



Chairman: Mr. Carlos GIAMBRUNO
(Uruguay).

AGENDA ITEM 60

Programme for the observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights (continued) (A/8820 and Corr.1, A/C.3/L.1932-1936)

GENERAL DEBATE (concluded)

1. Mr. BOOTHE (Jamaica) said that he had asked for the floor at that time simply to draw the Committee's attention to the statement made by the Prime Minister of Jamaica in the General Assembly the previous afternoon, at the 2049th plenary meeting, that the direction of the Commission on Human Rights should be removed from the immediate concern of the Economic and Social Council and that a Human Rights Council should be created, which might well be merged with the Trusteeship Council. He said that there could be no better way of observing the twenty-fifth anniversary of the Universal Declaration of Human Rights than to upgrade the Commission on Human Rights to the status of a council.

2. His delegation intended to put forward a proposal to that effect under agenda item 12 (Report of the Economic and Social Council), but was mentioning it now so that delegations might have time to consider its far-reaching implications.

3. The representative of Cyprus had rightly observed that, in view of the world situation, the use of the word "celebration" in connexion with the twenty-fifth anniversary of the Declaration was inappropriate and that the word "observance" was preferable. Indeed, in the light of the general failure to implement the Declaration, the anniversary might more properly be an occasion for mourning.

CONSIDERATION OF DRAFT RESOLUTIONS

4. Mr. VAN WALSUM (Netherlands) said that, although he did not underestimate the possible value of manifestations such as suggested in the Secretary-General's report (A/8820 and Corr.1) and in statements by previous speakers, his delegation would prefer a more action-oriented way of celebrating the twenty-fifth anniversary of the Universal Declaration of Human Rights. The United Nations might wish to avail itself of the opportunity to take stock of its achievements in the field of human rights since the proclamation of the Declaration and initiate a process that would

lead to new ideas and proposals for ways and means of discharging more effectively its responsibilities in promoting universal respect for, and observance of, human rights and fundamental freedoms.

5. While much had undeniably been accomplished, and in that context he wished particularly to refer to the entry into force of the International Convention on the Elimination of All Forms of Racial Discrimination, a great deal still remained to be done. Clearly, the keynote for the celebrations could not be one of triumph. An aspect of the matter that seemed to require further examination on the occasion of the anniversary was the apparent inability of the United Nations to deal with serious human rights problems that emerged suddenly. Virtually all delegations agreed that it was an unsatisfactory state of affairs, inasmuch as it meant that, in certain circumstances, the United Nations was simply unable to discharge its responsibilities under Articles 55 c and 56 of the Charter. Unfortunately, agreement on that point tended to turn into disagreement when suggestions were made for specific measures to improve the situation.

6. The sixth preambular paragraph of draft resolution A/C.3/L.1932, submitted by his delegation, made reference to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights. He was fully aware that, at the previous session of the General Assembly, more than 60 delegations had felt compelled to abstain in the vote on a proposal to insert a reference to the Optional Protocol in an appeal for early ratification of the Covenants. However, the wording chosen for the current text would perhaps be more acceptable to the majority of delegations.

7. The seventh preambular paragraph merely observed that there was room for improvement in the way in which the United Nations discharged its responsibilities under Articles 55 c and 56 of the Charter, a formulation which again offered no comment on the question of whether there was a gap in existing machinery or whether the problem was one of appropriate ways of discharging clearly defined responsibilities.

8. The essence of the draft resolution was contained in operative paragraphs 4 and 5, which requested the Economic and Social Council and the Commission on Human Rights to make their own contribution to the twenty-fifth anniversary of the Declaration by considering ways in which the Organization might more

effectively discharge its responsibilities under those Articles of the Charter.

9. Mr. PAPADEMAS (Cyprus), introducing draft resolution A/C.3/L.1933, of which his delegation was a sponsor, observed that many representatives, while having nothing but praise for the Declaration itself, had dwelt on the failures as well as the achievements in the field of human rights during the preceding 25 years. Success or failure was not the issue before the Committee: the item concerned the preparation of a programme for the observance of the twenty-fifth anniversary. The sponsors of the draft resolution had confined themselves to that matter. They considered that the suggestions offered in the Secretary-General's report constituted a sound basis for the programme. Operative paragraph 4 of the draft resolution had been framed so as to facilitate preparations for the observance of the anniversary at the international level, without restricting each country's right to celebrate the occasion as it saw fit. The draft resolution should command the unanimous support of the Committee and provide a practical means of initiating the programmes to be undertaken by individual Governments and the United Nations.

10. Since the appearance of the draft resolution, nine more delegations had become sponsors: Afghanistan, Costa Rica, Democratic Yemen, Ethiopia, Honduras, Nicaragua, Spain, Yemen and Yugoslavia.

11. Mr. KUSSBACH (Austria), introducing draft resolution A/C.3/L.1934, submitted by his delegation, said that an operative paragraph 4 (*d*) had been added, which read:

“To submit to the General Assembly at its twenty-eighth session a progress report on the preparations made and the measures taken in accordance with the present resolution”.

12. His delegation considered that the draft resolution to be adopted by the Committee would better reflect the historical significance of the twenty-fifth anniversary of the Declaration if it was not restricted to a recommendation for formal commemoration but included practical measures for achieving progress in the field of human rights. That progress should take three forms: firstly, the entry into force of the International Covenants on Human Rights and the Optional Protocol—the fact that some countries had not yet ratified those instruments was not an obstacle to their inclusion in the draft resolution, for all countries could undertake to try to ratify them as soon as possible; secondly, the continuation of United Nations work on specific problems such as religious intolerance and freedom of information, with a view to the adoption of the various draft instruments which had been under discussion for some years; thirdly, the discovery of new approaches and new ways of promoting human rights on a world-wide basis. The proposed regional seminars might be very helpful in that respect; if there were financial obstacles to the holding of special human rights seminars, the work might be carried out through existing United Nations seminars which could focus their attention more closely on regional problems.

13. He would welcome suggestions on ways to improve the draft resolution or incorporate it into other drafts. He supported the Chairman's suggestion at the preceding meeting that a working group should be set up, but considered that it should include not only the sponsors of draft resolutions but any representative who wished to make a contribution to its work.

14. Mr. SEKYIAMA (Ghana), introducing draft resolution A/C.3/L.1935, put forward by his delegation and that of Mali, said that the sponsors of the various draft resolutions were clearly in general agreement on the manner in which the anniversary should be observed. The only difference of opinion concerned the inclusion in the programme, in addition to formal ceremonies, of practical measures designed to achieve the implementation of the International Covenants on Human Rights. His delegation and that of Mali were firmly in favour of the inclusion of such measures. They considered that the observance of the anniversary should be linked with two major issues: the universal ratification of the International Covenants and the campaign against racial discrimination. Hence the proposal in the draft resolution to associate the observance of the anniversary with the Decade for Action to Combat Racism and Racial Discrimination and, in particular, an international fund for assistance to peoples struggling against racial discrimination and *apartheid*. It was not, however, the intention of the sponsors to make any suggestions concerning the programme for the Decade, for that was not the Committee's affair. They supported the Austrian recommendation that all nations which had not yet ratified the Covenants should be encouraged to do so as soon as possible.

15. They would welcome suggestions for the improvement of their draft resolution but would be unwilling to sacrifice the principle on which it was based.

16. Mr. MOUSSA (Egypt) observed that, in the Netherlands draft resolution (A/C.3/L.1932), the first preambular paragraph mentioned only Article 1, paragraph 3, and Articles 55 and 56 of the Charter, a reference that was incomplete, for many other Articles, particularly those relating to self-determination, should also be mentioned. Accordingly, his own delegation was proposing, in the first of its amendments in document A/C.3/L.1936, that the words “Article 1, paragraph 3, and Articles 55 and 56 of the Charter of the United Nations” should be replaced by “the purposes and principles of the Charter”.

17. He could not agree with the statement in the fourth preambular paragraph that the twenty-fifth anniversary marked an appropriate occasion to reassess the procedures adopted for promoting universal respect for the standards laid down in the Universal Declaration of Human Rights. It was very difficult to reassess those procedures, since they had been adopted by the United Nations only a year earlier and some of them had been in use for no more than a month. Reassessment of them was totally unnecessary at such an early stage. For that reason, the fourth preambular

paragraph should be deleted and replaced by the formulation contained in the second of his delegation's amendments. There were three basic ideas underlying that proposal. Firstly, if the United Nations was to embark on a process of reassessment, the point of departure should be the formulation and adoption of binding instruments in the field of human rights to combat grave violations such as *apartheid* and similar forms of gross and consistent violations. Indeed, the General Assembly had before it for consideration, under agenda item 50, the draft convention on the suppression and punishment of the crime of *apartheid*, and the draft protocol to be annexed to the International Convention on the Elimination of All Forms of Racial Discrimination, matters which had already been considered by the Commission on Human Rights. Secondly, shortcomings in United Nations procedures could be attributed not to the machinery itself but to the refusal by some Governments to abide by pertinent United Nations resolutions. Thirdly, his proposal called for continued examination of the procedures adopted for the promotion of universal respect for human rights and fundamental freedoms, for it was always possible to consider ways and means of making improvements in the existing machinery.

18. In his view, part of the wording of the fifth preambular paragraph of the Netherlands draft was redundant. In fact, the United Nations was already a focal point for action to ensure respect for human rights and fundamental freedoms and it acted on behalf of the international community. Therefore, as indicated in his third amendment, the paragraph should state that the United Nations should "continue to" be a focal point. The change in connexion with the seventh preambular paragraph which he was proposing in his fourth amendment was occasioned by those required in the first preambular paragraph and also by the fact that the United Nations machinery had been rendered ineffective mainly by the non-implementation of resolutions in the field of human rights.

19. The purpose of his fifth amendment, regarding operative paragraph 2 of draft resolution A/C.3/L.1932, was to remove some of the vagueness in the Netherlands formulation, while that of his sixth amendment, regarding operative paragraph 4, was to introduce some flexibility, since the agenda of the Commission on Human Rights was already overloaded and not enough time was allocated to human rights questions in the Economic and Social Council.

20. Turning to the draft resolution submitted by Austria (A/C.3/L.1934), he noted that the content of the third preambular paragraph was reflected in draft resolution A/C.3/L.1933, which was sponsored by a large number of delegations, while the fourth preambular paragraph repeated what was said in the Netherlands text. It was for that reason that he had supported the Chairman's proposal concerning the establishment of the working group to discuss all of the draft resolutions. Moreover, the words "in some special fields

of human rights" in the fifth preambular paragraph, though well intentioned, were too vague, and it was difficult to grasp the meaning of the expression "new approaches" in the sixth preambular paragraph. Questions of that nature could easily be clarified in the working group.

21. Lastly, he could not agree that, as suggested in paragraph 16 of the report of the Secretary-General (A/8820 and Corr.1), non-governmental organizations might consider adopting the Universal Declaration, or articles thereof, as a particular theme. It was essential to commemorate the adoption of the Declaration as a whole; otherwise, some non-governmental organizations would take the opportunity to single out certain principles, a course which would lead to confusion and double standards in the celebrations marking the twenty-fifth anniversary.

22. Mr. DE LATAILLADE (France) said that draft resolution A/C.3/L.1933, of which his delegation was a sponsor, placed emphasis on the Declaration itself and reaffirmed the General Assembly's adherence to the principles, values and ideals that it embodied. In that connexion, it was worth recalling that the wording of the item under consideration referred specifically to observance of the anniversary of that instrument. Secondly, the text requested the Secretary-General to transmit his report to Governments, since it lay with Governments to adopt the measures to be decided upon at the national level with a view to celebrating the anniversary. Thirdly, it requested the Secretary-General to take the necessary measures for the implementation of those suggestions which fell within his area of responsibility or which required action by other organs of the United Nations. The advantage of using the phrase "which require action by other organs of the United Nations" was that it did not preclude measures that might be suggested to accompany the celebration of the anniversary, including those contained in draft resolutions. In addition, it observed the usual procedure whereby certain questions had to be considered by subsidiary bodies before a final decision was taken by the General Assembly.

23. Lastly, the draft resolution should not lead to controversy, since it related to universally recognized principles, yet it left room for additional suggestions. It was the hope of his delegation that the text, which already had many sponsors, would be adopted unanimously.

24. The CHAIRMAN announced that the meeting would be adjourned so that the working group could be convened immediately. It would consist of delegations which had sponsored draft resolutions and any representatives wishing to make suggestions. He hoped that the group would be in a position to report to the Committee on the morning of the following day.

The meeting rose at 4.40 p.m.