of the world from colonialism, domination and racial discrimination. Moreover, the activities of young people should be co-ordinated within various international youth movements. All peace-loving nations and peoples should devote all their efforts to the cause of youth, especially

those who suffered from persecution, intimidation, torture and imprisonment in Palestine and in the other Arab territories occupied by the Zionists, who were armed by the United States.

36. In pursuance of resolutions on the question of youth adopted by the General Assembly at its twenty-seventh session, the Libyan Government had convened two international youth conferences: the first, held in Tripoli from 14 to 17 May 1973, had brought together Arab and European young people and young representatives of the national liberation movements, while the second had been a conference of youth of the Islamic world. Those conferences had achieved progress towards international understanding among young people of different political and ideological backgrounds, giving them an opportunity to express with all frankness their opinions on many domestic and international issues.

37. Mr. CHAVANAVIRAJ (Thailand) said that his delegation attached great importance to efforts to promote the participation of youth in society. It believed that in his report the Secretary-General had succeeded in presenting a useful outline of the complex subject before the Committee. His delegation was in full agreement with the suggestion in part one of the report (E/CN.5/486 and Corr.1) that youth should play a more significant role in society—that was what was meant by the concept of "participation". It was essential to ensure greater communication and mutual understanding between adults and young people, so that the young should not feel excluded from society's activities.

38. He stressed the increasingly important role played by young people, and especially by students, in his country. Young students from various universities had formed a movement which, through voluntary activities in the field of community development, was helping to implement the Government's policy on national development. The recent creation of the National Student Council of Thailand had provided young people with an opportunity for greater participation in the formulation of national policy; through that Council, they were able to express their views and propose remedial measures for certain political, economic and social problems and other national issues of great importance. The Council was being transformed into a federation open to all students from every province of the country, thus widening its influence as well as its responsibilities. However, the students did not consider themselves politicians: they wished to be the "conscience" of society and to help in efforts aimed at achieving the national goals of democracy, economic progress and social justice.

39. His delegation was gratified to note from the Secretary-General's report that today's young people were more concerned with international issues than previous generations had been, since that aspect of the subject was very important for the establishment of a lasting world peace. To that end, young people should be given every opportunity to learn and understand more about the United Nations and its purposes and activities. Encouragement should also be given to the organization of international youth seminars under United Nations auspices, such as that held at San Remo, so as to enable young people from various countries to exchange views on international issues and to

work together towards a common goal which would be beneficial to all mankind.

40. Part two of the Secretary-General's report (E/CN.5/486/Add.1 and Corr.1) indicated that the over-all education situation was not adequately meeting the needs and aspirations of youth. His Government was aware of the problem, and was continually re-examining and readjusting its educational system to ensure that it was related to the needs of young people and that it adequately prepared them for employment possibilities and other requirements of national development. In that connexion, he stressed that his country had long practised a policy of full equality of opportunity in education, excluding all forms of discrimination. As a result, in many university faculties women students outnumbered the men, and many leading personalities in the business and educational sectors were women. In addition, youth leaders of both sexes in the National Student Council came from different social and religious backgrounds. Scholarships were offered by the Government to aid students from less privileged backgrounds, both at the secondary and at the university level. Furthermore, in an attempt to ease the problem of migration of young people towards the cities, various regional universities had been set up which, each year, admitted without entrance examination the top 10 per cent of secondary school-leavers in their region. Finally, the Government placed great emphasis on the vocational training of youth throughout the country.

41. Turning to the question of the health and nutritional needs of young people, also referred to in part two of the report, his delegation was of the opinion that the problem of drug-abuse had not been given proper attention. In view of the scope of the problem and its effects on the physical and mental health of young people, even societies which had not yet been affected by the problem should develop effective preventive measures. His delegation consequently hoped that a more thorough study of the problem would be made within the framework of future work on youth by the Committee.

42. Lastly, he said that his delegation found itself in general agreement with the proposals for action contained in part three of the report (E/CN.5/486/Summary and Corr.1), and would carefully consider any actions and measures to be initiated by the Committee which would satisfy the needs and aspirations of youth.

43. Mr. CARPENTER (Nigeria) said his delegation welcomed the Secretary-General's comprehensive report on youth and subscribed fully to its recommendations.

44. His Government had done much to enable young people to participate fully in the public affairs of the country. Although, as a matter of national policy, education was not free and compulsory, it had always been given very high priority in national development plans. Numerous scholarships were granted to students in difficult financial circumstances and there was even a national fund from which private students could obtain loans. On the social side, the Government had established a National Youth Council to stimulate the interest of youth in activities which would prepare them for life as adult citizens. Other organizations had been established in various fields, such as sport, to encourage

full participation by youth in national affairs. He pointed out that there was a shortage of manpower in Nigeria, so that, unlike in other countries, young people had no difficulty in finding employment corresponding to their abilities.

45. However, his delegation wished to call the Committee's attention to the fact that the question of the fundamental rights of youth was not limited to enabling young persons to participate fully and actively in the life of the community: they must also be given the means to lead healthy and, above all, useful lives and the problem of protecting young people against some of the products of the unscrupulous and materialistic modern world should be seen in that context. All were agreed that modern weapons posed a real threat to human existence, but drugs, for example, were just as dangerous and could threaten the very existence of the human race if young people, who did not readily appreciate their dangers, were not protected against criminals who had no hesitation in offering drugs free to children in order to build up a paying clientele. His delegation was therefore glad to note that the Secretary-General had focused on that problem in part two of his report and that, in particular, he had called on Governments to make unrelenting efforts to control the manufacture and distribution of drugs liable to lead to misuse and addiction. The Nigerian Government had already taken concrete steps to that end.

46. Another health problem was rural health. In all developing countries, where resources were limited, priority was given to the establishment of health services in the areas of highest population density and, as a result, the rural areas were neglected. Unfortunately, it was in those very areas that health problems among youth were most acute; ignorance, the prevalence of disease and low living standards gave rise to a very high infant mortality rate. The developing countries were not able to cope with that problem alone, and his delegation appealed to WHO to provide them with all possible assistance in that regard.

47. Mr. ROPOTAN (Romania) introduced draft resolution A/C.3/L.2061 on behalf of the sponsors. The title of the draft resolution did not call for comment, since it expressed exactly the goal of the relevant United Nations resolutions on the question of youth listed in the first preambular paragraph. The second preambular paragraph called attention to the complexity of the young generations' problems; the third showed that the sponsors considered the Secretary-General's report to be a solid basis for future work; the fourth and fifth preambular paragraphs indicated some of the areas in which young people experienced problems, particularly as a result of the inequitable distribution of wealth and services, and emphasized the role the United Nations should play in promoting participation by young people, in the light of the goals of the International Development Strategy. The remaining preambular paragraphs concerned the additional measures which should be taken at the national and international levels to define and secure the rights and responsibilities of youth, and the need for more harmonious development of the United Nations activities concerning youth.

48. Operative paragraph 1 reflected the satisfaction felt by many delegations at the conclusions and proposals for action in the Secretary-General's report. Paragraph 2 was an appeal to Member States to take all

the measures necessary, as summarized in subparagraphs (a) to (d), to implement those proposals and the principles contained in the relevant international instruments. Paragraph 3 reflected the belief that any action would be ineffective unless account was taken in drawing up programmes of the ideas and opinions of youth itself or of youth organizations. The concerted review and appraisal of the activities of international, regional and non-governmental organizations should improve co-ordination and enable all involved to identify more easily those aspects of the question to which priority should be given, at the same time as it helped Governments to keep themselves better informed of the problems of young people. Further, by enabling youth to play a more effective role in promoting economic and social development and peace in the world, the effectiveness of the measures taken in favour of youth would itself be enhanced. Paragraph 4 stressed the particular role of youth in the life of society, and paragraph 5 the importance of regional and international meetings on the major problems of concern to the young generations; the action which should be taken in various matters with the participation of States would reveal the existence of new problems and ways of incorporating special youth programmes in the programmes of international organizations as well as increasing young people's interest in the United Nations. As to paragraph 6, the sponsors had felt that the Commission on Human Rights was the body best suited to examine the question of the advisability of an international document, which might take the form of a declaration defining the status of young people in modern society and designed to influence social policies and programmes for youth; the document could recommend priorities in the light of the special situation of the different countries with regard to education, social integration, wages and social welfare and assistance, as well as with regard to the participation of young people in social and political life. Such a document would help to eliminate the continuing discrimination against youth in various parts of the world. An effort should also be made to define more clearly the institutional framework for society's concerns about youth. Finally, paragraph 7 requested the Secretary-General to continue to study the situation of youth.

49. Mr. DAMMERT (Peru) said his delegation attached great importance to the question of young people and to everything related to their problems, aspirations, social situation, needs and education. The Secretary-General's report was quite comprehensive and gave a picture of the situation of youth in various parts of the world which showed that its aspirations, social situation, problems and requirements varied from country to country, depending on the country's circumstances and experience in economic, social, cultural, historical and political matters. His Government considered that education played a fundamental role in the efforts to instill in the young generations respect for human rights and fundamental freedoms, to ensure their active participation in national development and international co-operation and to arouse in them an awareness of national characteristics in the socio-economic, political, historical and cultural fields. Accordingly, the Government had promulgated an education act in order to break up the old structures and do away with foreign systems. The act, which was profoundly humanistic and genuinely democratic

in intent, acknowledged the dignity of all human beings whatever their origin, ideas or social situation, on a basis of equality and solidarity, as well as respect for the autonomy of every individual and his absolute right to control his own destiny in a context in which his aspirations could be fully realized. Thus, the act linked education to work, which was seen as an exercise in solidarity and a way for the individual to fulfil himself by producing goods or providing services required by the community. The principal goal was to create a social democracy in which every individual would participate fully once the individualistic and egoistic factors which had long prevailed in the Peruvian educational system were eliminated.

50. The differences between the aspirations and the needs of young people in the various countries of the world were due to a large extent to the differences between the developed and the developing countries and, in other cases, were linked with political situations or inhuman social injustices, such as colonialism, racial discrimination and *apartheid*.

51. It was clear from the Secretary-General's report on youth that in the developing countries the situation with regard to school and university education, employment, health and nutrition was not up to the standards to which every human being aspired.

52. His delegation fully endorsed the conclusions of the Seminar held at San Remo and the proposals contained in the Secretary-General's report.

53. Mr. AROFF (Malaysia) said that his delegation fully supported the suggestions and observations contained in the excellent report by the Secretary-General. Youth in his country constituted approximately 60 per cent of the population. Malaysia was a multiracial country and was vigorously building a united nation and a national identity. In that effort, the young people had a very important role to play, for it was through them that the prejudices and other obstacles impeding efforts for unity would be eliminated; their idealism and dynamism were a constructive force which could strengthen national solidarity and identity. It was with that idea in mind that Malaysia had established a Ministry of Youth, Culture and Sports which was responsible for assisting and guiding young people and preparing youth programmes and projects. It had thus been possible to make great strides, and, through the national youth organizations, young people had been able to demonstrate their ability and so gain public support in coping with their problems. Training centres had been established in various fields. In addition to providing training, in the strict sense of the term, they were to serve as the nerve centres for all local youth activities. The participation of young people themselves in all activities undertaken for youth was essential.

54. Several bodies had been established by the Government, at the practical action level or at the consultative level, in order to encourage a dialogue between youth and the Government and to ensure the participation of young people in the development process, both at the planning and decision-making stage and at the implementation stage. In addition, several national associations had been regrouped to form a regional association with a view to facilitating exchanges of views and experience. Furthermore, close relations had been established with international youth movements, and a youth exchange programme had

been organized between Malaysia and Canada; other programmes were to follow. Such visits would no doubt help to promote greater understanding and co-operation between peoples, and other countries should perhaps follow that example.

55. Miss BIHI (Somalia) said that her delegation attached great importance to the item under discussion. Young people, who constituted more than one third of the world population, would be the leaders of tomorrow. It was therefore essential to ensure that they were given the training and education which would enable them to realize fully their intellectual, moral and physical potential and thus prepare them to play a role in the political, economic and social life of the societies in which they lived.

56. Although the problems faced by youth differed according to the region, their aspirations—to live in peace in a world free from hunger, the domination of man by man, discrimination, fear, hatred and prejudice—and their needs and goals—to contribute to the realization of such a world order—were in general the same.

57. In Somalia, where, since the revolution of 1969, it had been the basic aim of the Socialist régime to institute a society based on labour and the principle of social justice and equality, the role of the young had undergone a radical change. Because of the scarcity of the country's resources and the enormous difficulties it had to surmount, all forces had been mobilized. The national development plan had provided for the participation of young people in community development programmes, agricultural self-help projects and decision making at all levels. Furthermore, education up to the advanced level was free of charge, and, in order to alleviate the flow of rural youth to urban areas, training centres with special emphasis on agriculture, construction and community work had been successfully established.

58. As had been stated, the problems faced by youth could not be divorced from the social context from which they flowed. It was disturbing to note that hunger, illiteracy, malnutrition and unemployment were the most serious problems facing the vast majority of the young. Moreover, in the colonial countries, the very existence of the young was endangered. The dangerous situation created by *apartheid*, Portugal's colonial wars, the Smith régime and Israel's expansionist forces affected the welfare and security of millions of young people.

59. Her delegation, like other delegations, supported the conclusions contained in the Secretary-General's report, so that the United Nations might evolve new and effective measures to ensure a better world system, a system which took account of the role, needs and aspirations of youth.

60. Mr. DESBIENS (Canada) said that in all countries, whatever their level of development, young people were seeking and aspiring after greater participation in all areas of the life of society. Youth was gaining an increasing awareness of itself, of its existence as a distinct entity and of the role it should play in the politico-economic and socio-cultural activities of the national and international community. That desire for participation was an intrinsic characteristic of youth. The channelling of its vast potential, which must be

placed at the service of society, could only be effected through a meaningful contribution to the development of society, and youth should be given an opportunity to express its ideas and opinions, because it could inject new life into the values of society.

61. The report under consideration was a valid attempt to study the situation and aspirations of world youth. Despite the distinction drawn between young people in industrialized countries and those in developing countries, it suffered from excessive generalization, and its recommendations would have gained by being more specific and precise. Governments were asked, in that report, to give young people better opportunities for self-realization and employment and to give them a larger part in the decision-making process. Canada had already adopted measures to that end by establishing, in 1971, the "Opportunities for Youth" programme, the purpose of which was to provide summer jobs for young people; the previous year, some \$40 million had been invested in 4,300 projects which had provided work for 36,000 young people. The programme also placed emphasis on the participation of youth in activities which brought it into contact with the life of the community and aimed at stimulating a spirit of initiative in the young. Canada also participated in youth exchange programmes at the bilateral level with several countries and at the international level within the Agency of Cultural and Technical Co-operation and the Commonwealth. Under the Agency programme, the Government had agreed to act as host to the first international festival of French-speaking youth, which would be held at Quebec in 1974 and would bring together young people from different cultures.

62. Canada attached great importance to the constant improvement of the situation of youth at both the national and the international level and would spare no effort to attain that objective.

63. Mr. VIGESTAD (Norway) expressed satisfaction with the Secretary-General's report, which rightly drew attention to the aspirations, needs and social situation of young people. Currently, owing to the breakdown of traditions, it was urgently necessary to explore means of meeting the needs of youth more effectively.

64. His Government attached great importance to the world social situation of youth and endorsed the concept of increased youth participation in the decision-making process at the local, national, regional and international levels. Thus, since 1971, the Norwegian delegation to the General Assembly had included youth representatives; the latter were able both to become familiar with the work of the United Nations and to express their points of view on the questions considered by the Assembly. On the regional level, the activities of the Council of Europe offered an encouraging example of youth participation.

65. As was noted in the Secretary-General's report, young people's needs and aspirations must be examined within the context of the economic and social situation. Unless measures were taken to stimulate development and to achieve a more equitable distribution of wealth both within and among nations, there was no hope of providing a better future for the younger generation. In his delegation's opinion, the primary concern of the United Nations should be to encourage young people to participate actively in national development efforts during the Second United Nations Development

Decade. In that regard, the United Nations Volunteers programme would offer one possibility.

66. Although the rate of population growth was not the only obstacle to development, there was good reason to believe that the success of efforts to resolve other important problems would depend to a large extent on the measures taken in that field. His delegation was therefore happy to note the increased attention being accorded to population questions in both developed and developing countries. Young people should be given an opportunity to express their ideas on how the objectives of the World Population Year should be achieved, because it was of critical importance to take account of the opinions of youth when defining the basic orientation and strategy for population programmes.

67. A problem which deserved international and national attention was the employment situation for young people. As stated in the Secretary-General's report, the problem might become the most serious socio-economic issue of the 1970s. It existed in the industrialized economies, but was more acute in the developing countries, where 35 per cent of urban youth was reported to be unemployed. Closely related to the problem of unemployment was the question of education and training. There was a need for educational systems that would meet the needs and aspirations of youth, who were experiencing increasing frustration because of the inadequacy of education in meeting their need for employment possibilities.

68. The social situation of youth was an integral part of the general social situation of the society. Any action concerning the social situation of youth should therefore be undertaken as part of a concerted effort to tackle a series of complex problems simultaneously.

69. Mr. KRISHNAPPA (India) said that the existence of a youth problem was universally recognized, although suggestions regarding ways of solving the problem might vary. Perhaps because of the constant progress of technology, young people throughout the world felt certain that the human mind had no limits but, at the same time, doubted whether society and the preceding generations had been able to "deliver the goods". As a result, traditional values and concepts were being questioned.

70. In India, young people were seeking not only a bigger share in the implementation of policies but also the right to participate in policy making. Like other developing countries, India, with its limited resources, had to cater to an expanding spectrum of demands. As he had remarked during the discussion of the item on the elderly and the aged, the Government had to make sure that the various programmes fitted into a national pattern so that projects in one field did not aggravate problems in another field. His Government had therefore recognized the need to solve the problems of youth rapidly. The Indian National Commission for Co-operation with UNESCO had launched a project on education for international understanding. In order to provide young people with fuller participation in the planning and implementation of development, India's economic plans included programmes for supplementing out-of-school activities, youth participation in community service, promotion of facilities for constructive use of leisure time, and training programmes. Mention should also be made of the establishment of

youth centres which organized scientific, vocational training and physical education courses and cultural and sports activities and carried out programmes for social and community service.

71. Since unemployment was one of the major problems affecting youth, programmes had been drawn up to increase employment opportunities in the rural sector by encouraging the development of small farms, rural works programmes and small industries. Moreover, the banks had now made it easier for young people to obtain credit to set up their own enterprises. Since 1945, there had also been a network of employment exchanges. In its efforts to solve the problems of employment, his Government kept in mind certain basic requirements, namely: continuous efforts for estimating manpower requirements; appropriate institutional arrangements for training and retraining; integrated development of agriculture and industry and related educational policies and programmes; wider scope and facilities for self-employment in different sectors of the economy; improved rapport between industry and technical schools; development of an effective placement programme backed up by an effective employment market intelligence and vocational guidance service.

72. Mr. VARGA (Hungary) pointed out that according to the report of the Secretary-General, young people up to 24 years of age would probably represent 55 per cent of the total population by 1980. That meant that there was not one social, political or economic question that did not directly or indirectly affect the interests of youth. His delegation was of the opinion that an important measure of the dynamism of a society was the extent to which it could use the enthusiasm and ambition characteristic of youth for the benefit of society as a whole.

73. Hungary, which relied on its youth for the realization of political, social and economic objectives, was concerned for the generation that would build the future. The Constitution provided that special attention should be paid to the development and social education of youth and that its interests should be safeguarded. There was a National Council on Youth Policy, whose task it was to make proposals for the solution of problems concerning youth and to supervise the implementation of the Law on Youth, enacted in 1971. That law expressed the responsibility which the whole of Hungarian society felt for the future generation. It defined the tasks of State organs and institutions concerned with youth and laid down the fundamental rights and duties of youth. The law dealt with the education of young people—which was open to all without regard to nationality, religion, origin or sex—and their participation in public and social life, with their social situation and health protection, their cultural and social activities, and with the social organizations of youth. Those organizations had the right to represent the specific interests of youth in places of employment and educational establishments. Young people were educated in respect for fundamental human rights and love of peace, and in a spirit of better understanding among nations and solidarity with the just struggle of the colonial peoples. A characteristic feature of the school system was that, since they were encouraged to continue their studies, the children of working-class or peasant families made up nearly half the number of secondary

school pupils and university and college students. Because there was full employment, job opportunities were ensured to every young man and woman. Since efforts had been made to draw young people into participation in public and social life, the National Assembly had 21 members under 30 years of age, while 35 per cent of all trade union members and 26 per cent of the trade union leaders were also under 30. The activities of young people proved that they were capable of doing useful work and were aware of their responsibilities. It must be recognized, however, that although numerous measures had been taken to improve the situation of youth, there was still much to be done, particularly with regard to housing.

74. The report of the Secretary-General was the result of serious and commendable efforts to prepare a thorough analysis of the complex problems presented by the social situation of youth and to propose practical measures. The report pointed to many disquieting facts; in particular, it appeared that, as one of the results of colonial rule, the lot of a considerable section of the youth of the developing countries was poverty, unemployment and illiteracy. That state of affairs could not be expected to improve markedly in the years to come. Furthermore, the increase in the number of young people would bring with it a further increase in the rates of unemployment and underemployment in many parts of the world. The report pointed out clearly that youth in the capitalist countries was increasingly rebelling against social conditions and injustices which ran counter to their vital interests. In those countries, the question of employment presented an even more serious problem. However, the report failed to reveal the root causes of those socio-economic problems and his delegation could not agree with the conclusion that in the capitalist countries such problems could be explained by the "generation gap". With regard to education, his delegation agreed with the conclusion in the report that the failures in educational systems, which were due mainly to the social composition of the student body, the obsolete curricula and inadequate training, could only be overcome by eliminating more profound social problems.

75. His delegation supported many of the measures proposed in the report. It attached special importance to the proposals which called for a more equitable distribution of wealth, services and job opportunities, the implementation of agrarian reform to help rural youth, the re-examination of educational systems and the improvement of the health situation of youth.

76. Mrs. KOROMA (Sierra Leone) said that Sierra Leone was greatly concerned with its young people, who would be responsible for carrying out its long-range plans. Measures aimed at protecting them and training them so that they could contribute to the future development of the nation were therefore an integral part of the country's development efforts.

77. She noted with satisfaction the pragmatic nature of the report of the Secretary-General and the efforts that had been made to obtain specific data on young people in the developing countries. Those young people had the same aspirations as other young people throughout the world: to receive a good education, to enjoy good health, to find employment and to participate in national development plans and international co-operation programmes. But the similarities ended

there; it was therefore essential to identify their problems and needs separately and to increase the number of programmes of international organizations that were designed to complement the programmes of the developing countries. The most pressing need in Africa was for the establishment of valid educational systems. The systems that had been inherited from the colonial régimes were not suited to existing conditions and did not take into account the aptitudes of children. Furthermore, the effects of such educational systems on the mentality of youth must not be overlooked. Thus, most of the studies made of unemployment among young people deplored the attitude of the younger generations towards technical training and manual work, yet, that attitude was attributable to the fact they had grown up in an environment where a literary or artistic education made it possible to belong to the so-called social élite.

78. Therefore, Sierra Leone, like many other developing countries, had made special efforts to restructure and redirect its educational system in order to respect human rights and give young people equal opportunities. It was devoting a considerable proportion of its resources to that purpose. It was true that, despite its efforts, much still remained to be done and that was why her delegation thought that there should be increased co-ordination of the activities and programmes of United Nations bodies and of the specialized agencies concerned with youth. The time had come to take action, that is, to insist on the implementation of the resolutions relating to youth which had been adopted since 1968. In fact the world was evolving and the recommendations must be implemented before they became obsolete.

79. She then introduced draft resolution A/C.3/L.2062, entitled "Youth, its education and its responsibilities in the world of today". She stressed that the draft was in no way incompatible with draft resolution A/C.3/L.2061; it merely viewed the question from another angle and laid stress on relevant measures based on the ideas enunciated since 1968, the date of the first General Assembly resolution on the subject.

80. General Assembly resolution 2497 (XXIV), to which reference was made in the preambular part of the draft resolution, had recognized the important role of youth in the promotion of world peace, justice, social and economic progress and human rights; the sponsors thought that it was important to remind Member States of their responsibility for maintaining a policy in conformity with the principles they professed. Operative paragraph 2 emphasized the importance of increased co-ordination of the activities and programmes relating to youth in order to achieve an effective and harmonious approach to their problems. Operative paragraph 3 solemnly invited all young people to affirm their faith in the purposes and principles of the Charter of the United Nations; indeed, the sponsors were persuaded that, strengthened by those fundamental values, young people would be able to build a better world. Operative paragraph 4 reaffirmed the importance of the education and training of youth in colonial countries and territories with a view to expediting their liberation and the full exercise of their right to self-determination. Operative paragraph 5 was a most important paragraph since it urged Governments to ensure to youth favourable conditions which would enable them to take part in

national and international public life, both at the implementation and at decision-making levels. In operative paragraph 6, the Secretary-General was requested to report to the General Assembly, at its thirtieth session, on the action taken in implementation of the resolution.

81. Miss CAO PINNA (Italy) considered that the large number of delegations which had expressed their views on the question of youth was in itself a sign of the importance attached to it. Previous speakers had, however, neglected to mention one aspect of the problem, namely, youth's yearning for conditions which would make full enjoyment of their fundamental freedoms possible. In the interests of brevity, she would confine herself to a few comments on that aspiration, which was common to all human beings but which was particularly felt by young people.

82. The Committee's apparent lack of interest in that important aspect of the question was possibly due to the fact that the Secretary-General's report dealt more extensively with the basic needs of youth such as health, education, employment and participation in national development, than with the full development of the personality of young people as such and as a condition for their full participation in the development of society.

83. Since Italy had a democratic conception of society, it was convinced that young people, even if they were healthy, educated and employed, could not achieve the full development of their personality, and consequently could not fully participate in the continuous development of society, unless they also enjoyed all fundamental freedoms without exception. The conditions to be fulfilled in order to achieve that goal, included: freedom of information, thought and expression, a free and democratic exchange of ideas and experiences among young people of different countries and regions and freedom of movement not limited to journeys for purposes of sport or tourism.

84. Her delegation wished to stress that it had no intention of forgetting the urgent needs of youth in developing countries, particularly in the field of employment, or of underestimating the most pressing aspirations of young people still deprived of the enjoyment of human rights and fundamental freedoms on account of race, in violation of the principles of the Charter. It only wished to point out that it was indispensable for youth to enjoy all the fundamental freedoms established in United Nations instruments as an essential condition for youth's participation in the dynamic and harmonious development of society.

85. The United Nations seminars organized under the programme of consultative services in the field of human rights, as well as the direct consultations of young individuals recently developed by the Social Development Division, were certainly valuable means of achieving the aim sought. The fact that Italy had recently organized at San Remo the United Nations Seminar on Youth and Human Rights, which a number of delegations had mentioned in their statements, indicated the importance that her country attached to the continuous study of youth's aspirations through direct contacts among young people. The essential point was to give young people the opportunity to meet and discuss their needs and aspirations. Her country was also in favour of meetings with a limited number of partici-

pants so that a deeper exchange of views could take place and more lasting links of friendship and understanding could be established. However, the use of seminars and direct consultations might not yield rapid results. Her country considered that full enjoyment of fundamental freedoms and of human rights was an essential prerequisite for full development of the personality of young people in a democratically based society. Her delegation hoped that that concern, which she believed was shared by the other delegations, would be expressed in the conclusions reached by the Committee on the item. In conclusion, she thanked the Assistant Secretary-General for Social Development and Humanitarian Affairs for her comprehensive introductory statement on the agenda item (2026th meeting) and for her collaboration in the preparation of the Secretary-General's report.

86. Mr. BRIXI (Algeria) said that his delegation attached as much importance to the question of youth as to that of the elderly, although the problem needed to be viewed from a different angle. While the problem of the elderly was rendered less acute by the respect which they enjoyed, the problem of youth was of paramount concern to Algeria, because young people constituted 56 per cent of the total population of the country. Although the traditional values of Algerian society spared the aged and the elderly the ills to which they were exposed in other societies, the Algerian Government was nevertheless deeply concerned as to whether it could avert the consequences of the trend towards individualism in industrial society and protect future generations from the difficult life characteristic of that type of society. He felt that the developing countries should look for ways of avoiding the type of generation gap that culminated in total incomprehension. Young people suffered from the domination of a middle-age group which thought and decided for them, wielded authority to perpetuate the established order and acted in a manner incompatible with the ideals it proclaimed. It fed young people on humanism, but stifled the humanist aspirations of the peoples under its domination; it taught the young to sing of freedom but took bloody reprisals against those who dared to claim their fundamental rights; it proclaimed equality for all but had no compunction about practising discrimination and *apartheid*.

87. The report of the Secretary-General contained a detailed analysis of the problems faced by youth in the developed and developing countries. The recommendations contained in that report could be useful to all countries which were endeavouring to understand youth, to hold a dialogue with it, to involve it in building the society in which it must live. In the view of the Algerian delegation, however, the Secretary-General's report did not deal in sufficient depth with the differences between the problems of youth in the developing countries and the problems of youth in the developed countries. In the developing countries the young were thoroughly concerned about the national development of their country, and that sense of solidarity preserved them from the harmful effects of aimlessness. The Algerian delegation was convinced that, in order to solve the problems of youth, efforts should be focused on securing the involvement of young people in working for a common goal for the well-being of all, without distinction. The Algerian Government, being aware of the dynamic role of youth, ensured that it participated

not only in the implementation process, but also in decision making in respect of all major national undertakings. Consequently, Algerian youth played a full part in the country's economic development effort, and particularly in the conduct of the agrarian revolution, in efforts to achieve African unity, and in the literacy campaign. At the international level, Algerian youth supported the youth of countries which were struggling for their total liberation and participated effectively in all meetings of progressive youth. It was only by making use of the abilities of youth, through a continuous dialogue, that developing countries would be able to avert the crises which had afflicted Western societies.

88. Mr. ACEVEDO MORGÁ (Mexico) wished to propose a revision to draft resolution A/C.3/L.2061, subject to the approval of the other sponsors, whom he had not had time to consult. He proposed that the following phrase should be added at the end of operative paragraph 1: "and the conclusions of the Seminar

on Youth and Human Rights that took place at San Remo, Italy, contained in document A/C.3/L.2052;"

89. Miss CAO PINNA (Italy) thanked the representative of Mexico for having proposed that mention should be made in the draft resolution to that seminar, to which Italy attached great importance.

90. The CHAIRMAN observed that the Committee had heard 53 speakers on the world social situation of youth. Six delegations had been unable to speak; if they so wished, they could do so on Monday, 19 November, either before or after consideration of draft resolutions A/C.3/L.2061 and A/C.3/L.2062.

91. To ensure that consideration of that agenda item was concluded by Monday evening, amendments to those two drafts should be submitted by noon on Monday, 19 November.

The meeting rose at 6.10 p.m.

2031st meeting

Monday, 19 November 1973, at 10.40 a.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2031

AGENDA ITEM 62

World social situation of youth: report of the Secretary-General (continued) (A/9003 and Corr.1, chap. XXI, sect. A.8; A/9119 and Corr.1, A/C.3/L.2052, A/C.3/L.2061-2063, E/CN.5/486 and Corr.1, Add.1 and Add.1/Corr.1 and E/CN.5/486/Summary and Corr.1)

1. Mr. ALFONSO (Cuba) said that the importance of youth in the development of societies and the attention which the Committee should accord to the social situation of youth was evident from the adoption of General Assembly resolution 2037 (XX)—the Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples—and the adoption of Economic and Social Council resolution 1752 (LIV), which reaffirmed the inalienable right of youth to employment, education, shelter, health, care and the fulfilment of other social and cultural needs.

2. Since his delegation was not a member of the Commission for Social Development or of the Economic and Social Council and had not taken part in the work which had resulted in the report on youth submitted by the Secretary-General to the Commission for Social Development at its twenty-third session (E/CN.5/486 and Corr.1, Add.1 and Add.1/Corr.1 and E/CN.5/486/Summary and Corr.1), it wished to comment on the situation of Cuban youth and on the Cuban youth movement and its past and current participation in the building of a new society in Cuba. Through its sacrifices, Cuban youth had made it possible for the Revolution to triumph and now played an important role in Cuba's economic development. The Cuban Revolution had always been one of the most "youthful" political movements in contemporary history, both because of its achievements and aspirations and because

of the methods employed. The young people of three different generations, who had finally succeeded in 1959 in changing the old economic and social order, were now the political leaders of the country. Through the Young Communist League, those who had reached adolescence since 1959 were now participating not only in the immediate task of bringing about the rapid development of the country, but also in the decision-making process by which development plans were implemented.

3. Cuban youth had never lacked the education or practical experience necessary to carry out such vital tasks. Their victorious struggle to cast off the political, social and economic strait jacket in which they had been bound had been inspired by the revolutionary theories of Martí and Lenin and the neo-colonialism imposed on Cuba by the United States as a result of United States military intervention at the end of the nineteenth century and the beginning of the twentieth, with its inevitable corollaries of hunger, illiteracy, racial discrimination and political corruption, had moulded their anti-imperialist convictions. When the Revolution had triumphed, youth had enthusiastically embarked on the tasks of production, study and defence, encouraged by the ideals of the Cuban youth movement, which had been established in 1962. Imperialist aggression had continued to take its toll of Cuban martyrs through the Playa Girón aggression, the counter-revolutionary struggle financed by the United States and the assassination of young teachers taking part in literacy campaigns in rural areas. The campaign to eradicate illiteracy in Cuba would not have been possible without the participation of young people. Young workers had also given vital support to the fishing, transport and sugar industries. In view of such participation and such great efforts, it was not hard to

understand the importance of the role played by youth in Cuba's development process. In fact, as Ché Guevara had stated, youth was the foundation of the Revolution. Hence the efforts made by the Revolution to give youth all the opportunities Cuba's development could provide with regard to education, health, sports and cultural activities. To carry out its tasks, Cuban youth had evolved its own organization, which now had more than 131,000 members and was based on the principle of combining study with work in the struggle against imperialism, exploitation, racial discrimination and colonialism. It was in that internationalist context that Cuban youth had expressed its solidarity with the young people of Chile, who were now the victims of the usurpation of power by the military in that country.

4. The fact that his country had succeeded in overthrowing a system of class division and exploitation did not, however, mean that the problems of youth had been completely solved. At its most recent Congress, the Cuban youth movement had analysed the difficulties which still had to be overcome. Some of those difficulties, such as the shortage of teachers and basic educational facilities, could be attributed both to the great increase in the number of students and to Cuba's low level of economic development. Others, however, could be attributed to the influence of the past on a small minority of young people and to the fact that it had not yet been possible to neutralize certain backward-looking family influences. Nevertheless, the Revolution had reason to be proud of its youth, which was now definitely committed to building a more just society for all.

5. With regard to the documents before the Committee, his delegation was of the opinion, that, although the report of the Secretary-General on youth would be very useful for further studies on the topic, it had many short-comings, as regards concept and approach. The documents prepared by the United Nations on such an important topic must not be ambiguous or raise false hopes; for with such characteristics they could, in the long run, be counter-productive. In future work, great care should be taken over the wording used and the ideas put forward, but that had not been the case with some parts of the report. In fact, he wondered whether it was really practical to produce such a report on the basis of so few replies to the questionnaire which had been circulated. In paragraph 7, particular stress was laid on the difficulty in satisfying the aspirations of youth due to the high rate of population growth and the few employment opportunities available, particularly in developing countries. Only much further on did the report refer to the need for changes in social structures, which was crucial to the solution of the problems of most countries in which youth experienced the frustrations described in the report. Moreover, in other paragraphs of that report, no distinction was made between socialist industrialized countries and market-economy industrialized countries, although the concerns felt in such countries with regard to youth were bound to differ radically. He hoped that those comments and criticisms would be useful in the preparation of future studies on youth.

6. Mrs. KARPENKO (Byelorussian Soviet Socialist Republic) said that the problems of youth were problems of education, of unemployment and of protecting young people from the evils of war, racism, colo-

onialism, violence and corruption. Her delegation was deeply convinced that those problems could not be solved without radical socio-economic changes. Furthermore, the task of educating young people was one for individual States, and not for international organizations.

7. The Soviet State provided its young men and women with all necessary conditions for education, work and leisure. The benefits of the Byelorussian SSR's educational system, which were enjoyed by 127,000 students, were free to all, and secondary education was compulsory. The educational process was designed to provide both theoretical and vocational training, to inculcate in young people a high sense of civic duty and give them broad political horizons. An extensive network of higher and technical educational establishments enabled each young person to take up the occupation he preferred. Over the preceding decade, the number of students in the Republic had doubled. Currently one in three scientific workers was under 30 years of age. Deputies aged 30 or less constituted 28.2 per cent of those elected to local organs of power.

8. Under the Soviet system, there was no possibility of conflict between the generations. The ideals of the great October Socialist Revolution were dear to all generations among the Soviet people. Public ownership of the means of production promoted a sense of community, a spirit of collectivism and a readiness to assist one's neighbour. While in many capitalist countries violence and sex distracted the minds of young people from acute social problems, the most valued virtues in the Byelorussian SSR were those of friendship, humanity, solidarity and internationalism. Books, gramophone records and theatre tickets were very inexpensive. There were more than 32,000 amateur theatrical groups in the Republic which were capable of professional levels of performance.

9. Soviet young people had a sense of solidarity with the young working people of capitalist countries fighting against unemployment, against the suppression of the rights of young workers and students and against the arbitrary rule of Fascist reactionary forces attempting to stamp out the aspirations of young working people. They also felt a bond of solidarity with the progressive young people of Asia, Africa and Latin America struggling against imperialism and colonialism and seeking national independence and progress.

10. On the basis of its position of principle concerning the question of youth, her delegation would support the adoption of any decisions which would promote the interests of the rising generation.

11. Mr. NASSER-ZIAYEE (Afghanistan) said that one of the characteristic features of the world social and political scene was the emergence of youth as a tremendous force, as a result of the scientific and technological revolution which mankind had experienced. It was therefore important to recognize the function of youth in world affairs and to allow them to participate in the development of societies. To that end, countries must concentrate on the education of their youth. That was all the more urgent for developing countries, which had high rates of illiteracy. Moreover, education programmes for youth should contain explicit references to colonialism, exploitation and alien domination as the major causes of under-development in Asia, Africa and Latin America. Curricula should stress the idea of

human equality and emphasize the dangers of racism and racial discrimination. It was also necessary to ensure that the efforts of the United Nations to eliminate colonialism and alien domination were not overlooked by the youth of today. To that end, a link should be established between the United Nations and youth organizations. The United Nations and UNESCO might co-ordinate their efforts to establish such a link.

12. Afghanistan attached great importance to the education of its people. Primary education was compulsory, and primary, secondary and higher education were all free of charge. Moreover, Afghanistan encouraged the maximum participation of young people in the affairs of the country and believed that such participation would eliminate many of their problems. One of Afghanistan's principal aims was to provide positive and genuine conditions for the moral and material development of its youth.

13. His delegation would have preferred a single draft resolution on the item under consideration, sponsored by a large number of delegations; but unfortunately that had not been possible. With regard to draft resolution A/C.3/L.2062, it was of the opinion that, although the classical form of Western colonialism was gradually dying out, alien domination of certain peoples and territories was continuing. The legitimacy of the struggle of peoples under alien domination to achieve their right to self-determination was recognized in a large number of United Nations resolutions and other international instruments. That concept was, for example, embodied in General Assembly resolution 2633 (XXV) and, since the twenty-fifth session of the General Assembly, it had been incorporated in eight other General Assembly resolutions. In addition, the Fourth Summit Conference of Heads of State or Government of Non-Aligned Countries, held at Algiers in September 1973, had accepted and incorporated that concept into its economic and political declarations. Consequently, it would be inconsistent, and a serious omission, if a draft resolution proposed by a number of non-aligned countries which were Members of the United Nations did not refer to the youth of territories under alien domination. His delegation therefore suggested that the words "and alien domination" should be added after the word "colonial" in operative paragraph 4 of draft resolution A/C.3/L.2062. If that suggestion was not acceptable to the sponsors, his delegation would propose it as a formal amendment.

14. Miss LOPEZ (Venezuela) said that her country was keenly interested in the measures the United Nations was taking for the benefit of youth in an attempt to find the best possible way of developing their potential for their own good and that of the societies to which they belonged. Her country believed that if youth was properly appreciated, it would form the fundamental basis of the future of society and its development.

15. Since 52 per cent of Venezuela's population was under 20 years of age, it attached great importance to the problems of youth and programmes for youth. In 1972, the Ministry for Youth, Science and Culture had been established and had undertaken intensive and continuing action for the development of programmes designed to make all sectors of national life aware of the need to implement the plans urgently required by youth. The dialogue established between the various sectors would enable youth to take part in the planning,

implementation and review of national policies in that field. Since Venezuela was now entering the first phase of a broad and ambitious programme, it needed information concerning the experience of other countries. It had already shown its interest in that topic in other United Nations bodies, such as the Commission for Social Development and the Executive Board of UNICEF, and it was firmly committed to the implementation of the principles of the Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples.

16. At the third session of the General Assembly of the Organization of American States (OAS), in April 1973, Venezuela had sponsored a resolution on youth which entrusted OAS with tasks similar to those being carried out on a world-wide scale. Moreover, the purpose of the resolution was similar to that of Economic and Social Council resolution 1752 (LIV). In that connexion, her delegation was glad to note that draft resolution A/C.3/L.2061 and, in particular, the programmes proposed in operative paragraph 2, were similar to those being carried out in her country. Her delegation supported that draft resolution and the instructions it gave to United Nations bodies and the Secretary-General for the continuing consideration of problems of youth. Finally, her delegation supported the conclusions and objectives adopted at the Seminar on Youth and Human Rights, held at San Remo (see A/C.3/L.2052).

17. Mr. AUSTIN (Guyana) said that, in an age of profound economic, social and political change, the world situation of youth should be a matter of the greatest importance to developed and developing countries alike, because the vast numbers of young people throughout the world were the repository of hope. It was stated in the report of the Secretary-General that, by 1980, 60 per cent of the world's youth would be found in developing countries. It was therefore unnecessary to point out the importance of youth to the development programmes of most of those countries. If the youth of developing countries could be given the proper orientation and social education, there was every chance that the problem of development could be successfully solved. All countries must realize that the youth of the present day had acquired a new awareness which had enabled them to see that society must become more just. They had also realized that unstructured growth could bring about irreparable social, political and environmental harm. His delegation therefore believed that if the important link between youth and development was established, peaceful development might be ensured.

18. In Guyana, more than half the population was less than 25 years old. Thus, a large measure of Guyana's wealth resided in its youth. It would therefore welcome any United Nations initiative to ensure the active participation of youth in the social, economic and political life of developing countries. In that connexion, his delegation was glad that one of the objectives of the International Development Strategy was to ensure the full participation of youth in its implementation. In accordance with its social and political philosophy, the Government of Guyana was training young people to make an effective and lasting contribution to the development of the country. The Guyana Youth Corps was training young people to participate in various sectors of the economy. One very important sector in

which they could, and did, make a significant contribution was that of agricultural co-operatives.

19. Thus, the importance of the social role which youth must play in the advancement of the social goals of developing countries could not be denied. A new kind of education must therefore be made available. To that end, the idea of a United Nations university was a good one, because at such an institution young people might learn to be free from narrow-minded nationalism and recognize the futility of racial prejudice and ethnocentricity. The teaching of respect for other societies would increase awareness of the interdependence of the world. It would, for example, be realized that hunger in Asia and drought in Africa were cause for concern throughout the world.

20. He pointed out that the instrument through which youth should play the significant role of rebuilding the world, namely, the United Nations, was not considered by most young people as effective as it should be. Because youth was the repository of hope, the United Nations must be the means whereby such hopes could be fulfilled. Youth must realize that, despite its shortcomings, the United Nations was the most important organization for the development of the developing countries and that it was the only genuine instrument for peace, without which there could be no development.

21. Miss AL-MULLA (Kuwait) said that Kuwait was a young country, with the ambition of the young, and had acknowledged the role of youth in its development. Because of the drive of its youth, it had been able to build a sound administrative and economic infrastructure. Kuwait's experience had shown that youth should be offered the role it deserved in shaping the internal structure of the country and that alienation led only to unavoidable conflicts between youth and the establishment. Thus, neglect was the worst enemy of youth because it bred the germs of discontent and spread explosive tension. Moreover, patronage of youth also led to ill feeling. In Kuwait, however, young people played a major role in education, the economy, planning, politics and domestic and foreign policy making. Their independence had led to their willingness to participate, and such participation had been totally successful.

22. Although the report of the Secretary-General on youth was not a scientific study, and some of the methods used in drafting it could be questioned, her delegation was of the opinion that certain sections of the report did shed some light on the current situation of youth. In addition, her delegation supported draft resolutions A/C.3/L.2061 and A/C.3/L.2062. It suggested, however, with regard to operative paragraph 6 of draft resolution A/C.3/L.2061, that when the Commission on Human Rights considered the question of the advisability of an international document on the fundamental rights and responsibilities of youth, national and international youth organizations should be invited to put forward their views on that matter. In that connexion, her delegation noted that paragraphs 16 and 17 of the report of the Secretary-General on youth stated that a recent international conference of youth had called for the reformulation of legal provisions on the rights and responsibilities of youth.

23. With regard to operative paragraph 3 of draft resolution A/C.3/L.2062, her delegation wondered how

young people could affirm their faith in the purposes and principles of the Charter when they often saw their elders violating or at least ignoring them. Perhaps a better way of furthering the ideals of peace and mutual respect among peoples would be to invite all States Members of the United Nations to reaffirm their faith in the principles of the Charter and to invite youth to take part in the implementation of those principles.

24. Her delegation welcomed any progress which might be made towards the establishment of the United Nations University and it hoped that a large number of young people would participate in the university council and in the decision-making process. It was also looking forward to the progress report concerning the extent of increased employment and mobility of young people in the United Nations, which, in accordance with General Assembly resolution 3024 (XXVII), was to be submitted by the Secretary-General to the General Assembly not later than at its thirtieth session.

25. Mrs. KINYANJUI (Kenya) thanked the Assistant Secretary-General for Social Development and Humanitarian Affairs for her introduction (2026th meeting) of the Secretary-General's report on youth, which contained conclusions and proposals for action which her delegation welcomed. Kenya supported the Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples.

26. Before colonialism and the civilizing missions, the "generation gap" had been unknown to African societies. As a result of colonial education, the African countries had a surplus of youth trained for white-collar jobs. The civilizing missions had uprooted youth from their traditional morals and beliefs without offering anything better in the way of moral education. The independent African countries were rebuilding their societies by reviving those traditions and morals, which were the corner-stone of their societies, and by adopting modern ways of life which were in keeping with the general structure of the African way of life.

27. Africa was also concerned about the youth of the African territories still under colonial domination and appealed to the world community to help the youth of those territories by all possible means, including educational scholarships, training facilities and employment.

28. The Kenya nation was being planned and built on the basis of traditional African cultures and skills. The educational system was being revised in order to take account of the needs of the country as a whole. The President of Kenya had repeatedly emphasized that the nation's destiny depended on the ability of the young people to nourish and revive the spirit of man and develop their own talents and those of people put under their charge. He had appealed to the youth who flocked to the urban areas in search of jobs to go back to the land where they could be gainfully employed. Kenya had established a National Youth Service where young people were taught self-discipline, self-reliance and respect for other people. They were also trained in different skills and provided with education.

29. Kenya was well aware that the youth of today were the leaders of tomorrow and was doing everything possible to provide education and employment facilities for the young people.

30. Miss FAROUK (Tunisia) said that some changes needed to be made in draft resolution A/C.3/L.2062, which was co-sponsored by her delegation. Operative paragraph 4 should begin with the words: "*Reaffirms* the importance for the administering Powers . . .". In operative paragraph 5 (a), the word "employment" should appear after the word "training", instead of at the end of the subparagraph. In paragraph 5 (b), the words "if applicable" should be added after the words "national development plans", in order to meet the request of delegations representing countries that did not have national development plans.

31. In the view of her delegation, a long-range programme for the benefit of youth, at the national and international levels, should have the following objectives: to facilitate the transition to adulthood and the assumption of responsibilities, and to promote vertical and horizontal communication between generations and between young people of different kinds. It would be good if the expression "young Portuguese" were not synonymous with the expression "young racist", but merely meant "a young person" who did his best to meet the challenge of a quickly changing world.

32. Although her delegation took note with interest of the report of the Secretary-General (E/CN.5/486 and Corr.1, Add.1 and Add.1/Corr.1 and E/CN.5/486/Summary and Corr.1), it would have preferred it to place greater emphasis on international action designed to respond better to the challenge of the modern world. The report provided both a source and a confirmation of typical data; her delegation would have preferred to find in it some bolder and more innovative proposals.

33. She wished to outline briefly her Government's main concerns with respect to the question before the Committee. At the national level, her Government and national organizations had always paid attention to the needs and aspirations of youth, evaluating results obtained, the short-comings noted, the lessons to be learned, the approaches and measures to be adopted. It must not be forgotten that in some of the developing countries there was an imbalance between economic and demographic growth, as had been quite rightly noted in the report of the Secretary-General.

34. Her Government emphasized vocational training and had revised the educational system in order to provide more practical training aimed at preparing youth for a career or a job. It also attached great importance to family planning; it had established an office of family planning and population and a project for the inclusion of relevant subjects in educational curricula, and was utilizing audiovisual aids in order to reach the masses. Her Government was also concerned with the question of emigration, which currently absorbed the surplus labour force.

35. At the international level, she drew attention to the first African youth festival, which had been held in Tunis from 15 to 22 July 1973 and which had been attended by 3,000 representatives from 32 African countries and the liberation movements. At the inauguration, on 15 July, President Habib Bourguiba had expressed his faith in the latent strength of youth and stressed the need to orient that force in a positive and creative manner, in order that it might assume its share of the sacrifices and responsibilities for the national struggle for human improvement and dignity. In that

connexion, it was essential to train personnel in the field of health, education, economics and agriculture.

36. With regard to the participation of young people in international affairs, the second alternative suggested in paragraph 191 of the report of the Secretary-General seemed to be the most desirable, namely, to seek the involvement of youth through the specialized agencies' promotion of various kinds of international action by youth.

37. Her delegation would have no difficulty in voting for draft resolution A/C.3/L.2061. It seemed to her that the amendments submitted by Cameroon in document A/C.3/L.2063 were unnecessary in view of the submission by her delegation and others of draft resolution A/C.3/L.2062, which was intended to complement draft resolution A/C.3/L.2061 and which covered the point raised by the Cameroonian amendment. In preparing draft resolution A/C.3/L.2062, the sponsors had tried to anticipate any possible objections. She therefore hoped that the Committee would adopt it unanimously.

38. The CHAIRMAN thought that the Committee could now focus its attention on draft resolutions A/C.3/L.2061 and A/C.3/L.2062. Amendments had been submitted by the United States¹ and Trinidad and Tobago¹ to the former, and by Afghanistan¹ and Cameroon (A/C.3/L.2063) to the latter.

39. Mrs. KOROMA (Sierra Leone) announced that the delegations of Argentina, the Congo, Guinea, the Libyan Arab Republic and Oman had asked to be added to the list of sponsors of draft resolution A/C.3/L.2062.

40. Mr. SHAFQAT (Pakistan) said his delegation had refrained from participating in the general debate because it had felt it might be more pertinent to combine its general comments with its views on the specific draft resolutions.

41. His delegation had studied with interest the comprehensive report of the Secretary-General on youth and had listened with attention to the comments made during the general debate. It should indeed be a function of the United Nations to steer the young of the world towards a cosmopolitan ideal. Nevertheless, it would be a mistake to regard the youth of the world as a homogeneous group waiting as a whole to be told what to do. Oversimplification of issues must be avoided.

42. The United Nations should begin to define in concrete and practical terms only those programmes which could be implemented, taking into account the existing diversity among young people. It was his delegation's belief in youth's ability to embark on basic reforms of their societies that had led it to co-sponsor draft resolution A/C.3/L.2061.

43. The youth of Pakistan had only recently played a significant role in generating genuine consciousness in the minds of the less literate people in their society concerning the inability of feudal attitudes to enable the country to move towards enlightenment and progress. The youth of Pakistan had made a great contribution to the restoration of democratic institutions in his country. His Government had laid new emphasis on the expansion of educational institutions with the over-all objective of accelerating development, particularly in the economic and social fields.

¹ Texts subsequently circulated as documents A/C.3/L.2065, A/C.3/L.2066 and A/C.3/L.2067, respectively.

44. His delegation would be prepared to support any constructive amendments to draft resolution A/C.3/L.2061, introduced by the representative of Romania on behalf of several delegations, including his own. It would also be prepared to vote in favour of any other draft resolution aimed at improving the world social situation of youth. Draft resolution A/C.3/L.2062 sought to spotlight the cruel and inhuman impediments confronting the youth of certain regions and areas, particularly Africa, where they were subjected to the pernicious policies of colonialism, racism and *apartheid*. His delegation welcomed its introduction and would support it in its present form.

45. Mrs. PICKER (United States of America) reiterated her delegation's concern over the world situation of youth and said that her delegation had not participated in the general debate because it had had the opportunity to speak extensively on the subject in other United Nations bodies, such as the Commission for Social Development and the Economic and Social Council. It felt that the countries that were not represented on those bodies should have the opportunity to express themselves fully in the Third Committee.

46. Her Government shared the concern of other delegations about the accessibility to youth of education, employment, and fundamental rights, as well as the responsibilities of youth in national development.

47. Her delegation congratulated Romania on taking the leadership on the item and was hopeful that the United States would be able fully to support draft resolution A/C.3/L.2061. She therefore wished to propose certain amendments which would not change the essence of the draft but would make it more acceptable to her Government.

48. In the first place, she proposed that in operative paragraph 3, the words "with youth organizations" should be replaced by the words "with youth and youth organizations". In the opinion of her delegation, the youth the Committee was concerned about was not necessarily organized; furthermore, some youth organizations that claimed to speak for youth *per se* were actually speaking for only a small minority of articulate people.

49. Secondly, operative paragraph 5 should be changed to read:

"Requests the competent and concerned organs of the system of the United Nations to give continued attention to the organization of appropriate actions on the major problems of concern for the young generation".

Her delegation agreed that it was important for the United Nations system to continue to be concerned with the problems of youth, but questioned the emphasis in operative paragraph 5 of the draft on regional and international meetings and on the role of international organizations. The emphasis should be on national meetings of youth so that youth might concern itself with its own country's development. Her delegation was also concerned about the fact that international organizations did not necessarily speak for youth *per se*.

50. Operative paragraph 7 should be amended to read:

"Requests the Secretary-General, in co-operation with Governments, the specialized agencies, and

non-governmental organizations, to assemble data on the situation of youth in such areas as education, health, and employment, and to prepare a report designed to facilitate planning especially for developing countries that would be made available to the Committee for Development Planning and the Committee on Review and Appraisal, and to submit the report to the thirty-first General Assembly through the Commission for Social Development."

Her Government proposed the amendment because, as it stood, paragraph 7 seemed to emphasize additional comprehensive reports by the Secretariat. Her delegation agreed with those of New Zealand, Greece and others that it was time to focus on specifics. Her delegation was suggesting that the appropriate data should be transmitted to the Commission for Social Development, the Committee on Review and Appraisal and the Committee for Development Planning because those bodies had more time to deliberate on the item and were the ones which were most concerned with development in the United Nations.

51. She hoped the sponsors of draft resolution A/C.3/L.2061 would not find it too difficult to incorporate her delegation's amendments in their text.

52. Mrs. GEORGE (Trinidad and Tobago) said her delegation had studied with interest the report of the Secretary-General on youth and the draft resolutions that were before the Committee. Although it was reluctant to introduce any further dimensions to the question of youth, it did wish briefly to review an aspect that had not yet been touched upon in the Committee or in the report of the Secretary-General.

53. It had been a combination of social and economic imbalances rather than merely political ones which had set off the youth revolution of the 1960s. That revolution, moreover, had had a direct psychological link with the movement for the equality of men and women. Neither youth nor women had been given the opportunity to play a positive role in enacting legislation directly concerned with their political, economic and social interests and needs. Young people, like women, also found it necessary either to accept underemployment or to join the ranks of the unemployed.

54. Young people were further denied the stabilizing influence of the home, in view of the thrust of women on the job market. The responsibility for maintaining respect for basic human rights had been shifted to the State; yet the institutional set-up that operated and directed the social, economic and political machinery was still based on the concept that young people and women were incapable of leadership or even participation because of their lack of experience. Thus, State action in the fields of health, education, drug addiction, training and responsibility had become compartmentalized, and no attention was given to synthesizing those questions with the family structures of societies.

55. It was in that area of the Secretary-General's report, particularly part one, chapter II, dealing with youth and the nation, that her delegation found the conclusions were not substantiated by the replies given by the youth of the 14 countries selected for the survey. Those conclusions, or rather assumptions, should be considered with some reservation, as, according to the report itself, they were based on "admittedly slim evidence" and were representative of "trends in North

America and Western Europe" (see E/CN.5/486 and Corr.1, para. 143).

56. Since the youth problem had manifested itself, her country had been caught up in the spiral of the aspirations and desires of the young population with regard to employment, education, health facilities and other aspects. Her Government had set up a National Task Force on Youth two years earlier; special attention was given to the youth of the rural areas. In its recommendations to the Government, the Task Force had recognized that what was needed most was a proper challenge, guidance and motivation for young people.

57. Her delegation found it difficult to accept operative paragraph 6 of draft resolution A/C.3/L.2061, which asked for an international document on the fundamental rights and responsibilities of youth in the contemporary world. While it appreciated the ultimate objectives of the paragraph, it believed that it was too ambitious and idealistic. The idea was self-defeating because the concept of a global youth view had not yet been determined.

58. In an effort to arrive at a mutual accommodation with the sponsors of draft resolution A/C.3/L.2061, her delegation had been attempting to find a different orientation, other than an international document, that would be more in line with the view expressed in paragraph 189 of the report of the Secretary-General. She therefore proposed the following amendments.

The third preambular paragraph should be reworded to read:

"Noting that the Secretary-General's report recognizes that youth, an integral part of society, has particular problems and that it is more affected by the impact of inequities in national and international economic and social development,"

Operative paragraph 2 (b) should be reworded to read:

"To formulate, where necessary, and to improve health policies and programmes which will ensure young people taking advantage and benefiting from the increasing information relating to communicable diseases, narcotic drugs and population programmes;"

The beginning of operative paragraph 6 should be reworded to read:

"Requests the Economic and Social Council to invite the Commission on Social Development to study the possibility of redefining an international policy concerning the involvement of youth at the national and international levels and in accordance with the commitment of the United Nations system to develop more concerted action in the youth field . . ."

The rest of the paragraph should be retained.

59. Her delegation had no comment on draft resolution A/C.3/L.2062, which it was prepared to support. Nor had it any comment to make on the Cameroonian amendments contained in document A/C.3/L.2063.

60. Mr. SADOU (Cameroon) said that, in submitting its amendments (A/C.3/L.2063) to draft resolution A/C.3/L.2061, his delegation had wished to give special emphasis to the problems of young people in southern Africa. His delegation hoped that, within the context of action taken for the benefit of young people, the United

Nations would find a special place for assistance to the young people of southern Africa in the field of education and training.

61. Mr. VAN OVEN (Netherlands) said that, generally speaking, his delegation felt that the draft resolutions before the Committee would serve very little purpose. What had been the effect of the "solemn appeal" contained in General Assembly resolution 3023 (XXVII), of the recommendation referred to in paragraph 15 of the annex to the report of the Secretary-General on channels of communication with youth and international youth organizations submitted at the twenty-seventh session,² or of the view expressed in paragraph 8 of General Assembly resolution 3022 (XXVII)? In connexion with that last point, he noted with interest that the International Student Movement for the United Nations had severely criticized the proposed charter of the United Nations University, and wondered to what extent that Movement's suggestions for amending the charter would be taken into consideration.

62. His delegation could not understand what was meant by the words "basic individual, social and economic needs, in particular with regard to . . . participation in national, regional and international development" in the fourth preambular paragraph of draft resolution A/C.3/L.2061. In connexion with the sixth preambular paragraph of that draft resolution, he wondered how it was possible to "secure" the responsibilities of youth. As for operative paragraph 2 (a), surely development was an aspect of life. His delegation shared the views expressed by the United States delegation concerning operative paragraph 3, and would therefore support the United States amendment.

63. His delegation had strong reservations about the proposal for an instrument or document establishing the rights and responsibilities of youth. He agreed with the view expressed in the Secretary-General's report that youth was an integrated part of society and felt that it was inappropriate to prepare a document relating specifically to young people. Indeed, that kind of document might widen the gap between young people and the rest of society.

64. Draft resolution A/C.3/L.2062 was at least more concrete, and his delegation attached particular importance to operative paragraph 5. However, he wished to know how the sponsors expected young people to "affirm their faith" in the Charter as provided for in operative paragraph 3. He hoped that that paragraph did not constitute an attempt to reintroduce surreptitiously the idea of a "baby Charter". His delegation wished to stress that it interpreted the phrase "all appropriate means" in operative paragraph 4 strictly in the light of the phrase "in conformity with the Charter".

65. The CHAIRMAN announced that Thailand had joined the sponsors of draft resolution A/C.3/L.2061.

66. Mrs. MARICO (Mali) said that the amendments proposed by the Cameroonian delegation were very relevant and that, as a sponsor of draft resolution A/C.3/L.2061, her delegation would have no difficulty in accepting them.

67. Mr. BADAWI (Egypt) associated his delegation with views expressed on the vital role young people could and should play in achieving national objectives

² A/8743.

and the goals set out in the Charter. However, young people were held back, at the national level, by insufficient resources for development, by low levels of political development, by foreign interference or occupation and by racism. In addition, the role of youth was restricted by the current international atmosphere, by inadequate co-operation on the part of some of the developed countries that were preventing young people from playing their role fully, and by the aggressive policies of certain Powers with regard to Africa and other parts of the world.

68. His delegation felt that the two draft resolutions before the Committee complemented each other, and would vote in favour of both of them. However, he had a few suggestions to make which he hoped would be taken into account by the sponsors of draft resolution A/C.3/L.2061. Firstly, the words "and international" should be added after the word "national" at the end of the title of the draft resolution. In the fourth preambular paragraph, the phrase "basic individual, social and economic needs" should be expanded to read "basic national and individual", social and economic needs". The words "and its role is fully effected" should be added at the end of the sixth preambular paragraph. Finally, the reference to the Commission on Human Rights in operative paragraph 6 should be replaced by a reference to the Commission for Social Development, since the latter body was currently engaged in considering the advisability of an international document on the role of youth in development.

69. Mr. GRAEFRAETH (German Democratic Republic) observed that many speakers had referred to the Tenth Festival of Youth and Students, held earlier in the year, and that such an important event should be mentioned in the draft resolution. Consequently, his delegation wished to propose a new preambular paragraph, to follow the sixth preambular paragraph of draft resolution A/C.3/L.2061, which would read:

"*Convinced* that international festivals such as the Tenth Festival of Youth and Students, held in Berlin in July 1973, can contribute to mutual understanding and the promotion of the ideas of peace and friendship among the youth of all nations,".³

70. Mr. FØNS BUHL (Denmark) reiterated that it was essential to stress the importance of treating youth as an integrated part of society and to promote the active participation of young people in the decision-making process. It was also important to stress concrete measures in the field of employment, educational opportunities and so on. In that connexion, his delegation welcomed the third preambular paragraph and operative paragraph 2 of draft resolution A/C.3/L.2061. However, in connexion with operative paragraph 6, his delegation was hesitant about accepting the idea of a debate on the advisability of an international document of the kind mentioned, especially since the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination already existed. He understood that the sponsors of the draft resolution had already agreed that the reference in paragraph 6 to the Commission on Human Rights should be replaced by a reference to the Commission for Social Development. His delegation wished to propose that the following

words should be added after the words "contemporary world" in paragraph 6:

"taking into consideration, *inter alia*, relevant provisions contained in the Universal Declaration of Human Rights, the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, and also taking account of recommendations submitted by the *Ad Hoc* Advisory Group on Youth to the Secretary-General and opinions expressed by interested non-governmental organizations,".

The paragraph would then continue as worded in the draft. He pointed out that the first preambular paragraph of the draft resolution contained a reference to Economic and Social Council resolution 1752 (LIV), which had emphasized the importance of the decision to convene the *Ad Hoc* Advisory Group.

71. Mr. HUMAM (Democratic Yemen) said that, since he had attended the Tenth Festival of Youth and Students in Berlin and was aware of the efforts made at that Festival to promote peace and friendship, he strongly supported the proposal of the German Democratic Republic to add another paragraph in the preambular part of draft resolution A/C.3/L.2061.

72. Miss LEE (Singapore) said that her delegation considered the proposals for action contained in operative paragraph 2 of draft resolution A/C.3/L.2061 to be particularly important because, as the report of the Secretary-General had noted, young people aspired to personal, social and occupational achievements and there was no subject of greater interest and concern to young people today than careers and jobs. Thus, the solution to the problems involved in selecting, obtaining and exercising an occupation was crucial to the successful integration of youth in society. In order to meet the needs and aspirations of youth, Governments should not only stress education and training for careers and jobs, but also relate educational policies and training programmes to economic development, which would also generate employment opportunities for youth. In addition, educational programmes must pay due regard to intellectual, spiritual, cultural and moral values, so that young people might have a balanced and comprehensive education.

73. With regard to the health needs of youth, her delegation felt that plans to provide such services should include family planning and counselling about drug abuse.

74. Her delegation considered that draft resolution A/C.3/L.2062 was complementary to draft resolution A/C.3/L.2061, of which her delegation was a sponsor. It therefore had no difficulty in supporting draft resolution A/C.3/L.2062.

75. Mrs. CHIMOMBE (Lesotho) said that her delegation supported draft resolutions A/C.3/L.2061 and A/C.3/L.2062, and the amendments submitted by the delegation of Cameroon in document A/C.3/L.2063 because Lesotho was also adversely affected by the situation in southern Africa. For example, Lesotho's schools were now being flooded with refugees from South Africa and it was becoming increasingly difficult to provide educational opportunities for all. Her delegation therefore hoped that the Cameroonian amendments would be adopted.

The meeting rose at 1 p.m.

³ Subsequently circulated as document A/C.3/L.2068.

2032nd meeting

Monday, 19 November 1973, at 4 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2032

AGENDA ITEM 62

World social situation of youth: report of the Secretary-General (*continued*) (A/9003 and Corr.1, chap. XXI, sect. A.8; A/9119 and Corr.1, A/C.3/L.2052, 2061-2063, 2065-2069, E/CN.5/486 and Corr.1, Add.1 and Add.1/Corr.1 and E/CN.5/486/Summary and Corr.1)

1. Mr. CRISTESCU (Romania) informed the Committee of the amendments which had been accepted by the sponsors of draft resolution A/C.3/L.2061 at an informal meeting held before the current meeting. The first of those amendments related to the title, which had been expanded by the insertion of the words "and international" before the word "development". The sponsors had also accepted the amendments submitted by Cameroon in document A/C.3/L.2063. As to the United States amendments (A/C.3/L.2065), the sponsors were able to accept the first of those amendments and the United States delegation was not insisting on the second; as far as the third amendment was concerned, the following wording had been agreed on for the paragraph in question:

"Requests the Secretary-General, in co-operation with Governments, the specialized agencies and non-governmental organizations, to assemble data on the problems confronting youth and the manner in which those problems are being treated by the organs and bodies of the United Nations system, to prepare a report designed to facilitate planning, especially for developing countries, and to submit it through the Commission for Social Development to the . . . session of the General Assembly".

The exact number of the session of the General Assembly would be decided upon later.

2. The sponsors also accepted the first three amendments of Trinidad and Tobago as contained in the provisional version of document A/C.3/L.2066, together with the three oral amendments proposed by the delegation of Egypt at the preceding meeting, whereby the word "national" would be inserted between the words "individual" and "social" in the new fifth preambular paragraph; the word "has" would be replaced by the words "can play" in the new sixth preambular paragraph; and the words "and its role is fully effected" would be added to the new seventh preambular paragraph.

3. Mrs. HEANEY (Ireland) said that her delegation had difficulties with the amendment proposed by the German Democratic Republic (A/C.3/L.2068) and with the fourth amendment of Trinidad and Tobago in the provisional version of document A/C.3/L.2066. She felt that, in both cases, and with regard to different points, the general had been sacrificed to the specific. The amendment of the German Democratic Republic referred specifically to the Tenth Festival of Youth and Students held in Berlin and omitted all reference to

many other similar festivals. She felt that that constituted a form of discrimination, particularly since the festival in question had not been sponsored by the United Nations.

4. The amendment of Trinidad and Tobago made special mention of some phenomena and ignored others, such as drinking and smoking, which also constituted hazards to youth. Consequently, her delegation felt that the initial wording of the passage was better. Furthermore, she did not approve of the juxtaposition of two negative elements—communicable diseases and drug abuse—with a positive element, as family planning undoubtedly was. With regard to operative paragraph 2 (b) of the initial text of the draft resolution, she would suggest, without making a formal proposal to that effect, that the words "including information services" should be added at the end of the passage. If the suggestion proved unacceptable, her delegation would prefer the initial wording.

5. Mr. BIRBAUM (Austria) suggested, in a spirit of conciliation, that, if the delegation of Romania, the other sponsors and the Committee as a whole agreed, the amendment of the German Democratic Republic (A/C.3/L.2068) might be accepted if the reference to a specific festival was omitted.

6. Mr. COSTA COUTO (Brazil), referring to the amendment contained in document A/C.3/L.2068, also wished to point out, as had the delegation of Ireland, that the Berlin Festival mentioned in that amendment had not been sponsored by the United Nations. His delegation had no information about that festival, to which his country had sent no representatives, and could not accept the reference made to it. Since it would be preferable if the Committee could adopt the draft resolution unanimously, he urged acceptance of the suggestion made by the representative of Austria, calling for the deletion of the reference to the Berlin Festival.

7. As to the fourth amendment of Trinidad and Tobago in the provisional version of document A/C.3/L.2066, he did not know whether the delegation of that country was prepared to accept the subamendment proposed by Ireland. The Brazilian delegation felt that it would be inappropriate to emphasize points which were of priority concern to some countries but not to others. One suggestion, which he considered sound, had been made to the effect that the reference to communicable diseases, drugs, etc., should be replaced by a reference to "national priorities". In any case, he felt that it was important to emphasize the need to inform youth about the problems they were apt to encounter.

8. Mr. GRAEFRATH (German Democratic Republic) said that he was sorry that a number of delegations had not had occasion to send representatives to the Tenth Festival of Youth and Students, held in Berlin; however, he appreciated the misgivings of those who

did not wish any particular event to be singled out and, in a spirit of compromise, could agree that the specific reference to that Festival in the paragraph proposed in his amendment (A/C.3/L.2068) should be deleted and replaced by a reference to "international festivals of youth and students".

9. Mr. PAPADEMAS (Cyprus) thought that it would suffice to refer to festivals of youth, and that the words "and students" could be deleted.

10. Mrs. MARICO (Mali) said that she could accept the amendment of the German Democratic Republic in the form just suggested by the representative of that country.

11. Mr. BADAWI (Egypt), speaking on a point of procedure, said that it might be preferable to consider the draft resolution paragraph by paragraph. He was happy to note that the new wording of the amendment of the German Democratic Republic was acceptable. With regard to the fourth amendment submitted by Trinidad and Tobago to operative paragraph 2 (b), in the provisional version of document A/C.3/L.2066, he suggested that the last part of the sentence, following the words "taking advantage", should be replaced by the words: "of such services, as well as to increase information relating to diseases such as communicable diseases, narcotic drug diseases and also to information concerning population programmes".

12. Mr. PAPADEMAS (Cyprus) appealed to the representative of the German Democratic Republic not to insist on the inclusion of the words "and students" in his amendment (A/C.3/L.2068).

13. Mr. SMIRNOV (Union of Soviet Socialist Republics) said that the discussion had been made difficult by the large number of amendments and subamendments to the draft resolution. The delegation of the Soviet Union would accept the new preambular paragraph proposed in the first of the amendments of the delegation of Cameroon (A/C.3/L.2063). However, his delegation found itself in some difficulty with regard to the first amendment to operative paragraph 3, proposed by the United States (see A/C.3/L.2065). That paragraph constituted a direct appeal to international and regional organizations, whereas the United States amendment referred to youth in general, and did not make any specific reference to organizations. The specific appeal to youth organizations was appropriate from the practical point of view, and consequently the initial wording of the paragraph was more in keeping with the general tone of the draft. The new paragraph 7 proposed in the third United States amendment (*ibid.*) referred simply to "non-governmental organizations", of which there were many. It would be preferable to make that reference more specific by adding the word "interested" and, in order to make it clear that the non-governmental organizations referred to were those which had a connexion with the United Nations system, the words "having consultative status with the Economic and Social Council" should also be added.

14. As far as procedure was concerned, the statement made by the representative of Romania indicated that the sponsors had considered only some amendments, mainly those contained in document A/C.3/L.2065 and some of those contained in the provisional version of document A/C.3/L.2066. He therefore wondered whether the other amendments would be considered at

the current meeting or whether the sponsors would consider them later on.

15. The CHAIRMAN said that the amendments to the draft resolution were before the Committee for its consideration. The sponsors had already considered some of them and had agreed to certain changes, which had been incorporated into the draft resolution.

16. Mr. SHAFQAT (Pakistan) suggested that, in the amendment of the German Democratic Republic (A/C.3/L.2068), as revised by the representative of that country, the words "of youth and students" should be replaced by the words "of the young".

17. Mr. SMIRNOV (Union of Soviet Socialist Republics), referring to the Danish amendment (A/C.3/L.2069) to operative paragraph 6 of draft resolution A/C.3/L.2061, said that he had no difficulty with the first part of the amendment, but he doubted the desirability of requesting the Commission on Human Rights or, as the Egyptian representative had suggested at the preceding meeting, the Commission for Social Development to take into consideration the declaration listed in the amendment. With regard to the reference to the *Ad Hoc* Advisory Group on Youth, that group had been established at the previous session to assist the Secretary-General in matters relating to youth, and all its efforts should be concentrated in that field. He also had difficulty with the reference to the opinions expressed by interested non-governmental organizations. He considered that the details given in the second part of the amendment were superfluous, and he appealed to the Danish representative to withdraw it.

18. He failed to understand the doubts of some representatives regarding the amendment submitted by the German Democratic Republic (A/C.3/L.2068). Youth festivals were very representative gatherings, as could be seen by comparing the attendance figures for the Tenth Festival at Berlin with those for the Seminar on Youth and Human Rights, held at San Remo. At the latter only 28 European countries had been represented, whereas representatives from over 120 countries all over the world had taken part in the Berlin Festival. The Soviet delegation had no objection to the inclusion of the reference to the Tenth Festival at Berlin.

19. Mr. FØNS BUHL (Denmark) said that the main purpose of the amendment submitted by his delegation (A/C.3/L.2069) to operative paragraph 6 of draft resolution A/C.3/L.2061 was to provide some guidance for the work of the Commission on Human Rights and to stress that youth formed an integral part of society. He considered it important to maintain the last part of the amendment, and in that connexion cited paragraph 8 of General Assembly resolution 3022 (XXVII), and Economic and Social Council resolution 1752 (LIV).

20. Mrs. GEORGE (Trinidad and Tobago) said that health policies were of particular concern to her delegation. In view of the opinions expressed in the Committee, she would be willing to accept the following text for the fourth of her delegation's amendments in the provisional version of document A/C.3/L.2066, concerning operative paragraph 2 (b) of draft resolution A/C.3/L.2061:

"To formulate, where necessary, and to improve and implement health policies and programmes in

line with national priorities which will ensure young people taking advantage and benefiting from the information available to them”.

21. Mr. ABSOLUM (New Zealand) said that the amendment submitted by Trinidad and Tobago to operative paragraph 2 (b) in the provisional version of document A/C.3/L.2066 was more appropriate in his opinion, because it stressed specific health problems affecting young people, although he appreciated that some countries had reservations about it. He found the compromise text accepted by Trinidad and Tobago disappointing, and suggested the following wording to replace it:

“To formulate health policies and implement health programmes and, where appropriate and in accordance with national priorities, to make available information and services relating to communicable diseases, narcotic drugs and population programmes, in order to ensure that young people are able to take advantage of the opportunities open to them.”¹

That wording might help to overcome the difficulties experienced by some delegations.

22. Mrs. WARZAZI (Morocco) said that the fourth amendment of Trinidad and Tobago drew attention to definite problems affecting young people and if some countries were not currently facing those problems, they might have to do so later on. She agreed with the representative of New Zealand that the compromise text of Trinidad and Tobago did not reflect that concern, since it was necessary not merely to make information available but also to provide services.

23. Mr. COSTA COUTO (Brazil) said he did not understand why, when Trinidad and Tobago had accepted a compromise text, other representatives should wish to reintroduce the initial text of the amendment. He respected the viewpoint of those delegations, but considered that countries concerned with particular problems could interpret the resolution in terms of their own interests, and that would facilitate the task of each country. Some problems might be very important for one country but less important for others, where it was not necessary to give them priority. If delegations insisted on stressing certain specific problems, Brazil could propose others which it considered more important.

24. Mrs. WARZAZI (Morocco) replied that her delegation, as a sponsor of the draft resolution, could decline to include the compromise text of Trinidad and Tobago in the draft, if it was not satisfied with it.

25. The CHAIRMAN pointed out that if the sponsors did not accept certain amendments, those amendments would be put to the vote.

26. Mr. ABSOLUM (New Zealand), replying to the Brazilian representative's remark about the undesirability of giving priority to specific problems in operative paragraph 2 (b) of the draft resolution, said that in many countries the three problems mentioned in the amendment of Trinidad and Tobago in question were particularly important to young people and should therefore be mentioned specifically. Furthermore, the text he had proposed contained the phrase “where appropriate and in accordance with national priorities”. Consequently, New Zealand wished to submit its text as a subamend-

ment to the revised amendment of Trinidad and Tobago.

27. Mr. CRISTESCU (Romania) urged the sponsors of the draft resolution and Trinidad and Tobago to accept the wording suggested by New Zealand, with a slight change whereby the passage would read: “To formulate health policies and implement health programmes and, where appropriate and in accordance with national priorities, to make available information and services in order to ensure that young people are mentally and physically able to take advantage of the opportunities open to them.”

28. Mr. ABSOLUM (New Zealand) thanked the Romanian representative for his suggestion. However, if the words “communicable diseases, narcotic drugs and population programmes” were deleted, the effect of the subamendment would be nullified. He therefore preferred the wording proposed by his own delegation.

29. Mr. SMIRNOV (Union of Soviet Socialist Republics), referring to the amendment in document A/C.3/L.2069, said that the General Assembly, in resolution 3022 (XXVII), had enumerated the tasks to be assigned to the *Ad Hoc* Advisory Group on Youth and had not included among them the task of making recommendations to the Secretary-General. Furthermore, some non-governmental organizations had not submitted recommendations on the subject and those which had done so had submitted so many, and such conflicting recommendations, that it was impossible to reconcile them. He therefore considered that the last part of the proposed text should be deleted.

30. Mr. FØNS BUHL (Denmark) replied that although it was true that the mandate of the *Ad Hoc* Advisory Group on Youth covered specific tasks, it was also true that paragraph 7 of General Assembly resolution 3022 (XXVII) stated that the Group should advise the Secretary-General on activities that should be undertaken by the United Nations to meet the needs and aspirations of youth. He therefore considered it appropriate to mention the Advisory Group as one of the bodies which should submit recommendations to the Secretary-General on the question.

31. At the request of the CHAIRMAN, Mr. LÜTEM (Secretary of the Committee) read out draft resolution A/C.3/L.2061 together with the amendments introduced orally, and the other amendments which the Committee had before it.

32. Mr. GRAEFRATH (German Democratic Republic) said that, in a spirit of conciliation, he would withdraw his delegation's amendment.

33. Mr. COSTA COUTO (Brazil) said that, if the New Zealand delegation could not accept the compromise text suggested by Trinidad and Tobago for its amendment to operative paragraph 2 (b), the Brazilian delegation would propose that New Zealand's oral subamendment should be modified in such a way as to replace the reference to population programmes by a reference to alcoholism.

34. Mr. SMIRNOV (Union of Soviet Socialist Republics) recalled that the Soviet delegation had submitted a subamendment to the third of the United States amendments (A/C.3/L.2065) to operative paragraph 7 of draft resolution A/C.3/L.2061, providing for the addition of the words “interested” and “having consultative status with the Economic and Social Council”.

¹ Subsequently circulated as document A/C.3/L.2070.

With regard to the Danish amendment (A/C.3/L.2069), he proposed the insertion after the words "Racial Discrimination" of the phrase "and taking account of the views expressed by States Members of the United Nations".²

35. The CHAIRMAN recalled that the United States amendment had been accepted by the sponsors, and had therefore been incorporated into the text of the draft resolution.

36. Mr. ABSOLUM (New Zealand) agreed with the Brazilian delegation that alcoholism was a serious problem and should be mentioned in operative paragraph 2 (b). Accordingly, although he would prefer to retain the words "population programmes", he was prepared to accept the suggestion made by the Brazilian representative with regard to the fourth amendment of the delegation of Trinidad and Tobago, if it was acceptable to that delegation and the Romanian delegation.

37. Mr. NENEMAN (Poland) suggested that the Danish amendment (A/C.3/L.2069) should include a reference to the Declaration on Social Progress and Development and the views expressed on the item in the debate held at the twenty-seventh session.

38. Miss CAO PINNA (Italy) said that, before the meeting held by the sponsors of the draft resolution, she had suggested an amendment to the representative of Romania, but the sponsors had not had time to consider it. The amendment would consist in including one or two paragraphs in which reference would be made to the importance of the full enjoyment of fundamental freedoms as an essential prerequisite for the development of youth.

39. Mr. CRISTESCU (Romania) said that his delegation would be prepared to accept the passage suggested by the representative of Italy. It could be inserted after the fourth preambular paragraph to read: "*Mindful also of youth's aspiration to the full enjoyment of fundamental freedoms as affirmed in the Universal Declaration of Human Rights*".

40. Mr. PAPADEMAS (Cyprus) said that, in view of the late hour and the number of amendments and subamendments submitted, it would be wrong to take a hasty vote on the draft resolution.

41. The CHAIRMAN said that he had no objection to postponing the vote.

42. Mr. ALFONSO (Cuba) supported the representative of Cyprus and asked if the Committee might be informed of the financial implications of the circulation of a revised draft containing all the amendments.

43. The CHAIRMAN said that on the following day the Committee would have such a document. He also announced that no further amendments could be submitted after 6 p.m. and that a vote would be taken following the meeting.

44. Mr. SMIRNOV (Union of Soviet Socialist Republics) said that when he had introduced an oral subamendment to document A/C.3/L.2065, he had assumed that the Committee was considering the amendments in that document together with the others; he had not thought that the sponsors, in accepting the amendment, would have changed the situation. Romania and Italy had now submitted further amend-

ments and he wondered what procedure would be followed in the matter. In his opinion, those new amendments could be submitted in writing only if authorization was given by the Chairman.

45. Mr. CRISTESCU (Romania) explained that what he had done was inform the Committee of the Italian suggestion, submitted before the informal meeting, which could not be considered at that meeting for want of time.

46. Mrs. GEORGE (Trinidad and Tobago) said that her delegation had tried to arrive at a compromise text for operative paragraph 2 (b) of the draft resolution in the hope of achieving a consensus and, during the debate, had said that it could accept the New Zealand subamendment although it preferred its initial amendment as contained in the provisional version of document A/C.3/L.2066. Now the Committee had before it the New Zealand subamendment and, if a vote was taken, Trinidad and Tobago would have to identify with that subamendment.

47. Mr. HOWARD (Director, Social Development Division) said that the Commission for Social Development met at two-year intervals. Thus, its next session, the twenty-fourth, would be held in January 1975 and the twenty-fifth session would be convened in 1977. If the report called for in the draft resolution was to be submitted to the General Assembly through the Commission for Social Development, it was unlikely that that could be done before the thirty-second session of the General Assembly, in 1977. If the report were to be examined by the Commission at its session in 1975, it would have to be completed and submitted for processing as a document by 1 June 1974. That would clearly be beyond the capacity of the Secretariat, particularly as the Secretary-General was requested to assemble the relevant data and then to prepare a report that would provide guidelines to planners in developing countries. That was a task requiring a concerted and systematic effort. As members of the Committee were aware, the Secretary-General had allocated the resources proposed in the programme budget for the biennium 1974-1975 among various activities in the field of social development and humanitarian affairs, on the basis of the legislative mandates laid down by governing bodies prior to the twenty-eighth session of the Assembly.

48. Mr. GRAEFRATH (German Democratic Republic) asked if the suggestion made by Italy, and also mentioned by the Romanian delegation, was a formal amendment.

49. Miss CAO PINNA (Italy) said that the sponsors had considered all the suggestions that had been made, including those not submitted in writing. She was sure that the delegations represented in the Committee, especially the German Democratic Republic, were not opposed to fundamental freedoms, and she asked the sponsors to accept her suggestion.

50. Mr. MUSAFIRI (Zaire) wondered whether it would be possible to combine the texts contained in documents A/C.3/L.2061 and A/C.3/L.2062 in a single text, since they dealt with the same question.

51. Mrs. SELLAMI (Algeria) said that she appreciated the suggestion made by the representative of Zaire; however the draft resolution co-sponsored by her delegation (A/C.3/L.2062) could not be combined with the other text.

² *Idem*, A/C.3/L.2072.

52. The CHAIRMAN, replying to a question from Mr. SMIRNOV (Union of Soviet Socialist Republics), repeated that he had authorized the submission—after the prescribed time-limit—of subamendments to the amendments under consideration but not the submission of amendments to the draft resolution.

53. Mr. IRARRAZAVAL (Chile) said that although he had not intended to speak in the debate; because his Government had just set up a National Secretariat for Youth which was devising programmes for that section of the population, he was obliged to reply to the accusations made at the previous meeting by the representative of Cuba and to provide information concerning the situation of youth in his country. The creation of the secretariat he had mentioned was intended not only to meet a need, but also to express his Government's appreciation of the nation's youth, which had been among the first to rebel against the political indoctrination imposed by the earlier régime. As for the situation of the Chilean universities, his Government respected their independence, which was a tradition in his country, and the recently designated rectors had been assigned the task of restoring and safeguarding normal university life, which had been disrupted by extremist groups under the previous régime. He was aware of the organizational problems of depoliticizing the universities and was sure that those who found themselves deprived of political platforms would have complaints to make about the situation.

54. He went on to quote the disinterested views expressed on the general situation in Chile by the writer Ionesco, who had said that he found it strange and unfair that judgements should be made concerning the Chilean military movement and its effects without taking account of the causes that had produced it. Normal conditions already prevailed in the Chilean universities, as in primary and secondary schools; and he wished to point out, with regard to the latter, that students at that level had also played a part in political

activities and that currently the main concern was to ensure that students at all levels concentrated on their studies.

55. Mr. ALFONSO (Cuba) said, with reference to the statements made by the representative of Chile, that it was not enough merely to refute a charge; one must prove the opposite to be true. In his statement at the previous meeting he had said that Chilean universities were under military control, and in support of that statement he wished to inform the Committee that the rectors of the Chilean universities were an air force general, an army colonel, a retired navy commander, a retired colonel, a retired vice-admiral, a retired rear admiral, a retired navy captain and a retired colonel. That information was to be found in the issue of 23 October of the Santiago newspaper *El Mercurio*. He asked the representative of Chile whether or not youth organizations were banned by the Military Junta, whether or not the main Chilean youth leaders were in prison, in exile or dead; whether or not the militant students of various parties had been dismissed because of their political affiliations and, lastly, how there could be freedom to study when students were deprived of the right to choose their career on account of their political position.

56. Mr. IRARRAZAVAL (Chile) said that his reply to all the questions asked by the representative of Cuba would be a resounding "no". However, the Committee was not the appropriate forum and he had no intention of becoming involved in any kind of jousting tournament as he wished to avoid a repetition of the incidents that had occurred in the General Assembly.

57. Mr. ALFONSO (Cuba) said that the representative of Chile had confirmed the facts he had mentioned in his earlier statement by simply giving "no" as his reply and saying that the Committee was not the appropriate forum for a discussion of the question.

The meeting rose at 6.35 p.m.

2033rd meeting

Tuesday, 20 November 1973, at 3.30 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2033

AGENDA ITEM 62

World social situation of youth: report of the Secretary-General (concluded) (A/9003 and Corr.1, chap. XXI, sect. A.8; A/9119 and Corr.1, A/C.3/L.2052, 2061/Rev.1, 2062, 2066, 2067, 2069-2072, E/CN.5/486 and Corr.1, Add.1 and Add.1/Corr.1 and E/CN.5/486/Summary and Corr.1)

1. Mr. CRISTESCU (Romania) said that consultations between the sponsors of draft resolution A/C.3/L.2061/Rev.1 and the delegations which had submitted amendments to it had resulted in agreement on a text for operative paragraph 7, reading:

"Requests the Economic and Social Council to invite the Commission for Social Development to

study the possibility of redefining an international policy concerning the involvement of youth at the national and international levels, including the advisability of an international document on youth, taking into consideration, inter alia, relevant provisions contained in existing international instruments and the views expressed by Governments of States Members of the United Nations and by the interested non-governmental organizations in consultative status with the Economic and Social Council, and to present recommendations to the Economic and Social Council at its fifty-eighth session, to be submitted to the General Assembly at its thirtieth session."

2. Mrs. GEORGE (Trinidad and Tobago) announced that her delegation had become a sponsor of the two

draft resolutions before the Committee (A/C.3/L.2061/Rev.1 and A/C.3/L.2062).

3. The CHAIRMAN said he understood that the delegation of Trinidad and Tobago had accepted the sub-amendment submitted by the New Zealand delegation (A/C.3/L.2070) to the first of the amendments proposed by Trinidad and Tobago (A/C.3/L.2066), to operative paragraph 2 (b), so that there was only one text to be voted on.

4. Mr. COSTA COUTO (Brazil) requested a separate vote on the words "population programmes" in document A/C.3/L.2070.

5. The CHAIRMAN invited the Committee to vote on the amendment contained in document A/C.3/L.2070 to draft resolution A/C.3/L.2061/Rev.1, as revised.

The words "population programmes" were retained by 69 votes to 2, with 21 abstentions.

The amendment contained in document A/C.3/L.2070 was adopted by 81 votes to 1, with 20 abstentions.

6. The CHAIRMAN suggested that, if there was no objection, draft resolution A/C.3/L.2061/Rev.1, as revised and amended, should be adopted unanimously.

7. Mr. MOREIRA (Portugal) said that he objected to a unanimous adoption.

Draft resolution A/C.3/L.2061/Rev.1, as revised and amended, was adopted by 107 votes to none, with 1 abstention.

8. The CHAIRMAN invited the Committee to vote on the amendment in document A/C.3/L.2067 to draft resolution A/C.3/L.2062.

The amendment was adopted by 78 votes to none, with 3 abstentions.

9. Miss FAROUK (Tunisia) pointed out that the word "colonial" before "territories" in operative paragraph 4 should be deleted.

10. The CHAIRMAN suggested that, if there was no objection, draft resolution A/C.3/L.2062 should be adopted unanimously.

11. Mr. MOREIRA (Portugal) said that he objected to a unanimous adoption.

Draft resolution A/C.3/L.2062, as amended, was adopted by 108 votes to none, with 1 abstention.

12. Mrs. PICKER (United States of America) said that the United States had been pleased to be able to give its full support to draft resolutions A/C.3/L.2061/Rev.1 and A/C.3/L.2062, as modified.

13. She expressed appreciation to the sponsors of draft resolution A/C.3/L.2061/Rev.1 for their acceptance of two of the three United States amendments. Her delegation had been able to withdraw its amendment to operative paragraph 5 of the initial text (A/C.3/L.2061) after receiving clarification from the sponsors. Her delegation understood that the meetings referred to in that paragraph were similar to the Seminar on Youth and Human Rights in San Remo and the youth meeting to be held in co-ordination with the World Population Conference.

14. Mr. MOREIRA (Portugal) said that the Third Committee was competent to deal with humanitarian,

social and cultural questions, and the subject of youth included those three aspects. However, Portugal considered that the draft resolutions which had been adopted were characterized by demagogy of a kind that had nothing to do with the objectives sought. The references to southern Africa and the repeated mention of colonialism and imperialism were aimed directly at Portugal, and his delegation had therefore been unable to accept them. Portugal had accordingly abstained from voting on both draft resolutions.

15. Mr. SHEN (China) observed that draft resolution A/C.3/L.2062 was based on a spirit of struggle against colonialism and imperialism, and its objective was the education of youth to oppose those evils. China agreed with those principles, but the first three preambular paragraphs referred to resolutions, decisions, covenants and conventions which China had not supported. He therefore wished to place on record his delegation's reservations concerning those preambular paragraphs.

AGENDA ITEM 61

Crime prevention and control (A/9032, A/C.3/L.2064)

16. Mrs. SIPILÄ (Assistant Secretary-General for Social Development and Humanitarian Affairs) cited the main provisions of General Assembly resolution 3021 (XXVII) on crime prevention and control and said she believed that, at the current session, the Committee should reiterate the need for more effective international action and the importance of developing a comprehensive and detailed plan for 1976.

17. It had always been said that crime was a matter for each Government to deal with in its own way. The Third Committee was obviously concerned with things like capital punishment and torture, but there was no questioning the right of each State to make its own laws and to administer them in the way most appropriate to its needs. Nevertheless, in crime prevention and control there were no developed or developing countries—all were struggling towards better standards of efficiency with humanity and effectiveness with justice. For that reason, there was a vital need to develop a system for the better sharing of experiences and for technical aid where that was warranted. Moreover, the number of international or transnational crimes was increasing, and there again international co-operation was needed. Finally, the way in which crime was connected with development problems could not be overlooked, and there was a need to consider the balance of the by-products of the investments made by countries.

18. As requested in resolution 3021 (XXVII), the Secretary-General had obtained the views of Member States concerning the advisability of holding an international conference of ministers responsible for social defence, and Italy had offered host facilities for such a meeting.

19. The Secretary-General's note (A/9032) had invited attention to the fact that the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders would be held in 1975 with agenda items similar to those which might be proposed for an international meeting of ministers and had therefore asked whether it was thought that a meeting of ministers was necessary before the Congress. Of the 30 replies received, 17, or 57 per cent, favoured holding a

meeting of ministers, and the other 13 replies were divided in the following manner: 5 believed that the Congress itself would serve the purpose; 5 preferred to defer the question of a meeting of ministers until after the Congress; 3 gave negative answers without stating any reasons.

20. In general it appeared that the support for the proposed meeting was from the developing countries, although clearly the number of replies was as yet too small for a decision to be made. Those who preferred to avoid the meeting of ministers before the Congress mainly cited the fact that the ground would be adequately covered by the Congress itself. It was noteworthy that all the countries taking that view were in areas of the world where ministers responsible for social defence already had regular regional forums, while the Governments which sought to have a meeting of ministers before 1975 belonged to regions where such regional meetings were not available.

21. On the question of the preparations for the Fifth United Nations Congress, she said that in 1970 collaboration had begun with Canada, which would be the host country, and plans were already well advanced. Two information circulars had already been issued providing details of the agenda approved by the Committee on Crime Prevention and Control at its second session. The Canadian Government had set up a Special Co-ordinators Office and had been represented at all meetings connected with the Congress.

22. The first two regional meetings of experts on the preparation of the agenda of the Congress had been held. The Asian experts had met at Tokyo in July, and the Latin American experts had met in Brazil in November 1973. It was hoped to hold a similar regional meeting of experts in Africa in 1974. For those meetings in the developing areas the United Nations was supplying funds for the travel and subsistence of experts, and the Secretariat was documenting and servicing the meetings. In addition, it was possible for the Secretariat to document and service meetings in the developed countries, where Governments were prepared to meet the expenses for their own representation and there was a host Government providing the place to meet and some support services. The Government of Denmark had hosted a one-day meeting of European States in August 1973. That meeting had been very successful and laid the foundations for a further meeting of European States in April 1974, which would probably be hosted by Hungary.

23. Those pre-Congress meetings were of great value, enabling the subjects to be examined in depth and providing useful material for incorporation into the working papers.

24. All that work was being integrated into the eventual preparation of a report for the General Assembly on future international action, and the Congress clearly provided a useful forum for that. At the same time the Congress would necessarily be concerned with broad policy issues in general crime prevention work, which extended across all sectors of the economy. The international plan of action for the Assembly to consider in 1976 would need to go into further technical detail, and for that purpose the Committee on Crime Prevention and Control was seeking ways of implementing the General Assembly resolution within available resources.

25. She emphasized the need for close co-operation with Member States at all stages, and wished to mention the existence of the Social Defence Trust Fund, which offered the means to further develop work in that field. Currently the Fund was barely able to support the United Nations Social Defence Research Institute in Rome, and relied on support from Italy and Sweden; but with full backing from Member States the work could be more diversified. Lastly, she would suggest that, in discussing future approaches to crime and its prevention, the Committee needed to consider such ways of financing future work and developing closer liaison between Member States.

26. Mrs. BONENFANT (Canada) said that the problem of crime was of concern and interest to all countries, regardless of their level of development or system of social organization, as could be seen from the unanimous adoption of General Assembly resolution 3021 (XXVII). In pursuance of paragraph 5 of that resolution, Canada had offered technical assistance through the Canadian Agency for International Development, but to date had not received much response to that offer. Moreover, Canada had given an affirmative answer regarding the advisability of holding an international conference of ministers responsible for social defence and appreciated the Italian Government's offer to host such a conference. If it was decided to hold the Conference, it might be convened before the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and thus provide guidance for the deliberations of the Congress.

27. Her country had, from the very outset, been concerned about the prevention of crime and the treatment of offenders. That was why it had agreed in 1970 to act as host to the Fifth Congress, to be held at Toronto in September 1975. In 1971 the competent Canadian authorities had appointed a Canadian co-ordinator to deal exclusively with preparations for the Congress. Moreover, in January 1973 a national advisory committee had been set up, whose members included the provincial ministers responsible for crime prevention and criminal justice. Lastly, in June 1973 a Canadian organizing committee had met for the first time and had been attended by representatives of the federal, provincial and municipal governments and of some non-governmental organizations. Canada's contribution to the conduct of the Congress would amount to \$1.7 million, which showed the interest it took in that event.

28. Canada was sure that its interest was shared by all nations of the world and expected over 2,000 experts and senior personnel to attend the Congress. However, despite its efforts, Canada alone could not achieve the objectives of the Congress without the full support of the United Nations Secretariat.

29. The draft resolution submitted by Canada in document A/C.3/L.2064, which was also being sponsored by Cameroon, Japan, Trinidad and Tobago and the United Kingdom, was self-explanatory; it dealt mainly with procedural questions and should present no difficulties for delegations. However, she wished to explain the meaning of operative paragraph 2, which should not be construed as a request to the Secretary-General to allocate additional, extra-budgetary resources. In that paragraph the Secretary-General was merely requested to ensure the provision of adequate financial resources, not the provision of new resources.

30. Lastly, she appealed for the support of all delegations so that the draft resolution could be adopted unanimously.

31. Mr. COSTA COUTO (Brazil) said that there was no need to emphasize the humanitarian aspects of the item before the Committee, which had facets other than those suggested by the title of the Secretary-General's note (A/9032), such as economic and social development, participation in society, the cult of violence as an acceptable means for the solution of problems, equality of opportunity, reduction of the economic and social gaps existing between nations and within a particular country, and the homogenization of culture. The specific problems under consideration could not be solved until those other fundamental issues were tackled. It seemed certain, however, that improved personal and property security and the rehabilitation of offenders would contribute to a solution of those problems.

32. Brazil had taken an active interest in the matter and, at the preceding session, had been one of the sponsors of the text adopted as General Assembly resolution 3021 (XXVII), to which it attributed special importance.

33. The problem of the treatment of offenders had been widely neglected in the past. Some developed countries had acknowledged their partial failure in the rehabilitation of criminals, and the situation was even more acute in the developing countries, which had fewer facilities and resources for such rehabilitation. His delegation felt that a substantial improvement in penal systems was urgently needed in all countries, and particularly in developing countries which, by their own decision, were emerging from tradition-oriented, rural societies and were beginning to experience the same problems as the industrialized and urbanized countries.

34. Regional meetings were being held in preparation for the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and one such meeting had just ended in the Brazilian capital. He wished to emphasize the importance of developing, between countries and within each region, channels of co-operation and ways and means of improving preparedness for the Fifth Congress.

35. In view of the other important items still pending on the Committee's agenda and the validity of the guidelines provided in resolution 3021 (XXVII), he suggested that the Committee should simply decide to reaffirm that resolution, bearing in mind the Fifth Congress, to be held at Toronto, and postpone consideration of the question, which should be included in the agenda of the thirtieth session of the General Assembly.

36. He welcomed the draft resolution introduced by the Canadian delegation (A/C.3/L.2064) and suggested that reference might be made, in the preambular part of the draft, to resolution 3021 (XXVII)—possibly in a paragraph reaffirming that resolution. He expressed appreciation to the Italian delegation for its offer to act as host to the conference of ministers responsible for social defence and pointed out that, for a meeting of that kind, it would be necessary to draw up a very precise agenda and make extensive preparations. However, he wondered whether it was appropriate to decide that it should be held in 1974, in view of the Fifth Congress, and suggested that the Congress might be able to pro-

vide the necessary guidelines for the conference. Although it seemed that a majority was in favour of convening the conference, he believed that that majority would prefer a decision to be taken at the Congress.

37. Mr. KUNIYASU (Japan) said that the Secretary-General's note on the item under consideration was a valuable contribution which would serve to stimulate efforts to solve the problem. Japan had consistently co-operated in United Nations activities in that sphere, acting as host for international or regional conferences in that field and making contributions to the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders. He said that his country would maintain that co-operative attitude and, in that connexion, drew attention to what had been termed the "Tokyo Appeal" issued in July 1973 by the representatives of 14 Asian countries who had attended the meeting of the *ad hoc* committee of experts on the future policy of the Institute, held in Tokyo. After quoting the major paragraphs in the Appeal, he observed that Japan was one of the countries where the urban crime rate, excluding traffic offences, was decreasing. In that connexion, he emphasized an article recently published in the *Christian Science Monitor* which, although containing some rather exaggerated statements, was generally accurate in its description of the safety which prevailed in Tokyo at all hours of the day. A recent white paper issued by the Japanese Government attributed the success achieved in the fight against crime to the efficiency of the police and to the strict controls on weapons and drugs. Another factor in that success was full employment. However, Japan's ability to control drugs and weapons so strictly derived from its social habits; the Japanese were a homogeneous race which obeyed authority and respected the police. Despite urbanization and industrialization, the concept of family honour persisted, and the strongest sanction against crime was the dishonour which it laid on the whole family. Moreover, neighbourhood associations co-operated with the police when information was required, and that was an important factor in the fight against crime.

38. Mr. FØNS BUHL (Denmark) welcomed the draft resolution introduced by the Canadian delegation (A/C.3/L.2064) and noted that, as the Assistant Secretary-General for Social Development and Humanitarian Affairs had indicated, the Danish Government had acted as host to a regional European meeting held at Copenhagen in August 1973 as part of the preparations for the Congress which was to take place in Toronto in 1975. The meeting had been presided over by the Director-General of Prisons in Denmark who had stated, *inter alia*, that the impact of international crime was so obvious a threat to every country that it should be possible to agree on effective measures to counter that threat. The Director-General had also said that there seemed to be the feeling that a humanitarian attitude was important in dealing with crime problems. It should be possible for the nations of the world to harmonize their policies forthwith, combining an awareness of the necessity of protecting themselves and each other from the threat of organized crime with a fundamental respect for all human beings. At the preparatory meeting, it had been agreed that there was a need for a larger meeting of representatives of all European countries before the Fifth Congress was held. He understood that the Government of Hungary

had offered to act as host for such a meeting, and his delegation welcomed that initiative.

39. In conclusion, he said that his Government supported draft resolution A/C.3/L.2064.

40. Mr. VALTASAARI (Finland) said that, as a sponsor of the text adopted as General Assembly resolution 2843 (XXVI), on criminality and social change, as well as the text adopted as General Assembly resolution 3021 (XXVII), on crime prevention and control, his delegation agreed that it was appropriate not to devote much time to consideration of the question at the current session. He recalled with satisfaction that, at the previous session, the General Assembly had been able to adopt unanimously resolution 3021 (XXVII), which had set out in detail a work plan for the Secretariat for the following three years. Since the Secretariat had stated that it was capable of fulfilling the mandate set out in that resolution, it would be inappropriate for the Committee to alter that mandate, particularly in view of the fact that the Organization was about to launch a programme-budgeting system.

41. His delegation agreed with the observation in the Secretary-General's note to the effect that traditional methods of dealing with crime had proved unsuccessful. Realization of that fact had led to a general understanding of the need to broaden the possibilities for social action for offenders to the area of social policy and had encouraged consideration of more suitable forms of sanctions than prisons as the only facilities for the treatment of offenders.

42. With regard to the wide variation in the crime problem in different countries, both the resolution to which he had referred and the Secretary-General's note

recognized that Governments were best qualified to seek the measures and implement the policies necessary to deal with their own crime problems; that concept should be the basis for any international action, which should concentrate on assisting national decision making by gathering and disseminating information, knowledge and experience gained elsewhere and promoting understanding of the fact that the mistakes made by some did not need to be repeated by others.

43. His delegation particularly supported the exchange of information across the traditional barriers that still existed between countries with different socio-economic systems or different levels of development; the Nordic countries were widely acknowledged to be advanced in the field of criminal policy, and the Finnish Government was ready to offer its services for international activities aimed at promoting an understanding of the problem.

44. Referring to the draft resolution introduced by Canada (A/C.3/L.2064), which should be read in connexion with the reference in resolution 3021 (XXVII) to the preparations for the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, he said that that proposal was a reaffirmation of the unanimous request made by the Committee and a renewed appeal to the Secretary-General to take effective action within the existing resources.

45. Miss CAO PINNA (Italy) thanked those delegations which had referred to her country's offer to act as host for the conference of ministers responsible for social defence.

The meeting rose at 5.05 p.m.

2034th meeting

Wednesday, 21 November 1973, at 10.45 a.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2034

AGENDA ITEM 61

Crime prevention and control (*concluded*) (A/9032, A/C.3/L.2064)

1. Miss CAO PINNA (Italy) said that, while her delegation welcomed the reorganization of the Committee's work programme, it would be grateful if a greater number of meetings could be allocated to the consideration of crime prevention and control at future sessions.

2. Italy's interest in the subject was illustrated by the fact that the United Nations Social Defence Research Institute operated in Rome, with substantial support from the Italian Government; that her delegation had been an original sponsor of the text adopted as General Assembly resolution 2858 (XXVI) on human rights in the administration of justice; that Italy had been very active in promoting renewed interest in the abolition of capital punishment; and that Italy had recently offered to host an international conference of ministers responsible for social defence.

3. Her delegation was somewhat perplexed at the assertion in the first part of paragraph 16 of the Secretary-General's note (A/9032) which, if taken literally, would preclude any efforts by the international community to seek common denominators within the crime problem. She pointed out that the Sixth Committee was currently considering, under agenda item 90, a draft convention on the prevention and punishment of crimes against diplomatic agents and other internationally protected persons. Also in paragraph 16 of the note, international collaboration in the field was referred to as "unavoidable": that wording, too, was rather perplexing to her delegation, which regarded such collaboration as highly desirable. Indeed, international collaboration had already brought about considerable progress in that field—as could be seen from the activities of the Working Group of Experts on Standard Minimum Rules for the Treatment of Prisoners, mentioned in paragraph 3 of resolution 2858 (XXVI). The progress made by the Working Group and by the Committee on Crime Prevention and Control met the concern expressed by the General Assembly in that resolu-

tion with regard to the treatment of prisoners, and her delegation felt that the Assembly should take note of those efforts with satisfaction.

4. She also wished to point out that the United Nations Social Defence Research Institute was, by statute, an international centre, and not a regional institute as was suggested in paragraph 22 of the Secretary-General's note. Her delegation supported the draft resolution before the Committee (A/C.3/L.2064), and wished to join previous speakers in expressing gratitude to the Canadian Government for its offer.

5. Mr. SMIRNOV (Union of Soviet Socialist Republics) recalled that great interest had been aroused at the Fourth United Nations Congress on the Prevention of Crime and the Treatment of Offenders by accounts of national experience in social planning and crime prevention. The report of the congress¹ had indicated the importance of information about State efforts in that field.

6. Under socialism, crime was a passing phenomenon. The participation of the community in crime prevention was due to the nature of the socialist system, in which individuals were fully involved in the management of State affairs. In the capitalist countries, however, crime continued to grow and the objective conditions necessary for its elimination were absent. It was for that reason that some representatives of those States had referred to crime as an ineradicable social problem, and advocated such punitive measures as enlarging the police force and broadening judicial powers. In Soviet society, measures to combat crime were directed at eliminating its underlying causes. V. I. Lenin had written that, with the elimination of the exploitation of the masses and of poverty, the principal cause of antisocial behaviour would begin to wither away. However, the eradication of social inequality and exploitation was a lengthy and complex process, and there were still a few criminals in the Soviet Union.

7. Since the fight against crime was a social matter, the measures applied would vary depending on each country's particular social, economic and political conditions. Accordingly, the Soviet delegation had always opposed the view which had been stated in a number of United Nations documents to the effect that the United Nations should act as a centre for the co-ordination of national crime prevention policies. Such attempts to deny a State's responsibility for crime prevention were unrealistic. In the light of those considerations, the Secretary-General's note (A/9032) gave rise to a number of serious objections. In attempting to link the problem of crime with the growth of technology, communications, urbanization, industrialization and so on, the Secretary-General misrepresented the genuine causes of crime and, in particular, its connexion with the exploitation of man by man, social inequality and other such evils.

8. Nor could his delegation agree that criminality was a social and political problem of the first order. That attitude ran counter to the view expressed in the Declaration on Social Progress and Development and many other United Nations documents.

9. His delegation wished to stress once again that the fight against crime should be conducted first and

foremost at the national level, in the light of each country's specific economic, social and cultural conditions. The USSR had opposed the convening of an international conference of ministers responsible for social defence, believing that such a conference would duplicate the work of the United Nations Congresses on the Prevention of Crime and the Treatment of Offenders. The United Nations should concentrate its efforts on publicizing States' experience in combating crime. It could also recommend that States should institute preventive measures aimed at eliminating the social conditions which promoted crime. The quinquennial Congresses on the subject could play a useful role, as could the reports published in the *International Review of Criminal Policy*.

10. Turning to the draft resolution before the Committee (A/C.3/L.2064), he recalled paragraph 7 of General Assembly resolution 3021 (XXVII), and stressed that Secretariat efforts to prepare for the Fifth Congress should be carried out within available manpower resources. There was a widespread practice in the United Nations of calling upon outside consultants, who often had very narrow fields of specialization, came from the Western countries and produced a one-sided approach, paying insufficient attention to experience in countries with different social systems. The four previous Congresses had not required the adoption of special measures, but had been held according to the normal arrangements. Consequently, his delegation believed that the draft resolution should confine itself to the terms used in the resolution adopted on the subject at the twenty-seventh session. He wished to propose that operative paragraph 2 should be worded: "Requests the Secretary-General to ensure that the work of the United Nations Secretariat in preparing for the Congress should fully promote its successful outcome".

11. Mr. VALDERRAMA (Philippines) thanked the Secretary-General for his note on crime prevention and control (A/9032) and the Assistant Secretary-General for Social Development and Humanitarian Affairs for her introductory remarks at the preceding meeting. He noted with appreciation the Italian Government's offer to serve as host to the proposed international conference of ministers responsible for social defence. His Government had already informed the Secretary-General that it favoured the convening of such a conference and would participate in it.

12. His delegation was pleased to note that Canada, in draft resolution A/C.3/L.2064, had confirmed its invitation to host the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

13. His delegation had noted with interest the exposition of the anatomy of crime in modern times, in section I of the note by the Secretary-General, and endorsed the view that crime was the result of physical, cultural, economic and socio-psychological conditions. It was to be hoped that the system of national correspondents, which, according to paragraph 20 of the Secretary-General's note, had not worked too well, could be further improved. If the three United Nations social defence institutes proved useful, it might be worth while to consider the establishment of other such institutes. His delegation looked forward to the report of the Committee on Crime Prevention and Control to the thirty-first session of the General Assembly.

¹ United Nations publication, Sales No. E.71.IV.8.

14. He endorsed the view expressed in paragraph 16 of the note by the Secretary-General to the effect that in any international approach it was necessary to acknowledge the right of each nation to deal with its crime problem in its own way. In the light of the observation, in the same paragraph, that experiences needed to be shared and help given where requested, he wished to share with the Committee his country's recent experience in the fight against crime.

15. Until a little over a year earlier, crime in the Philippines had been rampant. That was no longer the case, however; the improvement could be attributed to the institution of a combination of firm law enforcement measures and social and political reforms. Some such measures included the disbanding of armed bands, the confiscation of loose firearms, the establishment of incentives such as extension of government credit and amnesty, rehabilitation and resettlement, and the dispersal of industry to the rural areas. The energies of young people were channelled through co-operative and various socio-economic programmes. Peace and order had been restored and the crime rate reduced by 93 per cent in the preceding year.

16. Those efforts were complemented by efforts to weed out the incompetent and corrupt in government ranks, including the armed and police forces. President Marcos had recently ordered the integration of the country's police agencies into a national police force, as envisioned in the new Constitution. The Philippine Constabulary, which would provide the nucleus of the proposed national police force, had already begun to use computerized television screens and teleprinters.

17. The Integrated Bar of the Philippines had as its priority objective the task of extending legal assistance to the poor and the underprivileged.

18. His Government hoped to bring about the speedy and impartial administration of justice by the recent transfer of administrative supervision over the judiciary from the executive branch of Government to the Supreme Court, in accordance with the new Constitution.

19. With the enfranchisement of the 15-year-olds, who had been at the forefront of demonstrations in recent years, and the revival of the ancient *barangays* or citizens' assemblies, the Government had begun a re-examination of the effects of colonial or imported legislation mentioned in paragraph 34 of the Secretary-General's note.

20. His delegation welcomed the observation, in paragraph 48, that there was no inevitable correlation between urbanization, industrialization and increasing crime, although elsewhere in the note there seemed to be an effort to show such a correlation. His delegation respectfully submitted that it was not so much urbanization or industrialization *per se* that caused crime as the displacements, maladjustments and inequities spawned by an unjust national order or system.

21. His delegation appreciated the informative statement made by the representative of Japan at the preceding meeting concerning the Asian Regional Preparatory Meeting for the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Tokyo in July 1973. The crimes of smuggling, exploitation, illicit drug traffic, counterfeiting, black marketing and foreign exchange racketeering, which

had been discussed at that meeting, pointed to the need for international co-operation in crime prevention and control. The United Nations had an important role to play in that regard.

22. Mr. MUSAFIRI (Zaire) felt the question of crime prevention and control should be given the most careful attention. Solutions could be found by stages, both at the national level and within the United Nations. He noted with satisfaction that General Assembly resolution 3021 (XXVII), which endorsed the conclusions of the Fourth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and the recommendations of the Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders, strongly emphasized the importance of the question. Certain suggestions in the note by the Secretary-General (A/9032) would also be helpful, if adjusted to each country's particular situation, in strengthening international co-operation for crime prevention and control.

23. The disturbing problem of crime growth was closely linked to the growth of urban areas. The authorities of his country were seriously concerned about the situation and had consequently provided for the teaching of criminology at the Law Faculty of the National University. A course on psychology and re-education of juvenile delinquents had been organized for students of education and psychology, while sociology students were given a course on social pathology and a theoretical and practical one on social problems. Emphasis had been placed on the need to organize a criminology research service within the National University.

24. Another important factor in the promotion of criminology studies was Ordinance No. 67/311, of 10 August 1967, under which the National Research and Development Office was given the task of developing and supervising all types of scientific and technical research. The Office had established, in 1967, a section on legal and social science, which included a criminology service. The criminology service assembled data on social defence with a view to integrating social defence projects into the nation's over-all development. His country had already begun a large-scale reform of its judicial and penitentiary systems.

25. Under another law, his Government was energetically combating juvenile delinquency. Although combined efforts of various departments and authorities, as well as the collaboration of the press and voluntary organizations, were important, the education and orientation of youth were fundamental to all measures for crime prevention and control. With that consideration in mind, his Government was taking action for the benefit of the family, as well as organizing general and vocational education programmes and other activities for youth. Eventually, official institutions would merely supplement the efforts of the family and the schools.

26. His delegation felt that the most effective methods and means for combating crime and improving the treatment of offenders should be sought. Law enforcement systems, judicial procedures and correctional systems would play an important part in efforts to improve the attitudes of offenders.

27. Mr. BRUNO (Uruguay) said that, although crime, as a punishable act, was expressly defined in the positive law of each State, the problem of crime prevention and control was a complex one which had features that were common to all countries. The exchange of experience among States would therefore benefit all—particularly in view of the recent advances in communications, as a result of which national boundaries and definitions of crimes were beginning to disappear. Crimes affecting one State often had repercussions in others; contemporary penal law covered a whole range of such crimes as, for example, economic crimes, drug trafficking and others.

28. His delegation therefore attached great importance to the item and considered it essential to co-ordinate national systems of crime prevention and control. The relevant conventions should be updated and co-ordinated with national legislation in order to provide a sound basis for international penal law on the prevention of crime and treatment of offenders.

29. His delegation joined previous speakers in expressing its deep concern regarding the constant increase in crime throughout the world. In view of the great difference in the situation prevailing in the various countries of the world, it was most important for the United Nations to compile statistics on the subject which would eventually benefit the development of national penal legislation. Mere data were not enough, however, and should be supplemented with practical assistance which could most appropriately be provided by the United Nations.

30. His delegation was particularly pleased to support the draft resolution introduced by the representative of Canada (A/C.3/L.2064). It also considered the suggestions made at the previous meeting by the representative of Brazil to be most interesting and felt that they should be taken into consideration.

31. Mr. SHAFQAT (Pakistan) said that his Government was following with great interest the activities undertaken by the United Nations for crime prevention and control and was taking measures to intensify crime prevention and control at the national level.

32. With regard to operative paragraph 2 of draft resolution A/C.3/L.2064, he recalled that the representative of Canada had explained that the financial and manpower resources in question should be made available from existing resources. In order to make that point clear in operative paragraph 2 of the draft resolution, he suggested the addition of the words "from normal budgetary allocations".

33. Mrs. BONENFANT (Canada) said that she again wished to point out that the request in operative paragraph 2 of draft resolution A/C.3/L.2064 was not a request for additional resources, but, rather, a request for resources from the regular budget. Moreover, in order to make the draft resolution acceptable to all delegations, her delegation was willing to revise operative paragraph 2 to read: "*Requests* the Secretary-General to ensure that the Secretariat's preparatory work for the Congress is fully adequate for its successful outcome".

34. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee agreed to adopt unanimously draft resolution A/C.3/L.2064, as revised.

Draft resolution A/C.3/L.2064, as revised, was adopted unanimously.

AGENDA ITEM 53

Elimination of all forms of racial discrimination (continued)* (A/9003 and Corr.1, chaps. XXIII, sect. A.1 and A.2, and XXX, sect. B; A/9018, A/9094 and Corr.1 and Add.1 and 2, A/9095 and Add.1, A/9139, A/9177, A/C.3/L.2055):

(c) Report of the Committee on the Elimination of Racial Discrimination (A/9018, A/C.3/L.2055)

35. The CHAIRMAN invited the Director of the Division of Human Rights to introduce the report of the Committee on the Elimination of Racial Discrimination.

36. Mr. SCHREIBER (Director, Division of Human Rights) said that the Committee on the Elimination of Racial Discrimination, which had been established in 1969 pursuant to article 8 of the International Convention on the Elimination of All Forms of Racial Discrimination, was submitting its fourth annual report to the General Assembly, in accordance with article 9, paragraph 2, of the Convention. The report was before the Third Committee in document A/9018.

37. During its four years of activity, the Committee, which was the first machinery for the implementation of a human rights convention adopted under the auspices of the United Nations, had had to face a difficult task because it had not only had to define its terms of reference and responsibilities under the Convention, but had also had to establish a working relationship with the States parties to the Convention, on the one hand, and with other United Nations bodies and organs and the specialized agencies, on the other. The Committee had constantly reviewed, revised and improved its working procedures, undertaken an in-depth examination of the initial and second periodic reports submitted by States parties during that period under article 15 of the Convention and had submitted opinions and recommendations to United Nations bodies concerned with Trust and Non-Self-Governing Territories.

38. With regard to the organization of its work and procedures, the Committee had not only laid solid foundations so that it might be better able to discharge its obligations under the Convention in coming years, but had also set an example which might be followed by future committees of a similar nature, such as the one to be established under the International Covenant on Civil and Political Rights, with respect to the difficulties which had to be overcome and the methods of work which should be followed in order to facilitate the implementation of an international instrument on human rights.

39. In carrying out its functions, there was no doubt that the Committee had benefited from the active co-operation of States parties to the Convention. By demonstrating to them its awareness of its responsibilities, the importance it attached to the meaning and spirit of the Convention and its competence and impartiality, the Committee had been able to create an atmosphere of confidence, which was essential for the fulfilment of the obligations undertaken by the States

* Resumed from the 2008th meeting.

parties to the Convention. The extent of the increase in the co-operation of the States parties could be seen from the number and quality of the reports which had been submitted to the Committee in accordance with article 9 of the Convention. Of the 75 States which were now parties to the Convention, 65 had been expected to submit their initial reports by the end of the Committee's eighth session. The Committee had already received and examined 57 of those reports. Of the 40 States parties which had been expected to submit their second reports, 39 had already done so. Moreover, many States parties had submitted to the Committee supplementary reports or additional information, either on their own initiative, or at the Committee's request. Furthermore, an increasing number of States parties had been conforming to the Committee's guidelines in preparing their reports, which were intended to provide full information on the legislative, judicial, administrative and other measures they had adopted in order to give effect to the provisions of the Convention. It was also interesting to note that States parties had been taking an active part in the meetings of the Committee when their own reports were being considered. Since the adoption by the Committee, at its fifth session,² of rule 64A of its provisional rules of procedure, which provided that "representatives of States parties may be present at the meetings of the Committee" at which the reports of their Governments were being examined, in order to reply to questions, make statements with regard to those reports or provide additional information, the representatives of States parties had regularly participated in the Committee's work and had made constructive contributions to the in-depth examination of their countries' reports.

40. The report which the Committee was submitting to the General Assembly dealt with the activities of the Committee at its seventh and eighth sessions, held in the spring and summer of 1973, and gave a complete picture of the importance and value of the work carried out by the Committee within the framework of the Convention.

41. During the year under review, the Committee had adopted some further amendments to its provisional rules of procedure and had considered questions relating to the obligations of State parties under article 4 of the Convention, as well as the meaning and scope of article 5 of the Convention. Those questions were dealt with in chapters III, IV and V of the Committee's report. In addition, the Committee had examined the reports of 41 States parties, including supplementary reports and additional information received from some of those States. An account of the consideration of those reports was given in chapter VI, section B, of the Committee's report. When each of those reports had been examined, with the exception of the initial report of Tonga, the representatives of the States parties concerned had been present at the meetings of the Committee and had been given ample opportunity to express their points of view concerning the observations made by the members of the Committee. Their statements were summarized in the relevant sections of the report of the Committee.

42. With regard to copies of petitions, copies of reports and other information submitted to the Commit-

tee each year by the Trusteeship Council and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in accordance with article 15 of the Convention, he referred to chapter VII of the Committee's report, paragraph 335 of which contained the opinions and recommendations formulated by the Committee on the basis of its consideration of those documents. Those opinions and recommendations, which were being submitted to the General Assembly in accordance with article 15, paragraph 3, of the Convention, were also being brought to the attention of the United Nations bodies concerned with Trust and Non-Self-Governing Territories.

43. Chapter VIII of the report of the Committee described the Committee's co-operation with the ILO and UNESCO. It stated, *inter alia*, that, in a decision taken at its 1973 session, the ILO Committee of Experts on the Application of Conventions and Recommendations had welcomed the establishment of co-operation with the Committee on the Elimination of Racial Discrimination and considered such co-operation all the more advisable since both the ILO and UNESCO had instruments dealing with matters which were closely related to the International Convention on the Elimination of All Forms of Racial Discrimination. In accordance with that decision, which also authorized the Director-General of the ILO to appoint a qualified representative to attend the meetings of the Committee on the Elimination of Racial Discrimination and to make available to the Committee the texts of comments and other formal decisions arising out of the reports of the ILO Committee of Experts, the Director-General of the ILO had submitted to the Committee on the Elimination of Racial Discrimination a number of documents relating to the application of ILO standards on the elimination of racial discrimination in the field of employment and occupation. The Committee had taken those documents into consideration in its work on related matters. The representatives of the ILO and UNESCO had orally provided the Committee with additional information on the activities being carried out by their organizations for the elimination of racial discrimination.

44. In chapter IX of its report, the Committee reported on the decisions it had taken with regard to the places and dates of its 1974 and 1975 sessions. In decision 5 (VII), contained in chapter X of the Committee's report, the Committee requested the General Assembly to include it among the bodies listed in subparagraphs (a) to (i) of paragraph 9 of General Assembly resolution 2609 (XXIV), and reaffirmed in paragraph 2 of its resolution 2960 (XXVII), and thereby provide for the Committee to hold one of its sessions every year in Geneva. With regard to its 1974 and 1975 meetings, the Committee had also requested the General Assembly to confirm the venue set forth in its decisions, which were referred to in paragraph 352 of the report. He pointed out that subparagraphs (a) to (i) of paragraph 9 of General Assembly resolution 2609 (XXIV), to which decision 5 (VII) of the Committee referred, contained a list of United Nations bodies which were not required to meet regularly at their respective headquarters.

45. When it had taken its decision, the Committee had duly been informed by the representative of the

² See *Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 18*, chap. IX.

Secretary-General of the administrative and financial implications involved in holding one of its sessions away from Headquarters, and, in particular, at Geneva. The majority of the members of the Committee had been in favour of holding some of the Committee's sessions at Geneva and, as expressed in paragraph 349 of its report, had felt that "the financial implications were not the only factor to be taken into consideration, as there were other factors which had a direct bearing on the proper discharge of the Committee's functions". The views expressed by the members of the Committee, as well as the factors which the Committee had taken into account in reaching its decision, were summarized in chapter IX of its report.

46. In order to enable the Third Committee to take a decision on the request which the Committee had made to the General Assembly, the Secretary-General, in accordance with the rules of procedure, had prepared a statement of the administrative and financial implications of decision 5 (VII) of the Committee. That statement appeared in document A/C.3/L.2055.

47. Mr. NENEMAN (Poland) asked how the removal of the Division of Human Rights to Geneva would affect the financial implications of holding meetings of the Committee on the Elimination of Racial Discrimination in Geneva.

48. Mr. SCHREIBER (Director, Division of Human Rights) said that the financial implications of holding meetings of the Committee on the Elimination of Racial Discrimination in Geneva had been submitted to the Third Committee in document A/C.3/L.2055. Those financial implications had been calculated on the assumption that the Division of Human Rights would probably have moved to Geneva by the time the session of the Committee on the Elimination of Racial Discrimination was held in Geneva. Thus, the financial implications included only the technical and conference services which the Geneva Office would have to provide.

The meeting rose at 12 noon.

2035th meeting

Wednesday, 21 November 1973, at 3.15 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2035

AGENDA ITEM 53

Elimination of all forms of racial discrimination (*continued*) (A/9003 and Corr.1, chaps. XXIII, sect. A.1 and A.2, and XXX, sect. B; A/9018, A/9094 and Corr.1 and Add.1 and 2, A/9095 and Add.1, A/9139, A/9177, A/C.3/L.2055):

(c) Report of the Committee on the Elimination of Racial Discrimination (*continued*) (A/9018, A/C.3/L.2055)

1. Mr. BAL (Mauritania) drew attention to chapter VII of the report of the Committee on the Elimination of Racial Discrimination (A/9018), concerning Trust and Non-Self-Governing Territories and all other Territories to which General Assembly resolution 1514 (XV) applied.

2. There was no doubt that Ian Smith's illegal régime was intensifying its policy of racial discrimination, and he hoped that the United Kingdom representative, in his statement at the current meeting, would touch on his country's moral responsibility for the tragic situation prevailing in that part of the African continent.

3. Mauritania, like the Committee on the Elimination of Racial Discrimination, was convinced that the support in the economic and political fields given to the illegal régime in Southern Rhodesia by South Africa and Portugal was what had enabled it to remain in power so long.

4. One of that Committee's recommendations was the strengthening and broadening of the sanctions adopted against the illegal régime in Southern Rhodesia, and he noted that the Committee had also envisaged the neces-

sity of the adoption by the Security Council of sanctions against South Africa and Portugal.

5. It was well known that the objective of the racist Portuguese Government was to keep Angola and Mozambique under white domination, which, according to that Government, constituted a national objective. He cited statistics published in a European newspaper which set the literacy rate of the indigenous population of the Territories under Portuguese domination at 2.3 per cent. The same newspaper said also that in Angola and Mozambique the highest wage for indigenous workers was \$4 a week, according to an optimistic estimate. It was no secret to anyone that Portuguese colonialism was based on forced labour and racism, and the relationship between Portugal and its colonies was that of master and slave.

6. The Territories referred to in chapter VII were still being subjected, in the most inhuman manner, to foreign exploitation at the economic level, to the detriment of the interests of the African population, and foreign capital still controlled agriculture and industry. Within the Third Committee itself, it was to be noted that the Member States which requested a separate vote on certain paragraphs or explained their vote were the same ones which were protecting those interests in the African Territories.

7. In August 1972, the United Kingdom had submitted a report to the Committee on the Elimination of Racial Discrimination, but many members of that Committee doubted whether the United Kingdom had fully met its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination.

8. Lastly, he expressed his delegation's satisfaction at the co-operation given by the ILO and UNESCO.

9. Lord GAINFORD (United Kingdom) said that the substantive part of the report of the Committee on the Elimination of Racial Discrimination (A/9018) could be said to fall into three sections: the Committee's deliberations on its method of work and interpretation of the Convention; its examination of reports from States parties under article 9 and material under article 15 of the Convention; and its decisions and recommendations.

10. The United Kingdom welcomed the procedural decisions taken by the Committee in 1973, which seemed to it practical and wise. It believed that the Committee had been right in its decision not to amend its rules of procedure so as to enable members of the Committee to appoint alternates, for the prestige and authority of the Committee depended very largely on the fact that its members were experts, elected to serve in their personal capacities.

11. His delegation congratulated the Committee for its continued efforts to fulfil its mandate under the Convention by seeking to encourage States parties to provide the fullest possible information in accordance with their obligations under article 9, for a committee of that kind was wholly dependent on the quality and quantity of the material placed before it. His delegation also welcomed decision 3 (VII) of the Committee (see A/9018, chap. X) and agreed with those members who had underlined the need for States to furnish detailed information, in order to avoid the possibility of States merely referring in their replies to constitutional provisions without giving a clear account of how their legislation was enforced. For the same reason, his delegation welcomed decision 1 (VIII), or general recommendation IV (*ibid.*); without such information the Committee's deliberations must remain incomplete. His delegation had been greatly interested in the summary of the Committee's debate on the scope of the obligations of States parties under article 5. It was clear that that was a very complex matter, and his delegation believed that the Committee had been wise in not making a definitive statement on the question.

12. With regard to the second of the three sections into which he had just divided the report, his delegation congratulated the Committee on the work done in 1973; during that year it had examined 44 reports from States parties under article 9. It had also been wise to invite representatives of States parties to participate in the discussion of their countries' reports, as had been fully demonstrated by the constructive co-operation developed at the seventh and eighth sessions. The responsibility of reporting States was clearly brought out by that section of the Committee's report, and his delegation hoped that in the future States parties would do their utmost to provide the Committee with all the relevant material, in accordance with the Committee's guidelines and recommendations.

13. Nevertheless, his delegation continued to have some reservations about the Committee's work under article 15 of the Convention. With regard to the section on the Committee's decisions and recommendations, he also expressed reservations about some of the decisions and maintained the views expressed by the United Kingdom representative before the Committee, as summarized in paragraph 294 of the report, concerning

the obligations of States parties in relation to general recommendation III.¹

14. Mr. VALDERRAMA (Philippines) said that the Director of the Division of Human Rights, in introducing the subitem at the preceding meeting, had said that the Committee on the Elimination of Racial Discrimination had received full co-operation from States. As the Philippines was represented in the Committee by an expert, his delegation welcomed that information.

15. In March 1970, his country had submitted to the Committee its second report, which had been considered satisfactory. The Philippines considered that the submission of those reports was a solemn obligation of States under the International Convention on the Elimination of All Forms of Racial Discrimination.

16. His delegation was pleased to note the co-operation between the Committee on the Elimination of Racial Discrimination and the ILO and UNESCO, and expressed the hope that other specialized agencies would follow that example.

17. The Philippines endorsed the Committee's general recommendation IV. It also stressed the fundamental importance of obtaining fuller information on Trust Territories and Non-Self-Governing Territories and all other Territories with which the Committee had to deal.

18. In decision 4 (VII), the Committee had expressed concern over the situation in the Golan heights and the hope that the population concerned would be able as soon as possible to enjoy fully their human rights and fundamental freedoms as citizens of the Syrian Arab Republic (see A/9018, chap. X). His delegation supported that decision of the Committee.

19. His delegation also joined the Committee in calling upon Portugal to apply as soon as possible to the peoples of the Territories under its domination the principles of self-determination and independence. In that connexion, he drew attention to the fact that President Marcos of the Philippines had approved the recognition of the new Republic of Guinea-Bissau.

20. A majority of the members of the Committee were in favour of holding some of the Committee's sessions at Geneva, for reasons that had been indicated by the Director of the Division of Human Rights.

21. His delegation reserved the right to address itself at a later stage to the note by the Secretary-General (A/C.3/L.2055) on the administrative and financial implications of decision 5 (VII) of the Committee.

22. In conclusion, his delegation expressed the sincere hope that the Committee would not waver in the resolute discharge of its functions and would continue with the fine work it had been doing, and that States parties would continue to give it their unstinted co-operation.

23. Mr. VON KYAW (Federal Republic of Germany) said that the Federal Republic of Germany had ratified the International Convention on the Elimination of All Forms of Racial Discrimination in 1969 and that since 1970 an expert from his country had been a member of the Committee on the Elimination of Racial Discrimination. The Federal Republic of Germany attached great importance to that Convention as a means of eliminat-

¹ See *Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 18*, chap. IX.

ing racial discrimination in Territories under the jurisdiction of States parties to the Convention and would like to express its satisfaction with the work of the Committee. The Committee still had some difficulties in obtaining information and was largely dependent on the willingness of Governments to co-operate. Unfortunately, the reports of States continued to reflect a certain tendency to play problems down, although the standards set by the Committee for the drafting of reports were resulting in more comprehensive information. Another positive element was the fact that a representative of the Government concerned was invited to be present when his country's report was considered, in order to be available for answering questions. The Committee's desire to obtain more comprehensive information was fully understandable, but his delegation believed that the Committee should remain within the limits of the legal provisions of the Convention and, in particular, should refrain from dealing with questions affecting the external relations of States parties and not covered by the Convention. There were other bodies of the United Nations competent to deal with problems of that nature.

24. Although his delegation felt satisfaction with the Committee's work in respect of its functions under article 9 of the Convention, it shared the Committee's concern over the problem of how to fulfil its tasks with reference to dependent Territories under article 15. The Committee expressly referred to the problem in decision 2 (VIII), contained in the report (see A/9018, chap. X), stressing the need to obtain specific information, and his delegation supported the appeal made by the Committee in that decision. With regard to decision 5 (VII), concerning the possibility of holding sessions at Geneva (*ibid.*), he drew attention to article 10, paragraph 4, of the Convention, according to which the meetings were normally to be held at United Nations Headquarters, and, while he recognized the advisability of holding sessions at Geneva or perhaps elsewhere from time to time, he considered that the desire expressed by the Committee to hold one of its sessions every year at Geneva raised doubts not only about the financial implications but also as to whether such a practice would be in conformity with the Convention.

The meeting rose at 4 p.m.

2036th meeting

Thursday, 22 November 1973, at 10.45 a.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2036

AGENDA ITEM 53

Elimination of all forms of racial discrimination (*continued*) (A/9003 and Corr.1, chaps. XXIII, sect. A.1 and A.2 and XXX, sect. B; A/9018, A/9094 and Corr.1 and Add.1 and 2, A/9095 and Add.1, A/9139, A/9177, A/C.3/L.2055):

(c) Report of the Committee on the Elimination of Racial Discrimination (*continued*) (A/9018, A/C.3/L.2055)

1. Mr. GAHUNGU (Burundi) expressed appreciation to the Director of the Division of Human Rights for his clear and precise introductory statement at the 2034th meeting and to the representative of Mauritania for his vivid outline of the topic under consideration at the 2035th meeting.

2. The United Nations had rightly paid particular attention to the question of the elimination of racial discrimination on the basis of its Charter, which provided for freedom, equality and the right to self-determination for all peoples. Those principles were being disregarded by the rebels in Southern Rhodesia and by the Portuguese colonialists, and the United Nations could not tolerate a situation where the indigenous population was kept in servitude and slavery. The African States within the Organization of African Unity (OAU) were endeavouring, with the support of the non-aligned States, to free their brethren from a racism and colonialism that was a disgrace to all mankind.

3. His delegation welcomed the work performed by the Committee on the Elimination of Racial Discrimina-

tion, established under article 8 of the International Convention on the Elimination of All Forms of Racial Discrimination and the close co-operation established between that Committee and the United Nations and its specialized agencies. That co-operation and the participation of States parties in the work of the Committee had helped to make the Committee's recommendations to the General Assembly (see A/9018) as thorough and objective as possible. It would be desirable for nationals of countries under oppressive régimes and representatives of the liberation movements also to participate actively in the Committee's meetings. While commending the aims and objectives of general recommendation III adopted by the Committee at its 112th meeting, on 18 August 1972,¹ his delegation called upon all States to sever their economic, commercial and other ties with the racist régimes of Portugal, South Africa and Southern Rhodesia, in order to promote the implementation of international instruments. He also appealed to all States to ratify the International Convention on the Elimination of All Forms of Racial Discrimination. He urged States parties to the Convention to submit to the Committee on the Elimination of Racial Discrimination reports that were as full as possible, to adopt measures at the national level to implement the Convention and to give moral and material support to the peoples struggling against racial discrimination.

4. Mr. BADAWI (Egypt) said that his country, which was a State party to the International Convention on the Elimination of All Forms of Racial Discrimination, at-

¹ See *Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 18*, chap. IX.

tributed high priority to contributing to the work of the Committee on the Elimination of Racial Discrimination.

5. His Government's initial report to the Committee had been found comprehensive and satisfactory, and its second periodic report contained observations on the comments made by members of the Committee during the discussion of the initial report. As was stated in paragraph 179 of the Committee's report (A/9018), that had been regarded by several members as a constructive "dialogue" between the authors of the report and the Committee, and the wish had been expressed that similar constructive dialogues would be entered into in future reports by other States parties. Such a dialogue should encourage and strengthen the effort to achieve the goals of the Convention. Moreover, the dialogue should not be confined to the States parties to the Convention and the Committee but should also be developed between the Committee and the General Assembly. Such a relationship between the General Assembly and the Committee was a natural one, viewed against the background of the Convention, the provisions thereof and the responsibilities of the General Assembly.

6. The International Convention on the Elimination of All Forms of Racial Discrimination had not been born in a vacuum but was a natural extension and development of the high ideals and objectives set forth in the Charter of the United Nations, the Universal Declaration of Human Rights and the United Nations Declaration on the Elimination of All Forms of Racial Discrimination. It was stated, in Article 1, paragraph 3, of the Charter that one of the purposes of the United Nations was to promote and encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion. Article 1 of the Universal Declaration of Human Rights stated that all human beings were born free and equal in dignity and rights. It was stated further, in the United Nations Declaration on the Elimination of All Forms of Racial Discrimination that any doctrine of racial differentiation or superiority was scientifically false, morally condemnable, socially unjust and dangerous, and that there was no justification for racial discrimination either in theory or in practice. Accordingly, it was to be hoped that the United Nations and the States parties to the International Convention on the Elimination of All Forms of Racial Discrimination in particular, would persist in their efforts to eradicate all forms of racial discrimination.

7. The Convention was important not only because it codified goals and principles in an international instrument but also because it established machinery, in article 8, for their practical implementation. Under article 9, States parties were obliged to submit to the Committee on the Elimination of Racial Discrimination reports concerning the fulfilment of their commitments under the Convention. Article 15 of the Convention authorized the Committee on the Elimination of Racial Discrimination to receive copies of the petitions from, and submit expressions of opinion and recommendations on those petitions to, the bodies of the United Nations which dealt with matters directly related to the principles and objectives of the Convention in their consideration of petitions from inhabitants of Trust and Non-Self-Governing Territories and all other territories

to which General Assembly resolution 1514 (XV) applied, relating to matters covered by the Convention which were before those bodies. It was extremely important that the report of the Committee on the Elimination of Racial Discrimination should be studied within that context. The work of a committee of such importance should be followed up, strengthened and encouraged.

8. With regard to the report, he stressed that the International Convention and the activities of the Committee on the Elimination of Racial Discrimination, especially within the context of the programme of action to eliminate all forms of racial discrimination, should be given the widest possible publicity. His delegation felt that the recommendation of the Committee on Racial Discrimination that it should meet alternately in both Geneva and New York in 1974 and 1975 should be viewed favourably. That recommendation did not conflict with any provision of the Convention; article 10 did not preclude the possibility of the Committee's meeting away from Headquarters. The question should be viewed in a wider context than that of financial implications. Public opinion and political awareness were more important than financial implications. For example, the meetings of the Security Council at Addis Ababa had been greatly appreciated and very productive.

9. Noting that States parties to the Convention had numbered 74 as of August 1973, he expressed the hope that—perhaps not South Africa—but certainly the rest of the Members of the United Nations would ratify or accede to the Convention as soon as possible.

10. Chapter VII of the Committee's report revealed serious facts and made important recommendations, to which the competent organs of the United Nations should pay great attention, particularly in respect of Southern Rhodesia, Namibia and the Territories under Portuguese administration. He hoped that there would be fuller co-operation between the Trusteeship Council, the United Nations Council for Namibia and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial countries and peoples.

11. His delegation noted with confidence the way in which the Committee on the Elimination of Racial Discrimination was conducting its business, and he hoped that the Third Committee would express its total support for the Committee on the Elimination of Racial Discrimination in its vital work for the implementation of the lofty principles of the Convention.

12. As the Third Committee was considering the report of the Committee on the Elimination of Racial Discrimination separately, he hoped that any draft resolution adopted would be adopted unanimously, as a token of encouragement and confidence.

13. Mr. SMIRNOV (Union of Soviet Socialist Republics) said that the Committee on the Elimination of Racial Discrimination was concerned with highly important problems of combating the flagrant manifestations of racial discrimination which still persisted in certain States Members of the United Nations and particularly in the Trust and Non-Self-Governing Territories. The Committee was an important link in the United Nations system of organs set up to implement the various international instruments directed towards

securing human rights and fundamental freedoms and their protection under international law. It should be borne in mind that the International Convention on the Elimination of All Forms of Racial Discrimination contained provisions for a practical implementation machinery which gave the Committee the necessary guidelines for the accomplishment of its tasks. Thus, the report on the Committee's seventh and eighth sessions showed that it had rightly concentrated on the examination of the reports of States parties to the Convention under article 9 of that instrument, and of copies of petitions and reports and other information concerning the Trust and Non-Self-Governing Territories under article 15.

14. Special attention should be paid to decision 4 (VII) of the Committee (see A/9018, chap. X) concerning information supplied by the Syrian Arab Republic relating to the situation in the Golan heights, in which the Committee noted that that situation continued to deteriorate and expressed the hope that the population of the Golan heights would be able as soon as possible to enjoy fully their human rights and fundamental freedoms as citizens of the Syrian Arab Republic. The report thus drew the attention of the General Assembly to the flagrant violations of human rights which were being perpetrated by the Israeli Zionist aggressors.

15. The Committee had also taken a number of important political decisions in connexion with its examination of petitions, reports and other information under article 15 of the Convention. Thus, it had called upon the Government of Portugal to apply the principles of self-determination and independence to the peoples of the Territories under its domination without further delay and had reiterated its appeal to all States, particularly to members of the North Atlantic Treaty Organization (NATO), to withhold from Portugal any assistance which would enable it to continue its colonial war against the peoples of Angola, Mozambique and Guinea-Bissau. With regard to Southern Rhodesia, the Committee had expressed its conviction that the support in political, economic and military fields given to the minority régime by certain countries, in particular by the Republic of South Africa and Portugal, perpetuated that racist régime and had called upon all States parties to the Convention to take all the necessary measures to eliminate racial segregation and *apartheid* and to comply fully in their policies and practices with the various General Assembly and Security Council resolutions adopted in that regard. In connexion with Namibia, the Committee had suggested that the General Assembly should recommend to the Security Council to take effective measures to put an end to the policy of racial discrimination and *apartheid*, including the adoption of appropriate sanctions against the Republic of South Africa.

16. Despite the adoption of such important decisions, however, the Committee was still paying too much attention to such secondary questions as the interpretation of its provisional rules of procedure and individual articles of the Convention. In his delegation's opinion, special attention should be paid to the Committee's request in its decision 2 (VIII) (see A/9018, chap. X) concerning specific information to be made available to it by the Trusteeship Council and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to

Colonial Countries and Peoples under article 15 of the Convention (*ibid.*), in accordance with decisions 2 (III)² and 3 (VI)³ of the Committee. It was to be hoped that in future the Committee would devote most of its time to flagrant and large-scale manifestations of racism and racial discrimination and to such related violations of human rights as *apartheid*, colonialism and neo-colonialism.

17. In conclusion, referring to the note by the Secretary-General (A/C.3/L.2055) on the administrative and financial implications of decision 5 (VII) of the Committee (see A/9018, chap. X), he asked whether the figure of \$78,000 in paragraph 6, representing the costs of holding a session of the Committee at Geneva, took into account the recent decision to transfer the staff of the Division of Human Rights to Geneva.

18. Mr. SCHREIBER (Director, Division of Human Rights), speaking as the representative of the Secretary-General, said that, as he had already informed the Polish representative at the preceding meeting, the figures in paragraph 6 of the note by the Secretary-General were based on the assumption that the staff of the Division of Human Rights would already be installed in Geneva by the time the Committee met there during the summer of 1974. The figure of \$65,000 covered the cost of temporary conference staff and did not take into account the contribution of the staff of the Division of Human Rights to the work of the Committee. The United Nations Office at Geneva felt that additional temporary staff would be necessary, in view of the workload of the Office and of the other meetings scheduled to be held at the same time as the session of the Committee.

19. Miss ILIĆ (Yugoslavia) said that her delegation and several others were working on a draft resolution⁴ on the item which she hoped to be able to introduce at the next meeting.

20. Mrs. RANA (Nepal) expressed her delegation's appreciation of the Committee's report, which indicated that the Committee had not only been properly discharging its responsibilities, but had greatly improved its working procedures.

21. Nepal had always condemned the policies of the racist régimes of Pretoria, Salisbury and Lisbon and actively supported the legitimate struggle of the more than 28 million people who were still suffering under the pernicious system of colonialism and racial discrimination. Moreover, it had participated actively in the deliberations of the Special Committee on *Apartheid* since the establishment of that body. Her country's conviction that discrimination on grounds of race, religion, caste or sex was not only a violation of the principles of the Charter, but a serious crime against humanity, its belief in social and moral values and its ancient tradition and culture had caused it to abide by the many United Nations resolutions calling for continued international action to combat racism and racial discrimination.

22. Nepal, which had been a party to the International Convention on the Elimination of All Forms of Racial Discrimination since 1971, considered that the fact that 74 Member States had ratified and acceded to the Convention by 24 August 1973 bore witness to the refusal of

² *Ibid.*, Twenty-sixth Session, Supplement No. 18, chap. VII.

³ *Ibid.*, Twenty-seventh Session, Supplement No. 18, chap. IX.

⁴ Subsequently circulated as document A/C.3/L.2078.

the modern civilized world to accept any longer the theory and practice of racism and racial discrimination, which were among the main characteristics of primitive barbarism. Nevertheless, a few nations were consistently pursuing outrageous and inhuman racist policies. Moreover, many Member States had still not responded to General Assembly resolution 2911 (XXVII); her delegation appealed to the States which had not yet ratified or acceded to the Convention to do so, if possible, by 10 December 1973, the twenty-fifth anniversary of the adoption of the Universal Declaration of Human Rights.

23. Her delegation was glad to note that the Committee on the Elimination of Racial Discrimination had been satisfied with the report submitted by the Nepalese Government. Indeed, the concept of racial discrimination was foreign to Nepalese history, tradition and law: various ethnic groups had lived together in peace and harmony since time immemorial, Nepal's long history was unmarked by racial disturbances, communal riots or religious uprisings and it had had no trials based on racial segregation.

24. The Constitution of Nepal of 1962, the Civil Liberties Act of 1954, the Common Law Act of 1963 and other relevant legislation not only prohibited racial discrimination in all its forms and manifestations, but also guaranteed the right of every citizen, irrespective of religion, race, caste or sex, to equality before the law and equal protection by the law. Moreover, under the Civil Liberties Act appointments to any government post were made on grounds of merit only, and discrimination on grounds of religion, race, caste or sex was prohibited. Thus, the highest offices in Nepal were open to married and unmarried women; in that connexion, it was regrettable that married women in certain countries, including some developed countries, were not allowed to join certain services. Furthermore, Nepal applied the principle of equal pay for equal work for men and women.

25. *Apartheid*, the worst form of racial discrimination, continued to plague the indigenous peoples of southern Africa, and the racist minority in South Africa had arrogantly rejected all proposals for the elimination of that abhorrent system. If the world community was really determined to eradicate that evil, all States Members of the United Nations, and especially South Africa's main trading partners, must abide strictly by the relevant decisions of the Organization, whose contribution, especially that of its Office of Public Information, had proved very effective in combating *apartheid* and racism.

26. Mr. VAN WALSUM (Netherlands) said that his delegation agreed with the view of the Committee on the Elimination of Racial Discrimination that the usefulness of its work ultimately depended on its ability to develop a real dialogue with individual States parties to the Convention. Intensification of the exchange of questions and answers could lead to frank and realistic communication with Governments; accordingly, the Committee should be entitled to ask States parties specific questions on the manner in which they combated racial discrimination, and decision 3 (VII) of the Committee (see A/9018, chap. X) on obligations under article 4 of the Convention should be viewed in that light.

27. In his delegation's opinion, the Committee was constantly improving its capacity for dealing with the complex subject-matter of country reports by introducing a higher degree of sophistication into its examination methods; it was to be hoped that that trend would continue. The thoroughness and expertise with which its report had been discussed provided an incentive for his country to amplify its future reports and communications and to provide further clarifications concerning matters raised by members of the Committee. A new element, which would undoubtedly be discussed in the second Netherlands report, would be the conviction on 13 November 1973 of the first offenders under the new legislation on racial discrimination.

28. His delegation also attached great importance to the examination of the report of the Committee on the Elimination of Racial Discrimination in the General Assembly, and noted from chapter II of the report that the Committee also considered it useful to carry on an indirect dialogue with the Third Committee. In that connexion, his delegation endorsed the view expressed in paragraph 15 that the Committee on the Elimination of Racial Discrimination should not merely echo the pronouncements of other organs. It also considered it essential that article 14 of the Convention should become operative before long; the Netherlands had made the declaration referred to in that article, thus recognizing the Committee's competence to receive and consider communications from individuals and groups of individuals within its jurisdiction, but noted that that competence would become effective only after 10 States parties had made such a declaration. Until that time, the functions of the Committee and the state of implementation of the Convention must be regarded as incomplete. In view of the Committee's hesitation, reflected in paragraph 16 of its report, to urge States parties to make the declaration provided for in article 14 of the Convention, the General Assembly should help the Committee by launching the appeal it had refrained from making itself for purely constitutional reasons.

29. With regard to the discussion summarized in paragraph 17 of the report, his delegation failed to see why the country reports submitted to the Committee and its summary records should not be as public as the report, particularly since the Committee's meetings were public and since they were, quite rightly, substantively reported in press releases of the Office of Public Information. Paragraph 349 set out the majority view that holding some sessions at Geneva would make world public opinion more aware of the Committee's work: his delegation considered that public opinion would be better served if the Committee's main documents were made more widely available, and also that decision 5 (VII) seemed to conflict with article 10 of the Convention, which provided that the Committee's meetings should normally be held at Headquarters.

30. Mr. SAARIO (Finland) said that the Committee's report showed that it had found working methods which could effectively serve its purposes. Indeed, the reports of States parties to the Convention provided valuable comparative material for the ultimate eradication of racism and racial discrimination in all their forms. Nevertheless, his delegation was somewhat concerned about the relationship between the Committee's functions and those of other United Nations bodies con-

cerned with human rights problems. It should be borne in mind, for instance, that a similar committee was to be established when the International Covenant on Civil and Political Rights entered into force. Moreover, the fact that the Committee was a technical body, set up under the International Convention for the Elimination of All Forms of Racial Discrimination to secure the implementation of that instrument by the States parties, would seem to limit its authority in political matters, especially in relation to problems normally dealt with by other specialized United Nations organs. Care should therefore be taken to avoid overlapping, particularly since the Committee would still have ample scope for the performance of useful work in pointing out short-comings in the laws and practices of States parties in the matter and drawing attention to cases of the introduction of new legislation on the subject disclosed by the Committee's reporting system.

AGENDA ITEM 63

Human rights and scientific and technological developments: report of the Secretary-General (*continued*)* (A/9075, A/9227, A/C.3/L.2050/Rev.1, A/C.3/L.2060 and Corr.1, A/C.3/L.2074)

31. Mr. PETHERBRIDGE (Australia) welcomed the stimulating report of the Director-General of UNESCO (see A/9227). As his delegation saw it, the message of that text was that culture reflected each country's heritage and life. The artist could not enjoy his inspiration if he did not live in liberty, with freedom of expression, or if culture was over-institutionalized. If society failed to ensure a clean environment for the production of ideas, man was on the road to becoming a machine himself, a machine for wearing out his life, as the text so rightly put it.

32. An attempt had been made in draft resolution A/C.3/L.2050/Rev.1 to translate the report into action. While the draft resolution captured many of the points in the report, he felt that it did not do the report full justice. In particular, the report's emphasis on the individual was not reflected in the draft resolution which, in contrast, laid undue emphasis on the creation of formalized cultural institutions. His delegation generally favoured the Moroccan amendments (A/C.3/L.2060 and Corr.1), which better reflected the value of the individual. Nevertheless, his delegation would welcome amendments which went even further in that direction.

33. Mr. FØNS BUHL (Denmark) expressed appreciation for the inspiring report by the Director-General of UNESCO (see A/9227) and his penetrating analysis in introducing the report to the Committee (2024th meeting). The observations made in the report on the growing uniformity of ways of life and on cultural pluralism were interesting and far-reaching. His delegation shared the view that the restoration of national languages, arts and folklore to a position of honour in recently independent countries should be seen as a propitious factor in the further development of cultural pluralism. Therein lay a cultural vitality which might generate spiritual pluralism and thus curb tendencies towards growing uniformity of behaviour patterns as a result of the irresistible expansion of technological civilization. Depersonalization in employment and the standardiza-

tion of living conditions could only be successfully countered by cultural amenities designed to promote the recovery of personal identity and the capacity of the individual for expression and creativity. It was obvious that ensuring access to cultural life and participation in it was an important function of the modern State. With regard to the role of Governments, he stressed his delegation's agreement with the observations made in the section on cultural policy in the observations.

34. His delegation welcomed the initiative of the Polish delegation in submitting draft resolution A/C.3/L.2050/Rev.1. However, it would prefer to see more of the ideas and specific recommendations in the Director-General's report reflected in the text. He had in mind the considerations—set out in part II of the memorandum appended to the report—regarding assistance to creative activity and the free movement of ideas and cultural property. His delegation welcomed the amendments contained in documents A/C.3/L.2060 and Corr.1 and A/C.3/L.2074, although it would prefer more precise language based on UNESCO's specific recommendations.

35. Mrs. MAIR (Jamaica) thanked the Director-General of UNESCO for his excellent introduction to UNESCO's report, which was a most sensitive and thought-provoking document. It showed deep understanding of a subject which, in essence, concerned the direction and quality of modern civilization. Her delegation fully endorsed the guidelines set out in the report for governmental participation in cultural development. She quite agreed with the remarks of the representative of Iran (2024th meeting) on the subject, and especially that delegation's comment that the document was of real value for national planners.

36. The observations acknowledged the necessity and value of movements seeking a "return to the fountainhead" of indigenous cultures as integral parts of the process of natural self-definition, but also expressed certain reservations about such movements. Recalling the references in the observation to "anachronistic exoticism" and to "a conservatism tenaciously devoted to preserving the achievements of the past", she stressed that, in many societies of the New World, various cultural traditions had competed with each other, and that the cultural disequilibrium which had often emerged had been in many respects a reflection of an over-all social and economic disequilibrium in those countries. In the search for national equilibrium, the reincarnation of the past had a crucial role to play. Restoring the artefacts of the past could validate the present and the future. Such activities were not, as was claimed, the very reverse of true culture, but could lead to a cultural vitality which had never existed previously.

37. As the Director-General had rightly pointed out, cultural pluralism had its dangers as well as its strengths, and the so-called excesses of reactionary archaism also contained the potential for redressing some of the cultural imbalances which were frequently inherent in cultural pluralism. The report might, perhaps, have acknowledged more fully the implications of the world-wide conflict being waged by the forces of cultural imperialism. The most sophisticated, the most widespread and most pervasive means of modern mass communication carried throughout the world images containing clear value judgements on the

* Resumed from the 2024th meeting.

culture of the third world—judgements which were negative, hostile and at times offensive. The commercial film industry for example, based as it was in metropolitan countries, perpetuated the relics of a more openly ethnocentric period. Modern productions were more subtle, but often no less ethnocentric. UNESCO was carrying out an important and greatly valued task in countering such forces. The challenge to the countries of the third world was an important one: she wondered whether the rest of the world conceded to those countries the right to determine their own national and cultural identity. The answer to that problem lay in the exercise of a corporate international will: valuable guidelines in that regard were provided in the report.

38. Mr. SOLOMON (Ethiopia) agreed that the report of the Director-General of UNESCO was an invaluable document which merited close attention. His country, which was an ancient one with a very rich cultural heritage and literary tradition, was now engaged in a process of rapid modernization. In the state of transition between old and new, many cultural treasures were disappearing or being lost, and action was needed at all levels to preserve the country's culture. The Institute of Ethiopian Studies was doing its utmost, together with other institutions, to collect and preserve historical and cultural materials, which had been assembled in the Institute's museum and library, where tape recordings of Ethiopian music were also available. Since the country had received a UNESCO mission in 1968, laws had been adopted which strengthened cultural preservation services. While his country was ensuring that cultural values were preserved, it did not oppose scientific and technological developments: indeed, it felt that the two were not necessarily inconsistent.

39. Recalling the Director-General's remarks to the Economic and Social Council, reproduced in paragraph 35 of part A, he said that his delegation whole-heartedly endorsed that approach, which demonstrated the value of culture in the modern age.

40. His delegation supported draft resolution A/C.3/L.2050/Rev.1, and hoped that it would win unanimous approval.

41. Mr. KUNIYASU (Japan) noted that the United Nations had consistently paid great attention to the item under consideration since the adoption of General Assembly resolution 2450 (XXIII) in 1968. The scope and implications of the item were enormous and warranted a broad over-all study. At the current stage, however, his delegation believed that that would be premature, since special studies of individual subjects should first provide the groundwork. A comprehensive study at the current stage would not produce fruitful results. In that connexion, he recalled that the General Assembly, in resolution 2450 (XXIII), in inviting the Secretary-General to undertake a study of the question, had wisely listed concrete subjects, in paragraph 1. Moreover, in resolution 3026 A (XXVII), the General Assembly had requested the Director-General of UNESCO to communicate his views to the General Assembly but had limited the request to the cultural aspects of the subject.

42. His delegation believed that while recent scientific discoveries and technological advances opened up vast prospects for economic, social and cultural progress, they might nevertheless endanger the rights and freedoms of individuals and peoples. His delegation

therefore hoped that the Secretary-General would complete as soon as possible the preparation of relevant reports on the current item, in collaboration with other United Nations bodies, as requested by the General Assembly on many occasions.

43. He expressed his delegation's sincere appreciation for the valuable observations by the Director-General of UNESCO contained in document A/9227. His delegation felt strongly that the General Assembly should support the continuing studies by the Secretary-General, the Director-General of UNESCO and other officials of the United Nations family regarding that question, and hoped also that their reports would give Governments useful suggestions for the determination of their economic and social policies.

44. His delegation would support draft resolution A/C.3/L.2050/Rev.1.

45. Miss CAO PINNA (Italy) recalled that her delegation had voted in favour of General Assembly resolution 3026 A (XXVII), because, in its conception of society and of man in society, progress in culture in its broadest sense and the full enjoyment of human rights went hand in hand. Her delegation had been somewhat perplexed, however, about the emphasis in the preamble of that resolution on the negative effects of scientific and technological developments on the preservation of cultural values, because that emphasis seemed to be inspired by a static rather than a dynamic vision of culture. It was therefore with deep interest that her delegation had received the observations by the Director-General of UNESCO, since it had found the same perplexity mirrored in the opening paragraphs of that report. In part A, paragraph 4 of the report it was emphasized that, when considering the question of the future of the diversity of cultures, care should be taken not to confuse the problem of ensuring their survival with that of preserving a stasis which in fact constituted the greatest handicap to that survival. In paragraph 2, the Director-General stressed that the danger of the growing uniformity of ways of life should not be overestimated.

46. Her delegation commended the high quality of the report of the Director-General. His contribution to the clarification of the relationship between scientific and technological developments and the preservation of culture was certainly to be welcomed by the Third Committee, whose main concern was the enjoyment of human rights by each individual.

47. Her delegation agreed with the statement, in paragraph 11 of the report, that culture existed only where the individual personality was able to live, and that that personality could not live without a minimum of liberty. It also endorsed the statement, in paragraph 13, that the general decline in the importance attached to the spiritual aspects of life was a factor militating against the preservation of cultural values. It agreed with the statement in paragraph 21 that the tendency towards the multiplication of cultural centres and models which might be observed throughout the world was very much to be welcomed and that cultural pluralism, far from leading to the division of the world through the withdrawal of the various cultures into themselves, was, on the contrary, accompanied by a deep desire for contacts and exchanges. Her delegation also agreed with the statement that the development of all types of communications might facilitate those con-

tacts and exchanges and that a cultural policy worthy of the name consisted in promoting the full development of the cultural values and aspirations of the community, in all their fruitful diversity, as a basis for State action in all spheres.

48. Her delegation would like to see the points she had mentioned fully reflected in any draft resolution adopted by the Committee on the item under consideration. It attached special importance to freedom of expression and of movement. She hoped that, after the illuminating introductory statement by the Director-General of UNESCO, the sponsors of draft resolution A/C.3/L.2050/Rev.1 might find it possible to improve the text. Her delegation noted with great interest, from part B of the report, that particular importance was attached to the free flow of knowledge and ideas and freedom of movement for individuals. The latter question had recently been considered by the Commission on Human Rights and by the Economic and Social Council, and the Committee would have an opportunity to discuss it when it considered the report of the Council.

49. Her delegation had been very favourably impressed by the considerations contained in para-

graphs 29 and 32 of part A of the report, concerning the new humanistic conception of development due to the introduction of culture. That conception largely—if not entirely—corresponded to what the Commission on Social Development called “the unified approach to development”, and she expressed gratification at the growing acceptance of that conception by the specialized agencies, which inevitably tended to consider development by sectors instead of viewing it as a global process affecting society as a whole. She therefore welcomed that propitious development in inter-agency co-operation.

50. With regard to the Brazilian amendments (A/C.3/L.2074) to draft resolution A/C.3/L.2050/Rev.1, her initial reaction was that, rather than improving the text, they would further emphasize the national approach which was typical of the draft resolution. Her delegation had no difficulty with the Moroccan amendments (A/C.3/L.2060 and Corr.1). She reserved her delegation's right to comment on the second draft resolution after it had been circulated.

The meeting rose at 12.30 p.m.

2037th meeting

Friday, 23 November 1973, at 10.45 a.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2037

AGENDA ITEM 53

Elimination of all forms of racial discrimination (*continued*) (A/9003 and Corr.1, chaps. XXIII, sect. A.1 and A.2 and XXX, sect. B; A/9018, A/9094 and Corr.1 and Add.1 and 2, A/9095 and Add.1, A/9139, A/9177, A/C.3/L.2055, A/C.3/L.2078):

(c) **Report of the Committee on the Elimination of Racial Discrimination (*concluded*)** (A/9018, A/C.3/L.2055, A/C.3/L.2078)

1. Miss ILIĆ (Yugoslavia), introducing draft resolution A/C.3/L.2078, said that the sponsors had intended to reflect the views of the delegations which had spoken during the discussion of the report of the Committee on the Elimination of Racial Discrimination (A/9018), as well as the conclusions contained in that report. Operative paragraph 2 reflected the opinion that the establishment of the practice of inviting countries to send representatives to the Committee when it considered their reports had led to a very useful dialogue, which should be encouraged. In connexion with operative paragraph 3, which referred to decision 2 (VIII) of the Committee (*ibid.*, chap. X), she drew attention to paragraph 4 on page 83 of the Committee's report, relating to its recommendations to the General Assembly concerning Namibia, and to the last paragraph 2 on page 85 of the report, relating to the petition concerning the inhuman treatment of prisoners in South African prisons. In addition, she pointed out that endorsement by the General Assembly of decision 5 (VII) of the

Committee (*ibid.*) concerning its meeting in Geneva in 1974, would not be contradictory to article 10 of the International Convention on the Elimination of All Forms of Racial Discrimination. The Committee's meetings in 1975 would be considered at a later date. Since draft resolution A/C.3/L.2078 was the outcome of extensive consultations among delegations, she felt that the Committee could adopt it without difficulty.

2. Mr. CARPENTER (Nigeria), speaking as a sponsor of draft resolution A/C.3/L.2078, said that, in view of the excellent quality and the depth of the report of the Committee on the Elimination of Racial Discrimination, his delegation was particularly concerned that the Committee should be equally painstaking in its consideration of that report. In that connexion, he drew attention to paragraph 13 of the report, which stated that the members of the Committee regretted that, in 1972, the Third Committee had not been in a position to pay as much attention to the Committee's report as would have been desirable. The Third Committee should now therefore ensure that the efforts made by the Committee on the Elimination of Racial Discrimination and reflected in its report were not only justified and encouraged, but also that its recommendations were fully reflected in any draft resolution adopted by the Third Committee.

3. His delegation deplored the continued violation of the fundamental human rights of African peoples by minority and racist régimes in southern Africa. In defiance of world opinion, those régimes had made crimes against humanity part of their declared national

policies. In that connexion, he reminded all States parties to the International Convention on the Elimination of All Forms of Racial Discrimination of their obligation regarding the provision of any assistance to racist activities, including the financing thereof, which might strengthen or encourage those régimes in their determination to continue to commit inhuman, outrageous and atrocious acts. His Government's policy vis-à-vis those minority régimes had consistently been one of complete support for the oppressed African majority and of condemnation of the racists by all possible means, including total economic and trade boycott. It sincerely hoped that States parties to the Convention would take all the necessary steps to convince the world that they were, in fact and in practice, faithful to the cause which they had agreed to defend in the name of humanity.

4. In addition, the Third Committee should endorse the recommendations of the Committee on the Elimination of Racial Discrimination concerning colonial régimes which, by armed repression and mass killings, continued to violate the inalienable rights of subjugated peoples to independence and self-determination. It should also endorse the appeal to all other colonial Governments in the Pacific, Indian Ocean, the Caribbean and Atlantic Territories to expedite the preparation of their colonial peoples for full independence and democratic government.

5. With regard to the note by the Secretary-General (A/C.3/L.2055) on the administrative and financial implications of the adoption of decision 5 (VII) of the Committee, concerning its meetings in 1974, his delegation felt that every possible facility should be made available to that Committee for the accomplishment of its work.

6. Mr. COSTA COUTO (Brazil) said that the wording of operative paragraph 5 of draft resolution A/C.3/L.2078 might be construed as meaning that the Committee was endorsing all the provisions of decision 5 (VII) of the Committee on the Elimination of Racial Discrimination. He had, however, understood from the representative of Yugoslavia that the Third Committee was being requested only to endorse the holding of one meeting of the Committee in Geneva, in 1974. In order to make it clear that the Third Committee was endorsing only one part of decision 5 (VII), he suggested that operative paragraph 5 should be amended to read: "*Endorses the request of the Committee on the Elimination of Racial Discrimination contained in decision 5 (VII) concerning one of its meetings in 1974 in Geneva*".

7. Lord GAINFORD (United Kingdom) said that, in the four years in which it had been considering reports of the Committee on the Elimination of Racial Discrimination, it had been the Third Committee's practice to adopt the draft resolution on that item unanimously. It was of considerable importance to his delegation that the resolution adopted at the current session should receive the widest possible support and it shared the hope expressed by the representative of Egypt at the preceding meeting that the resolution could be adopted unanimously. Unfortunately, however, the draft resolution introduced by the representative of Yugoslavia (A/C.3/L.2078) was not entirely straightforward. His delegation would have preferred a shorter and more general resolution noting with appreciation the comprehensive report of the Committee on the Elimination

of Racial Discrimination, requesting all States which had not yet ratified the Convention to do so as soon as possible, drawing attention to the decisions and recommendations of the Committee at its seventh and eighth sessions and expressing the hope that States parties would continue to co-operate fully with the Committee. It believed that no delegation could object to such a resolution; but the text before the Committee, which referred to specific decisions taken by the Committee at its seventh and eighth sessions, might cause difficulties for some delegations.

8. The United Kingdom had previously expressed reservations concerning the Committee's competence to take action with regard to the matter referred to in operative paragraph 4 of the draft resolution. Because of the element of controversy in decision 4 (IV) of the Committee,¹ his delegation believed that it would be preferable simply to note and draw attention to all the decisions of the Committee without singling out any one of them. It hoped that the sponsors would consider amending the draft resolution accordingly so that it could receive unanimous support. His delegation also believed that operative paragraph 5, which endorsed decision 5 (VII) of the Committee, requesting permission to meet once in 1974 in Geneva, was liable to be controversial. It was the task of the Fifth Committee to decide whether or not the financial implications of holding a meeting in Geneva in 1974 could justify the request. Every delegation in the Third Committee was, however, entitled to express its views on that point and those views should be taken into account by the Fifth Committee. His delegation did not, however, think that the Third Committee should try to make a decisive recommendation to the Fifth Committee on that matter because it was not convinced that the Committee's request to hold its summer session in Geneva in 1974 was justified.

9. Mrs. RAKOTOFIRINGA (Madagascar) said that her delegation supported the Brazilian proposal concerning the wording of operative paragraph 5.

10. Mr. GAHUNGU (Burundi) proposed that, in order to make the wording of operative paragraph 2 more polished, it should be amended to read: "*Approves with satisfaction the joint action of States parties to the Convention in submitting their reports to the Committee and in participating in the consideration of these reports*".

11. Mr. ABSOLUM (New Zealand), referring to operative paragraph 5, said that his delegation was not convinced that the holding of meetings in Geneva would help to publicize the work of the Committee on the Elimination of Racial Discrimination. Moreover, the decision of the Committee represented a departure from the provisions of article 10 of the Convention.

12. Miss ILIĆ (Yugoslavia) said that her delegation would be prepared to accept the amendment to operative paragraph 5 proposed by the delegation of Brazil.

13. Mr. AL-QAYSI (Iraq) said that he did not clearly understand the meaning of the amendment to operative paragraph 2 proposed by the representative of Burundi. According to that proposal, the General Assembly would approve the joint action of States parties to the Convention in submitting reports to the Commit-

¹ See *Official Records of the General Assembly, Twenty-sixth Session, Supplement No. 18*, chap. VII.

tee and in taking part in the consideration of those reports; but such joint action was incumbent upon them under the Convention. His delegation therefore preferred the text of operative paragraph 2 as it stood, whereby satisfaction was expressed at the increasing participation of States parties in submitting reports to the Committee and sending representatives to the Committee when it considered their reports. According to the proposal by the representative of Burundi the Third Committee would only express approval of action already required by the Convention.

14. Mr. VAN WALSUM (Netherlands) said that his delegation agreed with the observations made by the representative of Iraq concerning the proposal of the representative of Burundi. It, too, preferred the text of operative paragraph 2 in the draft. Moreover, it had some difficulties with the words "joint action" in the proposal of Burundi, which were not as suitable as the words "increasing participation" in the draft resolution.

15. Mr. VALDERRAMA (Philippines) said that his delegation preferred the text of operative paragraph 2 in the draft, which reflected the actual situation of increasing participation of States parties in submitting their reports to the Committee and sending representatives to the Committee.

16. Miss ILIĆ (Yugoslavia) announced that the delegations of Algeria and the Philippines had joined the sponsors of draft resolution A/C.3/L.2078.

17. Since her delegation had difficulty in accepting the words "joint action" proposed by the representative of Burundi, it appealed to the delegation of Burundi to withdraw its amendment to operative paragraph 2.

18. Mr. GAHUNGU (Burundi) said that his delegation could agree to withdraw its amendment to operative paragraph 2.

19. Mr. BAL (Mauritania) said his delegation considered it unnecessary to maintain the words "increasing" and "all" in operative paragraph 2 because those two words created some confusion.

20. Miss ILIĆ (Yugoslavia) said that her delegation could agree to delete the word "all" from operative paragraph 2, in order to eliminate any possibility of confusion.

21. The CHAIRMAN said that he would take it that the sponsors agreed to delete the word "all" in operative paragraph 2.

22. Mr. NENEMAN (Poland) said that his delegation had some difficulties with operative paragraph 5. The arguments put forward thus far in favour of holding a session of the Committee in Geneva in 1974 had not been convincing and the request of the Committee was not justified. Moreover it was clear from operative paragraph 3 of the draft resolution that the Committee would have to have further contact with the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and with the Trusteeship Council, and such contact could best be established in New York. In addition, delegations in New York were larger than those in Geneva and it would therefore be easier for countries to send representatives to meetings of the Committee which were held in New York.

23. Mr. VAN WALSUM (Netherlands) said his delegation had some difficulty with operative paragraphs 4 and 5 of the draft resolution. With regard to paragraph 4, his delegation believed that the information supplied by the Syrian Arab Republic raised a number of questions about the scope of article 9, paragraph 1, of the Convention which should be more thoroughly discussed and could not casually be settled in a draft resolution that was to be adopted on the day it had been tabled. The reporting system established in article 9, paragraph 1, was based on the concept of self-examination, as was customary for international conventions of that kind. States parties undertook to submit a report on measures they had themselves adopted. The Convention did not seem to make any provision for bringing complaints about other countries to the attention of the Committee outside the procedure among States parties set forth in article 11. Accordingly, his delegation doubted that, in the case referred to in paragraph 4 of the draft, the Convention had been correctly interpreted.

24. Although those objections were of a procedural nature, they were important because the Convention had entrusted the Committee on the Elimination of Racial Discrimination with a specific task. There were several forums in the United Nations where Member States were free to refer to situations in other countries where they believed human rights to be at stake. Referring to paragraph 15 of the report of the Committee on the Elimination of Racial Discrimination, he said it would be unfortunate if a misapplication of article 9 of the Convention caused the Committee merely to echo pronouncements of other organs. In devoting a whole operative paragraph to that controversial matter, raised by the report of the Syrian Arab Republic, the sponsors of the draft resolution had impaired the balance that would seem to be required of the type of general resolution they had intended to draft.

25. Referring to operative paragraph 5, he noted that, unlike the original draft which had been circulated informally, it referred only to the year 1974. If that was meant to indicate that the General Assembly—if it adopted the draft resolution—had no objection to the Committee's having one meeting in Geneva during 1974, there did not seem to be any reason to refer to decision 5 (VII), which clearly spoke of holding one of its sessions every year in Geneva, a wording that was not acceptable to his delegation.

26. Since, however, there were other elements in the draft resolution, such as operative paragraph 2, which his delegation appreciated and endorsed, his delegation intended to vote in favour of the text as a whole.

27. Miss ILIĆ (Yugoslavia), referring to the remarks made by the representative of Poland, said that in introducing the draft resolution she had not wished to go into great detail. She did wish to add, however, that in drafting operative paragraph 5 the sponsors had considered that allowing the Committee on the Elimination of Racial Discrimination to meet once in Geneva would help to strengthen its relations with the ILO and other organizations that had European headquarters. They had also borne in mind the fact that the Division of Human Rights would be transferred to Geneva.

28. It did not seem fair that the Committee on the Elimination of Racial Discrimination, which was per-

forming such excellent work, should be discriminated against while other bodies were allowed to meet either in Geneva or New York. Article 10 of the Convention only stated that the Committee should normally meet in New York; that statement did not preclude its meeting in other places.

29. Mr. BADAWI (Egypt), referring to the comments made by the representative of the Netherlands, said there was no reason why operative paragraph 4 should not refer to a situation which was being discussed in other United Nations bodies. He reminded members that General Assembly resolution 2784 (XXVI), which was referred to in paragraph 4, dealt with the elimination of all forms of racial discrimination. It was not exclusively devoted to the situation in the Middle East, or any item that was before the Special Political Committee, or any other single topic. The draft resolution did not single out the situation mentioned in paragraph 4; otherwise, it would not have referred in paragraph 3 to the information to be supplied by the Trusteeship Council and the Special Committee dealing with decolonization. All those matters related to the substantive work of the Committee on the Elimination of Racial Discrimination. Furthermore, the Committee would merely take note of the Committee's decision on the information supplied by the Syrian Arab Republic.

30. He did not agree with the representative of the Netherlands that the reporting system established in the Convention was based on the concept of self-examination. States parties had an obligation to submit reports, not to conduct an exercise in self-examination.

31. Mr. SCHREIBER (Director, Division of Human Rights) said he wished to clarify that in paragraph 5 of the draft resolution, decision 5 (VII) was referred to only in connexion with the holding of the Committee's summer 1974 session in Geneva. That had been confirmed by the representative of Yugoslavia.

32. Mrs. MANDARA (United Republic of Tanzania) said her delegation considered the elimination of racism and racial discrimination to be a duty of every self-respecting nation. That was not an easy task, and the work of the Committee on the Elimination of Racial Discrimination was therefore essential. The Committee's report was both useful and commendable.

33. She felt that operative paragraph 3 of draft resolution A/C.3/L.2078 was very important. The information to be made available to the Committee in accordance with that paragraph would increase its efficiency.

34. If the draft resolution was put to the vote, her delegation would vote in favour of it. She hoped, however, that the draft resolution would be adopted unanimously.

35. Mr. PETROPOULOS (Greece) said that his delegation had some difficulties with the drafting of certain passages in the draft resolution. However, it appreciated the initiative taken by the sponsors in tabling the draft. The text seemed to have a tendency to give the Committee on the Elimination of Racial Discrimination certain specific powers. For example, in operative paragraph 6 the General Assembly would express the conviction that the Committee would "contribute to the implementation" of General Assembly resolution 3057 (XXVIII). It was his delegation's understanding that the Committee on the Elimination of Racial Discrimination was a committee that dealt with reporting,

not implementation, which was the responsibility of the States parties.

36. The CHAIRMAN asked if any delegation wished draft resolution A/C.3/L.2078 to be put to the vote. If not, he would take it that the Committee wished to adopt it unanimously.

37. Mrs. ESHEL (Israel) requested a vote on the draft resolution.

38. The CHAIRMAN invited members to speak in explanation of vote before the vote.

39. Mr. SMIRNOV (Union of Soviet Socialist Republics), explaining his vote beforehand, said that the draft resolution was a very timely and important one. However, if a separate vote was taken on operative paragraph 5, his delegation would abstain because it did not believe the cost of holding a session of the Committee on the Elimination of Racial Discrimination in Geneva was justified. Furthermore, since the costs of holding the session in Geneva would be borne by the States parties to the Convention, the decision would have to be taken by the signatories to the Convention.

40. His delegation would vote in favour of the draft resolution as a whole.

41. Mr. PAPADEMIS (Cyprus) said that, like the Soviet delegation, his delegation would have preferred it if operative paragraph 5 had not been included in the draft resolution. His delegation would, however, vote for the draft resolution as a whole. His Government had been one of the first to sign and ratify the International Convention on the Elimination of All Forms of Racial Discrimination and a Cypriot expert had served on the Committee during the first two years of its existence.

42. The holding of a session of the Committee in Geneva in 1974 would pose other problems in addition to the financial ones that had been mentioned. Several delegations did not have permanent missions or representatives in Geneva and would therefore be unable to participate in the deliberations when their country's reports were examined. If a separate vote was taken on paragraph 5, his delegation would abstain.

At the request of the representative of New Zealand, a separate vote was taken on operative paragraph 5 of the draft resolution.

Paragraph 5 was adopted by 52 votes to 8, with 38 abstentions.

The draft resolution as a whole, as orally revised, was adopted by 102 votes to none, with 4 abstentions.

43. Mrs. RAKOTOFIRINGA (Madagascar), explaining her vote, said that her delegation understood paragraph 5 to be an exceptional provision. Under article 10, paragraph 4, of the International Convention on the Elimination of All Forms of Racial Discrimination, the meetings of the Committee were normally to be held at Headquarters. Even exceptional meetings away from Headquarters should be avoided because they deprived representatives of many States parties of the opportunity to participate in the consideration of their country's reports. Because of the expense involved in sending a representative to a meeting held away from Headquarters, such countries would be the victims of a discriminatory measure.

44. Her delegation had voted in favour of the draft resolution.

45. Mrs. ESHEL (Israel), explaining her vote, said that while her delegation supported measures designed to eliminate racial discrimination, it had not been able to support the draft resolution. It had certain reservations about the conduct of work of the Committee on the Elimination of Racial Discrimination and its competence. The same reservations had guided its delegation in voting on the text adopted as General Assembly resolution 2784 (XXVI), which was referred to in draft resolution A/C.3/L.2078.

46. Her delegation's difficulty was mainly with operative paragraph 4 of the draft resolution just adopted. In accepting the Syrian complaint against Israel, the Committee on the Elimination of Racial Discrimination had acted *ultra vires*. The report itself had become distorted as a result of the Committee's refusal to permit the representative of Israel to refute the charges against Israel.

47. As for the accusations by the Syrian Government regarding the inhabitants of the Golan heights, that was but another example of the policy followed by the Arab countries, which had been applied in connexion with other items dealt with by the Third Committee. They dragged the element of the Israeli-Arab conflict into every field of activity of the United Nations and utilized United Nations bodies as platforms for propaganda against Israel. The problem of the inhabitants of the Golan heights had nothing whatsoever to do with racial or any other form of discrimination, nor had they been expelled by Israel. They had fled in the heat of battle; those who had chosen to remain continued living peacefully in their villages in the Golan heights. Theirs was another political problem arising out of the conflict in the Middle East.

48. Mr. BOURGOIN (France) said his delegation had voted in favour of the draft resolution because it attached great importance to the International Convention on the Elimination of All Forms of Racial Discrimination. However, he wished to make it clear that his Government's reservations in connexion with General Assembly resolution 1514 (XV) remained valid, and that it had made the same reservation when acceding to the Convention.

49. Also, he drew the attention of the Committee to the new situation with respect to the Comoro islands, which had been explained by the French representative to the Fourth Committee. Several delegations on that Committee had requested that the French statement should be reproduced *in extenso* in the record of the meeting at which it had been delivered. He would like to request that the statement should be made available also to the members of the Third Committee.

50. Mrs. DIALLO (Guinea) congratulated the Committee on the Elimination of Racial Discrimination on its excellent report. She wished to draw the attention of the Committee to a recent news item in the press which showed once again what hatred and dangers were created by the practice of racial discrimination. Mrs. Verwoerd, the widow of the former South African Prime Minister, had warned her white compatriots that constant contact between white children and black servants could lead to the disappearance of racial barriers and open the way for integration and mixed marriages. The report of Mrs. Verwoerd's statement had elicited strong reactions from the opposition newspapers in

South Africa, which had accused her of encouraging racism. The matter required no further comment.

51. Her Government was seriously concerned about the need to eliminate racial discrimination and had therefore voted in favour of the draft resolution.

52. Mr. LÖFGREN (Sweden) said his delegation had voted in favour of the draft resolution as a whole, but had abstained on paragraph 5. It had cast its vote with some hesitation because it had not had time to study the item with the attention it deserved, nor had it had time to seek instructions from its Government. He did not, however, object to the fact that the vote had not been postponed, because he supported the Chairman in his efforts to expedite the work of the Committee.

53. Ms. WHITE (United States of America) said that her delegation had abstained in the vote on the draft resolution not because it did not agree with the underlying principle of the text. Indeed, the United States supported that principle. The United States delegation had abstained because of two paragraphs. Operative paragraph 4 dealt with a matter that was being considered in the Security Council and on which the Committee should not pronounce itself. Operative paragraph 5 authorized the Committee on the Elimination of Racial Discrimination to hold one of its two annual meetings at Geneva. The United States was opposed to that proposal because it entailed additional and unnecessary expense for an organization which was already heavily in the red.

54. Mr. BADAWI (Egypt), speaking in exercise of the right of reply, said he was glad that the representative of Israel had explained her vote after the vote and had said that Israel had reservations regarding the competence of the Committee on the Elimination of Racial Discrimination. That reservation would help everyone to understand Israel's reservations regarding the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories. The Committee on the Elimination of Racial Discrimination had been set up under a Convention which had 74 States parties, and Israel's reservations should be understood in that context.

55. He was sure that the Committee would be pleased to allow the Israeli delegation to appear before it once Israel had acceded to or ratified the International Convention.

56. The Israeli representative's remark about "dragging in" matters with which United Nations bodies should not be concerned merely showed Israel's conception of the role the Organization should play. According to Israel, the United Nations should serve the interests of Israel, without regard for the Charter and other relevant international instruments.

57. Mr. COSTA COUTO (Brazil) thanked the sponsors of the draft resolution for having accepted his delegation's suggestion for rewording paragraph 5, which had enabled Brazil to vote in favour of the paragraph.

58. Miss CAO PINNA (Italy) said her delegation had voted in favour of the draft resolution as a whole, but had abstained on paragraph 5. There had unfortunately not been time for her delegation to seek instructions from its Government.

59. Mrs. HEANEY (Ireland) said her delegation had been pleased to vote for the draft resolution as a whole, but had abstained on paragraph 5, because it had not had sufficient time to study its financial implications. Her delegation had some doubt as to whether operative paragraph 4 was justified under article 9 of the International Convention.

60. Like the delegations of Sweden and Italy, her delegation had had some difficulty in casting its vote, especially in view of some of the provisions of the draft resolution, which were controversial. She had not sought to postpone the vote by invoking the relevant rules of procedure because she wished to help the Chairman expedite the work of the Committee.

61. The CHAIRMAN assured the representatives of Sweden, Italy and Ireland that they would have an opportunity to rectify their votes, if necessary, when the draft resolution was considered at a plenary meeting of the General Assembly.

62. Mr. ROUX (Belgium) said his delegation had voted in favour of the draft resolution as a whole, but had abstained in the vote on paragraph 5. It had not had time to seek instructions from its Government.

63. Miss ILIĆ (Yugoslavia) expressed appreciation to the fellow sponsors of the draft and to all those who had participated in consultations and made suggestions relating to the draft resolution that had been adopted.

64. The CHAIRMAN announced that the Committee had completed its consideration of agenda item 53 (c).

AGENDA ITEM 63

Human rights and scientific and technological developments: report of the Secretary-General (*continued*)
(A/9075, A/9227, A/C.3/L.2050/Rev.1, A/C.3/

L.2060 and Corr.1, A/C.3/L.2074, A/C.3/L.2076, A/C.3/L.2077)

65. Mr. LOSHCHININ (Byelorussian Soviet Socialist Republic), introducing draft resolution A/C.3/L.2076, said that the draft related to a very important aspect of the scientific and technological revolution. It was aimed at ensuring that States co-operated in making use of the achievements of science and technology to strengthen international peace and security and promote social development. He would not embark on a detailed discussion of the draft resolution at the current stage, but stressed his delegation's readiness to consider any proposal which was aimed at strengthening it.

66. Mr. BAROODY (Saudi Arabia) warned against the technological phenomenon of "bugging", which invaded the privacy of the individual and could lead to the blackmail of political opponents; the loss of the human touch and the cohesiveness of the family unit—the corner-stone of society—which could lead to alienation and drug addiction; the invention of chemical products such as food additives, whose possible carcinogenic properties were greatly feared, and defoliants, by means of which certain countries brought democracy to other peoples; and, lastly, widespread brainwashing through the repetition of falsehoods in the mass media.

67. A return to the pastoral life was neither practicable nor desirable. Some happy medium would therefore have to be found between the total rejection of technology and the undoubted benefits it could provide, on the one hand, and uncritical acceptance of it, which had led to a belief in superiority based on technological achievements and, paradoxically, to misery: some of the most unhappy people he had ever known had been members of "highly civilized" societies.

The meeting rose at 12.50 p.m.

2038th meeting

Monday, 26 November 1973, at 3.15 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2038

AGENDA ITEM 67

Report of the United Nations High Commissioner for Refugees (A/9003 and Corr.1, chap. XXIV, sect. C; A/9012 and Corr.1 and Add.1 and 2, A/C.3/L.2080)

1. Prince SADRUDIN AGA KHAN (United Nations High Commissioner for Refugees) recalled that, 25 years earlier, the General Assembly had adopted the Universal Declaration of Human Rights in Paris—an event that would shortly be commemorated—and he wished to underline what the Third Committee, charged with humanitarian and social responsibilities, would be the first to recognize: it was not the words, but the continuing observance that counted. The functions entrusted to his Office were organically linked to the observance of the Declaration and to work that the

Committee had undertaken on such issues as racial equality, political and religious tolerance, and minority rights, to mention a few. To the extent that the international community made progress in those fields, the problem of refugees would be eclipsed. However, the facts as they were pointed to the existence of a fourth world peopled by millions: the displaced and often stateless and others in similar circumstances on whom he reported each year to the Third Committee. Looking back on the chain of resolutions on the question, the Committee would see in perspective some of the tensions that had divided nations and peoples in the preceding quarter century; it would also see the growing conviction among Governments that those tensions must be solved speedily and in civilized consensus. Through the resolutions adopted, his Office had been able to widen the range of Governments with which it

had productive contacts and also to chart relevant areas of endeavour.

2. He went on to give an account of the special functions assigned to his Office in accordance with General Assembly resolution 2956 A (XXVII). Referring to the populations in the South Asian subcontinent, he mentioned the multilateral assistance given to the Bengali refugees, and the transfer of persons as a result of the New Delhi Agreement of August 1973. The Governments of Bangladesh and Pakistan had requested United Nations assistance for the movement of over 200,000 persons. The costs of repatriation were estimated at some \$14.3 million, towards which cash pledges totalling \$6.2 million had been received to date. In addition four aircraft and a ship had been made available. Whether provided multilaterally or bilaterally, they had been woven into an integrated operation.

3. With regard to the Asians of undertermined nationality who had had to leave Uganda at the end of 1972, he informed the Committee that, of approximately 8,000 Asians who had left Uganda, only 111 still awaited resettlement opportunities; the others had been resettled in 19 different countries, to whose Governments he expressed gratitude. Yet, scattered through the world, there were still more than 1,500 Asians from Uganda, their families divided, seeking to be reunited, and he hoped that Governments would interpret their immigration laws compassionately when dealing with such cases.

4. Then there was the question of the repatriation of thousands of Sudanese refugees from four neighbouring countries and many others scattered in the bush. His Office had had to facilitate the voluntary repatriation of the refugees by assisting within the country of origin. He recalled the decision by the Secretary-General, and the resolutions of the Economic and Social Council and the General Assembly, which had made it possible to carry out the operation, thus helping the Government of the Sudan to nurse a miracle: 150,000 refugees were now back from the Central African Republic, Ethiopia, Uganda and Zaire, and many more from the bush. About \$20 million, channelled through UNHCR, had been well spent. At the end of October 1973 the emergency phase of the operation had been concluded through the transfer of responsibilities to UNDP.

5. He deplored the fact that in many parts of the globe the Convention relating to the Status of Refugees of 1951 and the Protocol relating to the Status of Refugees of 1967 were being disregarded and that there were cases of arbitrary arrest, deportation and *refoulement*, and denial of opportunities to refugees to legalize their status. He again stressed how important it was for more countries to accede to the 1951 Convention and the 1967 Protocol, pointing out that to date 64 Governments had ratified the former and 55 the latter. He was happy to report, however, that the Convention Governing the Specific Aspects of Refugee Problems in Africa of the Organization of African Unity (OAU) would very soon come into force, as only one more accession was required. He recalled that, at the previous session, the Committee had felt it desirable that a convention on territorial asylum should be adopted, under the aegis of the United Nations, on the basis of the draft elaborated by a group of jurists in Bellagio, and that UNHCR had been asked to consult with Governments on the matter. His

report on those consultations was to be found in addendum 2 to document A/9012. He proposed to continue his contacts with Governments in that regard.

6. The largest concentration of UNHCR manpower and resources from the regular programme continued to be directed towards the legal and material assistance of over a million refugees in Africa. Referring to refugees from Burundi, he felt that a solution to that problem should be worked out within the framework of African unity. That was why he had attended the summit meeting held at Addis Ababa in May 1973 and maintained close contacts with the Governments in the area and OAU. The overwhelming majority of African refugees of concern to UNHCR came from Territories under colonial administration, and he assured the Committee that, in accordance with the various General Assembly resolutions, his Office would continue to give them the maximum possible help so that they could, on return home, face the future with confidence.

7. Referring to the new refugee problem resulting from recent events in Chile, he said that the Government of that country had indicated that it would honour the commitments it had assumed in ratifying the relevant conventions and legal instruments. In consultation with the Government and with the help of religious groups and voluntary agencies and members of the diplomatic corps at Santiago, UNHCR representatives in Chile had undertaken various measures to deal with the situation. Some 2,600 foreign refugees living in Chile might have to leave that country and only 1,500 places had thus far been offered for their permanent resettlement elsewhere. He appealed for further offers for those refugees.

8. In conclusion, he expressed the hope that the Third Committee would sponsor international action that would enable a further step to be taken towards meeting the needs of the fourth world—that of the uprooted.

9. Mr. ALI (Pakistan) said that, in his report to the General Assembly (A/9012 and Corr.1 and Add.1 and 2), the United Nations High Commissioner for Refugees had described in detail the problems involved in the humanitarian task that his Office had been called upon to perform, both within the framework of UNHCR's regular activities and in the form of special programmes initiated at the request of the Secretary-General. He congratulated the High Commissioner on the excellent work accomplished and wished to make special mention of the education and training programme for refugees—a programme which, despite its very limited resources, had provided scholarships to some 1,500 students.

10. Although it did not form part of the report under consideration, he wished to refer to the special assignment which the Secretary-General had given to UNHCR in 1973, in co-ordinating assistance for the repatriation of a large number of persons in the South Asian subcontinent. Following the Agreement between India and Pakistan, signed at New Delhi on 28 August 1973, urgent arrangements had been made to meet the logistic requirements that flowed from the Agreement, and he wished to draw attention to the large number of persons repatriated from Pakistan to Bangladesh and from Bangladesh to Pakistan, and the repatriation of Pakistani prisoners of war and civilian internees in India, who thus far numbered 26,637.

11. The transport facilities provided by UNHCR had been improving continuously. In paragraph 3 (IV), the New Delhi Agreement provided for simultaneity in the movement of the three categories of persons to be repatriated. While UNHCR was not directly concerned with the return of the prisoners of war, his delegation expressed its hope that the rate of repatriation would be increased, to enable the entire three-way movement to be completed simultaneously by February 1974, thus accelerating the process of stabilization and reconciliation in the South Asian subcontinent. At its twenty-third session, the Executive Committee of UNHCR had adopted a financial target of \$7,839,400 for the 1973 programme, but the task of moving over 200,000 persons was well beyond the financial resources available to the Office for its regular programme. Nevertheless, his delegation was gratified at the response of the international community to the appeal launched for funds in that regard.

12. Lastly, he congratulated the High Commissioner and his staff on their untiring efforts to ensure the success of the largest airlift in the history of mankind. He also announced that Pakistan had become a sponsor of draft resolution A/C.3/L.2080.

13. Mr. HOVEYDA (Iran) said, with reference to the High Commissioner's report, that it was remarkable how the international community had reacted to the new problems that had arisen. It was comforting to note that both States and non-governmental organizations responded swiftly to humanitarian appeals and were quick to assist human beings in need of help. Moreover, the admirable work performed by the High Commissioner's Office deserved special mention because it was dedicated to a great humanitarian cause of the era. Indeed, within the political and constitutional limitations of its terms of reference, the High Commissioner's Office had performed miracles in carrying out the difficult and delicate task entrusted to it. That task consisted in remedying the problems of refugees and, as far as possible, finding lasting solutions to them. However, the underlying cause of those problems obviously lay outside its sphere of competence, as it mostly related to political issues.

14. However, it was encouraging to find that the High Commissioner's efforts had borne fruit, as could be seen from the amount of material contributions and the large number of refugees settled in countries which had sufficiently flexible laws to permit their integration. Not all countries had such laws, however, and increasing support should be given to the High Commissioner's efforts to bring about a strengthening of juridical structures to ensure international protection, and encourage Governments to adopt the necessary legal and administrative measures not only to accommodate refugees but also to integrate them fully into social and economic life. Attention should also be drawn to the importance of the education and training programmes which constituted a substantial part of UNHCR's regular programme, especially in Africa.

15. He expressed his delegation's gratification at the co-operation existing between UNHCR and the United Nations Volunteers programme and said it was obvious that the best solution to the refugee problem consisted in voluntary repatriation which, according to the report, had played an important role in the programme for Africa.

16. Another noteworthy factor was UNHCR's relations with other organizations inside and outside the United Nations system. His country expressed its appreciation to all States and organizations, and particularly to Australia, Canada, Finland, the Federal Republic of Germany, Norway and New Zealand, which had made it possible to finance UNHCR's entire material assistance programme for 1972. His delegation also warmly thanked the High Commissioner and his staff and assured them of its full co-operation.

17. Mr. ÅGÅRD (Norway) said that recent armed conflicts and political upheavals in different parts of the world were a reminder of the urgent need for concerted efforts to strengthen and consolidate the humanitarian endeavours of the High Commissioner. The fact that new groups of people were seeking refuge on foreign soil, apparently a recurrent phenomenon in human relations, pointed to the need to find solutions to the new situations before they became permanent. The High Commissioner was not endowed with a magical ability to solve refugee problems; he was constantly faced with difficult obstacles in his work of protecting and helping refugees. It was generally recognized that in seeking permanent solutions to refugee problems and the peaceful and lasting settlement of groups of refugees, their legal rights must be safeguarded. Accession to the relevant intergovernmental legal instruments was accordingly of vital importance. His country attached great importance to further accessions to the 1951 Convention and the 1967 Protocol relating to the Status of Refugees and to other relevant legal instruments defining, on the one hand, the responsibilities of Governments and, on the other, the High Commissioner's field of action. The full implementation of the provisions of those instruments—the translation of words into deeds—was, of course, even more important than accessions.

18. His delegation endorsed all the humanitarian activities undertaken by the High Commissioner in recent years in accordance with the relevant General Assembly resolutions, which had provided him with the flexibility and support he needed in carrying out his work, not only in relation to traditional problems but also in new emergencies. It was also encouraging that an increasing number of Governments were contributing to the UNHCR programme, although more substantial contributions were needed to meet demands on his Office. Furthermore, it should be noted that the High Commissioner had taken the necessary steps to ensure interagency co-operation, particularly with UNDP, thereby facilitating the optimum use of his limited resources.

19. He expressed his delegation's appreciation of the High Commissioner's efforts with regard to the voluntary repatriation of refugees, particularly his exceptional work in the Sudan and the South Asian subcontinent. He drew attention to the fact that new refugee problems continued to arise in areas as far apart as Burundi and Chile, and he urged the international community to support the High Commissioner's work in those situations.

20. Introducing draft resolution A/C.3/L.2080 on behalf of the 30 sponsors, he said that the sponsors' intention had been to depart as little as possible from previous similar texts. The preambular part followed, in spirit and in broad terms, the 1972 text (General Assem-

bly resolution 2956 A (XXVII)) and earlier resolutions, quoting from them and consolidating them. The operative part, particularly paragraphs 2 and 3, also consolidated previous resolutions relating to UNHCR in the light of what had been accomplished and on the understanding that the reiteration and consolidation of those resolutions would help the High Commissioner in his work of assistance and rehabilitation.

21. His delegation hoped that the Committee would adopt the draft resolution unanimously, as had been the case in previous years, thereby demonstrating to the world that the work of the United Nations High Commissioner for Refugees was humanitarian and non-political and outside the sphere of political disagreements. He conveyed to the High Commissioner and his staff his delegation's profound admiration for their devoted and successful efforts to alleviate human suffering both in the traditional field of protecting and assisting refugees and with regard to emergency action.

22. Mr. ABDULLA (Sudan) said that the High Commissioner's report was always short, precise and clear, unlike the immense amount of work which it represented. Every chapter of the report illustrated the labours of all the members of the Office of the High Commissioner; he wished to mention in particular Mr. Thomas Jamieson, Director of Operations, whose tireless work in Bangladesh and the Sudan had affected his health.

23. In the past the High Commissioner had dealt with large-scale human calamities in Bangladesh and the Sudan. Recently UNHCR had been faced with similar challenges, such as the consequences of the coup d'état in Chile, which added to the chronic refugee problems and demanded immediate attention. It was common knowledge that refugees needed shelter, medical care, training and all the assistance which could be given them. Fortunately, the Office of the High Commissioner had acquired so much experience in that field that it had become the most effective body for rendering such assistance to refugees, as the Sudan could testify. In May 1973 his Government had obtained an extension of UNHCR services. At the personal level, both the people and the Government of the Sudan had already expressed their gratitude to the High Commissioner.

24. Accordingly his country supported the report and hoped that the High Commissioner would find it possible to continue in office for a further period.

25. Mr. FERGUSON (United States of America) commended the High Commissioner on his excellent report and on the humanitarian work he was doing throughout the world. The High Commissioner's primary task was to inspire refugees with new hope and to try to restore to them many of the rights set forth in the Universal Declaration of Human Rights, of which refugees, more than any other group, had been almost completely deprived. The High Commissioner had made his influence felt in the lives of refugees the world over and his humanitarian work had contributed significantly to the stability of the countries of asylum.

26. His Government had consistently stressed the overriding importance among UNHCR activities of the function of international protection of refugees. Although the provision of asylum was a function and a duty of the countries to which the refugees had fled, the High Commissioner had to maintain close co-

ordination with the Governments of those countries with a view to ensuring that the refugees were not compelled to return to their countries of origin. Indeed the 1951 Convention and the 1967 Protocol relating to the Status of Refugees conferred on the High Commissioner a supervisory function in that respect. Both treaties recognized the priority need to provide actual safety for refugees. In view of the fact that roughly half of the countries of the world had accepted neither of those important international instruments, his Government welcomed the unrelenting efforts of the High Commissioner to secure more ratifications.

27. His Government found it disturbing that cases of *refoulement* continued to occur. It deplored the fact that some countries did not observe the time-honoured United Nations principle that the repatriation of refugees must be voluntary and it fully supported the persistent efforts of the High Commissioner to put an end to *refoulement*.

28. The two treaties also contained provisions guaranteeing a number of rights which, taken as a whole, enabled a refugee to cease being a refugee and, through his own efforts, to take his place in the community which had received him and live with dignity and self-respect. UNHCR had taken steps to ensure that the contracting parties put the treaties fully into effect in the territories concerned.

29. He was pleased to point out that the World Peace Through Law Centre, at its sixth Biennial World Conference, held at Abidjan in August 1973, had devoted much attention to the question of the international protection of refugees and had stressed the direct link between the achievement of world peace and the attainment of human rights for refugees. His Government would watch with great interest the action taken by the Centre as a result of the Conference.

30. UNHCR had extended vital assistance to hundreds of thousands of refugees through its material assistance programme, in the form of projects designed to lead ultimately to the complete rehabilitation of the refugees. His Government also applauded the High Commissioner's constant efforts to facilitate the naturalization of refugees. In that respect the High Commissioner had used his material assistance programme as an essential complement to his international protection function, with the ultimate aim of ensuring that refugees should cease to be dependent on international assistance and be assimilated into their new communities with all the rights enjoyed by nationals.

31. Turning to the special duties assigned to UNHCR by the Secretary-General, he commended the High Commissioner for his efforts in providing care and maintenance for the stateless Asians from Uganda and in helping them to resettle in other countries; his own country had undertaken to accept 1,500 of them. He also congratulated UNHCR on the efficiency with which it had, at the request of the Secretary-General, carried out its relief programme in the Sudan up to October 1973. Since 1972 his country had contributed a very substantial proportion of the UNHCR budgets for the Uganda Asian and the Sudanese relief programmes.

32. His Government was confident that UNHCR would be successful in carrying out its assignment as executing agency in co-ordinating the exchange of persons in southern Asia; his Government was making

initial contributions of \$2,150,000 to that special programme.

33. Finally, he welcomed the fact that the High Commissioner had achieved such a large measure of success in both his regular and his special assignments and that he was pressing so insistently towards the goals not yet attained. The fact that he had maintained all his activities on a completely non-political basis was one of the key reasons for his great success.

34. Mr. RYDBECK (Sweden) thanked the High Commissioner and reiterated Sweden's firm support for his work. The activities of the Office of the High Commissioner were a practical expression of the concern for humanitarian problems which was one of the principal tasks of the United Nations. Accordingly his delegation was happy to be a sponsor of draft resolution A/C.3/L.2080.

35. Among all the achievements of the Office of the High Commissioner, he would like to draw particular attention to the fact that the relief programme in the southern Sudan was being brought to a successful end as a result, primarily, of the efforts of the High Commissioner, the co-operation given him by the Governments concerned and the financial support of other countries. Another very important task of the Office had been that of facilitating the repatriation of a large number of persons between Bangladesh and Pakistan. That undertaking had helped to relieve tensions in the region.

36. The humanitarian problems which had arisen in Chile were a source of great concern to the Swedish Government and people. Accordingly, he had noted with satisfaction the steps taken by the High Commissioner to safeguard the rights and interests of refugees in that country, in particular his action in addressing an appropriate communication to the Government of Chile and in establishing a national committee to assist refugees. Much remained to be done, however. Several embassies in Santiago, including his own, were still harbouring large numbers of refugees.

37. In that connexion the incident reported in *The New York Times* of 26 November illustrated the situation in which the refugees found themselves. His Government had already presented an emphatic protest to the Government of Chile concerning that incident, and he wished to stress a number of its serious aspects: first of all, the removal of a person who had recently undergone an operation—Miss Consuelo Alonso Freiria, a Uruguayan citizen under the protection of the Swedish Embassy—was an act of amazing callousness and contrary to the promises made by the Chilean authorities, who had given her a safe-conduct pass. It should also be pointed out that the doctors had prescribed several days' rest after the operation. Secondly, the use of force against the Ambassadors of Sweden and France and the UNHCR representative was a breach of the fundamental rules of inviolability of diplomatic representatives, who had, moreover, acted solely out of humanitarian concern. The Swedish Ambassador in Santiago had received instructions to request the Chilean Government to return Miss Alonso Freiria immediately to the Swedish Embassy, whose protection she enjoyed.

38. He fervently hoped that the problem of the refugees under the protection of various embassies in

Santiago would be solved at an early date. Other countries would have to make efforts to receive all those refugees. The most important task of the Office of the High Commissioner would therefore be to find countries which were willing to receive more refugees. Sweden had received some 500, but unfortunately had exhausted its capacity; for that reason, he appealed to other countries, since that humanitarian problem could be solved only through international solidarity.

39. Mr. VON KYAW (Federal Republic of Germany) congratulated the United Nations High Commissioner for Refugees and his staff for the work they had done during the period covered by the High Commissioner's report. Their activities had undoubtedly produced excellent results thanks to their untiring efforts to create conditions which guaranteed the best possible treatment of refugees. However, his delegation regretted the fact that some States had not yet acceded to the 1951 Convention and the 1967 Protocol, which formed the legal framework for the protection of refugees, and urgently requested all States which had not yet done so to adhere to those instruments so as to give them a truly universal validity.

40. His country had had to cope with an enormous influx of refugees some 20 years previously and was acutely aware of the situation of refugees wherever they were. For that reason, the refugees in his country were treated as German citizens and enjoyed the right to work and the benefits of social security. Moreover, his Government had almost completed the necessary preparations for its accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. His Government had also given a positive reply to the High Commissioner's question concerning the desirability of concluding a convention on territorial asylum.

41. The report of the High Commissioner on his activities in the field of material assistance to refugees was an excellent one. Bearing in mind the fact that during 1972-1973 his activities had been concentrated mainly on the African continent and had reached about 230,000 refugees, it could truly be said that he had done admirable work, especially in southern Sudan and in connexion with the provision of assistance to the people of Asian origin who had had to leave Uganda. The Federal Republic of Germany had supported those activities with special contributions in addition to its annual contribution to the relief programme.

42. He praised the swift and energetic action taken by the High Commissioner in Chile where, immediately after the recent change of Government, he had contacted the new authorities to protect the rights of refugees which had been recognized by the former Government. Many of them had found refuge in other countries in South America and Europe, and the Federal Republic of Germany had offered to accept a certain number of them. In conclusion, he said that the report of UNHCR was satisfactory and that his delegation hoped that draft resolution A/C.3/L.2080, of which it was a sponsor, would be adopted unanimously.

43. Lord GAINFORD (United Kingdom) thanked the High Commissioner for introducing his report (A/9012 and Corr.1 and Add.1 and 2), and expressed appreciation for the effective manner in which he carried out his difficult duties. It was sad to read in the report that refugee problems continued to exist and, indeed, that

new problems had developed over the preceding year, but it should also be remembered that hundreds of thousands of people would have suffered terrible privations had it not been for the assistance of the Office of the High Commissioner. As an example of the High Commissioner's work, particular mention should be made of the co-ordination of the urgent, complex and delicate international efforts outlined in chapter III of the report, and he expressed appreciation for the contributions of those countries which had supplied funds or places of permanent settlement for the persons concerned. Mention should also be made of the successful repatriation of some 44,000 Sudanese refugees, as well as the voluntary repatriation of 20,000 Malawi nationals. With regard to two situations which had arisen after the report had been prepared—the exchange of citizens between Pakistan and Bangladesh, and the problem of refugees in Chile—he was convinced that the same success would attend the High Commissioner's work in Chile as had been the case on the subcontinent.

44. He pointed out that only a small number of countries had acceded to the 1961 Convention on the Reduction of Statelessness, which would enable refugees to become citizens of the countries in which they settled, and in that connexion, he welcomed the High Commissioner's proposal in paragraph 17 of the report. With regard to the question of territorial asylum and the proposed convention, he confirmed the view of his delegation which was expressed in paragraph 4 of document A/9012/Add.2, and stressed the desirability of considering whether the issues raised in the Convention could not be covered by rigorous implementation of the previous instruments relating to refugees. Nevertheless, his delegation would participate in any deliberations on that subject, although it considered that the conference of plenipotentiaries should be held in 1975 rather than in 1974, since the United Nations conference calendar for 1974 was heavily committed. In conclusion, he said that his delegation was a sponsor of draft resolution A/C.3/L.2080 and hoped that it would be adopted unanimously.

45. Mr. PETHERBRIDGE (Australia) congratulated the High Commissioner on his report and on the humanitarian work which he and his Office carried out, and expressed regret that refugee situations continued to exist in the world; in that connexion, he mentioned the new situations which had arisen on the South Asian subcontinent, in Burundi, the Sudan and Uganda, and most recently in Chile.

46. During the preceding year his country had reviewed its position with regard to the refugee conventions; in April 1973 it had acceded to the Hague Agreement relating to Refugee Seamen and expected to become a party in 1974 to the Protocol relating to the Status of Refugees and the Convention relating to the Status of Stateless Persons; the question of accession to the Convention on the Reduction of Statelessness was also under consideration, and the draft convention on territorial asylum circulated by the High Commissioner¹ was being studied. There were some questions in those instruments which Australia was studying in collaboration with the Government of Papua New Guinea, which would achieve autonomy within a few days.

47. Since the report covered the period up to March 1973—although an addendum to it had just been circulated—the High Commissioner's presence was very useful for the purpose of providing additional information, because he had been able to refer to the delicate tasks he had been carrying out in Chile. He concluded by saying that his delegation was a sponsor of draft resolution A/C.3/L.2080.

48. Mrs. BONENFANT (Canada) said that her delegation felt it was very important to continue providing maximum assistance to the High Commissioner so that his Office could carry out the duties that had been entrusted to it. Briefly reviewing those duties, she pointed out the repatriation agreement concluded between India and Pakistan, the transport of persons between Pakistan and Bangladesh and the action of the High Commissioner's Office with regard to the problem of the Sudan were evidence of the effectiveness with which that Office fulfilled its mandate. Canada had made substantial contributions to those efforts, motivated by its deep concern that the problems of refugees should be solved. Mention should also be made of the work of assistance to the refugees of southern Africa, and in particular the liaison that had been established between the Office of the High Commissioner and the United Nations Educational and Training Programme for Southern Africa, which had made it possible to institutionalize the provisions relating to the education of refugees, who received primary and secondary education in the countries neighbouring the territories dominated by minorities in southern Africa.

49. In September 1973, the Minister for Foreign Affairs of Canada had told the Secretary-General that his Government was prepared to give favourable consideration to the requests of people in Chile, and particularly refugees who wished to emigrate to Canada. In that connexion, she mentioned the role played by the Office of the High Commissioner in Chile, with which the Canadian Embassy had collaborated closely; the representatives of Canada in Geneva and New York had also concerned themselves with the problem.

50. Her Government had formulated observations on the draft convention on territorial asylum in Geneva, and although it had expressed certain reservations with regard to that text, it hoped to participate in future deliberations on the draft convention in the United Nations. Canada would continue to support the humanitarian activities of the High Commissioner, and her delegation was a sponsor of draft resolution A/C.3/L.2080.

51. The CHAIRMAN announced that the delegations of Cyprus, the Gambia, Ghana, Greece, Liberia, and Yemen had become sponsors of draft resolution A/C.3/L.2080.

52. Mr. DE GUIRINGAUD (France) congratulated the United Nations High Commissioner for Refugees and his staff for the excellent work done during the year. The French delegation unreservedly approved the report in document A/9012 and Corr.1, and was one of the sponsors of draft resolution A/C.3/L.2080.

53. With respect to his traditional work of international protection, the High Commissioner had succeeded during the period under review in obtaining the accession of additional countries to the Convention of 1951 and to the 1967 Protocol, which guaranteed ref-

¹ See *Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 12, appendix, annex I.*

ugees the exercise of their fundamental rights and freedoms. He had also reorganized and extended the network of Branch Offices throughout the world, in the light of the problems to be solved, and despite the limited resources available had assisted a considerable number of refugees, especially in Africa.

54. In addition, the High Commissioner and his staff had carried out in an exemplary fashion the additional tasks of a special character entrusted to him by the Secretary-General, including the activities resulting from the New Delhi Agreement, which represented the largest repatriation operation ever undertaken under United Nations auspices. Another large-scale operation was the return home to the southern Sudan of some 180,000 refugees and half a million displaced persons. Similarly, action by the High Commissioner had solved an even more difficult problem, that of the 4,500 Asians expelled from Uganda who did not have the protection of any government, and whom a number of countries, notably Canada, had agreed to accept.

55. In the autumn another tragic problem had arisen, that of the political refugees in Chile, condemned to exile by political disturbances in their own country. As early as 13 September, UNHCR had asked the new Government in Santiago to respect the international commitments undertaken, especially those deriving from the 1951 Convention. At the same time, the UNHCR representative in Latin America had approached the new Chilean leaders along the same lines, and a former senior official of the High Commissioner's Office had gone to Chile to assist in the work. Those actions, which had earned the full approval of the French Government, had made possible the establishment of a National Committee for Aid to Refugees, which had the support of the ecclesiastical authorities, the International Committee of the Red Cross and the diplomatic representatives of various countries in Santiago. During the twenty-fourth session of the Executive Committee of UNHCR, held in October 1973, the French representative had approved the activities of the High Commissioner's Office in Chile, and had said that France would assume its share of responsibility for the international support for UNHCR action in that country. The French delegation hoped that the Chilean authorities would take firm action to ensure that no obstacle of any kind would be placed in the way of the humanitarian activity of the Committee referred to or of the persons who were assisting its work. In that connexion, there should be full recognition and respect for the responsibilities and traditional privileges of the diplomatic missions.

56. The continuing concern of the High Commissioner to strengthen international protection of refugees was illustrated by the draft convention on asylum which had been submitted to Governments with the suggestion that a conference of plenipotentiaries might be convened to draw up a final text. The French Constitution made reference to the right of asylum, and France supported that initiative by the High Commissioner, although it had suggested some amendments to the text drafted by an expert committee.

57. France was the fourth largest contributor to the financing of the Office of the High Commissioner, and would continue to provide moral and material support. The French delegation was pleased to be one of the sponsors of draft resolution A/C.3/L.2080.

58. Mr. CATO (Ghana) said that the High Commissioner and his staff had carried out their work with great devotion, and their efforts to achieve permanent settlement of displaced persons were of the highest importance. Nevertheless, his delegation was disheartened by the fact that the refugee population in Africa had risen to a million people, most of whom came from territories under Portuguese administration, from the occupied Republic of Guinea-Bissau, and from Southern Rhodesia, Namibia, and South Africa. The permanent settlement of those refugees should be closely linked with the elimination of the policies of racial discrimination and colonialism. In addition the assistance of the various countries should also be directed to dealing with the colonial situation, racism and racial discrimination, which generated most of the refugee problems in Africa.

59. His delegation fully supported the High Commissioner's report, and was one of the sponsors of draft resolution A/C.3/L.2080. He joined the Federal Republic of Germany in proposing that the draft resolution should be adopted unanimously.

60. Mr. JAIN (India) said that the High Commissioner had been successful in co-ordinating the efforts of Governments, local populations, non-governmental and intergovernmental organizations, and different agencies and organizations of the United Nations system in alleviating the plight of uprooted human beings in different parts of the world. During the preceding year UNHCR had contributed to the repatriation and resettlement of Sudanese refugees, had extended assistance to refugees in other parts of Africa, and had done valuable work for Uganda Asians.

61. His delegation associated itself with previous speakers in paying a tribute to the dynamic leadership of the High Commissioner, and to his staff, for the humanitarian work done for refugees from Bangladesh. In recent months UNHCR had been entrusted with the task of helping to repatriate Pakistani nationals from Bangladesh to Pakistan, and Bengalis from Pakistan to Bangladesh. The Indian delegation welcomed the help extended by UNHCR in implementing the provisions of the New Delhi Agreement concerning the repatriation of nationals to their countries of origin. There had been references to the numbers already repatriated, but the Indian delegation wished to emphasize that the important point was to repatriate even larger numbers by full use of the airlift facilities that UNHCR had placed at the disposal of the Governments concerned. With respect to the repatriation of prisoners of war and civilians from India, he said that thus far India had fully and consistently adhered to the principle of simultaneity, and would continue to do so.

62. He was pleased to note that, despite all the attendant difficulties, and limitations of resources and staff, UNHCR had carried out the tasks entrusted to it, particularly in Africa. The Indian delegation had noted with satisfaction that the considerable demands on emergency relief for new refugees had not deterred the Office from its basic objectives of seeking to help refugees to become self-supporting and of consolidating their economic and social position. He noted that a number of United Nations agencies had introduced greater flexibility into their procedural arrangements for refugee assistance, and had been able to increase their support. It was noteworthy that UNHCR had

continued its co-operation with the United Nations Trust Fund for South Africa, the United Nations Council for Namibia, the Department of Political Affairs, Trusteeship and Decolonization, and other bodies. The education and training of refugees, undertaken in co-operation with UNESCO, should be further continued and expanded.

63. He drew attention also to the effectiveness of the public information services of UNHCR, which were concerned with informing the public in various parts of the world, securing the necessary support, and obtaining contributions in cash and in kind.

64. The Indian delegation reaffirmed its support for the activities of UNHCR, and expressed the hope that every effort would be made not only to solve the existing problems, but also to prevent new problems from emerging. He also hoped that draft resolution A/C.3/L.2080 would be adopted unanimously.

65. Mr. BAZAN (Chile) said his delegation had taken note of the report of the High Commissioner, which revealed the magnitude of the task being carried out by his Office, wherever a refugee problem existed. For example, the report showed that there were approximately 1,020,000 refugees in Africa. As for Asia, there were approximately 10,280 refugees in India alone, to which must be added the refugees of Macao, Nepal, the People's Republic of China, and Hong Kong. For Europe, the report referred to some 615,000 refugees, and to more than 15,000 new refugees that had arrived in 1972, including 12,000 from the Caribbean area who had gone to Spain. The report indicated that there were about 11,000 refugees in the Middle East. Lastly, there were the refugees in Latin America, whose number had remained virtually unchanged at about 105,000, of which 37,000 were living in Brazil and 33,000 in Argentina. It was stated that most of those refugees were of European origin. Thus the figures were very clear: the High Commissioner's report referred to a total of about 1,800,000 refugees. If to that number were added the Palestine refugees, amounting to some 1,200,000 and the other refugees not of concern to UNHCR, estimated at about 1,000,000, the conclusion must be that there were approximately 4,000,000 refugees in the world.

66. He had cited those figures to show that the refugee problem was universal in character; for that reason, Chile supported the High Commissioner's efforts and had ratified the Convention and the Protocol relating to the Status of Refugees. In addition to discharging its obligations under those instruments and despite its financial situation, Chile would continue to make an annual contribution to the budget of UNHCR.

67. The High Commissioner had referred to the work performed in Chile following the change of Government. It should be pointed out that UNHCR's efforts had been successful because of the co-operation afforded to it by the Chilean authorities. The Government of Chile had attempted to find a solution for the problem of the refugees who, by meddling in the internal policies of the country, had become a threat to national security and public order and, consequently, must leave Chile. Although they were only few in number by comparison with the figures given in the report, the Chilean authorities had taken the trouble to seek a viable solution to the problem of those refugees. As soon as the High Commissioner's first cable had been received in Chile,

he had been given every assurance that Chile would meet its obligations. In addition, certain rumours which, as the High Commissioner had subsequently confirmed, were unfounded, had been refuted and every facility had been afforded to the High Commissioner's representatives. In order to facilitate refugee traffic, safe havens had been established which enjoyed virtually extra-territorial status. A short while previously, it had been disclosed that the representative of the High Commissioner in Chile had thanked the Government for all the facilities which it had afforded him. Having regard to all those considerations, his delegation would give its unreserved support to draft resolution A/C.3/L.2080.

68. With regard to the comments which had been made regarding refugees in Chile, he believed it necessary to point out that, in order to understand that problem, it was essential to view the situation which had developed in the proper perspective. No persecution campaign against refugees had been launched in Chile: there were many refugees in the country, all living in peace. About 9,000 of the refugees who had arrived during the previous three years—some 10,000 in all—would be able to remain in the country, but some 1,500 of them had failed to comply with their fundamental obligations: some had committed offences under general law, and others had carried out subversive activities endangering the security of the State. In that connexion, it should be made clear that it was for the authorities of the country alone to determine whether certain activities represented a threat to internal security and public order. What the Third Committee and UNHCR could do was to make refugees understand that they should respect the laws of the countries which received them and not seek to undermine their national security.

69. It was obvious that the problem of refugees could be solved only if the maximum number of countries were prepared to accept them. If, however, when a problem such as that in Chile arose, the spirit and letter of the Convention relating to the Status of Refugees, in which reasons of State took precedence over the interests of the refugee, were flouted, if the international community ranged itself against the host State and its right to prosecute or expel refugees guilty of violating the law or conspiring against its security, no country would want to receive refugees. For that reason, he had listened with concern to the comments made by a number of speakers, in particular the representative of Sweden, regarding events in Chile. He was concerned by those comments, which were unfounded although doubtless well intentioned, since to continue acting in that manner would dissuade States from co-operating in that sphere, and that would not help to solve the problem.

70. With regard to the remarks made by the representative of France, he wished to make it clear, firstly, that it had not been the efforts of the High Commissioner that had induced the Government of Chile to comply with its international commitments—it had always done so. The organization of hospitality centres for refugees pending their departure from the country was a further humanitarian gesture made by the Government of Chile.

71. With regard to the regrettable incident which had occurred following the arrest of a woman refugee who

had been operated upon at a Santiago hospital and in which the Swedish Ambassador to Chile had been involved, he said that an official version of that incident would be issued that same day and that he had thus far been able to obtain only partial information. He therefore believed that other delegations could not possibly have further background knowledge and that it was premature to express any opinion. According to the partial information available to him, the person in question had been transferred from one hospital to another hospital in a convent. She was in a satisfactory state of health; she was to have been discharged two days after the date on which the incident had occurred. In that connexion, he read out a cable from the Chilean Ministry of Foreign Affairs to the High Commissioner indicating that the matter of the departure from the country of the person concerned would be facilitated and that she had not been the victim of any bodily assault.

72. Another aspect of the problem was the participation in the events which had occurred of the Swedish Ambassador, who looked after Cuban interests in Chile. The sick person concerned had taken asylum in the Cuban Embassy, and the Swedish Ambassador should have requested a safe-conduct pass in advance in order to take her to hospital. In a similar case involving the Mexican Embassy, the appropriate safe-conduct pass had been requested and any possible problems had thus been avoided. He wished to make it clear that the inviolability enjoyed by the Ambassador had not extended to the sick person merely because the Ambassador had accompanied her and that the Chilean authorities had been within their rights to arrest her in the hospital. The incident had been made odious by the Swedish Ambassador's attempt physically to prevent the arrest warrant from being carried out—an act of disrespect for authority which no sovereign country could accept. By his action, the Swedish Ambassador had exposed himself to the application of physical force for the purpose of carrying out a lawfully issued arrest warrant; that was unfortunate but inevitable. It had not been a case of protecting the life of the person arrested, which was not threatened, but of obstructing the course of justice. He reiterated that if the factors involved in the problem were completely twisted about in such a manner, no country would feel inspired to receive refugees.

73. Mr. CABRERA MUÑOZ LEDO (Mexico) said that, in the view of his delegation, the High Commissioner and his Office had discharged more fully their mission towards refugees; for two successive years they had been faced with emergency situations in respect of which heartening, although in some cases partial, results had been obtained.

74. With regard to the information concerning the refugee problem in Chile provided by the High Commissioner, he believed that the attitude of the Mexican Government was internationally known and did not need repetition. However, he read out a passage from the address of the Mexican Minister for Foreign Affairs at the 2139th plenary meeting of the General Assembly which emphasized Mexico's respect for the right of asylum, irrespective of the ideology or political tendencies of the persecuted individual, and indicated that, because of that position, the Mexican Embassy at Santiago had received all persons who had felt threatened and that some of them were already on Mexican soil. In

that passage, it was also stated that the situation remained serious, despite the efforts made by the Secretary-General of the United Nations and other prominent international figures and the official assurances given by the Chilean Ministry of Foreign Affairs. He wished to emphasize the topicality of that comment in view of the information provided at the current meeting by the representative of Sweden.

75. With regard to the regular activities of UNHCR, the progress made in strengthening the legal framework for the protection of refugees, both through the accession by additional States to the basic international instruments and through the adoption of appropriate national measures, was worthy of emphasis. He was gratified by the phrase used by the High Commissioner to define the objective of his programme—"to help a refugee to cease being a refugee"—indicating that the first solution was voluntary repatriation and that, failing that, the second was the integration of the refugee into the receiving country. He also commended the High Commissioner for the co-ordination which he had established with related special programmes and with specialized agencies of the United Nations and other international organizations.

76. In conclusion, he said that Mexico was a sponsor of draft resolution A/C.3/L.2080. The Mexican Government had already remitted its contribution to the UNHCR programme for 1973, and it intended to make a contribution of \$10,000—which was still in the process of being approved by the Senate of the Republic—for the 1974 programme.

77. Mr. FØNS BUHL (Denmark) said that during the preceding year the United Nations High Commissioner for Refugees had been faced with new problems of considerable gravity in terms of their scope and of the range of measures required. The report gave an excellent description of the effectiveness and dedication with which the High Commissioner and his staff had carried out their task during the year, especially with regard to the South Asian subcontinent and Africa. It was shameful that human beings were still being persecuted and forced to leave their homes because of their race, religion or convictions. The recent events in Chile provided yet another example of the need for humanitarian action to alleviate the suffering of the refugees. His delegation considered it important to underline the fact that the granting of asylum should never be regarded as an unfriendly act towards the country from which the refugee had come. Denmark, within its capabilities, had responded favourably to requests for assistance from the High Commissioner and felt that the international community should be prepared to support the humanitarian activities of UNHCR whenever necessary.

78. The primary aim of the High Commissioner's Office was to establish legal protection of refugees; in other words, to ensure them internationally accepted rights. His delegation welcomed the fact that during the preceding year several countries had acceded to or ratified the principal international conventions relating to the status of refugees, in keeping with their universal character. There had also been new accessions to the OAU Convention of 1969, which covered the specific aspects of the refugee problem in Africa; he hoped that the ratifications necessary to bring the convention into force would soon be forthcoming. He also noted with

satisfaction that wider acceptance by the international community of the concept of good offices had provided the High Commissioner with greater flexibility of action. His delegation was interested in the endeavours made by the High Commissioner to strengthen and develop international rules relating to asylum and was looking forward to the outcome of the inquiry made by UNHCR on the desirability of concluding a convention on territorial asylum.

79. The concrete task of UNHCR was to promote permanent solutions by which refugees ceased to be refugees and became self-supporting citizens. That could be achieved primarily through voluntary repatriation; his delegation had noted with interest the results obtained in the repatriation of refugees in the Sudan and in the repatriation programme which was being carried out in Bangladesh and Pakistan.

80. It was evident that many countries of first asylum could not shoulder the financial burdens resulting from a large influx of refugees, especially if those countries possessed limited resources, and Denmark considered that the international community should accept responsibility to provide assistance in that connexion. The problems of aged and handicapped refugees deserved special attention. As could be seen from the High Commissioner's report, Denmark had accepted a certain number of handicapped persons from Uganda as part of its assistance to the Asians of that country. His delegation noted with appreciation that an increasing number of Governments were contributing to the financing of the High Commissioner's Programme. The Danish Government was prepared to continue its financial contribution to the Programme for 1974.

81. His delegation was pleased to co-sponsor draft resolution A/C.3/L.2080 concerning the report of the High Commissioner and hoped that, in view of its purely humanitarian nature, it would meet with the unanimous approval of the Committee.

82. Mr. KARHILO (Finland) said that the report of the High Commissioner for Refugees showed encouraging trends in the valuable work which he and his staff were performing. His Government viewed the humanitarian work of the High Commissioner in the wider context of general development policy. It therefore welcomed the increased co-operation between the Office of the High Commissioner and other international agencies, in particular UNDP, IBRD and WFP. His Government had always considered that an effective use of scarce resources could only be guaranteed through the co-ordination of United Nations machinery as a whole.

83. Moreover, it was encouraging that a growing number of Governments had given increased assistance to the High Commissioner's Programme. According to the report, such contributions represented a 14 per cent increase over the previous financial year. That trend, however, encouraging as it was, must be viewed against the immense needs and thus there was no reason to be satisfied with the results. On the contrary, still further efforts were required by Governments. His Government, for its part, intended to make a substantially increased pledge for the 1974 programme.

84. It must also be noted with satisfaction that an increasing number of Governments had become parties to the basic legal instruments governing the status of refugees. The fact that approximately half the Members of the United Nations had acceded to the 1951 Convention relating to the Status of Refugees was a guarantee of a clearer definition of the High Commissioner's field of action and of the responsibilities of Governments.

85. With reference to operative paragraph 2 of draft resolution A/C.3/L.2080, his delegation fully agreed that a wider acceptance by the international community of the concept of good offices had provided the High Commissioner with greater flexibility of action vis-à-vis those refugees whose status had not yet been specifically determined. It was, of course, extremely unfair that an international agency should be unable to provide immediate humanitarian assistance to certain refugees because from a legal point of view they did not fall within the mandate of that agency. Such a situation arose, for example, in the case of the Uganda Asians. That broadened perception of the High Commissioner's mandate had made it possible for him to act more speedily in emergency cases in compliance with General Assembly and Economic and Social Council resolutions.

86. Although it was highly desirable that the Office of the High Commissioner for Refugees should become unnecessary, the fact was that its services were still required, as was shown by recent events in Chile. His delegation wished to avail itself of the opportunity to commend the High Commissioner for his action in Chile. The Government of Finland had tried to respond to the call addressed to Governments for the granting of resettlement facilities for refugees and had decided on 24 October to receive 100 Chilean refugees. But the assistance given by the High Commissioner's Programme in Chile, laudable as it was, should be only temporary. His Government earnestly hoped that the evolution of the situation in that country would enable the High Commissioner to cease his work there as soon as possible.

The meeting rose at 6.15 p.m.

2039th meeting

Tuesday, 27 November 1973, at 10.45 a.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2039

AGENDA ITEM 67

Report of the United Nations High Commissioner for Refugees (continued) (A/9003 and Corr.1, chap. XXIV, sect. C; A/9012 and Corr.1 and Add.1 and 2, A/C.3/L.2080, A/C.3/L.2084)

1. Mrs. WATANABE (Japan) expressed appreciation to the United Nations High Commissioner for Refugees and his staff for their excellent record in fulfilling their arduous responsibilities. Noting that, according to the High Commissioner's report (A/9012 and Corr.1 and Add.1 and 2), as many as 230,000 refugees had benefited from UNHCR assistance during 1972, she said it was regrettable that, despite the High Commissioner's achievements, many tens of thousands of people still found themselves in the position of refugees. In such circumstances, UNHCR should continue to assist refugees in close co-operation with the countries involved and with other international organizations.

2. Because of Japan's geographical position, it felt special concern about the refugee problem in Asia, which was touched upon in paragraphs 125 to 131 of the report. Her delegation was pleased to learn of the progress which the Office of the High Commissioner had achieved in Asia, and hoped that further progress would be possible.

3. The Japanese Government would endeavour to continue its financial support of the High Commissioner's activities. Its specific contribution would be announced at the forthcoming meeting of the *Ad Hoc* Committee of the General Assembly for Announcement of Voluntary Contributions to the Programme of the United Nations High Commissioner for Refugees. In addition, her delegation wished to become a sponsor of draft resolution A/C.3/L.2080.

4. The CHAIRMAN announced that Burundi and the Gambia wished to be added to the list of sponsors of draft resolution A/C.3/L.2080.

5. Mr. VAN WALSUM (Netherlands) associated his delegation with the expressions of appreciation of the work of the High Commissioner and his staff. The High Commissioner's report showed that large-scale refugee situations still confronted the international community. It was of the greatest importance that the international community should support his efforts wherever possible.

6. The current refugee situation in Chile had increased the burden on the Office of the High Commissioner. In recognition of that fact, the Netherlands Government had made a financial contribution to the Office of the High Commissioner to help cover the situation. His Government hoped that the Government of Chile would act in continuing co-operation with the High Commissioner and in conformity with international conventions and practice.

7. The refugee situation in Africa continued to give cause for the greatest concern. He welcomed the considerable progress made in assisting Uganda Asians of undertermined nationality and in the relief programme in the southern Sudan. Nevertheless, the situation in Africa was still exacerbated by the persistence of colonial rule and recent disconcerting increases in the number of refugees from Burundi.

8. It was regrettable that each step forward in dealing with refugee problems was counterbalanced by the emergence of new refugee situations. He wished to stress once again that the international community could prevent the emergence of new refugees only by refraining from acts which created refugee situations.

9. Mr. ABSOLUM (New Zealand) said that the skilful, efficient and humane manner in which the High Commissioner carried out his duties had come to be regarded as characteristic of his Office's work. Recalling the fact that the resolution establishing that Office had been adopted with somewhat less than overwhelming support, he observed that the High Commissioner's performance over the years had inspired confidence and removed many doubts.

10. In Chile, the Office of the High Commissioner was performing a useful humanitarian task. The New Zealand Government had responded to the High Commissioner's appeal for offers of permanent resettlement opportunities, and hoped that all countries would support the High Commissioner's efforts in Chile.

11. Mr. SÖYLEMEZ (Turkey) commended the High Commissioner for his lucid and detailed analysis and for his work in finding solutions to the problems of millions of refugees throughout the world. He welcomed the fact that, in the Sudan, 150,000 people had returned to their homes with the help of UNHCR. Also commendable were the efforts undertaken to assist Uganda Asians of undertermined nationality and to promote the movement of refugees between Bangladesh and Pakistan.

12. His delegation commended the excellent report of the High Commissioner to the Committee for unanimous approval. He was more than confident that the General Assembly would provide for the continuation of the High Commissioner in his post for another term. His delegation fully supported draft resolution A/C.3/L.2080.

13. Miss CAO PINNA (Italy) noted that the report of the High Commissioner gave rise to concern, in that the refugee problem showed no sign of lessening; at the same time, the report gave cause for satisfaction, since it indicated that all possible efforts within the High Commissioner's mandate were being made to alleviate and, where possible, solve the problems faced by refugees. Her delegation was encouraged by the effective intervention of the High Commissioner in repatriating a large number of refugees between Bangladesh and Pakistan, repatriating hundreds of thousands of ref-

ugees to the Sudan and assisting thousands of Uganda Asians of undertermined nationality.

14. The High Commissioner deserved special appreciation and support for his timely and efficient action in dealing with the tragic new situation in Chile. Italy would do its fair share in response to the appeal for the resettlement of refugees from Chile. In addition, she wished to join previous speakers in expressing the hope that the Chilean authorities would extend full co-operation to the High Commissioner.

15. Reiterating Italy's support of the work of the High Commissioner, she said that Italy's long experience as a first-asylum country had led it to urge, in its preliminary comments on the desirability of concluding an international convention on territorial asylum, that a better balance should be ensured in the financial and administrative burden spread between first-asylum countries and others. However, the comments Italy had made did not indicate a lessening of its desire to reach, through a convention, a better and more uniform solution of the current refugee problem.

16. Mr. OUATTAVA (Organization of African Unity), speaking at the invitation of the Chairman, said that the problem of African refugees, with which OAU had been dealing since its inception, was caused principally by the continued existence of colonial and racist régimes in southern Africa. In 1964, OAU had established a special committee to deal with the refugee problem, whose work had culminated in the adoption of the Convention Governing the Specific Aspects of Refugee Problems in Africa. In addition, the Conference on the Legal, Economic and Social Aspects of African Refugee Problems, held at Addis Ababa from 9 to 18 October 1967, had produced positive conclusions and specific recommendations, including the establishment, within the general secretariat of OAU, of a Bureau for the Placement and Education of African Refugees. As a result of the Bureau's work, many refugees had obtained jobs or training opportunities.

17. Nevertheless, the number of refugees was continually increasing. Despite the efforts of OAU and the international community, African refugees now numbered more than 1 million. It was clear from the High Commissioner's report that the refugee problem was at its most acute in Africa, and that Africa needed increased assistance to deal with it.

18. The progress which the Bureau had so far achieved was due in no small part to co-operation with non-governmental organizations, the specialized agencies and, especially, the Office of the High Commissioner. His organization sincerely hoped that the High Commissioner would be able to continue his humanitarian efforts.

19. Mr. MUSAFIRI (Zaire) recalled the appeal made to all Governments to provide full support to the task of the High Commissioner. His country had responded to that appeal and had offered shelter to many refugees, especially the victims of colonialism and racism. The total number of refugees cited in paragraph 109 of the High Commissioner's report had already been exceeded, and Zaire now sheltered 626,000 refugees from Angola alone. The authorities sought jobs for adult refugees and school places for children, who were, as far as possible, instructed in their mother tongue. Furthermore, an official body had recently been set up

to provide refugees with a reception service, food and clothing, medical care, working tools and other appropriate facilities. That body was under the authority of the President of the Republic and its Conseil supérieur included, in addition to outstanding Zairians, representatives of philanthropic organizations, such agencies as UNHCR, UNICEF and FAO and the Agency for International Development. Continued assistance from the international community was essential if the Zairian Government was to be able to carry on its efforts on behalf of refugees.

20. The refugee problem could not be solved satisfactorily as long as the colonialist coalition of South Africa, Rhodesia, Portugal and other like-minded régimes persisted. Urgent action against them was essential in order to ensure the liberation of all of Africa. Meanwhile, Zaire would support all fighters in the liberation movements until the time of final victory.

21. Each independent State should establish political conditions promoting national unity on the broadest possible scale. Zaire had itself established such conditions by uniting all citizens within the Popular Revolutionary Movement and offering amnesty to all those who had sought refuge outside the country.

22. His delegation earnestly hoped that draft resolution A/C.3/L.2080, of which his delegation was a sponsor, would be adopted unanimously.

23. Mrs. SELLAMI (Algeria) said that the High Commissioner's report indicated the quality, efficiency and scope of the work being done in Africa and Asia to assist refugees. Her delegation had become a sponsor of draft resolution A/C.3/L.2080 in order to pay a tribute to those efforts.

24. Mr. PAPADEMAS (Cyprus) observed that the problems of refugees, far from lessening, were increasing with every year. The High Commissioner's report indicated both the scope of the problem itself and the measures which were needed to remedy a situation in which nearly 2 million people found themselves without homes or hope for the future. The efforts of the High Commissioner, a purely humanitarian aspect of the United Nations activities, merited full support from all countries. His delegation had joined in sponsoring the draft resolution before the Committee in order to show its support for those efforts and its hope that the High Commissioner would be able to continue his work on behalf of refugees for years to come.

25. Mr. BIRBAUM (Austria) said that the satisfaction that could be derived from the excellence of the High Commissioner's work, as reflected in the report, could not and should not override a sense of sadness at the tragic fate of hundreds of thousands of refugees. All States had a primary responsibility to maintain and guarantee fundamental rights and freedoms for everyone, and his delegation felt that the implementation machinery of the International Convention on the Elimination of All Forms of Racial Discrimination and the increasing acceptance of the International Covenants on Human Rights were steps in the right direction.

26. The response from Member States to the High Commissioner's appeals for co-operation were most encouraging. His country fully supported the view, set out in paragraph 7 of the report, that a liberal asylum policy should be followed in respect of refugees. The report also rightly stressed that the question of the

granting of nationality was an important one. His country applied the 1961 Convention on the Reduction of Statelessness and would like to see more countries become parties to that Convention. His delegation also believed that full access to the labour market and social security were decisive elements in easing the individual refugee's situation.

27. His country was deeply concerned at the situation which had arisen following the emergence of a new régime in Chile. Austria had already given shelter to a number of refugees from Chile and would continue to do so as long as circumstances so required. It was Austria's firm hope that the Chilean Government would honour its international obligations and fully comply with international standards in the field of human rights, so that the situation in Chile would be tolerable for people living under that Government's jurisdiction.

28. During the period covered by the report and also during 1973, Austria had continued to receive refugees and to provide assistance to the High Commissioner. It was against that background that his delegation had become a sponsor of draft resolution A/C.3/L.2080, and wished to commend it for the broadest possible support in the Committee.

29. Mrs. HYERA (United Republic of Tanzania) congratulated the United Nations High Commissioner for Refugees and his staff on the success they had achieved in their efforts to assist refugees. Despite those efforts and the results achieved, however, the refugee problem in many parts of the world was still very serious and complex and would probably not be solved for a long time.

30. Her delegation firmly believed that as long as situations such as those in the Non-Self-Governing Territories of Africa persisted the exodus of refugees would continue. In that connexion, she pointed out that whereas in 1972 there had been 71,000 refugees in her country, the figure for 1973 was 98,000. That was an appalling situation in view of the fact that each refugee was a human being in distress who needed help to survive. Refugees from Mozambique were her country's greatest concern. Refugees from other countries had been returning home and it was to be hoped that they would continue to do so once their Governments had given assurances concerning their safety. Each year, however, there were new arrivals from Mozambique who were fleeing from the exploitation, brutalities and mass killings of the Portuguese colonialist régime. Her delegation assured the Portuguese delegation that, despite any protests by the Portuguese Government, it would hold Portugal's colonial policies in the contempt they deserved as long as the mass exodus into the United Republic of Tanzania of the indigenous people of Mozambique continued.

31. Her delegation paid a tribute to all Governments, non-governmental organizations and private individuals who were contributing in cash and in kind to Governments which needed help and to the Office of the High Commissioner for Refugees. The Government of her country would continue to co-operate with the High Commissioner, as it had always done. It welcomed the opportunity to join in sponsoring draft resolution A/C.3/L.2080 and hoped that it would be adopted unanimously by the Committee and by the General Assembly.

32. Mr. VALDERRAMA (Philippines) said that the introduction of the High Commissioner for Refugees to his report had been characterized by a sense of great probity and reflected the High Commissioner's dedication to his task. His delegation agreed with the High Commissioner that the Universal Declaration of Human Rights applied as much to refugees as to other people who might need the assistance and protection of the United Nations and was impressed with the competent and efficient manner in which the Office of the High Commissioner had fulfilled its responsibilities on behalf of tens of thousands of refugees in Africa, Latin America and Asia. The success of the High Commissioner's work was exemplified by the massive operations in the Sudan and the airlift operations on the South Asian subcontinent.

33. His delegation sincerely hoped that refugee problems, especially those in colonial Territories, such as Angola, Mozambique and Guinea-Bissau, would not long elude a permanent solution. The continued support of Member States for the work of UNHCR should help to expedite such a solution. His Government had provided and was continuing to provide assistance to refugees and continued to support the humanitarian efforts of UNHCR and UNRWA. To that end, it had pledged cash contributions to both of those agencies. However modest those contributions might be, they reflected his Government's concern for the plight of refugees. Moreover, in a spirit of goodwill and friendship, the Philippines had provided bilateral humanitarian assistance to the Governments of Pakistan and Bangladesh.

34. His delegation joined the High Commissioner in urging the international community to provide safe havens for refugees and looked forward to the High Commissioner's report on the results of his consultations with Governments concerning the draft convention on territorial asylum.¹ His Government's views on the draft convention were contained in the second addendum to the report of the High Commissioner for Refugees.

35. His delegation fully supported draft resolution A/C.3/L.2080, as well as the amendment contained in document A/C.3/L.2084.

36. Mr. KABINGA (Zambia) said that the comprehensive report of the United Nations High Commissioner for Refugees would provide a very good basis for further action for the benefit of refugees throughout the world. The problem of refugees was a matter of great importance to Zambia's domestic and foreign policy makers. In the preceding two years, the increase in the number of refugees in Zambia had raised a number of new problems relating to the provision of food, accommodation and education. In October 1973 it had been estimated that the number of refugees in Zambia had risen to 33,000 and in one camp alone there were as many as 7,500 refugees. The Zambian people and Government had done and were continuing to do whatever they could to alleviate the problems of those refugees, both in co-operation with the Office of the High Commissioner and with other Governments and some international organizations and also within the framework of the Zambian Government's own policies. The Zambian Government was a party to the 1951

¹ See *Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 12*, appendix, annex I.

Convention Relating to the Status of Refugees and to the 1967 Protocol. He pointed out in that connexion the reference in the report of the High Commissioner to the fact that, in some resettlement matters, the High Commissioner's work complemented the work of the Zambian Government.

37. His delegation recognized and appreciated the importance of the humanitarian element involved in the problem of refugees, as well as the political neutrality that the High Commissioner maintained. His Government also appreciated the contributions which Member States were making in order to mitigate the effects of injustice in the world. It could not, however, share the enthusiastic belief of some members of the Committee that certain Governments were doing a great deal to eliminate refugee problems when, in fact, the activities of those Governments were contributing directly and indirectly to the continuation of the injustice which was the root cause of the refugee problem in some parts of the world. The High Commissioner had taken that factor into account when he had mentioned racial equality, political and religious tolerance and minority rights as examples of basic solutions to the problem of refugees. In his delegation's opinion, racial equality meant not only the elimination of oppressive racist minority régimes, but also the elimination of negative manifestations of any form of racial prejudice in countries where racism might appear to have been legally outlawed, but where the enforcement of the law left much to be desired. It also hoped that the concept of religious tolerance covered the duties and rights of those who enjoyed the benefits accorded to citizens of any State. It hoped that the Committee, when referring to minority rights, would take both majority rights and minority obligations into consideration.

38. In considering current refugee problems, his delegation was more and more convinced that it was futile for the international community to continue to supply blankets to refugees when some of the States which supplied blankets were also supplying the guns which were driving thousands of people from their countries. Most of the refugees in his country were victims of Portuguese and British colonialism and of oppression by the racist minority in South Africa. Moreover, peoples' homes were being destroyed in South-East Asia, the South Asian subcontinent, the Middle East and elsewhere and the recent tragedy in Chile demonstrated the insincerity of the words of those who spoke for the humanitarian cause when, in fact, they had been instrumental in creating that tragedy for imperialist purposes.

39. His delegation would vote in favour of draft resolution A/C.3/L.2080, although it had some misgivings about the fourth preambular paragraph and operative paragraph 3. While it recognized the importance of voluntary repatriation, it strongly disagreed that it could provide a permanent solution to the problem of refugees. Moreover, it had some serious implications for areas where minority régimes were trying to establish white settler States. His delegation could not accept the fourth preambular paragraph and operative paragraph 3 because it knew that, as long as colonial Portugal continued to oppress the people of Angola and Mozambique and continued to receive material, moral and political assistance from the United States and certain Powers in the North Atlantic Treaty Organiza-

tion and as long as the South African minority régime continued to oppress the majority in South Africa and to occupy Namibia, there could be no solution to the problem of refugees in southern Africa. Similarly, as long as the Palestinian people were denied their birthright, there could be no permanent solution to the problem of refugees in the Middle East. The same could be said of peoples in Chile, the South Asian subcontinent, other parts of Asia and elsewhere.

40. Mrs. ESHEL (Israel) said that it had been a source of satisfaction to her delegation to hear the introductory statement of the United Nations High Commissioner for Refugees (2038th meeting) and to read his report. As a member of the Executive Committee of the High Commissioner's Programme, Israel had had the opportunity to express its views and offer suggestions in support of the High Commissioner's work. It greatly appreciated the High Commissioner's devotion to the cause of refugees and the efficient manner in which he and his staff had carried out their tasks. The key to his remarkable success was no doubt that his actions were guided solely by humanitarian considerations and that he had kept his organization neutral and above political strife and disagreement.

41. That achievement was all the more laudable in view of the fact that all situations giving rise to refugee problems were rooted in political tensions and armed conflict. Thus, instead of a reduction in the High Commissioner's activities, a goal he himself was tirelessly seeking, there had been an ever-growing number of refugees and emergency situations which had required swift relief action and patient, persistent and diplomatic negotiations in order to bring about long-term solutions. Regrettably, the mandate of the High Commissioner would have to continue as long as unforeseen and unforeseeable political crises created new human disasters. In that connexion, she observed that the flexibility of the approach adopted by the High Commissioner had been made possible by the broadening of his mandate and had been justified during the situations which had arisen in 1972, whether they involved emergency relief, assistance in rehabilitation, voluntary repatriation, integration in countries of asylum, resettlement in other countries or legal protection. Her delegation was glad to note that, although the financial resources at the disposal of the High Commissioner were far from adequate when compared to the magnitude of the problems involved, the High Commissioner had, through closer co-operation with other United Nations agencies, non-governmental agencies and Governments, mobilized additional resources in support of his Programme.

42. With regard to the various international instruments for the legal protection of refugees, Israel had ratified the 1951 Convention Relating to the Status of Refugees and the 1954 Convention relating to the Status of Stateless Persons and had acceded to the 1967 Protocol relating to the Status of Refugees. Her delegation shared the apprehensions expressed by the High Commissioner in his report that mere statistics of participation in those international instruments would be academic if they were not combined with practical and adequate implementation. In the Executive Committee of the High Commissioner's Programme, the representative of Israel had raised the question of whether the time had not come for a new approach in which many other

related disciplines, in addition to law and public administration, could be associated with that endeavour. The social sciences could be instrumental in ensuring the practical acceptance of the measures necessary in each society to bring about the translation of words and ideals into action. Her delegation was of the opinion that a study on that matter might lead to the more meaningful fulfilment of international humanitarian obligations.

43. Her Government had forwarded to the High Commissioner its observations (see A/9012/Add.2) concerning a convention on territorial asylum. It had some reservations on that complex subject, which it considered to be closely related to the question of extradition. Although an exchange of views on that matter in an international conference might be useful, her delegation felt strongly that consideration of the implementation of existing conventions should be given high priority.

44. Her delegation announced that its pledge to the Office of the High Commissioner for Refugees, which had been increased the preceding year to \$10,000 in appreciation of his work, would be repeated. Moreover, her delegation would vote in favour of draft resolution A/C.3/L.2080.

45. Mr. EL-FATTAL (Syrian Arab Republic) said that the report of the High Commissioner for Refugees illustrated the fragility of the link between man and his homeland. It was most unfortunate that the refugee problem was not diminishing and that the number of refugees of concern to UNHCR was, in fact, on the increase, particularly in Africa. Moreover, the causes of expatriation were becoming more complex. It was therefore essential for the international community to give greater support to the work of the High Commissioner, both by eliminating the causes of the problem of refugees and by offering the High Commissioner moral and material assistance. The work of the High Commissioner certainly deserved such assistance and support because it was based on the right of refugees as individuals or national groups to be repatriated to their countries of origin and on the principle that voluntary repatriation was the most humane and practicable solution to refugee problems, as had been amply demonstrated in the preceding few years.

46. The regional approach adopted by UNHCR had proven to be effective, but regionalism should in no way detract from the need for international action, particularly when masses of people were becoming refugees because of colonialist policies and practices. In that connexion, the Syrian Arab Republic condemned the racist and colonialist régimes of Portugal and South Africa, which were responsible for creating refugee problems in southern African countries. The problems of those refugees, who should be given every opportunity to return to their countries, should remain a priority concern of the entire international community.

47. With regard to the draft convention on territorial asylum, on which the High Commissioner had asked for observations, his delegation was of the opinion that the right of asylum was a sacred right which had been recognized since time immemorial and that the law of asylum should be further developed and codified in a convention. There was, however, a tendency to confuse the concepts of the status of refugees and the status of emigrants. The status of a refugee was imposed on an

individual, while the status of an emigrant was voluntarily assumed. Safeguard clauses should be included in any draft articles on territorial asylum in order to prevent any interpretation which might enable certain régimes to exploit the individual's right to asylum or to create situations which might lead to mass emigration. An international convention should also contain safeguards protecting the sovereignty of States, as well as the rights of people who might be affected by massive territorial asylum. Thus, care should be taken to prevent settler colonialism from flourishing under the guise of territorial asylum.

48. With regard to the statement made by the representative of Sweden at the preceding meeting, in which attention had been drawn to the use by Chilean authorities of physical force against the Swedish Ambassador to Chile, his delegation supported the request made by the representative of Sweden and hoped that the problems of the many refugees under the protection of embassies in Santiago would soon be solved so that the persons in question could begin to lead a normal life again.

49. His delegation supported draft resolution A/C.3/L.2080 and regretted that it could not sponsor that draft resolution because the Syrian Arab Republic had not yet ratified the Conventions to which it referred. The Syrian Arab Republic also regretted that it had not yet been able to contribute to the Programme of the United Nations High Commissioner for Refugees, but that was because it was already dealing with the problems of more than 300,000 refugees or displaced persons on its own territory.

50. Mr. PETROPOULOS (Greece) said that his delegation too wished to express appreciation of the valuable work done by the Office of the High Commissioner for Refugees in the preceding year. The High Commissioner and his staff were actively involved in carrying out humanitarian tasks for the relief of large numbers of human beings. The tangible results of such activities in the Sudan, Pakistan and Uganda showed how important the Office of the High Commissioner was. The new and serious situations which the High Commissioner had been called upon to meet in 1972 had been handled in the most effective manner and with the co-operation of other United Nations agencies. The co-ordinating function which the High Commissioner had assumed had been crucial for the success of those operations and had provided a framework for the mobilization of the resources available within the United Nations system for dealing with emergency situations.

51. His delegation was pleased to note that the regular programme of the High Commissioner was still being implemented despite emergency situations in Africa. Greece contributed annually to the regular programme and co-operated with the Office of the High Commissioner in Athens. Greece was a party to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol and was considering the possibility of acceding to the 1954 Convention on the Status of Stateless Persons.

52. His delegation wished to be included among the sponsors of draft resolution A/C.3/L.2080 and hoped that the mandate of the High Commissioner would be extended so that the international community might continue to benefit from his dedication to his humanitarian tasks.

53. Mrs. BERTRAND DE BROMLEY (Honduras) said that reading the introduction to the report of the High Commissioner for Refugees was always an edifying experience which gave the Committee an opportunity to see that its human rights ideals were actually being achieved. The report of the High Commissioner reflected his profound dedication and the fact that, although he was dealing with thousands of persons, he never lost sight of the individual and the individual's needs and aspirations as a human being. Her delegation wished the High Commissioner and his staff every success in 1974 and was glad to join the sponsors of draft resolution A/C.3/L.2080, which it hoped would be adopted unanimously.

54. Miss FAROUK (Tunisia) said that her delegation fully supported the excellent work being done by the High Commissioner for Refugees and his staff with a view to providing a permanent solution to the problem of refugees and strengthening international protection for them.

55. The measures taken by the High Commissioner in the preceding three years to meet unprecedented problems had led to the voluntary repatriation of an impressive number of Sudanese, Bangladeshi and Pakistan refugees. The success achieved in repatriation and rehabilitation as a result of the Addis Ababa and New Delhi Agreements showed that the Office of the High Commissioner was fully capable of carrying out the emergency operations entrusted to it by the General Assembly. In the case of the situation which had recently arisen in Latin America, the High Commissioner was faced with what might be called the symptoms of the refugee problem. New political situations inevitably created some upheavals. In the case of refugees from Non-Self-Governing Territories, her delegation considered that the only permanent solution was self-determination or, in other words, the elimination of the root causes of the problem.

56. With regard to the international protection of refugees, which required the implementation and strengthening of international humanitarian laws for refugees and persons in similar situations, she recalled that Tunisia had acceded to the 1951 Convention Relating to the Status of Refugees and had been one of the sponsors of the Declaration on Territorial Asylum adopted by the General Assembly in resolution 2312 (XXII).

57. She hoped that draft resolution A/C.3/L.2080, of which Tunisia was a sponsor, would be unanimously adopted by the Committee because it recognized the effectiveness with which the High Commissioner and his staff were carrying out their humanitarian tasks and recommended that the necessary resources should continue to be made available to them for that purpose.

58. Mr. ALARCON (Cuba) said that his delegation had taken note of the report of the United Nations High Commissioner for Refugees and was grateful for the efforts made by the High Commissioner in 1973 to perform his humanitarian task in the interests of thousands of persons. As shown in the report, the problem of refugees was closely linked to current political realities with which the General Assembly and the United Nations system were trying to deal, such as the tragedy of thousands of Africans who had been expelled from their homelands by colonialism and that of the Palestinians and other Arab nationals who had been

uprooted in the Middle East as a result of the Zionist aggression. Those problems showed that it was necessary to make greater efforts to find political solutions to the problems of refugees. In 1973, as a result of new political situations, the Office of the High Commissioner had had to expand its operations in order to safeguard the rights of peoples in Africa and the Middle East.

59. The brutal attack against the Swedish Ambassador to Chile, which had been mentioned by several delegations at the previous meeting, was only one more consequence of the recent military takeover in Chile. The new régime had unleashed a fierce campaign against all foreigners from which not even international officials or scholarship holders had escaped. The tortures to which the foreign refugees had been subjected—some had even been put to death—had made it necessary for the United Nations High Commissioner for Refugees to carry out the tasks he had mentioned at the previous meeting. Many Governments, including the Cuban Government, had willingly co-operated with the High Commissioner. The situation in Chile had made it extremely difficult for diplomats in Santiago to perform their most elementary duties. The brutal attack against the Swedish Ambassador was a perfect example of the political climate that prevailed in a country under Fascist rule. The attack was an indication of what Pinochet's henchmen thought of human rights, of conventions on diplomatic asylum and of the rules of peaceful relations among nations.

60. When his own delegation had denounced the attack against the Cuban Embassy immediately following the Fascist coup of 11 September, it had pointed out that such provocations and threats were not directed exclusively against the Cuban Embassy but were also aimed at other diplomatic missions in Santiago. That charge had been borne out by the most recent events.

61. The unheard of and barbarous attacks against Ambassador Edelstam and his staff were not, however, an isolated event; they were part of a well-thought-out plan being put into effect by the Fascist *junta*. The reason the Fascist tyranny continued its gross violations of diplomatic rights and conventions on asylum was that it could not forgive Ambassador Edelstam for his courageous work in protecting human rights and his noble efforts on behalf of the thousands of foreign refugees whom it was persecuting in the most merciless fashion. The Fascist *junta's* designs against the Swedish Ambassador had begun to be evident at the beginning of November, when army troops had surrounded the building formerly occupied by the Cuban Embassy and currently under the protection of the Swedish Embassy. The troops had arrested persons entering or leaving the building and searched the diplomatic vehicles belonging to the Swedish Embassy. An example of the campaign being carried out by the reactionary Chilean press was issue No. 1998 of the magazine *Ercilla*, for the week of 14-20 November, which stated that Ambassador Edelstam had overstepped the boundaries of diplomacy.

62. It was the Chilean régime, rather, which had overstepped all boundaries in perpetrating the most serious crimes against humanity and the most gross violations of international law. The new régime established in Chile had made a mockery of all the principles of humanity and it was essential to mobilize international

public opinion to action against the barbarous rule imposed on the Chilean people. The High Commissioner for Refugees had carried out a commendable task in trying to save lives, rescue the persecuted, and persuade the lackeys of the Fascist régime at least partially to respect the rules that were recognized by all States. The United Nations should support his efforts and should energetically demand respect for the most fundamental norms of civilization. It should take urgent measures to withdraw its offices and representatives from Chile, where they no longer enjoyed minimum guarantees.

63. Member States, for their part, should raise their voices to unmask the executioners and express their militant solidarity with the freedom fighters who were resisting the onslaught of Yankee imperialism and reaction. The reason the Fascist régime was continuing its orgy of repression two months after its treacherous coup was that it still feared popular resistance, which was growing. The Chilean people—workers, peasants and students—who had inherited deep-rooted anti-imperialist and democratic traditions, would hand down their verdict sooner than their oppressors expected. They were inspired by the glorious example of their martyr President, Salvador Allende, who had become an eternal standard-bearer for the opponents of fascism. In order to bring that day of glory closer to hand, however, the international community must express its solidarity with the Chilean people. It must ensure that Fascists could not act with impunity anywhere in the world. They must be cast out from the civilized world, to which they did not belong.

64. Mr. BAZAN (Chile) said he would first address himself to the comments made by some delegations that were sincerely concerned with the problems of refugees and then would turn to the latest diatribe by the Cuban delegation.

65. To begin with, he wished to make it clear that Chile had always opened its doors to refugees. He was concerned by the frequent references that had been made to the "refugees of Chile", which gave an erroneous impression; the correct expression would be the "refugees who betrayed Chile". The refugees in question were individuals who had been expelled from their countries of origin and had been received in Chile as refugees. As such, they were under the obligation not to intervene in the domestic politics of the country. Yet they had not only intervened but had incited Chileans to violence and on occasion even participated in the assassination of Chilean citizens. The Government of Chile had exercised its right and its duty to preserve public order by bringing some of the traitorous refugees to justice and expelling others.

66. He was concerned because several delegations of serious and responsible Governments had referred to the question in critical terms without ever mentioning the reasons for the Chilean Government's action, namely, the betrayal by the refugees in question of their duty not to interfere in the internal affairs of the country. The approach was erroneous and could have serious implications for the future work of the High Commissioner. If the Committee chose to disregard the faults of refugees and to speak only of protecting them, all refugees without distinction would have a special status and would be free to subvert law and order with impunity. If the Committee showed no understanding

for Governments that found it necessary to take measures against refugees who did not obey the law, those Governments would become overly cautious and be reluctant to co-operate in admitting further refugees. If the misunderstanding about the refugees who had betrayed Chile was not clarified, a dangerous precedent would be set which might create obstacles to the future work of the High Commissioner.

67. Chile, which had ratified the 1951 Convention and 1967 Protocol relating to the status of refugees, had always opened its doors to refugees. Until a few years earlier, all the refugees it had received had responded to its hospitality by fully complying with their obligation not to intervene in domestic politics. Most of those who had arrived in the preceding few years had acted likewise; however, a minority of the recent refugees had engaged in seditious activities. Article 2 of the Convention Relating to the Status of Refugees required them to conform to the laws of the country in which they found themselves and article 15 precluded them from associating for political purposes. Under article 2, therefore, they were subject to Chilean law, which prohibited them from any participation in domestic politics.

68. During the preceding three years, however, certain refugees, in collusion with the Unidad Popular Government and under the training of Castroite experts, had trained guerrillas, engaged in sabotage, planned and directed take-overs of private property, fostered insubordination among military personnel and engaged in other subversive activities. The fact that they had been tolerated by the Unidad Popular Government did not justify their activities, which had already aroused concern among the international community. On 11 September, when an end had been put to the official collusion with those subversive refugees, the people of Chile had demanded that they should be called to account for their crimes. There was no xenophobia in Chile, but merely indignation at the conspiracy and intervention of which those particular foreigners were guilty.

69. As was its right under article 2 of the Convention relating to the Status of Refugees, the Chilean Government had arrested the persons in question pending investigation of their alleged crimes. The United Nations High Commissioner for Refugees had at that time telephoned the Chilean Minister for Foreign Affairs to express his concern for the well-being of the refugees. The Minister had assured the High Commissioner that the Chilean Government would respect the Convention Relating to the Status of Refugees. That promise had been kept. As a result of the investigation, a large number of the refugees had been found innocent; they had been assured that their situation would be normalized and they would be given every guarantee. Of those who had been found guilty, some were being prosecuted and some expelled. Those who were being prosecuted would have the right to defend themselves and several groups of lawyers in Chile had already offered their assistance, as had the Bar Association. The decision to prosecute them was the act of a sovereign Government and was not subject to control or supervision by any foreign Government. Any such attempt by a foreign Government would be a violation of Article 2 of the Charter of the United Nations.

70. Under article 33 of the Convention Relating to the Status of Refugees, the security of a country was placed above the individual safety of a refugee whom there were reasonable grounds for regarding as a danger to the security of the country in which he was or who constituted a danger to the community of that country. In the case of the refugees that Chile had decided to expel, it could have done so without regard for their lives or freedom. Instead, however, the Chilean Government had given each refugee an opportunity to choose the country to which he wished to go. The falsity of the claim that Chile had returned Bolivian refugees to Bolivia had been established by the High Commissioner. The Chilean Government had given the expelled refugees every guarantee during their journey, affording them the security and protection they themselves had tried to destroy in their host country.

71. As far as the Castroite diatribe was concerned, it was indeed regrettable that the Cuban representative should waste the Committee's time with such political statements which were entirely out of place in the debate on a non-political item such as the question of refugees. Although he was reluctant to take up even more of the Committee's time, he had no alternative but to reply. The Cuban Government, while professing concern for refugees, was really concerned only with the political advantage it might obtain from the issue. The Cuban Government did not protect refugees at all; it created them and had been doing so, persecuting its own nationals, over the preceding 13 years. According to the report of the High Commissioner, there were in Spain alone some 7,700 refugees from the Caribbean

area, and 25,000 more were awaiting emigration opportunities. Most of those refugees were, of course, Cuban.

72. Not only was the Government of Cuba adding to the total number of refugees in the world but, moved by its expansionist and neo-colonialist ambitions, it had tried to land subversive elements in Venezuela and to promote a military occupation of Bolivia. Having failed on those occasions, it had then tried to carry out a plan to divide the Chilean people. As a result of the persecution and arbitrary measures carried out in Chile with the encouragement of the Cuban Government, thousands of Chileans had had to abandon the country, including members of his own family. The paradox, under the current situation, was that those who had engaged in such activities in Chile and had chosen to be sent, upon expulsion, to Cuba, appeared also to be undesirable to the Castro Government, which had not replied to any of their requests. Such insensitivity certainly showed that Cuba had no moral authority to speak of refugees.

73. Mr. GRAEFRATH (German Democratic Republic) moved the adjournment of the meeting under rule 120 of the rules of procedure of the General Assembly.

74. The CHAIRMAN put the motion to adjourn the meeting to the vote.

The motion was approved by 39 votes to 8, with 42 abstentions.

The meeting rose at 1.15 p.m.

2040th meeting

Tuesday, 27 November 1973, at 3.10 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2040

AGENDA ITEM 67

Report of the United Nations High Commissioner for Refugees (concluded) (A/9003 and Corr.1, chap. XXIV, sect. C; A/9012 and Corr.1 and Add.1 and 2, A/C.3/L.2080, A/C.3/L.2084)

1. Mr. BAZAN (Chile) recalled that, at the previous meeting, he had shown that the Castroites were morally disqualified from participating in the debate on refugees. The Cuban régime had not ratified the Convention Relating to the Status of Refugees or the Protocol. That meant that the Cuban régime had never been prepared to assume any obligations towards refugees and that, so long as the despots held power, Cuba's doors would remain closed to incoming refugees although they remained open for outgoing Cuban refugees. The shabby Castroite attitude towards the plight of the refugees was further confirmed and aggravated by another fact: the régime installed in Cuba did not contribute a cent to UNHCR programmes. Cuba was not among the countries listed on pages 48 to 54 of the High Commissioner's report (A/9012 and Corr.1) as contributing to the various programmes. The reason

was that the existing régime in Cuba had not wished to contribute towards helping refugees abroad, any more than it had wished to grant refuge to any in its own territory.

2. Cuba's intervention in the debate had not been constructive. It had introduced an element of political hatred which had no place in the Third Committee, a body dedicated solely to humanitarian questions. It was quite extraordinary that the representative of the régime with the reputation of being the leading exporter of refugees in modern times should make accusations against Chile, which had received tens of thousands of refugees and would continue to receive them, because it was a free and open country where the sense of human brotherhood had not been lost.

3. Mr. NKUNDABAGENZI (Rwanda) joined previous speakers in commending the United Nations High Commissioner for Refugees for his excellent report (A/9012 and Corr.1 and Add.1 and 2), which revealed the enormous amount of work done to help persons who were suffering because of their race, religion or political opinions or because of their struggle against *apartheid*. Individuals should be viewed as human be-

ings, with the dignity that that implied, and as such should arouse compassion, regardless of their political beliefs or the political beliefs of the beholder.

4. Rwanda had spared no effort to implement the Convention relating to the Status of refugees to the extent compatible with its domestic law. It accordingly received refugees in its territory and helped them generously. It had also participated in the preparation of a convention to assist African refugees, and therefore felt entitled to appeal to the international community for co-operation in that matter.

5. Draft resolution A/C.3/L.2080 fully accorded with Rwanda's views, and for that reason his delegation wished to join the sponsors of the draft resolution and gave it its unreserved support.

6. Mr. ALARCON (Cuba) observed that the representative of the Fascist Chilean Junta had had the difficult task of trying to reply to those whom he himself had termed "distinguished spokesmen of respectable and serious Governments". It had not, therefore, been a question of replying to Cuba but to almost all those who had spoken.

7. With regard, firstly, to that representative's reference to Cuba as a country which created refugees, he had cited a figure which could well reflect the hallucinations of a Government which detected enemies both in the Cuban Embassy and in the Swedish Embassy, in UNDP and in the Latin American Faculty of Social Sciences: he had referred to a million Cubans who had allegedly left the country. He would not discuss that figure, because it was consonant with the nightmare currently being experienced in Chile, but members of the Committee would have noted that, although the representative of the Junta had spoken of a million Cubans outside Cuba, he had been able to refer specifically only to a handful of Cubans in Spain who were benefiting from the good offices of the High Commissioner. The Cubans who had left Cuba neither possessed nor wished to claim the status of refugees because they had a high commissioner of their own who was present in the Conference Room and who was not to be confused with the United Nations High Commissioner for Refugees. They could count on the resources and protection of a Government—the Government of the United States of America—which afforded them every kind of facility, over and above the facilities granted them by the Cuban Government. The only relevant figure given in the High Commissioner's report was that relating to Cubans in Spain, since paragraph 135 referred to refugees from the entire Caribbean area, and although Cuba was proud of its Caribbean origins and background, it was only one of the islands in that area. Moreover, if there were Cuban citizens in Spain who were having a difficult time, that was not because Cuba had placed any restraints on their freedom to emigrate from the country—they had travelled to Madrid on scheduled flights—but because their main desire was to move to the United States of America.

8. The representative of the Chilean Junta had also stated specifically that Cuba had refused to receive the refugees in Chile who had expressed a desire to move to Cuba. Not only had Cuba accepted them, but he personally had transmitted the official reply of his country to the High Commissioner and his representatives in New York. From the very outset, Cuba's response had been positive, and those refugees were now in Cuba,

having arrived there on 20 November 1973. There were 189 persons concerned, and they had arrived in Havana on two flights on that date. Since neither of the two aircraft had been Cuban or had left Chile in secret, and the Chilean authorities must be well aware of those facts, the Committee could be the judge of the moral and ethical merits of statements by a representative who deliberately misrepresented the facts.

9. Mrs. KINYANJUI (Kenya) congratulated the United Nations High Commissioner for Refugees on his excellent statement (2038th meeting) and his comprehensive report and commended him for the effective manner in which he had dealt with emergency refugee situations, and particularly for his work in connexion with the voluntary repatriation and resettlement of Bengali, Pakistani and Sudanese refugees.

10. Her delegation also wished to compliment the Sudanese Government which, after 17 years of civil strife, had created favourable conditions which had enabled thousands of southern Sudanese refugees to return home. That was an example which should be emulated by other countries, especially countries in Africa, where civil strife still continued between different ethnic groups.

11. With regard to the fact—to which the High Commissioner had referred—that the majority of refugees in Africa came from Territories under colonial administration, her delegation noted with regret that the situation of those refugees continued to deteriorate; until the underlying causes were eradicated, the United Nations would continue to be faced with that situation and the refugee problem would be perennial.

12. The situation on the African continent was a grave one, because countries in the North Atlantic Treaty Organization were subsidizing Portugal so that it could maintain its colonial administration in Angola, Mozambique and parts of Guinea-Bissau. Portugal, for its part, had intensified its atrocities in its African colonies, forcing men, women and children to leave their homes in search of food and shelter. Then the very same countries which supported Portugal in its oppression of the African population came to the rescue of those refugees with large sums of money; and the world community, unaware of the double game they were playing, thought they were humanitarian. The same countries, by their trade and investment in South Africa and Rhodesia, indirectly supported and maintained the policy of *apartheid*. The concern of the world community must be expressed by deeds, not just by words, and the results must be assessed not in terms of what had been given to the refugees but in terms of what had been done to eliminate the causes which drove them from their homes.

13. The Government of Kenya had signed the 1951 Convention relating to the Status of Refugees, and fully supported and co-operated in measures designed to improve their welfare. In co-operation with UNHCR, and with the support of the Government, Kenyan voluntary services provided refugees in Kenya with medical care, scholarships and loans. In addition, the Government of Kenya permitted the free passage of goods for refugees, and had taken measures to promote their resettlement and rehabilitation, to enable them to engage in gainful employment so that they did not depend on aid, and to assist in their voluntary repatriation.

14. In her delegation's view, draft resolution A/C.3/L.2080 completely ignored the problems of colonialism and racial discrimination, which were the causes underlying the overwhelming majority of refugees in Africa. A United Nations resolution which did not urge the Government of Portugal to improve conditions in Angola, Mozambique and Guinea-Bissau, so that the refugees could return to their homes, was incomplete, and did not deserve the support of her delegation. Nevertheless, in view of the recognition of the important work done by the High Commissioner for Refugees, her delegation would vote in favour of the draft resolution on the understanding that its reservations would be reflected in the summary record of the meeting.

15. Mr. ROUX (Belgium) said that in his statement at the 2038th meeting, the High Commissioner for Refugees had stressed the organic links between observance of the Universal Declaration of Human Rights and his own functions. He had also enumerated the main spheres in which the United Nations, and specifically the Third Committee, should make progress; they included racial equality, political and religious tolerance and minority rights. Unless significant progress was made in those areas, the "fourth world" with which the High Commissioner had to deal—the world of refugees and displaced and stateless persons—would continue to increase in size. In his statement, the High Commissioner had also stressed an essential feature of his work, namely, its non-political and purely humanitarian nature. The Belgian delegation considered that to be essential to the moral standing of the High Commissioner's task.

16. The special programmes UNHCR had had to undertake recently included assistance to Uganda Asians. Belgium had accommodated some 30 families with British passports with a view to facilitating their migration to Latin American countries, and had received another 432 refugees of undetermined nationality, almost 200 on a permanent basis and the remainder in transit, mainly to Canada and the United Kingdom. In addition, the Belgium Government had made a special contribution of 5 million francs to UNHCR for the provision of appropriate assistance to those refugees.

17. With regard to the refugees from Chile, and particularly those given temporary asylum in the Belgian Embassy at Santiago, the Belgian authorities were co-operating with the High Commissioner, the Intergovernmental Committee for European Migration and Belgian voluntary organizations with a view to resolving their situation; his Government would lend all possible support to the High Commissioner's activities to ensure the safety of persons coming under his mandate in Chile. In relation to that problem, and on the occasion of the twenty-fifth anniversary of the Universal Declaration of Human Rights, he appealed to Chile to adopt a moderate and tolerant attitude in keeping with its traditional generosity, to which its representative had referred.

18. He stressed the importance of territorial asylum in the field of international protection, and said that the Belgian authorities shared the hope that the problem could be resolved on legal, humanitarian and uniform lines in all countries. Moreover, his Government welcomed the forthcoming entry into force of the 1969 Convention Governing the Specific Aspects of Refugee

Problems in Africa, of the Organization of African Unity and of the Convention on the Reduction of Statelessness.

19. Belgium attached considerable importance to the High Commissioner's protective functions, and to the need to provide him with the material and human resources which were essential if refugees were to be afforded the necessary protection; that mission should not be jeopardized by excessively strict economies.

20. Finally, he wished to commend a particularly happy initiative on the part of the High Commissioner, namely the plan for reabsorption in the case of refugees incapacitated by age or physical condition, who would be distributed among the countries which had traditionally shown an interest in the fate of refugees. The Belgian authorities would give very favourable consideration to that plan.

21. Mr. SHEN (China) said he wished to make it clear that his delegation had never said Cuba was an imperialist country.

22. The CHAIRMAN pointed out that the delegation of Saudi Arabia had submitted an amendment (A/C.3/L.2084) to draft resolution A/C.3/L.2080. He would take it that the amendment would be incorporated in the text. It had been proposed that draft resolution A/C.3/L.2080 should be adopted unanimously. If he heard no objections, he would take it that the Committee wished to adopt the draft resolution, as revised, unanimously.

The draft resolution, as revised, was adopted unanimously.

23. Mr. KABINGA (Zambia) recalled that at the previous meeting he had stated that his delegation had reservations with regard to the fourth preambular paragraph and operative paragraph 3 of the draft resolution. Both of those paragraphs mentioned voluntary repatriation, but that was acceptable only if the refugees were repatriated to regions where they could exercise the right to self-determination. It was not possible to exercise that right in southern Africa, and he therefore wished to make it clear that his delegation could not accept the paragraphs he had referred to.

24. The CHAIRMAN noted the progress made by the High Commissioner in the consultations he had held with Governments on the subject of territorial asylum, and requested him to continue those consultations and give the Committee further information on the matter at the twenty-ninth session of the General Assembly.

25. Prince Sadruddin AGA KHAN (United Nations High Commissioner for Refugees) thanked the 42 speakers on the item for their kind words about him and his staff, which would encourage them in their future work. In particular, he wished to thank the sponsors of the draft resolution which had just been adopted.

26. During the debate, the importance of affording effective protection to refugees had frequently been stressed; he personally agreed with that emphasis, and had paid particular attention to that matter in recent weeks. He had noted also the importance of the favourable response of the Committee to functions assigned to UNHCR under the terms of General Assembly resolution 2956 A (XXVII). He pointed out, however, that individual problems should not be lost sight of in carry-

ing out wider efforts, since they were just as important as the larger group problems.

27. He was pleased to announce that the Government of Algeria had just ratified the OAU Convention on refugees. With that ratification, the fourteenth, the instrument would enter into force. That was an important advance in the field of human rights and the protection of refugees in Africa, and would facilitate the work of UNHCR and of African Governments in the matter of asylum, as well as the efforts of all those who were co-operating in the endeavour to solve the refugee problem.

28. He would continue his consultations with Governments on the question of territorial asylum, as the Chairman had mentioned, and hoped that in due course he would be able to give the Third Committee details concerning the matter and to obtain its advice. He wished once again to stress how important it was for him to have the unanimous support of the Committee. Despite the differences in the nature and origin of refugee problems, it was possible, with goodwill and understanding, to achieve unanimity in order to solve them, alleviate human suffering promptly and effectively and work for peace and stability. The fact that the draft resolution had been adopted unanimously was a source of encouragement to him and his staff.

AGENDA ITEM 68

Assistance in cases of natural disaster and other disaster situations: report of the Secretary-General (A/9003 and Corr.1, chap. XXIV, sect. D; A/9063, A/9221, A/C.3/L.2082, A/C.3/L.2085)

29. Mr. BERKOL (United Nations Disaster Relief Co-ordinator) referred to the events that had occurred since the preparation of the Secretary-General's report on the activities of the Office (A/9063), and said that since then UNDRRO had co-ordinated relief in 16 disasters. As it had previously acted in 17 other cases, the Office had thus provided help in 33 disaster situations. Action had taken various forms. First, the most accurate available information on the disaster, and on the relief supplies and services needed, had been obtained. In major disasters a relief official from the Office had gone to the area to assist in assessing needs and co-ordinating relief. In each disaster situation the information received from the UNDP resident representative and from the UNDRRO representative was compared with that from other sources, notably the Red Cross, and then information was circulated by telex to about 90 donors, of which two thirds were Governments, the others being intergovernmental and non-governmental organizations. Sometimes, as with the floods in the Philippines and Pakistan, or the earthquake in Nicaragua, meetings had been called with donors to share information with them. Thus donors had been helped to support their fund-raising activities, and to concentrate their aid on known requirements and avoid waste. In addition the airlines had co-operated by providing free air freight, thus far for a total of 90 shipments—some of them for WHO and UNICEF—which would otherwise have involved an expenditure of \$400,000. In that sphere the Office acted on request only, and donors and recipients appeared to appreciate the service; but he would like to have the Committee's guidance on whether that was a type of work that

should be continued, since it made a heavy demand on the very limited staff resources.

30. The Office was the channel through which certain funds could be made available for emergency assistance, and thus far the Secretary-General had been able to make withdrawals from the Working Capital Fund up to an annual maximum of \$200,000. The Fifth Committee had now approved the Secretary-General's proposal to include those funds in the regular budget on an experimental basis, which would make it possible to respond more rapidly to urgent needs. In addition, General Assembly resolution 2816 (XXVI) authorized the Co-ordinator to accept contributions, and he had received certain sums, which had been used mainly for medical supplies purchased by WHO. Altogether, if the value of the air freight obtained was added to the value of cash contributions channelled through UNDRRO, the aid granted through that Office amounted to over \$1,200,000.

31. The second function of UNDRRO was to promote pre-disaster planning and preparedness. The \$25,000 approved for that purpose by the General Assembly at its twenty-seventh session (resolution 2959 (XXVII)), to be funded from the Working Capital Fund, would have made it possible by the end of 1973 to finance some five projects in disaster-prone countries. He drew the Committee's attention to the report of the Secretary-General (A/9221) on the financing of future operations of that kind. It was suggested that for 1974 and 1975 those funds might be slightly increased, since for the current UNDP programming period funds had in most cases been fully committed before UNDRRO's programme had begun. However, some delegations had reservations about funding those services under the regular budget, and the draft resolution before the Committee (A/C.3/L.2082) retained the Working Capital Fund as the source of funding, while increasing the amount from \$25,000 to \$45,000 for 1974 and to \$60,000 for 1975. Those funds would enable the Office to help about three countries in 1974 and four in 1975, and he considered that that minimum should be aimed for.

32. Under General Assembly resolution 2816 (XXVI) the Office was also called on to promote the study, prevention, control and prediction of natural disasters. UNDRRO's involvement in that field would depend on the resources that could be made available. He hoped that the work could be undertaken in conjunction with various other bodies, including the United Nations Environment Programme, which had helped to finance some preplanning work by UNDRRO in that area.

33. The Secretary-General had proposed 8 additional Professional posts for UNDRRO, and 7 General Service posts, but the Fifth Committee had proposed the addition of 3 Professional posts and 2 General Service posts, bringing the establishment of the Office staff to 11 posts. He felt obliged to emphasize that UNDRRO could not fully discharge its functions as laid down in resolution 2816 (XXVI) in those conditions.

34. At its fifty-fifth session the Economic and Social Council had adopted resolution 1803 (LV), giving encouraging support to the activities of the Office. Among the points referred to was the question of stockpiling disaster relief supplies, which UNDRRO had been asked to study. An analysis of the current situation showed that a number of such stockpiles existed, operated by Governments and local authorities, by the League of

Red Cross Societies, and by UNICEF and other international organizations, and also by voluntary agencies. UNDRO was not called on by its terms of reference to establish or maintain stockpiles of its own. However, as a mobilizer of relief aid it should encourage the development or expansion of appropriate stockpiles by donors themselves, in logistically practical locations, that could increase the speed of those donors' responses to requests for aid. Secondly, UNDRO's advisory missions on disaster preparedness in developing countries would seek to promote, at the national or possibly at the regional level, the stockpiling of relief items suitable for use in the area. In all such cases the Red Cross or Red Crescent would play an important role. Lastly, he referred to the manifest need for improved and larger-scale arrangements for making basic food-stuffs rapidly available to meet food shortages or famine. The Twenty-Second International Conference of the Red Cross, held in Teheran early in November, had recognized that the roles of the Red Cross and UNDRO were mutually complementary and that the two bodies, acting in co-operation, should be central in the main co-ordination of relief.

35. In recent years there had been a growing realization that much needed to be done to improve man's response to disaster situations. Modern resources, both managerial and technological, had not yet been applied effectively to disasters, and the response was still slow, and inadequate. Moreover, it was still perhaps not sufficiently realized how profoundly significant disasters were in economic terms, particularly in developing countries. Although the human side of the problem would always be of overriding importance, the economic consequences of a single disaster could lead to a delay of several years in the development process in an affected country. Disaster damage often exceeded all the development aid received from the outside world. In order to prevent natural disasters and minimize their effects by adequate measures of preparedness, and to rationalize the delivery of relief, it was time to think in terms of an international strategy for disaster relief and prevention. In defining such a strategy, one difficulty was that there was only an incomplete knowledge of the problems of natural disasters and of the means that had been worked out and used here and there to deal with them. The definition of such a strategy involved more than the bringing together of studies. Above all it involved a political act on the part of the international community; it meant the expression of the will of the members of the community to act in common to extirpate the scourge natural disasters represented, particularly for the developing countries. Indeed, some measures, some remedies, were already well known, but what remained was to decide how best to apply them and to identify areas requiring further concerted action by the international community.

36. He hoped that in the coming months Member States might consider how best to move towards an international strategy for dealing with disasters. One course might be to bring together a small advisory group of acknowledged experts in the field from different countries and institutions, with a mandate to outline the shape that such an international strategy might take. He said that after further consultations, and if preliminary reactions were favourable, he might submit more specific proposals to Member States at a later date.

37. Mr. SAYAR (Iran) said that since the twentieth session of the General Assembly, when it had considered for the first time the question of assistance in cases of natural disaster, Iran had always supported action on the matter. At the twenty-seventh session the Third Committee had considered the first report on UNDRO,¹ and it now had before it the second report (A/9063), describing the stages of development, the progress achieved and the problems encountered. It was encouraging to note that the Office, with a very small staff and limited resources, had been able to undertake and complete such fundamental and important tasks.

38. Referring to the current report, he said that paragraph 5 mentioned the idea of the publication of a series of studies on specific types of natural disasters to which the developing countries were frequently exposed. That was a project which merited action, particularly since such studies could help the countries concerned to prevent disasters, or at least to minimize their worst effects. His delegation also endorsed the suggestions in paragraph 12 on pre-disaster contingency planning. It was an excellent idea that standing national agencies should be set up for that purpose; however, since some countries already had machinery for aid or preventive action, the sole function of the permanent agency should be to co-ordinate or centralize emergency relief, aid and preventive measures, as required. In Iran the last task was undertaken by the Civil Defence Organization, while aid, at least during the stage immediately following on a natural disaster, was the responsibility of the Red Lion and Sun, and of certain charitable organizations.

39. His delegation fully approved of the conclusions concerning the mobilization and co-ordination of relief set out in part III of document A/9063. His Government and the Iranian organizations concerned were prepared to co-operate with the Office of the Co-ordinator and to respond to his appeal. His delegation wished to emphasize the efficient assistance provided by UNDRO in connexion with the disasters which had occurred during the preceding 20 months, especially those in Pakistan, Afghanistan, Nicaragua, the Philippines and Fiji.

40. His delegation also approved of all the conclusions in the report of the Secretary-General (A/9221), although it attached particular importance to expert and consultant services. Such assistance to disaster-prone countries, at their request, was bound to produce very good results. He considered that the six-month period suggested in the report was sufficient for the provision of such expert services.

41. The future success of UNDRO depended largely on the combination of three factors: close co-operation with United Nations bodies and international organizations such as WHO, UNICEF, WMO, UNESCO and the International Red Cross; the co-operation of the Governments and organizations concerned; and, most important, an increase in funds, aimed at putting the Office in a better position to discharge its duties and to attain the objectives assigned to it in General Assembly resolution 2816 (XXVI).

42. He then introduced draft resolution A/C.3/L.2082 on assistance in cases of natural disaster and other disaster situations, sponsored by 21 delegations. With

¹ A/8854.

regard to operative paragraph 1 of that text, which was very similar to the corresponding paragraph of resolution 2959 (XXVII) adopted by the General Assembly at the preceding session, he said it had been felt that the best way of helping disaster-prone countries to take preventive measures and draw up emergency and relief plans was to provide them with consultant services through UNDRO. Such consultants had been recruited and sent, but the scarcity of resources had made it impossible to meet all the requests for assistance. Taking into account the growing demand and the new requests which were anticipated, and assuming that expert services did not exceed a six-month period, it had been calculated that expenditure for the two-year period 1974-1975 would amount to \$45,000. That was the figure suggested in document A/9221, and was the minimum necessary for the performance of the humanitarian relief work provided for in the General Assembly resolutions. Moreover, the funds would be drawn from the Working Capital Fund and not from the United Nations regular budget.

43. Operative paragraph 2, which was likewise based on part of resolution 2959 (XXVII), mentioned UNDP, which was logical in view of the key role played by resident representatives in countries which were victims of natural disasters.

44. The main concern of the sponsors of draft resolution A/C.3/L.2082 had been clarity and conciseness. He considered that, given its purely humanitarian character, the draft could be adopted unanimously, thus giving UNDRO the support it needed to continue its noble and humanitarian work.

45. Miss ILIĆ (Yugoslavia) introduced draft resolution A/C.3/L.2085 on behalf of the sponsors. The draft was purely humanitarian in nature and was based on previous General Assembly and Economic and Social Council resolutions. Thus, previous General Assembly resolutions which had been adopted unanimously were recalled in the first preambular paragraph, while Economic and Social Council resolutions on the same subject were recalled in the second. The sponsors had tried to consult a majority of delegations on the text and regretted that they had not consulted all delegations owing to lack of time. In view of the humanitarian nature of the draft, she hoped that it would be unanimously supported by the Committee.

46. Mr. KABORÉ (Upper Volta) said the disaster which has struck the peoples of the Sahelian region during the preceding five years had reached a climax in the current year. The studies carried out and the theories formulated to explain the underlying causes of the ecological disturbance represented by the drought had not succeeded in clarifying the situation. Similarly, the theories put forward with respect to the future evolution of the planet earth had not been conclusive. It was to be hoped, nevertheless, that the causes of the problem would be identified, so that an over-all solution could be worked out and the concern and suffering of the authorities and people of the Sahelian region allayed. In that connexion, the results of the joint research programme on the evolution of the ecosystem proposed by UNEP would be of particular importance.

47. The calamity which had struck so disastrously in Mali, Mauritania, Nigeria, Senegal, Chad and the Upper Volta had confronted the world with the most extreme manifestations of human suffering. It was es-

timated that the lack of water and food had brought hunger and even the threat of death of approximately one quarter of the population of the Sahelian region, in other words some 6 million people. Similarly, according to FAO statistics, in some cases up to 80 per cent of the livestock had perished. Fortunately, emergency relief measures had been taken quickly to cope with the situation. The concerted disinterested efforts of innumerable States and international organizations, as well as public and private bodies, had made it possible to reduce the scope of the tragedy somewhat, and his delegation wished to reiterate its profound gratitude to all the Governments and organizations in question.

48. However, relief measures should not be merely palliative in character. Parallel with the implementation of the long-term and medium-term programmes provided for in draft resolution A/C.2/L.1290 and Corr.1, on agenda item 101, it was necessary to redouble efforts to make good the deficiencies which would occur in 1974 and 1975. In that connexion, his delegation considered that the proposals of the Secretary-General and the Director of FAO were complementary. While the latter had enunciated the principle of rapid and effective co-ordination of emergency relief, the Secretary-General had endorsed that principle and had indicated specific measures for its implementation, considering that "it would be extremely valuable to have a specific appropriation under the regular budget . . . for such purposes" (see A/9006, para. 17.16). In that regard, his delegation was relieved and gratified to note the decision of the Fifth Committee set out in document A/C.5/L.1121. His delegation also hoped that the emergency relief operations could continue to count on the sources of resources which had been instrumental in making assistance available from the very first moment.

49. In his delegation's view, the crisis in the Sahelian region was an extreme manifestation of the serious world food crisis, for which a global solution must be found. In seeking that solution, however, the need to find a practical solution to the almost desperate situation of the less developed countries of the Sahelian region should not be overlooked.

50. As to the immediate consequences of the drought, it was impossible to disregard one of the spheres of greatest concern, namely the social sphere, and in that connexion he quoted from the statement by the Head of State of the Upper Volta in the General Assembly (2145th plenary meeting). Lastly, he noted with appreciation the efficiency with which the United Nations Disaster Relief Co-ordinator had performed his difficult task, and the clarity with which he had presented his report (A/9063).

51. Miss PRODJOLALITO (Indonesia) congratulated the co-ordinator and his small staff on the performance of their functions, and observed that no region of the world was immune to natural disasters. Her country, which had experienced such disasters, had learned that in such cases what was needed was not merely immediate material assistance and moral support, but long-term rehabilitation, because the continuing effects of the disaster and the need for relief had serious implications for the economic and social development of the country, whether developed or developing. In the latter case, the need was greater, because the damage jeopardized growth. For that reason, her dele-

gation fully agreed with the recommendations contained in document A/9063 and Economic and Social Council resolution 1803 (LV).

52. Preparedness for cases of disaster meant having information machinery and emergency stockpiles of supplies, so that time would not be lost when the need was urgent, and her delegation was pleased to see that that point was being carefully studied. It also agreed with the recommendation concerning the provision of assistance to disaster-prone countries to help them train relief personnel, which would also help the Co-ordinator and his staff to discharge their duties. In view of the complexity of those duties, she considered it important that UNDRO should have flexibility in discharging them. She appreciated the relations established between the Office and the specialized agencies of the United Nations system, and understood the Co-ordinator's concern about the limited resources available to him. For all those reasons, she was glad to be a sponsor of draft resolutions A/C.3/L.2082 and A/C.3/L.2085.

53. Mr. VON KYAW (Federal Republic of Germany) noted the remarkable progress made in the field of pre-disaster planning, as described in document A/9063 and in the statement by the Co-ordinator. His delegation considered that the only way to lessen the adverse effects of such disasters was planning and preparedness on the part of Governments; for example, the formation of a service of technically capable volunteers who could be called on in case of need, the installation of stocks of food and other supplies in sheltered areas, the organization of flood- or storm-warning systems and so on. Although such preparations were the task of each individual Government, he hoped that the Secretary-General's consultations aimed at determining whether such preparations could be supported by UNDP would soon be concluded, since he regarded that as a typical feature of development. His delegation appreciated the contacts established by the Co-ordinator with many organizations and institutions for the purpose of forming a common view on the possibilities of limiting the consequences of disasters, and also appreciated the Co-ordinator's handling of relations with potential donor Governments. His Government had agreed to co-operate with the Office of the Co-ordinator in Geneva, and although it considered that immediate assistance after a disaster should be rendered on a bilateral basis, in view of the importance of speed in such cases, it believed that any information which the Co-ordinator could provide concerning the damage sustained and the assistance required would be very useful.

54. He wished to draw attention to the fact that growing appropriations in the United Nations budget for emergency assistance might give potential donor countries the impression that the United Nations had assumed responsibility for disaster relief. It should be obvious from the size of the funds available for that purpose that they could represent only a supplementary effort.

55. The Federal Republic of Germany had co-ordinated its relief measures through UNDRO in most of the cases of disaster in which the Co-ordinator had taken action. In the case of the countries of the Sahelian region, that assistance had amounted to over \$40 million in food, transportation of food, lorries and rehabili-

tation measures. His delegation recommended that draft resolutions A/C.3/L.2082 and A/C.3/L.2085, of which it was a sponsor, should be adopted unanimously.

56. Mr. ALI (Pakistan) said that his delegation had read with care the reports of the Secretary-General contained in documents A/9063 and A/9221 and recalled that in August 1973 his country had been struck by one of the worst floods in memory, causing damage amounting to well over \$600 million. Among the salient facts emerging from that experience were, first, that an essential prerequisite to an adequate response in a disaster situation was the presence of effective political leadership. In Pakistan not only had the entire machinery of the Government, including the armed forces, been pressed into service but many other men and women, farmers and workers, teachers, doctors, social workers, students and scholars had worked together to offset the consequences of the disaster. Secondly, the relative success of Pakistan's rescue and relief effort was due to the prompt material and financial help it had received from the international community, for which it was extremely grateful. Lastly, the floods in Pakistan had once again underlined the urgent necessity of strengthening the role of the United Nations in pre-disaster planning. It was for that reason that his delegation had co-sponsored draft resolution A/C.3/L.2082.

57. Referring to the serious drought in the Sudano-Sahelian region he said that drought conditions, unlike floods or earthquakes, did not come as a sudden catastrophe and, in the current state of weather forecasting, it was possible to take measures in time to avert disaster or to modify its ill effects. Consequently, his delegation fully supported draft resolution A/C.3/L.2085. His Government recognized the importance of preventive measures, planning and preparation for cases of disaster but was also aware that those objectives could not be obtained without close co-operation between donor States and disaster-prone countries; his delegation would therefore continue to support measures designed to strengthen the Office of the United Nations Disaster Relief Co-ordinator.

58. Mr. BUNE (Fiji) said that the item before the Committee was of special significance to his Government. As stated in paragraph 18 of the report in document A/9063, Fiji had been ravaged just over a year earlier by the tropical cyclone "Bebe", which had caused the worst disaster in Fiji's history. The hurricane had caused considerable destruction and loss of life and had set the country's economic development back by a number of years. His delegation wished to take that opportunity to express once again the gratitude of the Government and people of Fiji for the prompt response of the international community, through the United Nations, in providing assistance for the hurricane and flood victims and, in particular, for the practical manner in which assistance had been given.

59. His delegation noted with appreciation the report of the Secretary-General on the activities of the Office of the United Nations Disaster Relief Co-ordinator (A/9063) and welcomed the efforts of the Secretary-General to provide additional staff for that Office. It believed that that aspect should be given urgent attention to enable the Co-ordinator adequately to perform the important functions entrusted to him by the General

Assembly. One of the means by which the United Nations could assist hurricane-prone countries in their efforts to develop national machinery to mitigate the effects of disasters and to improve their pre-disaster contingency planning was the establishment of early warning systems. Fiji's recent experience had highlighted the urgent need for such machinery. There was also clearly a need for closer international co-operation through the dissemination of information concerning technological developments. That was certainly an area in which the developed countries could pool their scientific and technological resources in order to assist the less fortunate members of the international community in coping with natural disasters. His delegation also believed that the United Nations, through UNDP, could play a very effective and practical role in that respect, having particular regard to the geographic, geological and other relevant features of different regions.

60. The South Pacific was a hurricane-prone area. Earthquakes with accompanying tidal waves, tropical storms and floods remained a permanent threat to the inhabitants of that region, many of whom lived on tiny atolls, numbering in the thousands, some of which rose only 15 feet above sea level. It was the Fiji Government's policy to offer assistance to neighbouring territories when they were struck by hurricanes, such as the Cook Islands in March 1972 and the Kingdom of Tonga in April 1973. At its meeting at Canberra early in 1972, the South Pacific Forum, a grouping of independent and self-governing island countries of the South Pacific which included Australia and New Zealand, had approved the establishment of a Regional Disaster Fund for island members. When that Fund was set up Fiji would be required to make an annual contribution to it. Because of that and its modest financial resources, his Government did not intend at the current stage to make regular voluntary contributions to the Co-ordinator's disaster relief fund but would continue to consider individual appeals from the Secretary-General.

61. His delegation supported draft resolution A/C.3/L.2082 and wished to assure the Committee that, in spite of its limited resources and geographical isolation, Fiji was always ready to render whatever assistance was possible. He hoped that the draft resolution would be adopted unanimously.

62. Mr. SOLOMON (Ethiopia) said that, having examined the Secretary-General's report on the activities of UNDRO, his delegation was convinced that it had been amply demonstrated that the Office of the Co-ordinator could play an important part in mobilizing and co-ordinating effective relief assistance, despite its limited staff and resources. It was therefore confident that the conclusions and recommendations of the Secretary-General in document A/9221 would be approved by the Committee, so that the humanitarian problems affecting hundreds of thousands of men, women and children might be solved through concerted international action.

63. Since the beginning of 1971, the major parts of the Wollo and Tigre Governorates of Ethiopia, with an estimated total population of 4.2 million, had been suffering from an acute shortage of seasonal rainfall. The harvest at the end of 1971 had on the whole been poor and that had led to depletion of food reserves main-

tained by subsistence-farming families, which constituted 90 per cent of the population in the region. Subsequent harvests in 1972 and 1973 had been even more inadequate and, as a result, famine conditions had begun to appear. The 1973 period of "short rains", normally from February to April, had brought very little rainfall in the region and throughout Ethiopia, and that had intensified the famine conditions and their consequences in those two Governorates. Recognizing the seriousness of the drought problem, the Ethiopian Government had in April 1973 established a National Relief Committee, an interministerial body under the chairmanship of the Minister of National Community Development and Social Affairs, and had mounted a campaign to mobilize funds and supplies from internal and external resources in order to provide prompt assistance to the victims of the drought. Accordingly, as early as April 1973 his Government had approached for assistance such organizations as the World Food Programme, the United States Agency for International Development (AID), the Swedish International Development Agency, UNICEF, the International Red Cross and friendly States. At the same time, the Ministerial Committee had succeeded in raising more than Eth\$3 million in cash and in kind within the country and had distributed 11,800 tons of food to the people directly affected by that natural calamity. That figure did not include the distribution of relief assistance by individuals and private organizations, which was roughly estimated to be between 6,000 and 7,000 tons.

64. It was pertinent to note that all that assistance had been obtained after the Ministerial Committee had convened local representatives of donor agencies, including voluntary organizations, and had given a detailed and frank account of the magnitude of the emergency and the Government's strenuous efforts to meet the needs of the inhabitants of the drought-stricken Governorates. However, the generous assistance so far provided to the inhabitants of the Wollo and Tigre Governorates was far from adequate to meet the immediate and anticipated needs created by the catastrophic natural calamity. A concerted United Nations relief operation, therefore, had to be initiated with a sense of urgency in order to relieve the plight of the people who were struck by famine and threatened by economic devastation in the years ahead. It was estimated that 150,000 tons of grain, additional medical supplies and transport facilities would be required throughout 1974. The question of the procurement of adequate seed supplies of suitable varieties to enable the farmers to cultivate the land was also of specific and immediate importance. Unless that effort was successful shortages were likely to continue into 1975, even if climatic conditions in 1974 proved favourable.

65. Emergency operations must also be followed by medium- and long-term remedial programmes for the over-all agro-economic regeneration of the drought-stricken Governorates of Wollo and Tigre. He appealed to the international community to assist the Government and people of Ethiopia in their struggle to overcome that crisis and to be in a position to act effectively in the future against that recurrent menace. He also hoped that the Office of the United Nations Disaster Relief Co-ordinator would play an important role in that constructive and humanitarian task.

66. In concluding, he said that his delegation was a sponsor of draft resolution A/C.3/L.2082; he wished to

draw particular attention to operative paragraph 1 of the draft, which authorized the Secretary-General to draw on the Working Capital Fund in 1974 and 1975. Since the draft resolution was not controversial, he hoped it would be adopted unanimously.

67. Mrs. MAIR (Jamaica) said that her delegation had always considered that the question of assistance in cases of natural disaster and other disaster situations deserved high priority, not only because her country, like most countries in the Caribbean, was situated in a physically vulnerable region and had suffered devastation a number of times, but also because the item afforded an opportunity for practical demonstration of international solidarity in the face of human suffering. As a sponsor of the text adopted as General Assembly resolution 2816 (XXVI), establishing the Office of the United Nations Disaster Relief Co-ordinator, Jamaica considered that document A/9063 reaffirmed the vital significance of the activities carried out by the Co-ordinator, and the need to ensure that his Office received added resources, as indeed was recommended in General Assembly resolution 2959 (XXVII).

68. High-risk regions were often the very regions with the least technological and meteorological resources to ward off disasters. In those regions the advisory and consultant services which the United Nations could provide were of special value. The Third Committee should therefore press for increased support by the United Nations and Member States for those services.

69. Jamaica was a sponsor of draft resolution A/C.3/L.2082, whereby the Secretary-General would be authorized to make the additional funds available for assistance in cases of disaster. Actually the amounts called for were very modest when one considered the incalculable benefits provided by UNDRO. It should be borne in mind that the funds invested in pre-disaster planning were minimal in comparison with the funds needed for post-disaster relief and reconstruction. Her delegation held strong views about the vital role which an agency like UNDP could perform in the social and economic rehabilitation of disaster areas, thus supplementing the important services offered by other agencies such as WHO, the regional economic commissions, FAO, UNICEF, the League of Red Cross Societies and Member States. The task of co-ordinating those services was being performed by the Co-ordinator, and her delegation was confident that, with the unanimous adoption of draft resolution A/C.3/L.2082, the Co-ordinator could, with the fullest backing of the international community, draw on added resources that would enable his Office effectively to discharge its important responsibilities.

70. Her delegation also attached great importance to the Co-ordinator's suggestions about exploring the feasibility of an international natural disaster strategy.

71. Lastly, her delegation gave full support to draft resolution A/C.3/L.2085, concerning assistance for the Sudano-Sahelian region which was threatened with famine, and had joined its sponsors, hoping that it could be adopted unanimously.

72. Mr. SÖYLEMEZ (Turkey) said that the Office of the Co-ordinator had established useful working relations with related agencies and also with WMO, the League of Red Cross Societies and others. A programme for the publication of studies on specific types

of natural disasters would help to inform disaster-prone countries about the causes of disasters and ways and means of preventing them or reducing their effects. It was to be hoped that the first such study, dealing with floods, severe storms and tropical cyclones and their social and economic impact, would be followed by similar documents on earthquakes and landslides.

73. The Office of the Co-ordinator was primarily interested in disaster mitigation and prevention, and in measures geared to preventing natural phenomena from resulting in major disasters. One of the main gaps in that field was the need for a clearing-house for the collection and dissemination of information on the current state of disaster-related activities, the formulation of recommendations for the application of existing knowledge and the identification of gaps requiring further work on the part of the international community. The general lack of awareness of disaster risks in many disaster-prone countries, both developed and developing, pointed to the need for a broad approach, starting with detailed vulnerability analyses that could provide the basis for disaster prevention.

74. The Co-ordinator had taken immediate and positive action in the disasters that had occurred in Pakistan, the Philippines, Fiji, the Gilbert and Ellice Islands, Afghanistan and Democratic Yemen, to mention a few examples, and also in connexion with the terrible earthquake which had devastated the capital city of Nicaragua. However, in its resolution 2816 (XXVI), the General Assembly had requested the Secretary-General to prepare, for the Economic and Social Council at its fifty-third session, a report on any further steps that might be required to enable the Co-ordinator adequately to perform the functions entrusted to him. Owing to the limited size of his staff, the Co-ordinator had only been able to assume his responsibilities gradually although the Secretary-General had made additional staff available on a temporary basis.

75. As could be seen from his report (A/9063), the Secretary-General considered that there were good grounds for including in the regular budget of the United Nations an appropriation for emergency assistance. The Co-ordinator would then be able to make allocations promptly, from that appropriation, instead of drawing on the Working Capital Fund.

76. The Co-ordinator intended to co-operate closely with disaster-prone countries, and the Turkish delegation believed that a two-way benefit could be derived from such contacts. While the Co-ordinator could assist those countries in establishing effective machinery to ensure expeditious international co-operation, the contacts could also provide the Co-ordinator with useful indicators in his task of completing the organization of his own office. As Turkey was situated in the earthquake belt and had suffered a number of earthquakes, it was in a position to point out that the most crucial period of a disaster was the period immediately following it. Co-ordination was therefore vitally important, but at the same time extremely difficult.

77. He emphasized the importance of paragraph 19 of document A/9063 and said that Turkey was a sponsor of draft resolutions A/C.3/L.2082 and A/C.3/L.2085, which it hoped would be adopted unanimously.

78. Miss AL-MULLA (Kuwait) congratulated the Co-ordinator on his clear and concise introduction of

the item before the Committee and on the success of his efforts to contain the effects of natural disasters and alleviate the misery of the victims. The dedication with which the Co-ordinator and his limited staff were performing their duties deserved the utmost support, which she could pledge on her delegation's behalf. The continued success of that work would depend on the maintenance of close co-operation with other United Nations organs and with Governments, and on increased resources to meet the needs of the Office. Her delegation wished to express its full support for draft resolutions A/C.3/L.2082 and A/C.3/L.2085.

79. Dr. MALAFATOPOULOS (World Health Organization), speaking at the invitation of the Chairman, expressed appreciation for the co-operation which had been established between the Office of the United Nations Disaster Relief Co-ordinator and WHO, and also gratitude for the effective assistance received from the Office, which had secured free air transport for the emergency shipment of medical supplies. During the period from June to November 1973 alone, UNDRO's action had saved the international community, through WHO, more than \$80,000 in air freight. With respect to the Sahelian drought, savings of over \$45,000 had been made as a result of some 20 air shipments of emergency WHO/FAO medical supplies for the six drought-stricken countries. During the floods in Pakistan, nine shipments of drugs and medical supplies had been arranged by UNDRO at savings amounting to some \$11,000 and, as a result of assistance from the Office, approximately \$25,000 had been saved on transport in connexion with outbreaks of communicable diseases in Malawi, Yemen, Tunisia and Nepal. Currently, UNDRO was co-ordinating assistance for the drought and famine situation in Ethiopia, in which WHO was assuming responsibility as the checkpoint on all health aspects.

80. He wished to emphasize that UNDRO had always responded immediately to WHO's requests for assistance and arranged for the shipment of supplies in rec-

ord time. However, co-ordination between UNDRO and WHO did not end there. There were constant consultations and exchanges of information concerning emergency situations; regular co-operation was maintained in the assessment of relief needs; and a new avenue of co-operation would be developed in the near future with regard to sanitation and disaster prevention.

81. The Office had requested WHO's comments on one of its projects on the implications of natural disasters relating to planning, building and management of human settlements, and although WHO had not yet formulated its comments, he could state on behalf of the Director-General that it welcomed such initiatives.

82. Mr. MACRAE (United Kingdom) said that, on first reading, draft resolution A/C.3/L.2085 gave cause for surprise and concern: surprise, because it made no mention of various factors that ought to be taken into account, such as the establishment of the Special Sahelian Office and the joint appeal by the Secretary-General and WHO calling, *inter alia*, for \$3 million worth of seed and \$3 million for transport, trucks and the like; and concern because, although the representative of Yugoslavia, in introducing the draft, had said that it was humanitarian in nature and the United Kingdom was ready to continue its assistance to the Sahelian region, his delegation had difficulties with operative paragraph 2. According to that paragraph the Co-ordinator would be able to provide financial assistance, but in his delegation's view the Co-ordinator could not provide money and should primarily perform the role of "pump primer" without deciding whether or not more funds should be allocated to the Sahelian region. His delegation would welcome FAO's comments on that point.

83. The CHAIRMAN recalled the decision adopted by the Committee concerning the length of statements and appealed to members to ensure that they spoke for no more than six to eight minutes at a time.

The meeting rose at 6.15 p.m.

2041st meeting

Wednesday, 28 November 1973, at 10.45 a.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2041

AGENDA ITEM 68

Assistance in cases of natural disaster and other disaster situations: report of the Secretary-General (concluded)
(A/9003 and Corr.1, A/9063, A/9221, A/C.3/L.2082, A/C.3/L.2085)

1. Lord GAINFORD (United Kingdom) said his delegation had listened with interest to the statement made by the United Nations Disaster Relief Co-ordinator at the 2040th meeting. The Co-ordinator had done a particularly commendable job in connexion with the floods in Pakistan.

2. His delegation whole-heartedly supported the work of the Office of the United Nations Disaster Relief

Co-ordinator (UNDRO), which had made a good start. At the same time, it wished to stress that UNDRO should remain within its mandate as laid down in General Assembly resolution 2816 (XXVI). That was not to suggest in any way that UNDRO had exceeded its mandate, but his delegation repeated the point because it was easy to stray almost imperceptibly beyond the limits which had been laid down.

3. The Disaster Relief Co-ordinator had referred to the action taken in the Fifth Committee earlier in the current session. The position of his delegation, which had been made clear at that time, was that there was no need for the funds which UNDRO could use for disaster situations to come within the programme provisions of the regular budget. The change approved by the Fifth

Committee did not affect the actual sum at UNDRO's disposal, but in so far as the function of the Office of the Co-ordinator was to co-ordinate, his delegation did not think it necessary or desirable that the funds if required for that purpose should come from the regular budget.

4. With regard to the question of pre-disaster planning, he agreed with the representative of Jamaica (2040th meeting) that the funds required were much smaller than funds required for post-disaster relief. The actual implementation of pre-disaster planning was the responsibility of national Governments and should therefore be included by a country in its indicative planning figures in UNDP country programmes. Since that would not be possible until the next planning cycle, UNDRO should discharge that responsibility for the time being. In view of UNDRO's small staff, his delegation felt that, subject to the advice of the Advisory Committee on Administrative and Budgetary Questions, it should be authorized to draw on the Working Capital Fund to pay for experts who could undertake to provide advisory services to enable countries to draw up adequate pre-disaster plans. Such a measure should be temporary, pending the coming into force of the next UNDP programme cycle. He therefore asked the sponsors of draft resolution A/C.3/L.2081 whether they could agree to add the words "as an interim measure" after the words "Authorizes the Secretary-General" in operative paragraph 1. Also, his delegation wished to suggest that UNDRO should automatically draw the attention of UNDP to requests which UNDRO received for pre-disaster planning assistance. He pointed out the relevance of military budget planning experience in the appointment of consultants. There was a great deal of useful expertise to be drawn upon in that sphere.

5. With reference to the question of stockpiling disaster relief supplies, which had been mentioned by the Co-ordinator, his delegation believed that UNDRO should establish as precise and comprehensive a list as possible of the type of relief supplies and personnel which donor Governments were prepared to make available. While acknowledging the work already begun by UNDRO in that connexion, his delegation felt greater efforts should be devoted to the matter.

6. The Co-ordinator had also raised the question of the relative amounts of money saved by free air freight for relief items as against the manpower involved. He did not think any clear guidance could be given on the matter. The question of the money which could be saved was of very great importance, but UNDRO could not depart from the staffing arrangements approved by the Fifth Committee. It would therefore have to continue to make the best use of the resources available.

7. Finally, he wished to refer to the Co-ordinator's remarks concerning the possibility of bringing together a small advisory group of experts to outline the shape of an international strategy for disaster prevention and relief. His delegation was not yet able to express an opinion on that matter. It might be said that the drawing up of such a strategy was the task of the Co-ordinator himself, although it might be impossible for him to do so, in view of his limited resources. It was clearly up to the Co-ordinator to obtain such advice as he felt he needed, provided that it could be obtained without setting up financially burdensome machinery. The subject

was an important one and there would be ample opportunity to return to it in the future.

8. Mr. PETHERBRIDGE (Australia) said his delegation had studied the report of the Secretary-General (A/9221) on preventive measures and disaster contingency planning. It had also listened with interest to the introductory statement of the Disaster Relief Co-ordinator.

9. His delegation noted that, during the current five-year planning period, Governments most likely to need such planning would not be in a position to request assistance for it from the resources of UNDP. It also noted the view that the appropriate means for assistance to disaster-prone areas would be through the provision of consultant advisory services. His delegation was therefore prepared to support the proposal to allocate some \$45,000 in 1974 and \$60,000 in 1975 for the provision of such services. In agreeing to that allocation, he emphasized once again his Government's view that the Co-ordinator's functions were essentially those of co-ordinating. It did not think the Office's activities should expand into undertaking actual relief operations, although it appreciated that it could play a useful part in assessing the extent of damage and the amount of relief needed. UNDRO should co-ordinate relief and offer advice on the basis of its examination and experience of previous disasters.

10. His delegation would vote in favour of draft resolution A/C.3/L.2082. It was also prepared to support draft resolution A/C.3/L.2085, on the understanding that the comments he had just made also applied to it.

11. Miss LANDABURU (Spain) thanked the Disaster Relief Co-ordinator for his statement. Her own country had recently received an offer of assistance from UNDRO following the floods which had devastated three provinces in southern Spain in October. The necessary relief efforts would entail a considerable financial outlay because of the magnitude of the disaster, but her Government was prepared to undertake them on its own. Therefore, while it was most grateful to UNDRO for the assistance it had offered, her Government had informed the Co-ordinator of its desire that his Office's resources should be kept for other countries which might be in much greater need of assistance because of their precarious financial situation. She wished, however, to take the opportunity to express her Government's deep appreciation to UNDRO.

12. Her delegation would vote for any draft resolution that would make it possible for the Co-ordinator to continue his humanitarian work.

13. Mr. VALDERRAMA (Philippines) expressed his delegation's appreciation to the Disaster Relief Co-ordinator for his clear and forthright introductory statement. Natural disasters and other disaster situations were becoming more serious and prevalent, making pre-disaster planning and preparedness on the part of Governments increasingly important. His delegation believed that the great losses in life and property, not to speak of the setbacks to national development, resulting from natural disasters, could be mitigated and in some cases prevented through a more effective system of pre-disaster planning and preparedness combined with the speedy mobilization and improved co-ordination of relief assistance. There was much room for improvement in the existing, still largely *ad hoc*,

arrangements for relief and rehabilitation, which by their very nature were not always efficient.

14. The Office of the United Nations Disaster Relief Co-ordinator had been in existence for a little over a year and had already proved its usefulness; in fact, the Philippines had been the Co-ordinator's first real "proving ground" and he had done a very commendable job there. UNDRO should be strengthened so as to enable it to fulfil its mandate.

15. The need for greater co-ordination of disaster relief at the national and international levels had been stressed at the fifty-fifth session of the Economic and Social Council. It had also been emphasized at the Fourth Annual Conference on United Nations Procedures, sponsored by the Stanley Foundation, at New Paltz, New York, in May 1973, in which representatives of Governments, United Nations agencies and major non-governmental organizations engaged in disaster relief and rehabilitation had taken part. His delegation was happy to note that UNDRO had established working relations and undertaken joint projects with a number of specialized agencies, donor Governments and non-governmental organizations, including the League of Red Cross Societies, as indicated in paragraphs 5 to 14 of the Secretary-General's report (A/9063) on the activities of UNDRO.

16. His delegation also took note of paragraph 6 of the report, according to which the Office of the Co-ordinator, together with a number of specialized agencies and other bodies of the United Nations system, and with the participation of the Department of Economic and Social Affairs, had reached agreement that where the question of natural disasters was concerned the interest of the United Nations Environment Programme lay in disaster mitigation and prevention and that one of the main gaps in that field was the need for a clearing-house for the collection and dissemination of information on certain specific aspects of the subject.

17. His delegation welcomed the joint projects being undertaken by UNDRO with the specialized agencies and other organizations within the United Nations system with a view to the publication of a series of studies on specific types of disasters. It agreed with the observation of the Secretary-General in paragraph 8 of his report that, in the field of pre-disaster activities, the Office of the Co-ordinator had hardly scratched the surface.

18. His delegation also welcomed the arrangements that had been made with UNDP for resident representatives to act in the field on behalf of the Co-ordinator and the fact that an information bank was being maintained by UNDRO. It might be a good idea to maintain a roster of persons trained in disaster planning and relief, who would be available in certain disaster situations at a moment's notice.

19. The Fourth Annual Conference on United Nations Procedures had reached certain conclusions that were relevant to the Committee's discussion. On the matter of co-ordination, the Conference had noted that a review of major disasters in the preceding five years had showed that the international response had achieved less than maximum effectiveness in most cases because of imperfect co-ordination. The Conference had also noted that there was a significant disparity between what UNDRO was asked to do in resolu-

tion 2816 (XXVI) and the financial resources provided for the task, a disparity which would impede the Co-ordinator in fully implementing the resolution. The Conference had expressed the conviction that responsibility for disaster situations, whatever their type and origin, must, at some point in the United Nations system, come together. Until that happened, *ad hoc* mechanisms to deal with disaster situations would be required, as in the case of the FAO/WFP concern with the Sahelian drought, the handling of the Burundi situation and the problem of displaced persons in Pakistan by the Office of the Under-Secretary-General for Political and General Assembly Affairs, and the work of UNHCR and UNDP in the Sudan. Those operations, among others, had been cited as examples where, notwithstanding the provisions of General Assembly resolution 2816 (XXVI), responsibility for disaster relief had not been vested in UNDRO.

20. He did not wish to minimize the importance and usefulness of such *ad hoc* operations, but simply to emphasize the need for further co-ordination and for giving the Co-ordinator a level of support more commensurate with his mandate. More adequate staff and operational arrangements would be essential.

21. In document A/9221, the Secretary-General stated that the dispatch of consultants on relatively short-term missions should be considered as a normal part of the programme of UNDRO and that a modest provision for such consultant advisory services should be added to the budget estimates for 1974-1975. His delegation agreed with the Secretary-General that an initial six-month mission, followed by a second mission of two months' duration about one year later to check on progress, should be a minimum.

22. The Committee should seriously consider the Secretary-General's view that it might be necessary to include in the regular budget of the United Nations an appropriation for emergency assistance, within limits similar to those which had hitherto governed withdrawals for that purpose from the Working Capital Fund.

23. Meanwhile, there was an urgent need for the General Assembly to give UNDRO all the staff and financial support called for in documents A/9221 and A/9063. The provisions of draft resolutions A/C.3/L.2082 and A/C.3/L.2085 met the financial requirements of UNDRO. His delegation was happy to be a sponsor of both and commended them to the Committee for unanimous adoption.

24. Mr. COSTA COUTO (Brazil) thanked the Co-ordinator for his introductory statement and said that his comments, as well as the information contained in the reports of the Secretary-General (A/9063 and A/9221) and the report of the Economic and Social Council (A/9003 and Corr.1) confirmed its belief that the establishment of the post of Disaster Relief Co-ordinator had been most timely. His delegation was particularly pleased that UNDRO had attached priority to the preparation of preventive measures, disaster contingency planning and preparedness.

25. The role played by UNDRO in strengthening and promoting co-ordination among United Nations bodies, non-governmental organizations and Governments themselves was particularly important; indeed, it was the Office's very *raison d'être*. His Government welcomed the efforts made by the Co-ordinator in that regard.

26. Nevertheless, his Government felt it would be premature, at that stage, to confer upon UNDRO too many functions and resources, as that would only lead to disappointments, in view of the complexity and scope of the problems involved in natural disasters. Any considerations relating to the expansion of the Office of the Co-ordinator, particularly from the standpoint of administrative expenses, should be examined very carefully.

27. His delegation supported the recommendations of the Advisory Committee (see A/9008) in accordance with which the Office of the Co-ordinator should not receive resources from the regular budget of the United Nations for direct assistance in cases of natural disaster. The recent debate on the question at the 1588th meeting of the Fifth Committee had been more of a procedural than a substantive nature, since it had concerned not the principle of disaster relief but rather the method of financing it.

28. With regard to funds that might be provided by UNDP, his delegation felt that, in principle, assistance in cases of natural disaster should not be financed with development funds except within the context of country programmes or regional and global activities approved by the Governing Council.

29. The Co-ordinator's comments regarding an international strategy for disaster prevention and relief were most interesting and deserved careful study.

30. His delegation welcomed the decision taken at the first session of the Governing Council of the United Nations Environment Programme regarding the provision of assistance to disaster-prone areas such as that constituted by the Sahelian countries.

31. He wished to reiterate his Government's appreciation of the manner in which the Co-ordinator had performed his difficult task in keeping with the spirit and letter of General Assembly resolution 2816 (XXVI). It wished to express its solidarity with the 33 countries which had recently suffered natural disasters and received assistance from UNDRO, and particularly the two Latin American nations, Nicaragua and Ecuador.

32. His delegation supported both the draft resolutions that were before the Committee, which were in the interest of the developing countries. He agreed with other delegations that they should be adopted unanimously.

33. Mrs. LYKOVA (Union of Soviet Socialist Republics) said that the Soviet Union, faithful to the principles of socialist humanism and proletarian internationalism, unselfishly provided assistance to countries stricken by natural disasters, famine and epidemics. Such assistance was provided whether or not those countries were the Soviet Union's neighbours, irrespective of their political orientation and whether or not they were Members of the United Nations or other international organizations. The Soviet Union's actions were based on its view that, where there were lives to be saved, there was no place for restrictive demands imposed because of political considerations regarding either the donors or the recipients of such assistance. Among the many instances of Soviet assistance which could be cited, she recalled in particular the assistance given to the countries of the Sudano-Sahelian area, in the case of which the Soviet Union had also paid delivery charges.

In the first half of 1973 alone the Soviet Union had channelled through the Red Cross assistance to 16 countries in Africa, Asia and Latin America.

34. In connexion with the consideration of the item before the Committee, her delegation wished to draw attention to the Soviet proposal for a reduction of the military budgets of States permanent members of the Security Council by 10 per cent and utilization of part of the funds thus saved to provide assistance to developing countries, which was currently being considered by the General Assembly. The Soviet Minister for Foreign Affairs, in introducing the item in the General Assembly (2126th plenary meeting), had indicated that the funds made available by such a reduction would be channelled in the first place to countries in Asia, Africa and Latin America which had been victims of natural disasters, drought and floods. The Soviet proposal not only was an important specific disarmament measure, but also would make it possible to provide such countries with more than \$1,000 million for disaster operations and for development purposes.

35. It could be seen from the Secretary-General's report in document A/9063 that much effort and time had been wasted in direct participation by UNDRO in meetings of various bodies within and outside the United Nations. Her delegation felt that the Co-ordinator should limit himself to the tasks enumerated in General Assembly resolution 2816 (XXVI), namely, the practical tasks of co-ordinating direct assistance in cases of natural disaster. Accordingly, her delegation could not accept the conclusions set out in paragraphs 27 and 28 of that report.

36. Turning to the Secretary-General's report in document A/9221, she said that her delegation had doubts as to the desirability of providing the Co-ordinator with the consultant advisory services referred to in paragraph 6. Experience in other fields had shown that such services were not very effective. Her delegation believed that UNDRO could continue to fulfil the wishes of the General Assembly by concentrating on its basic tasks and avoiding duplication with other bodies.

37. Mr. KUNIYASU (Japan) expressed appreciation of the concise but comprehensive statement of the Disaster Relief Co-ordinator, whose excellent work in disaster relief activities, with very limited resources available, was highly commendable.

38. In connexion with the emergency assistance which the Secretary-General was authorized to provide under paragraph 10 of General Assembly resolution 2816 (XXVI), his delegation fully shared the Co-ordinator's view that the amounts were symbolic. Nevertheless, the prompt provision of such funds could be useful in meeting urgent needs, and his delegation would support the Secretary-General's suggestion in that connexion if the inclusion of an appropriation for emergency assistance in the regular budget would enable him to respond more promptly to such needs. At the same time, as the representative of the Federal Republic of Germany had stated (2040th meeting), over-reliance on United Nations assistance might discourage increases in bilateral assistance, and his delegation therefore believed that the amount of \$200,000 should be maintained.

39. His delegation also agreed that the main emphasis should be on pre-disaster planning and preparedness, which could result in smaller losses of life and property and also required fewer funds than post-disaster relief. Effective co-ordination among such bodies as UNDP, WMO, FAO and UNICEF was indispensable. Indeed, it was that task of co-ordination which had been entrusted to the Disaster Relief Co-ordinator under resolution 2816 (XXVI).

40. Japan believed that preventive measures, disaster contingency planning and preparedness in the field of natural disasters could adequately and properly be incorporated in UNDP regional and country programming. However, as document A/9221 made clear, UNDP funds were in large measure already committed; consequently, his delegation was prepared to agree that, as an interim measure, the General Assembly should authorize the Secretary-General to draw on the Working Capital Fund to the extent suggested in operative paragraph 1 of draft resolution A/C.3/L.2082, on the understanding that the financing of future operations would be incorporated in UNDP regional and country programming beginning with the next five-year programming period.

41. Mrs. WARZAZI (Morocco) observed that the Disaster Relief Co-ordinator must certainly have found himself restricted on occasion by budgetary requirements. Accordingly, it was the duty of the General Assembly to provide all possible support to an Office which it had established precisely in order to deal with the tragic effects of natural disasters, which for the most part struck developing countries.

42. The Secretariat should give sympathetic consideration to the needs of the Co-ordinator, and Member States should insist on his being provided with a well-staffed office in order to enable him not only to ensure the provision of post-disaster assistance, but also to assist in preventing disasters, which was even more important.

43. When disaster struck, emphasis was understandably placed on the number of casualties and the extent of damage to property, but thought should also be given to the effect on the economy of the country concerned. She was informed that, in the Philippines, development had been set back three to five years by the floods of July 1972. The earthquake at Managua in December 1972 had set back Nicaragua's development by 10 years. Typhoons in South-East Asia between 1950 and 1970 had wrought over \$500 million worth of damage. The current situation in the Sahelian area was likely to continue for years, with disastrous effects on the economy of the area.

44. Expanding on the Disaster Relief Co-ordinator's suggestion for an international strategy for disaster prevention and relief and the establishment of an advisory group of experts in that field, her delegation urged that recourse should be had to the services of scientists, whose amazing achievements, for example in artificial rain-making and detecting earthquakes in their early stages, could surely be put to use for the benefit of disaster-prone areas.

45. Her delegation was a sponsor of both draft resolutions before the Committee. It sought thus to indicate its appreciation of the excellent work of the Disaster Relief Co-ordinator and his staff, and also its concern at

the great suffering of the countries of the Sahelian region. While the generosity of the international community had been reconfirmed by its assistance to that region, the time had come to assist the Sahelian countries to take such specific action as building dams, planting trees and locating subterranean lakes under the desert. On a broader scale, it was to be hoped that in the near future each disaster-prone region would have the assistance of a permanent expert supported by adequate staff and funds.

46. Mr. LARSSON (Sweden) said that the introductory statement by the Disaster Relief Co-ordinator had confirmed his delegation's view that the United Nations system must assume a central and co-ordinating role in the field of disaster prevention and relief. His delegation hoped that consideration of the budget of the Co-ordinator's Office would lead the General Assembly to provide a solid economic basis for those activities. It also hoped that draft resolution A/C.3/L.2082, of which it was a sponsor, would provide the Co-ordinator with wider possibilities for assisting countries to strengthen their disaster preparations. Such countries should, in the long term, consider the possibility of incorporating disaster preparedness activities under their indicative planning figures. He hoped that continued contacts between the Co-ordinator and the Administrator of UNDP might clarify to what extent that would be possible.

47. Mr. KITCHEN (United States of America) observed that the experience of disasters in Nicaragua, Pakistan and the Sudano-Sahelian region had shown unequivocally the benefits of the United Nations co-ordinating role in maintaining a capability for responding to disasters which was both efficient and effective. He was pleased to announce that the United States Congress had recently provided in a foreign aid bill for a greater degree of flexibility. It was hoped that that flexibility would lead to more responsive disaster relief and the ability to act quickly as each situation warranted. In that connexion, his delegation understood the desire of the sponsors of draft resolution A/C.3/L.2082 to increase the flexibility of the machinery available to the Disaster Relief Co-ordinator. His delegation would have no difficulty in supporting the financial provisions for 1974 and 1975 set out in that draft resolution. The United States had modified its position from that stated during the fifty-fifth session of the Economic and Social Council, and was now prepared to see the financial arrangements for the Office aligned with a recent Fifth Committee decision on the matter. If the United Kingdom amendment was accepted by the sponsors, his delegation would be able to support the draft resolution. In the longer term, his delegation hoped that Governments could reach agreement on sources of funding for the Office of the Co-ordinator.

48. Turning to draft resolution A/C.3/L.2085, he said that his delegation did not clearly understand what its sponsors intended. He hoped that, before the Committee took a decision on the draft resolution, the sponsors would clarify the situation, especially with regard to the role of the Secretary-General and that of the Co-ordinator. His delegation felt it particularly important that the Co-ordinator should not exceed the carefully negotiated mandate set out in General Assembly resolution 2816 (XXVI).

49. The Co-ordinator had stressed that the Fifth Committee recommendation for an expansion of his Office fell short of requirements. His Government fully sympathized with the Co-ordinator and hoped that in due course the Fifth Committee would respond appropriately to the proven achievements of his Office.

50. Mr. VIGESTAD (Norway) said that it was important that the Disaster Relief Co-ordinator should continue, in co-operation with other United Nations bodies, Governments and non-governmental organizations, to play an active role in respect of disaster situations and to seek imaginative solutions. As the Co-ordinator had pointed out, the economic consequences of a single disaster could retard a country's development process by several years. It was essential to prevent natural and man-made disasters, minimize their effects, and rationalize the delivery of relief.

51. His Government attached particular importance to the interpretation of the words "other disaster situations" in General Assembly resolution 2816 (XXVI). It held the view—shared, he believed, by the Legal Counsel of the United Nations—that the mandate of the Co-ordinator covered so-called "man-made disaster situations".

52. Turning to the Secretary-General's report in document A/9221, he emphasized the importance of adequate pre-disaster planning and disaster preparedness. It was essential for the Co-ordinator to continue to explore ways and means of strengthening and developing contingency plans and machinery for disaster relief. Furthermore, his delegation concurred with the Secretary-General's proposal in paragraph 28 of document A/9063 for a specific appropriation under the regular budget which would facilitate an immediate response to disaster situations.

53. In his delegation's view, the main role of the Co-ordinator was that of focal point, genuinely co-ordinating international relief assistance. His delegation hoped that the draft resolutions before the Committee would be adopted unanimously. Recent and current disaster situations should remind all Members of the urgent need for concerted efforts aimed at strengthening and consolidating the Co-ordinator's Office.

54. Mr. DAMMERT (Peru) congratulated the Co-ordinator and his staff on their humanitarian achievements in a difficult task. He recalled that, following his country's experience of a natural disaster in May 1970, in which more than 70,000 persons had lost their lives, Peru had become convinced of the need to establish, within the United Nations, permanent and efficient machinery to help reduce the devastation and loss of life which resulted from natural disasters. Co-ordination and expert staff were essential in order to avoid confusion and to ensure efficient reconstruction and rehabilitation.

55. On behalf of the sponsors of draft resolution A/C.3/L.2082, he wished to announce that an additional preambular paragraph had been proposed, which would read:

"Having heard the introductory statement made by the Disaster Relief Co-ordinator in the Third Committee and, in particular, his reference to the need for concerted global action to combat natural disasters,"

The sponsors believed that the addition of the new paragraph would improve the text, and hoped that the draft resolution as a whole would be adopted unanimously. His delegation was also a sponsor of draft resolution A/C.3/L.2085, and hoped that that text too would be adopted unanimously.

56. Mr. AL-QAYSI (Iraq) said his delegation considered that the reports by the Secretary-General (A/9063 and A/9221) contained some elements which were gratifying and others which were distressing. Thus, his delegation was glad to note that the activities of UNDRO had been placed in the right perspective in document A/9063 and that the need for pre-disaster planning and preparedness had been emphasized. The distressing element in those documents was the evidence they provided of the ever-present problem in insufficient funds, which explained the curtailment of some of UNDRO's activities.

57. His delegation wished to congratulate the Disaster Relief Co-ordinator on the manner in which he was carrying out his functions. The Co-ordinator's introductory statement required careful consideration by all, and his delegation would pay particular attention to the idea of an international strategy for disaster prevention and relief. Lastly, his delegation welcomed draft resolutions A/C.3/L.2082 and A/C.3/L.2085 and would vote in favour of them both.

58. Mr. BOURGOIN (France) said that his delegation was fully aware that the activities of the Disaster Relief Co-ordinator had been undertaken in difficult circumstances and that they required a great deal of flexibility. It therefore supported draft resolution A/C.3/L.2082.

59. With regard to draft resolution A/C.3/L.2085, he understood that the sponsors had intended it to mean that additional assistance should be given to Sudano-Sahelian populations threatened with famine and, in general, he supported that idea, but wished to point out that France was already giving approximately \$30 million in assistance to the countries in that area in addition to the technical assistance it provided. France thus did more than express its sympathy to the peoples of those countries. With regard to operative paragraph 2 of that draft resolution, he wondered whether it was the function of the Disaster Relief Co-ordinator to provide the most effective possible material and financial assistance to countries in the Sudano-Sahelian region. He thought that, in principle, UNDRO's function was to co-ordinate existing assistance already provided by various organizations. He pointed out that WHO and the Chief of the Special Sahelian Office were competent to provide the assistance referred to in that paragraph. His delegation had some other difficulties with draft resolution A/C.3/L.2085 because, on the basis of the report of the Second Committee, on agenda item 101, the General Assembly had already adopted resolution 3054 (XXVIII), the text of which was slightly different from that of the draft resolution in question but also contained an appeal for assistance to the Sudano-Sahelian populations. His delegation did not think that the General Assembly should have to make two appeals on the same subject.

60. Mr. MURDOCH (New Zealand) said that the reports of the Secretary-General (A/9063 and A/9221) both testified to the fact that the Office of the Disaster Relief Co-ordinator was now an established and viable organ of the United Nations system. In that connexion,

he wished to express his Government's appreciation of the work which UNDR0 was doing. If any one aspect of UNDR0's many endeavours was to be singled out for commendation, it should be the effective emergency measures undertaken by the Co-ordinator in flood-stricken Pakistan. Those activities indicated that the Co-ordinator and his staff were fully capable of fulfilling successfully the humanitarian mandate entrusted to them by the international community.

61. He also wished to reaffirm his Government's support for the principle of pre-disaster planning. The crippling economic losses and social disruption which often followed natural disasters could be considerably reduced if disaster-prone countries were able to take adequate preparatory measures. Where prevention was not, however, possible, assistance after the event should be as prompt and as efficiently organized as far-sighted and careful planning could make it. His delegation therefore looked forward to the incorporation of measures for pre-disaster planning in the country programming system of UNDP.

62. It also fully shared the sentiments expressed in the preambular paragraphs of draft resolution A/C.3/L.2082. It noted, however, that operative paragraph 1 of that draft resolution, which authorized the Secretary-General to draw upon the Working Capital Fund, represented a departure from the method of funding recommended by the Secretary-General in his report (A/9221). For the reasons outlined in that report, his delegation would have preferred that specific allocations should be drawn from the regular budget. It nevertheless intended to support the draft resolution as a whole, but hoped that, since the budget recommendation for 1973 had not been finally decided upon, an agreement could be reached on the question of funding.

63. Mr. JABANG (Gambia) said that the activities of the Office of the United Nations Disaster Relief Co-ordinator described in the report of the Secretary-General (A/9063) and the series of natural disasters listed in that report fully justified the establishment of UNDR0.

64. The Sudano-Sahelian region, where the Gambia was located, had recently been particularly disaster-prone. Consecutive years of drought had brought famine and taken a heavy toll of life and property. In addition to the disastrous fires referred to in the Secretary-General's report, the Gambia had also been hit by drought and, in 1972, there had been a 50 to 60 per cent crop failure. Although climatic conditions had improved slightly in 1973, the improvement had not been sufficient to erase the effects of the 1972 disaster. It now seemed more than likely that the adverse conditions resulting from the drought and other natural disasters would continue in 1974. If it had not been for the timely assistance provided by certain countries, agencies and organizations, some of the developing countries in the Sudano-Sahelian zone, including the Gambia, might not have been able to cope with the effects of those disasters. His country was therefore most grateful to the World Food Programme and to all donor countries which had come to its assistance in its hour of need. It was particularly grateful to the Government of Mali for agreeing to loan it a consignment of sorghum from its own stocks at a time when the food supply situation in the Gambia had been most critical.

65. It was on the basis of those considerations that his country had become a sponsor of draft resolution A/C.3/L.2085. Mindful also of the fact that natural disasters were not confined to one part of the world and taking into account the recommendation in paragraph 28 of the Secretary-General's report (A/9063) concerning the rationalization and normalization of procedures under which emergency assistance could be provided to disaster-stricken areas, his delegation had also joined the sponsors of draft resolution A/C.3/L.2082.

66. Miss ILIĆ (Yugoslavia) said that, after consultations with the Office of the United Nations Disaster Relief Co-ordinator and the representative of the Director-General of FAO, she wished, on behalf of the sponsors, to revise draft resolution A/C.3/L.2085. In the sixth preambular paragraph the date should be changed to read: "26 November 1973". In operative paragraph 2, after the words "*Requests the Secretary-General*", the words "and the Director-General of FAO to continue" should be added. Also in that paragraph, the words "(having regard to decision A/C.5/L.1121) to enable the United Nations Disaster Relief Co-ordinator" and the words "in particular FAO" should be deleted. At the end of operative paragraph 3, the words "with specific reference to the joint appeal for emergency assistance issued on 26 November 1973 by the Secretary-General and the Director-General of FAO" should be added. She hoped that those changes would make the draft resolution acceptable to all delegations. She announced that the delegations of Egypt and the United Republic of Tanzania had become sponsors of the draft resolution.

67. Mr. SAYAR (Iran), speaking on behalf of the sponsors of draft resolution A/C.3/L.2082, said that they had agreed to accept the amendment proposed by the United Kingdom delegation because it improved the text of operative paragraph 1. The words "as an interim measure" should therefore be added after the words "*Authorizes the Secretary-General*" in that paragraph. The sponsors had also included as a new preambular paragraph the text read out by the Peruvian representative; they felt, however, that the words "*with satisfaction*" should be added after the words "*Having heard*". They thanked the United States delegation for agreeing to withdraw its proposed amendment to operative paragraph 1. They were of the opinion that it would now be possible to adopt draft resolutions A/C.3/L.2082 and A/C.3/L.2085 unanimously.

68. Mr. IRARRAZAVAL (Chile) said that his delegation hoped that draft resolutions A/C.3/L.2082 and A/C.3/L.2085 would be adopted unanimously.

69. The introductory statement by the Disaster Relief Co-ordinator and the reports of the Secretary-General had given a clear picture of the need for disaster relief measures, particularly in the Sudano-Sahelian region. Chile had also suffered some natural disasters in the form of earthquakes, which had occurred nearly every 10 years and resulted in the destruction of buildings and railways and in losses of life. It was, however, fortunate that new construction methods and means of detecting earthquakes had been developed, although they were costly and currently were being used only on an experimental basis. Chile hoped that international co-operation in that field could be increased and therefore

attached great importance to the strengthening of the resources of UNDRO.

70. Mr. SMITHWICK (United Nations Children's Fund), speaking at the invitation of the Chairman, said that co-operation between UNDRO and UNICEF was natural since UNICEF had first been established in order to help children during the emergency period after the Second World War. Although UNICEF now concentrated mainly on long-range programmes designed to create and expand basic services for children, it continued to be involved in emergencies and, in particular, in the rehabilitation of children after natural or man-made disasters. Within certain limits and with additional contributions, it was able to respond to emergency situations without hampering its long-range programmes.

71. Co-operation between UNDRO and UNICEF had existed since UNDRO's establishment, when UNICEF had, for example, provided an experienced staff member on a part-time basis to UNDRO. That staff member was now employed by UNDRO on a full-time basis. UNICEF had also provided the services of other staff members for short periods in particular emergencies. Such co-operation had perhaps been most effective in the area of information. In all emergencies in which the United Nations system was involved, whatever information had been obtained had been freely exchanged and such exchanges had helped to determine the amount and nature of the assistance to be provided by UNICEF.

72. Another important contribution by UNDRO to emergency operations undertaken by the United Nations system, and one which was not expressly foreseen in General Assembly resolution 2816 (XXVI), was the role UNDRO was playing in co-ordinating free freight shipments of urgently needed supplies to various emergency areas. In that connexion, UNICEF had recently benefited from free freight shipments worth some \$74,000. UNDRO had arranged for free freight for the emergencies caused by the Sudano-Sahelian drought and the Pakistan floods and had established a system whereby agencies such as UNICEF could request investigation of possible offers of free freight shipment in minimum time in order to allow urgent supplies to reach disaster areas when most needed. UNICEF would continue to co-operate with UNDRO to the fullest extent possible and was sure that UNDRO would fully reciprocate. The Executive Director of UNICEF greatly appreciated the very close relationship between UNICEF and UNDRO.

73. Mr. GREENE (Food and Agriculture Organization of the United Nations), speaking at the invitation of the Chairman and on behalf of the Director-General of FAO, said that, with regard to the working relations between UNDRO and FAO, the latter had had an important co-operation programme with the six countries of the Sudano-Sahelian region for a long time. When the current emergency had developed, FAO had become increasingly involved in attempts to find a solution to the problem. In that connexion, Economic and Social Council resolution 1759 (LIV) had given the Secretary-General the responsibility for providing assistance to the countries of the Sudano-Sahelian area and the Secretary-General had subsequently designated the Director-General of FAO as the focal point for emergency activities. That designation had been

confirmed by General Assembly resolution 3054 (XXVIII).

74. The Director-General of FAO had established a special Office for the Sahelian Relief Operation, at Rome, as well as a field office at Ouagadougou for the co-ordination of emergency activities and co-operation with the Permanent Inter-State Committee established there by the six countries concerned for the co-ordination of their own activities.

75. In the preceding year, over 500,000 tons of food grains had been transported to the region and distributed before the pre-harvest period, thus helping to prevent mass starvation. The distribution had required a complex airlift, for which FAO had provided the co-ordination and logistic support. In that connexion, UNDRO had been most helpful in obtaining free or reduced air freight rates for commercial air shipments. In addition, the Director-General of FAO had established an FAO Sahelian Zone Trust Fund, to which UNDRO had contributed \$100,000.

76. On the basis of the experience it had acquired, the FAO Office for the Sahelian Relief Operation had taken steps to prevent any emergency situation comparable to the one in 1973 from arising in 1974. To that end, the Director-General of FAO had sponsored a multidonor mission which had made surveys of the Sudano-Sahelian countries in September and October 1973. That mission had reported that the food situation and the nutritional conditions of a relatively large part of the population, especially the nomads, remained very serious. International assistance would be needed in 1973 and 1974 for at least 450,000 tons of cereals. On the basis of the findings of the multidonor mission, the Secretary-General of the United Nations and the Director-General of FAO had, on 26 November 1973, made an appeal to all Member States for emergency assistance in cash and in kind. The cash component would include provision for assistance to programmes of other members of the United Nations system. When those facts had been reported by the Director-General to the seventeenth session of the FAO General Conference, the Conference had passed a resolution expressing its appreciation of the generous contributions already made, as well as of the efforts of the countries concerned to co-operate with each other in ensuring the best utilization of all the assistance provided.

77. Throughout its handling of the Sudano-Sahelian emergency, FAO had kept UNDRO informed of its activities and, where necessary, had sought and received its co-operation. Recently, the Secretary-General had renewed the mandate of the Director-General of FAO for the emergency operations in the Sudano-Sahelian region. The Director-General intended to continue to co-operate fully with other members of the United Nations system, including UNDRO. In addition to co-operation during the current emergency, FAO and UNDRO had always had excellent working relations.

78. Mr. BERKOL (United Nations Disaster Relief Co-ordinator) said that the changes proposed by the representative of Yugoslavia to draft resolution A/C.3/L.2085 had been most helpful in making it clear that FAO was responsible for co-ordinating emergency assistance to the Sudano-Sahelian region and that the role of UNDRO was to support FAO in its task. UNDRO was fulfilling that responsibility by making

emergency financial grants to FAO and providing free freight shipments to the Sudano-Sahelian region. UNDR0 greatly appreciated the desire of Governments to provide assistance for those activities. In that connexion, he noted that draft resolution A/C.3/L.2085, as revised by the representative of Yugoslavia on behalf of the sponsors, now referred to the appeal to Governments made by the Secretary-General and the Director-General of FAO on 26 November 1973 for \$30 million in cash and 450,000 tons of food.

79. Lord GAINFORD (United Kingdom) said that his delegation wished to thank the representative of FAO for replying so promptly to its request for information and the Disaster Relief Co-ordinator for providing clarifications concerning the role of UNDR0 in the emergency operations for the Sudano-Sahelian region. It was also grateful to the sponsors of draft resolution A/C.3/L.2082 for accepting its amendment to operative paragraph 1 and to the sponsors of draft resolution A/C.3/L.2085 for the changes they had proposed. His delegation would now be able to support that draft resolution, on the understanding that it was not intended to be broader in scope than General Assembly resolution 3054 (XXVIII).

80. The CHAIRMAN said he took it the Committee wished to adopt draft resolution A/C.3/L.2082, as amended, unanimously.

It was so decided.

81. The CHAIRMAN said he took it that the Committee wished to adopt draft resolution A/C.3/L.2085, as revised, unanimously.

It was so decided.

82. Mr. BERKOL (United Nations Disaster Relief Co-ordinator) expressed his appreciation for the Committee's support and encouragement, which would be most helpful to the activities of his Office. He particularly thanked the representative of Iran and the other sponsors of draft resolution A/C.3/L.2082 for their initiative. In his work, he would bear in mind the suggestions that had been made during the debate.

83. Mrs. LYKOVA (Union of Soviet Socialist Republics) said her delegation fully supported draft resolution A/C.3/L.2082, but if it had been put to the vote, it would have abstained on operative paragraph 1 for the reasons she had mentioned in her previous statement.

84. Her delegation also fully supported draft resolution A/C.3/L.2085, but wished to make clear its understanding that the draft resolution went no further than General Assembly resolution 3054 (XXVIII).

The meeting rose at 1 p.m.

2042nd meeting

Wednesday, 28 November 1973, at 3.15 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2042

AGENDA ITEM 12

Report of the Economic and Social Council [chapters V (section A), XXI (sections A and C), XXII to XXV, XXIX and XXX (section B)] (A/9003 and Corr.1, A/C.3/L.2048, 2073, 2083, 2086, 2087, 2088)

1. The CHAIRMAN announced that the Committee would begin its consideration of item 12, on the report of the Economic and Social Council on the work of its fifty-fourth and fifty-fifth sessions (A/9003 and Corr.1). The General Assembly had allocated to the Third Committee chapter V, section A, chapter XXI, sections A and C, chapters XXII to XXV, chapter XXIX and chapter XXX, section B. The General Assembly had also considered that chapters II and III, chapter V, section D, chapters IX and XIV and chapter XXI, section B, which had been allocated to the Second Committee, and chapter V, sections B and E, allocated to the Fifth Committee, might also be of interest to the Third Committee. The Committee had before it draft resolutions A/C.3/L.2083, A/C.3/L.2087 and A/C.3/L.2088, concerning chapter XXII and the draft resolution contained in document A/C.3/L.2048, concerning chapter XXIII. Also, pursuant to Economic and Social Council resolution 1796 (LIV), the Secretary-General had drawn the attention of the General Assembly to that resolution and to the report of

the *Ad Hoc* Working Group of Experts of the Commission on Human Rights.¹ He suggested that the Committee should begin by considering chapter XXII, on narcotic drugs.

2. Mr. NASSER-ZIAYEE (Afghanistan) said the control of narcotic drugs was a complex questions which could not afford a simplistic approach. It had implications that should be studied in depth by the international community if it was to understand the realities of the situation. In order to find ways and means of eliminating illicit traffic it was not sufficient to consider it in the context of producing countries that had traditionally cultivated opium poppy, cannabis and other natural narcotic drugs; it must also be studied objectively from the viewpoint of the demand in consuming countries. The elimination of the sources of demand would contribute greatly to the suppression of the illicit traffic and to the strengthening of the international system of control. Another problem was that it was hard to determine the origin and the amount of opium and other drugs entering the illicit market. For instance, opium that passed through Afghanistan in transit was often wrongly referred to as "opium of Afghan origin"; large quantities of cannabis also crossed Afghanistan in transit, as was demonstrated by the seizures made at the Kabul and Kandahar airports.

¹ E/5245.

3. Afghanistan had banned the cultivation of opium poppy and the production, trade and use of opium, but cultivation might subsist to some extent in areas where it was the only product from which the population derived its livelihood. The Government was doing its utmost to combat the illicit traffic in narcotic drugs and also to prevent their transit through the country. Afghanistan was anxious to co-operate with the international community in the strengthening of the international system of control of narcotic drugs, and he could cite as an example its close collaboration with the United Nations Fund for Drug Abuse Control.

4. Opium had traditionally been cultivated as a cash crop in certain areas in Afghanistan and, when it was banned, substitute crops and other economic activities must be found in order not to create hardships for the population; that meant carrying out a genuine agricultural and economic reform. In order to do so, it was essential to put an end to the isolation of those parts of the country like Badakshan, in the first instance through the construction of a road connecting it to Kunduz, an important economic centre in the north of the country. The Government could not undertake so comprehensive a programme without substantial financial and economic assistance from the international community—a fact that was well understood by the United Nations experts who had visited Afghanistan and the regions concerned. The Government had undertaken a vast developmental effort, to which it had devoted its material and human resources and the assistance it was receiving from multilateral sources and bilateral donors. It was therefore unable to assume unaided the elimination of the production of and illicit traffic in narcotic drugs because it was not able to change its developmental priorities.

5. The problem of natural drugs and their abuse should not be viewed in isolation from the increasing addiction to synthetic drugs. It was to be hoped that the industrialized countries would soon accede to the 1971 Convention on Psychotropic Substances. Abuse of synthetic drugs was increasing at an alarming rate and must be controlled immediately, lest the eastern countries should become consumers of illicit synthetic drugs and the great industrialized western countries the sources of provision.

6. Introducing draft resolution A/C.3/L.2083, he said that it reflected the concepts which he had expressed. The sponsors hoped that it would be acceptable to all countries which were confronted with drug abuse and to all those determined to strengthen the international system of control.

7. Mr. MESSING-MIERZEJEWSKI (representative of the Acting Executive Director of the United Nations Fund for Drug Abuse Control and of the Director of the Division of Narcotic Drugs) drew attention to the statement made by the Director-General of the United Nations Office at Geneva in February 1973,² concerning the reorganization of the secretariat of the Fund and the Division of Narcotic Drugs. The intention was to ensure the most effective integration and co-ordination of the activities of the Division and the Fund and to avoid unnecessary duplication, and to that end the Director of the Division had been given the role of providing advisory services to the Executive Director of the

Fund. The reorganization had led to close co-operation between the two secretariats.

8. He was pleased to report that the contributions to the Fund had doubled during the preceding half-year, so that total contributions and pledges now amounted to almost \$10.2 million and the number of government contributors was some 30. A number of Governments had agreed to make regular contributions, which made the Fund's planning task easier. Intensive fund raising was taking place, in both the public and the private sectors.

9. During the preceding year, the task of the Fund had lost none of its necessity or urgency. Although some changes in the trends of drug abuse patterns could be discerned, the world situation continued to be serious and called for constant vigilance. In the western parts of Europe and in North America there were encouraging signs of a decrease in the incidence of opiate abuse, and some loss in the intensity of illicit traffic was also seen in some areas of South-East Asia. Unfortunately, those decreases were counterbalanced by increases elsewhere. There was, for instance, an increase in opiate abuse in several Asian countries and in the abuse of psychotropic substances in many countries, including a number of the developing ones. In some countries there was little or no drug abuse, but an increasing illicit drug traffic in transit. That was a cause for alarm because experience showed that, wherever there was transit drug traffic, there was almost always leakage into the host country, which thus ran the risk of becoming a victim of abuse. That problem could be solved only through practical co-operation between the countries involved.

10. On the other hand, there was a growing understanding of the drug abuse problem and of the need for research into its causes and for the design of an integrated programme to deal with it. Of course, the long-term plan of action which was required must evolve from experience gained in the shorter run. In the meantime, in co-operation with the specialized agencies and other United Nations bodies, a series of short-term and medium-term objectives through 1978 had been defined. The means of reaching those objectives were implicit in the list of some 60 projects and programmes financed by the Fund and already in operation or awaiting early implementation.

11. A point to be noted was the increasing concern of a number of developing countries with the problem of fulfilling their obligations under international treaties on the subject. They recognized the existence of uncontrolled cultivation of narcotic crops, and they were fully aware of the difficulties of controlling production, enforcing legislation and providing alternative sources of livelihood to the rural people affected. In order to solve those problems, they were requesting assistance from the Fund, and so far, provided that they committed themselves to making every possible effort to fulfil their obligations, the Fund was in a position to respond with exploratory missions to formulate and prepare appropriate programmes.

12. The Fund was not currently, however, in a position to assure Governments that it would be able to respond comprehensively to their needs through United Nations assistance. Nor could it finance research programmes, new educational activities and other programmes. The financial resources of the Fund

² See *Official Records of the Economic and Social Council, Fifty-fourth Session, Supplement No. 3*, annex IV.

from contributions or pledges now totalled roughly \$10 million. Taking into account the amounts needed to continue on-going programmes in 1974, total firm commitments would reach \$7.5 million, leaving only \$2.7 million available. Because of the need to take a longer perspective a draft programme for 1975 had already been elaborated, and \$2.4 million would be needed in that year simply for the continuation of current approved programmes, leaving the Fund with less than half a million dollars pending the receipt of new pledges from Governments of Member States.

13. The Fund was currently in a better position to project its needs and to justify them than it had been one year previously. A conservative projection of the needs through 1978 gave the following results: if a 10 per cent annual growth rate of programmes was accepted, the requirement would be \$20.6 million through 1978; if 15 per cent was added to the amount of annual programmes in order to handle new initiatives in prevention, rehabilitation, research, and so forth, a total of \$22.5 million would be required through 1978. Finally, if the Fund was to be able to deal with the needs of the developing countries in implementing comprehensive country programmes of the type frequently required, the cost of establishing such programmes in some eight countries would bring the total cumulative need to some \$43 million by 1976 and over \$60 million by 1978. That showed the magnitude of resources needed to deal with the drug problem in countries needing help.

14. The Fund had felt obliged to be conservative in the formal commitments it undertook in order to ensure that programmes were financed for a reasonable time ahead. Currently available resources would carry existing programmes through 1974, allowing only modest increases for the new initiatives he had mentioned. Nothing would be available, however, for new country programmes. Given the state of requests and plans for preparatory assistance missions, it was now reasonably certain that at least two comprehensive country programmes would be ready for financing during 1974 at a cost in excess of \$5 million, and it was possible that a third country programme would be ready for implementation during that year.

15. Further requests for assistance had been received from three other countries, not to mention other areas where needs for future assistance could be seen. Taking as a rough basis of calculation total costs of \$3 million for smaller country programmes and \$5 million for large programmes, the Fund would project a total need of \$10 million per year in pledges through 1978 to permit the level of activity which it considered necessary. It was most important that that target level should be achieved in the first years, so as to permit sound planning and the commitment of resources necessary to carry programmes to completion.

16. The obvious alternative was to concentrate on less expensive technical assistance activities and to fund country programmes one year at a time. That latter course of action made it difficult to plan comprehensive programmes and deprived the Governments concerned of the assurance that undertakings they embarked upon would really have international support up to the time when they were completed. In that context, it was important to make it clear that the Fund was not, and would not be, in a position to finance national programmes aimed at large-scale rural de-

velopment and redirection of economic life. What the Fund was ready to do, if sufficient funds were available, was to finance pilot programmes in well-defined key areas which could eventually serve as models for further enlarged activities along the same lines.

17. The Fund, the Division of Narcotic Drugs, the International Narcotics Control Board (INCB) and other agencies had gained valuable experience in implementing such programmes. The Fund had taken stock of what had been achieved so far in research, training and other projects, and it was ready to go on in a spirit of cautious and realistic optimism, provided that it had the full moral and material support of the Governments of Member States.

18. Mr. SÖYLEMEZ (Turkey) said that on 30 June 1971 the Turkish Government had announced the bold and historic decision to ban the cultivation of opium in Turkey. That decision had been taken in view of the world-wide spread of the abuse of narcotic drugs, especially among the young. It had not been an easy decision to take, because opium had been cultivated in Anatolia for more than 5,000 years, involving the livelihood of nearly half a million people.

19. Turkey had never had a problem of drug addiction or drug abuse among its population, yet had always supported international measures and action designed to solve those problems. Some 80 Member States, including Turkey, were now parties to the Single Convention on Narcotic Drugs, 1961. The Single Convention did not provide for the banning of opium cultivation, but placed production under government control.

20. Until 1971, opium legally produced in Turkey had been sold to a public corporation owned by the State, which had purchased the annual production of opium at market prices. As the international demand had grown, great quantities of opium had found their way to the underground, operated by an international syndicate of smugglers and traffickers whose profits had been astronomical.

21. Following the Turkish Government's decision to ban opium production in Turkey, starting from the autumn of 1972, some 90,000 families had been deprived of their main source of income, in an area covering a total of 130,000 hectares. In order to find a solution to that problem, plans and programmes designed to provide substitute sources of livelihood for those people had been drawn up. An Inter-Ministerial Co-ordination Board had been set up under the chairmanship of the Minister of Agriculture. Over the preceding 18 months, the Co-ordination Board had been responsible for the economic and social development and reconstruction of the seven poppy-growing provinces in western Turkey. A number of projects had been successfully initiated, including a project for the growing of sunflowers on about 10,000 hectares of land, a project for animal feed crops, such as alfalfa, on 70,000 hectares, and various projects to promote cattle farming. Seeds, fertilizers, machinery and agricultural tools had been distributed free of cost. The possibility of mushroom cultivation was also being considered. In addition, under a Co-ordination Board project for industrialization of the region, preparations had been initiated for a dairy plant to take advantage of the surplus milk production capacity in the area, which in two years would become the common property of the former opium-growing farmers.

22. Through bilateral arrangements, a total of \$20 million had been allocated for the economic development of the area concerned. In addition, the annual cash compensation paid to opium farmers would continue until 1975 and would total \$15 million, again provided through bilateral aid and assistance. The loss sustained by the national economy was in the vicinity of 300 million Turkish lire per year.

23. It had been reported in the international press that, following the decision of the Turkish Government to ban opium production unilaterally, there had been a sharp decline in heroin imports from across the Atlantic; owing to the change in methods of trade and distribution of opium, the Orient had come to occupy an important position in the international drug trade pattern. Despite the implementation of various programmes designed to limit the use of dangerous drugs, it had not been possible to control the problem of drug abuse in the developed countries directly concerned. No society, developed or developing, was immune from the abuse of dangerous drugs. That social ill would remain a problem until severe national drug laws were adopted and existing national and international measures were strictly enforced.

24. Turkish penal law and law enforcement was rather severe with drug traffickers, especially if smuggling was involved. Sentences of up to 30 years of rigorous imprisonment could be given by Turkish courts. Parallel reorganization of police and security forces responsible for investigating drug offences had taken place. Turkey had embarked on the process of ratification of the 1972 Protocol Amending the Single Convention on Narcotic Drugs to strengthen its legal framework by giving additional powers and responsibilities to INCB.

25. The Board's activities at the technical level were commendable, and he recalled that at its thirteenth session, held in October-November 1973, it had concluded that drug abuse remained a serious social problem in many countries and that, despite some decline in narcotic abuse, it was concerned over increases in the abuse of dangerous psychotropic substances such as amphetamines, barbiturates and hallucinogens, and also cocaine and multi-drug abuse. The Board had accordingly emphasized the importance of early ratification and implementation of the 1971 Convention on Psychotropic Substances. The Turkish Government closely co-operated with the Board and was convinced that international action must be taken simultaneously on all fronts, namely, prevention of abuse, repression of illicit traffic, manufacture and distribution, research, treatment and rehabilitation. Turkey had proved its goodwill and sincerity by decreeing a total ban on the production of opium but he pointed out that it was still lawful in India, Iran, Japan, Pakistan, the USSR and Yugoslavia. Unfortunately, illegal production in many parts of the world continued to supply the illicit trafficking—a problem which remained to be solved.

26. Turning to another aspect of the problem of drug abuse, he drew attention to Economic and Social Council resolutions 1658 (LII), 1665 (LII) and 1773 (LIV) and to General Assembly resolution 3013 (XXVII) and pointed out that the 1971 Convention on Psychotropic Substances should be ratified or acceded to by all Governments concerned, especially the industrialized countries which still hesitated to take that step.

Turkey was convinced that international action against drug abuse would be effective only when the control system for narcotics was supported by appropriate measures in the field of psychotropic substances. Furthermore, Turkey was not willing to be a party to that Convention until a majority of the industrialized countries ratified or acceded to it because there was no alternative but to treat the problem as a whole and deal with narcotic drugs and psychotropic substances on an equal footing. Turkey was a member of the Sub-Commission on Illicit Drug Traffic and Related Matters in the Near and Middle East and was of the view that similar regional sub-commissions should be established to facilitate the co-operation of the countries directly involved in South-East Asia and Latin America.

27. The establishment of the special United Nations Fund for Drug Abuse Control was a welcome development which should be instrumental in channelling international efforts to those countries which needed technical and financial assistance on a continuous basis. Contributions to the Fund, and technical and financial assistance to the developing countries, were therefore of great importance and that importance was reflected in the draft resolution introduced by Afghanistan (A/C.3/L.2083). In addition, the promising developments in research and scientific activities and the plans for crop substitution in Thailand, Afghanistan and Lebanon, which were already being implemented, were worthy of note.

28. The Turkish delegation urged the Committee to adopt unanimously the draft resolutions in document A/C.3/L.2087 and A/C.3/L.2088, of which Turkey was a sponsor.

29. Mr. BUCHANAN (United States of America) said that the report of INCB for 1972³ noted a steady increase in the volume, geographical extent and number of persons affected by drug abuse. On the other hand, the increased efforts to stop the illicit traffic, eradicate the illicit production and reduce the demand for narcotic drugs provided a solid basis for hope in the future. Those efforts had been undertaken within national borders, within the context of bilateral agreements, and multilaterally through the many international organizations co-operating in drug abuse control. The United States had attacked drug abuse on all fronts—supply, trafficking and demand—and its efforts would be increased both nationally and internationally. Other nations had also undertaken programmes designed to eliminate the sources and to moderate the effects of the illicit traffic in drugs and those programmes derived increased scope and effectiveness from mutual co-operation and assistance. He expressed his Government's deep gratification at those efforts and its sincere hope for their continuing success.

30. The organs created by the world community for dealing with drug problems were dedicated to a common goal. Among the more important actions of the Commission on Narcotic Drugs there had been the establishment of the Sub-Commission on Illicit Drug Traffic and Related Matters in the Near and Middle East and the authorization of an *Ad Hoc* Committee for the Far East Region. The Board was also actively pursuing its responsibilities under the treaties on the question. The United States delegation supported the efforts by the Secretary-General to achieve better co-

³ United Nations publication, Sales No. E.73.XI.5.

ordination among the various international drug control bodies, in accordance with the draft resolution recommended by the Commission on Narcotic Drugs at its twenty-fifth session⁴ and adopted by the Economic and Social Council as resolution 1777 (LIV). The international community could not afford duplication, waste or inefficiency in its efforts, but it was important to continue the current special administrative arrangements between the Board and the Secretariat aimed at ensuring the technical independence of the Board in carrying out its treaty functions. In his delegation's view, it would not be desirable to have the Board's activities or personnel merged with those of any other body.

31. The United Nations Fund for Drug Abuse Control was promoting and supporting an expanded programme of assistance. Despite the difficulty of achieving a balance among programmes affecting the three aspects of the drug problem—supply, trafficking and demand—the Fund had achieved a considerable measure of success. Thus, it had on-going programmes of assistance not only in the training of law enforcement officers and replacement of illicit narcotics production with other crops, but also in prevention, treatment, rehabilitation and research. The Fund was also giving increased emphasis to co-ordination with other United Nations agencies concerned with the problem, and the report of the Administrative Committee on Co-ordination (ACC) augured even better co-operation in the future. The United States delegation was also pleased to note the beginning of programme evaluation included in the most recent ACC report, and looked forward to the realization of the Fund's plans for assigning regional advisers to the principal geographical areas to enable the United Nations to be more responsive more promptly to countries' requests for advice and assistance in meeting their international obligations. The Fund had been established to provide extraordinary resources for emergency needs, and could give the United Nations the capacity to respond to requests for assistance from countries with significant drug abuse control problems. The maintenance of that capacity was the responsibility of every nation, because the Fund could act only with the resources provided to it by the international community.

32. With regard to the series of international conventions designed to control the abuse of drugs, he said that as a result of international conferences there was a moral commitment, which his country respected, to perfect and up-date the international control system in the interests of all countries and all peoples. The United States pledged itself to make every possible effort, internally and in co-operation with other nations, to reduce drug abuse and bring it under effective control.

33. He introduced two draft resolutions on the item (A/C.3/L.2087 and A/C.3/L.2088), both of which added important elements to the general programme for finding an international solution to the problem. Draft resolution A/C.3/L.2087 focused on the current nature of the illicit drug problem and stressed the international co-operation required for effective action in that regard. His delegation urged the Committee to manifest its support for the world programme to eliminate illicit drugs by voting in favour of that text, and he announced that Canada, Italy and Japan had joined the sponsors.

Draft resolution A/C.3/L.2088 could constitute an important step towards strengthening the international treaty system on the subject, and as such it merited the support of all nations. The delegation of Japan had become a sponsor of that draft resolution.

34. The United States was also sponsoring the draft resolution submitted by Afghanistan (A/C.3/L.2083), because it believed that it was an excellent statement of the needs of the developing countries for assistance in their narcotics programmes.

35. Mr. THOMAS (Liberia) said that his delegation was deeply concerned about the report of the Economic and Social Council, especially as it related to narcotics control and to the problem of drug abuse and its baneful consequences, and it felt that the solution of that problem was an urgent matter. It was therefore happy to be a sponsor of draft resolution A/C.3/L.2087, submitted by the United States, and also to support draft resolution A/C.3/L.2083, submitted by Afghanistan. However, it wished to propose that a new operative paragraph—operative paragraph 5—should be added to the latter, reading: “*Appeals to international financial institutions to assist these developing countries in carrying out their respective narcotics control programmes*”.

36. Mr. VON KYAW (Federal Republic of Germany) said, with regard to the issues dealt with in the report of the Economic and Social Council, that his Government attached great importance to Economic and Social Council resolutions 1749 (LIV) and 1789 (LIV), concerning migrant workers. There were more than 2.3 million migrant workers in the Federal Republic of Germany. They were playing a highly appreciated role in the national economy, while at the same time contributing, through the transfer of their earnings, to the development of the economies of their home countries. However, in view of recent developments and their impact on the economies of many nations, his Government had had to desist from any new arrangements that would provide for the entry of additional migrant workers, although it would continue its efforts to ensure the full social and economic integration of migrant workers into society.

37. With regard to the Council's action on narcotic drugs, his delegation emphasized that it was necessary to adopt stringent measures against drug abuse, on both the national and the international scale, and he announced that his country had initiated procedures for obtaining parliamentary approval for the relevant international instruments. The Federal Republic of Germany was a member of the Commission on Narcotic Drugs, and it had contributed to the United Nations Fund for Drug Abuse Control and intended to continue to do so. However, he would like to draw attention in that regard to the assurances given by the Secretary-General in paragraph 807 of the Council's report. Moreover, further contributions from his Government would also depend on the possibility afforded to the contributing States to participate in decisions on the use of the financial means at the disposal of the Fund. He also drew attention to paragraph 2 of General Assembly resolution 3012 (XXVII), in which the Assembly stressed the need to co-ordinate measures against drug abuse. With those reservations, his delegation was in a position to support the three draft resolutions before the Committee on the subject.

⁴ See *Official Records of the Economic and Social Council, Fifty-fourth Session, Supplement No. 3*, chap. XII.

38. With regard to Economic and Social Council resolution 1745 (LIV), on capital punishment, he said that in the Federal Republic of Germany the death penalty had been completely abolished in 1949, and the country's statistics provided no evidence in support of the argument that capital punishment had a deterrent effect. With regard to Council resolution 1796 (LIV), on infringements of trade union rights, he considered that the violation of such rights was particularly deplorable. The right of workers to organize themselves independently of outside influences must be recognized, because any society which ignored fundamental human rights and principles of social justice was bound to generate violence and disruption. Finally, his delegation supported the draft resolution contained in document A/C.3/L.2048, as well as the amendments to it proposed in document A/C.3/L.2086.

39. Miss CAO PINNA (Italy) introduced the amendments in document A/C.3/L.2086 to the draft resolution recommended by the Economic and Social Council and contained in document A/C.3/L.2048. The amendments really affected only the title of the Council's draft resolution, which it was proposed should be expanded so as to cover not only the draft principles concerning equality in the administration of justice but the Standard Minimum Rules for the Treatment of Prisoners, which were also covered in General Assembly resolution 2858 (XXVI), because of the affinity between those two questions, which both fell within the broad field of administration of justice. Resolution 2858 (XXVI) was the common root of subsequent developments in both directions, which was why it was proposed, in the second amendment, to insert in document A/C.3/L.2086 a preambular paragraph which would recall that resolution, thus making it possible to deal in the draft resolution not only with the action taken by the Commission on Human Rights and by the Economic and Social Council on the draft principles but also with the developments which had taken place in 1972 in the further consideration within the United Nations, of the Standard Minimum Rules for the Treatment of Prisoners. To that end, in the third amendment it was proposed to add to the text of the draft resolution a new separate section.

40. The developments in connexion with the Minimum Rules were the recommendation of the Working Group of Experts on the Standard Minimum Rules⁵ that attention should be given to the wider dissemination and application of the Rules, and the decision of the Committee on Crime Prevention and Control to include the treatment of prisoners in the agenda of the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to be held in Canada in 1975.⁵ The Minimum Rules were conceived in the light of the principle of the humanitarian treatment of offenders affirmed in the Universal Declaration of Human Rights and solemnly reaffirmed in General Assembly resolution 2858 (XXVI).

41. Mrs. MAIR (Jamaica) said that, among the wide range of topics with which the Economic and Social Council dealt—all of which were priority items—two or three were of particular interest to her delegation. Firstly, she recalled the work of the Commission for Social Development, whose report on its twenty-third

session⁶ had been considered by the Council's Social Committee at the fifty-fourth session of the Council and was dealt with in chapter XXI, section A, of the report of the Council. Her delegation believed that the Social Committee had been successful in amalgamating two draft resolutions which shared the common goal of social progress but proposed different national strategies for reaching that goal. The Committee had maximized areas of agreement and had achieved overwhelming approval for Council resolution 1746 (LIV).

42. At its twenty-third session, the Commission had devoted considerable attention to the unified approach to development analysis and planning, as was reflected in Council resolution 1747 (LIV), which set out fundamental guidelines for the pursuit of balanced social and economic progress in all countries. Those guidelines were especially valid for the implementation of the International Development Strategy for the Second United Nations Development Decade. Her delegation noted with approval that the Economic and Social Council had taken action under resolution 1748 (LIV) to overcome some of the difficulties which the Commission for Social Development had faced in fulfilling its task. One difficulty had been the inadequacy of social standards and indicators, which were essential if social development was to be assessed in all its components. Resolution 1748 (LIV) also invited the United Nations Research Institute for Social Development to undertake further studies on the matter in order to enable the Commission more effectively to apply the unified approach in its review of the Second United Nations Development Decade. During the First United Nations Development Decade, emphasis had been placed on economic aspects; however, it was imperative to strive for greater social balance if very serious problems were to be avoided.

43. The reorganization of the Department of Economic and Social Affairs had been a matter for concern to the Commission for Social Development, not because of the changes in the Council's administrative machinery as such, but in connexion with the grave responsibilities entrusted to the Commission, especially in reviewing and appraising social problems. The fact that the Assistant Secretary-General for Social Development and Humanitarian Affairs was present and participating in the work of the Committee had certainly helped to allay that concern.

44. Referring to chapter XXIII of the Council's report, dealing with the work of the Commission on Human Rights, she emphasized the ceaseless efforts and the impressive achievements of that body in promoting the rights and freedoms of men and women the world over. The Commission on Human Rights faced the difficult uphill task of freeing the world from racism and racial discrimination. Although that task had not been completed, the fact that many members of the Third Committee represented countries which had been colonies only a few years before was proof of the great progress achieved. There was no doubt that the principles of the Universal Declaration of Human Rights were widely accepted and that, as a result, the present need was not so much to insist on concepts as to perfect strategies to combat those evils at the international and national levels. With a sense of realism, it

⁵ See E/AC.57/8.

⁶ *Official Records of the Economic and Social Council, Fifty-fourth Session, Supplement No. 5.*

was already possible to imagine a world free of racism and racial discrimination. Once those problems had been overcome, new and equally important ones would arise, such as those deriving from scientific and technological progress and the status of women in the world. Those problems were already among the concerns of the United Nations, and especially the Economic and Social Council, but action in those areas should be broadened.

45. Turning to chapter XXIX of the report, she said that she was pleased that the draft resolution submitted to the Co-ordination Committee,⁷ concerning the merging of the Commission on the Status of Women and the Commission for Social Development, had not been adopted. There was no question that the sponsors of the draft had been motivated by concern for women's problems, but such a merger would not have promoted the struggle to eliminate discrimination against women. That struggle was a triple process of identification, improvement and integration. In the case of the problems of women, the first stages had not been completed, and it should be remembered that equality was the only basis for integration. The reorganization and expansion of the Economic and Social Council, referred to in chapter XXIX of the report, provided evidence of the Organization's capacity for adapting its institutional framework to new demands in international life.

46. Mr. VALDERRAMA (Philippines) said that he found it alarming that drug abuse had increased in volume, in geographical extent and in number of people affected, especially among young people, who would be the leaders of tomorrow. Fortunate indeed was the country that was not menaced by that evil. The adoption of appropriate measures at the national level and concerted international action was essential to solve the problem. In the Philippines, the "social scourge" of modern times was being combated with the participation of the Government and the private sector, and action was also being taken at the regional and international levels. In 1972, the Dangerous Drugs Act had come into force, initiating an official campaign against drug abuse, one aspect of which was the inclusion of instruction on the harmful effects of drugs in school curricula. The police were engaged in a campaign against drug trafficking, and the Anti-Smuggling Action Centre was actively combating drug smuggling, including narcotics. The Food and Drug Administration was authorized to order the closure, or suspend or revoke the licence, of any drug firm found violating laws and regulations governing the sale and distribution of dangerous and narcotic drugs. In the private sector, the Narcotics Foundation of the Republic of the Philippines had begun operations in 1971, and another organization, the Drug Abuse Research Foundation, operated rehabilitation centres and conducted an educational programme against the dangers of drugs.

47. In 1967 his Government had ratified the Single Convention on Narcotic Drugs, 1961; the 1971 Convention on Psychotropic Substances and the 1972 Protocol Amending the Single Convention were still under consideration. In addition, in view of the serious general concern over the problem of drug abuse, his Government supported the United Nations Fund for Drug Abuse Control, and his delegation was pleased to be a sponsor of draft resolution A/C.3/L.2087 and to

support draft resolution A/C.3/L.2083. It would also support draft resolution A/C.3/L.2088.

48. In conclusion, he emphasized the importance of the activities of INCB and the United Nations Fund for Drug Abuse Control and their efforts in helping to curb the drug problem. He hoped that more Governments would contribute to the Fund so that it could offer assistance to all countries, especially the developing countries.

49. Mr. PAPADEMAS (Cyprus) said that, with the exception of the destruction of the environment, drug abuse was the most dangerous non-violent phenomenon of the present day. It was a global problem to which no society was immune.

50. His country did not have a drug abuse problem but, because of its geographical position, it had to contend with drug trafficking. In recent years, unscrupulous traders had attempted to use the country as a link in the drug smuggling route to Europe. His Government, however, remained vigilant and was confident of success in protecting not only its own people but also the people of the rest of the world. Thus, it had supported the establishment of the United Nations Fund for Drug Abuse Control from the outset, and it supported all international efforts both within and outside the United Nations to control the abuse of drugs and psychotropic substances. He was pleased to announce that, two days previously, his Government had acceded to the 1971 Convention on Psychotropic Substances, and that the Chamber of Deputies had already ratified the 1972 Protocol Amending the Single Convention.

51. His delegation supported all the draft resolutions on the subject before the Committee, and hoped that the debate would contribute to efforts made within the framework of the Fund to counter the dangers of drug abuse.

52. Mrs. RAKOTOFIRINGA (Madagascar) expressed concern about the restrictive wording of operative paragraph 4 of draft resolution A/C.3/L.2083, which seemed to seek to confine the benefits of technical and financial assistance under the Fund to those countries of Asia and Latin America mentioned in operative paragraph 2 of the draft resolution. While she recognized the gravity of the problem of illicit traffic, illicit production and abuse of narcotic drugs in those regions and was aware of the efforts being made by those countries to solve the problem, she saw no reason for disregarding the needs of other countries and the efforts they were making to prevent the problem from becoming irremediable. They could not be deliberately precluded from receiving assistance which should be available to all, without any kind of discrimination; furthermore, the title of the draft resolution referred to assistance to the developing countries in the field of narcotics control, without making any distinction. At the fifty-fourth session of the Economic and Social Council, Madagascar had given information about the narcotic drugs programme which it had initiated because it was situated on the illicit drug traffic route.

53. Mr. COSTA COUTO (Brazil) said that Brazil endorsed the comments made by Madagascar, because it should be possible for countries outside Asia and Latin America—and especially for countries in Africa—to benefit from technical and financial assistance for the effective elimination of illicit traffic, illicit production

⁷ E/AC.24/L.450.

and abuse of narcotic drugs. If the sponsors of draft resolution A/C.3/L.2083 agreed, the words "mentioned above", in operative paragraph 4, might perhaps be deleted. Furthermore, in the same paragraph, after the words "Fund and", the words "according to their capacities" might be inserted, which would bring the text into line with draft resolution

A/C.3/L.2087 and the resolution adopted at the previous session. The purpose of the small change he suggested was to provide a guideline for potential support of the Fund from the developing and the developed countries.

The meeting rose at 5.45 p.m.

2043rd meeting

Thursday, 29 November 1973, at 10.45 a.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2043

AGENDA ITEM 12

Report of the Economic and Social Council [chapters V (section A), XXI (sections A and C), XXII to XXV, XXIX and XXX (section B)] (concluded) (A/9003 and Corr.1, A/C.3/L.2048, 2073, 2083, 2086, 2087, 2088)

1. The CHAIRMAN invited the Committee to consider draft resolutions A/C.3/L.2083, A/C.3/L.2087 and A/C.3/L.2088, on narcotic drugs control.

2. Mr. CHAVANAVIRAJ (Thailand) said that the problem of narcotics control had always been of particular concern to his Government, since it believed that narcotic drug addiction was a threat to the well-being and progress of society and the international community. Although Thailand had a relatively small drug addiction problem, the Thai Government had first initiated an intensive campaign against dangerous drugs in 1959 and, more recently, had been working in close co-operation with the United Nations. In 1962, the United Nations had participated in a government survey on the problem of illicit opium production, and the dispatch of United Nations missions to Thailand in 1967 and 1970, in accordance with General Assembly resolution 2434 (XXIII), had led to the establishment of the United Nations-Thailand Programme for Drug Abuse Control in 1971. Over a period of five years, the United Nations Fund for Drug Abuse Control, with UNDP playing a co-ordinating role, would provide more than \$2 million for that Programme. Counterpart funds from the Thai Government would amount to about \$5 million. The purpose of the Programme was to achieve the progressive replacement of opium cultivation by other agricultural activities which would provide a higher standard of living in villages in remote parts of northern Thailand.

3. The implementation of the Programme required a sacrifice on the part of his Government because it had to divert a large part of its national development budget to that Programme and other related programmes. Because of its firm stand on the issue of narcotics control, however, it attached high priority to that Programme and the King of Thailand had taken a personal interest in it and had initiated and financed projects for economic assistance to village tribes. Those projects included field trials and agricultural extension work in villages where the poppy had been a subsistence cash crop for generations. In addition to the replacement of

opium cultivation, an important feature of the Programme was the social and economic development of certain key villages and neighbouring satellite villages. Many government Departments and two universities were also participating in the Programme. As proof of its success, he noted that some 30 villages had voluntarily given up opium cultivation for experimentation with other agricultural activities, such as vegetable farming and cattle and poultry breeding.

4. His Government realized that the drug problem could not be eliminated overnight by mere legislation or resettlement of village peoples and emphasis had therefore been given to treatment and rehabilitation programmes for addicts. The United Nations-Thailand Programme also included a project for the treatment and rehabilitation of addicts which would be implemented shortly. Efforts would be made to seek out and treat drug-dependent persons in urban and rural areas. A work plan was also being prepared for his Government's programme of public information and preventive education on narcotic drugs and psychotropic substances and the consequences of their abuse, which would be carried out in close co-operation with WHO and UNESCO. The Programme had received valuable support from the United Nations and agencies such as FAO, WHO, the ILO, UNESCO and WMO, as well as UNICEF.

5. His Government, with bilateral assistance, was responsible for law enforcement and the strengthening of measures against illicit traffic. It had introduced stringent controls and seizures of drugs had greatly increased in recent years, particularly in the "golden triangle" on the borders of Laos, Burma and Thailand. Since the end of 1972, all police stations in the country had been authorized to handle the detection and investigation of narcotics cases and the Police Department had set up a Narcotics Crime Suppression Centre for improved efficiency and promptness in the handling of drug cases.

6. His delegation had appreciated the statement by the representative of the Acting Executive Director of the United Nations Fund for Drug Abuse Control at the preceding meeting concerning the current and future activities of the Fund and hoped that it would receive continuing assistance to enable it to carry out its drug abuse control projects.

7. His delegation was glad to be a sponsor of draft resolution A/C.3/L.2083. It also supported and would vote in favour of draft resolutions A/C.3/L.2087 and

A/C.3/L.2088 and hoped that they would be adopted unanimously.

8. Mr. CABRERA MUÑOZ LEDO (Mexico) said his delegation was of the opinion that draft resolutions A/C.3/L.2083, A/C.3/L.2087 and A/C.3/L.2088 constituted proof of the political will of Governments to co-ordinate and strengthen efforts to combat illicit traffic in narcotic drugs. Those draft resolutions would thus strengthen the programme of action which the United Nations was undertaking to combat illicit drug production, traffic and consumption. That programme had four main purposes, namely, the promotion and support of measures taken by Governments, either individually or with bilateral and multilateral co-operation, for the consolidation of the campaign against drug abuse; the promotion of accession to treaties relating to narcotic drugs; the strengthening of the United Nations Fund for Drug Abuse Control; and the granting of technical and financial assistance to countries which required it in order to fulfil their commitments as parties to treaties relating to narcotic drugs.

9. His delegation had therefore become a sponsor of draft resolutions A/C.3/L.2087 and A/C.3/L.2088 and also fully supported draft resolution A/C.3/L.2083. It hoped, however, that the sponsors of draft resolution A/C.3/L.2083 would be able to accept the suggestions made by the representatives of Madagascar and Brazil at the preceding meeting. Finally, he wished to point out that only a few constitutional matters remained to be resolved before Mexico acceded to the 1971 Convention on Psychotropic Substances.

10. Mr. NASSER-ZIAYEE (Afghanistan) said that the sponsors of draft resolution A/C.3/L.2083 had agreed to accept the amendment to operative paragraph 4 proposed at the preceding meeting by the delegations of Brazil and Madagascar. They had also agreed to replace the words "mentioned above" by the words "directly concerned" in the same paragraph.

11. Mr. SHEN (China) said it was well known that, in the past, imperialism had marketed opium in China and had poisoned the Chinese people, thus causing them great suffering. Since the establishment in 1949 of the People's Republic, however, the country had been combating the use of opium. In 1950, the Government had banned opium and had prohibited its illegal production, as well as the sale of narcotic drugs except for medicinal purposes. Thus, in a relatively short time, and as a result of the education of the people, the opium scourge had been eliminated. Serious problems of drug abuse existed, however, in other countries and international co-operation to control it was therefore necessary.

12. For that reason, at the twenty-seventh session of the General Assembly, his delegation had voted in favour of the texts adopted as resolutions 3012 (XXVII) and 3014 (XXVII) and had taken part in the twenty-fifth session of the Commission on Narcotic Drugs, which had been held at Geneva early in 1973. It would vote in favour of draft resolutions A/C.3/L.2083 and A/C.3/L.2087, but would abstain in the vote on draft resolution A/C.3/L.2088, which was still being studied by the relevant departments in China.

13. Mr. SAYAR (Iran) said that his delegation fully supported draft resolutions A/C.3/L.2087 and A/C.3/L.2083 and that his Government attached great

importance to the efforts being made by developing countries to deal with the problem of illicit traffic. His delegation therefore hoped that those draft resolutions would be adopted unanimously.

14. Mrs. RAKOTOFIRINGA (Madagascar) said that her delegation was pleased that the delegation of Afghanistan had accepted its amendment to operative paragraph 4 of draft resolution A/C.3/L.2083. Her delegation would now be able to support that draft resolution.

15. The CHAIRMAN invited the Committee to consider the draft resolution recommended by the Economic and Social Council in its resolution 1785 (LIV) and contained in document A/C.3/L.2048, and the amendments to it contained in document A/C.3/L.2086.

16. Mr. COSTA COUTO (Brazil) said that his delegation fully supported the draft resolution contained in document A/C.3/L.2048. It also supported in principle the amendments contained in document A/C.3/L.2086, but it had serious reservations concerning operative paragraph 1 of the third amendment because it was repetitive and also because it was somewhat illogical to recommend to Member States to make all possible efforts to implement the Standard Minimum Rules for the Treatment of Prisoners before such Rules had been included in their national legislation. The wording of operative paragraph 2 of the draft resolution contained in document A/C.3/L.2048 was therefore preferable. His delegation would accordingly reserve its position with regard to the amendment in question if it was retained by its sponsors.

17. Mr. EVDOKEEV (Union of Soviet Socialist Republics) said with regard to documents A/C.3/L.2048 and A/C.3/L.2086 that the Commission on Human Rights had not considered the draft principles relating to equality in the administration of justice at its twenty-ninth session and had adopted only a procedural resolution in that respect (resolution 5 (XXIX)).¹ It would be premature for the Committee to adopt a draft resolution calling on States to give due consideration to principles which had not yet been adopted by the Economic and Social Council or the General Assembly. Those draft principles should again be considered by the Commission on Human Rights before the General Assembly could recommend that they should be implemented.

18. Also, his delegation agreed with the observations made by the Brazilian delegation concerning the amendments contained in document A/C.3/L.2086. In view of those considerations, it would abstain in the vote on the draft resolution contained in document A/C.3/L.2048.

19. Mrs. WARZAZI (Morocco) said that the draft principles had also not been discussed in the Third Committee and it would be difficult for the Committee to vote on the draft resolution contained in document A/C.3/L.2048. Her delegation, for its part, could not vote in favour of a draft resolution calling on States to give consideration, when formulating legislation, to draft principles which had not yet been adopted by the General Assembly.

¹ See *Official Records of the Economic and Social Council, Fifty-fourth Session, Supplement No. 6, chap. XX.*

20. Miss CAO PINNA (Italy) recalled that the draft principles had been prepared by a Special Rapporteur and that when the Commission on Human Rights had taken up the relevant subitem at its twenty-ninth session, it had been decided that they might be regarded as setting forth valuable norms, as was stated in operative paragraph 2 of the draft resolution contained in document A/C.3/L.2048. In that text the Economic and Social Council had gone even further by including the words "with a view to arriving at an elaboration of an appropriate international declaration or instrument" in operative paragraph 2, although it had not set a time-limit for that purpose.

21. The amendments proposed in document A/C.3/L.2086 did not change the substance of the draft principles, but, rather, complemented them by suggesting that a new part B should be added to the draft resolution. The sponsors of the amendments had proposed that addition because, since the adoption of General Assembly resolution 2858 (XXVI), there had been further developments with regard to the draft principles, as well as in the consideration of the Standard Minimum Rules for the Treatment of Prisoners by the Working Group of Experts. Moreover, the draft resolution of the Economic and Social Council concerning the draft principles had been circulated on 6 November 1973 and delegations had therefore had sufficient time to study them.

22. With regard to the observations made by the Brazilian representative, she could not agree that operative paragraph 1 proposed in the third amendment in document A/C.3/L.2086 was repetitive in the light of operative paragraph 2 of the draft resolution contained in document A/C.3/L.2048. The measures proposed in the two paragraphs were obviously different, although the questions of the draft principles and the Standard Minimum Rules were not unrelated. It was necessary to recommend to Member States to make all possible efforts to implement the Rules because it had been recognized by the Working Group of Experts that attention should be given to their further dissemination and effective implementation.

23. Mr. EVDOKEEV (Union of Soviet Socialist Republics) said he wished to clarify the position of his delegation. The General Assembly had before it a great many draft resolutions and documents; none of them, however, could be considered definitive until the Assembly itself had adopted the relevant texts. The draft resolution contained in document A/C.3/L.2048 and the amendments in document A/C.3/L.2086 referred to draft principles the consideration of which had not yet been completed. The discussion in the Commission on Human Rights had been procedural in nature, because many of the replies of States to the questionnaire sent by the Secretary-General had not yet been received. It would therefore be premature for the Committee to adopt either the amendments or the draft resolution as a whole.

24. Mr. GRAEFRATH (German Democratic Republic) said his delegation was not in a position to vote for the draft resolution contained in document A/C.3/L.2048 because the draft principles had not yet been examined by the Committee. It was not appropriate to appeal to Governments to approve draft principles.

25. Miss CAO PINNA (Italy) said she did not agree with the representative of the Soviet Union that the debate on the draft principles in the Commission on Human Rights had been of a procedural nature. The Commission had expressed the opinion that they set forth valuable norms; that was a substantive judgement. If the Soviet delegation did not agree with that judgement, it was free to abstain in the vote. Although the Economic and Social Council had not examined the draft principles in detail, it had adopted the draft resolution submitted by the Commission on Human Rights by a large majority, with very few abstentions.

26. She wished once more to draw attention to the fact that the third amendment in document A/C.3/L.2086 did not deal with the draft principles but with the Standard Minimum Rules for the Treatment of Prisoners. The amendment was designed to bring the draft resolution more closely into alignment with General Assembly resolution 2858 (XXVI), which had two parts, one dealing with the draft principles and the other with the Standard Minimum Rules. She appealed to the Soviet delegation not to create difficulties in the consideration of the draft resolution, which was not formulated in strong terms but merely took note of developments in connexion with the relevant resolution adopted by the Assembly at its twenty-sixth session.

27. Mrs. WARZAZI (Morocco) said her delegation had no difficulty with the amendment proposed as part B of the draft resolution; its difficulty was with the first part of the draft resolution itself, which mentioned resolutions adopted by the Commission on Human Rights and the Economic and Social Council. It must be remembered that those two bodies were subsidiary organs, whose resolutions were subject to final approval by the General Assembly.

28. It did not make sense to speak of draft principles that had not been studied by the Committee, particularly when the preamble of the draft resolution itself mentioned the fact that Governments had very different approaches to those draft principles. The most reasonable course of action would be to have the Committee study the draft principles and then adopt a draft resolution based on that discussion.

29. Mr. COSTA COUTO (Brazil) said that, in view of the clarifications made by the sponsors of the amendments contained in document A/C.3/L.2086, his delegation would no longer have reservations in that connexion.

30. It still had doubts regarding the draft resolution contained in document A/C.3/L.2048. It was clear from the report of the Commission on Human Rights² that the draft principles had not been examined in depth, principle by principle, by the Commission. The situation had been even more serious in the Economic and Social Council, which had not received the report of the Commission until 48 hours before beginning its discussion of the item. In the Social Committee and the plenary of the Council, his delegation had protested against such a violation of the three-week rule and had announced its decision not to participate in the vote on any draft resolutions submitted by the Commission. He formally announced that his delegation would follow the same course of action with regard to the draft resolution that was before the Committee.

² *Ibid.*, chap. VII, paras. 127-135.

31. Mr. EVDOKEEV (Union of Soviet Socialist Republics) assured the Italian representative that he had no desire to create artificial obstacles to the Committee's consideration of the draft resolution. His delegation merely approached the matter from a factual standpoint; the draft principles were nothing but a draft, and it would therefore be premature to recommend to States that they should be guided by them. They had not been thoroughly examined by the Commission on Human Rights and, furthermore, the Standard Minimum Rules had not been considered either by the Commission on Human Rights or the Economic and Social Council.

32. Mr. VELA (Guatemala) agreed with the views expressed by the Brazilian and Soviet representatives. His delegation had constitutional difficulties regarding operative paragraph 2 of the draft resolution contained in document A/C.3/L.2048 and had reservations concerning operative paragraph 1 proposed in the amendments contained in document A/C.3/L.2086. He would vote for the draft resolution, with reservations regarding operative paragraph 2, and would abstain on the amendments.

33. The CHAIRMAN put the draft resolutions contained in documents A/C.3/L.2083, A/C.3/L.2087 and A/C.3/L.2088 to the vote.

Draft resolution A/C.3/L.2083, as orally revised, was adopted by 89 votes to none, with 8 abstentions.

Draft resolution A/C.3/L.2087 was adopted by 91 votes to none, with 8 abstentions.

Draft resolution A/C.3/L.2088 was adopted by 93 votes to none, with 9 abstentions.

34. The CHAIRMAN put the amendments contained in document A/C.3/L.2086 to the draft resolution contained in document A/C.3/L.2048 to the vote.

The first amendment was adopted by 56 votes to 8, with 26 abstentions.

The second amendment was adopted by 54 votes to 8, with 28 abstentions.

35. Mrs. WARZAZI (Morocco), speaking on a point of order, said that since the third amendment in document A/C.3/L.2086 constituted an entire new section, namely part B, of the draft resolution, it could be considered a separate draft resolution, and the Committee should vote first on the draft resolution itself, which would be part A.

36. The CHAIRMAN ruled that the Committee was required to vote first on the amendment contained in document A/C.3/L.2086.

The third amendment was adopted by 52 votes to 8, with 35 abstentions.

37. The CHAIRMAN invited the Committee to vote on the draft resolution contained in document A/C.3/L.2048, as amended.

38. Mr. COSTA COUTO (Brazil) requested a separate vote on part A of the draft resolution, i.e. the text appearing in document A/C.3/L.2048 without the addition proposed in the amendment which had just been adopted.

The text was adopted by 60 votes to 1, with 33 abstentions.

The draft resolution contained in document A/C.3/L.2048, as a whole, as amended, was adopted by 59 votes to 1, with 41 abstentions.

39. Mr. ALFONSO (Cuba) said that his delegation had abstained in the vote on the three draft resolutions relating to drug control. In the first place, it still had certain reservations concerning the planning of the United Nations Fund for Drug Abuse Control; moreover, his Government, which had signed the Single Convention on Narcotic Drugs, 1961, believed that that document contained adequate provisions for narcotics control and that no additional instruments on the subject were necessary. Also, operative paragraph 4 of draft resolution A/C.3/L.2087 placed undue emphasis on the obligations of developing countries under the Single Convention, without taking account of other obligations which fell generally on all States parties. His delegation's vote should not be taken to indicate a lack of understanding of the efforts made by countries in which drugs were produced to eliminate traffic in such drugs. He believed that the provisions of the Single Convention and the work of the International Narcotics Control Board provided a favourable basis for international co-operation in that field.

40. Turning to the texts which had been adopted relating to human rights in the administration of justice, he said that his delegation had voted against them for the reasons which had been set out by the representatives of the Soviet Union and Morocco. Consideration of the whole question, and especially the study of the draft principles, was at an initial stage, and it was premature to call upon Member States to take the draft principles into account. Nevertheless, his delegation's negative vote should not be taken as a reflection on the technical quality of the document, which his delegation intended to study further.

41. Mr. VAN WALSUM (Netherlands) said that his delegation's positive vote on draft resolutions A/C.3/L.2083 and A/C.3/L.2087 should not be interpreted as indicating a wish on the part of his Government to make a new financial contribution to the Fund. Moreover, its positive vote on draft resolution A/C.3/L.2088 did not prejudice his Government's position on the possibility of acceding to the Convention on Psychotropic Substances and the 1972 Protocol Amending the Single Convention on Narcotic Drugs. Discussion in his country on the national and international policies the Government should adopt in the field of drug control had now reached a decisive stage.

42. Mr. SHEN (China) said that his delegation had voted in favour of the draft resolution contained in document A/C.3/L.2048, but had not participated in the vote on the amendments to it. His delegation agreed that offenders should be given humanitarian treatment, and it put that belief into practice. The treatment of offenders should not be restricted simply to detention or imprisonment, but should include measures to encourage them to reform.

43. Mr. SRINIVASAN (India) said that his delegation had voted in favour of all the draft resolutions relating to drug control. However, he wished to make clear that his Government might not be in a position to provide any of the financial assistance which was referred to in draft resolutions A/C.3/L.2083 and A/C.3/L.2087, although it might be able to offer technical assistance.

44. Mr. MESSING-MIERZEJEWSKI (representative of the Acting Executive Director of the United Nations Fund for Drug Abuse Control and of the Director of the Division of Narcotic Drugs) expressed appreciation of the efforts of those who had initiated, or intended to initiate, important programmes in the field of drug abuse control, and especially Turkey, Thailand and Afghanistan. He also expressed appreciation of all contributions to the United Nations Fund for Drug Abuse Control and of the kind references to the work of his Office.

45. Miss ILIĆ (Yugoslavia) drew attention to Economic and Social Council resolution 1749 (LIV), relating to migrant workers, which had been introduced on the initiative of her delegation, among others, and had been adopted unanimously. She wished to express to the Secretariat and to the United Nations as a whole her delegation's appreciation of the action which had already been taken to put that resolution into effect.

46. Mr. LEHTIHET (Algeria) said that, in view of the large number of questions dealt with in the report of the Economic and Social Council, his delegation would concentrate on the one it considered to be especially important, namely, the question of migrant workers. At the twenty-fourth session of the General Assembly, his delegation and others had drawn the attention of the Committee, during the debate on the elimination of all forms of racial discrimination, to the special situation of migrant workers.

47. His delegation was particularly concerned about the need for ensuring protection of and respect for the human dignity of such workers, who were subjected to discrimination in regard to employment, housing and training. The international community should appeal to the Governments of countries receiving migrant workers to respect their fundamental rights, their ethnic integrity and their cultural heritage. Migrant workers, obliged to leave their own countries because of the under-development resulting from colonialism, contributed to the development of the countries that received them and were quite justified in expecting more humane treatment.

48. If not checked by the competent authorities, the racist and xenophobic campaigns that were sometimes directed against migrant workers could seriously jeopardize relations between States.

49. His delegation hoped that, with the support of the international community and the goodwill of the Governments of receiving countries, the situation of migrant workers would improve.

50. His delegation was following with interest the discussion of the question in the Commission for Social Development and would also be interested in the outcome of the 1974 session of the International Labour Conference. The recommendations to Governments regarding the well-being of migrant workers that were contained in Economic and Social Council resolution 1749 (LIV) would help protect them against mass dismissal and other discriminatory measures.

51. His delegation noted with satisfaction the work being done by the ILO on behalf of migrant workers. The ratification of ILO Convention No. 97 concerning migration for employment (revised 1949)³ by a greater

number of countries would make it possible to improve the situation of migrant workers and ensure respect for their human dignity.

52. Mr. VALTASAARI (Finland) said his delegation had already stated in various forums that the United Nations social and economic activities were among those in which it had its greatest potential for achievement. Over the preceding few years, ways and means of transforming that potential into action had been intensively discussed, and one conclusion, reproduced in chapter XXIX of the report of the Economic and Social Council, had been that an institutional prerequisite for change was the reorganization and simplification of the Council's activities. The first task was to concentrate the work of the Council on a limited number of major policy issues. He drew attention to Economic and Social Council resolution 1807 (LV) and its call for restraint in adding to the items on the Council's agenda. It was clear that what the Council could achieve depended greatly on General Assembly decisions.

53. There was great concern on the part of the world community about the capacity of the United Nations family for action in the economic and social fields. The interplay between the Second and Third Committees, on the one hand, and the Economic and Social Council on the other, in promoting change was a crucial factor. The Third Committee constituted the direct link between policy-making forces in Member States and the United Nations machinery for shaping and implementing policy decisions. That function was not being properly fulfilled by the Third Committee. While the Second Committee annually devoted several weeks to a general discussion of development questions on the basis of the Council's report, the Third Committee traditionally devoted much less time to the social aspects of development policy. He recalled that, since the beginning of the Second United Nations Development Decade, the well-being of the individual had been taken as the point of departure, bringing the social aspects of development to the forefront.

54. His country had been one of the original proponents of the unified approach to development planning. The growing support for the unified approach among the developing countries themselves had been reflected in the efforts of the Working Party on Review and Appraisal to prepare a working paper for submission to the Second Committee, which had established the Working Party. As could be seen from the report it had submitted, under agenda item 46, the Working Party had now agreed that:

"top priority should be given in programmes to social and economic solutions which are truly sound, far-reaching and integral. These solutions are implicit in a correct concept of development which, starting from internal structural changes necessary in the light of the special characteristics of each country, encompass all the key sectors whose balanced growth is essential for the achievement of a self-sustained growth of national economies. These structural changes, which are a prerequisite for any integrated development process, include *inter alia* the control and sovereignty over natural resources, the modification of land tenure systems, as well as other measures as required in order to promote independent self-sustaining economic growth and social justice. This process is inseparable from another pro-

³ See *Conventions and Recommendations, 1919-1966* (International Labour Office, Geneva, 1966).

cess of a social character which calls, in conformity with national plans and priorities, for the raising of employment rates to the highest possible level, income redistribution, combating the problems of expatriation of local capital and the brain drain, and the over-all solution of problems such as health, nutrition, housing and education.”⁴

In his view, that clear language indicated that the concept of the development process had become significantly more diversified since the adoption of the International Development Strategy.

55. The Third Committee would sooner or later need to devote time on a regular basis to a general analytical discussion of the social aspects of development—something it had done so far only in connexion with the report on the world social situation, every fourth year. There would also be a need for much closer co-ordination with the Second Committee. Furthermore, he recalled that the time for the mid-term review and appraisal was approaching, and that 68 developing countries had proposed a special General Assembly session devoted to international economic co-operation in the spring of 1975.

56. Mr. GOLOVKO (Ukrainian Soviet Socialist Republic) observed that the Commission for Social Development, the Commission on Human Rights and the Economic and Social Council itself had devoted a great deal of attention to various social and human rights questions. His delegation attached particular importance to Economic and Social Council resolution 1746 (LIV), on a question which was of crucial importance to social progress and development. Such progress was inconceivable without measures to strengthen national independence, introduce radical democratic transformations and fundamental agrarian reform and ensure active State control over national resources, as well as a whole range of other measures promoting the elimination of all forms of discrimination and exploitation.

57. He also wished to draw attention to Council resolution 1747 (LIV), which called for a unified approach to development analysis and planning, and contained important recommendations for policies which would ensure the establishment of social equality and justice, the improvement of standards of living and the establishment of a close tie-up between planning and national goals. Economic growth was not an end in itself, and could lead to a substantial improvement in social conditions only if economic resources were directed towards the solution of social problems in a purposeful manner.

58. Economic and Social Council resolution 1751 (LIV) concerning the aged was also of great importance.

59. In the human rights field, the Council had adopted a decision concerning the draft Convention on the Suppression and Punishment of the Crime of *Apartheid*. His delegation was convinced that the Convention would be an important instrument in the struggle

against *apartheid* and racism. The Council had also considered the programme for the Decade for Action to Combat Racism and Racial Discrimination, prepared by the Commission on Human Rights. The wide range of measures set out in the programme would make it possible to achieve the objective of equality among all human beings irrespective of race, colour or origin.

60. His delegation felt that the Commission on Human Rights could be more productive if its attention was not diverted from consideration of the urgent problem of gross and massive violations of human rights to discussion of minor and secondary items which were clearly tendentious in nature.

61. Mr. LÖFGREN (Sweden) regretted the conditions in which the Committee worked, which had militated against a more thorough discussion of the Economic and Social Council report as a whole. The problem was not a new one, but thought should be given to ways and means of remedying it.

62. A specific matter dealt with in that report was the question of capital punishment. The question had been the subject of very detailed discussion at the fifty-fourth session of the Council. His Government's position on the matter was well known, and had been reflected by the statement of the Swedish Minister for Foreign Affairs during the general debate in the General Assembly (2149th plenary meeting).

63. His delegation had derived great encouragement from reading the final report of the World Congress of Peace Forces, held in Moscow during October. He noted with interest the strong and timely condemnation of the increasing use of torture. In connexion with capital punishment, the report stated that the right to life was inalienable and should be protected by law, and that States should move towards the total abolition of capital punishment. The right to life also raised the problem of the right to refuse to kill. His delegation felt that that important statement should be reflected in the records of the Third Committee.

64. The CHAIRMAN noted that the Committee had completed its consideration of agenda item 12.

AGENDA ITEM 63

Human rights and scientific and technological developments: report of the Secretary-General (continued)*
(A/9075, A/9227, A/C.3/L.2050/Rev.2, 2060 and Corr.1, 2074, 2076, 2077 and Corr.1, 2089, 2090, 2091)

65. Mr. COSTA COUTO (Brazil) said that his delegation wished to withdraw its amendments in document A/C.3/L.2074 to draft resolution A/C.3/L.2051/Rev.1. He expressed appreciation to the sponsors of draft resolution A/C.3/L.2050/Rev.2 for incorporating his ideas into the new version of the draft resolution.

The meeting rose at 12.55 p.m.

⁴ See A/C.2/L.1329, para. 33. The recommendation of the Working Party was adopted by the General Assembly in its resolution 3176 (XXVIII) of 17 December 1973.

* Resumed from the 2037th meeting.

2044th meeting

Thursday, 29 November 1973, at 3.25 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2044

AGENDA ITEM 63

Human rights and scientific and technological developments: report of the Secretary-General (*continued*)
(A/9075, A/9227, A/C.3/L.2050/Rev.2, 2060 and Corr.1, 2074, 2076/Rev.1, 2077 and Corr.1, 2089, 2090, 2091, 2095)

1. The CHAIRMAN noted that the Committee had before it two revised draft resolutions on the item under consideration. Amendments to draft resolution A/C.3/L.2076/Rev.1 were contained in document A/C.3/L.2091, to which there were several subamendments. Draft resolution A/C.3/L.2050/Rev.2 incorporated the amendments that had been proposed by Brazil (A/C.3/L.2074) and by Zaire (A/C.3/L.2077 and Corr.1). Amendments to that draft resolution had also been submitted by Morocco (A/C.3/L.2060 and Corr.1), by Belgium, Ireland, Italy, the Netherlands, Tunisia and Uruguay (A/C.3/L.2089) and by Australia and the United Kingdom (A/C.3/L.2090); there were also several subamendments to those amendments. In view of the large number of amendments that had been proposed, he suggested that members should restrict themselves to speaking on the two draft resolutions and the amendments and subamendments that had already been tabled. Although there was nothing in the rules of procedure to prevent them from submitting oral amendments to the amendments and subamendments already before the Committee, he suggested that members should refrain from doing so as that would open the way to the submission of yet more changes to the new subamendments.

2. Miss FAROUK (Tunisia) said that delegations could not be prevented from submitting new subamendments if they so wished. She therefore appealed to the Chairman to leave the matter to the discretion of members.

3. The CHAIRMAN said that, if the Committee agreed, the sponsors of the draft resolutions or amendments could revise their texts upon the suggestion of members without the necessity of submitting new amendments. If such suggestions were not incorporated into the texts in question, the Committee would have to allow them to be submitted orally and put to a vote.

4. Mr. NENEMAN (Poland) introduced the revised draft resolution contained in document A/C.3/L.2050/Rev.2, which represented a genuine effort on the part of the sponsors to incorporate as many as possible of the amendments submitted by Morocco (A/C.3/L.2060 and Corr.1), Brazil (A/C.3/L.2074) and Zaire (A/C.3/L.2077 and Corr.1). An important change had been made in the title, which now read: "Preservation and further development of cultural values". The change had been made in response to one of the Moroccan amendments (A/C.3/L.2060 and Corr.1) and to the general feeling that the question was in a way broader

than was implied by the title of the item itself. That feeling was also reflected in the final operative paragraph, which requested the inclusion of an item with the new heading in the provisional agenda of the thirty-first session of the General Assembly.

5. Although the sponsors had been able to accept most of the amendments to which he had referred, several others had been submitted too late to allow for a careful examination. His own delegation had submitted a subamendment (A/C.3/L.2095) to the amendments contained in document A/C.3/L.2089. If its subamendment was accepted, his delegation would be prepared to accept those amendments; otherwise, they would have to be put to the vote.

6. The amendments proposed by Australia and the United Kingdom (A/C.3/L.2090) had been submitted unduly late. His delegation was prepared to accept, although with some hesitation, the first, third and fourth amendments and the first part of the sixth. It could not, however, accept the remaining ones, which were contrary to the intent of the draft resolution. Poland naturally favoured cultural exchange, but it also advocated the protection of national culture. Some countries had the means to protect their own culture and disseminate information about it, and they should do so; but most countries did not have such means and there was a danger that information would flow in only one direction.

7. In his opinion, the Committee could choose one of two alternative procedures: to allow for the amendments in question to be negotiated with the sponsors of the draft resolution, or to leave members free to act on them if they saw fit. The views he had just expressed were those of his own delegation and not of all the sponsors of the draft resolution.

8. Mrs. SEKELA (Zaire) congratulated the Director-General of UNESCO on his brilliant statement at the 2024th meeting. Her delegation noted with satisfaction that the report contained in document A/9227 placed very special emphasis on the preservation of cultural values. In the view of her delegation, colonialism constituted the basis of the economic, social and cultural dualism that existed in many countries of the third world. The colonizers had not only imposed their own cultural values, but had established a set of values which relegated the traditional cultures of the colonized countries to the background and hindered their creative spirit. The newly independent countries were aware of that and were making an effort to reawaken their creative spirit. That did not mean that the results of contacts with other civilizations would be completely eliminated; on the contrary, it meant that they would be assimilated into the positive aspects of the traditional cultures and adapted to the new social and economic structures.

9. With that in mind, the Republic of Zaire had been host to the third Special Congress of the International

Association of Art Critics, held in September 1973. At the conclusion of its session, the Congress had adopted a resolution deploring the fact that the African countries had been deprived of a large part of their artistic heritage because of the clandestine export or the fraudulent appropriation of their traditional works of art. The same resolution suggested the establishment in Africa of a documentation centre through which a regular system of exchange and information among African artists, critics and historians and their foreign colleagues would be set up.

10. Her delegation was grateful to the sponsors of draft resolution A/C.3/L.2050 for the spirit of co-operation they had shown in accepting its amendments (A/C.3/L.2077 and Corr.1), which had been inspired by the work of the Congress of Art Critics she had mentioned and by paragraph 19 of the report of the Director-General of UNESCO.

11. Miss CAO PINNA (Italy) introduced the amendments contained in document A/C.3/L.2089. They were inspired by the dynamic and creative concept that the sponsors had of culture. They did not deny the right of each country to preserve its own culture, but considered that contacts and exchanges with other cultures were a vital element for the development of each culture. The preservation of national culture was, more than a right, a deep-seated instinct which kept a cultural heritage alive. In the modern world, however, it was accompanied by a deep desire for contacts and exchanges, as had been observed by the Director-General of UNESCO in his report. In the absence of such contacts and exchanges, each culture would withdraw within itself and there would be no flow of knowledge and ideas and no freedom of movement for individuals. Draft resolution A/C.3/L.2050/Rev.2 did not reflect that dynamic and creative concept of culture, which the sponsors of the amendments believed was shared by all members of the Committee. The expression "development of cultural values" as it was used in the draft resolution seemed to be conceived as a rotating movement on a single axis, that of the national culture. The sponsors of the amendments proposed the inclusion of one new preambular paragraph and one new operative paragraph that would create some balance between the preservation of national culture and its development through contacts and exchanges with other cultures.

12. She had not had time to consult with the other sponsors of the amendments with regard to the Polish subamendment (A/C.3/L.2095). Her delegation agreed that exchanges and contacts should be conducted on the basis of equality, and would therefore be prepared to incorporate the first part of the subamendment, on the understanding that no reference should be made to the volume of exchanges, as that would create difficulties. With regard to the second part, her delegation felt that reference to the concept of sovereignty would introduce a political element that should not affect cultural contacts and exchanges. She therefore asked whether the Polish delegation would accept the replacement of that part of its subamendment by the words "and with due respect for friendly relations among States". Furthermore, that aspect was already covered by the fourth preambular paragraph of the draft resolution. Finally, she said that in the first of the amendments which she had introduced, the word "also" should be deleted, in view of the revised wording of the draft resolution.

13. Mr. VALDERRAMA (Philippines) said that his delegation believed it was speaking on behalf of the other sponsors of draft resolution A/C.3/L.2050/Rev.2 in accepting the ninth amendment in document A/C.3/L.2090. He felt that the first amendment in document A/C.3/L.2089 was of no relevance since operative paragraph 4 of the draft resolution was explicit on the subject of the international exchange of information. The second amendment could be accepted with the modification proposed by the representative of Poland (A/C.3/L.2095).

14. Mr. WIGGINS (United States of America) endorsed the amendments introduced by the representative of Italy (A/C.3/L.2089), and deemed it appropriate that Italy should be the spokesman of an open society, in view of the role played by that country for centuries in the cultural field. He did not wish to distort the intent of the representative of Poland, but, while understanding that the latter was not opposed to the exchange of ideas, he pointed out that cultures which did not open their doors to external influences exposed themselves to domination.

15. His delegation considered that the draft resolution in its second revision represented an improvement on the initial text, but it also thought that the amendments introduced by Italy would improve it still further. In the context of culture and cultural influences, a reference to the principle of sovereignty would introduce an undesirable political element. The alternative wording suggested by Italy would be an acceptable compromise.

16. Mr. MACRAE (United Kingdom) said that he regretted the lateness with which the amendments contained in document A/C.3/L.2090, proposed by the delegations of Australia and the United Kingdom, had been submitted. He thanked the delegation of Poland for the views expressed in that connexion, as well as the sponsors of draft resolution A/C.3/L.2050/Rev.2 for having accepted some of the amendments.

17. The draft resolution in its second revision was a much better text than the previous one, but did not, in his view, reflect the balance referred to in the observations and the report of the Director-General of UNESCO. Although the representative of Poland had stated that the draft resolution sought to protect national cultures and not to isolate them, it seemed to reflect a somewhat restrictive attitude, and he felt that the text could not be amended in a fully satisfactory manner except by means of a drastic revision. The amendments submitted by his delegation and that of Australia did not go as far but aimed at giving the text better balance. They were based on the belief that culture was in its very essence dynamic and open, not static and closed. There was no such thing as a truly indigenous culture since every culture was the product of diverse influences albeit operating over a long time period. The exchange of cultural experiences and ideas was an essential element in cultural evolution. Moreover, the language used in the draft resolution stressed the notion of society more than that of the individual. Society was itself composed of individuals whose importance needed to be borne in mind. Other amendments were designed to redress that balance too.

18. Mr. CABRERA MUÑOZ LEDO (Mexico) pointed out that, while draft resolution A/C.3/L.2050/Rev.2 included almost all the proposed amendments to the first revision of that text, his delega-

tion wished to take up once again two amendments proposed by other delegations, which had not been included in the second revision. The amendment in document A/C.3/L.2074 referring to operative paragraph 1 (a) proposed the replacement of the words "and form a system of ideas promoting national integration" by "and promote national integration". Respecting the spirit and essence of the latter wording, his delegation proposed the following alternative version: "and help to promote national integration", in view of the fact that many of the institutions referred to—e.g., certain museums—would not necessarily have as one of their specific purposes the promotion of national integration. The amendment in document A/C.3/L.2060 and Corr.1 referring to operative paragraph 1 (d) (ii) called for the deletion of the words "social and ideological", a proposal which his delegation fully supported. It also supported the amendments contained in document A/C.3/L.2089, and endorsed the subamendment submitted by Poland in document A/C.3/L.2095. Moreover, he suggested that it would be appropriate to mention in the third preambular paragraph the full title of the report of the Director-General of UNESCO. The existing wording of the fifth preambular paragraph caused him some difficulty, since he did not consider it appropriate to state that "the value and dignity of each culture . . . is a basic right of all peoples". The value and dignity of cultures was the very essence of peoples. His delegation thought that what was a basic right of all peoples was "the ability to preserve and develop the value and dignity of each culture, as well as its distinctive character".

19. Mr. EVDOKEEV (Union of Soviet Socialist Republics) said he attached great importance to the development of science and technology, because it opened new horizons for the promotion of other values. Moreover, the development of science and technology was an irreversible process, resulting from the creative activity of man, and could be an important factor in the expansion of cultural values. Admittedly, it could give rise to new problems, which were often solved not for the benefit of societies but for certain powerful groups, thereby increasing inequalities. For example, in the industrialized capitalist countries where scientific and technological development was used to enrich a certain group at the expense of the masses, thousands of persons found themselves unemployed as a result of automation. Technological progress could also be used to bring pressure to bear on other countries, and when used to increase armaments production it became a threat to society as a whole. Those were the negative aspects of technological progress which must be dealt with, having regard not only to the aspects in which scientific and technological development could jeopardize the world's ecological balance, but also to the need to ensure respect for human rights and the security of the peoples of the world. Society as a whole had made enormous progress, but many problems remained to be solved if that progress was to be maintained. Technological research could contribute substantially to a solution of those problems, but it was essential that the United Nations should set priorities to ensure progress for all mankind. Draft resolution A/C.3/L.2076/Rev.1 recognized the contribution which scientific and technological progress could make to social development and peace.

20. His delegation welcomed and was prepared to support draft resolution A/C.3/L.2050/Rev.2, which dealt with the preservation and development of cultural values at a time of great technological advances. Unfortunately, the draft amendments had been distributed very late, despite the fact that the initial text had been submitted a month earlier. For that reason, his delegation had been unable to study them in detail, and reserved the right to speak after it had examined them carefully.

21. Mrs. WARZAZI (Morocco) considered that scientists were the apostles of progress, which was synonymous with the well-being and happiness of all mankind. Anything which might constitute an obstacle to peace and to the health and well-being of human beings was contrary to the true objectives of science and technology. It was not, therefore, the progress of science which should be criticized, but those who exploited such progress for their own ends and to the detriment of others. Accordingly, it was natural that her delegation should fully share the views expressed by the Secretary-General and by the Director-General of UNESCO in their reports on the matter, which deserved careful study. Science was not only compatible with culture, but also, to a certain extent, a safeguard of the transcendental value of culture, and should never constitute an obstacle to cultural development.

22. Scientific progress had made the world smaller, and it was no longer possible for anyone to remain isolated behind frontiers, although all peoples had the right to defend their own culture when it was in danger of subjugation. However, national culture should not be preserved as an art object. Culture must be a living entity in order for cultural values, readily accessible to all, to contribute to the progress of society and to develop with society.

23. Her delegation had studied with interest the revised draft resolution in document A/C.3/L.2050/Rev.1, and had observed, among other things, that operative paragraph 1 did not reflect the spirit of the title of the text. Item 63 referred to human rights and the protection of such rights, and the question of human rights was understood to involve the individual within society. Article 27 of the Universal Declaration of Human Rights provided that participation in cultural life was one such right. The sponsors of the draft resolution should have drawn up a text coinciding with the objectives laid down at the International Conference on Human Rights, held at Teheran in 1968, at which the question of human rights and scientific and technological progress had been examined for the first time.

24. In view of all those considerations, her delegation had submitted certain amendments (A/C.3/L.2060 and Corr.1) aimed at humanizing the draft resolution, which did not once mention the human rights of the individual as such, and a reading of which gave the impression that it was intended for ignorant masses, composed of passive and nondescript beings without any idea of the value of their cultural heritage. She was therefore pleased that the sponsors of the draft resolution had accepted the amendments submitted by her delegation. The draft resolution aimed primarily at defending the right of States to educate their peoples, but such education should not be based solely on the cultural criteria of

the State; it should also take into account the fact that every person had the right to participate fully in the cultural life of the community and in the entire process of protecting and developing cultural and moral values.

25. Mr. PAPADEMAS (Cyprus) considered that the report by the Director-General of UNESCO was a unique document of its kind because it was the first one dealing with the important topic under consideration which would be widely disseminated among Governments. However, he did not agree with UNESCO's position on the subject of culture, science and technology, because, until quite recently, culture and science might have gone hand in hand, but in modern times science was considered to have taken precedence over culture. At one time, culture had provided guidelines for the development of science, and technology had been part of that development. The discoveries made in the scientific field had given rise to the belief that culture no longer occupied a privileged position but was a by-product of technology. The Second World War had been followed by the emergence of the post-atomic culture, created by technology in the service of science. A point had been reached where even in the United Nations, and within the Third Committee itself, human rights and scientific and technological developments had to be studied as a basic human problem, since the injudicious use of science and technology could gradually destroy human rights as they destroyed cultural values.

26. Culture now seemed to have no place outside a museum. Buildings and monuments were being destroyed to make way for a new culture which revolved around technology: the culture of the space age. Cultural values were becoming confused as a result of the rapid development of technology and because the ordinary human mind could not grasp or digest all the information with which it was bombarded daily by the media. Since the ordinary man could not understand the data derived from extreme scientific specialization, he had, to some extent, become a slave to the products of a few specialized circles.

27. He was sorry that such an important item had been allocated insufficient time for the in-depth examination it required. Following the dictates of the modern age, the Third Committee was working under pressure and trying to cover all the items on its agenda, producing resolutions that had not been thoroughly studied.

28. The Committee had two draft resolutions before it and Cyprus would vote for both, although it did not entirely agree with them. The first draft (A/C.3/L.2076/Rev.1) dealt with what science and technology could offer in terms of material security. His country considered that material security was an aspect of the problem but by no means the whole problem. The other draft (A/C.3/L.2050/Rev.2) dealt with culture as if it were a thing of the past, created by man's forebears and preserved only in museums. He proposed that the draft resolutions and amendments should be given further study and put to the vote on the following day.

29. Mr. VON KYAW (Federal Republic of Germany), referring to draft resolution A/C.3/L.2050/Rev.2, said that his delegation had no difficulty with the general concept that national cultural values needed to be specifically promoted, but it was concerned about placing too much emphasis on na-

tional values without paying proper attention to the parallel need for interplay of national cultures to avoid cultural isolation. He drew attention to paragraph 32 of the report by the Director-General of UNESCO (see A/9227) and urged delegations to give closer consideration to the amendments in documents A/C.3/L.2089 and A/C.3/L.2090.

30. Mr. TRAVERT (France) said that the new change proposed orally by Italy would make it possible for his delegation to accept the Polish subamendment in document A/C.3/L.2095.

31. Mrs. GEORGE (Trinidad and Tobago), referring to the amendments in document A/C.3/L.2089, said that her delegation could accept them with the subamendment submitted by Poland (A/C.3/L.2095). With regard to the amendments in document A/C.3/L.2090, her delegation could accept the first, fourth and ninth, but not the second, third or fifth through eight. It had some doubts about the tenth amendment but would not oppose it.

32. Mr. EVDOKEEV (Union of Soviet Socialist Republics) said that some of the amendments in documents A/C.3/L.2090 and A/C.3/L.2091 would introduce cosmopolitan elements into the texts concerned and could thus pave the way for imperialist interference in the affairs of States. For example the second amendment in document A/C.3/L.2090 would prevent countries from preserving their own cultures, and the third amendment would similarly deny society the privilege of preserving its culture.

33. Mr. GRAEFRATH (German Democratic Republic) said that his delegation welcomed the subamendment submitted by Poland (A/C.3/L.2095) to the second amendment in document A/C.3/L.2089. But it could not accept the first amendment in that document because it did not subscribe to the view that the preservation of national culture would lead to a division of the world.

34. Mr. WIGGINS (United States of America) said that he was glad that the Polish delegation had been able to accept some of the changes proposed, but was sorry that it could not agree to the amendments submitted by Australia and the United Kingdom (A/C.3/L.2090) to operative paragraph 1 (d). The amendments proposed by Morocco (A/C.3/L.2060 and Corr.1) were extremely constructive, and his delegation agreed with the idea of emphasizing individual differences within society as such. It also agreed with the United Kingdom delegation that the effect of the draft resolution seemed to be to close, rather than to open up, societies to outside influences, and was quite certain that the text of the Australian and United Kingdom amendments did not reflect any thought of imperialist interference.

35. Mr. NENEMAN (Poland) thanked the delegations that had supported draft resolution A/C.3/L.2050/Rev.1, and particularly the delegations of the German Democratic Republic, the USSR and the United States, which had said that the sponsors had shown considerable flexibility. He expressed special appreciation to the Moroccan delegation whose amendments (A/C.3/L.2060 and Corr.1) had added clarity to the text. He wished to explain to the representative of Mexico, that some of his suggestions had been taken into account in the initial text but had been lost in the course of the negotiations aimed at producing a

compromise text. As for the amendments submitted by Australia and the United Kingdom (A/C.3/L.2090), he said that out of a total of 10, the sponsors of the draft resolution had accepted four, which was quite a high number.

36. Miss CAO PINNA (Italy) said that her delegation wished to maintain the change it had proposed orally to the Polish subamendment (A/C.3/L.2095). It certainly had political connotations, but the concept of sovereignty embodied in the subamendment was political, and all States accepted it as such.

37. At the request of the CHAIRMAN, Mr. LÜTEM (Secretary of the Committee), referring to the amendments in document A/C.3/L.2090, explained that the first and fourth amendments, part of the sixth amendment—to replace the words “members of society” by “people”—and the ninth amendment had been accepted. The third and fifth amendments in that document had been rejected, as had the second part of the sixth amendment—to delete everything from “and form” onwards—and the seventh, eighth and tenth amendments.

38. The CHAIRMAN announced that a vote would be taken on the amendments and subamendments to the revised draft resolution (A/C.3/L.2050/Rev.2), in the order of the paragraphs they affected, on the parts of the text that had been changed as a result and, lastly, on the draft resolution as a whole.

The first of the amendments in document A/C.3/L.2089, as orally revised, was adopted by 70 votes to 5, with 20 abstentions.

The second of the amendments in document A/C.3/L.2090 was rejected by 41 votes to 28, with 25 abstentions.

The third of the amendments in document A/C.3/L.2090 was rejected by 51 votes to 20, with 27 abstentions.

The fifth of the amendments in document A/C.3/L.2090 was rejected by 41 votes to 28, with 28 abstentions.

The second part of the sixth of the amendments in document A/C.3/L.2090 was rejected by 44 votes to 14, with 34 abstentions.

The seventh of the amendments in document A/C.3/L.2090 was rejected by 38 votes to 23, with 34 abstentions.

The eighth of the amendments in document A/C.3/L.2090 was adopted by 35 votes to 26, with 34 abstentions.

Operative paragraph 1 (d), as amended, was adopted by 46 votes to 2, with 27 abstentions.

The subamendment (A/C.3/L.2095) to the second of the amendments in document A/C.3/L.2089 was adopted by 75 votes to 2, with 19 abstentions.

The new operative paragraph proposed in the second of the amendments in document A/C.3/L.2089, as amended, was adopted by 95 votes to none, with 4 abstentions.

The tenth of the amendments in document A/C.3/L.2090 was rejected by 52 votes to 17, with 26 abstentions.

Draft resolution A/C.3/L.2050/Rev.2, as a whole, as amended, was adopted by 100 votes to none, with 4 abstentions.

The meeting rose at 6.35 p.m.

2045th meeting

Friday, 30 November 1973, at 3.10 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2045

AGENDA ITEM 63

Human rights and scientific and technological developments: report of the Secretary-General (concluded)
(A/9075, A/9227, A/C.3/L.2076/Rev.1, A/C.3/L.2091/Rev.1, A/C.3/L.2094, A/C.3/L.2095)

1. Mr. SCHREIBER (Director, Division of Human Rights) said that the Secretary-General had prepared a note (A/9075) informing members of the Committee about the progress of work on the question of human rights and scientific and technological developments. The note reviewed the work done by the General Assembly and the Commission on Human Rights since the adoption of General Assembly resolution 2450 (XXIII), on which the study of the question was based. It also indicated the approaches applied to that study by the General Assembly and the Commission after considering the relevant reports of the Secretary-General.

2. He recalled the provisions of General Assembly resolution 3026 B (XXVII), and pointed out that

paragraph 9 of the note by the Secretary-General contained a list of the documents prepared to date on the matter. Paragraph 11 listed the documents that the Secretary-General hoped to be in a position to submit to the Commission on Human Rights at its thirtieth session, in 1974, since the Commission had decided to give the item high priority at that session. The report mentioned in paragraph 11 (a), on the uses of electronics which could affect the rights of the person and the limits which should be placed on such uses in a democratic society, was undergoing revision. It was being submitted in fascicles to a liaison group appointed by the Advisory Committee on the Application of Science and Technology to Development, as well as to certain specialized agencies and several consultants, for their comments.

3. The third preliminary report on the impact of scientific and technological developments on economic, social and cultural rights, mentioned in paragraph 11 (c), referred to the right to rest and leisure and the right to social security. At its thirtieth session, the Commission

would also have before it a WHO document on the right to health in the light of scientific and technological progress. The Commission would likewise have before it a document containing information received from UNESCO regarding the impact of scientific and technological progress on the rights set forth in article 26, paragraphs 1 and 2, and article 27 of the Universal Declaration of Human Rights, which dealt with the right to education and culture and copyright.

4. Mr. LOSHCININ (Byelorussian Soviet Socialist Republic) introduced the revised draft resolution contained in document A/C.3/L.2076/Rev.1. He said that during the preceding week his delegation had held intensive and very fruitful consultations regarding the text, as could be seen from the fact that it was now also sponsored by the delegations of Cuba, Nigeria and Trinidad and Tobago.

5. The revised draft took account of the suggestions and proposals made by several delegations of non-aligned countries and reflected the position adopted at the Fourth Conference of Heads of State or Government of Non-Aligned Countries, held at Algiers in September 1973. The sponsors were particularly grateful to the delegations of Algeria, Brazil, the Philippines and Jamaica for the additions they had suggested; most of the proposals submitted had been accepted.

6. The purpose of draft resolution A/C.3/L.2076/Rev.1 was positive: to activate international co-operation so that scientific and technological developments might be used to promote the welfare of peoples and the realization of their right to self-determination and independence. It contained some very important points, such as the one in the seventh preambular paragraph. Operative paragraph 4, however, stressed the negative side of scientific and technological developments; the Secretary-General and the ILO, UNESCO, WHO and other specialized agencies were invited to pay particular attention to the problem of the protection of the population against social and material inequalities as well as other harmful effects which might arise from the use of scientific and technological developments, and the Secretary-General was requested to submit a report on the subject to the thirtieth session of the General Assembly. The sponsors had held consultations with the Secretariat and had been assured that it would have no difficulty in preparing and submitting the report within the time-limit specified.

7. He was pleased to report that consultations had been held with the United Kingdom delegation, and, of the nine amendments originally submitted by that delegation in document A/C.3/L.2091, there remained only the three appearing in document A/C.3/L.2091/Rev.1, which the sponsors had been unable to accept. In the first of those amendments, the United Kingdom proposed that in operative paragraph 3 the words "*Emphasizes that*" should be replaced by "*Recognizes that where it exists*". That would mean recognizing something that was currently taking place, but the scope of the draft resolution was much broader. Wars of aggression, interference in the domestic affairs of States, and the like, could take place not only at the present time but also in future; if they did, they would also constitute violations of the Charter. With regard to the second amendment, providing for the inclusion of a new operative paragraph 4, he

stressed that one of the purposes of the text was to emphasize the negative aspect of scientific and technological developments. The inclusion of the proposed new paragraph would undermine the entire structure of the draft, as it would destroy the balance between the reference in the preamble to the positive side of scientific and technological developments and the paragraph pointing out the negative side.

8. The purpose of the last United Kingdom amendment was to avoid setting a time-limit for the submission of the report requested of the Secretary-General in the draft resolution. He recalled that in the preceding four or five years the Third Committee had been unable to consider any of the Secretary-General's reports on the item, some of which had been submitted directly to the General Assembly and the Committee. If the amendment was adopted, another six or seven years might elapse before the General Assembly studied the question. He therefore insisted that a report should be prepared and submitted to the General Assembly at its thirtieth session. It would, of course, be better if it could be submitted at the twenty-ninth session, but in view of the difficulties the Secretariat would have in preparing it, the sponsors had felt it was reasonable to set the thirtieth session as the time-limit. If the United Kingdom pressed its amendment, the sponsors of the draft resolution would be prepared to accept a compromise arrangement whereby the information would be submitted to the Commission on Human Rights at its thirty-first session and the report would be submitted to the General Assembly at its thirtieth session.

9. Mr. MACRAE (United Kingdom) said that the amendments submitted by his delegation (A/C.3/L.2091/Rev.1) reflected a criterion different from the one adopted by the sponsors of draft resolution A/C.3/L.2076/Rev.1. The text submitted by the Byelorussian Soviet Socialist Republic stressed the negative aspects of scientific and technological developments, whereas the United Kingdom considered that there was reason to be optimistic about the subject, since scientific and technological developments had been generally beneficial for all mankind. Thanks to the co-operation of the sponsors, some of his amendments had been incorporated into the draft; however, others had not been accepted. The first two amendments in document A/C.3/L.2091/Rev.1, which should be considered together, would make the draft resolution more balanced. While it was true that scientific and technological developments could have negative consequences for mankind, the misuse of such developments was the exception rather than the rule. That was why the United Kingdom proposed the new operative paragraph 4, which stated that the effects of scientific and technological developments had been generally beneficial for all mankind and held out great potential for the future. That was, in effect, the message that the draft resolution should convey.

10. The third United Kingdom amendment was mainly concerned with the rationalization of work. Paragraphs 9, 10 and 11 of the note by the Secretary-General (A/9075) showed that a large number of studies had already been prepared and that only a few of them had been thoroughly examined. The purpose of draft resolution A/C.3/L.2094, mentioned in the amendment, was to ensure that the Commission on Human Rights concentrated on the item at its next session. If

that draft resolution was adopted, the Commission should study all aspects of the problem, then refer it to the Economic and Social Council, and then to the General Assembly. The Assembly should not study any item piecemeal: it should examine it in depth and as a whole. The United Kingdom could not accept the compromise solution proposed by the Byelorussian delegation; the only purpose of the third United Kingdom amendment was to ensure the rationalization of work.

11. Mr. VAN WALSUM (Netherlands) introduced, on behalf of the delegations of France and the Netherlands, the draft resolution in document A/C.3/L.2094, concerning the study undertaken by the Secretariat in compliance with resolution 2450 (XXIII), adopted five years earlier by the General Assembly. The note by the Secretary-General (A/9075) contained a list of documents prepared in the course of the study, most of which had not yet been considered by the Commission on Human Rights. At the Commission's twenty-ninth session introductory statements had been made concerning those documents, but in April 1973 the Commission had decided, for want of time, to postpone further consideration of them until its thirtieth session, and to give high priority to the item at that session. The purpose of the draft resolution was to indicate to the Commission on Human Rights that the General Assembly had taken note of the Commission's decision, thus showing the importance it attached to the study in question. The sponsors of the draft resolution felt the need to introduce it in order to emphasize that draft resolution A/C.3/L.2050/Rev.2, of which France was a sponsor, did not cover the whole field of the item under consideration. The submission of a second draft resolution (A/C.3/L.2076/Rev.1) by the Byelorussian delegation clearly showed that there was no end to the concepts that could be included under the heading "human rights and scientific and technological developments".

12. Mr. SCHREIBER (Director, Division of Human Rights), referring to the remarks made by the United Kingdom representative, said that in his introductory statement he had briefly reviewed the progress of work on the studies requested by the General Assembly and the Commission on Human Rights. When the studies on the uses of electronics which could affect the rights of the person in the fields of biology, medicine and chemistry were completed, the Division would deal with the question referred to in paragraph 1 (d) of General Assembly resolution 2450 (XXIII), namely the balance which should be established between scientific and technological progress and the spiritual, cultural and moral advancement of humanity. As in the case of the other studies, account would be taken in that overall study of the concerns expressed in operative paragraph 4 of draft resolution A/C.3/L.2076/Rev.1, and the study might be available in 1976. The Byelorussian representative had referred, in conversations with the Secretariat and the specialized agencies, to the possibility of preparing a special report on the questions referred to in operative paragraph 4. He had said that the sponsors of the draft resolution would be satisfied if that special report was based on the studies already completed and those that would be prepared for submission before the thirtieth session of the General Assembly, covering the various aspects of those questions, and synthesized the existing studies and those in preparation for 1975, particularly by the ILO and UNESCO. In the circumstances the Secretary-General

in collaboration with the ILO, UNESCO, WHO and other specialized agencies, would do everything possible to ensure that the report could be submitted at the thirtieth session of the General Assembly.

13. Mr. RIOS (Panama) regretted that, in view of the importance of the topic under consideration, it had not been discussed at greater length, and felt that it was important to support draft resolution A/C.3/L.2094, which reflected concern over that fact. The declared aim of the Director-General of UNESCO and of the sponsors of the draft resolutions on the question was to try to reduce the possible adverse effects of scientific and technological developments on the distinctive character of cultures. The basic characteristic of the age, as far as cultural phenomena were concerned, was the trend towards uniformity, as endless examples could show. Another characteristic was the will to achieve justice and material welfare, and the advent of what might be termed a planetary civilization. The trend towards uniformity in material conditions, and in economic and social infrastructures, was the result of the twentieth-century ethos: everywhere there was a feeling for justice that reflected a universal type of culture, and, at all cultural levels, methods and techniques from other levels had to be applied in the solution of problems.

14. Although it was inevitable that some forms of social life should suffer as that process evolved, in many cases the forms, customs and traditions thus affected were actually obstacles to progress. The disappearance of cultural forms, particularly in the social and economic field, could not be avoided if they created situations that needed to be remedied by technological progress, and if they were basically in conflict with the human rights upheld by the United Nations. History was made up of movement and change, and the way to advance into the twenty-first century without losing the values accumulated from earlier centuries was to incorporate into the new forms created by progress the positive and assimilable values handed down by tradition. In that dynamic process of creation and constructive evolution of values it was not necessary to try to perpetuate anachronistic forms or outworn idiosyncrasies, which were to be found not only in developing countries, but also in countries that were technically advanced.

15. He gave an account of the development of the notion of culture from the eighteenth century to the present day, and said that the tidal wave of modernity was threatening not only the smaller, but even the more widespread cultures. Those that survived technological progress were those that were responsive to the immediate problems of life, while those that were swept away were those that were incapable of renewal. Furthermore, as ideas spread and cultural exchanges broadened with development, the defence of idiosyncrasies became a more critical operation, and it became more difficult to select the values and works to be protected by the United Nations, on the basis of its ethical and universal outlook, reflected in the Universal Declaration of Human Rights, and its programmes for social progress and technological development.

16. He went on to analyse the various historical forms of culture, and stressed the importance of style as a determining factor in any cultural manifestation. To end on an optimistic note, he said that there was no

certainly that there was a "general decline in the importance attached to the spiritual aspects of life", to quote from the observations of the Director-General of UNESCO (see A/9227), since the attendance at cultural events was greater than ever before. Moreover, for the first time in history, the international community had come to the rescue of the cultural heritage of nations, as in the case of Abu Simbel, and the temples of Cambodia.

17. In conclusion, he explained that the statement he had just made represented the contribution to the debate of one of Panama's representatives to the General Assembly at the current session, Mr. Roque Javier Laurenza, who for many years had participated in the work of UNESCO.

18. Mrs. RUSS (Romania) recalled that it was on the initiative of Romania that the item entitled "the role of modern science and technology in the development of nations and the need to strengthen economic and technico-scientific co-operation among States" had been included in the agenda of the twenty-fifth session of the General Assembly. She was pleased to see that there had been an increase both in concern with the problem and in efforts to deal with various aspects of it.

19. Science and technology now offered unprecedented means for solving the most difficult economic and social problems of the modern world. Her delegation did not share the more pessimistic view of the future of science, and believed that man was capable of using the achievements of modern science and technology for the development of mankind. That would have to be done within the economic, political and social framework of each country, and within the context of the promotion of international conditions that would ensure peaceful multilateral co-operation among States for the purpose of solving problems that affected all mankind. In stating that the contemporary technological and scientific revolution could and should have only beneficial consequences for man, she was well aware of the ambivalent nature of advances in modern science and technology, and of the danger that they might be used in a way that could threaten the existence of civilization, and of mankind itself. That demonstrated the importance of the political factor, at both the national and international levels, for the promotion of the use of science and technology for peaceful purposes. In view of those considerations, her delegation would support the revised draft resolution submitted by the Byelorussian delegation (A/C.3/L.2076/Rev.1).

20. Romania, as a sponsor of the revised draft resolution on the preservation and further development of cultural values (A/C.3/L.2050/Rev.2), was gratified at the adoption of that text which, in its opinion, would promote international co-operation in a field that was so important for life in the present-day world. Her delegation was convinced that a more far-reaching approach to the many aspects of the development of science and technology, viewed from the social and humanitarian standpoint, would benefit international co-operation, and would promote the welfare of human beings the world over.

21. Mr. PETROPOULOS (Greece) said that the speed and lack of continuity with which the Committee had considered the item relating to human rights and scientific and technological developments during the current session had not done justice to the importance

of the item, and had perhaps betrayed a state of mind which, excessively concerned with the requirements of technology and technological progress, might represent an obstacle to positive action in that field.

22. His delegation had found the report of the Director-General of UNESCO (see A/9227) and his statement to the Committee (2024th meeting) of great interest, and had hoped that they would give rise to a fruitful exchange of views. However, since such an exchange of views was not possible, he wished to single out a number of very pertinent points in the report which the Committee had not had time to deal with at length. For example, the report stated that the use made of science and technology was a matter of culture, whereas in highly developed societies the requirements of technology were so overwhelming that they tended to create a set of values of their own, thus making culture subservient to technology. It was because industrial civilization was reducing the importance of spiritual values that it was now being challenged, particularly by young people.

23. His delegation did not believe that draft resolution A/C.3/L.2050/Rev.2, adopted at the preceding meeting, had fully spelt out the real issue. The draft resolution emphasized two things: preservation of culture and the efforts of Governments to make cultural values an integral part of development efforts. However, if the problem was not properly approached, the preservation of culture would be of little value, and culture would become nothing more than a reflection of a set of values imposed by technology. In addition, if cultural values were formed on the basis of the dictates of technology, there was little hope that mankind could escape the threat which technology posed. It would seem that mankind had entered into a vicious circle which was being given majority endorsement. His delegation had voted in favour of draft resolution A/C.3/L.2050/Rev.2 simply in order to keep the issue alive, in the hope that it would be given more meaningful consideration in the future.

24. Mr. GRAEFRATH (German Democratic Republic) welcomed the fact that the draft resolution submitted by the Byelorussian SSR (A/C.3/L.2076/Rev.1) stressed the responsibility of States to ensure that the results of scientific and technological developments were used in the interests of peace and social development, thus raising the issue which was central to the item before the Committee. That issue concerned the way in which scientific and technological development was to be integrated into social development so that it would not be detrimental to mankind and to the preservation of human rights: he had in mind both the rights of the individual and the rights of peoples and also peaceful coexistence among nations. Accordingly, his delegation supported operative paragraph 3 of the draft resolution and wished to point out that, although the misuse of science and technology in order to exploit and oppress peoples was a phenomenon which could not be separated from the violation of the right to personal freedom, it must be admitted that that misuse was potentially much more dangerous.

25. Scientific and technological developments did not occur in a vacuum: they were part and parcel of social development. The extent to which they were useful or detrimental to peoples depended less on science and technology than on the use to which States put them

and the policy they pursued—both at the national level and in international relations—in regard to their development. Human progress was closely connected with scientific and technological development, but by no means depended exclusively or directly on it. Before and during the Second World War, imperialist Germany had made use of scientific and technological developments in order to establish a highly efficient system of death camps equipped with gas chambers—one of the many examples of the misuse of science and technology. Scientific and technological development in order to promote the progress of mankind depended primarily on social conditions; as a result, that development was the responsibility of individual States, both in their national policies and in the sphere of international co-operation. That fact was clearly emphasized in operative paragraphs 1 and 2 of the draft resolution, and should serve to guide future work on the subject. Furthermore, at the current stage of scientific and technological development, special importance should be attached to the right to work, and special consideration should be given to measures which each State could adopt in that regard. For all those reasons, his delegation fully supported draft resolution A/C.3/L.2076/Rev.1.

26. Mr. SMIRNOV (Union of Soviet Socialist Republics) said that draft resolution A/C.3/L.2076/Rev.1 represented the minimum necessary basis for new studies on the need to ensure that scientific and technological developments were not detrimental to human rights, and that it had his delegation's enthusiastic support. He noted that the United Kingdom had withdrawn most of its amendments, but he pointed out that the three amendments which had been retained in the revised text (A/C.3/L.2091/Rev.1) were no more acceptable to his delegation than those which had been withdrawn. He was surprised at the prudence of the United Kingdom delegation with regard to the reference made in paragraph 3 of the draft to the Charter. It was obvious that in cases where the achievements of science and technology were not used to violate State sovereignty or human rights there would be no need to apply the provision relating to violations of the Charter; but it was also obvious that there were abuses of scientific and technological progress which had a detrimental effect on the welfare of mankind, and thus that progress was not, as the second United Kingdom amendment suggested, always beneficial. In the third amendment he detected an attempt to postpone consideration of the report which was requested. As a result, he could not accept the United Kingdom amendments.

27. Mr. WIGGINS (United States of America) welcomed the remarks of the representative of Panama, who had pinpointed what was lacking in the draft resolution adopted at the previous meeting (A/C.3/L.2050/Rev.2).

28. Draft resolution A/C.3/L.2076 had seemed to reflect the philosophy, fashionable in the United Kingdom during the previous century, in accordance with which machines were attacked as the cause of the social problems of the time. Science and technology, like machines, were produced by man and were not in themselves responsible either for harm or for good. With the United Kingdom amendments (A/C.3/L.2091), and especially those which related to the third and fifth preambular paragraphs, the revised

version of the draft constituted an improvement over the initial text. He acknowledged that technology gave rise to problems and could accentuate differences in society, but he did not believe that the damage it caused was especially widespread or especially frequent.

29. The reference in the seventh preambular paragraph to the arms race could refer to only two countries, the United States of America and the Union of Soviet Socialist Republics. Since the USSR was never described as colonialist and imperialist, the paragraph would seem to refer exclusively to the United States, which would thus be engaging in an arms race with itself, promoting colonialism, and so forth. Accordingly, his delegation would abstain in the vote.

30. Mr. LOSHCININ (Byelorussian Soviet Socialist Republic) said that he was not surprised that not all members of the Committee were happy with draft resolution A/C.3/L.2076/Rev.1, despite the fact that the sponsors had arrived at a compromise text so that it would be acceptable to a majority of delegations and could be adopted unanimously, as was the traditional practice.

31. The idea of drawing attention to the unfavourable aspects of scientific and technological developments had not originated with his delegation, but had emerged at a conference held in the Netherlands at which it had been noted that scientific and technological development could endanger fundamental freedoms. Furthermore, it was stated in the report of the Director-General of the ILO to the fifty-seventh session of the International Labour Conference¹ that the possibilities of using technology for the benefit or detriment of mankind were infinite. It was obvious that if scientific progress did not serve the cause of peace, it could result in the extermination of mankind, and that notion was the basis of the draft resolution.

32. Turning to the last amendment contained in document A/C.3/L.2091/Rev.1, whereby the report requested in the draft would be submitted to the Commission on Human Rights instead of the General Assembly, he re-emphasized that the result of that amendment would be that 5 or 10 years more would pass before the harmful effects of scientific and technological progress were discussed or measures adopted to remedy them. The sponsors could not accept that, and once again appealed to the United Kingdom delegation not to insist on the amendment. In addition, he had consulted with the Secretariat concerning the preparation of the report in question, and had been informed that it would not be available by the beginning of 1975, but that it could be prepared in time for consideration by the General Assembly at its thirtieth session. Accordingly, his delegation urged the adoption of draft resolution A/C.3/L.2076/Rev.1 without any further changes.

33. Mrs. MAIR (Jamaica) considered that the organization of work of the Committee, and the range of points of view represented in it, had made difficult the task of examining draft resolution A/C.3/L.2076/Rev.1. If the Committee had been able to discuss the matter in greater detail, it could have benefited by the experience and views of other delegations. In that respect, the representative of Saudi Arabia had pointed out (2037th meeting) other negative consequences of scientific and

¹ *Technology for Freedom—Man in His Environment—the ILO contribution* (International Labour Office, Geneva, 1972).

technological developments, such as the violation of privacy, which was currently only a secondary problem in developing countries, but which could become an important problem in the future. The world had also witnessed disasters brought about by the use of new scientific and technological advances for military purposes. In some cases, countries which had not reached a high stage of technological development had at their disposal modern weapons or sophisticated means of destruction.

34. Moreover, it was significant that the most important resolution adopted by the Commission on Human Rights at its twenty-seventh session, resolution 10 (XXVII),² referred to the threat to human rights of scientific and technological progress.

35. Finally, she said that her delegation had reservations about the United Kingdom amendments (A/C.3/L.2091/Rev.1), especially the second amendment.

36. Mr. BAROODY (Saudi Arabia) considered that while draft resolution A/C.3/L.2076/Rev.1 was not perfect, it covered to a considerable extent the possible ways of avoiding the harmful effects of scientific and technological progress. He agreed with the views expressed by the representative of Jamaica, and pointed out to the delegation of the Byelorussian Soviet Socialist Republic that the last preambular paragraph of the draft spoke of the need "to respect human individuality and dignity in the light of scientific and technological developments"; since it was not possible to respect something abstract, perhaps the intention was to refer to respect for the dignity of the human person. With regard to operative paragraph 2, he requested a clarification concerning the word "spiritual", since he did not understand how an atheist State might interpret it. He wondered whether it would not be better to speak, for example, of "material needs and moral standards".

37. With regard to the draft resolution submitted by France and the Netherlands (A/C.3/L.2094) he did not understand why it was regretted that the Commission on Human Rights had been unable to consider the item at its twenty-ninth session, since, with all due respect to the Commission, its decisions were not sacrosanct and could be transmitted to the Economic and Social Council and then to the Third Committee to be ratified, rejected or amended. He therefore did not consider the third preambular paragraph of that text justifiable. The Commission on Human Rights and the Economic and Social Council were responsible to the Third Committee, since the latter had established them to provide it with assistance, but was not obliged to carry out their decisions.

38. Referring to the seventh of the United Kingdom amendments in document A/C.3/L.2091, he did not quite see how the effects of scientific development held out great potential for the future. Such a statement seemed to him incomplete, and he also did not understand why the United Kingdom wished to underline the beneficial effects of scientific and technological developments, which were taken for granted and did not need to be emphasized. To spell them out would mean providing them with a cover if they were directed to evil purposes. On the other hand, it was important to stress

the harmful effects of technological progress, and the delegation of the United Kingdom might have failed to mention them because of its fear that if they were stressed, technological progress might be held up, although that could not possibly happen. What should be stressed was the pursuit of happiness as a natural goal. In general, he considered that amendments should be submitted when they were necessary in order to clarify a meaning, but not in order to express fears. He therefore gave his unqualified support to draft resolution A/C.3/L.2076/Rev.1, and expressed the hope that in future years it would be possible to make positive statements on the subject.

39. Mr. MACRAE (United Kingdom) regretted that the representative of Saudi Arabia had not been present when his delegation had explained the first and second amendments in document A/C.3/L.2091/Rev.1, which, taken together, struck a balance between the positive and negative aspects of scientific and technological developments. With reference to the judicious observation of the representative of Jamaica to the effect that the item had not been adequately discussed, his delegation fully shared that view, which was why it had proposed in its third amendment that the item should be the subject of a regular debate in the Commission on Human Rights before being examined by the General Assembly.

40. Comments had been made on the second amendment, but he felt that the general trend of the effects of scientific and technological developments was beneficial, and held out potential for the future. The purpose of the proposal, contained in the third amendment, to refer the matter to the Commission on Human Rights for consideration was not to postpone the debate for five or six years, as the representative of the Byelorussian Soviet Socialist Republic had said, but to work out reasonable recommendations, which he hoped would include a suggestion that the matter should be debated at an early date in the Economic and Social Council and the General Assembly. However, in the light of previous comments on the subject, his delegation withdrew the first part of the third amendment.

41. Mr. LOSHCININ (Byelorussian Soviet Socialist Republic) accepted the suggestion of the representative of Saudi Arabia that the wording of the eighth preambular paragraph of draft resolution A/C.3/L.2076/Rev.1 should be modified, and said that it had been reworded to read: "Reaffirming the right of peoples to self-determination and the need to respect human rights and fundamental freedoms, as well as the value and dignity of the human person in the light of scientific and technological developments". Referring to the observations of the representative of Saudi Arabia on the expression "spiritual needs", he pointed out that it implied not only the idea of religious needs but also that of the needs of peoples with regard to leisure, relaxation, intellectual, cultural and educational activities, and so on.

42. He was pleased to note that the delegation of the United Kingdom had withdrawn the first part of its third amendment (see A/C.3/L.2091/Rev.1), since he had been informed that the Secretariat could not have the information at its disposal before the second half of 1975, which meant that the Committee would not receive it until 1976. He urged the members of the Com-

² See *Official Records of the Economic and Social Council, Fifth Session, Supplement No. 4*, chap. XIX.

mittee to support the draft resolution in its existing form.

43. The CHAIRMAN gave the floor to delegations which wished to explain their votes before putting to the vote draft resolution A/C.3/L.2076/Rev.1 and the relevant amendments.

44. Mr. RIOS (Panama) said that his delegation would vote in favour of the second of the United Kingdom amendments (A/C.3/L.2091/Rev.1). There could clearly be no objection to the proposed new operative paragraph 4, and still less to the word "generally". If the word "generally" were omitted from the paragraph, his delegation would be unable to accept it, because while it was clear that in many cases scientific and technological developments might have been harmful, it was equally clear that they had "generally" been beneficial for mankind.

45. Mr. VALTASAARI (Finland) pointed out that while at the beginning his delegation had had difficulty with regard to operative paragraph 4 of draft resolution A/C.3/L.2076/Rev.1, after hearing the explanations of the Director of the Division of Human Rights, it was prepared to accept the paragraph on the understanding that it referred to a summary of the work which had been carried out or was being carried out within the United Nations system. Since Finland had always strongly supported the principle of co-ordination within the United Nations, it would also vote in favour of the third United Kingdom amendment. In addition, he would support the first of those amendments, because he considered it to constitute an improvement on the text.

46. Mr. COSTA COUTO (Brazil) said that his delegation would abstain on draft resolution A/C.3/L.2076/Rev.1, because, in his opinion that text did not give a clear view of the objectives envisaged. It took note of the efforts of the sponsors to improve the draft, and thanked the representative of the Byelorussian Soviet Socialist Republic for the kind and constructive way in which he had received its informal suggestions, but thought that the text nevertheless continued to be incomplete and unbalanced.

47. However, he recognized and commended the positive aspects of some of its paragraphs, such as operative paragraph 2, but could not agree with the one-sided and elitist approach of others. That was the case of the fifth preambular paragraph, which referred only to the negative aspects of scientific and technological development, and side-tracked its undeniable benefits. Even more unacceptable was operative paragraph 4, which also concentrated on the harmful effects which might arise from the use of scientific and technological developments, and completely ignored the fact that such progress gave developed countries the enviable capacity to provide their peoples with levels of well-being never previously enjoyed. He wondered whether the purpose of the sponsor of the draft resolution was "to save" the developing countries from the so-called "evils" of development, and whether they were suggesting that the developing countries should not fall into the same "mistake" of progress based on material benefits, should keep their development at the level of the good old times, and should spare themselves the anguish of free and sovereign choice. Such paternalistic intentions were astonishingly old-fashion-

ed and contrary to the position adopted by the Members of the United Nations.

48. Mrs. WARZAZI (Morocco), referring to the second of the United Kingdom amendments (A/C.3/L.2091/Rev.1), asked for a separate vote on two subamendments providing for the deletion of "on the other hand" and "for all mankind" respectively. If those subamendments were adopted they would make for a more balanced text.

49. Mrs. MARICO (Mali) said that the fact that her delegation had not spoken in the debate until that point was certainly not to be attributed to any lack of interest in the protection of human rights against the effects of sweeping advances in science and technology. While it was obvious that scientific and technological progress had, to some extent, been beneficial, especially in the third world countries, it had also been detrimental to ecology. For that reason, the United Nations, out of a concern to stop the havoc caused in that field by technological progress, had established the United Nations Environment Programme, with a secretariat in Africa. Her delegation would vote in favour of draft resolution A/C.3/L.2076/Rev.1 and had serious reservations concerning the amendments in document A/C.3/L.2091/Rev.1.

50. Mr. ALFONSO (Cuba) said that although, as a sponsor of draft resolution A/C.3/L.2076/Rev.1, it was inappropriate for him to explain his vote, he wished to comment on the remarks made by the representative of Brazil.

51. Mr. COSTA COUTO (Brazil), speaking on a point of order, said that the representative of Cuba was not explaining his vote but exercising his right of reply and he accordingly asked the Chairman for a ruling on the basis of rule 115 of the rules of procedure of the General Assembly.

52. The CHAIRMAN read out rules 115 and 130 of the rules of procedure and said that, since the voting and explanations of votes had already begun, he had to apply the provisions of rule 130 and he asked the representative of Cuba not to continue his statement.

53. It would be the normal procedure to vote first on the revised draft resolution (A/C.3/L.2076/Rev.1) and on the amendments in document A/C.3/L.2091/Rev.1 and subamendments thereto, but since one of those amendments related to draft resolution A/C.3/L.2094 he wished to invite the members of the Committee to vote on that draft resolution first.

Draft resolution A/C.3/L.2094 was adopted by 81 votes to none, with 16 abstentions.

The first of the amendments in document A/C.3/L.2091/Rev.1 was adopted by 41 votes to 37, with 25 abstentions.

Operative paragraph 3, as amended, of draft resolution A/C.3/L.2076/Rev.1 was adopted by 65 votes to none, with 26 abstentions.

The words "on the other hand" in the second of the amendments in document A/C.3/L.2091/Rev.1 were deleted by 49 votes to 22, with 30 abstentions.

The words "for all mankind" in the second of the amendments in document A/C.3/L.2091/Rev.1 were deleted by 51 votes to 21, with 28 abstentions.

54. Mr. LOSHCHININ (Byelorussian Soviet Socialist Republic), speaking on a point of order, said that his delegation had always tried to facilitate the Committee's proceedings. Thus, since two phrases in the paragraph proposed by the United Kingdom in its second amendment had been deleted, the sponsors of draft resolution A/C.3/L.2076/Rev.1 would be willing to accept that second amendment if the United Kingdom delegation agreed not to press its third amendment.

55. The CHAIRMAN said that, according to rule 130 of the rules of procedure, no changes could be made during the voting.

At the request of the representative of the United Kingdom, a vote was taken by roll-call on the second amendment, as amended, in document A/C.3/L.2091/Rev.1.

Mauritania, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Mauritania, Mexico, Mongolia, Morocco, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Romania, Saudi Arabia, Singapore, Somalia, Sri Lanka, Sudan, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Yugoslavia, Zaire, Zambia, Afghanistan, Algeria, Argentina, Australia, Austria, Bahamas, Bahrain, Barbados, Belgium, Bhutan, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Chile, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Ecuador, Egypt, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany (Federal Republic of), Guatemala, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Khmer Republic, Kuwait, Lesotho, Liberia, Libyan Arab Republic, Madagascar, Malaysia, Mali.

Against: None.

Abstaining: Nepal, Netherlands, Poland, Portugal, Spain, Sweden, Botswana.

The amendment, as amended, was adopted by 99 votes to none, with 7 abstentions.

In the case of the third of the amendments in document A/C.3/L.2091/Rev.1 there were 32 votes in favour, 32 against, and 39 abstentions.

The amendment was not adopted.

Draft resolution A/C.3/L.2076/Rev.1 as a whole, as revised and amended, was adopted by 81 votes to none, with 22 abstentions.

56. The CHAIRMAN recalled that several representatives had expressed regret that the item had not been given adequate consideration. In view of the importance of all the items on the agenda, only a limited amount of time could be allocated to each. However, he wished to point out that, at the current session, four of the Committee's meetings had been devoted to the item, whereas only one eighth of a meeting had been

devoted to it at the twenty-fifth session, a quarter of a meeting at the twenty-sixth session, and half a meeting at the twenty-seventh session. Thanks to the efforts made by the members of the Committee, it had now been possible to consider the item at greater length.

Mrs. Bertrand de Bromley (Honduras), Vice-Chairman, took the Chair.

57. Mr. MOREIRA (Portugal), speaking on a point of order, said that in the vote on draft resolution A/C.3/L.2076/Rev.1, his delegation had intended to abstain but had voted for the draft by mistake, and would like to place that correction on record.

58. Mrs. RAKOTOFIRINGA (Madagascar) said that, in voting for draft resolution A/C.3/L.2050/Rev.2 and the amendments to that draft resolution at the preceding meeting, her delegation had had three principles in mind: first, the return to the fountainhead, mentioned by the Director-General of UNESCO in his report (see A/9227) when referring to countries like her own, to which foreign cultures had been imported to the detriment of indigenous culture—operative paragraph 1 of the draft resolution gave Governments an opportunity to make that return to the fountainhead a reality; secondly, national sovereignty over cultural and artistic resources, which was guaranteed in operative paragraphs 2 and 3 of the draft resolution, as interpreted by her delegation; and thirdly, the enrichment of national culture through the interplay of different cultures, subject to respect for the sovereignty of the parties concerned.

59. By means of General Assembly resolution 3026 A (XXVII) and the Committee's draft resolution, a new and important aspect to the question of human rights and scientific and technological developments had been dealt with, and her delegation hoped that the Committee would be able to give the next report by the Director-General of UNESCO a degree of priority and amount of time commensurate with its importance and devote to that question the attention it deserved.

60. Mr. VAN WALSUM (Netherlands) said that his delegation had abstained in the voting on draft resolution A/C.3/L.2050/Rev.2 partly in order to give expression to its dissatisfaction with the manner in which a number of amendments had been rejected, first by the sponsors and subsequently, in the vote, by the Committee itself. Those amendments (see A/C.3/L.2089 and A/C.3/L.2090) had been supported by his delegation because they had been aimed at adjusting the nationalistic and protective angle of the draft resolution and would not have drastically altered the text. In such matters, which touched on some basic concepts such as the true nature of culture and man's right to determine of his own free will how he would develop his natural talents, his delegation preferred to abstain on a draft resolution whose general tenor it felt it could not fully endorse. In that connexion it could be considered significant that in the voting on the proposal to add the word "free" before the word "creative", 26 delegations had cast negative votes and 34 had abstained.

61. As to draft resolution A/C.3/L.2076/Rev.1, his delegation had had even greater difficulties with the general tenor, which seemed to reflect a frightened, unimaginative and conservative approach to the eternal problem of the use and misuse of science and technology. Despite the improvements introduced as a result of

consultations between the delegations of the Byelorussian SSR and the United Kingdom, his delegation had been obliged to abstain in the voting.

62. Mrs. SELLAMI (Algeria) said that her delegation had abstained in the voting on draft resolution A/C.3/L.2050/Rev.2 as a whole for three main reasons. First, that draft resolution was entitled "Preservation and further development of cultural values", and for Algeria the question was above all one of bringing about a renaissance of its culture, which had been denied over a long period of time, to such a point that a whole people had become depersonalized. It had a twofold task, for it must acquire the scientific and technological knowledge which would enable it to share in progress without its participation being in any way curtailed by the forces which had contributed and were still contributing in certain parts of the world to the nullification of the authentic cultural values of peoples.

63. Secondly, it seemed to her that the excellent ideas of the Director-General of UNESCO had in part been distorted by the interpretation given them in draft resolution A/C.3/L.2050/Rev.2. The Director-General of UNESCO had stressed in particular the universality of culture and the importance of ensuring that all categories of individuals in a society have access to it.

64. Thirdly, for Algeria the problem of science and technology was one of communication and the transfer of knowledge. Her delegation was somewhat sceptical about the good intentions of those who emphasized the negative consequences and the mistakes of scientific and technological progress, thus denying to developing peoples the possibility of mastering the forces which would enable those who assumed that negative approach to consolidate their own supremacy. While her delegation appreciated the goodwill which had been demonstrated, it was somewhat weary of cultural paternalism and wished to make it known that Algeria was prepared to accept the consequences of scientific and technological progress. The Heads of State of the non-aligned countries recognized that where technology was concerned the developing peoples needed to close the gap which separated them from the industrialized world and strengthen their own research efforts, sharing each other's experiences. In addition, they were determined to continue their struggle in international organizations to gain the easiest and least onerous access that they could to modern technology and to promote the adoption of an international code of conduct which would reorganize the transfer of technology from the developed to the developing countries on the basis of respect for their independence.

65. Mr. ABSOLUM (New Zealand), explaining his vote on draft resolution A/C.3/L.2050/Rev.2, said that because the New Zealand culture represented a blend of Polynesian and European influences, his Government was particularly concerned to preserve and enhance the evidence of that unique heritage. Accordingly, his delegation had voted in favour of that draft resolution as a whole. His delegation had also supported the amendments in documents A/C.3/L.2089 and A/C.3/L.2090 because in its opinion they added balance to the text, stressing the importance of creating conditions conducive to the free interplay of individual intellectual and artistic styles which was the lifeblood of a dynamic culture.

66. His delegation shared the concern of the sponsors of draft resolution A/C.3/L.2076/Rev.1 with respect to the dangers to mankind which could result from the utilization of scientific and technological progress, especially in the case of the various substances which polluted the air, oceans and cities. However, there too it had deemed it essential to establish a balance, ensuring that it would be pointed out clearly that science and technology had contributed to the improvement of standards of living in many parts of the world and that they continued to be essential tools for improving the quality of life for all. For that reason his delegation had supported the amendments proposed by the United Kingdom (A/C.3/L.2091/Rev.1).

67. In conclusion, he said that his delegation had voted in favour of draft resolution A/C.3/L.2094 because it considered that the subject of human rights and scientific and technological developments should occupy a central position in the spectrum of social and humanitarian issues for which the United Nations assumed responsibility. It hoped that future consideration of that topic would focus on specific problems.

68. Mr. KHMIL (Ukrainian Soviet Socialist Republic) said that his delegation had voted in favour of draft resolutions A/C.3/L.2050/Rev.2 and A/C.3/L.2076/Rev.1 because they were a valuable contribution to the work of establishing the foundation for a new orientation of the work of the United Nations with respect to technology and human rights. As the Secretary-General was invited in draft resolution A/C.3/L.2076/Rev.1 to submit a report on the question to the General Assembly, he wished to make some comments concerning the future activities of the United Nations in that sphere.

69. The reality of the current world showed that there were two different basic social and economic systems. Capitalism, which was based on private property, gave rise to the exploitation of man by man and to social inequalities; socialism was based on the principle of social property and established fraternal co-operation which guaranteed and equitable sharing of goods. The contrast between those two systems could be clearly seen in the differences between the effect of scientific and technological developments on human rights under capitalism and their effect on human rights under socialism.

70. In introducing scientific and technological advances into production, private enterprise was motivated by profit and not by the interests of mankind in general. In the capitalist world, scientific and technological progress did not lead to the redistribution and equalization of income, a fact not mentioned by the apologists of "free enterprise". Production was increased, but the workers continued to be exploited; increases in their wages were small in comparison with the growth of corporate profits and were dissipated by rising prices and inflation. Under capitalism, mechanization and automation of industry and rationalization of its organization and management were synonymous with unemployment. The scientific and technological revolution required more advanced education and training, but in the developed capitalist countries growing concern was being expressed about a crisis in education. On the international scene, imperialistic corporations transferred enterprises from one country to another on the basis of the advantages they derived

from the scientific and technological revolution, in order to obtain cheap labour and reap still higher profits. Another phenomenon directly related to the question discussed by the Committee was the "brain drain" from less developed and developing countries, which was cultivated by the capitalist monopolies.

71. Those tendencies reflecting the effects of the scientific and technological revolution on human rights under capitalism were all alien to socialism. In the Ukrainian SSR, scientific and technological progress had become an objective law of socialist construction. Scientific and technological advances belonged to all the people and were used for the planned and proportional development of the economy and of science and culture, for the harmonious development of human individuality and for improving the well-being of the entire people. The use of scientific and technological achievements in industry made work easier, increased personal and social consumption for all workers and gave them expanded opportunities for improving their work skills, education and cultural level. The Ukrainian experience made it clear that safeguarding human rights in the context of the scientific and technological revolution meant making the socio-economic and political structure of society keep pace with the demands of that revolution and ensuring that scientific and technological progress formed a unified whole with social progress. The socialist system was the embodiment of that unity.

72. The Ukrainian SSR felt that the United Nations had not considered the principal aspect of the question and that in general the discussion had centred around matters of slight importance because some States were afraid to go to the root of the problem, and the Secretariat was responsible because it was the Secretariat whose reports served as a direct basis for discussions by United Nations bodies. The reports the Secretary-General submitted by request to United Nations organs constituted the direct basis for the consideration of any question, but in the case of scientific and technological developments and in other cases the reports had not reflected the replies of all Governments. Until now, as could be seen from various United Nations documents—such as the report submitted to the Commission on Human Rights at its twenty-sixth session,³ another submitted to the Commission at its twenty-eighth session,⁴ the report of the Secretary-General to the Assembly at the current session on the question of the elderly and the aged (A/9126) and the note by the Secretary-General on crime prevention and control also submitted at the current session (A/9032)—the tendency had been to mention "developed" and "developing" countries, but the socialist countries had been mentioned only occasionally, and then less prominently than their importance warranted. Frequently the socialist countries had drawn attention to the fact that the relevant documents should not be based solely

on information from the capitalist countries, but those comments had elicited no response and had not always been taken into account in the preparation of later reports. He asked, in that connexion, what methodological principles and political considerations were applied by the Division of Human Rights and the Centre for Social Development and Humanitarian Affairs in preparing reports on social and humanitarian questions and why that Division did not take into account the reality that there were two different social systems in the world. That tendency was a vestige of the cold war and should be eliminated immediately, thus affording a better guarantee of the human rights of the peoples of the world.

73. Mr. ALFONSO (Cuba), speaking in exercise of the right of reply, said he had been aware that under rule 130 of the rules of procedure the proposer of a proposal or of an amendment could not explain his vote on his own proposal or amendment, but when he had asked for the floor he had been counting on the courtesy of the officers of the Committee and the representative of Brazil, for what he had wanted to do was to offer a clarification to the latter. Draft resolution A/C.3/L.2076/Rev.1 had warranted the general support of all developing countries and of those countries which had a progressive political position, and he had wished to clarify the content of the text for the benefit of the representative of Brazil. Cuba had worked intensively on some paragraphs of that draft and it was to be presumed that the delegation of Brazil could tell which ones they were. What Cuba had wished to avoid was that the impression should be created that there was no common interest among the countries.

74. Mr. LÖFGREN (Sweden) said that his delegation had abstained in the voting on draft resolution A/C.3/L.2076/Rev.1 because there were elements and wordings in that text which could, in his delegation's preliminary view, seem questionable. With regard to the operative part, it had reservations in particular concerning operative paragraphs 3 and 4 in the initial text. However, there were certain provisions in the text with which Sweden agreed whole-heartedly. Among others, he could mention the last operative paragraph; he noted in that connexion that Sweden had recently adopted legislation of that type, concerning which it had transmitted extensive documentation to the Secretariat.

75. Mr. CABRERA MUÑOZ LEDO (Mexico) said that Mexico had voted in favour of draft resolution A/C.3/L.2050/Rev.2 but that in the separate vote on operative paragraph 1 (d) it had been obliged to abstain because it had been unable to support the word "official" in subparagraph (ii), which read "*dar a conocer al público la trascendencia oficial y estética del medio cultural*". Perhaps it was a typographical error in the Spanish version; in that case, he requested that it should be rectified.

³ E/CN.4/1028 and Add. 1-6.

⁴ E/CN.4/1084.

The meeting rose at 6.55 p.m.

2046th meeting

Monday, 3 December 1973, at 12.30 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2046

AGENDA ITEM 64

Freedom of information (A/8340, A/9076):

- (a) Draft Declaration on Freedom of Information;
- (b) Draft Convention on Freedom of Information

1. Mr. SCHREIBER (Director, Division of Human Rights) said that the General Assembly had been concerned with the item under consideration ever since its first session, having decided in resolution 59 (I) "to authorize the holding of a conference of all Members of the United Nations on freedom of information". The United Nations Conference on Freedom of Information had been held at Geneva in March and April 1948 and had prepared three draft conventions. At its third session the General Assembly had approved the draft Convention on the International Transmission of News and the Right of Correction but had decided that it should not be open for signature until the General Assembly had taken definite action on the draft Convention on Freedom of Information. The Third Committee had considered and adopted the preamble and four articles of the draft Convention on Freedom of Information at its fourteenth, fifteenth and sixteenth sessions; however, those texts had not yet been adopted by the General Assembly. The Economic and Social Council at its twenty-seventh and twenty-eighth sessions had prepared a draft Declaration on Freedom of Information and had requested Member States to submit observations with respect to it; in its resolution 756 (XXIX) it had transmitted the text to the General Assembly for consideration. The General Assembly had not been able to consider the draft at either the session during which it had received it or subsequent sessions. Document A/8340 gave detailed information on the subject and contained, *inter alia*, the text of the draft Convention on Freedom of Information.

2. Mr. BAROODY (Saudi Arabia) said that the item had become a perennial one, consideration of which had been avoided by having recourse to procedural devices and assigning it a false priority. In 1950 the Third Committee had set up a committee consisting of 15 Member States to prepare a draft Convention on Freedom of Information. Its Chairman had been the highly respected Mexican journalist Raúl Noriega and its composition had been well balanced. Although the members of that group had advocated the adoption of an instrument, the countries which had not been in favour of the draft—including the Western countries which had been the victors in the Second World War, especially the United States, but with the exception of France—had treated the item in the manner which he had indicated.

3. Information could be visual or auditory, and a distinction must be drawn between factual and conceptual information. Unfortunately, conceptual information lent itself to propaganda; opinions and indoctrination

formed part of the conceptual aspect. In conceptual information, the false and the true were confused, which made freedom of information essential. Given the power of the press, the Convention on the International Transmission of News and the Right of Correction had proved inadequate to remedy the harm done by distorted information. The basic concern related to conceptual information because propaganda, particularly in times of tension, generally distorted the truth.

4. With the split between the victors which occurred after the Second World War, some of them, particularly the United States, had not wanted the topic of freedom of information to be discussed. Once the war had been won, problems had arisen between those victorious Powers and they had become divided into two camps: on one side the capitalist Powers—the United States of America, the United Kingdom and to some extent France—and on the other, the Union of Soviet Socialist Republics. China, which in those years had had internal difficulties to contend with, had remained apart from the controversy. The United States had not favoured the draft Convention on Freedom of Information, maintaining that no obstacles should be put in the way of the free flow of information. But for the great Powers the free flow of information was synonymous with indoctrination and propaganda, principally through such vehicles as the Voice of America and Radio Moscow. France and the United Kingdom had not participated directly in that propaganda contest. The small countries, including Saudi Arabia, had not wished to be victims of the great Powers or to allow themselves to be enslaved by their propaganda. Through the good offices of the representative of Mexico, and with the support of France, they had finally secured acknowledgement of the need for a convention on freedom of information and in 1950 the preamble and four articles had been adopted (A/8340, annex I).

5. Referring to article 2, paragraph 1, of the draft Convention, he recalled that it had been at the insistence of France that the restrictions suggested in that text included a restriction in respect of public order, *ordre public*, a French concept which it had been difficult for the northern countries to accept and the inclusion of which had been opposed by the United States. That country had likewise not wanted to accept restrictions in respect of attacks on founders of religions, incitement to violence and crime, and public health and morals; but the excesses which had been witnessed in recent years in the United States and Europe—the promotion of pornography and licence in sexual conduct, the lack of respect for the figure of Christ in films and in the theatre in the United States and the United Kingdom, the violence and the rebellions—had shown how necessary such restrictions were. Paragraph 2 of that same article, on the other hand, had been included at the wish of the United States, and he acknowledged that the right to criticize Governments was justified. The text of article 5 (*ibid.*, annex II) in itself explained

the objections voiced by some States in the 1950s when the war in Korea was being waged. Those States had not been able to accept, for example, subparagraph (d) because what they had wanted at that time was not freedom of information but freedom of propaganda and indoctrination. With reference to article 7 (*ibid.*), he said that the world could not afford to continue without some kind of machinery to protect freedom of information.

6. He recalled that references had repeatedly been made to the three actions characteristic of the press in presenting information: slanting, silencing, or scissoring so as to exclude certain elements. The Americans had perhaps been right when they had affirmed that only States which had taken over the organs of the press could control information; however, that did not justify

licence in the countries of the so-called free world, which, in fact, enslaved and demoralized. The United States had always asserted that it was necessary to safeguard the free flow of information, without any kind of interference by Governments. Perhaps, then, an International Court of Ethics for the Press could be established which would favour the dissemination of information, would control information and would be guided by a code worked out by the international press associations.

7. Finally, he expressed the hope that at the next session priority would be given to the item, so that the Convention on Freedom of Information could be completed, since only one or two substantive articles remained to be considered.

The meeting rose at 1.20 p.m.

2047th meeting

Monday, 3 December 1973, at 3.10 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2047

AGENDA ITEM 64

Freedom of information (*concluded*) (A/8340, A/9076):

- (a) Draft Declaration on Freedom of Information;
- (b) Draft Convention on Freedom of Information

1. Mr. VELA (Guatemala), referring to the draft Declaration on Freedom of Information (A/8340, annex VI), recalled that that freedom was already clearly affirmed in the Universal Declaration of Human Rights. That was why the second preambular paragraph of the draft was the most important. Freedom of opinion and freedom of expression were moral necessities which could not be restricted. He wondered why the last preambular paragraph mentioned books, for freedom of expression in respect of books should be greater than in respect of all other means of expression.

2. Article 5 of the draft Declaration could hardly be construed as confirming the intention to reaffirm and defend freedom of information. The article stipulated "the rights and freedoms proclaimed [in articles 1 to 4] above should be universally recognized and respected, and may in no case be exercised contrary to the purposes and principles of the United Nations". It was true that the principles of the United Nations were universal and must be respected at all times and in all places. But article 5 also mentioned the various limitations which could be placed on those rights and freedoms to meet such requirements as those relating to national security, public order and morality. Such concepts were often subjective; the press, for example, had often been censored for reasons of morality. No one was in a position to judge what constituted "general welfare in a democratic society", except Governments which sought to muzzle the mass media.

3. The draft Convention (*ibid.*, annexes I and II) also reflected the paternalistic attitude of the Third Commit-

tee and, moreover, presented difficulties for his delegation. As the representative of Saudi Arabia had pointed out at the preceding meeting, the second sentence of article 2, paragraph 1, contained reservations which were unobjectionable, but which had nothing to do with the dissemination of information, a public service provided by private enterprises. That was the only way in which the information media could escape State control over information, but it obviously did not preclude the possibility that a State itself might disseminate information. In article 5, it was stated that "each Contracting State shall encourage the establishment and functioning . . . of one or more non-official organizations". It would be better to say that States should not prevent the establishment or functioning of non-official organizations, for article 7 made it clear that all rights belonged to States and that the Convention could not limit them in any way. Article 7 also stated that a State could take measures it deemed necessary to protect its national news enterprises. But protect them from what? Such protection could give those national enterprises some advantages over independent enterprises, but it could also take the form of direct or indirect restrictive measures, designed, for example, to prevent the waste of public funds.

4. He believed the texts of the draft Convention and the draft Declaration should be studied in depth and that they should, perhaps, be reworded so as to modify their scope. While it might be desirable to give States sufficient freedom to enable them to counteract propaganda, false reports and incitement to hatred, that could lead to abuses and enable States or other pressure groups to oppose freedom of information, which would be counterproductive. That might perhaps be attributed to the fact that freedom of opinion was also mentioned in the draft Convention. Information must be as objective as possible. As had been stated at an earlier session, the most important thing was to educate those who received and transmitted information, be-

cause every day one found that some news items were given differing interpretations. Whatever the defects and the inadequacies of freedom of information, a better informed public would be better able to decide whether to accept or reject the news it received. The Third Committee should, therefore, ensure that that freedom was supported and defended, as the authors of the drafts had intended.

5. Mr. KLIESING (Federal Republic of Germany), read out article 19 of the Universal Declaration of Human Rights, which dealt with freedom of opinion and expression, and recalled that the principle of law embodied in that article had been incorporated in article 19 of the International Covenant on Civil and Political Rights. Freedom of information was thus a universal principle of international law.

6. Freedom of communication was of crucial importance to man and was one of his fundamental rights, for, without it, he could not fully develop his personality, and without free access to sources of information his judgement deteriorated. Protection of the individual thus required that freedom of opinion and information should be guaranteed. That freedom was also a prerequisite for democracy, which presupposed the existence of citizens capable of making their own judgements, contributing to the formation of public opinion and participating in the life of the community.

7. Above all, nations wanted peace, and the safeguarding of that peace presupposed mutual trust. Only free exchange of opinions and information could create such trust and eliminate the prejudices which had been the cause of so much suffering. Article 5 of the Constitution of the Federal Republic of Germany guaranteed not only freedom of opinion but also the right to inform oneself from generally accessible sources of information. Anyone who felt those rights had been violated by the public authorities could take the matter to the courts. Any restriction on freedom of information testified to a lack of assurance; any policy based on the idea that those who thought too much were dangerous could hardly inspire confidence. Accordingly, his delegation energetically supported all efforts by the United Nations to safeguard freedom of information on a universal scale. The main question was how that goal could be achieved with the minimum of delay.

8. The fact that the United Nations had been dealing with that question since 1946 without any substantial progress showed the extent of the difficulties involved. They were also apparent at the European Conference on Security and Co-operation, which was also dealing with the question, it being a major factor for security and co-operation. The United Nations Conference on Freedom of Information had submitted a draft convention as early as 1948. The Third Committee had discussed a second draft for several years and had then left it in abeyance for a decade. Although the first four articles had been adopted by the Third Committee many years earlier (A/8340, annex I), there was no prospect of completing a convention during the current year. It would thus be more expedient to concentrate on the draft Declaration adopted by the Economic and Social Council (*ibid.*, annex VI), which contained all the essential points. In his view, it was particularly important to define the role of the mass media and to ensure they had a large measure of freedom, since it was now only

through the press and other media that comprehensive information could be obtained.

9. He agreed with other delegations that the text of the draft Declaration could still be improved, but it was important to make progress towards guaranteeing human rights. If, therefore, the text of the draft Declaration could serve as a basis of agreement, his delegation would support its adoption.

10. Mr. BUCKLEY (United States of America) congratulated the representatives of Guatemala and the Federal Republic of Germany on their analysis of the subject. He said that there was a basic difference between the declaration and the convention, which was a tangle of legal complexities which no one apparently wished to unravel, at least at the current session. It should be emphasized, with regard to the latter text, that nations had always sought, by envisaging exceptions and expressing reservations, to neutralize certain human rights. That was why the United States Government had rather lost interest in the draft convention, knowing how States tended to evade the obligations laid down in the preamble. In those circumstances, his Government did not recommend continuing the study of the draft Convention in its current form, although it was willing to participate in any efforts to produce a text which accorded with the declared goals.

11. The draft Declaration was different because it was normative. Its wording hardly lent itself to the stylistic discussions to which the Third Committee devoted so much time. The essential points were contained in the second, third, fourth and fifth preambular paragraphs. One's impression on reading them was that any mention of specific measures would be superfluous and that it would be sufficient merely to follow up those paragraphs with the phrase: "The General Assembly therefore urges all nations of the world to act accordingly."

12. With regard to the Saudi Arabian representative's references, at the preceding meeting, to pornography and licence, perhaps that representative felt a need to protect his people from the licence which often attempted to travel under freedom of information. Members of the Committee were not concerned with such obvious distinctions. With regard to the dictum that truth made men free, that gave societies seeking inexpensive means of depriving people of freedom a good case for withholding the truth.

13. In view of the mandate of those organs which dealt with human rights, even if they would not, could not or should not specify how they intended to protect such rights, they should nevertheless uphold human rights—foremost of which was the right to freedom of information—knowing the truth would not make man free but give him an opportunity knowingly to accept or reject information. The Third Committee's discussions were given widespread publicity, and the scepticism with which they were received could perhaps be explained by the fact that in 1973 that organ was calling for the acceptance of truisms already formulated in 1960. As to what societies could or could not do at particular stages of their development, in view of their various priorities, he failed to see how that could prevent members of the Committee from speaking unanimously on some of the principles which justified the existence of the United Nations. If members of the Committee spoke and engaged in a dialogue, it was because they hoped their work would become known. How could

that happen without freedom of information? The members of the Committee behaved as if they were reluctant to record their solidarity with a basic declaration. Accordingly, he appealed to the Committee to give the draft declaration the enthusiastic backing that would reassure the peoples of the world.

14. Mr. NENEMAN (Poland) observed that the Committee was resuming its consideration of the item on freedom of information at a crucial period in the general world situation. There were currently great hopes of establishing peaceful relations among peoples and States, as well as all-round international co-operation. The state of relations in the field of information reflected the state of political relations, and the contents, methods and forms of information represented a testing ground for those relations. Accordingly, it was important for the purpose of achieving *rapprochement* between peoples that information should become more extensive and more unbiased. It was therefore necessary to eliminate all that was reminiscent of the cold war and to prevent the free exchange of information from becoming tantamount to a free exchange of misinformation. In his delegation's view, what should be dealt with was not so much the actual form of exchange of information as the content and objectives of related activities.

15. Having said that, he wished to concentrate on two problems. Firstly, his delegation was profoundly convinced that the détente in international relations must be accompanied by a growth of confidence and mutual respect between States. If they wished to coexist with partners having different views and philosophies, Governments should recognize and respect those differences. Information should therefore be objective and be aimed at bringing people closer together.

16. The fundamental principle governing the exchange of information should be non-interference in the internal affairs of any country. In the view of his delegation, it was the exclusive prerogative of a sovereign country and its institutions to inform public opinion on internal matters. As far as international relations were concerned, the State was responsible for all information coming out of its territory, whether disseminated by State or private institutions. Unfortunately, that principle was not always observed in practice. He recalled, for instance, that his country had been subjected to hostile propaganda within the framework of a psychological war conducted by the so-called Radio Free Europe and other stations outside Poland's borders. That state of affairs was totally incompatible with the current spirit of détente, since it created an atmosphere of distrust in international relations.

17. The second problem concerned the interpretation of the very notion of freedom of information about other countries. His delegation was convinced that each country had the right to comment on all events occurring in the world of today, including events taking place in other countries. A controversial approach to those matters should be seen as a natural result of the political and ideological differences between States. Naturally, every State was fully entitled to disseminate its own principles of government and to report its own internal affairs in the way which it deemed most appropriate. However, information concerning other countries could not be used as a means of interference in their domestic affairs.

18. Freedom of information was not an abstract notion, but was part and parcel of a given social system and its stage of development. The fact that in one country individuals had the freedom to preach a doctrine whereas in other countries that freedom was exercised by the State did not mean that there was no freedom in the latter countries.

19. Consequently, the United Nations should take account, in its documents, of the various concepts of freedom of information based on different ideological systems, different value systems and different social objectives, just as it respected differences between the political and social systems of States by granting the same rights to all of them.

20. Similarly, the United Nations should not accept in any form the right to disseminate ideas aimed at undermining fundamental human rights and peace among nations. He observed that, without full awareness of those two important aspects of the question, there could be no progress on that complex and important matter.

21. Lord GAINFORD (United Kingdom) said he welcomed the opportunity for an exchange of views on the important subject under consideration, although no draft resolution had been tabled on the item.

22. It was perhaps over-simplifying matters to say that there were two opposite views on freedom of information. On the one hand there were those who felt that information should be truly free and truly available to every individual, from whatever source he or she might choose. On the other hand there were those who thought that information was a dangerous substance whose dissemination must be strictly controlled.

23. That restrictive attitude was often justified by reference to the sovereignty of States and the public interest. However, that view could not go unchallenged. That was not to deny the importance of the sovereignty of States but rather to recognize that there could be a conflict of interests between the sovereignty of States and the basic human rights of the individuals of a State. One of the great achievements of the United Nations since its inception had been the adoption of a corpus of international instruments recognizing the basic human rights of individuals.

24. Article 19 of the Universal Declaration of Human Rights stated: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers." That idea was further elaborated in article 19 of the International Covenant on Civil and Political Rights. It was true that paragraph 3 of the latter article recognized that that right might be subject to certain restrictions, to ensure respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals. Nevertheless, his delegation felt that it was difficult to justify the way in which some States still limited freedom of information and expression by relying on the provisions of article 19, paragraph 3. It was firmly convinced that the restrictions mentioned should be invoked only in particular circumstances and for the most compelling reasons. Any other restriction must be regarded as a falling away from the ideal since, without that freedom, democratic

society as his delegation understood it could not flourish. Moreover, the free interchange of ideas and information was an important element in reducing international tension. How could those who lived in a closed society be aware of events taking place outside that society, or view them rationally? A closed society was itself an indication of distrust. Distrust bred suspicion and suspicion led to xenophobia—and xenophobia was dangerous.

25. That was one of the reasons why his delegation attached such importance to the negotiations currently taking place in Geneva at the European Conference on Security and Co-operation. It hoped that it would be possible to make real progress, in a European context, towards creating a free flow of cultural and scientific exchanges. The United Kingdom already had a firmly rooted tradition of exchanges with its partners in the Common Market and with other countries in Europe, and it had established cultural links with the countries of eastern Europe. In the interests of security, the United Kingdom's aim was to strengthen those links still further.

26. There were those who believed that the item should not appear regularly on the agenda of the Third Committee. His delegation disagreed with that view. Even if the chances of negotiating an international instrument were not great—and the very nature of information was such that it could not easily be confined within a rigorous legal framework—his delegation believed it was important to be able to exchange views freely on the subject of freedom of information. For to do so demonstrated, in a small way, that information was indeed free.

27. Mr. WILSON (Liberia) said that the peace of the world depended on human understanding, which, in turn, depended on the free flow of ideas, unrestricted by church, State or the economic market. The President of the Republic of Liberia had said the previous year that the ruler of any country must know what the people he governed were thinking, and that every citizen of Liberia was free to express his views through any of the available mass media.

28. He drew attention to the comments of his Government on the draft Convention on Freedom of Information (see A/8340, annex III).

29. Mr. PAPADEMAS (Cyprus) said that in considering the question of freedom of information, the Committee should take into account two factors: the approach to the problem and its magnitude.

30. At the current session the Committee, in his view, had insufficient time to consider the item on freedom of information properly, and the item had not, in any case, been well presented. Although in principle all delegations acknowledged the importance of the question and had spoken in favour of the free flow of information, meaning as complete as possible a knowledge of the facts, some delegations had raised objections to the exchange of views. He cited Thomas Paine's dictum that every citizen might speak, write and publish freely, provided he was responsible for the abuse of that liberty, in cases determined by the law. He felt that the crux of the problem was precisely the question of restrictions imposed by the law on freedom of information. He pointed out that it was the responsibility of the Committee to decide whether it was willing to give

priority to thorough consideration of the item at the following session of the General Assembly.

31. Mr. BAROODY (Saudi Arabia) said that it was high time that the Committee completed consideration of the draft Convention on Freedom of Information, which had been before the General Assembly for 18 years and only four articles of which had been approved by the Committee, so that States could accede in the near future to an international instrument governing their rights and obligations in respect of information. The information situation had deteriorated since the 1950s, and laissez-faire policy was dangerous, since it enabled some journalists, under the pretext of freedom, to create international incidents liable to cause conflict, to engage in espionage and subversive activities or even bring about coups d'état and generally to interfere in the internal affairs of States, spreading false rumours with the sole aim of furthering certain national interests. Mass media in many cases served only to justify the policy of their respective States, and so-called freedom of information was only too often used for propaganda purposes. It was admittedly difficult to draw the line between propaganda and the expression of a sincere opinion, and that was why there was a pressing need to adopt an international convention on freedom of information and to draw up a code of journalistic ethics embodying certain obligations and restrictions.

32. Freedom of information should not, moreover, degenerate into licence, as had happened in Western countries, and censorship was justified when it set out to prevent pollution of the mind. There was no question, for example, of equating freedom with pornography. Freedom had to be subject to restrictions and limits, since a measure of puritanism was essential for the progress of society, as was shown by the recent history of China and the Soviet Union.

33. He regretted that no draft resolution on the item had been submitted to the Committee. He hoped that the Chairman would take into account the views of those delegations which wanted the item to be given priority at the twenty-ninth session of the General Assembly, in order to enable the Committee to adopt the draft convention and draw up guidelines for the preparation of a code of journalistic ethics.

34. Mr. BUCKLEY (United States of America), speaking in exercise of his right of reply to the Saudi Arabian representative's comments on limits to freedom of information, said that it was regrettable that that representative was unable to limit the length of his own statements. With regard to the priorities to be established for the consideration of the item on freedom of information, he suggested that priority consideration should be given to the draft Declaration on Freedom of Information, not the draft Convention, and requested the Chairman to take that suggestion into account.

35. Mr. BAROODY (Saudi Arabia), speaking in exercise of the right of reply, said that the sarcasm of the representative of the United States might be appropriate in the articles he wrote for the press, but was out of place in the Committee.

36. As for the matter of priority consideration of the draft convention, he said that a convention did not exclude a declaration and vice versa. A declaration, however, had no binding force, whereas a convention was a multilateral treaty to which States were free to accede or not. The United States had in 1950 proposed

the drafting of a Declaration on Freedom of Information for the purpose of preventing the adoption of a convention. By so doing, they had tried to limit propaganda against their Korean war. They had later used freedom of information to justify their intervention in the Middle East and Asia. Freedom of information for the United States had become synonymous with indoctrination by repetition of certain news items which were deliberately distorted by the mass media, while in other spheres there was a conspiracy of silence. He read, as an example of tendentious reporting and half-truths, the text of an interview on the oil crisis he had recently granted to an Associated Press reporter, the substance of which had been completely changed. It was essential to adopt a convention speedily in order to halt the deterioration of the information situation.

37. The CHAIRMAN said he understood that the Committee wished to recommend that the item on freedom of information should be included in the agenda of the General Assembly for the following session; he was not sure how the members of the Committee felt regarding the proposal to treat the question as a priority item. Since the Soviet delegation was not in agreement with that proposal, he suggested that the Committee should recommend that the General Assembly should include the item on the agenda for the twenty-ninth session.

It was so decided.

AGENDA ITEM 57

Creation of the post of United Nations High Commissioner for Human Rights (A/9074, A/C.3/L.2075, 2079/Rev.1, 2081, 2092, 2093/Rev.1)

38. Mr. SCHREIBER (Director, Human Rights Division) said that the item before the Committee had been placed on the agenda of the General Assembly at its twentieth session on the proposal of Costa Rica. However, since the Third Committee had had to consider other priority issues, it had not been able to study the proposal at that time. In resolution 2062 (XX) of 16 December 1965, the General Assembly had, however, requested the Economic and Social Council to transmit the proposal to the Commission on Human Rights for study of all aspects of the matter and for report, through the Council, to the General Assembly at its twenty-first session.

39. At its twenty-first session, the General Assembly had been informed by the Economic and Social Council that the Commission on Human Rights had considered the proposal at its twenty-second session and had decided to establish a working group to study all relevant questions concerning the creation of the post and to report to the Commission at its twenty-third session. The General Assembly had therefore decided to postpone consideration of the matter until its twenty-second session.

40. On the basis of recommendations made by the working group and, subsequently, by the Commission on Human Rights, the Economic and Social Council, in resolution 1237 (XLII) had recommended to the General Assembly the adoption at its twenty-second session, of a draft resolution by virtue of which it would decide to establish a United Nations High Commissioner's Office for Human Rights. The Council had also transmitted to the Assembly the amendments

to the draft resolution submitted by the United Republic of Tanzania. In resolution 1238 (XLII) the Council had requested the Secretary-General to bring resolution 1237 (XLII) and the amendments thereto, together with pertinent documentation representing the various points of view expressed, to the attention of Member States, to invite their views on the question concerning the implementation of human rights through a United Nations High Commissioner for Human Rights or some other appropriate international machinery, and to submit a report embodying the replies of Governments in time for consideration by the General Assembly during its twenty-second session. The Council had further requested the Secretary-General to invite the Director-General of the ILO and the Director-General of UNESCO to submit a report on their experience concerning the implementation of human rights in their spheres of competence.

41. At its twenty-second session, the General Assembly had considered the texts transmitted by the Economic and Social Council, together with replies from Governments and specialized agencies pursuant to Council resolution 1238 (XLII). However, the General Assembly had been unable to consider the question at its twenty-second and twenty-third sessions.

42. Following the discussions on the subject at its twenty-fourth session, the Assembly in resolution 2595 (XXIV), had requested the Secretary-General to provide it, at its twenty-fifth session, with an analytical study relating to Economic and Social Council resolution 1237 (XLII) and the amendments thereto, and Council resolution 1238 (XLII). The analytical study,¹ as well as the texts transmitted by the Economic and Social Council, had been before the General Assembly at its twenty-fifth session, but it had decided to defer consideration of the item, first, until the twenty-sixth and then until the twenty-eighth session.

43. At its twenty-sixth session, however, three other draft resolutions had been submitted to the General Assembly. The Secretary-General's note (A/9074), currently before the Committee, contained in annexes I to IV, all the texts submitted on the item.

44. Mr. LÖFGREN (Sweden) cited the Secretary-General's observation, in the introduction to his report on the work of the Organization (A/9001/Add.1), that the protection of human rights was an area where the credibility of the United Nations was especially at stake. While the United Nations had for many years actively sought to improve human rights and fundamental freedoms in some areas, it had proved unable to act in other cases, a fact which had provoked considerable criticism. At an important seminar on human rights, held in Dar es Salaam, the Minister for Foreign Affairs of the United Republic of Tanzania had said that if there were still so many injustices and violations of human rights throughout the world a quarter of a century after the adoption of the Universal Declaration of Human Rights, it was because, first, too many people and too many Governments paid only lip service to the cause of humanity, and, secondly, because States were reluctant to surrender any of their sovereignty, arguing that such matters were "internal affairs". The conclusions of the World Congress of Peace Forces, held in Moscow in October, had been similar in many respects to those of the Secretary-General and the Tan-

¹ A/8035.

zanian Minister for Foreign Affairs. The Congress had noted in its final communiqué that in many countries human rights were disregarded and that at the international level effective machinery must be provided for better protection of human rights. If the reality was so disappointing, it was not for lack of international instruments. It sufficed to mention the Charter—which called on Members of the United Nations to take joint and separate action in co-operation with the Organization for the achievement of universal respect for human rights—the Universal Declaration of Human Rights, the Declaration on the Granting of Independence to Colonial Countries and Peoples, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, and so on. Unfortunately, those texts were being implemented only partially.

45. It would take too long to review the whole history of the item under consideration. It should be pointed out, however, that as far back as resolution 1237 (XLII) the Economic and Social Council had recommended that the Assembly should adopt a resolution establishing the post of High Commissioner for Human Rights. Moreover, draft resolution A/C.3/L.2075, of which Uruguay had become a sponsor, was identical with that submitted by 10 delegations in 1971, which itself had been a modified version of the original proposal of the Economic and Social Council. Draft resolution A/C.3/L.2075 should meet most of the objections raised by delegations. The main objection related to Article 2, paragraph 7, of the Charter, which some delegations did not interpret in the same way as the sponsors of the draft resolution. But however that paragraph was interpreted, the provisions of the draft resolution did not violate it. They even contained safeguards against the risk of interference in the domestic affairs of a State. Operative paragraph 1, which provided for the establishment of a High Commissioner's Office for Human Rights, emphasized that the High Commissioner would operate under the authority of the General Assembly. The High Commissioner would have to report each year on his activities, and the Assembly would be in a position to check closely on those activities directing them along different lines, if necessary. There was therefore no possibility that the Office of High Commissioner should become a supranational authority engaged in activities which were not to the liking of the majority of Member States. Moreover, the words "at the request of that State" in operative paragraph 3 (c) provided a further safeguard. The emphasis in the mandate given to the High Commissioner in draft resolution A/C.3/L.2075 was on the provision of assistance to States. The sponsors had carefully avoided instituting any kind of accusatory process by means of which pressure could be brought to bear on a State. Instead, their point of departure had been the principle that Governments were interested in safeguarding human rights, and that they wished to receive international assistance for that purpose—they might wish, for example, to be assisted in the drafting of human rights legislation or in finding a solution to problems which had arisen elsewhere. Governments could at any time prevent the High Commissioner from dealing with any particular problem within their jurisdiction. Moreover, it was understood that the High Commissioner would have to take into account the general situation in a country—for example, the strength of its

administrative and legal structures. An alleged violation of human rights might be basically a symptom of under-development, and require a very different solution from that called for in a highly developed country. The High Commissioner's task would not therefore be to exert political pressures, but to provide genuine assistance to countries. Yet another important safeguard was found in paragraph 3 (d), which gave the High Commissioner the right to bring a case to the attention of the Government concerned, but did not authorize him to take further action if the Government did not wish to enter into a dialogue with him. Finally, paragraph 3 (f), concerning the reports of the High Commissioner to the General Assembly, and paragraph 5, on the panel of experts, were additional safeguards of the impartiality and objectivity of the High Commissioner.

46. It had been argued that the establishment of the post was unnecessary, since international machinery already existed, and since the International Covenants on Human Rights would shortly come into force. He pointed out that seven years after their adoption, only about 20 States out of 135 had ratified the Covenants. In any case, the role of the High Commissioner's Office would be quite different from that of the Committee to be established under the Covenants and that of the bodies already in operation. There would therefore be no risk of duplication. Intergovernmental bodies were by nature political bodies. Their task most often was to determine the political priorities for the United Nations in the human rights field and, especially in the case of bodies established by international conventions, to initiate conciliation procedures and facilitate the solution of specific problems. They did not, however, find a solution to every difficulty. Since he would be able to take discreet action, the High Commissioner might accomplish something where an intergovernmental body would be frustrated by political division, and win the co-operation of a country which wished to avoid publicity.

47. He regretted that owing to a lack of time it had not been possible to carry out the desired informal consultations. Some delegations might feel compelled, in the course of the discussion, to state positions on which a compromise might have been reached. He noted that some delegations which had opposed the idea of a high commissioner had at the current session decided to propose a specific decision, albeit a negative one. Several years had gone by since the issue was first raised, and delegations had surely had ample time to ponder it. He hoped, therefore, that members of the Committee would show that they were prepared to act without delay.

48. Mrs. DE BARISH (Costa Rica), referring to article 28 of the Universal Declaration of Human Rights, said that one of the principal goals of the United Nations was to ensure an international order in which the rights and liberties set forth in that instrument could be fully realized. The purpose of the draft resolution submitted by her delegation and that of Sweden (A/C.3/L.2075) was precisely to meet that need. The idea was not a new one, it had been launched 20 years earlier by the delegation of Uruguay, which had proposed the establishment of the post of General Commissioner, whose functions would have been to ensure the effective protection of human rights and fundamen-

tal freedoms. However, the unjustified fear of interference in the internal affairs of States had caused the proposal to be abandoned.

49. Her delegation had reintroduced the idea in 1965, first, because it believed that States had a collective responsibility towards all human beings to establish an impartial and independent "presence" enjoying the necessary prestige and moral authority to defend the cause of human rights and, secondly, because it was increasingly convinced that no country or people had a monopoly of truth, freedom and human dignity.

50. The conception of the High Commissioner's post had evolved over the years; for example, it was now proposed to establish the post by a General Assembly resolution and not by an international agreement. Her delegation regarded the High Commissioner as a promoter of human rights and a guarantor of their application rather than as a guardian of morality; he should have outstanding moral and intellectual qualities and enjoy an international reputation which conferred on him moral authority and dynamic strength.

51. It had often been said that the duties of the High Commissioner might duplicate those of the Secretary-General; however, draft resolution A/C.3/L.2075 defined those duties within the framework of the Charter in order to avoid problems of jurisdiction. The High Commissioner would be elected by the General Assembly—from which the authority stemmed and by which the authority could be withdrawn—on the recommendation of the Secretary-General. The Secretary-General would control the budget and appoint the staff of the High Commissioner's Office. Generally speaking, the Secretary-General's pre-eminence was well established—as could be seen from operative paragraphs 4 to 8 of the draft resolution—and the High Commissioner must conduct his office in close consultation with the Secretary-General, as stated in paragraph 6. Nor would the High Commissioner's functions duplicate those of the United Nations Division of Human Rights, which was essentially entrusted with administrative tasks such as the organization of the innumerable meetings and sessions of the various human rights organs, the preparation of the necessary documents, and so on.

52. So far, few States had ratified the International Covenants on Human Rights. Quite recently, the General Assembly itself had noted in resolution 3060 (XXVIII) that many objectives of the Universal Declaration of Human Rights had not yet been implemented. That state of affairs revealed once again the need to create an authority, like the Office of the High Commissioner, to ensure the effective protection of human rights and fundamental freedoms.

53. In introducing draft resolution A/C.3/L.2075, the representative of Sweden had explained in detail the operation of the High Commissioner's Office. He had described the new guarantees, which had not been included in Economic and Social Council resolution 1237 (XLII), and he had stated the reasons why the sponsors felt that an individual rather than a collective body could better fulfil the functions in question.

54. Convinced that the establishment of the post of United Nations High Commissioner for Human Rights would be an excellent way of celebrating the twenty-fifth anniversary of the adoption of the Universal De-

claration of Human Rights, her delegation would be ready to co-operate with all delegations sharing its own desire to help solve specific problems.

55. Mr. VAN WALSUM (Netherlands) said that his country had always advocated the establishment of the post of High Commissioner for Human Rights, a question which had been debated by the United Nations almost since its foundation. It could not conceal its deep disappointment with the attitude of some delegations who, from the beginning of the session, had made it clear that they were going to kill the proposal. Yet, whatever might happen to the proposal from a strictly procedural point of view, his delegation was convinced that the idea of the General Assembly's entrusting a person of the greatest integrity with the task of personifying its concern for human rights would remain very much alive as long as the Organization existed. It was disconcerting to find how much the real situation had been misrepresented during the debate.

56. His delegation continued to endorse wholeheartedly the text put forward by Costa Rica and Sweden. It was grateful to those two delegations for having taken the initiative of reintroducing a draft resolution which they had already submitted two years earlier.

57. Anyone who studied the proposal with an open mind was bound to arrive at the conclusion that the question of encroaching on the sovereignty of States had been blown up out of all proportion. In Article 2, paragraph 7, the Charter upheld the principle of domestic jurisdiction but at the same time in Articles 55 and 56 it stated that States had pledged themselves to take joint and separate action, in co-operation with the Organization. For a correct discharge of Charter obligations, therefore, a balance must be struck between respect for national sovereignty and the protection and promotion of human rights.

58. Draft resolution A/C.3/L.2075 did strike the proper balance. It contained so many guarantees for the observance of national sovereignty that future generations would wonder why it had ever given rise to such misgivings.

59. He would oppose any suggestion that the proposal to create a High Commissioner's Office should be killed or that the question of human rights implementation should be left pending for a few more years or even for a single session. If the Third Committee was to be prevented from discussing proposals to improve United Nations machinery for the universal implementation of human rights, it might well ask itself what it was really doing.

60. It was impossible to take seriously the argument that the proposal was in need of a cooling-off period. Delegations had had ample time to consider the matter because the item had not even been included in the agenda of the twenty-seventh session. Even supposing that it was possible to accept the idea of a cooling-off period for the proposal reintroduced by the Costa Rican and Swedish delegations, it was quite inadmissible to maintain that the general question, namely, the search for new ways to make the ideal of human rights a living reality, should be put on ice.

61. His delegation reserved the right to speak again in order to comment on the draft resolutions and amendments once they had been formally introduced.

62. Mr. ABSOLUM (New Zealand) said that his delegation favoured the establishment of the post of United Nations High Commissioner for Human Rights and was convinced that the High Commissioner could play a fundamental role in the promotion of respect for human rights and fundamental freedoms. While the international community now had a fairly clear idea of the standards to be applied in the field of human rights, much still remained to be done in ensuring the application of those standards because there was a gulf between theory and practice. Admittedly, there were a number of international agreements on the subject, but many of them had not yet entered into force for they had not been ratified by a sufficient number of States. Furthermore, most of them were hedged around with restrictions which considerably limited their scope. Moreover, communications received by the United Nations were given perfunctory treatment; few periodic reports were received and States were not very enthusiastic about the advisory services proposed by the United Nations in the field of human rights. Obviously, the existing machinery was inadequate and inefficient; consequently, the High Commissioner, through his independence, impartiality and prestige, would have an important role to play, for he could discreetly contact Governments and encourage the implementation of the pertinent instruments, as was done by the United Nations High Commissioner for Refugees in his field of competence. He stressed that often States failed to apply the provisions of a treaty not because of real objections but because certain problems arose, particularly from the viewpoint of compatibility with domestic legislation.

63. The High Commissioner could also emphasize the humanitarian aspects of the problems which might arise and review the communications received to see if they deserved closer study. All such activities would enable him at the same time to gather information not always available elsewhere. The High Commissioner could also conduct inquiries in certain cases, naturally with the consent of the country concerned. He would, so to speak, play the role of a catalyst with a view to the elaboration of international law in the field of human rights, since his views as a whole would constitute a uniform body of experience based on the standards proclaimed by the United Nations itself.

64. The objections raised by certain delegations resulted from a misunderstanding of the High Commissioner's functions. He would have only moral authority and in no case could he intervene in the domestic affairs of States. As for the divergence of views which existed within the Committee, it did not seem to be a real problem. He recalled that, when the Committee had studied many years earlier the question of establishing a post of United Nations High Commissioner for Refugees, many delegations had entertained doubts about it. Since then, the activities of the High Commissioner for Refugees had dispelled all those doubts and no one today would deny the importance of his work. Consequently, the New Zealand delegation appealed to the members of the Committee to consider objectively the proposal which had been made.

65. Of the draft resolutions before the Committee his delegation preferred the Costa Rican and Swedish text (A/C.3/L.2075) and reserved the right to revert to the matter in greater detail at a later stage.

66. The CHAIRMAN appealed to representatives to be as brief as possible and to limit their statements to 10 minutes. They should concentrate on the crux of the debate which was the draft resolutions before the Committee. Only in that way would it be possible to give all delegations wishing to do so the chance to express their views.

67. Mr. PETROV (Bulgaria) said that his delegation had always been opposed to the establishment of the post of United Nations High Commissioner for Human Rights and remained among those delegations who continued to view the proposal with disfavour. Many years had already passed since the proposal had been made and the arguments advanced for and against it had been put forward many times. However, since the debate had been reopened, he would again clarify his delegation's views.

68. In the first place, the proposal for the establishment of the post of High Commissioner was an attempt to replace the General Assembly, the Economic and Social Council and other United Nations organs which had proved their efficiency, by a single official, whose work would duplicate that of those organs and who, it appeared, would have to be endowed with magic powers. It might be asked, for example, how he would approach the tasks of compelling South Africa to renounce its *apartheid* policy, relieving the suffering of the millions of victims of Portuguese colonialism or ensuring the implementation of the pertinent international instruments. Moreover, if such a post was established, one could imagine the incalculable number of complaints that would be addressed to the High Commissioner and, even assuming that he had time to consider them all, it might be asked on the basis of what criteria he would do so. If he based his action on the provisions of the existing international instruments, such, for example, as the International Covenants on Human Rights, it was to be wondered how the States that were not yet parties to those instruments would accept the obligations arising from them, especially where, as in the case of the Covenants, they had not yet come into force. It might happen, moreover, that the High Commissioner would rely on the constitutional provisions of States, but it was difficult to see how a Government would be open to suggestions on how to apply its own constitution; the role of the High Commissioner in such a case would be completely superfluous. The High Commissioner might in the final analysis rely exclusively on his ideas and principles and the opinions of his advisers, but it was hard to see how that kind of arbitration between States could be of any use.

69. The entire activity of the High Commissioner would therefore be of value in theory only and would lack any real effectiveness. Furthermore, it would be in serious conflict with Article 2, paragraph 7, of the Charter. Regardless of the personal integrity of the High Commissioner and the intentions of the sponsors of the draft resolution providing for the creation of such a post, the very existence of that post involved the possibility of interference in the internal affairs of States. The fact that three completely different draft resolutions were before the Committee was evidence of the profound differences of opinion among the Committee members. In those conditions, no effective action could be taken because there were no signs of any feeling of unanimity or co-operation within the Com-

mittee. What was more, the heavy financial implications of the proposal were far from being a negligible factor.

70. Taking into account the preceding considerations, his delegation and that of Democratic Yemen had submitted a draft resolution (A/C.3/L.2092) which reflected the views of the overwhelming majority of members on that question. The considerations to which he had just referred were reflected in the preamble, which laid particular stress on the fact that international co-operation aimed at promoting respect for human rights should be conducted in accordance with the Charter. The operative paragraph was an appeal to the Committee to refrain from further consideration of the item. He thought that the considerations which had induced his delegation to submit that draft resolution had been set forth with sufficient clarity to prevent its action from being interpreted as an attempt to prevent the Committee from considering that question. It was obvious that the Committee could consider any items that were put before it and that delegations could at any time express their views or submit relevant documents to the Committee. His delegation's stand was not, moreover, devoid of all optimism, for his delegation firmly hoped that the International Covenants on Human Rights would come into force as speedily as possible and that the unceasing efforts of the United Nations in the field of human rights would render superfluous the search for other solutions. It might, on the other hand, be useful to develop certain kinds of international and regional co-operation in the human rights field in order to compare the experience acquired in the various countries, especially those with differing ideologies and social structures.

71. In a similar vein, the Bulgarian delegation, giving evidence of the constructive and realistic spirit characteristic of the socialist States, wished to express its gratification at the auspicious beginnings of the European Conference on Security and Co-operation.

72. Mr. BAROODY (Saudi Arabia) said he had thought that the item under consideration had been fully dealt with and the Committee had decided against any further consideration of it. Now, however, it was reappearing at the current session. He could not but remind the Committee that numerous instruments already existed for promoting and encouraging respect for human rights and fundamental freedoms, without, of course, forgetting the Universal Declaration of Human Rights from which many of the newer States had drawn their inspiration in drafting their own constitutions. Now, however, an attempt was again being made to entrust to one official the superhuman task of overseeing the application of all those instruments, taking into account all the economic, social and political aspects of their implementation in the various countries. He felt impelled to recall, in that same connexion, that the activities of the United Nations relating to the communications regarding violations of human rights had been a complete failure. It was known that the Secretary-General received approximately 16,000 communications each year; they were transmitted to the States concerned, which, for the most part, threw them in the wastebasket. In only a few hundred cases did the States take the trouble of replying, for the purpose, of course, of defending their point of view. The United Nations was thus spending more than \$1 million

a year to accomplish absolutely nothing at all. What reason was there to think that the efforts of a High Commissioner would be any more successful? Once the post was created, every individual who thought that his rights had been violated would send a letter to the High Commissioner, and campaigns would be organized for the sending of petitions. Computers would have to be purchased to process the millions of letters, and an army of staff members would have to be recruited to provide the necessary services.

73. It had already been several years since the Economic and Social Council had set up a working group to study the question of the creation of a post of United Nations High Commissioner for Human Rights or to seek alternative means for the same purpose, but no serious study had yet been made of any such alternative means.

74. As for the States of western Europe, including the Netherlands, which favoured the creation of a post of United Nations High Commissioner for Human Rights, they already had a regional body, namely, the Council of Europe, and instead of concerning themselves with what might be happening in Asia, Africa or Latin America, they would do better to devote themselves to the problems of their own region and, for example, to bring pressure to bear on Portugal or on the United Kingdom—of which Southern Rhodesia was still *de jure* a colony—to respect human rights in the territories under their administration. He stressed the importance of the regional and national bodies in that field. The Arab countries, for example, which could avail themselves of the good offices of the Council of the Arab League, could never allow themselves to be lectured to by anyone who was not familiar with Islamic law; those countries had their own traditions, customs and ideology and their own economic and social systems.

75. The delegation supporting the creation of the post of United Nations High Commissioner for Human Rights might have good intentions, but they had no idea of how the super-Powers could manipulate the person holding that post or of how their information media could distort whatever information the High Commissioner might be able to obtain. The creation of such a post must be forcefully rejected because it was impracticable and would duplicate existing agencies. Furthermore, the expenses involved would be considerable. Countries sincerely concerned with protecting human rights would do better to ask themselves what they could do in their own countries and consider, for example, the application of the sanctions already decided on against South Africa instead of ignoring them for purely economic reasons. Attention should also be given to studying what alternative means there might be for promoting the protection of human rights. One possibility, for example, was to hold a conference every three or four years which would be attended by the various regional councils active in the field of human rights.

76. He commended the representative of Bulgaria for the draft resolution which he had submitted (A/C.3/L.2092). The Saudi Arabian delegation would vote in favour of that draft resolution but against the draft resolution submitted by Costa Rica and Sweden (A/C.3/L.2075). As to the Irish draft resolution (A/C.3/L.2079/Rev.1), his delegation would be prepared to vote for the Iraqi amendments

(A/C.3/L.2093/Rev.1), but it would ask the representative of Iraq to be good enough to delete the words "and implementation" in the second amendment.

77. Mr. VAN WALSUM (Netherlands), speaking in the exercise of his right of reply, said he did not understand why the representative of Saudi Arabia had singled out the Netherlands delegation in proposing four arguments against the proposal, namely: that the creation of the post would be tantamount to interfering in the internal affairs of States and be contrary to their sovereignty; that it would be ineffective because the holder of the post would have no means of compelling Governments to do what they did not want to do; that it did not correspond to any need; and that the High Commissioner would have so many cases presented to him that a computer would be needed to process them. In the opinion of the Netherlands delegation, the problem consisted in achieving a necessary balance between the provisions of Article 2, paragraph 7, of the Charter and those of Articles 55 and 56. He pointed out that all the activities of the United Nations reduced themselves to a problem of balance and that if everyone held to extreme positions, no progress would be possible. The

Netherlands delegation believed that something could be accomplished.

78. Mr. BAROODY (Saudi Arabia), speaking in the exercise of his right of reply, said that the Netherlands representative's reasoning fell within the realm of dialectics, whereas the considerations which he himself had put forward were pragmatic and were based on the diversity of the existing ideologies and social systems. The first thing that must be done was to determine whether the proposal was practicable or whether it was Utopian. He could merely revert to the example which he had given of the communications relating to violations of human rights. There was, moreover, no common denominator in the matter of human rights, and laws differed from one civilization to the next and according to the historical evolution of countries. It was precisely because of the practical difficulties that he had insisted on the importance of the regional councils. He hoped that the representatives of Costa Rica, Sweden and the Netherlands would see the validity of his arguments and abandon their efforts on behalf of the creation of the post in question.

The meeting rose at 6.40 p.m.

2048th meeting

Tuesday, 4 December 1973, at 3.10 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2048

AGENDA ITEM 57

Creation of the post of United Nations High Commissioner for Human Rights (*continued*) (A/9074, A/C.3/L.2075, 2079/Rev.1, 2081, 2092, 2093/Rev.1)

1. Mr. ALFONSO (Cuba) observed that draft resolution A/C.3/L.2075 contained the same text as had appeared under the symbol A/C.3/L.1851 at the twenty-sixth session of the General Assembly, which had led his delegation at that time to set out in detail its strong reservations on the question. Over the intervening period, his delegation's opposition to the creation of the post had increased.

2. His delegation feared that the Office of the High Commissioner, if established, would be faced with a choice between a sense of futility and actions which would constitute interference in the internal affairs of States. If world public opinion and numerous United Nations resolutions had been ineffective in preventing genocide in Indo-China and the colonialist and racist madness in southern Africa, how could it be expected that the proposed Office would be successful in similar tasks? The granting to the High Commissioner of the powers indicated in operative paragraph 3 (a) of draft resolution A/C.3/L.2075 would so limit State sovereignty as to contravene the provisions of Article 2, paragraph 7 of the Charter. Member States should also give serious thought to the possibility that the establishment of the Office might be used for the most unjust ends. Moreover, the proposal, if adopted, would lead to overlapping with the functions of other

United Nations bodies, especially the Security Council. The proposal constituted a *de facto* amendment to the Charter—a step for which there were well-established procedures.

3. The United Nations had adopted a number of international instruments aimed at securing human rights: the claim that the establishment of the Office would be the only way to put Articles 55 and 56 of the Charter into effect was not well founded. The work of the High Commissioner for Refugees, which had been cited as a model for the proposed Office, was in complete contrast to the broad range of functions which were proposed for the High Commissioner for Human Rights.

4. Accordingly, his delegation would vote against draft resolution A/C.3/L.2075. He appealed to the sponsors of that draft not to insist on a proposal which, whenever it had been brought up, had led to confrontation in the Committee. His delegation likewise could not give its support to the Irish draft resolution (A/C.3/L.2079/Rev.1). However, it would be able to support draft resolution A/C.3/L.2092.

5. Mr. FØNS BUHL (Denmark) said that the appointment of a person of independence, prestige and integrity as United Nations High Commissioner for Human Rights would constitute a welcome addition to existing procedures within the United Nations aimed at promoting respect for human rights and fundamental freedom. While it was to be hoped that the International Covenants on Human Rights would soon come into force, and while the right of petition consolidated in

Economic and Social Council resolution 1503 (XLVIII) had provided a framework for the consideration of individual complaints concerning infringements of human rights, there was still a need for a High Commissioner. His delegation felt that draft resolution A/C.3/L.2075 took into account the need to give the High Commissioner a sufficient degree of independence as well as the need to uphold the provisions of Article 2, paragraph 7, of the Charter.

6. The exercise of governmental power inevitably entailed a risk of mistakes, which, if they exceeded certain limits, became the concern of the international community. The duty of the international community to promote the well-being of individuals had been expressed in Article 55 of the Charter, in the Universal Declaration of Human Rights, in the International Covenants on Human Rights and in the International Convention on the Elimination of All Forms of Racial Discrimination. As to the danger of interference in the internal affairs of a State, the provisions of operative paragraph 3 of the draft resolution, and particularly those of paragraph 3 (e), provided a safeguard against that possibility. The issue before the Committee was a purely humanitarian one, and his delegation hoped that progress could be made. If that was not possible, he would support the postponement proposed in draft resolution A/C.3/L.2079/Rev.1. The suggestion in draft resolution A/C.3/L.2092 that the Committee should refrain from further consideration of the item was regrettable, especially in view of the forthcoming twenty-fifth anniversary of the Universal Declaration of Human Rights.

7. Mrs. HEANEY (Ireland) said that despite the impressive record of achievement in defining standards and identifying violations of human rights by means of declarations and conventions, chronic situations in which human rights were denied persisted in southern Africa and in other areas, as had been mentioned during the Committee's debate the previous week. The dichotomy between standards set by the United Nations and its ineffectiveness in specific situations had been commented on by the Secretary-General in the introduction to his report on the work of the Organization (A/9001/Add.1), and also by several representatives during the general debate in the General Assembly.

8. It had been suggested that action should be deferred until the International Covenants on Human Rights and the Optional Protocol had come into force. However, the dates on which they would come into force were still unknown, and might be many years in the future. Secondly, the Covenants, though wide-ranging, were not all-embracing, and consequently complementary machinery was required. Thirdly and most importantly, the Covenants were juridical instruments, and while that made for potentially more effective implementation, the enforcement procedures were correspondingly restrictive. Indeed, under the International Covenant on Civil and Political Rights, even the obligation of a State to recognize the competence of the proposed Human Rights Committee was optional. Consequently, other procedures and institutions within the United Nations system should be contemplated. The use of such institutions and procedures could help to ensure that human rights were considered in a broadly humanitarian rather than a solely political con-

text. The possibility of invoking an institutionalized procedure at times of crisis, rather than permitting the politicization of human rights issues, was particularly important. Among the many innovative and flexible procedures which had been developed over the years in that regard were those utilized by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Special Committee on *Apartheid*.

9. She was aware that some felt that strong implementation machinery for human rights could be viable only among groups of States with common cultural and social values. In that connexion, she noted that her country was a party to the European Convention on Human Rights and Fundamental Freedoms, and that it welcomed recent recommendations for an African convention on human rights and an African committee on human rights. Nevertheless, action at a global level within the United Nations system should not be neglected. A proposal to that effect was contained in draft resolution A/C.3/L.2075, which was before the Committee. Her delegation supported that proposal in principle, but recognized that it had given rise to difficulties and that the time had come to examine various procedures aimed at securing human rights without exclusive concentration on the idea of establishing the post of High Commissioner for Human Rights.

10. Turning to draft resolution A/C.3/L.2079/Rev.1, sponsored by her delegation, she noted that the fourth preambular paragraph singled out for specific mention the Proclamation of Teheran,¹ which constituted a turning point in consideration of human rights. That Proclamation recognized the interdependence of civil and political rights on the one hand and economic, social and cultural rights on the other. It reflected the concerns of the States Members of the United Nations at that time, and specifically states that much remained to be done in the field of human rights and fundamental freedoms. The reference in the fifth preambular paragraph of the draft resolution to existing machinery and procedures covered those used by the Committee on the Elimination of Racial Discrimination, the Special Committee on decolonization, the Special Committee on *Apartheid*, the ILO Conference Committee on the Application of Conventions and Recommendations, the ILO Fact-Finding and Conciliation Commission on Freedom of Association and also the procedure for the consideration of communications set out in Economic and Social Council resolution 1503 (XLVIII). Potential procedures included those of the Human Rights Committee provided for in the International Covenant on Civil and Political Rights, and also the Optional Protocol to that Covenant. The various modalities suggested, as referred to in the fifth preambular paragraph, comprised an Office of the United Nations High Commissioner for Human Rights, a collegiate body proposed at the 1901st meeting of the Committee, and the various suggestions for alternative machinery summarized in the analytical study² submitted at the twenty-fifth session.

11. With reference to the operative part of the draft resolution, she said that paragraph 1 referred back to

¹ See *Final Act of the International Conference on Human Rights* (United Nations publication, Sales No. E.68.XIV.2), chap. II.

² A/8035.

paragraph 12 of General Assembly resolution 2144 A (XXI). In paragraph 2, the words "appropriate machinery and ways and means within the United Nations system" referred to all the alternatives subsumed under the fifth preambular paragraph.

12. During the discussions on the creation of the post of United Nations High Commissioner for Human Rights at the twenty-fifth and twenty-sixth sessions of the General Assembly, many delegations had objected to the idea of a single individual's being endowed with such extensive powers and to the possibility that his activities might conflict or not be co-ordinated with existing United Nations procedures. Those delegations had, however, expressed the desirability of evaluating and co-ordinating existing machinery and procedures and of discussing new methods for the observance of human rights. Operative paragraph 2 was intended to pave the way for such a development, without prejudice to the creation of the post of United Nations High Commissioner for Human Rights. There were several possibilities within the United Nations system for taking that idea further, either in the context of an office of a High Commissioner for Human Rights or in another context, and her delegation believed that delegations should hold inter-sessional exchanges on those possibilities before adopting positions in the General Assembly.

13. In preparing and submitting draft resolution A/C.3/L.2079/Rev.1, her delegation had tried to take account of the views of all delegations concerning the creation of the post of United Nations High Commissioner for Human Rights and had also tried to consult with as many delegations as possible before submitting the draft resolution. It was aware that the question of the creation of a post of High Commissioner for Human Rights was a difficult one for many delegations and that it raised problems related to fundamental concepts of political philosophy. It was, however, convinced that, if the United Nations was to honour its moral commitments under the Charter, it must go forward with imagination, initiative and courage in order to ensure the full enjoyment of human rights for all. It was concerned that, in view of the difficulties to which the question of the appointment of a United Nations High Commissioner for Human Rights gave rise, the larger subject of the effective implementation of human rights might be neglected. The approach of the Committee to that question should therefore be dynamic, not static, and all alternatives within the United Nations system should be explored. Her delegation believed that the draft resolution it had submitted was a true compromise since it did not require any delegation to sacrifice a position of principle or to take any irrevocable decision at the current stage. It required only a commitment to the promotion of human rights within the United Nations system. Her delegation therefore hoped that draft resolution A/C.3/L.2079/Rev.1 would be widely accepted. Since her delegation would also vote in favour of draft resolution A/C.3/L.2075 submitted by Costa Rica and Sweden, it followed that it could not accept draft resolution A/C.3/L.2092 submitted by Bulgaria and Democratic Yemen.

14. Mr. AL-QAYSI (Iraq), introducing the amendments submitted by his delegation (A/C.3/L.2093/Rev.1) to draft resolution A/C.3/L.2079/Rev.1, said that, when the representatives of

Sweden and Ireland had introduced their draft resolutions, they had described them as compromises. His delegation was of the opinion that a compromise was a solution which adequately met the interests of all concerned, even though it might not be entirely satisfactory. The Swedish draft resolution could not be called a compromise because it did not deal with the difficulties involved in the creation of the post of United Nations High Commissioner for Human Rights. Those difficulties should, however, be given serious consideration. The representative of Ireland had stressed the importance of the "institutionalization" of machinery for the implementation of human rights and was therefore proposing the creation of the post of United Nations High Commissioner for Human Rights, but that post should not be compared to bodies such as the Special Committee on decolonization or the Special Committee on *Apartheid* because those Committees were composed of States Members of the United Nations, while the post of the High Commissioner for Human Rights would be filled by a single individual.

15. His delegation was of the opinion that, since the question of the creation of the post of United Nations High Commissioner for Human Rights had often been on the agenda of the General Assembly and no progress had been made, it should no longer be considered. The amendments his delegation was proposing to the Irish draft resolution were therefore intended to depoliticize a question which was now far removed from the humanitarian concerns which had dictated its inclusion in the agenda of the General Assembly and to provide a period of reflection in order to avoid further controversy. The question should accordingly be referred to a future session of the General Assembly, as proposed in his second amendment. In that connexion, he pointed out that there was a drafting error in the second amendment and that the words "and implementation" should be deleted for the obvious reason that the effective enjoyment of human rights and fundamental freedoms implied that they had been implemented.

16. He was of the opinion that the Irish delegation had made a sincere effort at compromise in submitting its draft resolution and hoped that, after consultations, delegations would be able to arrive at a single text, which would be based on the Irish draft resolution and the Iraqi amendments and might be adopted unanimously.

17. Mr. BRUNO (Uruguay) said there was no doubt that, despite the efforts of the United Nations to ensure full respect for human rights, the promise contained in the Charter to promote respect for fundamental freedoms through international co-operation had not yet been fulfilled. At the fifth session of the General Assembly, his delegation had proposed the creation of the post of United Nations High Commissioner for Human Rights. The purpose of that proposal had been to appoint an official with specific authority within the legal framework of the Charter to ensure the effective implementation of human rights and fundamental freedoms. The proposal had not been accepted at that time because some delegations had felt that the activities of a United Nations High Commissioner for Human Rights would constitute interference in the domestic affairs of States.

18. In 1965, that proposal had been introduced again by the delegation of Costa Rica. It had specified that,

like the Office of the High Commissioner for Refugees, the Office of the High Commissioner for Human Rights would have to be established by a General Assembly resolution, not by a convention, and that its functions, which would be the promotion and strengthening of human rights, should be carried out by a person of high moral and intellectual standing and international prestige who could establish a moral presence in favour of human rights. At that time, one of the arguments against the Costa Rican proposal had been that the creation of the post of a United Nations High Commissioner for Human Rights would not be necessary because the International Covenants would soon enter into force. Eight years later, however, the need to establish the post of United Nations High Commissioner for Human Rights seemed all the more urgent because of the slowness with which the International Covenants were being ratified by States.

19. His delegation fully shared the views expressed by the representative of Sweden (2047th meeting) during his introduction of draft resolution A/C.3/L.2075 and believed that the adoption of that draft resolution by the Committee would lead to a true balance between the principles of international law and the principles of the public internal law of States which wished to strengthen their national sovereignty. As the Minister for Foreign Affairs of his country had stated at the current session of the General Assembly (2131st plenary meeting), Uruguay would continue to press for the creation of the post of United Nations High Commissioner for Human Rights because it believed that, although the effective protection of human rights had been recognized as necessary, such protection had not yet been fully implemented. His delegation also felt that the creation of the post, as proposed in draft resolution A/C.3/L.2075, would constitute a step forward in the application of the principles of the Charter of the United Nations and, for that reason, it had become a sponsor of the draft resolution.

20. Mr. HAIDER (Pakistan) said that, in qualitative and quantitative terms, the implementation of human rights and fundamental freedoms was not effective and it was therefore necessary to consider additional ways and means within the United Nations system for improving their implementation. The existence of *apartheid* and colonialist régimes in southern Africa and the tragic situation of the occupied territories in the Middle East had convinced his delegation that the existing machinery in the United Nations for the implementation of human rights was not perfect and that it was necessary to keep an open mind on that issue.

21. With regard to potential ways and means of improving that situation, his delegation was of the opinion that discussions were of great value. In that connexion, it had noted with great interest the observations made by the representative of Saudi Arabia at the preceding meeting concerning the merits of a regional approach to that problem. It might also be helpful to consider some of the functions which should not be included in the scope of action of any additional ways and means for improving the implementation of human rights. Thus, complaints from organizations outside the territorial jurisdiction of the State where violations were purported to have occurred should not be entertained; petitions of States and organizations whose policy was to promote discontent or to encourage the emigration of

citizens of other States should not be acted upon; investigations of complaints should take into consideration the availability and the use made of domestic and diplomatic solutions and other procedures provided by international agreements; and there should be a strong system of checks and balances between the various parts of any potential modality.

22. Since his delegation felt that the current situation deserved further consideration and that such consideration should not be postponed indefinitely, it supported draft resolution A/C.3/L.2079/Rev.1 submitted by the Irish delegation.

23. Mr. ROUX (Belgium) said that, on the basis of its consideration of the three draft resolutions submitted by Sweden and Costa Rica, Ireland, and Bulgaria and Democratic Yemen, his delegation considered that it would be more accurate to state that the question under consideration was not the creation of the post of United Nations High Commissioner for Human Rights, but, rather the problem of machinery for the implementation of human rights. Two of the draft resolutions which had been submitted proposed specific solutions to the problem. Thus, draft resolution A/C.3/L.2075 reintroduced the suggestion that the post of United Nations High Commissioner for Human Rights should be created and draft resolution A/C.3/L.2092 proposed that the system of implementation provided for in the International Covenant on Civil and Political Rights should be rapidly put into operation. It was to be hoped that that objective would be achieved in the near future. Of the 35 ratifications necessary for the entry into force of the International Covenant, 22 had already been obtained. The sponsors of draft resolution A/C.3/L.2092 were of the opinion that, once the additional 13 ratifications had been obtained, the effective implementation of human rights would be ensured and it would no longer be necessary to consider the question of the creation of the post of United Nations High Commissioner for Human Rights. His delegation fully shared that point of view.

24. When that problem had been discussed at previous sessions, Belgium had always been in favour of the creation of the post of High Commissioner for Human Rights. In that connexion, it felt that draft resolution A/C.3/L.2075 was well thought out and designed to ensure better protection of human rights. It was not, however, enough to prepare an excellent draft resolution. It was also necessary for a considerable majority of the States Members of the United Nations to be able to support the proposals it contained. That was, unfortunately, not the case with respect to the item under consideration, as had been shown at the twenty-fifth and twenty-sixth sessions of the General Assembly. However desirable it might seem to some delegations, the idea of the creation of the post of United Nations High Commissioner for Human Rights was therefore psychologically impossible at the current stage and it would be useless to give further consideration to that solution of the problem of more effective implementation of human rights.

25. That did not, however, mean that the implementation of human rights by the United Nations was now satisfactory or adequate. The United Nations had three kinds of machinery designed to protect human rights and two of them had been in operation for only a short time. The first was the Committee on the Elimination of Racial Discrimination and the second consisted of a

procedure adopted in 1971 by the Sub-Commission on Prevention of Discrimination and Protection of Minorities. In accordance with that procedure, a Working Group established by the Sub-Commission dealt with communications from individuals or groups of persons reporting violations of human rights. As had been recognized in the brochure entitled "The United Nations and the Human Person: Questions and Answers on Human Rights" recently published by the United Nations Office of Public Information, the means available to the United Nations for replying to such individual complaints were very limited and, despite its praiseworthy intentions, the Working Group established by the Sub-Commission could solve very few of the problems involved in the protection of human rights. He hoped, however, that since the idea of the creation of the post of High Commissioner for Human Rights was not practicable and the procedure established by the Sub-Commission was so ineffective, the system of implementation provided for in the International Covenant on Civil and Political Rights would be able to ensure the effective protection of human rights.

26. The Secretary-General had echoed the concern expressed by his predecessor, U Thant, and had suggested that the twenty-fifth anniversary of the proclamation of the Universal Declaration of Human Rights might be the occasion for renewing efforts aimed at the ratification of the International Covenants on Human Rights. He had also spoken of the difficulty of reconciling the sovereignty of States with the implementation of the Universal Declaration of Human Rights; that was, indeed, the crux of the problem. The essential question was whether or not, once the International Covenants entered into force, it would be possible effectively to protect human rights.

27. A close study of the implementation of the International Covenants would show that the Human Rights Committee provided for in the International Covenant on Civil and Political Rights could receive and consider communications from a State party claiming that another State party was not fulfilling its obligations under the Covenant only if the communication was submitted by a State party which had made a declaration recognizing in regard to itself the competence of the Committee. Furthermore, no communication could be received by the Committee if it concerned a State party which had not made such a declaration. Thus, implementation of the Covenants was voluntary, the consent of the State concerned being required in all cases. The sovereign equality of States, non-interference in their internal affairs, and the strengthening of friendly relations among States were the fundamental issues. Not many States could be expected to make the required declaration recognizing in regard to themselves the competence of the Committee. The procedure had the disadvantage of obliging a State to speak on behalf of the nationals of another State. Such interference was precisely what should be avoided, as it would almost inevitably lead to serious confrontations and poison the atmosphere of international relations. Furthermore, respect for human rights would be subordinated to political considerations.

28. It was true, of course, that a State party could adhere to the Optional Protocol to the International Covenant on Civil and Political Rights, according to which it would, of its own accord, restrict its powers

with regard to human rights and recognize the competence of the Human Rights Committee to receive and consider communications from individuals. If a majority of States parties ratified the Optional Protocol, a giant step forward would have been taken towards the protection of human rights. To be quite frank, however, it would appear that under existing circumstances very few States would be prepared to take such a step. Thus the last word with regard to the implementation of international instruments on human rights would be left to the States themselves. It would be futile to harbour the overly optimistic view that States would be inspired by the high ideals of the United Nations merely because it seemed logical that they should be.

29. The question therefore remained: what could be done if, in view of the more than likely reluctance of States to recognize the competence of the Human Rights Committee under the Optional Protocol, that implementation machinery, which had not yet begun its work, should prove unable to ensure the protection of human rights? It would seem quite logical that the Third Committee should adopt the draft resolution submitted by Ireland (A/C.3/L.2079/Rev.1), since neither the Costa Rican and Swedish draft (A/C.3/L.2075) nor the one submitted by Bulgaria and Democratic Yemen (A/C.3/L.2092) was adequate.

30. He had tried to demonstrate the shortcomings of those draft resolutions; in view of the limited time available to the Committee, he would have to forego his arguments in favour of the Irish draft and his suggestions concerning various means that might be used to ensure the more effective protection of human rights.

31. Mr. GRAEFRAETH (German Democratic Republic) stressed that great progress had been made over the preceding 25 years in the promotion of universal respect for and observance of human rights and fundamental freedoms. In addition to other conventions on the subject, there were the comprehensive International Covenants on Human Rights which had already been ratified by a large number of States and would certainly enter into force in the near future. The Member States which had elaborated and ratified all those instruments had also created the apparatus for their implementation. The point now was to make them effective in practice. There was no necessity to create additional new institutions.

32. Those Member States which had expressed their readiness for multilateral co-operation in the field of human rights had concluded the relevant treaties or could accede to them. In such cases, a High Commissioner not authorized by them could only disturb peaceful co-operation among States by interfering in their internal affairs. On the other hand, in cases where States systematically violated human rights, rejected multilateral co-operation and by their policies endangered peace, as in South Africa, a High Commissioner would be of no use. In such cases, the need was not for a High Commissioner but for sanctions by the Security Council and the implementation of such sanctions.

33. In the opinion of his delegation, draft resolution A/C.3/L.2075 showed that the proposal for the creation of the post of United Nations High Commissioner for Human Rights did not fit into the existing system of human rights instruments. His delegation therefore welcomed the draft resolution submitted by Bulgaria

and Democratic Yemen (A/C.3/L.2092). It did not consider the Irish draft (A/C.3/L.2079/Rev.1) useful.

34. He stressed that his delegation saw no need for the creation of a post of High Commissioner for Human Rights within the framework of the United Nations; every State was, of course, free to create any mechanisms it deemed useful, either by itself or jointly with other States. Such joint institutions could be created only by international treaties, not by a majority decision of an international organization, as that would be in contradiction to Article 2, paragraph 7, of the Charter.

35. The obligation of States to co-operate in the promotion and protection of human rights had nothing to do with the creation of an instrument of supranational intervention. States had the right to protect themselves against such interference. It could also be maintained on the basis of Article 2, paragraph 7, of the Charter that a violation of human rights which constituted a threat to international peace and security, such as that constituted by the *apartheid* régime, was necessarily a matter of international concern. It was surprising that certain States which were not prepared to recognize a universal jurisdiction in respect of the crime of *apartheid* or States which had not yet ratified the International Covenants on Human Rights should support the creation of the post of United Nations High Commissioner for Human Rights. Such States would be quite capable of providing for the post of High Commissioner and then giving unrequested advice to States parties to the Covenants with the High Commissioner's help. It hardly seemed necessary to refer to the additional costs which such an apparatus would entail and which would grow from year to year.

36. It would be much better if the energy devoted to efforts to create a post of High Commissioner was applied to the ratification and implementation of the International Covenants, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Suppression and Punishment of the Crime of *Apartheid* and the Convention against Discrimination in Education, to mention only a few.

37. The same energy should be applied to implementing the sanctions against racism and colonialism decided upon by the United Nations. The creation of the post of High Commissioner would only divert attention from those central problems and upset the carefully balanced system already in existence for the implementation of the various human rights instruments. His delegation therefore supported draft resolution A/C.3/L.2092, under which the General Assembly would decide to refrain from further consideration of the item.

38. His delegation had several observations to make regarding the functions and powers of the proposed High Commissioner, as outlined in operative paragraph 3 of draft resolution A/C.3/L.2075. Under the terms of that paragraph, the High Commissioner could override all special agreements of States with regard to measures for the protection and promotion of human rights. The provision that the High Commissioner should, "in particular", carry out the functions enumerated meant that paragraph 3 did not fully define

his functions, but simply enumerated some of them by way of example. Thus, the High Commissioner could go beyond those stipulations at any time.

39. Under paragraph 3 (a), which empowered the High Commissioner to initiate action, everything was left to him. The provisions of paragraphs 3 (b) and (c) opened the way for overlapping of the High Commissioner's functions with those of other United Nations bodies. Even more serious, paragraph 3 (d) suggested that the High Commissioner would have access to communications and would be competent to deal with individual petitions. No such competence was envisaged by the Charter; and his delegation accordingly could not accept that provision. With respect to paragraph 3 (d), he pointed out that similar measures had already been agreed upon between States in the International Convention on the Elimination of All Forms of Racial Discrimination and others. In addition, several United Nations bodies were concerned with the matter.

40. In conclusion he stressed that, rather than take up the item again, the United Nations should concentrate its efforts on the implementation of the existing international instruments and decisions for the promotion of human rights.

41. Miss CAO PINNA (Italy) emphasized the weakness of the means available for securing respect for human rights and fundamental freedoms and the need for developing more effective action by the United Nations. The available information on the over-all situation of human rights told more about the positive than the negative developments, yet the latter were no less important than the former. The Optional Protocol to the International Covenant on Civil and Political Rights was not likely to be ratified in the near future by a large majority of States, nor was it likely that the procedures for dealing with communications established by Economic and Social Council resolution 1503 (XLVIII) would develop rapidly enough for the competent bodies to be better informed about problems arising in the field of human rights. Furthermore, the debates in the General Assembly did not supply all the information that was needed. A High Commissioner for Human Rights would be continuously informed, would have access to communications, would seek more information when necessary and, what was more important, he could do so without waiting for supplementary reports requested of Member States under the provisions of international conventions or for the procedures on communications to become fully operative.

42. The International Covenants were aimed at promoting, encouraging and strengthening universal respect for human rights more than they were at solving specific serious problems as they arose or dealing with continuing situations in which the enjoyment of human rights was restricted. The failure to provide a solution for such problems was the weakest aspect of the draft resolution submitted by Bulgaria and Democratic Yemen (A/C.3/L.2092), which did not recognize the need for further measures. Her delegation certainly shared the hope that the International Covenants would enter into force in the near future, but its concern when dealing with the question of the High Commissioner for Human Rights went beyond that consideration: it believed that further action was indispensable.

43. The question was, what type of action? Action of a jurisdictional nature such as that provided for by the European and Latin American conventions on human rights would be desirable, but did not seem possible for the time being. The least that could be done would be to implement action aimed at assisting Governments, upon their request, in promoting and encouraging universal and effective respect for human rights and fundamental freedoms, such as the action which a United Nations High Commissioner could undertake.

44. Her delegation realized that some delegations continued to oppose the proposal for the creation of the post of High Commissioner or were not yet prepared to approve it. It could not, however, go so far as to agree with the conclusion reached by the delegations of Bulgaria and Democratic Yemen in their draft resolution. In view of that situation, it considered that the Irish draft (A/C.3/L.2079/Rev.1) represented a broader and more fresh approach to the problem, since it would mean considering all possible measures, including that of the creation of the post of High Commissioner.

45. The Iraqi amendments (A/C.3/L.2093/Rev.1) to the Irish draft would make that text equivalent to the Bulgarian draft resolution, since they seemed to imply that only alternative approaches to the question should be considered. Furthermore, the amendments seemed to deny the urgency of the need for further measures.

46. Mr. PETHERBRIDGE (Australia) said that his delegation favoured the creation of a post of High Commissioner. A High Commissioner could operate no less discreetly and effectively than the United Nations High Commissioner for Refugees, whose achievements had been praised in the Committee the previous week. The High Commissioner for Human Rights could compile information on problems and the solutions found to them, consult with Governments concerning their particular difficulties, compare legislative and administrative measures in the field of human rights and spur Governments to ratify as soon as possible the International Covenants on Human Rights—a step which would promote the early establishment of the proposed Human Rights Committee. He noted that the High Commissioner would act under the authority of the General Assembly, and would take action only at the request of the States concerned.

47. There were some who wanted to allow consideration of the question to stagnate. He wished to urge the Committee to move forward to the appointment of a High Commissioner, since it would be a long time before the International Covenants came into force, since the High Commissioner could encourage progress in that direction and since his functions would in any case be different from those envisaged for the proposed Human Rights Committee.

48. The various attitudes which had become apparent during the discussion had shown that there was a need to define more clearly the interests and fears of each delegation—something which could perhaps better be done between, rather than during, General Assembly sessions.

49. His delegation would be in a position to vote in favour of draft resolution A/C.3/L.2075, and would vote against draft resolution A/C.3/L.2092, whose purpose was to seize upon genuine feelings of confusion with respect to the matter in order to put an end to

consideration of the item. However, of all the texts under consideration it preferred the Irish draft resolution (A/C.3/L.2079/Rev.1), which would provide for the consideration of alternative solutions but would retain the item on the agenda for the next session. In that connexion, he felt that a way should be found of giving the item higher priority in future. His delegation could not support the amendments (A/C.3/L.2093/Rev.1) to the Irish draft resolution, since they would have the effect of preventing the automatic inclusion of the item on the agenda at the next session.

50. Mr. ÅLGÅRD (Norway) said that his delegation shared the concern expressed by the Secretary-General in the introduction to his report on the work of the Organization. Violations of fundamental human rights caused by deplorable political events in some countries and the burning problems of southern Africa were the concern of the international community, and not merely a domestic affair. The twenty-fifth anniversary of the proclamation of the Universal Declaration of Human Rights provided a suitable occasion for the establishment of United Nations machinery for safeguarding human rights, which would also promote the purposes of Article 56 of the Charter. Consequently, his delegation welcomed draft resolution A/C.3/L.2075.

51. Although he was aware that there were conflicting views on the matter, he felt that draft resolution A/C.3/L.2075 was a carefully prepared and balanced compromise and said that it was satisfactory to his delegation, although he would have preferred more precise provisions regarding the terms of reference which would apply to such an important post. The establishment of the special post of High Commissioner for Human Rights would respond to the growing and encouraging conviction that the international community should renew its efforts to ensure racial equality, political and religious tolerance, minority rights and so on. The major problem was not to formulate new instruments in the field of human rights, but rather to ensure the effective implementation of those already in existence. A High Commissioner could achieve considerable progress in that regard. His delegation felt that the draft resolution provided adequate safeguards against interference in the domestic affairs of sovereign States. The High Commissioner would render assistance only at the request and with the consent of the State concerned. The establishment of such a post at the international level would be a welcome supplementary measure to the transfer of judicial power to international bodies at the regional level, which was already a common practice. His delegation trusted that the High Commissioner's mandate would be flexible enough to prevent infringements of State sovereignty while not preventing the High Commissioner from discharging his functions expeditiously and with objectivity.

52. The creation of the post of United Nations High Commissioner for Human Rights was fully consistent with the Charter. Indeed, failure to establish such an office so far constituted a deficiency in United Nations human rights machinery. The task of defending human rights fully justified the additional expenditure which would be involved. Moreover, the draft resolution contained adequate guarantees that the High Commissioner would complement, rather than duplicate the work of existing United Nations bodies.

53. Mr. VON KYAW (Federal Republic of Germany) said that, at the International Conference on Human Rights, held at Teheran in 1968, the current President of his country had stressed the importance of the creation of the post of United Nations Commissioner for Human Rights as an appropriate instrument for the promotion of respect for and implementation of human rights. The Minister for Foreign Affairs of his country had recently reiterated that position. His delegation therefore fully supported draft resolution A/C.3/L.2075.

54. His Government considered it regrettable that no progress had been achieved on that important subject. In that connexion, he noted that draft resolution A/C.3/L.2092 even proposed that the idea of a United Nations High Commissioner for Human Rights should not be given further consideration. That draft resolution was totally unacceptable to his delegation, which was of the opinion that the main objective was to achieve progress in the implementation of human rights by promoting the fundamental rights of individuals, groups and peoples everywhere and strengthening the prestige of the United Nations as the main organization responsible for encouraging respect for human rights. It was not convinced by the arguments of those who were opposed to the creation of the post of High Commissioner for Human Rights. Draft resolution A/C.3/L.2075 contained nothing that would justify concern about possible interference in the internal affairs of States. Under the full authority of the General Assembly, there would be an exchange of views between the High Commissioner and Governments on specific situations. In his delegation's opinion, it was exaggerated to interpret such dialogue as interference in the domestic affairs of States. Some delegations also seemed to be concerned about the financial implications of the creation of such a post, but his delegation found it difficult to understand that argument: an expenditure of \$225,000 per year should be considered acceptable if it provided an opportunity to do something positive for the promotion of human rights and the improvement of the image of the United Nations.

55. It had also been argued that existing international instruments, including the International Covenants, already provided for a comprehensive system for the implementation of human rights, but, in fact, the implementation machinery of those instruments by means of reports from States was rather weak. The International Covenants did, of course, impose specific legal obligations, but they also contained many exceptions and qualifications.

56. His delegation appreciated the efforts made by the delegation of Ireland in introducing draft resolution A/C.3/L.2079/Rev.1. If it became evident once again that no real progress could be achieved on the creation of the post of High Commissioner of Human Rights, his delegation would be inclined to reconsider its position and support the Irish draft resolution. Such a reappraisal could, however, take place only if the main elements of the Irish draft resolution were retained, in particular the need for a review of the question of appropriate machinery and alternative ways and means for improving the implementation of human rights—including the question of creating the post of High Commissioner—on a continuing basis beginning with the twenty-ninth session of the General Assembly.

57. Mr. CARPENTER (Nigeria) said that the fact that his delegation had not co-sponsored any of the three draft resolutions before the Committee was an indication of its open-mindedness about the issue under consideration. The fact that it would be called upon to vote on the creation of the post of United Nations High Commissioner for Human Rights meant that it had to know what it was voting for and to that end, it hoped to be given further explanations of the post in question. It was also on the basis of facts in present-day Africa that it would decide to vote in favour of or against the creation of that post.

58. Comparisons had been drawn between the post of the High Commissioner for Refugees and that of a High Commissioner for Human Rights. While the duties and functions of the High Commissioner for Refugees could be described in specific terms, those of the High Commissioner for Human Rights would be more difficult to define. That difficulty was partly the result of the current situation in southern Africa, where the basic human rights and even the very right of existence of the Namibians were being violated daily despite United Nations resolutions and decisions of the International Court of Justice; where, in South Africa, blacks were receiving such inhuman treatment that it might be wondered whether genocide by degrees was not the ultimate aim of the racist Government of South Africa; where the Ian Smith régime in Southern Rhodesia had been aided and abetted for almost a decade, ever since its unilateral declaration of independence, in tightening the yoke of segregation and inhuman treatment which it had fastened on the black majority in that country; and where, in Angola and Mozambique, the right to self-determination had been barbarously and ruthlessly denied to the African people. His delegation believed that all those atrocities would have been impossible if the United Nations could have come to the assistance of those unfortunate and helpless peoples. It was therefore concerned about the effectiveness of a High Commissioner for Human Rights and it would not be satisfied if it was told that such a Commissioner would simply be useful. It also wished to be assured that the concept of human rights would not be interpreted and applied differentially within the context of races.

59. He therefore requested the sponsors of draft resolution A/C.3/L.2075 to provide further explanations concerning the creation of the post of High Commissioner for Human Rights. If those explanations were not satisfactory, his delegation would have to abstain in the vote on the creation of that post.

60. Mrs. HEANEY (Ireland) said that, after holding consultations with the delegation of Iraq, her delegation was now able to accept some of the amendments proposed by Iraq. Thus, it could accept the first amendment and would be able to accept the second amendment if the words "at a future session of the General Assembly" were replaced by the words "at future sessions of the General Assembly". With regard to the third amendment, her delegation could not agree to delete operative paragraph 3 of its draft resolution, but it would agree to change the title of the item referred to in that paragraph so that it would read: "alternative approaches and ways and means within the United Nations system for improving the effective enjoyment and implementation of human rights". She hoped that those changes would make it possible for her

delegation's draft resolution to be adopted unanimously.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The meeting rose at 6.25 p.m.

2049th meeting

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

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2049

AGENDA ITEM 57

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

It was so decided.

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

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

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

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

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

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

AGENDA ITEM 66

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

AGENDA ITEM 53

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

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

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

AGENDA ITEM 65

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

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

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

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

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

* Resumed from the 2037th meeting.

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

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

It was so decided.

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

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

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

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

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

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

The draft resolution was adopted unanimously.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The meeting rose at 12.55 p.m.

2050th meeting

Wednesday, 5 December 1973, at 3.15 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2050

AGENDA ITEM 65

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

1. Mr. SMIRNOV (Union of Soviet Socialist Republics) said that the adoption by the General Assembly of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights had represented a new step by the United Nations towards the protection and guarantee of human rights. Both of those Covenants were fundamental international agreements for the implementation of human rights throughout the world. They set forth specific obligations to be met by the States parties and the second one provided for the establishment of a Human Rights Committee to deal with communications concerning violations of human rights.
2. He was glad to be able to report that the Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics had ratified both International Covenants and had submitted the ratifications to the Secretary-General. Moreover, six socialist States had now signed the International Covenants, to which his delegation attached great importance because their entry into force would increase the effectiveness of the United Nations in promoting and protecting human rights and fundamental freedoms. It was confident that the International Covenants would enter into force and be implemented in the near future.
3. Mr. GRAEFRATH (German Democratic Republic) said that, the discriminatory membership clauses having been removed from the International Covenants on Human Rights, his country had ratified them on 8 November 1973 and it was convinced that their entry into force would contribute significantly to the promotion of human rights by the United Nations. For that reason, his delegation had also become a sponsor of draft resolution A/C.3/L.2096. It hoped that all States would help to accelerate the process of ratification of the International Covenants.
4. Mrs. RAKOTOFIRINGA (Madagascar) said that her delegation considered the entry into force of the International Covenants to be one of the most important means of ensuring the effective enjoyment of human rights and fundamental freedoms and hoped that all Member States wishing to guarantee human rights would take the necessary measures for accession to those instruments. Although the International Covenants had been ratified by five countries in 1972 and by five more in 1973, it would still be several years before they entered into force, unless the rate of ratification was accelerated.
5. Referring to the report of the Secretary-General (A/9140 and Add.1), she pointed out that the date on which Madagascar had ratified the International Covenant on Economic, Social and Cultural Rights was 29 September 1971, not 22 September 1971.
6. Her delegation was pleased to be a sponsor of draft resolution A/C.3/L.2096 and hoped that all delegations voting in favour of it would consider it as a commitment to the promotion and protection of human rights.
7. Mr. VON KYAW (Federal Republic of Germany) said his delegation was of the opinion that the wording of the second preambular paragraph of draft resolution A/C.3/L.2096 was somewhat optimistic and that it would have been better merely to express the hope that the coming into force of the International Covenants on Human Rights would greatly enhance the ability of the United Nations to promote and encourage respect for human rights and fundamental freedoms for all. With regard to the fourth preambular paragraph, he wished to point out that his Government was preparing instruments for the ratification of the International Covenants because some delegations had given the impression during the discussions that they had invented the International Covenants as a means of saving the world. His delegation supported the amendment (A/C.3/L.2098) to the draft resolution because it felt that it would help to clarify operative paragraph 2.
8. Mr. KRISHNAPPA (India) said that his delegation would vote in favour of draft resolution A/C.3/L.2096 and the amendment submitted by Costa Rica, Denmark and Norway in document A/C.3/L.2098. His Government had no difficulties with the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, but had some reservations concerning the Optional Protocol to the International Covenant on Civil and Political Rights.
9. Mr. PAPADEMAS (Cyprus), speaking as a sponsor of draft resolution A/C.3/L.2096, said that his delegation had no objection to the amendment in document A/C.3/L.2098. In the preceding three years, Cyprus had taken the initiative with regard to draft resolutions on the International Covenants and felt that their coming into force would enhance the ability of the United Nations to promote and encourage respect for human rights and fundamental freedoms for all and would be a step forward in the promotion of human rights throughout the world. It therefore urged Governments to ratify the International Covenants. Moreover, it hoped that the other sponsors would accept the amendment to the draft resolution, which it should be possible to adopt unanimously.
10. Mr. PETROV (Bulgaria) thanked the delegation of the Ukrainian Soviet Socialist Republic for joining the sponsors of draft resolution A/C.3/L.2096. With regard to the comments made by the representative of the Federal Republic of Germany, he pointed out that the wording of the second preambular paragraph was exactly the same as that of General Assembly resolutions 2788 (XXVI) and 3025 (XXVII). With regard to

the fourth preambular paragraph, he said that the words "*Noting with appreciation*" had been used because some Member States had recently acceded to the International Covenants on Human Rights and those accessions were worthy of appreciation.

11. His delegation would have no difficulty in accepting the amendment proposed by the delegations of Costa Rica, Denmark and Norway, although it felt that it would be sufficient to refer in full to the International Covenants and the Optional Protocol in the preambular part of the draft resolution. Moreover, since Australia had stated that it was about to ratify those three instruments and would thus be the tenth State to ratify the Optional Protocol, which required only 10 ratifications, he did not think it necessary to refer again in the operative part to an instrument which would soon enter into force. What was important was the International Covenants themselves. If the amendment was put to the vote, his delegation would abstain rather than vote against it but he appealed to its sponsors to withdraw it.

12. Mr. VAN WALSUM (Netherlands) appealed to the delegations of Costa Rica, Denmark and Norway not to withdraw their amendment, because it would not be logical to refer to the three instruments in question only in the preambular part of the draft resolution.

13. With regard to the observation made by the representative of Bulgaria that, once the International Covenants had entered into force a Human Rights Committee would be established which would be able to perform all the functions intended for the United Nations High Commissioner for Human Rights, he pointed out that to a certain degree that was correct on the understanding that individuals could approach the Human Rights Committee and the latter would be empowered to consider communications from individuals. In other words, the observation of the Bulgarian representative was to the point only if all States ratified the Optional Protocol. The objective of the draft resolution should, therefore, not only be to reach the required number of ratifications of the Optional Protocol, but also to induce countries that have already ratified the Covenants, such as Bulgaria, to ratify the Optional Protocol as well.

14. Mr. FONS BUHL (Denmark) said that he had been somewhat surprised to hear the remarks made by the Bulgarian representative because he did not think that the amendment to the draft resolution was controversial or likely to cause difficulties. The concern of the sponsors of the amendment had been to bring the operative part of the draft resolution into line with previous resolutions on that subject and to clarify the language of operative paragraph 2. He therefore regretted that the Bulgarian delegation felt it would have to abstain if the amendment was put to the vote.

15. Mrs. DE BARISH (Costa Rica) said that her country had signed the International Covenants and the Optional Protocol and had always stressed the importance of those instruments. Her delegation could therefore support the draft resolution and hoped that the amendment, which the sponsors had submitted in order to make the operative part of the draft resolution as complete as possible, would also be adopted by the Committee, because the sponsors could not agree to withdraw it.

16. Mr. PETHERBRIDGE (Australia) said he wished to clarify his previous statement regarding the Optional Protocol to the International Covenant on Civil and Political Rights. His Government was planning to ratify the two International Covenants, but had not yet reached a decision regarding the Optional Protocol. However, it had the matter under consideration. His delegation was therefore prepared to accept the amendment contained in document A/C.3/L.2098.

17. Mr. SMIRNOV (Union of Soviet Socialist Republics) said that in the General Assembly his delegation had voted against the inclusion of a reference to the Optional Protocol because, as its very name indicated, the Protocol was an optional one. It saw no need for the amendment contained in document A/C.3/L.2098, since the text of draft resolution A/C.3/L.2096 itself referred specifically to the three instruments. It would not be appropriate to try to require States to ratify an optional instrument. The main task at hand was to secure the prompt ratification of the two Covenants in order that they might enter into force in the near future.

18. If the amendment was not withdrawn, his delegation would abstain in the voting on it.

19. The CHAIRMAN put the amendment contained in document A/C.3/L.2098 to the vote.

The amendment was adopted by 49 votes to 1, with 55 abstentions.

20. The CHAIRMAN put draft resolution A/C.3/L.2096, as amended, to the vote.

The draft resolution, as amended, was adopted by 106 votes to none, with 2 abstentions.

21. Miss MENESES (Venezuela) said that her delegation had voted in favour of the draft resolution but had had reservations regarding the ratification of the Optional Protocol. Under article 1 of the Optional Protocol, States were expected to recognize the competence of the Human Rights Committee to receive and consider communications from individuals. That provision meant that a State would have to renounce part of its sovereignty. Furthermore, the Protocol did not provide adequate guarantees to prevent certain small groups from utilizing it for purposes of propaganda contrary to the very spirit of the International Covenants.

Explanation of vote

22. Mr. MOREIRA (Portugal), referring to the vote at the preceding meeting on the draft resolution on agenda item 53 (d), said that his delegation wished to change its vote on draft resolution A/C.3/L.2097 concerning the status of the International Convention on the Elimination of All Forms of Racial Discrimination to an abstention.

23. The CHAIRMAN said that the vote of the Portuguese delegation on draft resolution A/C.3/L.2097 could not be changed but that the Portuguese representative's statement would be reflected in the summary record of the current meeting.

Conclusion of the Committee's work

24. After an exchange of courtesies, the CHAIRMAN declared that the Third Committee had completed its work for the twenty-eighth session.

The meeting rose at 5.05 p.m.

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