

ARTICLE 55

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TEXT OF ARTICLE 55

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

- a. higher standards of living, full employment, and conditions of economic and social progress and development;
- b. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and
- c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

INTRODUCTORY NOTE

1. Article 55 sets forth the objectives of the United Nations in the economic, social and human rights fields.

2. The introductory sentence of the Article, in mentioning "peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples", refers to some of the Purposes of the United Nations set forth in Article 1, and the study on that Article in volume I of this Repertory may be consulted as to the general significance given to those Purposes in the practice of the United Nations. For the purposes of the present study, it is sufficient to indicate that the link between conditions of stability and well-being, on the one hand, and peaceful and friendly relations among nations, on the other, has been stressed repeatedly by organs of the United Nations. ^{1/} However, this study will deal with decisions of the General Assembly and of the Economic and Social Council relating to the principle of self-determination of peoples only in so far as they have a bearing in the practice of the United Nations on the concept of human rights. ^{2/}

3. The words "shall promote" in Article 55 set forth the basic function of the United Nations with regard to the objectives of the Organization in the fields of economic and social activity and of human rights. ^{3/} The brief account of the activities of the United Nations in these fields, contained in the General Survey below, should provide a broad view of the actions taken in carrying out that function. For an account of ways and means used by the United Nations for the achievement of its Purposes in the fields of economic and social activity and of human rights, reference is made to the studies in this Repertory on those Articles which set forth the specific functions and powers of the General Assembly and of the Economic and Social Council for the

^{1/} See, for example, G A resolutions 290 (IV), 377 A (V), para. 14, 400 (V) and 525 (VI), and E S C resolutions 144 C (VII), 358 (XII), 362 B (XII), 363 (XII), and 402 A (XIII).

^{2/} See paras. 220-225 below.

^{3/} For a discussion of the practice of referring concurrently to Articles 55 and 56, see in this Repertory under Article 56.

achievement of these Purposes. A list of these specific functions and powers and of the Articles in which they are found follows:

| | |
|--|--|
| Discussing any problems within the scope of the Charter | Article 10 |
| Initiating or making studies or reports | Articles 13 (1) (b) and 62 (1) |
| Making recommendations | Articles 13 (1) (b) and 62 (1) and (2) |
| Preparing conventions | Article 62 (3) |
| Calling international conferences | Article 62 (4) |
| Securing reports from Member Governments on the implementation of recommendations | Article 64 |
| Performing services | Article 66 (2) |
| Setting up subsidiary bodies | Articles 22 and 68 |
| Consulting with non-governmental organizations | Article 71 |
| Specialized agencies: | |
| Creating new specialized agencies | Article 59 |
| Establishing relationship with specialized agencies | Article 63 (1); see also Article 57 |
| Co-ordinating the activities of specialized agencies | Article 63 (2); see also Article 58 |
| Securing reports from specialized agencies | Article 64 |
| Considering and approving financial and budgetary arrangements with specialized agencies, and examining their administrative budgets with a view to making recommendations to them | Article 17 (3) |
| Having responsibility for carrying out the functions set out in Chapters IX and X | Articles 60, 66 (1) and 66 (3). |

4. The objectives of the United Nations in the fields of economic and social activity and of human rights set forth in paragraphs a, b and c of Article 55 are also mentioned in the Preamble of the Charter and certain other Articles. ^{4/} Although these various

^{4/} For a tabulation of the relevant provisions, see the table below.

provisions show some variations ^{5/} in the description of the above-mentioned objectives, an examination of the practice of the United Nations shows that no difference in meaning has been attributed to those variations. It was felt, therefore, that it would be of little practical or analytical value to deal in this Repertory under all the relevant provisions with the question of the scope given to those objectives in the practice of the United Nations, and that this question should rather be dealt with under one Article only. Article 55, being a general statement of objectives and the first Article of the Chapter devoted to economic and social co-operation, has been chosen as the appropriate Article under which to deal with this question.

5. The material on Article 55 is presented in two main parts. Part I deals with economic and social matters and part II with human rights. Each part in turn contains, first, a General Survey, which gives a brief over-all account of United Nations activities in the field concerned and thus serves as a general description of the meaning given in the practice of United Nations organs to the words "shall promote", ^{6/} and, secondly, an Analytical Summary which describes the scope given in the practice of the United Nations to the objectives set forth in paragraphs a and b of Article 55 and in paragraph c, respectively.

I. ECONOMIC AND SOCIAL FIELDS

A. General Survey

6. This Survey gives a brief account of the promotion by the General Assembly and the Economic and Social Council of the economic and social objectives mentioned in Article 55. ^{7/}

7. In the early period of the work of the United Nations, many of the actions of these principal organs dealt with organizational problems, such as the question of establishing specialized agencies and the functional commissions of the Economic and Social Council, the question of co-ordinating international inter-governmental organizations, and the transfer to the United Nations of certain functions and activities of the League of Nations. This Survey, which is confined to the principal instances of international action in the economic and social fields, does not deal with action on organizational problems, nor with the co-ordinating activities of the United Nations with respect to the specialized agencies. These subjects are dealt with elsewhere in this Repertory (see para. 3 above). This Survey of international action in the economic and social fields concerns itself mainly with the major decisions taken by the General Assembly and the Economic and Social Council and, accordingly, does not describe how those decisions have been implemented, nor the manner in which the Secretary-General has assisted the various organs of the United Nations in the performance of their functions. For instance, the major decisions with respect to technical assistance and the United Nations Children's Fund (UNICEF) are noted in this Survey, but the actions taken in accordance with those decisions and designed to promote the aims set forth in Article 55 are not dealt with. Nor is any account given here of

^{5/} As one example of such difference in wording it may be mentioned that, whereas Article 55 b refers to "international ... social ... problems", Article 1 (3) mentions "international problems of [a] ... social ... character" and Article 62 (1) "international ... social ... matters", while Article 13 (1) b refers to "international cooperation in the ... social ... [field]".

^{6/} See para. 3 above.

^{7/} For the economic and social aspects of human rights, in particular with reference to the Universal Declaration of Human Rights, see paras. 201-215 below.

TABLE

Provisions in the Charter relating to objectives in the fields of economic and social activity and of human rights

| Paragraphs of the Preamble | Article 1 (3) | Article 13 (1) (b) | Article 55 | Article 62 (1) and (2) |
|--|---|---|--|---|
| WE THE PEOPLES OF THE UNITED NATIONS DETERMINED ... | The Purposes of the United Nations are: | The General Assembly shall initiate studies and make recommendations for the purpose of: ... | ... the United Nations shall promote: | The Economic and Social Council may make or initiate studies and reports with respect to |
| to promote social progress and better standards of life in larger freedom, AND FOR THESE ENDS ... to employ international machinery for the promotion of the economic and social advancement of all peoples, | | | a. higher standards of living, full employment, and conditions of economic and social progress and development; | |
| | to achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, | promoting international cooperation in the economic, social, cultural, educational, and health fields, | b. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and | international economic, social, cultural, educational, health and related matters and may make recommendations with respect to any such matters |
| to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women | to achieve international cooperation ... in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; | and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion. | c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion. | It may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all. |

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the various studies, surveys, and information to Governments which the Secretary-General and the specialized agencies have prepared as a result of decisions of United Nations organs or with a view to assisting the Economic and Social Council and its functional commissions or in accordance with work arrangements made by the functional commissions of the Council. 8/

8. Although the General Assembly and the Council have, in some instances referred to, or closely followed the wording of, Article 55 in their decisions concerning major problems in the economic and social fields, 9/ the great majority of such decisions contain no reference to Article 55 or, indeed, to any other Article.

1. Decisions with regard to standards of living

9. The promotion of higher standards of living has been a continuing concern of the United Nations. Both the General Assembly and the Economic and Social Council have made recommendations 10/ to Governments on the measures needed for the preservation and the raising of the living standards of their populations. United Nations organs have also stressed the interdependence of rising standards of living and progress in the solution of social problems. Thus, the Economic and Social Council, in the resolution 11/ establishing its Social Commission, indicated that "The raising of the standard of living and the welfare of the peoples of the countries of the United Nations, which should include not only wages and income, but all kinds of social services, is an important task for the United Nations". By a subsequent resolution, 12/ the Council again recognized "the essential interdependence between the improvement of social conditions and the raising of living standards, and the urgency of breaking the vicious circle of disease, ignorance and poverty that affects more than half of the world's population".

10. Numerous decisions of the General Assembly and the Council, such as those concerning the promotion and maintenance of full employment and economic stability, 13/ the advancement of the economic development of under-developed countries, 14/ land reform, 15/ restrictive business practices in international trade, 16/ regional economic development, 17/ the adoption of a programme of concerted practical action in the social field, 18/ the study of demographic problems, 19/ housing and town and country planning, 20/ and family and child welfare, 21/ were taken for the purpose *inter alia* of promoting higher standards of living.

8/ See, for example, E S C resolutions 279 A and B (X) and 434 H (XIV).

9/ See paras. 13, 20 and 23 below.

10/ G A resolution 527 (VI); E S C resolution 341 A (XII).

11/ E S C resolution 2/10.

12/ E S C resolution 434 A (XIV).

13/ For example, G A resolution 308 (IV); E S C resolutions 290 (XI) and 341 (XII), section A.

14/ For example, G A resolutions 198 (III) and 400 (V).

15/ For example, G A resolution 401 (V).

16/ For example, E S C resolution 487 (XVI).

17/ For example, E S C resolution 367 B (XIII).

18/ E S C resolution 496 (XVI).

19/ For example, E S C resolution 41 (IV).

20/ For example, G A resolution 537 (VI).

21/ For example, E S C resolution 434 E (XIV).

11. When requesting 22/ the Council to continue to pay special attention to changes occurring in the standards of living of the working population, the General Assembly, in order to improve information on standards of living, requested the Council to provide for the elaboration of adequate statistical methods and techniques so as to facilitate the gathering and use of pertinent data in order to enable the Secretary-General to publish regular annual reports showing changes in absolute levels of living conditions in all countries. The Council subsequently requested 23/ the Secretary-General to arrange for the preparation of a report on the most satisfactory methods of defining and measuring standards of living and changes therein in the various countries, having regard to the possibility of international comparisons, and has continued to keep the question under review.

2. *Decisions with regard to full employment and economic stability*

12. The General Assembly and the Council have pursued both long-term and immediate objectives in promoting full employment and economic stability. At its twelfth session, the Council in referring 24/ to its responsibility for the promotion of economic stability and the maintenance of full employment, reiterated the view of the General Assembly 25/ that "under Articles 55 and 56 of the Charter, the United Nations is under an obligation to use all the means at its disposal to ensure the steady growth of the world economy and to prevent the emergence of those factors of economic disequilibrium which impair general economic stability and disturb the economic development of the under-developed countries".

13. On several other occasions, the Council and the General Assembly have referred to Article 55 in connexion with the question of promoting full employment. By resolution 221 E (IX) the Council recalled "the obligation undertaken by each Member of the United Nations in Articles 55 and 56 of the Charter to promote conditions of full employment" and made various recommendations on the subject, including a recommendation that "the General Assembly include in the agenda of its fourth session the question of promoting full employment, in accordance with the terms of Article 55". The General Assembly, at its fourth session, adopted a resolution 26/ by which it declared that "national and international action by Members, designed to promote and maintain full employment in accordance with Articles 55 and 56 ... is a basic requirement for the achievement of a stable and expanding world economy" and recommended that "each Government consider as a matter of urgency, its international responsibility under Articles 55 and 56 ... to take action, as the need arises, designed to promote and maintain full and productive employment, through measures appropriate to its political, economic and social institutions". By the same resolution, the General Assembly decided "that the world economic situation be reviewed again at the next regular session of the General Assembly in the light of Articles 55 and 56". In the discussion 27/ preceding adoption of this resolution, many representatives stressed that this was the first occasion on which the General Assembly had fully considered the obligations of the United Nations and its Members under Articles 55 and 56 to promote higher standards of living and full employment. At its eleventh session, the Council, in making recommendations to Governments concerning domestic and international full employment

22/ G A resolution 527 (VI).

23/ E S C resolution 434 B (XIV).

24/ E S C resolution 362 (XII).

25/ G A resolution 406 (V). See also E S C resolution 531 A (XVIII).

26/ G A resolution 308 (IV).

27/ G A (IV), Plen., 255th mtg., paras. 81-122 and 256th mtg.; G A (IV), 2nd Com., 104th-106th mtgs., 107th mtg., paras. 4-65 and 108th-112th mtgs.

measures, declared 28/ that it bore in mind "the obligations of Members of the United Nations under Articles 55 and 56 ... to take joint and separate action to promote higher standards of living, full employment and conditions of economic and social progress and development". With respect to the economic objectives of Governments, the Council, by the same resolution, recommended that each Government publish annually a statement of such objectives "making special reference to the purposes set out in Articles 55 and 56".

14. Decisions designed to promote full employment had been taken in the early years of the United Nations. Thus, at its first session, the Council had decided 29/ to call an International Conference on Trade and Employment for the purpose of promoting the expansion of the production, exchange and consumption of goods. At its fourth session, to give a further example, the Council had addressed 30/ a request to its Economic and Employment Commission to "consider and report to the Council as early as practicable regarding the most appropriate forms of international action to maintain world full employment and economic stability". The Council, at its ninth session, and the General Assembly, at its fourth session, considered the problem and made recommendations to Governments relating to the promotion of full employment and also made arrangements for further studies and consideration of the subject. 31/

15. The most comprehensive action was taken when the Council, at its eleventh session, adopted 32/ a resolution on full employment. Various steps designed to encourage the adoption of effective domestic and international measures to promote full employment were set out in that resolution. The Council, after referring to the obligations of Members of the United Nations under Articles 55 and 56, indicated that it was concerned "with the need for continuing action by Member Governments, and by the organs and specialized agencies of the United Nations to implement the obligation contained in the Charter with respect to full employment, including the reduction of unemployment and under-employment in the less developed countries". The Council decided to consider annually "the problem of achieving and maintaining full employment with progressively improving levels of production, trade and consumption, and maintenance of progress towards the achievement of equilibrium in balances of payments". It further recommended that each Government publish annually a statement of its economic objectives, that these objectives be accompanied wherever practicable by a statement of quantitative goals or forecasts relating to employment and other pertinent economic factors, and that each Government formulate, announce and periodically review its policies, programmes and techniques for achieving these objectives. Comprehensive recommendations set forth the objectives of full employment and balance of payments policies and dealt with the publication by each Government of the standard by which it defined the meaning of full employment as a continuing objective of policy. The resolution also contained several provisions for the collection of information and the preparation of studies and reports, including an appropriate expansion of the annual questionnaire issued by the Secretary-General under resolution 221 E (IX). The General Assembly subsequently noted 33/ with satisfaction the vigorous action taken by the Council.

16. At its thirteenth session, the Council paid particular attention to the problem of employment in under-developed countries. It listed the problems facing these

28/ E S C resolution 290 (XI).

29/ E S C resolution 1/13.

30/ E S C resolution 26 (IV).

31/ E S C resolution 221 F (IX); G A resolution 308 (IV).

32/ E S C resolution 290 (XI).

33/ C A resolution 405 (V).

countries with regard to the raising of employment and productivity and decided 34/ to consider annually, as part of the discussion of the economic development of under-developed countries, "the problems of reducing structural unemployment and under-employment in the under-developed countries, and of eliminating obstacles to economic development". The Secretary-General was requested to further amend his annual questionnaire issued under resolution 290 (XI) of the Council to take into consideration any special problems facing the under-developed countries in connexion with the implementation of that resolution.

17. Several other specific and immediate problems in the field of full employment and economic stability have been the object of decisions taken by the General Assembly and the Council. In connexion with the problem of anti-recession measures and programmes, the Council has arranged for studies and has made recommendations 35/ to Governments, the International Monetary Fund and the International Bank for Reconstruction and Development. The General Assembly and the Council have made recommendations 36/ with regard to measures to combat inflation. The problems attendant upon a reduction of armaments, 37/ the adequacy of monetary reserves and the development of foreign trade 38/ have also been dealt with in resolutions by which the Council has arranged for studies and reports or has made recommendations.

18. Annual consideration of the world economic situation by the Council became an established procedure of the Council after the General Assembly had, at its second session, recommended 39/ that the Council "consider a survey of current world economic conditions and trends annually, and at such other intervals as it considers necessary, in the light of its responsibility under Article 55". The General Assembly further recommended that the Council make recommendations for action by the General Assembly, Member Governments and the specialized agencies. Pursuant to the request of the Assembly for "factual surveys and analyses of world economic conditions and trends", the Secretary-General has issued an annual World Economic Report. Annual regional economic surveys prepared by the secretariats of the regional economic commissions have served as a basis for consideration by those commissions of current economic conditions in their respective regions. Other periodic and special surveys have been prepared in accordance with requests of the Council, as, for example, a request 40/ for an annual survey on economic problems in Africa, or for a report 41/ concerning the obstacles to the development of international trade.

3. *Decisions with regard to economic development*

19. The problem of economic development in general and, more specifically, the problem of economic development of under-developed countries, has remained in the foreground of the problems with which the United Nations has been concerned from its early days. Thus, at its fourth session, the Council requested 42/ the Economic and Employment Commission to "investigate and report... regarding the most appropriate forms of international action for facilitating the better utilization of world

34/ E S C resolution 371 B (XIII).

35/ E S C resolutions 290 (XI), 427 (XIV) and 531 (XVIII).

36/ G A resolution 527 (VI); E S C resolutions 426 B (XIV), 483 A (XVI) and 531 B (XVIII).

37/ E S C resolutions 483 B (XVI) and 531 B (XVIII).

38/ E S C resolutions 483 C (XVI) and 531 B and C (XVIII).

39/ G A resolution 118 (II).

40/ E S C resolution 367 B (XIII).

41/ E S C resolution 531 C (XVIII).

42/ E S C resolution 26 (IV).

resources of manpower, materials, labour and capital in order to promote higher standards of living throughout the world, more particularly in undeveloped and under-developed areas".

20. Increased attention was given to economic development as the post-war problems of relief, reconstruction and rehabilitation became less pressing. The harmful effect on the world as a whole of the low living standards in certain countries was repeatedly emphasized in the debates and decisions of the United Nations, as was the assertion that the economic development of under-developed countries and especially development at an accelerated pace would contribute to peaceful and friendly relations among nations. The following quotation from the preamble of a General Assembly resolution 43/ on the economic development of under-developed countries is a fair summary of this attitude:

"The General Assembly,

"1. Considering that the low standards of living existing in Member States have had economic and social effects in the countries directly concerned and on the world as a whole, and create conditions of instability which are prejudicial to the maintenance of peaceful and friendly relations among nations and to the development of conditions of economic and social progress,

"2. Recalling that the Charter of the United Nations binds Member States individually and collectively to promote higher standards of living."

21. By the first operative paragraph of the above-mentioned resolution, the General Assembly recommended that the Council and the specialized agencies "give further and urgent consideration to the whole problem of the economic development of under-developed countries in all its aspects". The Council subsequently arranged 44/ to include in its agenda each year an item on economic development.

22. At its fourteenth session, the Council assigned an over-all priority in its own work and in the work of the specialized agencies to the economic and social development of under-developed countries. 45/ Certain procedural arrangements also stressed the importance attached to this problem. At its fourth session, the General Assembly adopted 46/ a resolution on economic development of under-developed countries by which it recommended the inclusion in the annual report of the Economic and Social Council to the General Assembly of a special chapter on the measures being taken to promote economic development.

23. In their decisions concerning economic development of under-developed countries, the General Assembly and the Council have, on several occasions, referred to Article 55. Thus, by resolution 520 A (VI), the General Assembly, "Having in mind the obligations assumed by the governments of Member States under Articles 55 and 56 of the United Nations Charter", took certain decisions concerning the question of international financing of economic and social development in under-developed countries. Again, "Having in mind the obligations assumed by the governments of Member States under Articles 55 and 56" the General Assembly, by resolution 622 A (VII), took further action in that field. By resolution 724 B (VIII) on the same subject, the General

43/ G A resolution 198 (III); the similarity of the language of the quoted passages to that of Articles 55 and 56 should be noted.

44/ E S C resolution 414 (XIII), section A.II.

45/ See para. 104 below.

46/ G A resolution 306 (IV).

Assembly was "Mindful of the aim expressed in the preamble of the Charter 'to employ international machinery for the promotion of the economic and social advancement of all peoples' and of Articles 55 and 56 of the Charter". In considering the question of the activities of the regional economic commissions and of the economic development of under-developed countries, the General Assembly stated 47/ that "the economic development of under-developed countries, consistent with the objectives set forth in Article 55 of the Charter, namely, the promotion of 'higher standards of living, full employment and conditions of economic and social progress and development', can best be carried out through co-ordination among the countries of a region and among the various regions". In deciding 48/ on the question of the organization of international teams of experts for technical assistance, the Council stated that it was acting under Article 62 and in accordance with Article 55.

24. Two specific aspects of international action relating to economic development which have received continuing and perhaps the greatest attention are the development of technical assistance to under-developed countries and the question of financing the economic development of those countries. Details of such action are set forth below.

a. TECHNICAL ASSISTANCE FOR ECONOMIC DEVELOPMENT OF UNDER-DEVELOPED COUNTRIES 49/

25. Action to provide technical assistance for the economic development of under-developed countries 50/ was taken as early as March 1947. Upon the initiative of the General Assembly, 51/ the Council, at its fourth session, instructed 52/ the Secretary-General to establish the necessary machinery within the Secretariat for performing certain services in relation to expert assistance to Member Governments. At its seventh session, the Council decided 53/ to inform Member States that the Secretary-General might upon request arrange for the organization of international teams of experts to advise them on their economic development programmes. Subsequently, at its third session, the General Assembly established 54/ what became known as the United Nations Programme of Technical Assistance for the Economic Development of Under-developed Countries, which set out various services to be provided through the United Nations. The Assembly also set forth the principles under which technical assistance was to be furnished and appropriated funds for the operation of the programme, which it placed on a continuing basis at its next session by deciding 55/ to finance it from the regular budget of the United Nations.

26. A plan for an Expanded Programme of Technical Assistance for Economic Development of Under-Developed Countries, to be a co-operative venture of the United Nations and the specialized agencies and to be financed by voluntary contributions by Members of the United Nations and/or the specialized agencies, was recommended 56/ by the Council, at its ninth session, for adoption by the General Assembly. The primary objective of this example of international co-operation, as set forth 57/ by the Council in one of

47/ G A resolution 627 (VII).

48/ E S C resolution 139 A (VII).

49/ See also in this Repertory under Article 66 (2).

50/ The question of technical assistance in the social field is discussed in paras. 56-58 below.

51/ G A resolution 52 (I).

52/ E S C resolution 51 (IV).

53/ E S C resolution 139 A (VII).

54/ G A resolution 200 (III).

55/ G A resolution 305 (IV).

56/ E S C resolution 222 A (IX).

57/ Ibid., annex I.

its recommended guiding principles, was to help under-developed countries to "strengthen their national economies through the development of their industries and agriculture in the spirit of the Charter of the United Nations, and to ensure the attainment of higher levels of economic and social welfare for their entire populations".

27. The above-mentioned recommendation was approved 58/ by the General Assembly at its fourth session. At that session, the Assembly appropriated, 59/ for the first time, funds to finance a programme of action in the field of technical assistance for the year 1950.

28. Specific action by the United Nations in the field of technical assistance and in related areas has included a decision 60/ by the General Assembly, at its third session, to establish an International Centre for Training in Public Administration. At the fourth session, the Assembly made budgetary provision 61/ for this purpose. Training in public administration has since been provided by the United Nations as an integral part of its technical assistance activities. Special consideration has also been given to the training of apprentices and skilled workers. 62/ Availability of technical assistance in other specific fields has also been stressed by the General Assembly and the Council, and they have given consideration to, and have made recommendations for, 63/ various kinds of international action in such fields.

b. FINANCING OF ECONOMIC DEVELOPMENT OF UNDER-DEVELOPED COUNTRIES

29. In considering international action to promote economic development, the United Nations has regarded the question of financing economic development as one of the major problems. Many studies and reports on this subject have been initiated by the General Assembly and the Council, 64/ not only to guide them in their decisions but also to provide information to Governments. Numerous recommendations have been made to Governments as well as to the International Bank for Reconstruction and Development. They have covered a wide range of action, including recommendations to Governments on: (1) specific methods of mobilizing domestic savings for economic development, 65/ (2) appropriate measures by capital-importing and capital-exporting countries designed to increase the flow of private capital to under-developed countries, 66/ and (3) the need for expansion in the flow of foreign capital of public origin to these countries to finance their economic development. 67/

30. In recent years, the United Nations has concerned itself with the question of creating new sources of international financing to accelerate economic development and of establishing new international machinery for this purpose. One of these new international organs, the proposed international finance corporation, with respect to which both the General Assembly and the Council have made several recommendations to

58/ G A resolution 304 (IV).

59/ G A resolution 356 (IV), part VIII.

60/ G A resolution 246 (III).

61/ See footnote 59 above.

62/ G A resolution 201 (III).

63/ Examples of such fields of activity are set forth in para. 106 below. See also paras. 57 and 58 below for examples of technical assistance in the social field, and para. 133 below with regard to services relating to human rights.

64/ See, for example, E S C resolution 222 D (IX).

65/ See, for example, E S C resolution 294 (XI).

66/ See, for example, E S C resolution 294 (XI).

67/ G A resolution 400 (V).

the International Bank for Reconstruction and Development and to Member Governments, 68/ would assist in the financing of productive private enterprises in under-developed countries. Another organ, the proposed special United Nations fund for economic development, would provide grants-in-aid and low-interest long-term loans for financing non-self-liquidating investment projects in under-developed countries. The General Assembly and the Council have continued to keep this matter under review. 69/ The General Assembly has also adopted a declaration under which the Member Governments would stand ready, when sufficient progress in internationally supervised disarmament had been made, to ask their peoples to devote a portion of the savings achieved through such disarmament to an international fund for economic development. 70/

c. OTHER ASPECTS OF ECONOMIC DEVELOPMENT

31. Among other aspects of economic development which should be singled out as having received particular attention are the problem of land reform, the question of industrialization and integrated economic development, productivity, and regional economic development. Such questions as the development of natural resources, international trade and finance, population and migration, all of which have been under review by the United Nations primarily in the context of the economic development of under-developed countries, are described elsewhere in this study under their respective headings.

32. At its fifth session, the General Assembly decided that immediate steps should be taken to study problems arising from agrarian conditions in under-developed areas and the effects of those conditions on standards of living. 71/ Subsequently, many aspects of the question of land reform have been the object of studies made by the Secretariat and of action taken by the Council and the General Assembly. 72/ There have been further studies of the problem by the Secretary-General and the specialized agencies, as well as consideration of the question of provision to Governments of technical and financial assistance in connexion with land reform, and specific recommendations to Member Governments on land reform measures. The Secretary-General was requested to issue 73/ a periodic questionnaire on progress in land reform and to analyse the replies from Governments in co-operation with the specialized agencies concerned; arrangements have also been made for a periodic consideration of the subject by the General Assembly.

33. On several occasions, the General Assembly and the Council have emphasized the need for integrated economic development; 74/ at the request of the Assembly that the Council promote studies of rapid industrialization of under-developed countries, the latter arranged for such studies to be prepared by the Secretary-General. 75/

34. Methods of raising productivity in under-developed countries first received the attention of the United Nations when the General Assembly requested the Council to study

68/ See, for example, E S C resolution 368 (XIII) and G A resolution 724 C (VIII), section I.

69/ See, for example, G A resolutions 724 B and C (VIII) and E S C resolutions 532 A and B (XVIII).

70/ G A resolution 724 A (VIII).

71/ G A resolution 401 (V).

72/ See, for example, E S C resolutions 370 (XIII) and 512 C I (XVII); G A resolutions 524 (VI) and 625 (VII).

73/ E S C resolution 370 (XIII) and G A resolution 524 (VI).

74/ G A resolution 521 (VI); E S C resolution 416 F (XIV).

75/ E S C resolution 461 (XV).

methods of increasing world productivity and to recommend methods for making the results of its studies available to the under-developed countries. The Council subsequently made several recommendations on the subject to Governments of under-developed countries and arranged for further studies and for future consideration of the question. 76/

J. REGIONAL ECONOMIC DEVELOPMENT

35. The establishment of the regional economic commissions for Asia and the Far East, for Europe and for Latin America was a key factor in applying international action to the promotion of economic development and the raising of the level of economic activity in the various regions. At its thirteenth session, the Council, in assessing the work of the regional economic commissions indicated that they were "instruments for economic co-operation at the disposal of interested governments by the United Nations", subject to policy guidance by the Council. 77/ The Commissions, under the terms of reference laid down by the Council, have the right to make recommendations directly to Governments in their respective regions and to the specialized agencies concerned, unless such recommendations require prior consideration by the Council because of their possible impact on the world economy as a whole. 78/

36. The importance of the regional commissions to the economic development of under-developed countries was emphasized when, at its seventh session, the General Assembly commended 79/ various activities of the commissions in promoting the acceleration of the economic development of under-developed countries. In that connexion, it declared that "the economic development of under-developed countries, consistent with the objectives set forth in Article 55 of the Charter, namely, the promotion of 'higher standards of living, full employment and conditions of economic and social progress and development', can best be carried out through co-ordination among the countries of a region and among the various regions".

4. Decisions with regard to natural resources

37. A United Nations Scientific Conference on the Conservation and Utilization of Resources was convened by the Economic and Social Council in 1949 to provide an opportunity for an exchange of experience in the techniques of conservation and utilization of resources. 80/ Subsequently, the Secretary-General has undertaken various activities, as directed by the Council, 81/ relating to international action for conservation and utilization of non-agricultural resources. These activities have included the promotion of systematic surveys and inventories of such resources, and the exploration of the question of holding international conferences on particular resources. Similarly, the Secretary-General was requested 82/ by the Council to assume responsibility for the promotion and co-ordination of international activities in the field of development of water resources and of co-operative action among national authorities and international organizations, after both the General Assembly and the

76/ G A resolution 522 (VI); E S C resolution 416 E (XIV).

77/ E S C resolution 414 (XIII), section C.I. See also E S C (XIII), Annexes, a.i.36, p. 13, E/1995/Add.1.

78/ See also in this Repertory under Article 68.

79/ G A resolution 627 (VII).

80/ E S C resolutions 32 (IV), 109 (VI) and 141 (VII).

81/ E S C resolutions 345 A and B (XII).

82/ E S C resolution 417 (XIV).

Council had recognized 83/ the importance to economic development of the effective use and control of water resources and of the development of arid land.

38. The right of States freely to exploit natural wealth and resources received special consideration from the General Assembly at its seventh session. Emphasizing the importance of the proper use and exploitation of the natural wealth and resources of the under-developed countries, the Assembly recommended 84/ to Member States "to refrain from acts, direct or indirect, designed to impede the exercise of the sovereignty of any State over its natural resources".

5. *Decisions with regard to the world supply of food*

39. One of the first actions by the General Assembly in the economic and social fields was to urge, 85/ at its first session all Governments and peoples to take immediate and drastic action to alleviate the world shortage of cereals resulting from the damage caused by the war and from the dislocation of agricultural production. This initial action has been reinforced over a period of years, by further consideration of the problem by the United Nations and by the recommendation of measures designed to increase the world's supply of food, 86/ to prevent food wastage 87/ and to co-ordinate action to meet the continuing world food crisis, including the question of procedures and measures to be applied by Governments, inter-governmental organizations and voluntary agencies in the event of famine emergencies. 88/

6. *Decisions with regard to international trade and finance*

40. The United Nations has considered the topics of expansion of international trade, balance of payment problems and other aspects of international financial relations, either individually or in connexion with the problems of full employment and economic stability, and of the financing of the economic development of under-developed countries. 89/

41. The Council has initiated 90/ studies and reports on such topics as the removal of obstacles to international trade and means of developing international economic relations, and the question of the balance of payments; it has also initiated the annual collection from Governments of information on the balance of payments and the analysis of this information by the Secretary-General. The General Assembly has also considered 91/ the question of discrimination in international trade. The Council has made recommendations to, and has commended the activities of, the regional economic commissions with respect to the promotion of trade within and among the respective

83/ G A resolution 402 (V).

84/ G A resolution 626 (VII).

85/ G A resolution 27 (I).

86/ See, for example, G A resolutions 45 (I) and 625 B (VII).

87/ G A resolution 202 (III).

88/ See, for example, G A resolution 525 (VI) and E S C resolutions 103 (VI), 405 (XIII) and 425 (XIV).

89/ See, for example, paras. 15, 17 and 29 above.

90/ See, for example, E S C resolutions 290 (XI), 378 B (XIII) and 531 C (XVIII).

91/ G A (III/1), Plen., 164th mtg., p. 592; 165th mtg., p. 609; G A (III/1), 2nd Com., 69th mtg., pp. 154-160; 71st-76th mtgs., pp. 187-278; Annexes p. 429, A/739.

regions. 92/ It has also made recommendations to Governments on the question of the expansion of international trade and has continued to keep that question under review. 93/

42. Recommendations by the Council to the Governments and specialized agencies concerned have also dealt with an intensification of effort to achieve and maintain equilibrium in the balance of payments, with the need to avoid action which might have adverse effects on the balance of payments of other countries 94/ and with the flow of investment capital for development purposes. 95/

43. The problem of prices of primary commodities and the effect of fluctuations in their prices on economic development has led to arrangements for appropriate studies and research by the United Nations Secretariat, 96/ to a series of recommendations to Governments of both developed and under-developed countries 97/ and, finally, to the establishment 98/ of an advisory body to the Council, the Commission on International Commodity Trade, the main task of which has been "to examine measures designed to avoid excessive fluctuations in the prices of and the volume of trade in primary commodities, including measures aiming at the maintenance of a just and equitable relationship between the prices of primary commodities and the prices of manufactured goods in international trade, and to make recommendations."

44. This Commission assumed some of the responsibilities discharged prior to its establishment by the Interim Co-ordinating Committee for International Commodity Arrangements. The latter had been established 99/ by the Council at its fourth session, to facilitate inter-governmental consultation and action on commodity problems. The Committee has continued to discharge the functions of convening inter-governmental study groups and of making recommendations to the Secretary-General on the convening of commodity conferences.

45. The United Nations has, on several occasions, examined the problem of the general shortage of goods 100/ and has proposed measures "to bring about adequate production and equitable international distribution of capital goods, essential consumers' goods and raw materials", 101/ especially as the problem related to the economic development of under-developed countries. 102/

92/ See, for example, E S C resolutions 143 (VII), 144 C (VII) and 301 (XI).

93/ E S C resolutions 483 D (XVI) and 531 C (XVIII).

94/ See, for example, E S C resolution 290 (XI).

95/ See paras. 29 and 30 above.

96/ For example, E S C resolution 427 (XIV).

97/ For example, G A resolution 623 (VII).

98/ E S C resolution 512 A (XVII).

99/ E S C resolution 30 (IV).

100/ In addition to these general international commodity problems, the Council has, from time to time, examined specific commodity problems and has recommended action thereon as, for example, in the case of the production and distribution of newsprint and printing paper (E S C resolution 374 (XIII)). Other cases in point are recommendations with regard to the availability of DDT insecticides for combating malaria in agricultural areas (E S C resolution 225 (IX)) and recommendations with regard to an International Timber Conference convened by the Food and Agriculture Organization of the United Nations (FAO) (E S C resolution 31 (IV)).

101/ E S C resolution 341 (XII), section A.

102/ G A resolution 523 (VI).

46. Another subject which has received special attention and has continued to be under consideration by the Council is that of restrictive business practices in international trade. In addition to recommendations to Governments on the prevention of such practices, the Council has arranged for a programme of studies and for the preparation of recommendations on methods, to be adopted by international agreement, for implementing the recommendations of the Council. 103/

7. Decisions with regard to fiscal matters

47. In the field of public finance, the Council has concentrated its particular attention on the role of fiscal measures in stimulating investment for economic development, 104/ international tax problems 105/ and the development of principles for government budgeting and for the presentation of fiscal statistics. 106/ The United Nations has collected and disseminated information on national tax laws, international tax agreements and fiscal statistics. In the field of technical assistance in fiscal matters, the United Nations has advised Governments on improvement of their tax and budget systems, has provided training in tax administration and budget management for Government officials and prepared studies for the guidance of Government agencies in these fields.

8. Decisions with regard to transport and communication

48. The transport and communication matters dealt with by the General Assembly and the Council have covered both substantive problems and various aspects of co-ordination. The latter have included the question of the adequacy of the structure of international organization in the transport and communication field, questions of co-ordination or merger of existing inter-governmental organizations, of creating new specialized agencies, such as the inter-governmental maritime organization, 107/ of co-ordination of the work of the specialized agencies and the conclusion of new conventions or the revision of existing conventions. 108/

9. Decisions with regard to statistics

49. The activities of the United Nations in the field of statistics have been directed mainly towards promoting the improvement of national statistics and their comparability, co-ordinating the statistical work of the United Nations and of the specialized agencies, and developing the central statistical services of the United Nations Secretariat concerned with the collection, interpretation and dissemination of statistical information. 109/

50. Action taken in the field of statistics has been initiated for the most part by the Economic and Social Council. Apart from the establishment of the Statistical

103/ E S C resolutions 375 (XIII) and 487 (XVI).

104/ For example, E S C resolution 416 D (XIV).

105/ For example, E S C resolution 486 B (XVI).

106/ For example, E S C resolution 67 (V).

107/ E S C resolutions 2/7 and 35 (IV).

108/ See the terms of reference of both the Temporary Transport and Communication Commission and the permanent commission which succeeded it. (E S C resolutions 10/1 and 2/7; see also E S C resolutions 35 (IV) and 147 B (VII)).

109/ See the terms of reference of the Statistical Commission (E S C resolutions 1/8 and 2/8).

Commission to advise it periodically the action of the Council in this field has been chiefly in the form of recommendations to Governments 110/ and of arrangements 111/ for the preparation and publication of studies and reports by the United Nations Secretariat and the specialized agencies. The Council has also taken action 112/ with respect to the provision of assistance to Member Governments in the field of statistics.

10. Decisions with regard to social policy and development in general

51. United Nations organs have devoted considerable attention to the problem of social development as a whole and to social development policies. At its sixth session, the General Assembly adopted 113/ a resolution by which, "Conscious of the functions devolving under the Charter on the Economic and Social Council in the matter of defining the social policy of the United Nations and promoting social progress and better standards of life in larger freedom," it expressed the view that "within the framework of long-term programmes for social progress, the United Nations and the specialized agencies should take immediate and practical action in those fields where such action is likely to produce early and positive results, particularly in the under-developed countries, both self-governing and non-self-governing," and called upon the Council "to examine in detail ... the social activities undertaken by the United Nations together with the pertinent activities of the specialized agencies ... and to take the necessary action to ensure that efforts and resources are effectively concentrated upon those social problems the early solution of which can be promoted through international action". The General Assembly also requested the Council "to draw up a programme of practical action for the United Nations in the social field to be implemented in co-operation with the specialized agencies".

52. Having examined, at its fourteenth session, a preliminary report on the world social situation prepared at its request, 114/ by the Secretary-General, the Council drew the attention 115/ of States Members and of the specialized agencies to the report, and, in that context, invited their suggestions and recommendations in connexion with the drawing up of the programme of practical action requested by the General Assembly. It also requested the Secretary-General to prepare a supplementary report dealing with a survey of national and international measures taken to improve social conditions throughout the world, and to prepare for publication in 1956 a second edition of the report on the world social situation including the changes which had taken place.

53. A programme of concerted practical action in the social field 116/ was prepared by the Secretary-General in co-operation with the specialized agencies concerned and was considered by the Social Commission and by the Council at its sixteenth session. In endorsing 117/ the report of the Secretary-General, the Council noted that it contained suggestions aimed at increasing the practical effectiveness of the social programme which it commended to the careful consideration of the organizations concerned. The Council further made recommendations with regard to the orientation of the programme, laid down general principles to be applied in matters of assistance to Governments, stated the primary aims of the programme in various fields of activity,

110/ For example, E S C resolution 149 A (VII).

111/ For example, E S C resolution 299 F (XI).

112/ For example, E S C resolution 149 C (VII).

113/ G A resolution 535 (VI).

114/ E S C resolution 309 F (XI). See also G A resolution 280 (III) and E S C resolution 244 (IX).

115/ E S C resolution 434 A (XIV).

116/ E/CN.5/291 and Corr.3

117/ E S C resolution 496 (XVI).

and recommended the use of certain practical methods and techniques for assisting Governments in carrying out the activities directed at attaining those aims.

54. The General Assembly, at its eighth session, took note with appreciation of these efforts with respect to action in the social field and invited the Secretary-General and the specialized agencies to keep the general principles, methods and techniques defined by the Council particularly in mind. 118/

55. In addition, the competent United Nations organs have dealt with the problem of social development as a whole in connexion with co-ordinating the activities of the specialized agencies. 119/ Only general reference is made here to the concern of the United Nations, expressed in the decisions of those organs, with the co-ordination, whenever appropriate, of their activities with those of the specialized agencies, and of inter-governmental and non-governmental organizations in their particular fields. Similarly, only general reference is made to the establishment among the specialized agencies of machinery for co-ordination at the inter-secretariat level.

11. Decisions with regard to technical assistance in the social field

56. At the second part of its first session, the General Assembly adopted a resolution 120/ relating to the transfer to the United Nations of the advisory social welfare functions of the United Nations Relief and Rehabilitation Administration (UNRRA). The resolution called for the provision to Governments through the United Nations of various forms of technical assistance in the social field. At its fifth session, the General Assembly reviewed the terms of the above-mentioned resolution, and called 121/ for the provision of additional forms of social welfare advisory services.

57. At its ninth session, the Council, by the resolution recommending that the General Assembly establish the Expanded Programme of Technical Assistance for Economic Development of Under-developed Countries, stressed the relationship between economic and social conditions and provided, in this context, for technical assistance in the social field. In an annex to the resolution it was stated that

"Due attention and respect should be paid to the national sovereignty and national legislation of the under-developed countries and to the social conditions which directly affect their economic development. Requests for technical assistance may therefore be approved which will help Governments to take account of the probable consequences of proposed projects for economic development in terms of the welfare of the population as a whole, including the promotion of full employment, and also to take account of those social conditions, customs and values in a given area which would directly influence the kinds of economic development that may be feasible and desirable. Similarly, requests may also be approved for technical assistance to Governments desiring to undertake the specific social improvements that are necessary to permit effective economic development and to mitigate the social problems - particularly problems of dislocation of family and community life - that may arise as a concomitant of economic change." 122/

118/ E S C resolution 732 (VIII).

119/ See, for example, E S C resolutions 324 A (XI) relating to the concentration of efforts and resources and to criteria for priorities, and 451 A (XIV) relating to a list of priority programmes in the economic and social fields. See also G A resolutions 413 (V) and 533 (VI), and in this Repertory under Articles 58 and 63 (2).

120/ G A resolution 58 (I).

121/ G A resolution 418 (V).

122/ E S C resolution 222 A (IX), annex I.

58. The General Assembly, at its sixth session, after having reviewed the regular programmes of technical assistance of the United Nations, recommended "that additional technical assistance activities to be undertaken for the benefit of under-developed countries in the fields of economic development, public administration and social welfare should be considered under the expanded programme of technical assistance in cases where such additional programmes cannot be financed from the budget of the United Nations". 123/

59. Numerous decisions which have called for technical assistance in specific fields of activity are set forth below in connexion with the description of activities in those fields.

12. Decisions with regard to population matters

60. In the field of matters pertaining to population, the United Nations has compiled and disseminated information on the size and structure of populations, and has made and recommended the initiation of studies on future population trends, on the inter-relationships of demographic, economic and social factors, and on policies designed to influence the size and structure of populations and changes therein. 124/

61. The Council, at its fourth session, requested the Secretary-General to offer advice and assistance to such Member States as were prepared to take comparable population censuses, made recommendations on the use of comparable schedules in censuses to be taken in or around 1950, and developed plans for the improvement of the comparability and the quality of basic population statistics. 125/

62. The United Nations has devoted particular attention to population problems in relation to the economic development and the social advancement of under-developed countries. Thus, the Council has stressed 126/ the necessity of studying the "interplay of the economic, social, and demographic factors which hinders the attainment of an adequate standard of living and the cultural development of the population in certain countries". The Council has also called for special studies of the population of Trust Territories. 127/ In order to help overcome difficulties arising from the lack of adequate data and research relating to less developed countries, a field survey on the relationships between population changes and social and economic conditions was initiated in 1950 in India, in the form of a project of United Nations technical assistance to the Government of India. At its eleventh session, the Council stressed 128/ the importance of this project and called for its expansion. Technical assistance in techniques of demographic analysis and population studies has also been made available to Governments. 129/

63. In addition to population studies presented in the form of monographs, the United Nations publishes a Population Bulletin, as well as a Demographic Yearbook. 130/

64. A World Population Conference was held in Rome in 1954 under the auspices of the United Nations, in close collaboration with the International Union for the Scientific

123/ G A resolution 518 (VI).

124/ E S C resolutions 3 (III), 41 (IV), 150 (VII), 308 D (XI), 471 A, B and C (XV).

125/ E S C resolution 41 (IV).

126/ Ibid.

127/ Ibid.

128/ E S C resolution 308 D (XI).

129/ E S C resolution 471 C (XV).

130/ E S C resolution 41 (IV).

Study of Population and interested specialized agencies. 131/ The Conference was devoted to an exchange of ideas and experience on present trends and future prospects of population growth and their relation to major questions of policy and programmes of economic and social development.

13. Decisions with regard to migration

65. The United Nations has been concerned with the demographic aspects of migration, with the inter-relationship of demographic, economic and social factors in migration, as well as with its social and economic aspects, 132/ and has made various studies in this connexion. 133/ Recommendations relating to the improvement in the quality and comparability of statistics on international migration adopted by the Statistical and Population Commissions of the Council were called to the attention 134/ of interested Governments by the Council at its fifteenth session. The Council has also made recommendations on the protection of migrant and immigrant labour 135/ and for the simplification of formalities and the reduction of costs for migrants and their families. 136/ The General Assembly has made recommendations with regard to migration in connexion with the economic development of under-developed countries. 137/ Since 1953, the United Nations has promoted interest in, and has initiated studies of, internal migration as an important phenomenon in connexion with the economic and social progress of the economically less developed countries. 138/

66. Dealing with matters which have some relation to the problem of migration, the United Nations has prepared a model convention on the enforcement abroad of maintenance orders, has recommended that Governments use the model as a guide for the preparation of bilateral treaties or uniform legislation to be enacted by individual States, and has taken steps to ascertain from Governments whether they considered it desirable to convene a conference of States to complete the drafting of the convention. 139/ The Council has also made recommendations to Governments on the problem of assistance to indigent aliens, 140/ following the preparation of a report on the subject by the Secretary-General. 141/

14. Decisions with regard to social welfare

a. SOCIAL WELFARE ADMINISTRATION AND TRAINING OF SOCIAL WELFARE PERSONNEL

67. The United Nations has collected and disseminated information, made studies and provided for direct assistance to Governments in the fields of training of social welfare personnel 142/ and of social welfare administration. 143/ On the first of these subjects, the Council has made recommendations to Member States relating to the nature of social work as a professional function, to training for social work and the

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- 131/ E S C resolutions 389 C (XIII), 435 (XIV) and 471 E (XV).
132/ E S C resolutions 156 A (VII), 308 C (XI) and 389 B (XIII).
133/ See, for example, E S C resolution 396 (XIII).
134/ E S C resolution 469 E (XV).
135/ E S C resolution 156 B (VII); G A resolution 315 (IV).
136/ E S C resolution 434 G (XIV).
137/ G A resolution 624 (VII).
138/ E S C resolution 471 D (XV); G A resolution 733 (VIII).
139/ E S C resolution 527 (XVII).
140/ E S C resolutions 309 B (XI) and 390 G (XIII).
141/ E S C resolution 43 (IV).
142/ E S C resolutions 43 (IV), 390 B (XIII) and 434 (XIV).
143/ E S C resolutions 43 (IV) and 390 C (XIII).

encouragement of its development, and to the recruitment and status of social workers, 144/ as well as to in-service training of social welfare personnel. 145/ The Council has also made recommendations with regard to social welfare administration in connexion with technical assistance. 146/

b. COMMUNITY ORGANIZATION AND DEVELOPMENT

68. Collection and dissemination of information on community welfare centres, as well as the provision, upon request of Governments, of technical assistance services in that field were initiated by the Council at its thirteenth session. 147/ Later, the Council provided for the convening of groups of senior policy-making representatives of Governments having similar social and economic problems and of representatives of the Secretariats of the United Nations and of the specialized agencies concerned, to plan concrete programmes for expansion of community development projects, including training facilities and the strengthening of organizations for administering social programmes related to community development in their respective countries. 148/

c. HOUSING AND TOWN AND COUNTRY PLANNING

69. Activities by the United Nations in the field of housing and town and country planning have included studies, the collection and dissemination of information, the publication of the Housing and Town and Country Planning Bulletin, and the provision of technical assistance services to Governments. 149/ At its ninth session, the Economic and Social Council requested 150/ the Secretary-General to arrange for a meeting of experts to consider technical questions relating to housing and town planning for the lower income groups in the humid tropics. At its tenth session, the Council made the alternative recommendation 151/ that visits by groups of experts to such areas be organized. Following upon a request 152/ made by the General Assembly at its sixth session that it give urgent attention to practical measures to assist Governments in increasing available housing facilities for people in the lowest income groups, the Council, at its fourteenth session, made recommendations 153/ to Governments on the development of long-term policies and comprehensive programmes of housing and community improvement and their financing, on the exchange of information on research and practical experience in housing, community planning and the building industry, on trade between countries in building materials and equipment, and on the encouragement of higher productivity and the development of the building industry, as well as of the manufacture of building materials from local sources. Special emphasis was placed on the needs of the less developed countries and on the participation in this work of the regional economic commissions.

144/ E S C resolution 390 B (XIII).

145/ E S C resolution 434 F (XIV).

146/ E S C resolution 390 C (XIII).

147/ E S C resolution 390 D (XIII).

148/ E S C resolution 496 (XVI).

149/ See G A resolutions 53 (I) and 537 (VI); E S C resolutions 50 (IV), 122 D (VI), 155 F (VII), 243 D (IX) and 434 I (XIV).

150/ E S C resolution 243 C (IX).

151/ E S C resolution 279 (X).

152/ G A resolution 537 (VI).

153/ E S C resolution 434 I (XIV).

J. UNITED NATIONS INTERNATIONAL CHILDREN'S EMERGENCY FUND

70. The General Assembly, at the second part of its first session, established 154/ the United Nations International Children's Emergency Fund (UNICEF) to assist children of war-devastated countries and to raise the general level of child health. The financial resources of UNICEF were to consist of any assets made available by UNRRA and of any voluntary contributions made available by Governments, voluntary agencies, individual or other sources. Further, UNICEF was authorized to receive funds, contributions or other assistance from any of those sources; to make expenditures and to finance or arrange for the provision of supplies, material, services and technical assistance for the furtherance of its purposes; and to facilitate and co-ordinate activities relating thereto. In agreement with the Governments concerned, UNICEF was to take such measures as were deemed appropriate to ensure the proper utilization and distribution of supplies or other assistance which it provided. At its fifth session, the General Assembly decided 155/ that UNICEF should, with due regard to the urgency of the needs and available resources, formulate its policies, determine its programmes and allocate its resources for the purpose of meeting, through the provision of supplies, training and advice, emergency and long-range needs of children and their continuing needs particularly in under-developed countries, with a view to strengthening, wherever appropriate, the permanent child health and child welfare programmes of the countries receiving assistance. At its eighth session, the Assembly reaffirmed 156/ the pertinent provisions of its earlier resolutions and decided that UNICEF should be continued on a permanent basis.

e. FAMILY, YOUTH AND CHILD WELFARE

71. The United Nations has collected and disseminated information in the field of family, youth and child welfare by continuing the regular publications of the League of Nations concerning child welfare, and has made studies and provided direct assistance to Governments on these matters. 157/ At its seventh session, the Economic and Social Council affirmed 158/ the primary responsibility of the United Nations for international activity in this field. In co-operation with the specialized agencies concerned, the United Nations has developed an integrated programme for meeting the needs of children, and the Council has made recommendations 159/ to Governments for the development of their national child welfare programmes. The Council has also called 160/ for the compilation of documentation, as well as for research, studies and action with regard to the welfare of the aged.

f. REHABILITATION OF THE PHYSICALLY HANDICAPPED

72. With regard to the rehabilitation of the physically handicapped, the Economic and Social Council has provided 161/ for the use of technical assistance services, for the dissemination of information and the preparation of training material, as well as for the exchange of knowledge and materials for the manufacture of prosthetic devices, and it has made recommendations to Governments aimed at encouraging their efforts in this field.

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- 154/ G A resolution 57 (I).
155/ G A resolution 417 (V).
156/ G A resolution 802 (VIII).
157/ See E S C resolutions 43 (IV) and 122 A (VI).
158/ E S C resolution 155 B (VII).
159/ E S C resolution 434 E (XIV).
160/ E S C resolutions 198 (VIII) and 319 D (XI). See also G A resolution 213 (III).
161/ E S C resolution 309 E (XI). See also G A resolution 58 (I), para. 2 (c).

g. PREVENTION OF CRIME AND TREATMENT OF OFFENDERS

73. At its seventh session, the Economic and Social Council endorsed 162/ the view of its Social Commission that the United Nations should assume leadership in promoting the study, on an international basis, of the problem of the prevention of crime and treatment of offenders, having regard to, and using the knowledge and experience of, international and national organizations which had interests and competence in the field. The Council also requested that a meeting of a group of experts to advise the Secretary-General and the Social Commission in devising and formulating policies and programmes of studies and action in this field be convened in 1949. At its tenth session, the Council reiterated 163/ this request in respect of a meeting to be convened in 1950. At its fifth session, the General Assembly adopted 164/ a resolution calling for the transfer to the United Nations of the functions of the International Penal and Penitentiary Commission. The plan relating to this transfer called for: (1) the appointment by Governments of experts to act as correspondents with the Secretariat of the United Nations; (2) the holding of periodical regional conferences; (3) the convening of international congresses every five years; and (4) the publication of a review in the field of prevention of crime and treatment of offenders. In addition, it provided for the convening of committees of experts similar to those previously called for by the Council. The Council, at its thirteenth session, made recommendations 165/ to Governments with regard to the use of probation, and called for 166/ studies and research relating to criminal statistics.

h. TRAFFIC IN PERSONS, TRAFFIC IN OBSCENE PUBLICATIONS, AND PROSTITUTION

74. At its fourth session, the Council decided 167/ that the United Nations should assume the functions formerly exercised by the League of Nations under the Conventions of 1921 and 1933 relating to the suppression of the traffic in women and children, and the Convention of 1923 relating to the suppression of the circulation of and traffic in obscene publications. At its second session, the General Assembly approved 168/ draft Protocols to that effect; these were signed on 12 November 1947. In 1948 the United Nations similarly assumed 169/ the functions formerly exercised by the Government of France under the International Agreement of 18 May 1904 and the International Convention of 4 May 1910 for the Suppression of the White Slave Traffic, and the International Agreement of 4 May 1910 for the Suppression of Obscene Publications. The Council, at its fourth session, had instructed 170/ the Secretary-General to resume the study of a draft Convention, prepared in 1937, regarding the exploitation of the prostitution of others, and at its seventh session, it requested 171/ its Social Commission to prepare a draft Convention unifying the existing agreements and conventions relating to the traffic in women and children and the draft Convention regarding the exploitation of the prostitution of others. Pending the conclusion of such a convention, the Council made recommendations 172/ to Member Governments with regard to the prevention of prostitution and the rehabilitation of children and young

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- 162/ E S C resolution 155 C (VII).
 - 163/ E S C resolution 243 F (IX).
 - 164/ G A resolution 415 (V).
 - 165/ E S C resolution 390 E (XIII).
 - 166/ E S C resolution 390 F (XIII).
 - 167/ E S C resolution 43 (IV).
 - 168/ G A resolution 126 (II).
 - 169/ E S C resolution 155 D (VII) and G A resolution 256 (III).
 - 170/ E S C resolution 43 (IV).
 - 171/ E S C resolution 155 E, I (VII).
 - 172/ E S C resolution 155 E, II (VII).

persons who were in need of care or who threatened to become, or had already become, prostitutes. A draft Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others was submitted 173/ at its ninth session, by the Council to the General Assembly, which approved 174/ the Convention at its fourth session.

i. DECLARATION OF DEATH OF MISSING PERSONS

75. The United Nations has prepared 175/ a draft Convention on the Declaration of Death of Missing Persons, and, in 1950, called a Conference of States 176/ which adopted the draft Convention as amended.

15. *Decisions with regard to narcotics*

76. The General Assembly, at the first part of its first session, expressed 177/ the willingness of the United Nations to assume the functions and powers relating to the international control of narcotic drugs formerly exercised by the League of Nations. Those functions and powers, as invested in the League by six international instruments, were to be performed by organs of the United Nations and by one specialized agency by a Protocol signed on 11 December 1946. 178/ The Economic and Social Council, the Commission on Narcotic Drugs, the Secretary-General and the World Health Organization (WHO) have carried out 179/ the functions entrusted to them under the Protocol.

77. In the field of narcotics control, the United Nations has been particularly concerned with the improvement of the measures of international control provided for by the existing agreements. Its attention has centred on the extension of control to the new synthetic drugs, on limitation of the production of opium to medical and scientific needs and on codification in a single instrument of various provisions embodied in the relevant agreements, conventions and protocols. The efforts undertaken to this effect resulted in the adoption of the two new international instruments which were considered necessary pending such codification: (a) a Protocol, signed on 19 November 1948, 180/ providing machinery for bringing under international control drugs outside the scope of the Convention of 13 July 1931 for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, as amended by the Protocol signed at Lake Success on 11 December 1946; and (b) a Protocol for Limiting and Regulating the Cultivation of the Poppy Plant, the Production of, International and Wholesale Trade in, and Use of Opium, 181/ which was adopted on 23 June 1953 by the United Nations Opium Conference convened by the Economic and Social Council. 182/ The new single convention to replace the existing international instruments on narcotics is in course of preparation. 183/

78. In addition, United Nations organs have aimed since 1947 at improving the implementation of existing international instruments by addressing requests and

173/ E S C resolution 243 B (IX).

174/ G A resolution 317 (IV).

175/ See ESC resolutions 158 (VII), 209 (VIII) and 249 (IX).

176/ See G A resolution 369 (IV).

177/ G A resolution 24 (I).

178/ G A resolution 54 (I).

179/ See, for example, E S C resolutions 49 (IV), 124 (VI), 125 (VI), 200 (VIII), 201 (VIII), 356 A (XII) and 505 F (XVI).

180/ G A resolution 211 (III).

181/ Not yet in force.

182/ See E S C resolution 436 A (XIV).

183/ E S C resolutions 159 II, D (VII), 246 D (IX), 355 B (XII) and 548 K (XVIII).

recommendations to the Members of the United Nations and non-member parties to the international narcotics instruments, 184/ and by initiating special studies and inquiries. Governments have been requested to furnish, when necessary, supplementary information and explanations on various questions. 185/ Studies and inquiries have covered the following subjects: general aspects 186/ and specific situations 187/ in respect of illicit traffic, the problems of synthetic drugs, 188/ the coca leaf, 189/ cannabis, 190/ diacetylmorphine, 191/ opium smoking, 192/ and drug addiction. 193/ The United Nations has also developed a programme of scientific research into the origin of opium, 194/ and, since 1949, has issued a Bulletin on Narcotics. 195/

16. Decisions with regard to cartography

79. The Economic and Social Council has provided 196/ for studies and the collection and dissemination of technical information in the field of cartography. It has also called for the creation 197/ of a cartographic office of the United Nations and for the transfer 198/ to the Organization of the Functions of the Central Bureau of the International Map of the World on the Millionth Scale. At its ninth and fifteenth sessions, the Council requested 199/ the Secretary-General to consult with Governments on the advisability of holding regional cartographic conferences, and, at its eighteenth session it provided 200/ for the holding of such a regional conference for Asia and the Far East.

17. Decisions with regard to post-war and other economic and social problems

80. In the immediate post-war period, economic reconstruction of devastated areas, relief, and the world food crisis were the problems which received the main attention of the United Nations in the economic field. Among various actions taken by the United Nations with respect to devastated countries were the following: studies and surveys of their needs, including the question of relief after termination of UNRRA; recommendations of specific measures to Governments; co-ordination of the activities of inter-governmental organizations; and the establishment of the Economic Commission

184/ See, for example, E S C resolutions 49 (IV), 123 A (VI), 159 II, A (VII), 246 C (IX) and 356 B (XII).

185/ E S C resolution 246 B (IX).

186/ See, for example, E S C resolutions 246 E (IX), 436 C and D (XIV), 505 D (XVI) and 548 J (XVIII).

187/ See, for example, E S C resolution 355 D (XII).

188/ See, for example, E S C resolutions 246 G (IX), 436 G (XIV), 505 C (XVI) and 548 H (XVIII).

189/ A Commission of Enquiry on the Coca Leaf (G A resolution 134 (II) and E S C resolutions 123 C (VI), 159 IV (VII) and 246 H (IX)) went to Peru and Bolivia in 1949, and a further study of the question (E S C resolution 395 D (XIII)) led to the formulation by the Economic and Social Council of recommendations on this matter (E S C resolutions 436 E (XIV) and 548 E (XVIII)).

190/ E S C resolution 548 F (XVIII).

191/ E S C resolution 548 G (XVIII).

192/ E S C resolutions 49 (IV), 159 II, B (VII) and 505 B (XVI).

193/ E S C resolutions 49 (IV) and 548 I (XVIII).

194/ E S C resolutions 159 II, C (VII), 246 F (IX), 436 (XIV), 477 (XV) and 548 D (XVIII).

195/ E S C resolution 159 II, F (VII).

196/ E S C resolutions 131 (VI), 261 A (IX) and 476 A (XV).

197/ E S C resolution 261 A (IX).

198/ E S C resolutions 412 A, II (XIII) and 476 B (XV).

199/ E S C resolutions 261 A (IX) and 476 A (XV).

200/ E S C resolution 556 (XVIII).

for Asia and the Far East (ECAFE) and the Economic Commission for Europe (ECE). 201/ In the social field, the United Nations paid primary attention to the rehabilitation of children and adolescents of countries which had been victims of aggression 202/ and took over the advisory social welfare functions of UNRRA. 203/ The Organization also dealt with the plight of survivors of concentration camps 204/ and with the problem of prisoners of war, 205/ as well as with the question of refugees and displaced persons. 206/

81. On many occasions the United Nations took action with respect to the economic and social aspects of problems of an emergency character. Examples of such action are set forth below.

82. At its second session, the General Assembly, in connexion with the question of the future government of Palestine, adopted 207/ a resolution embodying the Plan of Partition with Economic Union. At its third session, the Assembly took its first steps to assist Palestine refugees, 208/ and, at its fourth session, it established for this purpose the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA); 209/ it has continued to give attention to this question. 210/ In 1950 the United Nations initiated action with regard to assistance for the civil population of Korea 211/ and for relief and rehabilitation of that country. 212/ The General Assembly, at its fifth session, established the United Nations Korean Reconstruction Agency (UNKRA) and laid down principles of general policy on relief and rehabilitation of Korea; 213/ it has continued to keep the activities of this agency under review. 214/ The United Nations has also dealt with the problem of financial and technical assistance to Libya in relation to war damages and to the question of the over-all economic development of that country. 215/

201/ See, for example, E S C resolutions 5 (III), 34 (IV), 36 (IV) and 37 (IV); G A resolutions 46 (I) and 48 (I).

202/ See para. 20 above.

203/ See para. 56 above.

204/ E S C resolutions 305 (XI), 353 (XII) and 386 (XIII).

205/ G A resolutions 427 (V) and 741 (VIII).

206/ See, for example, G A resolutions 8 (I) and 62 (I). The United Nations later gave continuing attention to this question. See also the section on Human Rights, para. 133 et seqq., below.

207/ G A resolution 181 (II).

208/ G A resolution 212 (III).

209/ G A resolution 302 (IV).

210/ G A resolutions 393 (V), 513 (VI), 614 (VII) and 720 (VIII).

211/ E S C resolution 323 (XI); see also in this Repertory under Article 65.

212/ See, for example, E S C resolution 338 (XI) and G A resolution 410 (V).

213/ G A resolution 410 (V).

214/ See, for example, G A resolution 725 (VIII).

215/ See, for example, G A resolutions 389 (V), 529 (VI) and 726 (VIII).

B. Analytical Summary of Practice

The scope of the activity of the United Nations in the economic and social fields

83. The objectives of the United Nations in the economic and social fields according to Article 55 include the promotion of "higher standards of living, full employment, and conditions of economic and social progress and development" and of "solutions of international economic, social, health and related problems; and international cultural and educational cooperation".

84. The purpose of this section is to describe the matters with which the General Assembly and the Economic and Social Council have dealt in their decisions related to the promotion of these objectives. 216/ No attempt is made to describe in detail the substance of the decisions taken, nor does this section deal with the topics which were simply mentioned in the work programmes and reports of the Commissions of the Council. The material is presented, as far as possible, in tabular form with the subjects arranged in homogeneous groups. The tables are accompanied by explanatory remarks in the text or in the footnotes to indicate the nature of the subject and various constitutional questions bearing upon Article 55 to which the consideration of these subjects has given rise. 217/

85. The references to resolutions of the General Assembly and of the Economic and Social Council serve to illustrate the fact that a particular matter has been considered by the United Nations. The examples cited were chosen chiefly because they represent the first significant decision with regard to a given matter or because the action taken is a good illustration of the nature of the matter.

86. The presentation of material by fields of activity of the United Nations is not directed towards establishing a distinction between the concepts of "higher standards of living", "full employment", "conditions of economic and social progress and development"

216/ As indicated by the wording of Articles 57 and 59, the objectives set forth in Article 55 are also those to be promoted by the specialized agencies. However, this study does not describe the fields of activities of the specialized agencies, even though the United Nations organs have examined these activities in the discharge of their function of co-ordination in pursuance of Articles 17 (3), 58, and 63 (2) (see, for example, E S C resolution 451 A (XIV) relating to the adoption of priorities for programmes in the economic and social fields), and have occasionally dealt with particular questions of primary concern to specialized agencies (see, for example, G A resolution 60 (I) on the translation of the classics and E S C resolutions 377 (XIII) and 422 (XIV) on the availability of insecticides for public health purposes).

217/ Such constitutional questions as that of the sovereign equality of the Members of the United Nations, the question of intervention by the United Nations in matters which are essentially within the domestic jurisdiction of any State, and the question of the competence of the Council to make recommendations to individual Members are not dealt with in this study, even when they have been raised in connexion with matters relating to the promotion of some of the objectives of Article 55. Such questions are dealt with in this Repertory under Articles 2 (1), 2 (7) and 62 (1). For example, the matter of the withholding of the gold reserves of Yugoslavia by the United States is discussed under Article 62 (1) in connexion with the question of the competence of the Council, even though the representative who submitted the agenda item stated initially that the item was submitted as a matter of international policy under Articles 55 and 56.

on the one hand and the concepts of "solutions of international economic and social problems", on the other since no such distinction is made in the decisions of United Nations organs.

1. Standards of living

87. The importance of the raising of standards of living has been repeatedly stressed in the decisions relating to economic and social matters taken by United Nations organs. Many of the subjects listed under various headings below were considered both for the purpose of promoting the objectives under which they are listed, such as full employment, economic development of under-developed countries or social welfare, and in order to promote higher standards of living. 218/

88. Specific aspects of the problem of standards of living acted upon by the General Assembly and by the Council have included the following matters: economic measures designed to maintain and to raise the general standard of living, 219/ information on levels of living conditions in all countries and on changes therein, 220/ the interdependence of social conditions and standards of living, 221/ standards of living of the working population, 222/ and purchasing power of the sections of the population with lower income. 223/

2. Full employment

89. Both the General Assembly and the Council have emphasized their responsibility and that of Governments, under Article 55, for the promotion and maintenance of full employment. 224/ Thus, the General Assembly, by resolution 308 (IV) expressed the belief that

"national and international action by Members, designed to promote and maintain full employment in accordance with Articles 55 and 56 of the Charter, is a basic requirement for the achievement of a stable and expanding world economy".

90. At the majority of the sessions of the Council, the matter of full employment has been the subject of resolutions adopted and the Council has arranged 225/ for annual consideration of this matter. By resolution 362 B (XII) it declared that "the promotion of economic stability and of the maintenance of full employment is a responsibility of the Council."

91. The question of defining the term "full employment" has not been considered as such either by the General Assembly or by the Council, but the latter expressed itself indirectly on the subject under resolution 290 (XI) by recommending "that each Government ... Publish as soon and as precisely as is practicable the standard by which it defines the meaning of full employment as a continuing objective of policy, such standard being expressed, wherever possible, in terms either of employment percentages or of absolute numbers of unemployed or in ranges of such percentages or numbers".

218/ See also the examples given in para. 10 above.

219/ G A resolution 527 (VI).

220/ Ibid.

221/ E S C resolution 434 (XIV).

222/ G A resolution 527 (VI).

223/ E S C resolution 341 A (XII).

224/ See also in this Repertory under Article 56 where the question of a pledge under Articles 55 and 56 to promote full employment is discussed.

225/ E S C resolutions 414 (XIII), section A.II(b), and 290 (XI).

92. Various aspects of the problem of full employment dealt with by the United Nations are listed below. This listing is not exhaustive because on many occasions the General Assembly and the Council have not separated the problem of full employment from related problems, such as economic stability or economic development of under-developed countries. Consequently, some aspects of the problem of full employment which fall under other headings do not appear in the list which follows.

| | |
|---|--|
| Achievement and maintenance of full employment | G A resolution 308 (IV); E S C resolutions 221 E (IX) and 290 (XI) |
| Attainment and maintenance of full employment and the avoidance of the harmful effects of inflation | E S C resolution 426 B (XIV) |
| Domestic policies and measures | E S C resolutions 290 (XI) and 531 B (XVIII) |
| Employment problems and wage policies, and the activities of the International Labour Organisation | E S C resolutions 483 A (XVI) and 531 B (XVIII) |
| Full employment standards | E S C resolution 290 (XI) |
| International mobility of labour | E S C resolution 290 (XI) |
| International policies and measures, including international trade and balance-of-payment policies | E S C resolutions 290 (XI) and 531 B (XVIII) |
| International trade and full employment | E S C resolution 1/13 |
| Objectives of full employment policies and measures | E S C resolution 290 (XI) |
| Publication by Governments of economic objectives, forecasts on employment and other economic factors | E S C resolution 290 (XI) |
| Unemployment | E S C resolution 221 E (IX); G A (IV), Plen. 255th mtg., paras. 81-122 and 256th mtg., G A (IV), 2nd Com., 104th-106th mtgs.; 107th mtg., paras. 4-65; 108th-112th mtgs. |
| Unemployment and under-employment in under-developed countries | E S C resolutions 290 (XI) and 371 B (XIII); G A resolution 308 (IV) |

93. The questions relating to the applicability of Article 55 raised in connexion with the matter of appraising standards of full employment and the matter of inflation are described below.

a. THE QUESTION OF APPRAISING, IN TERMS OF THE OBJECTIVES
OF ARTICLE 55, THE STANDARDS OF FULL EMPLOYMENT
ESTABLISHED BY INDIVIDUAL GOVERNMENTS

94. At the eleventh session of the Council, the Economic Committee had before it an amendment 226/ to a draft resolution on the subject of full employment which was subsequently adopted by the Council and became resolution 290 (XI). By that resolution the Council requested the Economic, Employment and Development Commission to examine the replies from Governments and the Secretary-General's analysis of those replies for the purposes of "Calling attention to the repercussions of the goals, policies and programmes of the various Governments upon the economic situation of other countries" and of "Formulating significant problems of international concern that may arise for consideration by the Council and recommending proposals for action by the Council." The above-mentioned amendment would have called for an examination by the Economic, Employment and Development Commission of the replies from Governments to the full employment questionnaire and their analysis, for the purpose of "appraising the standards" by which each Government defined the meaning of full employment as a continuing objective of policy; the texts of these standards were to be published by each Government as recommended by the Council. Such appraisal was to be made "in the light of the obligations of Members under Articles 55 and 56 of the Charter". The amendment was rejected by the Economic Committee. 227/

95. In the course of discussion, 228/ the sponsor of the proposal said in its support that it did not constitute undue interference in the domestic affairs of Governments, and that the Charter included an obligation to indicate that failure to maintain full employment in any country was necessarily a matter of international concern because of the international economic repercussions involved. Furthermore, under Article 56, Governments were required to take joint or separate action to achieve full employment, one of the objectives of Article 55, not by themselves, but in co-operation with the United Nations.

96. It was objected that mature reflection would be needed before the proposal could be accepted. While the level of employment in any country was of concern to all Governments, the question at issue was the expediency of asking a particular United Nations organ to appraise the relative virtues of various national policies, and it was not expedient to obscure practical recommendations contained in the draft resolution by an ideological appraisal of relative achievements. Another representative thought that the draft resolution, while already elaborate, was not the final stage of the work which had to be accomplished in order to achieve the purposes of Articles 55 and 56; only at a later stage would it be appropriate to pass judgement on the actions of individual Governments.

b. FULL EMPLOYMENT IN RELATION TO INFLATION

97. By resolution 426 B (XIV) the Council requested the Secretary-General to prepare a report on national and international measures designed to reconcile the attainment and maintenance of full employment with the avoidance of the harmful effects of inflation. One preambular paragraph read, in part, as follows:

"Considering, further, the possibility that full employment or rapid increases in employment rates may strengthen or give rise to inflationary tendencies unless adequate measures are taken to check such tendencies ...".

226/ E/AC.6/L.14.

227/ E/AC.6/SR.93, p. 24.

228/ Ibid., pp. 22-24.

98. In the course of discussion, a number of representatives opposed the resolution at its draft stage and expressed the view that this part of the preamble was based on the false premise that full employment might lead to inflation, thus threatening economic stability, and was therefore an attack on the concept of full employment and contrary to Article 55. 229/ The sponsor of the draft resolution pointed out that his draft did not offer a complete solution to the problem of full employment but dealt with one of its aspects which had been neglected in the past and was of equal importance with other aspects. 230/ It was also stated that an important contribution to the well-being of the peoples of the world would be made if the Council could help Governments to determine measures designed to achieve and maintain full employment while avoiding the harmful effects of inflation. 231/

99. When this matter was again considered by the Council at its sixteenth session, it expressed a somewhat different view in a resolution 232/ by which it requested information and initiated a study. The resolution contained the following preambular statement: "Considering that the problems of reconciling the attainment and maintenance of full employment in the industrialized countries, ... with the need of avoiding the harmful effects of inflation, deserve further consideration,".

3. Economic stability

100. The various aspects of the problem of economic stability considered by the General Assembly and the Council have included:

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| Anti-recession measures and programmes | E S C resolutions 221 D (IX), 290 (XI), 427 (XIV) and 531 (XVIII) |
| Domestic economic policies | E S C resolution 427 (XIV) |
| Economic development and economic stability | E S C resolution 427 (XIV) |
| Full employment and world economic stability | G A resolution 308 (IV); E S C resolution 427 (XIV) |
| Inflationary pressures and measures to combat inflation | G A resolution 527 (VI); E S C resolution 341 (XII), section A |
| Measures to prevent recessions and the activities of the International Bank for Reconstruction and Development (the Bank) and the International Monetary Fund (the Fund) | E S C resolution 290 (XI) |
| Problems of reconversion after the rearmament period | E S C resolution 483 (XVI), section B |
| Utilization of excess productive capacity for development projects | E S C resolution 221 D (IX) |

229/ E S C (XIV), 636th mtg., pp. 516 and 517.

230/ Ibid., p. 518.

231/ Ibid., p. 517.

232/ E S C resolution 483 (XVI), section A.

| | |
|---|--|
| World economic situation, including | G A resolution 406 (V); E S C resolution 341 (XII), section A |
| (a) Question of world economic surveys | G A resolution 118 (II), <u>233/</u> E S C resolution 26 (IV) |
| (b) Special world and regional economic surveys | E S C resolutions 266 (X), 221 F (IX), and 367 B (XIII) |

4. Economic development

101. The subject of economic development has received continuing attention by the General Assembly and the Economic and Social Council. At practically none of their sessions has either of these bodies failed to take some action with regard to one or more aspects of the problem.

102. Article 55 does not define economic development as relating exclusively to under-developed countries. However, decisions taken in the field of economic development, have, with a few exceptions, referred specifically to such countries.

103. In the few instances where the action taken referred to economic development generally, under-developed countries were usually referred to either as countries with respect to which the particular economic development measures were especially needed, or subsequent actions indicated that economic development of under-developed countries was meant to be the primary objective of the action. Thus, in stressing the importance of international co-operation on water control and utilization and on the development of arid land for economic development, the Council did not refer specifically to under-developed countries. 234/ Yet, in its report to the General Assembly, 235/ the Council described this action in a chapter which, in accordance with the request of the General Assembly, is regularly devoted to matters pertaining to the economic development of under-developed countries. In another instance, the Council, in instructing the Secretary-General to establish machinery within the Secretariat in connexion with the performance of certain services of expert assistance, stated that the services should be made available to Member Governments "and especially to the less developed countries for aiding them in their development". 236/ When the General Assembly created the United Nations Programme of Technical Assistance for Economic Development, 237/ it referred specifically to under-developed countries in connexion with the several types of services which it empowered the Secretary-General to perform. Subsequently the Expanded Programme of Technical Assistance for Economic Development of Under-Developed Countries was established. 238/

104. The close relationship between the concept of economic and social development and that of the development of under-developed countries was emphasized anew when the

233/ By this resolution the General Assembly recommended that the Council make recommendations for appropriate action and requested the Secretary-General to provide factual surveys and analyses of world economic conditions and trends. It also recommended that the Council "consider a survey of current world economic conditions and trends annually, and at such other intervals as it considers necessary, in the light of its responsibility under Article 55 of the Charter to promote the solution of international economic problems, higher standards of living, full employment and conditions of economic and social progress and development".

234/ E S C resolution 417 (XIV).

235/ G A (VII), Official Records, Suppl. No. 3 (A/2172), chap. III, section IV, p. 46.

236/ E S C resolution 51 (IV).

237/ G A resolution 200 (III).

238/ E S C resolution 222 A (IX); G A resolution 304 (IV).

Council at its fourteenth session, adopted a statement on United Nations priority programmes. ^{239/} The list of priority programmes in the economic and social field was preceded by the following declaration:

"This list was drawn up subject to the consideration that one overriding objective should be kept in view at all times, namely the economic and social development of under-developed areas. This over-all priority should apply to all of the programmes listed below, particularly to those in connexion with increased food production and distribution, and increased production in fields other than food".

105. No precise definition of the term "economically under-developed countries" has been formulated by the General Assembly or the Council. However, it may be said that the term has often been used by those organs to describe countries with a low per capita real income associated with low productivity and a low degree of : industrialization.

106. The various fields in which action concerning economic development has been taken, are listed below, arranged into three sub-divisions - general economic development of under-developed countries, financing of economic development, and technical assistance for economic development.

a. GENERAL ECONOMIC DEVELOPMENT

| | |
|---|--|
| Agricultural co-operation | E S C resolution 370 (XIII) |
| Commercial agreements and policies | G A resolutions 404 (V) and 523 (VI) |
| Economic and social development | G A resolution 724 B (VIII) |
| Effects of terms of trade on the national income of under-developed countries | G A resolution 623 (VII) |
| Industrialization | G A resolution 521 (VI); E S C resolution 461 (XV) |
| Integrated economic development | G A resolutions 520 B (VI), 523 (VI) and 623 (VII); E S C resolutions 416 F (XIV) and 294 (XI) |
| Land reform | E S C resolution 370 (XIII); G A resolutions 401 (V) and 625 (VII) |
| Land reform and relevant activities of certain specialized agencies | E S C resolution 512 C, I (XVII) |
| Maintenance of peace and security and economic development | G A resolutions 400 (V) and 623 (VII) |
| Methods to increase world productivity | G A resolution 522 (VI); E S C resolution 416 E (XIV) |
| Migration | G A resolution 624 (VII) |

^{239/} E S C resolution 451 A (XIV).

| | |
|---|--|
| Problems of regional economic development and co-operation | E S C resolutions 143 (VII), 144 C (VII) and 179 (VIII); G A resolution 627 (VII) |
| Standards of living and economic development | G A resolution 198 (III) |
| Question of the rate of economic development and urgency of the problem of economic development | G A resolutions 198 (III) and 400 (V) |
| Unemployment and under-employment in under-developed countries | E S C resolution 371 B (XIII) |
| Volume and distribution of national income in under-developed countries | E S C resolution 369 (XIII); G A resolution 403 (V) |
| b. FINANCING OF ECONOMIC DEVELOPMENT | |
| Conditions for the flow of private foreign capital to under-developed countries | E S C resolutions 294 (XI), 368 (XIII) and 512 B (XVII); G A resolution 626 (VII) |
| Domestic measures for mobilization of domestic capital | E S C resolutions 294 (XI) and 368 (XIII) |
| Fair and equitable international prices for primary commodities | E S C resolutions 294 (XI) and 341 A (XII); G A resolution 623 (VII) |
| Financing of economic and social development and its objectives | G A resolution 520 A (VI) |
| Fiscal incentives to private foreign investment in under-developed countries | E S C resolutions 368 (XIII), 378 B (XIII), 486 B (XVI) and 416 D (XIV) |
| Foreign exchange problems | E S C resolution 294 (XI) |
| International flow of private capital and its contribution to economic development | E S C resolution 512 B (XVII) |
| Lending policies of the Bank | E S C resolutions 167 E (VII) and 427 (XIV); G A resolution 198 (III) |
| Methods of financing economic development | E S C resolutions 294 (XI) and 368 (XIII) |
| Non-self liquidating projects | G A resolution 400 (V); E S C resolution 368 (XIII) |
| Public foreign capital | G A resolution 400 (V) |

Question of establishing international machinery for

| | |
|--|---|
| i. financing productive private enterprises | E S C resolutions 368 (XIII) and 416 C (XIV); G A resolution 724 C (VIII), section I |
| ii. grants-in-aid and low-interest long-term loans for financing non-self-liquidating projects | G A resolutions 520 A (VI) and 724 B (VIII); E S C resolution 416 A (XIV) |
| Savings from disarmament | E S C resolution 482 A, II (XVI); G A resolution 724 A (VIII) |
| Sovereignty of under-developed countries and foreign investments | E S C resolution 368 (XIII) |

c. TECHNICAL ASSISTANCE FOR ECONOMIC DEVELOPMENT

| | |
|--|--|
| Expanded Programme of Technical Assistance | E S C resolution 222 A (IX) |
| Provision of equipment and supplies | G A resolution 519 (VI) |
| Provision of experts and services to Member Governments | E S C resolution 51 (IV) and 139 A (VII) |
| Question of provision of technical assistance in specified fields | |
| Agricultural development programmes | E S C resolution 424 (XIV) |
| Development of vital statistics | E S C resolution 469 D (XV) |
| Development and utilization of water resources | E S C resolution 533 (XVIII) |
| Dissemination of information on the activities of the General Assembly and the Economic and Social Council relating to land reform | G A resolution 625 (VII) |
| Forest conservation and production of newsprint and printing paper | E S C resolution 374 (XIII) |
| Improvement of economic and statistical services in connexion with full employment activities | E S C resolution 371 (XIII) |
| Land reform | E S C resolution 370 (XIII) |
| Methods to increase productivity | E S C resolution 416 E (XIV) |
| National income data | G A resolution 403 (V) |

| | |
|--|--|
| National surveys and inventories of non-agricultural resources | E S C resolution 345 A (XII) |
| Organization and collection of economic data | G A resolution 407 (V) |
| Preparation of development projects | E S C resolution 368 (XIII) |
| Production and use of insecticides in combating malaria | E S C resolution 225 (IX) |
| Public finance | E S C resolutions 2 (III) and 67 (V) |
| Regional technical assistance | E S C resolution 382 C (XIII) |
| Public administration | E S C resolution 492 B (XVI) |
| Training of apprentices and technical workers | G A resolution 201 (III); E S C resolution 293 (XI) |
| United Nations Programme of Technical Assistance for Economic Development of Under-Developed Countries | G A resolution 200 (III) |

107. Some of the fields of activity included in the groups below, namely under the headings of natural resources, world supply of food, international trade and finance and fiscal matters (public finance) concern activities related to economic development of under-developed countries. This is true also of the activities listed under full employment and economic stability as well as population and migration. ^{240/} A certain amount of overlapping is unavoidable in a classification of activities which are closely related, and has to be taken into account in the examination of each of the groups following.

d. NATURAL RESOURCES

| | |
|---|--|
| Arid land | G A resolution 402 (V); E S C resolution 417 (XIV) |
| Conservation, development and utilization of natural resources | E S C resolution 345 A and B (XII); G A resolution 523 (VI) |
| Exchange of experience in the techniques of conservation and utilization of resources | E S C resolution 32 (IV) |
| International co-operation on water control and utilization | E S C resolutions 346 (XII) and 417 (XIV) |
| Flood control in Asia and the Far East | E S C resolution 105 (VI) |

^{240/} See paras. 92, 100, 116 and 117.

Right to exploit freely natural wealth and resources G A resolution 626 (VII) 241/

Sovereignty of States over their natural resources G A resolution 626 (VII)

e. WORLD SUPPLY OF FOOD

Emergency food reserves G A resolution 525 (VI)

Food shortages in the world (Food and famine) E S C resolutions 405 (XIII) and 425 (XIV); G A resolution 525 (VI)

Problems of regional agricultural development E S C resolutions 143 (VII) and 144 C (VII)

Production and distribution of cereals and other foodstuffs E S C resolutions 103 (VI), 183 (VIII) and 223 B (IX); G A resolution 27 (I)

Question of expansion of agricultural production and of the disposal of agricultural surpluses E S C resolution 534 (XVIII)

Wastage of food G A resolution 202 (III)

f. INTERNATIONAL TRADE AND FINANCE

i. INTERNATIONAL TRADE

Effect of taxation on foreign trade E S C resolution 378 B (XIII)

Expansion of international trade E S C resolutions 1/13, and 531 C (XVIII)

Removal of obstacles to the development of international trade 242/ E S C resolution 483 (XVI), section D and 531 C (XVIII)

241/ Contrary to the prevailing view, expressed during consideration of this resolution at its draft stage that it followed the general terms and objectives of Article 55, several representatives felt that the resolution was not compatible with the spirit of Article 55 and would have an adverse effect on the economic development of under-developed countries. (G A (VII), Plen., 411th mtg., pp. 493-495.)

242/ The General Assembly, at its third session, considered and rejected a draft resolution entitled "Discrimination practised by certain States in international trade obstructing normal development of trade relations and contrary to the Purposes and Principles of the United Nations Charter". A reference was made under this draft resolution to the importance of international co-operation in connexion with Articles 1, 55 and 56. Although those who supported the proposal emphasized that discrimination was inconsistent with the principles of the Charter, none of those who opposed it expressed a view on the question whether the proposal contravened or was in accordance with Article 55, and, in fact, gave other reasons for opposing it. (For texts of relevant statements see G A (III/1), Plen., 164th mtg., pp. 592-599; 165th mtg., pp. 600-609; 2nd Com., 69th mtg., pp. 154 and 160, and 71st-76th mtgs.) A somewhat similar draft resolution was subsequently considered and rejected by the Economic and Social Council (E S C (VIII), 271st mtg., pp. 553-562 and Annex, p. 70, E/1257).

| | |
|--------------------------------|--|
| Restrictive business practices | E S C resolutions 375 (XIII) and 487 (XVI) <u>243/</u> |
| Regional trade expansion | E S C resolutions 143 (VII), 144 C (VII) and 301 (XI) |

ii. INTERNATIONAL FINANCIAL TRANSACTIONS

| | |
|---|--|
| Balances of payments and monetary reserves | E S C resolution 427 (XIV) |
| Balance of payments problems | E S C resolutions 28 (IV) and 290 (XI) |
| Balance of payments policies of the International Monetary Fund | E S C resolution 427 (XIV) |
| International flow of capital for the economic development of under-developed countries | E S C resolution 512 B (XVII) |

iii. INTERNATIONAL COMMODITY PROBLEMS 244/General commodity problems

| | |
|--|--|
| Capital goods | E S C resolution 341 (XII), section A |
| Establishment of a co-ordinating committee to facilitate inter-governmental consultations and action on commodity problems | E S C resolution 30 (IV) |
| Inter-governmental conferences on primary commodity problems | E S C resolution 296 (XI) |
| International agreements and arrangements | E S C resolution 30 (IV); G A resolution 623 (VII) |
| International commodity trade | E S C resolution 512 A (XVII) |
| International price relations | G A resolution 623 (VII); E S C resolution 512 A (XVII) |
| Manufactured consumer goods | E S C resolution 341 (XII), section A |
| Primary commodities | G A resolution 623 (VII); E S C resolution 512 A (XVII) |

243/ By this resolution the Economic and Social Council took action on measures to prevent certain types of restrictive business practices, "Bearing in mind that restrictive business practices in international trade may have harmful effects on the attainment of the higher standards of living, full employment and conditions of economic and social progress and development envisaged in Article 55".

244/ See also under "World supply of food", item 6 above.

Relative prices of goods entering international trade E S C resolution 427 (XIV)

Synthetic products and their effect on primary commodities in international trade G A resolution 623 (VII)

Special commodity problems

Insecticides for combating malaria E S C resolution 225 (IX)

Newsprint and printing paper E S C resolutions 374 (XIII) and 522 L (XVII)

Question of establishing an inter-governmental study group on steel E S C resolution 462 B (XV)

Timber shortage E S C resolution 31 (IV)

g. FISCAL MATTER (PUBLIC FINANCE) 245/

108. Subjects dealt with in the field of public finance have included the following:

Collection and dissemination of fiscal information E S C resolutions 67 (V), 226 B (IX), 378 F and G (XIII) and 486 D (XVI)

Government budgeting and accounting E S C resolutions 378 D (XIII) and 486 C (XVI)

International agreements for the avoidance of double taxation E S C resolutions 226 D (IX) and 378 B (XIII)

Reclassification of government accounts E S C resolutions 378 D (XIII) and 486 D (XVI)

Taxation of foreign nationals, assets and transactions E S C resolutions 226 B (IX) and 378 C (XIII)

Technical assistance in fiscal matters E S C resolution 67 (VI)

h. TRANSPORT AND COMMUNICATION

109. Various subjects in the field of transport and communication with respect to which action has been taken are listed below:

Barriers to the international transport of goods E S C resolution 227 C (IX)

Regional co-ordination of inland transport E S C resolutions 35 (IV) and 298 H (XI)

Customs and related formalities E S C resolution 298 D (XI)

245/ See also an entry on fiscal incentives under para. 106 above, item b, entitled "Financing of economic development".

| | |
|--|---|
| Customs formalities for the temporary importation of private road vehicles and for tourism | E S C resolution 537 B (XVIII) |
| Customs treatment of samples and advertising material | E S C resolution 347 (XII) |
| International air transport | E S C resolution 298 E (XI) |
| International navigation on the River Danube | E S C resolution 7 (III) |
| International road and motor transport | E S C resolutions 147 B (VII) and 272 (X) |
| International travel matters | E S C resolution 35 (IV) |
| Licensing of motor vehicle drivers | E S C resolution 468 E (XV) |
| Passport and frontier formalities | E S C resolution 73 (V) and 227 F (IX) |
| Pollution of sea water | E S C resolution 298 C (XI) |
| Problems of maritime shipping, including freight rates, affecting Latin America | E S C resolution 227 D (IX) |
| Question of regional organizations in the field of inland transport | E S C resolution 35 (IV) |
| Question of the establishment of an inter-governmental maritime organization | E S C resolutions 35 (IV) and 468 C (XV) |
| Railway and inland waterways problems in Europe | E S C resolution 2/7 |
| Safety of life at sea and in the air | E S C resolutions 147 F (VII) and 227 E (IX) |
| Telegraph and radio communications | E S C resolution 298 J (XI) |
| Transport of dangerous goods | E S C resolution 379 E (XIII) |
| Transport insurance; question of discrimination | E S C resolutions 379 G (XIII) and 468 H (XV) |
| Unification of maritime tonnage measurements | E S C resolution 227 B (IX) |
| Uniform system of road signs and signals | E S C resolution 272 (X) |

I. STATISTICS

110. Various aspects of the statistical field have been dealt with under the decisions of the Economic and Social Council and the General Assembly as indicated below:

| | |
|--|--|
| Assistance in statistical matters to statistically under-developed countries | E S C resolution 149 C (VII) |
| Criminal statistics | E S C resolution 390 F (XIII) |
| Development of social statistics | E S C resolution 299 F (XI) |
| Definitions in basic industrial statistics | E S C resolution 469 C (XV) |
| Definitions of customs areas in connexion with economic statistics | E S C resolution 380 B (XIII) |
| Education and training in statistics | E S C resolutions 149 D (VII) and 231 C (IX) |
| Fiscal statistics | E S C resolution 486 D (XVI) |
| International comparability and computation of statistics on industrial production, and on national income and social accounts | E S C resolutions 299 D and E (XI) |
| International comparability of statistics on employment, unemployment and labour force | E S C resolutions 267 C (X) and 290 (XI) |
| International standard industrial classification | E S C resolution 149 A (VII) |
| International standard trade classification | E S C resolution 299 B (XI) |
| Migration statistics | E S C resolution 469 E (XV) |
| National income statistics in under-developed countries | E S C resolution 369 (XIII); G A resolution 403 (V) |
| Population statistics and censuses | E S C resolution 41 (IV) |
| Principles for a vital statistics system | E S C resolution 469 D (XV) |
| Principles of statistics in external trade | E S C resolution 469 B (XV) |
| Social statistics | E S C resolution 299 F (XI) |
| Statistics on living standards | G A resolution 527 (VI); E S C resolution 434 B (XIV) |
| Transport statistics | E S C resolution 147 H (VII) |
| Technical assistance in statistics to under-developed countries | E S C resolutions 149 C (VII) and 371 B (XIII); G A resolution 407 (V) |

5. Social development

a. CONSIDERATION OF THE QUESTION OF SOCIAL DEVELOPMENT IN GENERAL

111. United Nations organs have expressed their concern for social development in general by calling for the preparation of a report on the world social situation 246/ and of a survey of national and international measures taken to improve social conditions throughout the world, 247/ as well as of a programme of concerted practical action in the social field of the United Nations and the specialized agencies. 248/

b. RELATIONSHIP BETWEEN SOCIAL DEVELOPMENT AND ECONOMIC DEVELOPMENT

112. Decisions of organs of the United Nations have, on several occasions, emphasized the relationship between social development and economic development. Thus, the General Assembly, by resolution 535 (VI), entitled "Development and concentration of the efforts of the United Nations and the specialized agencies in the social field", expressed the view that "action to promote social development and technical assistance in social matters should go hand in hand with action to promote economic development and technical assistance in economic matters". At its seventh session, the General Assembly adopted resolution 642 (VII), devoted entirely to the question of integrated economic and social development, by which it drew the attention of Member States "to the desirability of framing integrated programmes taking into account the various economic and social conditions and factors and their mutual relationships, with a view to promoting the improvement of the living conditions of the peoples". It recommended to the Economic and Social Council that international co-operation for the improvement of the living conditions of the peoples be carried out on that basis, and also recommended that the Council "continue its efforts to increase the co-ordination between the studies and activities carried out in connexion with social questions and questions relating to the economic development of the countries in process of development".

113. Subsequently the Council, by resolution 496 (XVI), laid down the following principle in the matter of assistance to Governments: "The inter-related character of economic and social factors and the benefits to social progress resulting from a balanced expansion of world economy require that economic development and social development go hand-in-hand with a view to improving standards of living; projects financed by the United Nations and the specialized agencies should be selected bearing in mind this inter-relationship".

c. SOCIAL DEVELOPMENT OF UNDER-DEVELOPED AREAS

114. United Nations organs have repeatedly stressed the importance to be given to the social development of under-developed areas. For example, the Council, by resolution 122 C (VI), approved a resolution on social problems in under-developed areas, contained in the report of the second session of its Social Commission, and requested the Secretary-General to initiate studies and to collect and disseminate information and reports with respect to various social problems in under-developed areas and territories. By resolution 496 (XVI) concerning the programme of concerted practical action in the social field of the United Nations and the specialized

246/ G A resolution 280 (III); E S C resolutions 244 (IX), 309 F (XI) and 434 A (XIV).

247/ E S C resolution 434 A (XIV).

248/ G A resolution 535 (VI) and 732 (VIII); E S C resolutions 434 A (XIV) and 496 (XVI).

agencies, the Council expressed the view that "international action in the social field should give special consideration to the needs of under-developed areas". This view was expressly endorsed by the General Assembly by resolution 732 (VIII).

6. *Social problems of particular groups*

115. While the United Nations organs have, as shown in paragraph 118 below, generally promoted social progress by giving specific content to the concept of social problems and by detailing the problems to be dealt with, there has been one instance in which they have concentrated attention on the social situation of specific social groups, without further specification of the kind of problems to be considered. Thus, the General Assembly and the Economic and Social Council have placed within the range of social problems of concern to the United Nations the study of the "social problems of the aboriginal populations and other under-developed social groups of the American continent". 249/

7. *Population*

116. The subject-matter dealt with in this field has included the following:

| | |
|--|---|
| Population problems in general | E S C resolutions 3 (III) and 150 (VII) |
| Size and structure of populations and changes therein | E S C resolutions 3 (III), 150 (VII) and 471 A (XV) |
| Interrelationships of demographic, economic and social factors | E S C resolutions 3 (III), 150 (VII) and 308 D (XI) |
| Policies designed to influence the size and structure of populations and the changes therein | E S C resolutions 3 (III) and 150 (VII) |
| Population estimates and studies | E S C resolution 41 (IV) |

8. *Migration and related problems*

117. The following questions were included:

| | |
|---|---|
| Migration | E S C resolution 42 (IV) |
| Demographic aspects of migration | E S C resolution 156 A (VII) |
| Relationships between demographic, economic and social factors in migration | E S C resolution 156 A (VII) |
| Social aspects of migration | E S C resolution 156 A (VII) |
| Protection of migrant and immigrant labour | E S C resolution 156 B (VII); G A resolution 315 (IV) |
| International financing of migration | E S C resolution 308 C (XI) |

249/ G A resolution 275 (III); E S C resolution 245 (IX).

| | |
|---|---|
| Simplification of formalities and reduction of costs for migrants | E S C resolution 434 G (XIV) |
| Internal migration | E S C resolution 471 D (XV); G A resolution 733 (VIII) |
| Assistance to indigent aliens | E S C resolutions 43 (IV) and 309 B (XI) |
| Recognition and enforcement abroad of maintenance obligations | E S C resolution 390 H (XIII); G A resolution 734 (VIII) |

9. Social welfare

118. Both the General Assembly and the Council have devoted considerable attention to matters of social welfare, including:

| | |
|--|---|
| Social welfare in general | G A resolution 58 (I); E S C resolution 43 (IV) |
| Planning, organization and administration of social services | E S C resolutions 43 (IV) and 390 C (XIII) |
| Training of social welfare personnel | G A resolution 58 (I); E S C resolutions 43 (IV) and 390 B (XIII) |
| Community organization and development | E S C resolutions 390 D (XIII) and 496 (XVI) |
| Housing and town and country planning | G A resolution 53 (I); E S C resolutions 50 (IV) and 122 D (VI) |
| Techniques of production of building materials, and building techniques | G A resolution 53 (I) and E S C resolution 122 D (VI); G A resolution 537 (VI); resolution 434 I (XIV) |
| Climatic, economic and financial, legal and legislative aspects of housing and town planning questions | G A resolution 53 (I); E S C resolution 243 C (IX) |
| Social aspects of housing and town and country planning | E S C resolutions 122 D (VI) and 434 I (XIV); G A resolution 537 (VI) |
| Child welfare | G A resolution 57 (I); E S C resolutions 43 (IV) and 122 A (VI) |
| Family and youth welfare | E S C resolutions 155 B (VII) and 434 E (XIV) |
| Welfare of the aged | E S C resolutions 198 (VIII) and 309 D (XI) |
| Rehabilitation of the physically handicapped | |

| | |
|--|--|
| Manufacture of prosthetic appliances and vocational training of physically handicapped persons | G A resolution 58 (I) |
| Social aspects of the rehabilitation of the physically handicapped, including the blind | E S C resolution 279 A (X) |
| Prevention of crime and treatment of offenders | E S C resolution 155 C (VII); G A resolution 415 (V) |
| Prevention and treatment of juvenile delinquency | E S C resolution 122 C (VI) |
| Probation | E S C resolution 390 E (XIII) |
| Traffic in persons, traffic in obscene publications, and prostitution | |
| Suppression of the traffic in persons | E S C resolution 43 (IV); G A resolutions 126 (II) and 317 (IV) |
| Suppression of the circulation of, and traffic in, obscene publications | E S C resolution 43 (IV); G A resolution 126 (II) |
| Exploitation of the prostitution of others | E S C resolution 43 (IV); G A resolution 317 (IV) |
| Prevention and suppression of prostitution | E S C resolution 43 (IV); G A resolution 317 (IV) |

10. Narcotics

119. United Nations organs have dealt with the following aspects of matters pertaining to narcotic drugs:

| | |
|---|--|
| International control of narcotic drugs <u>250/</u> | E S C resolution 1/9, G A resolution 54 (I) |
| Limitation of the production of raw materials used in the preparation of narcotic drugs to medical and scientific needs <u>251/</u> | E S C resolutions 49 (IV) and 159 II, E (VII); G A resolution 774 (VIII) |

250/ The relevant action has related to various aspects of the control of narcotic drugs covered by the international agreements, conventions and protocols relating to narcotic drugs which were concluded at The Hague on 23 January 1912, at Geneva on 11 and 19 February 1925, and 17 July 1931, at Bangkok on 27 November 1931 and at Geneva on 26 June 1936.

251/ In the discussion on a proposed interim agreement to limit the production of opium to medical and scientific needs which took place at the sixth session of the Commission on Narcotic Drugs, some members of the Commission expressed their opposition to international inspection of the production of, and trade in, opium on the grounds "that it was inconsistent with the principle of national sovereignty and with the Charter of the United Nations". (E S C (XIII), Suppl. No. 13 (E/1998), para. 95.) Those objections, however, were directed against a method of control of the limitation of the production of opium, and did not challenge the competence of the United Nations to deal with the problem of such limitation. Thus, they do not bear upon the substantive scope of activity of the United Nations under Article 55.

| | |
|---|---|
| Limitation of the manufacture and regulation of the distribution of new synthetic drugs capable of producing addiction; problem of the use of synthetic drugs | E S C resolutions 86 (V) and 505 C (XVI); G A resolution 211 (III) |
| Problem of the coca leaf: effects of chewing the coca leaf; limitation of the production and control of the distribution of the coca leaf; suppression of the habit of chewing the coca leaf | E S C resolutions 159 IV (VII) and 548 E (XVIII); G A resolution 134 (II) |
| Prohibition of opium smoking | E S C resolution 49 (IV) |
| Control and suppression of the illicit traffic in narcotic drugs; detection and suppression of the illicit production of raw narcotic materials and of the illicit manufacture of narcotic drugs, as well as control of the trade in, and the distribution and transportation of, narcotic drugs; illicit trafficking by the crews of merchant ships and civil aircraft; use of the mails for the illicit traffic in narcotic drugs | E S C resolutions 159 II,A (VII), 246 E (IX), 436 D (XIV) and 505 D (XVI) |
| Determination of the origin of opium by chemical and physical means | E S C resolution 159 II,C (VII) |
| Drug addiction | E S C resolution 548 I (XVIII) |
| Reduction in the use of certain narcotic drugs (cannabis preparations, diacetylmorphine) | E S C resolutions 548 F,I (XVIII) and 548 G (XVIII) |
| Possible replacement of the cannabis plant in the production of fibre by other botanical species not producing harmful resin | E S C resolution 548 F,II (XVIII) |

11. *Special economic and social questions*

120. The economic and social questions of a special nature, which have been dealt with by the General Assembly and the Council, are set forth below under several categories, namely, post-war questions, other emergency questions, action related to the economic and social development of specific areas, and finally other special questions.

a. POST-WAR QUESTIONS 252/

| | |
|---|-----------------------|
| Contributions to UNRRA | G A resolution 6 (I) |
| Relief needs after termination of UNRRA | G A resolution 48 (I) |

252/ See also the subjects listed under the heading "World supply of food" in para. 107 above.

Reconstruction of devastated areas

| | |
|--|---|
| Activities of the Bank relating to economic reconstruction of devastated areas | E S C resolution 5, I (III); G A resolution 46 (I) |
| Economic reconstruction of devastated areas | E S C resolution 5 (III); G A resolution 46 (I) |
| Foreign exchange problems of the devastated countries of the United Nations | E S C resolution 34 (IV) |
| Social aspects of rehabilitation of devastated areas | E S C resolution 2/10; G A resolution 28 (I) |
| Rehabilitation of children and adolescents of countries which were victims of aggression | E S C resolution 10 (III); G A resolution 57 (I) |
| Question of refugees | G A resolution 8 (I); E S C resolution 1/3 |
| Plight of survivors of concentration camps | E S C resolution 305 (XI) |
| Solution of the problem of prisoners of war of the Second World War | G A resolution 427 (V) <u>253/</u> |

b. OTHER EMERGENCY QUESTIONS

| | |
|---|--|
| Assistance to Palestine refugees | G A resolution 212 (III) |
| Assistance for the civilian population of Korea; relief and rehabilitation of Korea | E S C resolutions 323 (XI) and 338 (XI); G A resolutions 376 (V) and 410 (V) |
| Assistance to the victims of the earthquake in Ecuador | E S C resolution 254 (IX) |
| Assistance to flood victims in northern Italy | G A (VI), 3rd Com., 350th mtg., p. 15 |

253/ During the debate which led to the adoption of this resolution, certain representatives maintained that the matter under consideration was, by virtue of Article 107, outside the competence of the United Nations. This view was opposed by other representatives; the resolution was adopted by 43 votes to 5, with 6 abstentions (G A (V), Plen., Vol. I, 325th mtg., p. 520). Similar views were expressed at the eighth session of the General Assembly, in the discussion preceding the vote on resolution 741 (VIII), on the problem of prisoners of war, which was adopted by 46 votes to 5, with 6 abstentions (G A (VIII), Plen., 468th mtg., p. 429).

c. ECONOMIC AND SOCIAL DEVELOPMENT OF SPECIFIC AREAS

| | |
|--|--|
| Plan of Partition with Economic Union for Palestine (in connexion with the question of the future government of Palestine) | G A resolution 181 (II) |
| Economic development and social progress of Korea and study of long-term measures to promote these objectives | G A resolution 376 (V); E S C resolution 339 (XI) |
| Technical assistance to Libya before and after its independence was achieved and before it became a Member of the United Nations or a member of any other specialized agency participating in the Expanded Programme of Technical Assistance | G A resolution 387 (V); E S C resolution 401 (XIII) |
| Financing of economic development of Libya | G A resolution 515 (VI) |
| Economic development and social progress of the former Italian colonies | G A resolution 266 (III) |
| Economic and financial provisions for Eritrea | G A resolution 530 (VI) |

d. OTHER SPECIAL QUESTIONS

| | |
|--|--|
| Cartography | E S C resolution 131 (VI) |
| Declaration of death of missing persons | E S C resolution 158 (VII); G A resolution 369 (IV) |
| Enforcement of international arbitral awards | E S C resolution 520 (XVII) |
| Promotion of training in public administration | E S C resolution 132 (VI); G A resolution 246 (III) |
| Question of adoption of a universal metrical system of measures and weights and a decimal system of currencies and coinage | E S C resolution 98 (V) |
| Slavery and other institutions <u>254/</u> or customs resembling slavery | G A resolution 278 (III); E S C resolution 238 (IX) |
| World calendar reform | E S C resolutions 54 (IV) and 555 (XVIII) |

254/ See also para. 162 below.

II. HUMAN RIGHTS

121. This part of the study is concerned with Article 55 c. In general, it treats those decisions and related discussions of the General Assembly and the Economic and Social Council which, wholly or in part, bear upon the aim of promoting "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion". However, so far as such decisions have been taken by the Trusteeship Council or by the General Assembly in pursuance of decisions by the former, reference is made to the studies in this Repertory relating to Chapter XII, in particular to the study on Article 76. It may also be noted that, since no final action has yet been taken with regard to the draft international covenants on human rights and measures of implementation, the only material relating to those draft covenants included in this study is that relating to decisions by principal organs of the United Nations.

A. General Survey

122. The organization of this General Survey of the action taken by the United Nations to promote human rights, reflects the types of decisions taken. 255/ It gives a general account of the range and type of the decisions taken with illustrative examples accompanied by references to other decisions of the same kind.

1. *Decisions mainly of a preparatory, procedural or co-ordinating nature*

123. The General Assembly has, on various occasions, established 256/ bodies of a temporary character to assist it in the performance of its functions with respect to human rights. Examples of such bodies are the Committee established 257/ to prepare a draft Convention on Freedom of Information, and the United Nations Commission on the racial situation in the Union of South Africa. 258/ Several other similar bodies have been established 259/ by the Assembly. The Economic and Social Council, for its part, has established 260/ two commissions and one sub-commission, all of a more permanent nature, namely the Commission on Human Rights 261/ with its Sub-Commission on Prevention of Discrimination and Protection of Minorities, 262/ and the Commission on the Status of Women. 263/ The main functions of these bodies have been to advise the

255/ See also in this Repertory under those Articles listed in paragraph 3 above which confer specific powers upon the General Assembly and the Economic and Social Council in connexion with their functions relating to human rights, in particular the study on Articles 13 (1) (b) and 62.

256/ For further details, see in this Repertory under Article 22.

257/ G A resolution 426 (V).

258/ G A resolution 616 A (VII).

259/ See G A resolutions 319 A (IV), 382 C (V), 427 (V), 489 (V) and 615 (VII).

260/ For further details, see in this Repertory under Article 68.

261/ E S C resolutions 1/5 and 2/9.

262/ E S C resolution 2/9. See also E S C (IV), Suppl. No. 3 (E/259), paras. 18-20 and E S C (IX), Suppl. No. 10 (E/1371-E/CN.4/350), para. 13.

263/ The Commission on the Status of Women was first established as a sub-commission of the Commission on Human Rights (E S C resolution 1/5) but was subsequently granted the status of a full commission (E S C resolution 2/11). See also E S C resolution 48 (IV).

Council and to submit proposals, recommendations and reports on matters falling within their respective fields. In addition to the above-mentioned bodies, the Council also established 264/ the Sub-Commission on Freedom of Information and of the Press which held five sessions and was discontinued 265/ by the Council at its eighth session with effect as of 31 December 1952. The Council has further established ad hoc bodies, such as the Ad Hoc Committee on Slavery 266/ and the Ad Hoc Committee on Forced Labour, 267/ and has appointed, or approved the appointment of rapporteurs to undertake specific tasks relating to freedom of information, 268/ discrimination in education 269/ and slavery. 270/

124. Moreover, some of the decisions of the Council have taken the form of requests to the Secretary-General, subsidiary bodies and specialized agencies for studies, reports, 271/ and other preparatory work to serve as a basis for action by the Council. These decisions have included requests for the collection of information, the preparation of recommendations and the drafting of international instruments. The scope of the preparatory work called for, the methods used and the effort involved in it have varied. Some have consisted of such simple undertakings as the collation of replies of Governments to requests for information, 272/ while others, such as the preparation of the draft covenants on human rights, have involved not only protracted work on the part of the Commission on Human Rights, the rendering of extensive services by the Secretariat and the obtaining of comments and observations 273/ from Governments, specialized agencies and non-governmental organizations, but also the taking of policy decisions 274/ by the General Assembly.

264/ E S C resolutions 2/9, 46 (IV), and 197 (VIII).

265/ E S C resolution 197 (VIII).

266/ E S C resolution 238 (IX).

267/ E S C resolution 350 (XII). This Committee was established in collaboration with the International Labour Organisation. Other ad hoc bodies were established by Council resolutions 1/3, 117 (VI), 248 B (IX), and 390 H (XIII).

268/ E S C resolution 442 C (XIV).

269/ E S C resolution 502 H (XVI).

270/ E S C resolution 525 A (XVII).

271/ See in particular in this Repertory under Articles 13 (1) (b), 62 (1) and (2), and 68. In addition to information sought as a basis for specific action which was in contemplation, reports on the implementation of previous recommendations have also been requested (see, for example, G A resolution 136 (II)). Periodic reports also have been requested (see, for example, G A resolution 423 (V) and E S C resolutions 504 E and G (XVI)). Moreover, under a special procedure, established by Council resolutions 75 (V), as amended, 76 (V), as amended, and 116 (VI), the Commission on Human Rights, the Commission on the Status of Women, and the Sub-Commission on Prevention of Discrimination and Protection of Minorities have received information through communications concerning human rights addressed to the Secretary-General.

272/ See, for example, E S C resolution 152 A (VII).

273/ See G A resolutions 421 (V) section H and 543 (VI); E S C resolution 303 I (XI), 501 B (XVI) and 545 B, I (XVIII).

274/ See, for instance, G A resolution 421 (V) section E, deciding to include in the Covenant economic, social and cultural rights. For other decisions, see G A resolutions 421 (V), sections C and F, 422 (V), 545 (VI) and 546 (VI).

125. There has also been a great variety of decisions concerned with working arrangements and procedural matters, and with co-ordinating the various activities of United Nations organs and of the specialized agencies. Examples of such decisions are given in the footnotes below. The decisions in question have dealt, for example, with such matters as sessions and working schedules of United Nations organs, 275/ inclusion 276/ or retention 277/ of items on the agenda or postponement 278/ of their consideration, establishment of priorities, 279/ instructions 280/ or directives on procedural matters in individual cases, such as the transmission or submission of draft international instruments 281/ or other proposals 282/ to Governments and/or to various organizations and bodies for comments; calling to the attention 283/ of organs, organizations and conferences, or transmitting 284/ to them for appropriate action, resolutions, reports or other information; instructions 285/ as to the proper organ or organization to consider certain problems or to carry out certain studies; invitations

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- 275/ By resolution 445 I (XIV), the Council resolved, at the request of the General Assembly under resolution 532 A (VI), to continue to convene the Commission on the Status of Women for one session every year, rather than every two years as provided for in Council resolution 414 (XIII), section B I.
- 276/ Reference is made here to decisions relating to the question whether a matter is of sufficient importance to be included in the agenda of the organ concerned.
- 277/ By resolution 294 (IV), the General Assembly decided to retain on the agenda of its fifth regular session the question of the observance of human rights and fundamental freedoms in Bulgaria, Hungary and Romania, "with a view to ensuring that the charges are appropriately examined and dealt with."
- 278/ By resolution 313 (IV), the General Assembly postponed further action on the draft Convention on Freedom of Information to its fifth regular session pending receipt of the draft International Covenant on Human Rights or a progress report thereon.
- 279/ By resolution 217 E (III), the Assembly requested the Economic and Social Council to request the Commission on Human Rights to give priority in its work to the preparation of a draft covenant on human rights and measures of implementation.
- 280/ By resolution 46 (IV), the Council gave elaborate procedural instructions concerning the drafting of the instrument which later became the Universal Declaration of Human Rights.
- 281/ By resolution 421 (V), section H, the Assembly requested the Secretary-General to invite Member States to submit their views concerning the draft International Covenant on Human Rights and measures of implementation, as revised by the Commission on Human Rights at its sixth session.
- 282/ By resolution 501 C (XVI), the Council transmitted to Member States and specialized agencies for comments, various draft resolutions concerning development of the work of the United Nations for wider observance of, and respect for, human rights and fundamental freedoms throughout the world.
- 283/ By resolution 504 K (XVI), the Council drew the attention of the Trusteeship Council to a resolution adopted by the Commission on the Status of Women.
- 284/ By resolution 277 B (III), the General Assembly referred a number of resolutions adopted by the United Nations Conference on Freedom of Information to the Economic and Social Council for appropriate action.
- 285/ By resolution 502 H (XVI), the Council noted the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to initiate a study of discrimination in the field of education, and expressed the belief that future studies which fell within the scope of specialized agencies or other bodies should normally be carried out by the specialized agencies or other bodies directly concerned.

to organs or specialized agencies to expand 286/ the study of subjects already under consideration or to take up 287/ the study of new subjects; invitations to other principal organs to take certain actions; 288/ and invitations relating to collaboration between the United Nations and specialized agencies with respect to specific questions. 289/

2. Creation of new specialized agencies

126. The General Assembly has been instrumental in the creation of one new specialized agency having functions concerned, in part, with the implementation of human rights, namely the International Refugee Organization (IRO). 290/

3. Recommendations and other decisions designed generally to influence States, organized or unorganized groups, or world opinion at large

127. The General Assembly and the Economic and Social Council have in some of their decisions, made declarations or other public statements of opinion formally concerned with the question of the meaning of the term "human rights and fundamental freedoms", the content and scope of, and the principles relating to, these rights and freedoms, and the question of their implementation. Thus, at its third session, the General Assembly proclaimed 291/ the Universal Declaration of Human Rights "as a common standard of achievement for all peoples and all nations", setting forth in broad terms and article by article most of the rights and freedoms considered as falling within the concept of human rights contained in the Charter. 292/ As to the question of implementation, the General Assembly, by resolution 616 B (VII), for example, made a

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- 286/ By resolution 242 B (IX), the Council decided that a study on educational opportunities for women should include not only the legal position in various countries but also an investigation into actual conditions in the field of women's education.
- 287/ By resolution 545 C (XVIII), the Council invited the International Labour Organisation (ILO) to undertake a study of discrimination in the field of employment and occupation to be transmitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities.
- 288/ By resolution 547 H (XVIII), the Council requested the General Assembly and the Trusteeship Council, as appropriate, in collaboration with States, to take all appropriate measures to eliminate certain customs, ancient laws and practices that are inconsistent with the principles of the Charter and the Universal Declaration of Human Rights.
- 289/ By resolution 84 (V), the Council requested the Secretary-General to arrange for co-operation between ILO and the Commission on Human Rights in the study of the problem of establishing international machinery for safeguarding freedom of association.
- 290/ By resolution 62 I (I), the General Assembly approved the Constitution of IRO and opened it for signature. Among the functions of IRO were "the legal and political protection" of refugees and displaced persons coming under its mandate and the "repatriation" of such persons (article 2 of the Constitution of IRO annexed to G A resolution 62 I (I)). For an account of the achievements of the organization, see E S C (XIV), Annexes, a.i. 18, E/2211.
- 291/ G A resolution 217 A (III). For details of the content of the Declaration, see paras. 121-248 below.
- 292/ For other declarations concerned with the concept of human rights and related principles, see G A resolutions 96 (I), 128 (II), 170 (II), 285 (III), 424 (V), 610 (VII), and E S C resolutions 48 (IV), 84 (V), 121 (VI), and 306 B (XI).

declaration on the development of patterns of legislation and practice towards ensuring equality before the law and the participation of all racial groups on the basis of equality as the best way of assuring harmony and respect for human rights and freedoms in a multi-racial society. 293/

128. Most of the decisions designed to influence the actions of others have, however, been formally addressed to States, specialized agencies and other organized bodies, and have mainly been concerned with the question of implementation. Some of these decisions have called for the promotion of human rights in general 294/ without specifying ways and means, or for the promotion of individual rights. 295/ Other decisions have contained invitations to refrain from, or to put an end to, certain actions or practices that have obstructed or denied the proper exercise of human rights. 296/ Still other decisions have commended 297/ certain activities, past or present, relating to implementation of human rights, or have expressed concern 298/ at certain actions considered as impeding the proper implementation of those rights. The greater number of these decisions, however, have called upon Governments, specialized agencies and other organized bodies to take certain specific measures

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- 293/ For other statements of opinion relating to the question of implementation of human rights, see G A resolutions 103 (I), 136 (II), 377 A and E, (V), 740 (VIII), 804 (VIII), and E S C resolutions 154 A and D (VII), 157 (VII), 208 (VIII), 306 B (XI), 385 G (XIII), 387 B (XIII), 524 (XVII) and 526 B (XVII).
- 294/ By resolution 540 (VI), the General Assembly recommended that all Members of the United Nations intensify their efforts for the observance of human rights and freedoms in their own territories and in the Non-Self-Governing and Trust Territories. For other decisions, see G A resolutions 103 (I), 136 (II), 290 (IV), 377 (V) sections A and E, and 423 (V).
- 295/ By resolution 56 (I), the General Assembly recommended that all Member States, which had not already done so, adopt measures necessary to grant to women the same political rights as men. See also G A resolutions 290 (IV), 637 A (VII), and E S C resolutions 121 (VI), 154 E and G (VII), 194 (VIII), 385 G (XIII), 387 B (XIII), 445 C, D and E (XIV), 504 D, G, H and I (XVI), and 547 D, J and K (XVIII).
- 296/ By resolution 424 (V), the General Assembly invited the Governments of all Member States to refrain from deliberately interfering with the reception by their people of certain radio signals originating beyond their territories, such measures being interference with the right of their peoples to freedom of information. See also G A resolution 425 (V) and E S C resolution 306 D (XI).
- 297/ By resolution 547 E (XVIII), the Economic and Social Council commended the activities of governmental and non-governmental organizations, the purpose of which was to carry into effect the principle of equal pay for equal work for men and women everywhere. See also G A resolutions 421 A (V), 538 A (VI), 632 (VII), 639 (VII), 741 (VIII), and E S C resolutions 84 (V), 196 (VIII), 241 F and M (IX), 277 (X), 304 C (XI), 319 B, III (XI), 332 (XI), 384 A (XIII), 385 G (XIII), 393 A (XIII), 411 (XIII), 437 (XIV), 438 (XIV), 445 E (XIV), 502 H (XVI) and 524 (XVII).
- 298/ By resolution 741 (VIII), the General Assembly noted with concern that certain Governments and authorities had refused to co-operate with the Ad Hoc Commission on Prisoners of War in its efforts to solve the problem of prisoners of war.

designed to grant, make possible or facilitate the exercise of human rights. A wide range of measures have been called for, including the following: ratification or adherence to certain international instruments, 299/ adoption of new, or abolition or modification of old, laws, regulations and practices relating to specific human rights, 300/ provision of physical facilities and opportunities necessary for the proper exercise of various human rights, 301/ combating of prejudices, 302/ provision of legal protection to certain groups of people, 303/ safeguarding human rights in connexion with the creation of new independent States, 304/ arranging for or assisting in the realization of certain human rights for certain categories of persons in pressing need of their implementation, 305/ and assisting or co-operating with Governments, organizations and other bodies engaged in helping such persons to exercise their rights. 306/

- 299/ By resolution 504 E (XVI), the Council urged Member States which had not yet done so to sign and to ratify or accede to the Convention on the Political Rights of Women. For other decisions, see G A resolutions 62, I (I), 279 (III), 368 (IV), 428 (V), 538 A (VI), 794 (VIII), 795 (VIII), and E S C resolutions 475 (XV), 522 D and I (XVII), 525 A (XVII), and 547 B (XVIII).
- 300/ By resolution 502 B, I (XVI), the Council recommended to all States the abolition of any legal provisions and administrative or private practices which discriminate against certain sections of the population. For other decisions of this type concerned with a number of different human rights, see G A resolutions 96 (I), 731 (VIII), and E S C resolutions 154 G (VII), 319 B, III (XI), 445 E (XIV), 522 C (XVII), 524 (XVII), and 547 I and K (XVIII).
- 301/ By resolution 445 D (XIV), the Council recommended that Governments ensure provision of adequate facilities and opportunities for vocational training and guidance for all workers without regard to sex. For other decisions, see E S C resolutions 504 H (XVI), 522 H, I and K (XVII), and 547 K (XVIII).
- 302/ By resolution 303 G (XI), the Council recommended that the United Nations Educational, Scientific and Cultural Organization (UNESCO) undertake preparation and widest possible dissemination of information through books and pamphlets based on scientific knowledge as well as general moral principles contained in the Charter and the Universal Declaration of Human Rights and designed to expose fallacies of race theories and to combat prejudices which give rise to discrimination. For other decisions, see E S C resolutions 116 B (VI), 154 E (VII), and 303 G (XI).
- 303/ By resolution 248 A (IX), the Council requested Governments to provide, after the termination of IRO, the necessary legal protection for refugees who had been the concern of that organization.
- 304/ By resolution 181 (II), the General Assembly recommended "the adoption and implementation, with regard to the future government of Palestine, of the Plan of Partition with Economic Union," which provided for inclusion in the constitutions of each new State to be created of provisions guaranteeing the enjoyment of human rights and fundamental freedoms.
- 305/ By resolution 136 (II), the General Assembly recommended that each Member of the United Nations adopt urgent measures for the early return of repatriable refugees and displaced persons to their countries of origin. For other decisions, see G A resolutions 193 C (III), 288 A and B (IV), 382 A and B (V), 427 (V), 428 (V), 517 (VI), 538 A (VI), 707 (VII), 728 (VIII), 741 (VIII), and E S C resolution 157 (VII).
- 306/ By resolution 382 C (V), the General Assembly requested the International Committee of the Red Cross and the League of Red Cross Societies to co-operate with the Standing Committee on the Repatriation of Greek Children, established by the same resolution, in its efforts to effect the early repatriation of certain Greek children. For other decisions, see G A resolutions 319 B (IV), 427 (V), 428 (V), 741 (VIII), and E S C resolution 2/2.

129. It should further be noted that very frequently the General Assembly and the Economic and Social Council have, in preambular paragraphs, made statements of an axiomatic character, statements of opinion, aim, desire, evaluation, appreciation, concern, condemnation, et cetera, on matters relating to human rights, expressing their views with respect to the concept of human rights and the way to implement those rights. For constitutional discussion bearing upon this aspect of action by United Nations organs, reference is made to the Analytical Summary of Practice below.

130. Finally, it may be pointed out that decisions dealt with under the other sub-headings in this study may, in a more indirect way, influence actions and attitudes of States, organizations or individuals. For example, a study on certain aspects of human rights, prepared primarily for the purpose of providing the basis for further action by a United Nations organ, may by virtue of its very existence, have the effect of promoting respect for human rights.

4. Conventions and other international instruments

131. The General Assembly has adopted and opened for signature and ratification or accession the following conventions relating, wholly or in part, to human rights: the Convention on the Prevention and Punishment of the Crime of Genocide, 307/ the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 308/ the Convention on the International Right of Correction, 309/ and the Convention on the Political Rights of Women. 310/ The General Assembly has, further been instrumental in bring about the adoption of the Convention relating to the Status of Refugees, 311/ which was adopted and opened for signature 312/ at a conference of plenipotentiaries convened 313/ by the General Assembly. The Assembly has also approved 314/ a Protocol amending the International Slavery Convention of 25 September 1926, which transferred to the United Nations the functions formerly exercised by the League of Nations under that Convention. 315/

307/ G A resolution 260 A (III).

308/ G A resolution 317 (IV).

309/ G A resolution 630 (VII).

310/ G A resolution 640 (VII).

311/ In addition, the General Assembly, by resolution 62, I (I), adopted and opened for signature the Constitution of IRO (see para. 126 above).

312/ See the Final Act of the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons (United Nations Publications, Sales No.: 1951.IV.4).

313/ G A resolution 429 (V).

314/ G A resolution 794 (VIII). Two other protocols have been approved by the General Assembly, transferring to the United Nations certain functions relating to four international instruments dealing with white slave traffic (G A resolutions 126 (II) and 256 (III)), but these four instruments were subsequently included in a consolidated convention, namely, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, referred to in para. 131 above.

315/ For further details on conventions and other international instruments relating to human rights, see in this Repertory under Article 13 (1) (b) and (2) and 62 (5).

5. *International conferences*

132. The United Nations has convened one international conference of States on freedom of information 316/ and one conference of non-governmental organizations interested in the eradication of prejudice and discrimination. 317/ The United Nations has, further, called an international conference to complete the drafting of and to sign both the Convention relating to the Status of Refugees and the Protocol relating to the Status of Stateless Persons 318/ and a second conference 319/ to revise and to open for signature the Protocol relating to the Status of Stateless Persons. 320/

6. *Services relating to human rights*

133. Various ad hoc bodies as well as the Secretary-General have been charged with the performance of services relating to human rights. For instance, the Office of the United Nations High Commissioner for Refugees was established 322/ in 1949 for the purpose of (a) providing for the protection of refugees falling within the competence of the Office and (b) engaging in such additional activities, including repatriation, as the General Assembly might determine. The General Assembly has guided and assisted the work of the Office 323/ by subsequent decisions. 324/ In the context of services relating to human rights, the Secretary-General has, for instance, been authorized to provide technical assistance in matters pertaining to the status of women, prevention of discrimination and protection of minorities, and freedom of information, 325/ even if such services should fall outside the scope of existing 326/ programmes of technical assistance. 327/

- 316/ G A resolution 59 (I) and E S C resolution 74 (V). The purpose of the conference was to formulate views concerning the rights, obligations and practices which should be included in the concept of freedom of information. It convened in Geneva on 23 March 1948, drafted three conventions and certain articles of the draft declaration and of the draft Covenant on Human Rights, and adopted forty-three resolutions (see the Final Act of the United Nations Conference on Freedom of Information, United Nations Publications, Sales No.: 1948.XIV.2).
- 317/ E S C resolution 546 (XVIII). The conference met in March and April 1955.
- 318/ G A resolution 429 (V). The Conference, held at Geneva from 2-25 July 1951, adopted the Convention relating to the Status of Refugees (see para. 131 above), but took no decision on the draft Protocol relating to the Status of Stateless Persons (see United Nations Publications, Sales No.: 1951.IV.4, p. 7).
- 319/ E S C resolution 526 A (XVII). The conference met in September 1954.
- 320/ For further details on international conferences, see in this Repertory under Articles 13 (1) (b) and (2) and 62 (4).
- 321/ For services relating to action on an individual basis with respect to allegations regarding violations of human rights in specific States or territories, see paras. 134-138 below.
- 322/ G A resolution 319 A (IV). For the terms of reference, see G A resolution 428 (V), annex, in particular, articles 8 and 9.
- 323/ G A resolutions 428 (V), 538 A and B (VI), 638 (VII), 639 (VII) and 728 (VIII).
- 324/ Other ad hoc bodies which have been engaged in providing services with respect to human rights are the Standing Committee on the Repatriation of Greek Children (G A resolutions 382 C (V) and 517 (VI)), and the Ad Hoc Commission on Prisoners of War (G A resolutions 427 (V) and 741 (VIII)).
- 325/ G A resolutions 729 (VIII), 730 (VIII) and 839 (IX), respectively.
- 326/ See G A resolutions 200 (III), 246 (III) and 418 (V), and E S C resolutions 222 A (IX), and 433 (XIV).
- 327/ The Secretary-General has, further, provided services in response to Council resolutions 305 (XI), 353 (XII) and 386 (XIII) on the plight of survivors of concentration camps. For further observations as to services performed by the United Nations in the field of human rights, see in this Repertory under Articles 66 (2) and 98.

7. *Decisions dealing individually with allegations regarding violations of human rights in specific States or territories* 328/

134. The General Assembly and the Economic and Social Council have, on certain occasions, taken action on an individual basis with respect to allegations regarding violations of human rights in specific States or territories. 329/

135. In some cases, after the Governments or authorities concerned had had an opportunity to answer the charges and after a discussion of the allegations made, the organ concerned has expressed its opinion in the matter. These opinions have ranged from the observation that no question of human rights was involved and the dismissal of the allegation as not meriting further examination 330/ to the statement 331/ that the conduct of the Governments concerned was such as to indicate that they were aware of breaches being committed of their obligations, under certain treaties of peace, to secure the enjoyment of human rights and fundamental freedoms in their countries, and that they were "callously indifferent to the sentiments of the world community". 332/ In one case the General Assembly, in its initial action, expressed its deep concern at the accusations made and drew the attention of the Governments so accused to their obligation to co-operate in the settlement of the matter by applying the procedures laid down in the peace treaties with the Governments concerned. 333/ When, thereupon, these Governments refused to co-operate in the establishment of treaty commissions, the

328/ Decisions, the operative paragraphs of which are so general in form that they do not point to particular States or territories, are not dealt with under this sub-heading. Thus, although the Ad Hoc Committee on Forced Labour concluded that systems of forced labour existed in certain specifically named States (see E S C (XVI), Suppl. No. 13 (E/2431), pp. 19-124), the two decisions which have been based on the report of the Committee namely, G A resolution 740 (VIII) and E S C resolution 524 (XVII), have not been referred to under this sub-heading, in as much as they were concerned with general declarations, a recommendation to "all Governments", and procedural matters.

329/ For consideration, in connexion with these cases, the question of limitation under Article 2 (7) of the general scope of the human rights provisions of the Charter, see in this Repertory under Article 2 (7).

330/ E S C resolution 474 D (XV), dealing with an allegation regarding infringements of trade-union rights by the Allied Military Government of Trieste.

331/ G A resolution 385 (V), relating to the question of the observance in Bulgaria, Hungary and Romania of human rights and fundamental freedoms. See also G A resolutions 272 (III) and 294 (IV).

332/ For other cases, see G A resolutions 285 (III), "Violation by the Union of Soviet Socialist Republics of fundamental human rights, traditional diplomatic practices and other principles of the Charter"; 611 (VII), "The Tunisian question"; 612 (VII), "The question of Morocco"; and 804 (VIII), "Question of atrocities committed by the North Korean and Chinese Communist forces against United Nations prisoners of war in Korea". It may also be noted that in the case of the repatriation of Greek children, although the General Assembly at earlier sessions had only made recommendations for the early return to Greece of certain Greek children (G A resolutions 193 C (III), 288 B (IV), 382 C (V), and 517 (VI)), the Assembly, at its seventh session, condemned the failure of the harbouring States other than Yugoslavia to co-operate in efforts to enable the children to return to their homes (G A resolution 618 (VII)).

333/ G A resolution 272 (III) entitled "Observance in Bulgaria and Hungary of human rights and fundamental freedoms".

Assembly took the following action: it (1) submitted 334/ certain questions to the International Court of Justice with a request for an advisory opinion; (2) subsequently condemned 335/ the refusal of the Governments concerned to co-operate; (3) censured the attitude of those Governments towards the sentiments of the world community; (4) noted with anxiety the continuance of serious accusations in the matter; and (5) invited the submission of further evidence on the question and arranged for circulation to Member States of further information thereon.

136. In another case 336/ the General Assembly established a commission to study the whole situation connected with the allegations made. 337/

137. A further case assumed the character of a dispute between certain Governments concerning alleged violations of human rights in connexion with the treatment of one of them of a certain section of its population descended from people who were immigrants from the territories of two other Governments. 338/ The General Assembly has taken repeated action in this case by expressing its views on the principles and international obligations to which the treatment of the people in question should conform, 339/ by requesting the Governments concerned to report on the matter 340/ and to enter into discussion at a round-table conference, 341/ by recommending that they should establish a commission to assist in carrying through appropriate negotiations, 342/ by requesting the Secretary-General to assist in such negotiations and, at his discretion, to appoint an individual to render additional assistance, 343/ by establishing a commission of good offices with a view to arranging and assisting in such negotiations, 344/ and by making certain recommendations 345/ to the Government charged with the alleged violations and stating that certain of its actions were not in keeping with its obligations and responsibilities under the Charter. 346/

334/ G A resolution 294 (IV), entitled "Observance in Bulgaria, Hungary and Romania of human rights and fundamental freedoms".

335/ G A resolution 385 (V).

336/ The question of race conflict in South Africa resulting from the policies of apartheid of the Government of the Union of South Africa.

337/ The Commission was established by G A resolution 616 A (VII), and after submitting its report to the eighth session of the Assembly (G A (VIII)), Suppl. No. 16 (A/2505 and Add.1)), it was asked to continue its study (G A resolution 721 (VIII)).

338/ The question of the treatment of people of Indian origin in the Union of South Africa (G A resolutions 44 (I), 265 (III), 395 (V), 511 (VI), 615 (VII) and 719 (VIII)). See also in this Repertory under Article 14. The territories of the two other Governments concerned were those of India and Pakistan.

339/ See footnote 338 above.

340/ G A resolution 44 (I).

341/ G A resolutions 265 (III) and 395 (V).

342/ G A resolutions 395 (V) and 511 (VI).

343/ G A resolution 511 (VI).

344/ G A resolution 615 (VII).

345/ G A resolutions 395 (V), 511 (VI), 615 (VII) and 719 (VIII).

346/ G A resolution 719 (VIII).

138. Finally, the Economic and Social Council has collaborated with the International Labour Organisation in the establishment of international machinery for handling allegations regarding infringements of trade union-rights, 347/ whereby the allegations, with the consent of the Government concerned, may be referred to the Fact-Finding and Conciliation Commission on Freedom of Association 346/ established at the one hundred and tenth session of the Governing Body of the International Labour Office. 349/

8. Miscellaneous actions

139. Other ways of promoting human rights have also been employed by the General Assembly and the Council.

140. By resolution 423 (V) the General Assembly invited all States and interested organizations

"to adopt 10 December of each year as Human Rights Day, to observe this day to celebrate the proclamation of the Universal Declaration of Human Rights by the General Assembly on 10 December 1948, and to exert increasing efforts in this field of human progress."

and to report annually through the Secretary-General concerning the observance of Human Rights Day. 350/

141. By resolution 217 D (III), the General Assembly called upon Member States, specialized agencies and non-governmental organizations to do their utmost to disseminate the text of the Universal Declaration of Human Rights, and by resolution 314 (XI), the Economic and Social Council invited UNESCO to encourage and facilitate teaching about the Universal Declaration of Human Rights in schools and adult education programmes and through the press, radio and film services.

347/ G A resolution 128 (II) and E S C resolutions 52 (IV), 84 (V), 193 (VIII), 239 (IX), 277 (X) and 474 A (XV).

348/ For further details, see in this Repertory under Article 62 (2).

349/ Further to the question of dealing individually with alleged violations of human rights, attention may be drawn to the procedure relating to communications concerning human rights provided for in Economic and Social Council resolutions 75 (V) and 76 (V), as amended by resolutions 275 B (X) and 304 (XI) respectively, under which the Secretary-General furnishes each Member State concerned with a copy of any such communication. A number of these communications do, in fact, concern alleged violations of human rights, and in certain cases the identity of the author is revealed. For further details, see in this Repertory under Article 62 (2).

350/ For annual reports by the Secretary-General, see A/INF/50, 55 and 61.

Further, the Secretary-General has on various occasions been requested to disseminate information relating to human rights. 351/

142. At the request 352/ of the Council, the Secretary-General has published the Yearbook on Human Rights. 353/

143. In connexion with the disposal of the former Italian colonies, the General Assembly exercised certain specific powers conferred upon it under the Treaty of Peace with Italy 354/ and took steps 355/ to safeguard human rights and fundamental freedoms in the context of plans for the future of Eritrea. The Assembly also took similar steps 356/ in connexion with recommendations regarding the negotiation of international instruments relating to an armistice in Korea.

351/ See, in particular, resolution 2/9, by which the Council requested the Secretary-General to make arrangements for:

"....."

"(b) the collection and publication of information on the activities concerning human rights of all organs of the United Nations;

"(c) the collection and publication of information concerning human rights arising from trials of war criminals, quislings, and traitors, and in particular from the Nuremberg and Tokyo trials;

"(d) the preparation and publication of a survey of the development of human rights;

"(e) the collection and publication of plans and declarations on human rights by specialized agencies and non-governmental national and international organizations."

For other decisions, see G A resolutions 217 D (III), 795 (VIII), and E S C resolutions 120 A (VI), 154 A (VII), 304 C (XI), 305 C (XIII) and 547 D (XVIII).

352/ E S C resolutions 2/9, 192 B (VIII), 275 C (X) and 303 H (XI).

353/ As of September 1954, the Yearbooks for 1946 to 1951 inclusive had been published.

354/ United Nations Treaty Series, vol. 49, 1950, I, No. 747, p. 215, annex XI, article 3.

355/ By resolution 390 A (V), the General Assembly recommended that Eritrea should constitute an autonomous unit federated with Ethiopia under the sovereignty of the Ethiopian Crown and that "The Federal Government, as well as Eritrea, shall ensure to residents in Eritrea...the enjoyment of human rights and fundamental liberties". With respect to Eritrea, see also G A resolutions 289 A (IV) and 617 (VII); G A (V), Suppl. No. 8 (A/1285) and Suppl. No. 14 (A/1308); G A (VII), Suppl. No. 15 (A/2180); and A/1959 and Add.1. For other decisions with respect to Libya, see G A resolutions 239 (IV), 387 (V) and 515 (VI); G A (V), Suppl. No. 15 (A/1340); and G A (VI), Suppls. No. 17 and 17A (A/1949 and Add.1).

356/ See G A resolution 610 (VII) relating to the armistice negotiations in Korea which contains proposals to be communicated to the Central People's Government of the People's Republic of China and to the North Korean authorities. The proposals provided that

"Force shall not be used against the prisoners of war to prevent or effect their return to their homelands and no violence to their persons or affront to their dignity or self-respect shall be permitted in any manner or for any purpose whatsoever."

B. Analytical Summary of Practice

1. *The question of the meaning of the phrase "respect for, and observance of"*

144. The practice of United Nations organs does not show any constitutional discussion bearing upon the meaning of the phrase "respect for, and observance of" in Article 55 c.

145. There have, however, been some decisions by United Nations organs which relate to the question whether there is any difference in meaning between the phrase "respect for, and observance of human rights and fundamental freedoms" and similar phrases used in other provisions of the Charter or in various resolutions relating to human rights.

146. Whereas the aims to be achieved by the United Nations with respect to human rights are described in Article 1 (3) as "respect for" and in Article 13 (1) (b) as "the realization of" human rights and fundamental freedoms, Articles 55 c and 62 (2) employ the phrase "respect for, and observance of", these rights and freedoms. In referring to these aims the General Assembly and the Economic and Social Council have frequently limited themselves to citing or paraphrasing the wording of these Articles, with 357/ or without 358/ a specific reference to them. In a few instances, 359/ the phrase "observance of" has been used alone. In a number of cases, however, especially in connexion with specific rights and freedoms, other phrases have been employed. Thus, in connexion with human rights in general, the end to be promoted has been described in such phrases as "full respect for", 360/ "the real opportunity of enjoying", 361/ "effective recognition and observance of" 362/ and "full enjoyment of" 363/ human rights and fundamental freedoms. In connexion with individual rights and freedoms such phrases as "full freedom for", "full opportunity for the exercise of", 364/ "ensure the right of", 365/ "ensuring...the full exercise of", 366/ et cetera have been employed. There has been no attempt to draw distinctions between the three phrases embodied in the provisions of the Charter relating to human rights, that is to say, "respect for", "realization of" and "respect for, and observance of", or between the other phrases mentioned in this paragraph. Moreover, the difference in wording does not appear to have had any bearing on substance.

357/ For examples of decisions referring specifically to Article 1 (3), see G A resolutions 56 (I), 127 (II) and 205 (III); and for examples of decisions referring to Articles 55 c and 62 (2), see G A resolutions 205 (III), 294 (IV), 739 (VIII), and E S C resolution 195 (VIII).

358/ For examples of the use of the wording, in whole or in part, of Article 1 (3), see G A resolutions 272 (III), 385 (V), 616 A and B (VII), 637 B and C (VII), and E S C resolutions 350 (XII) and 445 C (XIV), and for examples of the use of the wording of Article 55 c or 62 (2), G A resolutions 217 A (III), sixth preambular paragraph, 377 A (V), section E, and E S C resolution 524 (XVII).

359/ See, for example, G A resolutions 313 (IV) and 540 (VI).

360/ G A resolution 290 (IV).

361/ G A resolution 421 (V).

362/ E S C resolution 275 D (X).

363/ E S C resolution 275 E (X).

364/ G A resolution 290 (IV).

365/ G A resolution 421 (V), section D.

366/ E S C resolution 194 (VIII).

2. *The question of the meaning of the term "human rights and fundamental freedoms"*

a. GENERAL REMARKS

147. Apart from the Preamble, which uses 367/ the terms "fundamental human rights", "the dignity and worth of the human person" and "the equal rights of men and women", the provisions of the Charter relating to human rights, that is to say, Articles 1 (3), 13 (1) (b), 55 c, 62 (2) and 76, speak of "human rights and fundamental freedoms" and Article 68 of "human rights".

148. The term "fundamental freedoms" has, in practice, been regarded as forming part of the larger concept of "human rights". Although there has been reference in some resolutions in connexion with certain rights to the term "fundamental freedoms" only, it appears from other resolutions 368/ that it has not been the intention to distinguish "fundamental freedoms" from "human rights". For example, by resolution 425 (V), the General Assembly expressed the view that "freedom of information and of the Press is one of the fundamental freedoms" while, by resolution 59 (I), the Assembly stated that "freedom of information is a fundamental human right" and this statement was reaffirmed in resolution 631 (VII).

149. Discussion on the meaning of the term "human rights and fundamental freedoms" arose in the General Assembly at its first session, in the Joint First and Sixth Committee, and at its second session, in the First Committee, in connexion with the agenda item entitled "Treatment of people of Indian origin in the Union of South Africa". 369/ There was further discussion on this matter in the General Assembly at its third session, in plenary meeting and in the Third Committee, in connexion with

367/ Paragraph 2 of the preamble.

368/ See, for example, G A resolutions 217 A (III) and 290 (IV).

369/ For texts of relevant statements, see:

G A (I), Joint 1st and

6th Com., 2nd mtg.: Union of South Africa, pp. 20 and 21;

5th mtg.: Union of South Africa, p. 44;

G A (II), 1st Com., 106th mtg.: Union of South Africa, p. 421;

G A (II), 1st Com., annex 8 (A/387), paras. 9-17.

the agenda item entitled "Draft international declaration of human rights". ^{370/} On the above-mentioned occasions, the representative of one Member State maintained repeatedly that the purpose of the Charter, as shown by the use of the term "fundamental human rights" in the second paragraph of the Preamble, was to refer only to a limited category of rights, namely those rights which might be characterized as fundamental and basic to the human person.

150. In the practice of United Nations organs there has, however, been no acceptance of a distinction between fundamental and non-fundamental human rights in determining which rights should be regarded as falling within the provisions of the Charter relating to human rights. Although such adjectives as "fundamental", "basic", "essential", "elementary" have often been used in constitutional debate in the organs of the United Nations to characterize human rights, and have also been embodied in many resolutions ^{371/} concerned with various human rights, the context in which these adjectives have been employed shows that they have been used to stress the

^{370/} For texts of relevant statements, see:

- G A (III/1), Plen., 182nd mtg.: Union of South Africa, pp. 910 and 911;
- G A (III/1), 3rd Com., 95th mtg.: Union of South Africa, pp. 91 and 92;
- 101st mtg.: Union of South Africa, p. 136;
- 112th mtg.: Union of South Africa, p. 240.

Further, at the third session of the General Assembly, during the first reading in the Third Committee of article 1 of the draft International Declaration of Human Rights (E S C (VII), Suppl. No. 2 (E/800), annex A, p. 9), prepared by the Commission on Human Rights, the first sentence of which read as follows: "All human beings are born free and equal in dignity and rights", the representative of the Union of South Africa introduced an amendment under which the first sentence of article 1 would have read: "All human beings are born free and equal in fundamental rights and freedoms". In introducing the amendment (G A (III/1), 3rd Com., 95th mtg., pp. 91 and 92) this representative indicated that, in his opinion, the principles of equality could not be applied to all rights irrespective of whether they were fundamental or not. The amendment was later withdrawn in favour of an amendment submitted by Guatemala (*ibid.*, 96th mtg., p. 96), under which article 1, as originally drafted, would have been deleted and its contents incorporated in the preamble of the Declaration because it did not state a right, but a fact. The latter amendment was rejected by 26 votes to 6, with 10 abstentions (*ibid.*, 97th mtg., p. 107).

^{371/} The wording used in a number of resolutions is given below by way of example:

- "freedom of information is an essential human right"
(G A resolution 59 (I));
- "the right of petition is an essential human right"
(G A resolution 217 B (III));
- "freedom of information is one of the basic freedoms"
(G A resolution 313 (IV));
- "restrictions with regard to the equality of men and women constitute an infringement of the fundamental rights of the human person"
(E S C resolution 154 G (VII));
- "Deprivation of women of certain essential human rights"
(E S C resolution 445 C (XIV)).

The term "human rights and fundamental freedoms" has been used in G A resolutions 56 (I), 739 (VIII) and E S C resolution 195 (VIII), among others. Other resolutions have used the term "human rights" only (for example, G A resolution 217 A (III)).

importance 372/ attached to the right or freedom in question, rather than to draw a distinction between rights and freedoms which should and those which should not be regarded as covered by the provisions of the Charter relating to human rights.

151. The following paragraphs deal with those rights and freedoms which, in the practice of United Nations organs, have been regarded as falling within the concept of "human rights and fundamental freedoms" as used in the Charter, as well as the content and scope of these rights and freedoms.

152. By resolution 217 A (III), the General Assembly adopted the Universal Declaration of Human Rights. In the preamble of this Declaration, after recalling 373/ that

"Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms",

the Assembly stated 374/ that

"Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now therefore,

The General Assembly

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms 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."

The Assembly thereafter, in the thirty articles of the Declaration, set forth in broad and general language certain general principles and a number of specific rights and freedoms of a civil, political, economic, social and cultural nature. 375/

153. United Nations organs have taken a number of other decisions bearing upon the question of the rights and freedoms regarded as "human rights and fundamental freedoms"

372/ See, for example, G A resolution 313 (IV), stating "that freedom of information is one of the basic freedoms and that it is essential to the furtherance and protection of all other freedoms".

373/ Sixth paragraph of the preamble. The words were clearly taken from Articles 55 c and 56.

374/ Seventh paragraph of the preamble and first sentence of the operative part.

375/ Numerous amendments and proposals concerning the formulation of these rights and freedoms were submitted at the third session of the General Assembly, but, except for the amendment to article 1, mentioned in footnote 360 above, none of these amendments and proposals had as its object the deletion or change of any of the provisions relating to the rights and freedoms eventually included in the Universal Declaration on the ground that they were not among the human rights and fundamental freedoms envisaged by the Charter.

and the question of their content and scope. The material relating to these questions is dealt with below under two headings. The first of these is devoted to those rights and freedoms that have been specifically proclaimed by the Universal Declaration of Human Rights to be "human rights and fundamental freedoms". (See paras. 157-215 below.) The second deals with the practice of United Nations organs, touching the relation of rights and freedoms, other than those included in the Universal Declaration of Human Rights to the concept of "human rights and fundamental freedoms". (See paras. 216-231 below.)

154. The General Assembly has on various occasions 376/ considered cases of alleged violations of human rights in various countries. In each of those cases the allegations concerned a number of specific human rights. However, it appears from the relevant decisions and discussions that, while the General Assembly has indicated in general terms that matters of human rights were involved, it did not, as a rule, express views with respect to particular questions of fact, of the content and scope of specific rights, or the problem of relating specific facts to specific rights.

155. For example, the General Assembly, at its third session, discussed the question of the observance in Bulgaria and Hungary of human rights and fundamental freedoms. At its fourth and fifth sessions, the Assembly broadened the scope of the agenda item to cover the observance of the rights in question in the two above-mentioned countries and also in Romania. The charges of violation of human rights and fundamental freedoms made in the course of discussion 377/ against the Government concerned related to the right of equality before the law; freedom from arbitrary arrest and detention

376/ The matters in question and relevant resolutions have been the following:

- (a) Treatment of people of Indian origin in the Union of South Africa: G A resolutions 44 (I), 265 (III), 395 (V), 511 (VI), 615 (VII) and 719 (VIII). (Resolution 44 (I) was entitled "Treatment of Indians in the Union of South Africa".) For further discussion of the policy of racial segregation (apartheid) mentioned in resolutions 395 (V) and 511 (VI), see para. 240 below; for further discussion of the Immigrants Regulation Amendment Bill referred to in resolution 719 (VIII), see para. 189 below;
- (b) Observance in Bulgaria and Hungary of human rights and fundamental freedoms: G A resolution 272 (III);
- (c) Observance in Bulgaria, Hungary and Romania of human rights and fundamental freedoms: G A resolutions 294 (IV) and 385 (V);
- (d) The Tunisian question: G A resolution 611 (VII). For further discussion see paras. 224 and 225 below;
- (e) The question of Morocco: G A resolution 612 (VII). For further discussion see paras. 224 and 225 below;
- (f) The question of race conflict in South Africa resulting from the policies of apartheid of the Government of the Union of South Africa: G A resolutions 616 A and B (VII) and 721 (VIII). Para. 1 of resolution 616 A (VII) is further discussed in para. 236 below.

377/ For texts of relevant statements, see:

G A (III/2), Ad Hoc Pol. Com., 34th mtg.: Bolivia, pp. 65-74; 35th mtg.: Cuba, pp. 74-76; United States, pp. 92-96; 36th mtg.: Australia, pp. 106-111; United Kingdom, pp. 98-101; Plen., 202nd mtg.: United Kingdom, pp. 249-252; 203rd mtg.: Peru, pp. 265-267. G A (IV), Ad Hoc Pol. Com., 7th mtg.: Australia, paras. 1-12; United States, paras. 22-35; 9th mtg.: United Kingdom, paras. 4-19; 13th mtg.: United Kingdom, paras. 22-39; Plen., 234th mtg.: United Kingdom, paras. 154-179. G A (V), Ad Hoc Pol. Com., 2nd mtg.: Australia, paras. 1-18; United States, paras. 28-39; 3rd mtg.: Turkey, paras. 17-21.

and the right to a fair and just trial; freedom of movement; freedom of thought, conscience and religion; freedom of opinion and expression; freedom of peaceful assembly and association; rights relating to participation in government and public office; and trade-union rights. A number of representatives either generally or specifically denied 378/ the truth of the charges. The Governments of the non-member States concerned were invited 379/ to participate in the discussions without vote; however, the Governments concerned, denying in general terms the accusations made against them, refused 380/ the invitations on the ground that the matter fell essentially within their domestic jurisdiction. 381/

156. Specific action taken by the General Assembly in the matter included the following: By resolution 272 (III), the Assembly expressed

"its deep concern at the grave accusations made against the Governments of Bulgaria and Hungary regarding the suppression of human rights and fundamental freedoms in those countries;"

Similar language was used in resolution 294 (IV), adopted by the Assembly at its fourth session. At its fifth session, the Assembly adopted resolution 585 (V), which read in part as follows:

"The General Assembly,

".....

"3. Is of the opinion that the conduct of the Governments of Bulgaria, Hungary and Romania in this matter is such as to indicate that they are aware of breaches being committed of those articles of the Treaties of Peace under which they are obligated to secure the enjoyment of human rights and fundamental freedoms in their countries; and that they are callously indifferent to the sentiments of the world community;

"4. Notes with anxiety the continuance of serious accusations on these matters against the Governments of Bulgaria, Hungary and Romania, and that the three Governments have made no satisfactory refutation of these accusations;"

378/ For texts of relevant statements, see:

G A (III/2), General Com., 58th mtg.: Poland, pp. 13 and 14; 59th mtg.: USSR, pp. 29 and 30; Plen., 189th mtg.: Czechoslovakia, pp. 9-11; Poland, pp. 13 and 14; 190th mtg.: Byelorussian SSR, p. 26; 201st mtg.: Ukrainian SSR, pp. 256-258; 202nd mtg.: Byelorussian SSR, pp. 262-264; Ad Hoc Pol. Com., 35th mtg.: Poland, pp. 81-87; 37th mtg.: Ukrainian SSR, pp. 116-118; 38th mtg.: Czechoslovakia, pp. 132-134; Yugoslavia, pp. 125 and 126; 39th mtg.: USSR, pp. 139-143. G A (IV), General Com., 65th mtg.: USSR, p. 4; Ad Hoc Pol. Com., 11th mtg.: Czechoslovakia, paras. 22-34; Ukrainian SSR, paras. 1-12; 12th mtg.: USSR, paras. 7-39; Plen., 234th mtg.: USSR, paras. 116-153; 235th mtg.: Ukrainian SSR, paras. 1-25. G A (V), Ad Hoc Pol. Com., 3rd mtg.: Poland, paras. 22-27; 5th mtg.: USSR, paras. 4-17; Plen., 303rd mtg.: USSR, paras. 65-116.

379/ For Bulgaria and Hungary, see G A (III/2), Ad Hoc Pol. Com., 34th mtg., p. 65; for Romania, see G A (IV), Ad Hoc Pol. Com., 7th mtg., para. 16.

380/ For Bulgaria and Hungary, see G A (III/2), Ad Hoc Pol. Com., Annexes, a.i. 18, A/AC.24/58 and A/AC.24/57, respectively; for Romania, see G A (IV), Ad Hoc Pol. Com., 10th mtg. (A/AC.31/L.4), para. 1.

381/ See in this Repertory under Article 2 (7).

b. RIGHTS AND FREEDOMS PROCLAIMED AS HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS 382/

i. General provisions

157. The basic conditions necessary for the realization of the human rights and freedoms to which all human beings are entitled, are set forth in the Universal Declaration of Human Rights as follows:

Article 28

"Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized."

158. The fundamental principle within this social and international order that governs the relationship between individuals and the State, was set forth in article 1 of the Declaration, which reads:

Article 1

"All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."

Another basic rule was included in article 30 of the Declaration:

Article 30

"Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein."

159. In addition to proclaiming equality in article 1 and to using the words "everyone", "no one", et cetera, throughout the Declaration, the General Assembly in article 2 explicitly stated the principle of non-discrimination as follows:

Article 2

"Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

"Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty." 383/

382/ For brevity and clearer presentation some of the rights and freedoms included in the Declaration have been grouped together under subject headings. The grouping is not intended as a classification of the various rights and freedoms mentioned.

383/ For additional material on the principle of non-discrimination, see paras. 234-240 below.

160. In setting forth the various rights and freedoms the Declaration does not, apart from one instance, 384/ list exceptions to them. Permissible restrictions applying to each of these rights and freedoms are, however, stated in general form in one article:

Article 29

"1. Everyone has duties to the community in which alone the free and full development of his personality is possible.

"2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

"3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations." 385/

ii. Civil and political rights

(a) Rights relating to the freedom and integrity of the person 386/

161. Rights relating to the freedom and integrity of the person were set forth in the Universal Declaration of Human Rights as follows:

Article 3

"Everyone has the right to life, liberty and the security of person."

Article 4

"No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms."

Article 5

"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

Article 9

"No one shall be subjected to arbitrary arrest, detention or exile."

In connexion with these rights, attention is also drawn to the principle of article 1 (see para. 158 above) that "All human beings are born free and equal in dignity and rights".

384/ Article 14, para. 2, of the Declaration.

385/ For a decision dealing with permissible restrictions arising out of a state of emergency, see G A resolution 425 (V), referred to in para. 196 below.

386/ Freedom of movement and the question of forced labour, both of which bear a relationship to the freedom of the person, have been dealt with elsewhere, the former as a separate right (see paras. 172-177 below), and the latter as part of the rights relating to work (see para. 205 below).

162. With respect to slavery, both the General Assembly 387/ and the Economic and Social Council 388/ have recommended that all States should adhere to the International Slavery Convention of 25 September 1926, 389/ under which the High Contracting Parties undertake to prevent and suppress the slave trade and to bring about, progressively and as soon as possible, the complete abolition of slavery in all its forms. 390/ In considering the problem of slavery, the slave trade and other forms of servitude, 391/ the Economic and Social Council referred, by resolution 475 (XV), to "the principle of the dignity and worth of the human person proclaimed in the Charter and in the Universal Declaration of Human Rights".

163. As to rights relating to the integrity of the person of women, the General Assembly, by resolution 317 (IV) approved and opened for signature and ratification or accession the Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others, 392/ the preamble of which states, that

"prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community."

Under the Convention, 393/ the parties agree to punish procuring and certain other acts connected with prostitution.

164. Further, the Economic and Social Council, by resolution 445 C (XIV), observed that there were areas of the world where women were deprived of certain essential human rights, including the right to their physical integrity and moral dignity, and invited all States

"to take immediately all necessary measures with a view to abolishing progressively ... all customs which violate the physical integrity of women, and which thereby violate the dignity and worth of the human person as proclaimed in the Charter and in the Universal Declaration of Human Rights."

165. With respect to rights relating to the integrity of the person of prisoners of war, the General Assembly, by resolution 610 (VII), dealing with prisoners of war in Korea, affirmed that prisoners of war

"shall at all times be treated humanely in accordance with the specific provisions of the Geneva Convention relative to the Treatment of Prisoners of War, dated 12 August 1949 394/7 and with the general spirit of the Convention"

387/ G A resolution 794 (VIII).

388/ E S C resolutions 475 (XV) and 525 (XVII).

389/ League of Nations Treaty Series, vol. LX, No. 1414, pp. 253 et seqq.

390/ Ibid., p. 263, article 2.

391/ The question of what practices should be regarded as "slavery", "slave trade" and "servitude" is under consideration by the United Nations. (See E S C resolutions 238 (IX), 525 (XVII) and 564 (XIX); see also E S C (XIII), Annexes, a.i. 21, E/1988, paras. 7-24; ibid., pp. 7 and 8, recommendations A and B; and E/2357, paras. 32-39).

392/ G A resolution 317 (IV), annex.

393/ Ibid., articles 1-4.

394/ United Nations Treaty Series, vol. 75, 1950, I, No. 972, pp. 135 et seqq. See in particular articles 3, 13 and 14 of the Convention.

and made a series of formal proposals; one of these 395/ stated, in part, that "no violence to their persons or affront to their dignity or self-respect shall be permitted in any manner or for any purpose whatsoever". Further, by resolution 804 (VIII), the General Assembly, expressing its desire "to secure general and full observance of the requirements of international law and of universal standards of human decency", condemned

"the commission by any governments or authorities of murder, mutilation, torture, and other atrocious acts against captured military personnel or civilian populations, as a violation of rules of international law and basic standards of conduct and morality and as affronting human rights and the dignity and worth of the human person". 396/

166. At its third session, the General Assembly approved and opened for signature and ratification or accession 397/ the Convention on the Prevention and Punishment of the Crime of Genocide, 398/ by which violations, in relation to national, ethnical, racial and religious groups, as such, of the more basic and important of the rights relating to the freedom and integrity of the person were confirmed to be crimes 399/ under international law. 400/

(b) Rights relating to recognition before the law
and the protection of the law

167. With respect to recognition before the law and the protection of the law, 401/ the following provisions were included in the Universal Declaration of Human Rights:

Article 6

"Everyone has the right to recognition everywhere as a person before the law."

Article 7

"All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination."

Article 12

"No one shall be subject to interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks."

395/ G A resolution 610 (VII), proposal III.

396/ Under the preamble of resolution 804 (VIII), the General Assembly recalled that "basic legal requirements for humane treatment of prisoners of war and civilians in connexion with the conduct of hostilities are established by general international law and find authoritative reaffirmation in the Geneva Conventions of 1929 and 1949 relative to the treatment of prisoners of war and in the Geneva Convention of 1949 relative to the protection of civilian persons in time of war,"

397/ G A resolution 260 (III).

398/ G A resolution 260 (III), annex.

399/ See, in particular, article II of the Convention.

400/ For another decision concerning rights relating to the freedom and integrity of the person, see, for example, G A resolution 390 A (V), section A, para. 7.

401/ See also G A resolution 390 A (V), section A, para. 7.

(c) Rights relating to remedies in connexion with violation of rights and to civil procedure

168. The following provisions were included in the Universal Declaration of Human Rights with respect to remedies for acts violating certain rights and with respect to civil procedure:

Article 8

"Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law."

Article 10

"Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations ...".

(d) Rights relating to criminal offences

169. The following rights relating to charges of criminal offences were proclaimed in the Declaration:

Article 10

"Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of ... any criminal charge against him."

Article 11

"1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

"2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed."

170. Under resolution 170 (II) the General Assembly stated that "trials of war criminals and traitors, like all other trials, should be governed by the principle of justice, law and evidence". By resolution 95 (I), the General Assembly affirmed the principles of international law recognized by the Charter of the Nürnberg Tribunal and the judgment of the Tribunal. 402/ Both the Charter of the Tribunal and the

402/ See The Charter and Judgment of the Nürnberg Tribunal, History and Analysis, (United Nations Publications, Sales No.: 1949.V.7).

judgement ^{403/} contain certain principles of international law relating to criminal offences. ^{404/}

(e) Rights relating to privacy and to honour and reputation

171. Rights relating to privacy ^{405/} and to honour and reputation were dealt with under article 12 of the Universal Declaration of Human Rights, which reads as follows:

Article 12

"No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks."

(f) Freedom of movement and residence

172. The right to freedom of movement and residence was affirmed in article 13 of the Universal Declaration of Human Rights in the following terms:

Article 13

"1. Everyone has the right to freedom of movement and residence within the borders of each State.

"2. Everyone has the right to leave any country, including his own, and to return to his country."

173. In connexion with the right of everyone to leave any country, including his own, and to return to his country, it may be noted that the General Assembly, at its first session, in referring the problem of refugees and displaced persons to the Economic and Social Council for examination, recommended ^{406/} that the Council take into consideration the principle that "the main task concerning displaced persons is to encourage and assist in every way possible their early return to their countries of origin". ^{407/} In reaffirming this principle by resolution 136 (II), the General

^{403/} See, *ibid.*, appendix II, p. 96, Chapter IV of the Charter of the International Military Tribunal on "Fair Trial for Defendants" and the Tribunal's discussion of the maxim "nullum crimen sine lege, nulla poena sine lege", Nazi Conspiracy and Aggression, Opinion and Judgment, United States Government Printing Office, Washington, 1947, p. 49.

^{404/} See G A resolution 390 A (V), section A, para. 7, regarding rights relating to criminal offences.

^{405/} In this connexion, see also G A resolution 390 A (V), section A, para. 7.

^{406/} G A resolution 8 (I). For action taken by the Council in compliance with this recommendation, see E S C resolution 1/3.

^{407/} The principle, made applicable both to displaced persons and refugees, was included in the Constitution of the International Refugee Organization (IRO) (annex to G A resolution 62 I (I), by which the Constitution of IRO was approved), see second and third paragraphs of the preamble; article 2, (1) (a) and para. 1 (b); annex I to the Constitution. See also E S C resolution 157 (VII); G A resolution 428 (V); Statute of the Office of the United Nations High Commissioner for Refugees (paras. 8 and 9), annexed to G A resolution 428 (V); G A resolution 538 B (VI); and, in connexion with the agenda item "Threats to the political independence and territorial integrity of Greece", G A resolution 109 (II) and 288 A (IV).

Assembly added the recommendation "that no obstacles be placed in the way of the early fulfilment of this task".

174. The question of the right of all prisoners of war to return to their own countries from captivity elsewhere has been the subject of various statements and recommendations by the General Assembly in connexion with the problem of prisoners of war who had been taken during the Second World War or during the hostilities in Korea. Thus, the General Assembly, at its fifth session, called upon 408/ all Governments still having control of prisoners taken in the course of the Second World War to act in conformity with the recognized standards of international conduct - the Geneva Convention of 1949 for the protection of war victims and specific agreements between the Allied Powers - which require that,

"upon cessation of active hostilities, all prisoners should, with the least possible delay, be given an unrestricted opportunity of repatriation".

In connexion with the armistice negotiations in Korea, the General Assembly, at its sixth session, affirmed 409/ "that force shall not be used against prisoners of war to prevent ... their return to their homelands". 410/ In connexion with the agenda item entitled "Threats to the political independence and territorial integrity of Greece," the General Assembly dealt with the matter of members of the Greek armed forces who had been captured by the Greek guerrillas and taken into countries north of Greece. By resolution 382 A (V) the General Assembly recommended 411/ the repatriation of all those among them who expressed the wish to be repatriated.

175. In connexion with the same agenda item, the Assembly also dealt with the problem of Greek children away from their home country as a result of guerrilla warfare, and recommended 412/

"the return to Greece of Greek children at present away from their homes when the children, their father or mother or, in his or her absence, their closest relative, express a wish to that effect".

176. At its third session, the General Assembly considered the agenda item entitled "Violation by the Union of Soviet Socialist Republics of fundamental human rights, traditional diplomatic practices and other principles of the Charter". Under resolution 285 (III), the Assembly defined the violation as having consisted

"in preventing the Soviet wives of citizens of other nationalities from leaving their country with their husbands or in order to join them abroad,".

In the course of debate 413/ in plenary meeting, some representatives expressed the view that a Government may properly, in order to protect its citizens from maltreatment abroad, deny the right of those among them who are married to citizens of other

408/ G A resolution 427 (V).

409/ G A resolution 610 (VII).

410/ For similar statements and recommendations, see G A resolutions 427 (V), 610 (VII) and 741 (VIII).

411/ The recommendation was repeated in G A resolution 702 (VII).

412/ G A resolution 193 C (III). Similar recommendations were made by the General Assembly in its resolutions 382 C (V) and 517 (VI), and deep regret at the non-compliance with these recommendations was expressed in G A resolution 618 (VII).

413/ For texts of relevant statements, see G A (III/2), Plen., 196th mtg.: Poland, pp. 149-151; USSR, pp. 151-156; 197th mtg.: Ukrainian SSR, pp. 157-160.

nationalities, to leave their own country. The General Assembly, however, after referring to the human rights provisions of the Preamble of the Charter, to Articles 1 (3) and 55 c, and to article 13 of the Universal Declaration of Human Rights, declared by resolution 285 (III) that

"the measures which prevent or coerce the wives of citizens of other nationalities from leaving their country of origin with their husbands or in order to join them abroad, are not in conformity with the Charter". 414/

177. With respect to restrictions 415/ on everyone's right to leave any country including his own and to return to his country, the General Assembly, at the first part of its first session, considered the question of refugees and adopted resolution 8 (I), by which, after recommending the principles of early but non-forcible repatriation of displaced persons, it expressed the consideration that

"no action taken as a result of this resolution shall be of such a character as to interfere in any way with the surrender and punishment of war criminals, quislings and traitors, in conformity with present or future international arrangements or agreements". 416/

(g) Right of asylum and related rights

178. The right of asylum was set forth in article 14 of the Universal Declaration of Human Rights as follows:

Article 14

"1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.

"2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations."

179. It may be noted that, in referring the problem of refugees and displaced persons to the Economic and Social Council for examination in all its aspects, the General Assembly at the first part of its first session recommended 417/ that the Council take into consideration the principle that

414/ Earlier, the Economic and Social Council had adopted resolution 154 D (VII) by which it deplored

"... those legislative or administrative provisions which deny to a woman the right to leave her country of origin and reside with her husband in any other."

415/ See, in this connexion, article 29 of the Universal Declaration of Human Rights, referred to in para. 160 above.

416/ For other relevant decisions, see G A resolutions 3 (I), recommending the immediate arrest and return to the country where the crime was committed of war criminals; 62 II (I), recommending careful screening of all displaced persons, refugees and prisoners of war and persons of similar status with a view to identifying all war criminals, quislings and traitors; and 170 (II) on surrender of war criminals and traitors.

417/ G A resolution 8 (I). For compliance with this recommendation by the Economic and Social Council, see E S C resolution 1/3.

"no refugees or displaced persons who have finally and definitely, in complete freedom, and after receiving full knowledge of the facts, including adequate information from the governments of their countries of origin, expressed valid objections to returning to their countries of origin ..., shall be compelled to return to their country of origin."

At the second part of its first session, the Assembly approved and opened for signature 418/ the Constitution of the International Refugee Organization (IRO), 419/ in which the above-mentioned principle of non-forcible repatriation on grounds of "valid objections" was applied 420/ to all the categories of refugees and displaced persons coming within the mandate 421/ of IRO. As "valid objections" to repatriation there were recognized 422/ not only "persecution, or fear, based on reasonable grounds, of persecution because of race, religion, nationality or political opinions", but also, in certain special cases, "compelling family reasons arising out of previous persecution, or compelling reasons of infirmity or illness".

180. The Statute of the Office of the United Nations High Commissioner for Refugees, 423/ approved 424/ by the General Assembly at its fifth session, was, to a certain extent, also based on the same principle, it being one of the High Commissioner's functions 425/ to assist "governmental and private efforts to promote voluntary repatriation". The competence of the High Commissioner was defined as extending, 426/ to

"Any person who, as a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality or political opinion, is outside the country of his nationality and is unable or, owing to such fear or for reasons other than personal convenience, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear or for reasons other than personal convenience, is unwilling to return to it." 427/

181. Further, in connexion with the question of prisoners of war in Korea the General Assembly affirmed 428/ "that force shall not be used against prisoners of war to ... effect their return to their homelands,".

418/ G A resolution 62, I (I).

419/ Ibid., annex. The draft Constitution had been prepared and approved by the Economic and Social Council (see E S C resolution 18 (III)).

420/ G A resolution 62, I (I), annex, article 2 (1) (a).

421/ Ibid., article 1 and annex I of the Constitution.

422/ Ibid., annex I of the Constitution, part I, section C, para. 1 (a).

423/ G A resolution 428 (V), annex.

424/ G A resolution 428 (V). The General Assembly at its eighth session continued the Office of the High Commissioner for five years on the basis of the same Statute (see G A resolution 727 (VIII)).

425/ G A resolution 428 (V), annex, para. 8 (c).

426/ Ibid., para. 6 A (ii).

427/ See also the definition of the term "refugee" in the draft Convention relating to the Status of Refugees, recommended by the General Assembly by resolution 429 (V), and articles 1 (Definition of the Term "Refugee"), 32 (Expulsion) and 33 (Prohibition of Expulsion or Return ("Refoulement")) of the Convention relating to the Status of Refugees of 28 July 1951 (United Nations Publications, Sales No.: 1951.IV.4). The General Assembly, at its sixth session, expressed its satisfaction at the conclusion of the Convention (G A resolution 538 (VI)).

428/ G A resolution 610 (VII).

182. As to the exceptions to the right of asylum set forth under article 14 of the Universal Declaration of Human Rights (see para. 178 above), it may be noted that the General Assembly, by resolution 8 (I), in effect denied that right to war criminals, quislings and traitors. ^{429/} Certain provisions of the Constitution of IRO ^{430/} and the Statute of the Office of the High Commissioner for Refugees ^{431/} are also related to cases which, as noted above, constitute exceptions to the right of asylum under resolution 8 (I).

(h) The right to a nationality

183. The following provision was included in the Universal Declaration of Human Rights:

Article 15

"1. Everyone has the right to a nationality.

"2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality."

The Economic and Social Council has, in several of its decisions, recognized ^{432/} the right to a nationality. Thus, by resolution 116 D (VI), the Council stated that the problem of stateless persons demanded action "to ensure that everyone shall have an effective right to a nationality".

184. As to deprivation of nationality, the Economic and Social Council, by resolution 242 C (IX), after citing article 15 of the Universal Declaration of Human Rights and referring to certain conflicts in law and in practice relating to the nationality of married women, considered that a convention should be prepared which would "especially prevent a woman from becoming stateless or otherwise suffering hardships arising out of these conflicts in law". ^{433/} Further, with regard to deprivation of, or the right to change, nationality, the Economic and Social Council, by resolution 547 D (XVIII), recommended to Governments that they

^{429/} See para. 177 and footnote 409 above.

^{430/} G A resolution 62 I (I), annex. According to part II of annex I to the Constitution, war criminals, quislings and traitors, and ordinary criminals who are extraditable by treaty were among the persons who would not be the concern of IRO.

^{431/} G A resolution 428 (V), annex. According to paragraph 7 (d) of the Statute, the competence of the High Commissioner shall not extend to a person: "in respect of whom there are serious reasons for considering that he has committed a crime covered by the provisions of treaties of extradition or a crime mentioned in article VI of the London Charter of the International Military Tribunal or by the provisions of article 14, paragraph 2, of the Universal Declaration of Human Rights."

^{432/} See, in particular, E S C resolutions 116 D (VI), 242 C (IX), 248 B (IX), 319 B, III (XI), 504 B (XVI), 526 B (XVII); cf. report of the International Law Commission, sixth session (G A (VIII), Suppl. No. 9 (A/2456), pp. 20-29) and E S C resolutions 547 C and D (XVIII).

^{433/} See also E S C resolution 319 B (XI), by which the Council invited States to re-examine their nationality laws with a view to reducing as far as possible the number of cases of statelessness created by the operation of such laws.

"take action, as necessary, to ensure that a woman have the same right as a man to retain her nationality on marriage to a person of different nationality, and further, in order to give the principle of equality full effect, that an alien wife shall acquire the nationality of her husband only as the result of her positive request, and not as the result of her failure to object to such change at the time of her marriage or of her failure to make a declaration that she desires to retain her own nationality;"

(1) Rights relating to marriage and the family

185. Rights relating to marriage and the family were dealt with in the following article of the Universal Declaration of Human Rights:

Article 16

"1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

"2. Marriage shall be entered into only with the free and full consent of the intending spouses.

"3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State."

186. As regards the right to marry, the Economic and Social Council, by its resolution 154 D (VII) deplored

"all legislative measures which forbid mixed marriages between persons differing as to colour, race, nationality, citizenship or religion, and in general such other legislative or administrative provisions as restrict the freedom to choose a spouse (with the exception of restrictions based on family relationships, age, the nature of the functions being exercised, or other similar reasons)".

By resolution 843 (IX), 434/ the General Assembly urged all States, including States which had, or assumed, responsibility for the administration of Non-Self-Governing and Trust Territories, to take all appropriate measures in the countries and Territories under their jurisdiction with a view to abolishing such customs, ancient laws and practices relating to marriage and the family which were inconsistent with the principles set forth in the United Nations Charter and the Universal Declaration of Human Rights by

"ensuring complete freedom in the choice of a spouse; abolishing the practice of the bride-price; guaranteeing the right of widows... their freedom as to remarriage; eliminating completely child marriages and the betrothal of young girls before the age of puberty and establishing appropriate penalties where necessary;"

Further, by resolution 285 (III), entitled "Violation by the Union of Soviet Socialist Republics of fundamental human rights, traditional diplomatic practices and other principles of the Charter", the General Assembly referred in the preamble to article 16 of the Universal Declaration of Human Rights, and declared that

434/ See, also, E S C resolution 547 H (XVIII).

"measures which prevent or coerce wives of citizens of other nationalities from leaving their country of origin with their husbands or in order to join them abroad" were not in conformity with the Charter.

187. The equality of rights of spouses was elaborated by the Economic and Social Council by resolution 504 D (XVI), under which the Council, after citing in part the wording of article 16 of the Universal Declaration of Human Rights relating to "equal rights of men and women as to marriage, during marriage and at its dissolution", recommended that Governments

"(a) Take all possible measures to ensure equality of rights and duties of husband and wife in family matters;

"(b) Take all possible measures to ensure to the wife full legal capacity, the right to engage in work outside the home and the right, on equal terms with her husband, to acquire, administer, enjoy and dispose of property."

Further, by resolution 547 I (XVIII), the Council expressed the belief that certain statutory matrimonial régimes were incompatible with the equality of rights of spouses proclaimed in the Universal Declaration, since some of them deprived the wife during marriage of her rights over community property and over her own property and others deprived her at the dissolution of marriage of her share in property in the acquisition of which she had participated either directly or indirectly.

188. By resolution 504 D (XVI), the Council recognized, in accordance with the Universal Declaration of Human Rights, that the family was the natural and fundamental group unit of society and was entitled to protection by society and the State, and expressed the belief that

"legal equality of husband and wife and the sharing by spouses of the authority, prerogatives and responsibilities involved in marriage are of benefit not only to the status of women but also to the family as an institution,".

By resolution 547 H (XVIII), the Economic and Social Council, requested the General Assembly and the Trusteeship Council to take all appropriate measures to ensure elimination of certain customs, ancient laws and practices 435/ relating to marriage and the family, which the Council considered inconsistent with the principles of the United Nations Charter and the Universal Declaration of Human Rights, and expressed the view that the elimination of such customs, ancient laws and practices "would... contribute to the benefit of the family as an institution,". Further, in connexion with the problem of refugees and displaced persons, the Economic and Social Council, by resolution 157 (VII), expressed the view that the policy with regard to repatriation or resettlement of unaccompanied children should be "to unite children with their parents wherever the latter may be" and indicated recognition of "the importance of resettling refugees and displaced persons in family units..." 436/

189. It may also be noted that by resolution 719 (VIII), entitled "Treatment of people of Indian origin in the Union of South Africa", the General Assembly expressed its regret that the Government concerned was, among other things,

435/ See G A resolution 843 (IX), cited in para. 186 above.

436/ At its eighth session, the Council requested countries receiving refugees for resettlement to examine sympathetically every possibility "of still further broadening their definition of the family unit when drawing up their resettlement programmes" (E S C resolution 208 (VIII)).

"proceeding with further legislation contrary to the Charter and the Universal Declaration of Human Rights, including the Immigrants Regulation Amendment Bill which seeks to prohibit the entry into South Africa of wives and children of South African nationals of Indian origin;"

and considered that this action was

"not in keeping with its obligations and responsibilities under the Charter of the United Nations;".

It was charged in the course of debate ^{437/} on the resolution at its draft stage that, under the Immigrants Regulation Amendment Bill, the wives and children of South African nationals of Indian origin, who, it was maintained, were not immigrants, would have to enter the country as immigrants, and that the immigration laws were discriminatory and hardly favourable to people of Indian origin. The Bill would deprive South African nationals of Indian origin who married outside the Union of a normal family life, and that would be a violation of article 16 (3) of the Universal Declaration of Human Rights. In reply, it was stated that under a special concession enacted in 1913 and 1914, the families of Indians domiciled in the Union of South Africa had been allowed to enter the Union. This was due to the fact that at that time the proportion of men to women among the Indians domiciled in the Union had been in a ratio of 63 to 37 per cent. Now the number of Indians of either sex was approximately equal and the Government had consequently withdrawn the concession, thereby placing the Indians on the same footing as other groups of immigrants.

(j) The right to own property

190. The right to own property was formulated in the Universal Declaration of Human Rights as follows:

Article 17

"1. Everyone has the right to own property alone as well as in association with others.

"2. No one shall be arbitrarily deprived of his property."

191. By resolution 390 A (V), the General Assembly recommended that a Federal Act govern the relationship between Ethiopia and Eritrea, and provided, inter alia, that

"The Federal Government, as well as Eritrea, shall ensure to residents in Eritrea... the enjoyment of human rights... including the following:

"(c) The right to own and dispose of property. No one shall be deprived of property, including contractual rights, without due process of law and without payment of just and effective compensation."

192. By resolution 504 D (XIV), the Economic and Social Council, while dealing principally with the question of equality of rights of spouses, indicated disapproval of certain restrictions on the right to own property by recommending that Governments

^{437/} For texts of relevant statements, see G A (VIII), Ad Hoc Pol. Com., 13th mtg.: India, paras. 11-14; 14th mtg.: Union of South Africa, paras. 6 and 7; 20th mtg.: India, paras. 38-40; 21st mtg.: India, paras. 32 and 33; Union of South Africa, paras. 6-8.

take all possible measures "to ensure to the wife... the right, on equal terms with her husband, to acquire, administer, enjoy and dispose of property". Similar disapproval was indicated by the recommendation of the Council, under resolution 547 I (XVIII), that Member States take steps to eliminate certain statutory matrimonial régimes, some of which deprived the wife of her rights over community property and her own property. 438/

(k) Freedom of thought, conscience and religion

193. The right to freedom of thought, conscience and religion 439/ was proclaimed in the Universal Declaration of Human Rights as follows:

Article 18

"Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance."

(l) Freedom of opinion and expression

194. Freedom of opinion and expression was dealt with in the following article of the Universal Declaration of Human Rights:

Article 19

"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."

195. On various occasions, the General Assembly and the Economic and Social Council have declared or indicated 440/ that freedom of expression or freedom of information fall within the term "human rights and fundamental freedoms". Thus, by resolution 59 (I), the General Assembly stated that "Freedom of information is a fundamental human right" and, by resolution 387 B (XIII), the Council recognized "freedom of information as one of the fundamental freedoms referred to in the Charter". 441/

438/ See para. 187 above.

439/ See also G A resolution 290 (IV), calling upon every nation to promote, inter alia, "full opportunity for the exercise of religious freedom", and G A resolution 390 A (V), recommending a Federal Act between Ethiopia and Eritrea, to include among the human rights provisions specifically set forth, "the right of adopting and practising any creed or religion".

440/ See, in particular, G A resolutions 59 (I), 110 (II), 290 (IV), 313 (IV) and 425 (V), and E S C resolutions 197 (VIII) and 387 B (XIII). See also G A resolution 390 A (V), section A, para. 70.

441/ Freedom of information has been singled out by the General Assembly as a human right of special importance. At its first session, the General Assembly stated, for instance, that "Freedom of information... is the touchstone of all the freedoms to which the United Nations is consecrated", that "it is an essential factor in any serious effort to promote the peace and progress of the world" and that "Understanding and co-operation among nations are impossible without an alert and sound world opinion which, in turn, is wholly dependent upon freedom of information" (G A resolution 59 (I)). See also G A resolutions 426 (V) and 631 (VII).

196. The General Assembly has also declared 442/ that "Freedom of information implies the right to gather, transmit and publish news anywhere and everywhere without fetters" and that

"Freedom of information requires as an indispensable element the willingness and capacity to employ its privileges without abuse. It requires as a basic discipline the moral obligation to seek facts without prejudice and to spread knowledge without malicious intent".

Various endeavours 443/ have been made by the United Nations to formulate in more exact terms the content and scope of the concept of freedom of opinion and expression, but as yet with no final result. However, in a few instances, the General Assembly and the Economic and Social Council have touched upon the question of permissible and impermissible restrictions with respect to freedom of opinion and expression. For example, under resolution 425 (V), the General Assembly dealt with permissible restrictions arising out of emergency measures and recommended to all Member States that

"when they are compelled to declare a state of emergency, measures to limit freedom of information and of the Press shall be taken only in the most exceptional circumstances and then only to the extent strictly required by the situation."

An instance where certain restrictions were considered impermissible is found in General Assembly resolution 424 (V) on interference with radio signals, by which the Assembly, after referring to article 19 of the Universal Declaration and stating that

"the duly authorized radio operating agencies in some countries are deliberately interfering with the reception by the people of those countries of certain radio signals originating beyond their territories",

adopted the declaration of the Economic and Social Council contained in resolution 306 B (XI) to the effect that this type of interference constituted a violation of the accepted principles of freedom of information. 444/

(m) Freedom of peaceful assembly and association

197. In the Universal Declaration of Human Rights the freedom of peaceful assembly and association 445/ was expressed in the following terms:

442/ G A resolution 59 (I).

443/ See, in particular, G A resolution 59 (I), authorizing the holding of a United Nations Conference on Freedom of Information for the purpose of formulating views "concerning the rights, obligations and practices which should be included in the concept of freedom of information"; the first terms of reference of the Sub-Commission on Freedom of Information and of the Press, set forth in E S C resolution 46 (IV), which contain similar instructions; G A resolution 426 (V), establishing a Committee "to prepare a draft Convention on Freedom of Information"; and article 18 of the draft Covenant on Civil and Political Rights containing a provision relating to freedom of information (E S C (XVIII), Suppl. No. 7 (E/2573), p. 68, annex I.

444/ For other decisions relating to restrictions, see, in particular, G A resolutions 110 (II), 290 (IV), para. 8, 314 (IV) and 381 (V) and E S C resolutions 241 B (IX), 306 D (XI) and 387 B (XIII).

445/ See, also, G A resolution 390 A (V), section A, para. 7.

Article 20

"1. Everyone has the right to freedom of peaceful assembly and association.

"2. No one may be compelled to belong to an association."

198. The right to form and to join trade unions, as part of the right to freedom of association, is discussed under the heading of rights relating to work. 446/

(n) The right to take part in the government, the right to access to public service, and rights relating to the will of the people

199. Rights relating to participation in government, access to public service and the will of the people were dealt with in an article of the Universal Declaration of Human Rights, which reads as follows:

Article 21

"1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

"2. Everyone has the right of equal access to public service in his country.

"3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures."

200. As regards the content and scope of these rights, it may be noted that the Convention on the Political Rights of Women, 447/ adopted and opened for signature and ratification by the General Assembly at its seventh session, deals in its substantive articles 448/ with the right "to vote in all elections", the eligibility "for election to all publicly elected bodies, established by national law", and the right "to hold public office and to exercise all public functions, established by national law". 449/

iii. Economic, social and cultural rights(a) Economic, social and cultural rights in general

201. Among the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights were the economic, social and cultural rights, set forth in articles 22-27. The first of these articles reads as follows:

Article 22

"Everyone as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic,

446/ See para. 207 below.

447/ G A resolution 640 (VII), annex.

448/ Ibid., articles I - III.

449/ For certain indications as to the meaning of the terms "public office" and "public service", see E S C resolutions 154 A and B (VII).

social and cultural rights indispensable for his dignity and the free development of his personality."

202. The General Assembly, by resolution 421 (V), section E, reiterated the view that economic, social and cultural rights fell within the concept of human rights and fundamental freedoms; it stated that "the enjoyment of civic and political freedoms and of economic, social and cultural rights are interconnected and interdependent" and that "when deprived of economic, social and cultural rights, man does not represent the human person whom the Universal Declaration regards as the ideal of the free man", and decided "to include in the Covenant on Human Rights economic, social and cultural rights". ^{450/}

203. By resolution 128 (II), the General Assembly declared that

"it endorses... the principles the importance of which to labour has already been recognized and which are mentioned in the Constitution of the International Labour Organisation and in the Declaration of Philadelphia [^{451/}] and, in particular, sub-section (a) of section II, and sub-sections (a) to (j) inclusive of section III".

The principles referred to were concerned with the subject-matter of most of the provisions on economic, social and cultural rights of the Universal Declaration discussed below.

(b) Rights relating to work

204. Rights relating to work were formulated ^{452/} in two articles of the Universal Declaration of Human Rights, which read as follows:

Article 23

"1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

"2. Everyone, without any discrimination, has the right to equal pay for equal work.

"3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

"4. Everyone has the right to form and to join trade unions for the protection of his interests."

Article 24

"Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay."

^{450/} Although subsequently the General Assembly, by resolution 543 (VI), requested the Economic and Social Council to ask the Commission of Human Rights "to draft two Covenants on Human Rights, ... one to contain civil and political rights and the other to contain economic, social and cultural rights," this did not affect its view that economic, social and cultural rights were human rights.

^{451/} First Report of the International Labour Organisation to the United Nations, vol. II, Geneva, 1947, pp. 1 et seqq. and 19 et seqq., respectively (E/586/Add.1).

^{452/} See, also G A resolution 390 A (V), section A, para. 7.

205. It may be noted that, by resolution 740 (VIII), the General Assembly, after considering that

"systems of forced labour constitute a serious threat to fundamental human rights and jeopardize the freedom and status of workers in contravention of the obligations and provisions of the Charter of the United Nations",

affirmed

"the importance which it attaches to the abolition of all systems of forced or 'corrective' labour, whether employed as a means of political coercion or punishment for holding or expressing political views or on such a scale as to constitute an important element in the economy of a country;" 453/

206. As to the right of everyone to equal pay for equal work, the Economic and Social Council has, on various occasions, approved the principle of equal remuneration. For example, by resolution 121 (VI), the Council approved "the principle of equal remuneration for work of equal value for men and women workers" and, by resolution 547 E (XVIII), the Council recommended that

"all States ... take legislative and other action, in accordance with their respective constitutional procedures, to establish and carry into effect the principle of equal pay for equal work for all classes of men and women wage-earners;" 454/

The Council has given general endorsement 455/ to the Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value and the Recommendation on the same subject, both adopted by the International Labour Conference in 1951. 456/

207. Apart from paragraph 4 of article 23 of the Universal Declaration of Human Rights, the United Nations has not itself formulated in detail the rights and obligations arising from the right to form and to join trade unions. However, prior to the adoption of the Universal Declaration, the General Assembly, by resolution 128 (II), endorsed 457/ "the principles 458/7 proclaimed by the International Labour Conference in respect of trade union rights". These principles dealt in considerable detail with "the inviolable right of employers and workers, without distinctions whatsoever, to establish or join organizations of their own choosing without previous authorization", including the establishment, functioning, dissolution and suspension of such organizations, and the protection of the right to organize and to bargain collectively.

453/ At its seventeenth session, the Economic and Social Council condemned such practices in almost identical terms; see E S C resolution 524 (XVII); see also E S C resolutions 195 (VIII) and 350 (XII).

454/ For other relevant decisions, see E S C resolutions 154 G (VII), 196 (VIII), 242 D (IX), 385 H (XIII), 445 E (XIV) and 504 G (XVI).

455/ E S C resolutions 445 E (XIV) and 547 E (XVIII).

456/ The International Labour Code 1951, vol. I, Code, Geneva 1952, article 233, sections K-O, and article 234. The Convention and Recommendations use the formulation "equal remuneration for men and women workers for work of equal value" while the Universal Declaration of Human Rights uses the phrase "equal pay for equal work".

457/ Earlier, the Economic and Social Council, by resolution 84 (V), had decided to recognize the same principles.

458/ See E S C (V), annex 15 f (E/485), Report, pp. 424 et seqq.

The principles were embodied in a redrafted version in the Convention concerning Freedom of Association and Protection of the Right to Organize, 459/ adopted by the International Labour Conference on 9 July 1948. By resolution 279 (III), the General Assembly expressed the earnest hope that Governments would take prompt action for the early ratification of the Convention. 460/

(c) Rights relating to the standard of living and social security

208. The Universal Declaration of Human Rights proclaimed the following rights relating to the standard of living and social security:

Article 25

"1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control."

(d) Rights relating to motherhood and childhood

209. Rights relating to motherhood and childhood were set forth in the Universal Declaration of Human Rights in the following terms:

Article 25

".

"2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection."

210. A few decisions of the Economic and Social Council have some bearing on the rights relating to motherhood and childhood. Thus, by resolution 154 G (VII) the Council invited

"the States Members of the United Nations to adopt the necessary measures so that:

".

"(b) In each country there should be legal safeguards for the right of mothers and children."

In connexion with the problem of refugees and especially with regard to the return of orphans or unaccompanied children to their countries, the Council provided, by resolution 157 (VII), that in all cases "... the best interests of the individual child shall be the determining factor". The Council, by resolution 547 H (XVIII), requested 461/ the General Assembly and the Trusteeship Council, as appropriate, in collaboration with States,

459/ The International Labour Code 1951, vol. I, Code, Geneva 1952, articles 855-865, 868 and 869.

460/ A somewhat similar plea had already been made by the Economic and Social Council by resolution 194 (VIII).

461/ In response to this request the General Assembly took action by resolution 343 (IX).

"to take all appropriate measures ...; to guarantee the right of widows to the custody of their children ...; to ensure also that family allowances, where these are provided, be administered in such a way as to benefit directly the wife and children."

(e) The right to education

211. The right to education ^{462/} was formulated in the following article of the Universal Declaration of Human Rights:

Article 26

"1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

"2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

"3. Parents have a prior right to choose the kind of education that shall be given to their children."

212. The rights set forth in the first paragraph of article 26 have figured in certain decisions of the Economic and Social Council concerning educational opportunities for women. For instance, by resolution 547 K (XVIII), the Council recommended that States should "Take the necessary measures to institute free compulsory primary education", and

"Enact the necessary laws and regulations ... to ensure access for women to all types of education, including vocational and technical education, and equal opportunities to obtain State scholarships for education in any field and in preparation for all careers."

Further, by resolution 445 D (XIV), the Council recommended that Governments

"Take all possible measures to ensure provision of adequate facilities and opportunities for vocational training and guidance for all workers without regard to sex, and to give girls and women access to all forms of training and apprenticeship." ^{463/}

(f) Rights relating to cultural life, the arts and scientific advancement

213. Rights relating to cultural life, the arts and scientific advancement were dealt with in article 27 (1) of the Universal Declaration of Human Rights in the following terms:

^{462/} See also G A resolution 390 A (V), section A, para. 7.

^{463/} See also E S C resolutions 154 F (VII), 304 G (XI), and 504 H and I (XVI).

Article 27

"1. Everyone has 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."

(g) Rights to protection of scientific, literary or artistic production

214. In article 27 (2) of the Universal Declaration of Human Rights the right to protection of scientific, literary or artistic production was set forth in the following words:

Article 27

".

"2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author."

215. In 1954 the Economic and Social Council, in considering the question of freedom of information, recommended to Governments, by resolution 522 D (XVII), "that they adhere to the Universal Copyright Convention" ^{464/} drawn up under the auspices of the United Nations Educational, Scientific and Cultural Organization (UNESCO). Under article I of the Convention

"Each Contracting State undertakes to provide for the adequate and effective protection of the rights of authors and other copyright proprietors in literary, scientific and artistic works, including writings, musical, dramatic and cinematographic works, and paintings, engravings and sculpture".

The subsequent paragraphs of the Convention dealt with the nature and scope of that protection.

c. THE QUESTION OF THE RELATION OF RIGHTS AND FREEDOMS, OTHER THAN THOSE PROCLAIMED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, TO THE CONCEPT OF "HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS"

216. The discussions and decisions ^{465/} connected with the adoption of the Universal Declaration of Human Rights indicated that the Declaration was not meant to be exhaustive. The question whether or not certain rights, other than those included in the Universal Declaration, should be regarded as coming within the concept of "human rights and fundamental freedoms" has arisen in certain instances. These are dealt with below.

1. The right of petition

217. Under the International Trusteeship System established by the Charter, the Trusteeship Council may, under Article 87 b,

^{464/} UNESCO Copyright Bulletin, Paris, 1952, vol. V, Nos. 3 and 4, p. 30.

^{465/} See, in particular, G A resolution 217 B (III), referred to in para. 218 below.

"accept petitions and examine them in consultation with the administering authority".

For decisions and procedure concerning petitions relating to Trust Territories, see in this Repertory under Article 87.

218. In drafting the Universal Declaration of Human Rights, the General Assembly, at its third session, considered 466/ the question whether an article on the right of petition should be included. By resolution 217 B (III), the Assembly, after stating in the preamble that

"the right of petition is an essential human right, as is recognized in the Constitutions of a great number of countries",

decided not to take any action on the matter at that session, and requested further examination of the question by the Commission on Human Rights. 467/ Also on the matter of the right of petition, the Assembly, at its fifth session, by resolution 390 A (V), recommended a Federal Act to govern the relationship between Ethiopia and Eritrea which included a provision according to which the Federal Government, as well as Eritrea, were to ensure to residents in Eritrea human rights and fundamental liberties, including

"the right of petition to the Emperor and the right of appeal to the Emperor for commutation of death sentences". 468/

219. Reference may also be made to the procedure 469/ established by the Economic and Social Council in co-operation with the International Labour Organisation, relating to allegations regarding infringements of trade-union rights, received from

466/ For texts of relevant statements, see G A (III/1), 3rd Com., 158th-160th mtgs.

467/ In connexion with the preparation of draft international covenants on human rights, the General Assembly, in resolution 421 (V), section F, called upon the Economic and Social Council to request the Commission on Human Rights "to proceed with the consideration of provisions, to be inserted in the draft Covenant or in separate protocols, for the receipt and examination of petitions from individuals and organizations with respect to alleged violations of the Covenant".

468/ On a few occasions the General Assembly has considered certain proposals relating to the right of petition without taking any action as to substance (see G A resolution 737 B (VIII) and G A (VIII), 3rd Com., Annexes, a.i. 12, A/C.3/L.372 and Rev.1).

469/ See G A resolution 128 (II) and E S C resolutions 52 (IV), 84 (V), 193 (VIII), 239 (IX), 277 (X) and 474 A (XV). For further details, see in this Repertory under Article 62 (2).

Governments or trade-union or employers' organizations. 470/

ii. The right of peoples and nations 471/ to self-determination 472/

220. The question whether the right of peoples and nations to self-determination should be regarded as a human right was raised at the fifth session of the General Assembly in connexion with a draft resolution 473/ by which the Assembly would call upon the Economic and Social Council to request the Commission on Human Rights

470/ Although the Economic and Social Council, by resolution 75 (V) approved a statement by the Commission on Human Rights that "the Commission recognizes that it has no power to take any action in regard to any complaints concerning human rights", it was contended (see, for instance G A (III/1), 3rd Com., 159th mtg., pp. 704 and 705) that the procedure relating to communications concerning human rights implied recognition of the right of petition on the international level. The procedure, as applied to the Commission on Human Rights, is set forth in E S C resolution 75 (V), as amended by E S C resolutions 116 A (VI), 192 A (VIII) and 275 B (X). Similar procedures apply to the Commission on the Status of Women with respect to communications concerning the status of women (E S C resolution 76 (V), as amended by E S C resolution 304 I (XI)) and to the Sub-Commission on Prevention of Discrimination and Protection of Minorities with respect to communications dealing with discrimination and minorities (E S C resolution 116 A (VI)). For further details, see in this Repertory under Article 62 (2).

471/ It may be noted that Articles 1 (2) and 55 speak of respect for the principle of "self-determination of peoples". The French text speaks of "droit /des peuples/ à disposer d'eux-mêmes". In draft resolution (G A (V), Annexes, a.i. 63, A/C.3/L.88) concerning the right of self-determination, submitted to the General Assembly at its fifth session, the term "the right of peoples and nations to self-determination" was employed. In a revised draft the words "peoples and" were deleted (G A (V), Annexes, a.i. 63, A/C.3/L.88/Rev.1, see note 7), but these words were reinstated at the suggestion of the representative of Mexico (G A (V), 3rd Com., 310th mtg., para. 1), who maintained that, if the draft resolution referred only to the right of nations, it appeared to deal with a subject that fell within the competence of the International Law Commission, which was engaged in drafting a declaration of the rights and duties of States. The original draft resolution, containing the term "peoples and nations" was adopted by the General Assembly and became resolution 421 (V), section D. Subsequent resolutions on the matter have, in some instances, employed the term "peoples and nations" (G A resolutions 545 (VI), 637 A (VII), 637 B (VII) and 738 (VIII)), and in other instances, the term "peoples" (G A resolutions 545 (VI), 549 (VI), 637 A (VII) and 637 C (VII)). Both terms have in some cases been used in the same resolution, for example, in G A resolutions 545 (VI) and 637 A (VII).

472/ As to the practice of the Trusteeship Council bearing on the right of peoples and nations to self-determination and the practice of the General Assembly relating to decisions of the Trusteeship Council, see in this Repertory under the relevant Articles of Chapter XII and in particular under Article 76 b.

473/ G A (V), Annexes, a.i. 63, p. 14, A/C.3/L.88.

"to study ways and means which would ensure the right of peoples and nations to self-determination and to prepare recommendations for consideration by the General Assembly at its sixth session."

Most of the discussion centred on the question whether the Third Committee of the Assembly and the Commission on Human Rights were the appropriate organs to undertake the study, the underlying question being whether the right of self-determination was a human right. ^{474/} By resolution 421 (V), section D, the General Assembly decided to request ^{475/} the Commission on Human Rights to undertake the above-mentioned study. At its sixth session, the General Assembly, after stating that

"the General Assembly at its fifth session recognized the right of peoples and nations to self-determination as a fundamental human right (resolution 421 D (V) of 4 December 1950),"

and in order "To reaffirm faith in fundamental human rights" decided ^{476/}

"to include in the International Covenant or Covenants on Human Rights an article on the right of all peoples and nations to self-determination in reaffirmation of the principle enunciated in the Charter of the United Nations".

Further, in making certain recommendations to Member States on the right to self-determination, the General Assembly, at its seventh session, stated ^{477/} that

"the right of peoples and nations to self-determination is a prerequisite to the full enjoyment of all fundamental human rights".

^{474/} For texts of relevant statements, see G A (V), 3rd Com., 309th - 312th mtgs.
^{475/} Subsequent requests to the Commission on Human Rights for the preparation of recommendations concerning the right of self-determination were made by the Assembly in its resolutions 545 (VI), 549 (VI), 637 C (VII) and 738 (VIII). The Economic and Social Council, by its resolutions 349 (XII), 415 (S-1) and 472 (XV), formally transmitted these resolutions to the Commission on Human Rights. In E S C resolution 440 B (XIV) the Council decided to transmit to the General Assembly, without comment, two draft resolutions on the matter, prepared by the Commission. At its eighteenth session, the Council decided (E S C resolution 545 G (XVIII)) to return to the Commission for reconsideration two other draft resolutions prepared by the Commission in response to G A resolution 637 C (VII).

^{476/} G A resolution 545 (VI). In the course of debate on the resolution at the draft stage, there was discussion on whether the right of self-determination was to be regarded as a human right. For arguments for and against, see G A (VI), 3rd Com., 360th - 371st and 396th - 403rd mtgs.

^{477/} G A resolution 637 A (VII). Many of the arguments advanced at previous sessions concerning the question of whether or not the right of self-determination was a human right were repeated during the discussions; see G A (VII), 3rd Com., 443rd - 464th mtgs.

221. As regards the content and scope of the right 478/ of peoples and nations to self-determination 479/ certain decisions of the General Assembly are noted below.

222. The General Assembly has repeatedly considered 480/ the question of factors which should be taken into account in deciding whether a Territory was or was not a Territory whose people had not yet attained a full measure of self-government and, by resolution 742 (VIII), the Assembly approved a list 481/ of such factors. 482/

478/ At its eighth session, the Commission on Human Rights drafted an article on the right of self-determination to be included in the draft covenants on human rights, reading as follows:

"1. All peoples and all nations shall have the right of self-determination, namely, the right freely to determine their political, economic, social and cultural status.

"2. All States, including those having responsibility for the administration of Non-Self-Governing and Trust Territories and those controlling in whatsoever manner the exercise of that right by another people, shall promote the realization of that right in all their territories, and shall respect the maintenance of that right in other States, in conformity with the provisions of the United Nations Charter.

"3. The right of peoples to self-determination shall also include permanent sovereignty over their natural wealth and resources. In no case may a people be deprived of its own means of subsistence on the grounds of any rights that may be claimed by other States." (E S C (XIV), Suppl. No. 4 (E/2256), para. 91).

479/ For texts of relevant statements concerning the meaning of the terms "peoples", "nations" and "self-determination", see G A (V), 3rd Com., 309th - 312th mtgs. G A (VI), 3rd Com., 364th mtg.: United States, paras. 15-20; 366th mtg.: Liberia, paras. 25-29; 371st mtg.: Belgium, paras. 34-36; 396th mtg.: Afghanistan, para. 58; 397th mtg.: Syria, paras. 5-9; 399th mtg.: Chile, para. 20; 400th mtg.: New Zealand, para. 23; 401st mtg.: Afghanistan, para. 54; United Kingdom, para. 28. G A (VII), 3rd Com., 443rd mtg.: Egypt, paras. 12-18; 444th mtg.: United Kingdom, paras. 24-26; 445th mtg.: Australia, para. 40; 446th mtg.: Belgium, paras. 25-27; 447th mtg.: India, para. 40; Netherlands, paras. 4-10; United States, paras. 25-29; 449th mtg.: Argentina, paras. 20 and 21; 451st mtg.: Indonesia, para. 11; 452nd mtg.: Syria, para. 21; 453rd mtg.: Ethiopia, para. 14. When requesting the Commission on Human Rights to prepare recommendations on the right of peoples and nations to self-determination, the Assembly also asked for recommendations concerning "international respect for" that right. See G A resolutions 545 (VI), 637 C (VII) and 738 (VIII).

480/ See G A resolutions 334 (IV), 567 (VI), 648 (VII) and 742 (VIII).

481/ G A resolution 742 (VIII), annex.

482/ For further details, see in this Repertory under Article 73. Reference may also be made to the consideration by the General Assembly of the question of cessation of the transmission of information under Article 73 e in respect of the Netherlands Antilles and Surinam (G A resolutions 568 (VI), 650 (VII) and 747 (VIII)) and in respect of Puerto Rico (G A resolution 748 (VIII)).

223. In deciding, by resolution 545 (VI), that an article "on the right of all peoples and nations to self-determination" should be included in the International Covenant or Covenants on Human Rights, the General Assembly stated that

"This article shall be drafted in the following terms: 'All peoples shall have the right of self-determination', and shall stipulate that all States, including those having responsibility for the administration of Non-Self-Governing Territories, should promote the realization of that right, in conformity with the Purposes and Principles of the United Nations, and that States having responsibility for the administration of Non-Self-Governing Territories should promote the realization of that right in relation to the peoples of such Territories".

By resolution 637 A (VII) the General Assembly recommended that

"1.

"2. The States Members of the United Nations shall recognize and promote the realization of the right of self-determination of the peoples of Non-Self-Governing and Trust Territories who are under their administration and shall facilitate the exercise of this right by the peoples of such Territories according to the principles and spirit of the Charter of the United Nations in regard to each Territory and to the freely expressed wishes of the peoples concerned, the wishes of the people being ascertained through plebiscites or other recognized democratic means, preferably under the auspices of the United Nations;

"3. The States Members of the United Nations responsible for the administration of Non-Self-Governing and Trust Territories shall take practical steps, pending the realization of the right of self-determination and in preparation thereof, to ensure the direct participation of the indigenous populations in the legislative and executive organs of government of those Territories, and to prepare them for complete self-government or independence."

By resolution 637 B (VII) the General Assembly recommended

"States Members of the United Nations responsible for the administration of Non-Self-Governing Territories voluntarily to include in the information transmitted by them under Article 73 e of the Charter details regarding the extent to which the right of peoples and nations to self-determination is exercised by the peoples of those Territories, and in particular regarding their political progress and the measures taken to develop their capacity for self-administration, to satisfy their political aspirations and to promote the progressive development of their free political institutions".

224. During the discussion of the Tunisian question by the General Assembly at its seventh session, a large majority of those who spoke on the matter stated 483/ that the case was one involving respect for the right of peoples and nations to self-

483/ For texts of relevant statements, see G A (VII), 1st Com., 537th - 541st and 543rd - 546th mtgs., and G A (VII), Plen., 404th mtg.

determination, 484/ the question being how to implement that right in the case under consideration. An eleven-power draft resolution, 485/ submitted in connexion with this question, read, in part, as follows:

"The General Assembly,

".....

"Mindful of the necessity of developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples,"

".....

"1. Expresses its confidence that, in pursuance of its proclaimed policies, the Government of France will endeavour to further the effective development of the free institutions of the Tunisian people, in conformity with the Purposes and Principles of the Charter;

"2. Expresses the hope that the parties will continue negotiations on an urgent basis with a view to bringing about self-government for Tunisians in the light of the relevant provisions of the Charter of the United Nations;"

One of the sponsors of the draft resolution stated 486/ that the reference to the Charter should be understood to mean, in particular, the phrase "equal rights and self-determination of nations". The draft resolution was subsequently adopted by the General Assembly and became resolution 611 (VII). At the same session the Assembly also dealt with the question of Morocco, and the debate took much the same course as the discussion of the Tunisian question. 487/ By resolution 612 (VII), 488/ the Assembly referred to the necessity of developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and expressed the hope that

"the parties will continue negotiations on an urgent basis towards developing the free political institutions of the people of Morocco, with due regard to legitimate rights and interests under the established norms and practices of the law of nations;"

484/ None of the representatives who participated in the debate seemed to argue directly that the right of self-determination did not apply. Some maintained that the question was not within the competence of the United Nations. For texts of relevant statements, see G A (VII), 1st Com., 537th - 546th mtgs., and G A (VII), 404th mtg.

485/ G A (VII), Annexes, a.i. 60, A/C.1/L.8.

486/ G A (VII), 1st Com., 546th mtg.: Brazil, para. 49.

487/ For texts of relevant statements, see: G A (VII), Plen., 407th mtg.; 1st Com., 547th - 553rd mtgs.

488/ It may be noted that the original draft resolution (G A (VII), Annexes, a.i. 65, A/C.1/L.13), which later became General Assembly resolution 612 (VII), employed the words quoted in the text above. In the First Committee, however, an amendment was adopted, which introduced the wording of operative paragraph 2 of General Assembly resolution 611 (VII) on the Tunisian question. When the draft resolution of the First Committee (G A (VII), Annexes, a.i. 65, A/2325) was considered by the General Assembly in plenary meeting, an amendment (G A (VII), 407th mtg., para. 45, A/L.135), was submitted, reintroducing the wording of the original draft resolution, which amendment ultimately was adopted and became part of General Assembly resolution 612 (VII).

225. The Tunisian question and the question of Morocco were before the General Assembly again at its eighth session, but the draft resolutions 489/ adopted by the First Committee in connexion with both agenda items failed to obtain the necessary two-thirds majority 490/ in the plenary meetings. The draft resolution relating to the Tunisian question contained the following preambular paragraph:

"The General Assembly,

".....

"Convinced that full effect should be given to the sovereignty of the people of Tunisia by the exercise, as early as possible, of their legitimate rights to self-determination and self-government in conformity with the Charter".

The draft resolution relating to the question of Morocco contained the following preambular paragraph:

"Recognizing the right of the people of Morocco to complete self-determination in conformity with the Charter".

The votes against the respective draft resolutions as a whole did not reflect rejection of the two preambular paragraphs quoted above; 491/ in separate roll-call votes those paragraphs had been adopted by 34 votes to 14, with 8 abstentions 492/ and by 37 votes to 13, with 9 abstentions, 493/ respectively. Some representatives who voted against the two paragraphs or who abstained gave as grounds 494/ that the General Assembly was not competent in the matter or that the draft resolutions exceeded its competence, that the draft resolutions were untimely and inadvisable, and that no further resolutions were needed in addition to General Assembly resolutions 611 (VII) and 612 (VII).

489/ G A (VIII), Annexes, a.i. 56, A/2530, para. 7, and a.i. 57, A/2526, para. 11, respectively.

490/ G A (VIII), Plen., 457th mtg., para. 152, and 455th mtg., paras. 61-125, respectively.

491/ For texts of relevant statements and votes, see: G A (VIII), 455th mtg., paras. 9-153; 456th mtg., paras. 22-24; 457th mtg., paras. 94-153; 1st Com., 625th - 647th mtgs.

492/ G A (VIII), 1st Com., 647th mtg., para. 21.

493/ G A (VIII), Plen, 455th mtg., para. 60.

494/ For texts of relevant statements, see: G A (VIII), Plen., 455th mtg.: Australia, paras. 34-36; Columbia, paras. 37-43; 457th mtg.: Columbia, paras. 112-114; Cuba, paras. 133-139; Israel, paras. 143-147; Union of South Africa, paras. 131 and 132; United States, para. 153; 1st Com., 630th mtg.: Australia, paras. 24-35; United Kingdom, paras. 39-44; 632nd mtg.: New Zealand, paras. 36-41; 633rd mtg.: Union of South Africa, paras. 35-41; 634th mtg.: United States, paras. 44 and 45; 635th mtg.: Israel, paras. 44-54; 638th mtg.: Canada, paras. 12-20; Dominican Republic, paras. 26-31; Haiti, paras. 20-24; Netherlands, paras. 4-6; 640th mtg.: Chile, para. 49; Cuba, paras. 1, 2, 33, 35 and 54; Dominican Republic, para. 13; Ecuador, paras. 9-12; Haiti, para. 53; Netherlands, para. 47; New Zealand, para. 48; Panama, paras. 50-52; Turkey, para. 46; 641st mtg.: Australia, paras. 20 and 21; Belgium, paras. 23-32; 646th mtg.: Dominican Republic, paras. 48-51; Israel, paras. 51 and 52; New Zealand, paras. 55 and 56; United Kingdom, paras. 53 and 54; 647th mtg.: Haiti, paras. 8-12; Netherlands, paras. 4-7; Union of South Africa, paras. 1-3; United States, para. 28.

iii. Rights of minorities

226. In establishing, at its first session, a Commission on Human Rights, the Economic and Social Council charged the Commission, by its terms of reference, 495/ with responsibility for the submission of proposals, recommendations and reports regarding the "protection of minorities". At its second session, the Council empowered 496/ the Commission on Human Rights "to establish a Sub-Commission on the Protection of Minorities", 497/ and laid down its terms of reference, leaving it to the Commission to change them if it so desired. The Commission, at its fifth session, decided 498/ that the terms of reference of the Sub-Commission on Prevention of Discrimination and Protection of Minorities should be extended in scope and its future functions, inter alia, were set forth in the following terms:

"To undertake studies, particularly in the light of the Universal Declaration of Human Rights and to make recommendations to the Commission on Human Rights concerning... the protection of racial, national, religious and linguistic minorities;"

By resolution 303 F (XI) the Economic and Social Council invited Governments

"To furnish the Secretary-General, as soon as practicable, full information regarding the protection of any minority within their jurisdiction by legislative measures and in the light of the Universal Declaration of Human Rights;",

and by resolution 502 H (XVI), the Council requested the Sub-Commission to continue its work regarding the protection of "minority rights". 499/

227. Certain proposals 500/ for the inclusion in the Universal Declaration of Human Rights of an article concerning the protection of minorities were before the General Assembly at its third session. By resolution 217 C (III), the Assembly, considering

"that it is difficult to adopt a uniform solution of this complex and delicate question of the fate of minorities", which has special aspects in each State in which it arises,"

and considering "the universal character of the Declaration of Human Rights", decided not to deal in a specific provision with the question of minorities in the text of the Declaration and requested the Economic and Social Council to ask the Sub-Commission on

495/ E S C resolution 1/5.

496/ E S C resolution 2/9.

497/ At its first session, the Commission on Human Rights decided to establish a sub-commission to deal both with prevention of discrimination and protection of minorities (E S C (IV), Suppl. No. 3 (E/259), para. 18).

498/ E S C (IX), Suppl. No. 10 (E/1371), para. 13.

499/ Various other decisions have been taken relating to the performance of their functions, as regards the protection of minorities, by the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities. See, in particular, G A resolution 532 B (VI) and E S C resolutions 116 B and C (VI), 443 (XIV) and 502 H (XVI).

500/ G A (III/1), 3rd Com., Annexes, pp. 45 and 46, A/C.3/307/Rev.2, draft resolutions submitted by Denmark, USSR and Yugoslavia.

Prevention of Discrimination and Protection of Minorities to make a thorough study of the problem. 501/

iv. Other rights

228. At the first part of the third session of the General Assembly, in connexion with the drafting of the Universal Declaration of Human Rights, the Third Committee rejected 502/ a draft resolution 503/ which would have included in the Declaration an article reading as follows:

"Any person has the right to the recognition and protection of his nationality and to the free development of the nation to which he belongs.

"National communities which are in a state community with other nations are equal in national, political and social rights."

While some representatives favoured the inclusion of the article others objected that the article was superfluous, that it was not universal, that it, in part, concerned the problem of minorities, which had been referred for further study to the organs concerned, and that it dealt with federalism and the rights of States and could, therefore, not properly be included in the Declaration. 504/

229. The Third Committee also had before it draft resolutions 505/ which would have included in the Declaration an article concerning the right to resist oppression or tyranny. Most representatives who spoke on the matter seemed to agree, in principle, to such a right. However, it was argued by several speakers that inclusion of such an article would be dangerous and might encourage sedition, that the matter was adequately dealt with in the third preambular paragraph of the draft Declaration, or that it would be very difficult properly to define the right. 506/ The draft resolutions in question were subsequently withdrawn 507/ on the understanding that the sponsors would be able to submit an amendment to the third preambular paragraph of the draft Declaration. This amendment, 508/ which differed only slightly from the original paragraph, 509/ was later

501/ At its ninth session the Commission on Human Rights included in the draft International Covenant on Human Rights an article on minorities based upon a text proposed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, reading as follows: "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with other members of their group, to enjoy their own culture, to profess and practice their own religion or to use their own language." (E S C (XVI), Suppl. No. 8 (E/2447), para. 56).

502/ G A (III/1), 3rd Com., 163rd mtg., p. 740.

503/ G A (III/1), 3rd Com., Annexes, pp. 45 and 46, A/C.3/307/Rev.2, draft resolution submitted by Yugoslavia.

504/ For texts of relevant statements, see G A (III/1), 3rd Com., 163rd mtg., pp. 736-740.

505/ G A (III/1), 3rd Com., Annexes, pp. 45 and 46, A/C.3/307/Rev.2, draft resolution submitted by Cuba and *ibid.*, p. 103, A/C.3/378.

506/ For texts of relevant statements, see G A (III/1), 3rd Com., 163rd and 164th mtgs., pp. 747-753.

507/ G A (III/1), 3rd Com., 164th mtg., p. 753.

508/ G A (III), 3rd Com., Annexes, p. 104, A/C.3/382/Rev.1.

509/ G A (III), 3rd Com., Annexes, p. 47, A/C.3/314/Rev.1.

adopted 510/ and became the third preambular paragraph of the Universal Declaration of Human Rights. 511/

230. By resolution 390 A (V), the General Assembly recommended a Federal act to govern the relationship between Ethiopia and Eritrea. Under the proposed act the Federal Government, as well as Eritrea, was to ensure to residents in Eritrea human rights and fundamental liberties, including the following:

"No one shall be deported except in accordance with the law;"

231. Various other rights, such as the right 512/ to participate in the economic life of one's country, the right to act as a guardian and the right 513/ to undertake independent business ventures have been touched upon in connexion with decisions relating to matters of human rights.

3. The question of the meaning of the expression "for all without distinction as to race, sex, language, or religion".

232. Article 55 c provides that the United Nations shall promote human rights "for all without distinction as to race, sex, language, or religion." 514/

233. It appears that in the practice of the United Nations relating to human rights, whether the rights of specific groups or categories of persons or the rights of human beings in general, support has been given to the principle that all human beings are entitled to the enjoyment of human rights. For example, throughout the Universal Declaration of Human Rights 515/ it is provided that "everyone" or "all" shall be entitled to the rights and freedoms set forth in the Declaration, or that "no one" shall be subjected to violations of those rights and freedoms. 516/

234. The decisions of United Nations organs relating to the question under consideration may be said to fall into three principal categories: those dealing with equality, those concerned with discrimination, and those dealing with the question of making distinctions.

235. With respect to the first of these categories, the Universal Declaration of Human Rights, proclaims in article 1 that "All human beings are born free and equal

510/ G A (III/1), 3rd Com., 167th mtg., pp. 787 and 788.

511/ The paragraph reads as follows:

"Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law".

See G A resolution 217 A (III).

512/ E S C resolution 445 D (XIV).

513/ E S C resolution 154 G (VII).

514/ The same expression is used in the provisions of Articles 1 (3), 13 (1) (b), and 76 c whereas Article 62 (2) employs only the words "for all".

515/ G A resolution 217 A (III).

516/ For other decisions, see G A resolutions 103 (I), 128 (II), 136 (II), 170 (II), 217 A (III), 285 (III), 424 (V), 427 (V), 610 (VII), 740 (VIII), 804 (VIII), and E S C resolutions 48 (IV), 121 (VI), 154 A, B, D, F, and G (VII), 306 B (XI) and 385 G (XIII).

in dignity and rights", 517/ and, in addition, equality of all is expressly provided for in several of the articles 518/ of the Declaration dealing with specific rights. 519/

236. As regards possible grounds for unequal treatment, the General Assembly, by resolution 616 B (VII), declared with respect to race and religion that

"in a multi-racial society harmony and respect for human rights and freedoms and the peaceful development of a unified community are best assured when patterns of legislation and practice are directed towards ensuring equality before the law of all persons regardless of race, creed or colour, and when economic, social, cultural and political participation of all racial groups is on a basis of equality".

237. With respect to sex, the second paragraph of the Preamble of the Charter expresses the determination to reaffirm "faith ... in the equal rights of men and women", and Article 8 520/ provides that "the United Nations shall place no restriction on the eligibility of men and women to participate in any capacity and under conditions of equality" in the organs of the United Nations. In some cases United Nations organs have stated in general terms, the principle of the equality of the sexes. 521/ Thus, by resolution 421 (V), section E, the General Assembly decided

"to include in the Covenant on Human Rights ... an explicit recognition of equality of men and women in related rights, as set forth in the Charter of the United Nations";

and at its fourth session, the Economic and Social Council approved 522/ a declaration of principles 523/ by the Commission on the Status of Women, part of which read as follows:

"Freedom and equality are essential to human development; since woman is as much a human being as man, she is entitled to share these attributes.

".

"... the Commission intends to raise the status of women, irrespective of nationality, race, language or religion, to equality with men in all fields of human enterprise". 524/

517/ See, also, the first preambular paragraph of the Declaration, which states that "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world."

518/ See articles 7, 10, 16 (1), 21 (2), 21 (3), 23 (2) and 26 (1).

519/ See also G A resolution 314 (IV).

520/ See also in this Repertory under that article.

521/ In a few instances the expressions "same opportunity", and "same right" have been used in connexion with human rights of men and women. (See G A resolution 56 (I) and E S C resolutions 120 A (VI), 154 A (VII), 504 H (XVI) and 547 D (XVIII)).

522/ E S C resolution 48 (IV), section A, para. 7 (a).

523/ E S C (IV), Suppl. No. 2 (E/281/Rev.1), p. 9.

524/ For other decisions, see G A resolution 532 A (VI), and E S C resolutions 48 (IV), section A, paras. 1 and 7 (b), 120 A (VI), 121 (VI) and 154 E and G (VII).

On numerous occasions United Nations organs have also recognized, or indicated approval of, the principle of equality of men and women with respect to various specific rights, such as political rights, 525/ rights as to marriage, during marriage and at its dissolution, 526/ the right to equal pay for equal work, 527/ the right of access on equal terms to public service, 528/ the right to work, including access to all liberal and other professions, 529/ the right to education 530/ and the right to a nationality. 531/

238. As regards decisions dealing with discrimination, United Nations organs have, on various occasions, recognized that human rights should be enjoyed without any discrimination. 532/ Some of these decisions have been concerned with discrimination in general, such as resolution 323 (IV) by which the General Assembly decided

"To recommend the abolition of discriminatory laws and practices contrary to the principles of the Charter and the Trusteeship Agreements, in all Trust Territories in which such laws and practices still exist",

and resolution 532 B (VI), by which the Assembly invited the Economic and Social Council to authorize the Sub-Commission on Prevention of Discrimination and Protection of Minorities to continue its work. By the latter resolution the Assembly emphasized that

"the full application and implementation of the principle of non-discrimination recommended in the United Nations Charter and the Universal Declaration of Human Rights are matters of supreme importance, and should constitute the primary objective in the work of all United Nations organs and institutions"

and considered that

"The prevention of discrimination ... [is one] of the most important branches of the positive work undertaken by the United Nations". 533/

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- 525/ G A resolution 56 (I); Convention on the Political Rights of Women, articles 1-3, opened for signature and ratification by the General Assembly at its seventh session. (G A resolution 640 (VII) and annex); and E S C resolutions 154 A (VII), 385 B (XIII), 445 B (XIV), 504 E (XVI) and 547 B (XVIII).
- 526/ Universal Declaration of Human Rights, article 16 (1) (G A resolution 217 A (III)), E S C resolutions 504 D (XVI), and 547 I and J (XVIII).
- 527/ E S C resolutions 121 (VI), 154 G (VII), 196 (VIII), 385 H (XIII), 445 E (XIV), 504 G (XVI) and 547 E (XVIII),
- 528/ E S C resolutions 154 B (VII) and 385 G (XIII), para. 4.
- 529/ E S C resolutions 154 B and G (VII) and 445 D (XIV).
- 530/ E S C resolutions 154 F (VII), 304 G (XI), 445 D (XIV), 504 I (XVI) and 547 K (XVIII).
- 531/ E S C resolutions 504 B (XVI) and 547 D (XVIII).
- 532/ None of the principal organs of the United Nations has as yet defined the exact meaning of the concept "discrimination". At its second session, the Commission on Human Rights approved the following text relating to the prevention of discrimination:
- "The Prevention of Discrimination is the prevention of any action which denies to individuals or groups of people equality of treatment which they may wish".
- See E S C (VI), Suppl. No. 1 (E/600), para. 39.
- 533/ For other decisions, see G A resolutions 314 (IV), 315 (IV), 323 (IV), 532 B (VI), 644 (VII), and E S C resolutions 2/9, 116 B (VI), 303 G (XI) and 502 B, I (XVI).

Other decisions have dealt with discrimination on specific grounds. Thus, by resolution 103 (I), the General Assembly declared that

"it is in the higher interests of humanity to put an immediate end to religious and so-called racial persecution and discrimination ...".

At its fourth session, the Economic and Social Council reaffirmed 534/ that

"it is the fundamental purpose of the Commission [on the Status of Women] to develop proposals for ... eliminating discrimination on grounds of sex in the legal, political, economic, social and educational fields". 535/

239. In connexion with decisions relating to the making of distinctions, the Universal Declaration of Human Rights 536/ provides as follows:

Article 2

"Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

"Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty."

In some cases, United Nations organs have, in connexion with certain specific human rights, recognized that no distinction should be made on the grounds of race, 537/ sex, 538/ creed, 539/ or on grounds of "any of the distinctions mentioned in article 2 of the Universal Declaration of Human Rights". 540/

240. In a few instances, the General Assembly has touched upon the question whether separate facilities for different groups of people, in connexion with the enjoyment of human rights, were inherently unequal and discriminatory and entailed improper distinctions. With respect to race the Assembly at its fifth session considered 541/

534/ E S C resolution 48 (IV), section A, para. 7 (b).

535/ See articles 1-3 of the Convention on the Political Rights of Women, opened for signature and ratification by the General Assembly (G A resolution 640 (VII) and annex, and E S C resolutions 48 (IV), section A. See also Report of the Commission on the Status of Women, chapter X, part I, fifth principle, (E S C (IV), Suppl. No. 2 (E/281/Rev.1), p. 9), and E S C resolutions 304 E (XI), 365 G (XIII), 445 B (XIV) and 547 I and K (XVIII).

As to discrimination practised against persons born out of wedlock, see E S C resolution 502 D (XVI).

536/ G A resolution 217 A (III).

537/ G A resolution 644 (VII) and E S C resolution 48 (IV), section B.

538/ E S C resolutions 48 (IV), section B, and 445 D (XIV), the latter resolution using the expression "without regard to sex".

539/ E S C resolution 48 (IV), section B.

540/ E S C resolution 547 K (XVIII).

541/ G A resolution 395 (V). The statement was reiterated by the General Assembly in resolution 511 (VI) and expressly referred to in resolutions 616 A (VII) and 719 (VIII).

"that a policy of 'racial segregation' (Apartheid) 542/ is necessarily based on doctrines of racial discrimination".

4. *The question of the meaning of the term "universal"; the territorial scope of the provisions relating to human rights*

241. As regards the question of the territorial scope within which the United Nations shall as a general rule 543/ promote human rights and fundamental freedoms, Article 55 c provides that such promotion shall be universal 544/ and that these rights and freedoms shall be "for all".

242. An examination of the practice of the United Nations relating to this question shows that it has been regarded as the responsibility of the United Nations to promote human rights everywhere in the world.

243. Thus, by resolution 540 (VI), the General Assembly considered that

"it is the responsibility of the Members of the United Nations, individually and collectively, to see that human rights and freedoms shall be enhanced throughout the world".

Further, in connexion with the drafting of an international covenant on human rights, the Assembly, by resolution 313 (IV), stated that the object of the Covenant was "to promote the observance of basic human rights throughout the world". 545/ Attention is also drawn to the many resolutions calling upon "every nation", "all States", or "Governments" 546/ to promote human rights in general or to adopt specific measures with

542/ For a discussion of the concept of apartheid, see Report of the United Nations Commission on the Racial Situation in the Union of South Africa, (G A (VIII), Suppl. No. 16 (A/2505 and A/2505/Add.1), paras. 399-423).

543/ Only the question of the general scope of Article 55 c with respect to the territorial jurisdiction of the United Nations in matters relating to human rights is dealt with under this heading. The question of limitations of the general scope of Article 55 c arising out of other Articles, for instance the domestic jurisdiction provision in Article 2 (7), is a separate question and is dealt with in this Repertory under the relevant Articles. Similarly, the question of the powers that are available under the Charter to the various United Nations organs in their endeavours to achieve the purposes set forth in Article 55 c, is dealt with elsewhere in this Repertory.

544/ It may be noted that Article 55 c is the only provision of the Charter relating to human rights that employs the term "universal".

545/ For other relevant decisions, see G A resolutions 217 D (III), paras. 1 and 2; 423 (V); 540 (VI), para. 1; 644 (VII); and E S C resolution 502 B, I (XVI).

546/ For examples, see G A resolution 290 (IV), calling upon "every nation ... to promote ... full respect for all the ... fundamental rights expressed in the Universal Declaration of Human Rights", G A resolution 731 (VIII), and E S C resolutions 248 A (IX), 337 B (XIII), 445 C, D and E (XIV), 475 (XV), 502 B (XVI), 504 D and G (XVI), 522 C, D and I (XVII) and 524 (XVII).

The General Assembly and the Economic and Social Council have also made a number of recommendations to Member States only. For examples, see G A resolutions 96 (I), 217 D (III), 377 A (V), section E, 424 (V), 425 (V), 540 (VI), 637 (VII), and E S C resolutions 121 (VI), 154 A, B, F and G (VII), 194 (VIII), 306 D (XI) and 385 G (XIII).

respect to individual human rights, as well as to the initiation or approval of studies "on a global basis", or of "world-wide" surveys, and the like. 547/

244. It may be noted that, in some instances, 548/ United Nations organs have dealt with matters relating to human rights in individual Member States. 549/

245. In a few instances, United Nations organs have also been concerned with matters relating to human rights in individual non-member States.

246. Thus, in connexion with allegations regarding infringement of trade-union rights, the Economic and Social Council has brought such allegations to the attention of Governments of individual non-member States concerned, 550/ has referred to the procedure for the examination of allegations regarding infringements of trade-union rights established under resolution 277 (X), 551/ and has invited the Governments in question to submit their observations on the matter. The Council has similarly dealt 552/ with allegations regarding infringements of trade-union rights in the Free Territory of Trieste and in the Saar. The question whether the Council could consider allegations regarding infringement of trade union-rights in non-member States within the general scope of the provisions of the Charter relating to human rights has been touched upon by only one representative, though at several successive sessions. 553/

547/ For examples, see E S C resolutions 303 F (XI), 522 A (XVII) and 545 C (XVIII).

548/ Reference is made, in particular, to the following items in the agenda of the General Assembly:

The question of the treatment of people of Indian origin in the Union of South Africa (first, second, third, fifth, sixth, seventh and eighth sessions);

Violation by the Union of Soviet Socialist Republics of fundamental human rights, traditional diplomatic practices and other principles of the Charter (third session);

The question of race conflict in South Africa resulting from the policies of apartheid of the Government of the Union of South Africa (seventh and eighth sessions);

The Tunisian question (seventh and eighth sessions);

The question of Morocco (seventh and eighth sessions); and also to consideration by the Economic and Social Council of allegations regarding infringement of trade-union rights in Member States (eighth, twelfth, fourteenth, fifteenth and sixteenth sessions).

549/ The question whether the domestic jurisdiction provision in Article 2 (7) limits the general scope of the provisions of the Charter relating to human rights was extensively discussed in most of these cases. For details, see in this Repertory under Article 2 (7).

550/ E S C resolutions 351 (XII), paras. 4-9; 444 (XIV), paras. 1 and 2; 474 C (XV); 503 (XVI) and 523 A and B (XVII). It may be noted that, while the recommendation of the Council under resolution 194 (VIII) was addressed to Member States only, reference was made in the preamble to statements submitted by the World Federation of Trade Unions (E/822 and Add. 1 and 2) which contained allegations regarding infringement of trade-union rights in non-member States.

551/ For further details, see in this Repertory under Article 62 (2).

552/ E S C resolutions 444 (XIV), paras. 3 and 4 and 474 E (XV).

553/ For texts of relevant statements, see: E S C (XV), 680th mtg.: para. 50; E S C (XVI), 720th mtg.: paras. 1 and 2; E S C (XVII), 788th mtg.: paras. 20-22.

247. At its third session, the General Assembly considered and discussed the substance of an agenda item concerning observance of human rights and fundamental freedoms in Bulgaria and Hungary. Neither of these States was a Member of the United Nations, but both of them were, under peace treaties with certain Member States, obliged to "take all measures necessary to secure to all persons under [their] jurisdiction ... the enjoyment of human rights and of the fundamental freedoms". ^{554/} By resolution 272 (III), the General Assembly, citing the wording of Article 1 (3) and

"Considering that the Governments of Bulgaria and Hungary have been accused, before the General Assembly, of acts contrary to the purposes of the United Nations and to their obligations under the Peace Treaties to ensure to all persons within their respective jurisdictions the enjoyment of human rights and fundamental freedoms",

expressed deep concern at the grave accusations made against the two Governments regarding suppression of human rights and fundamental freedoms in those countries and favoured the settlement of the question in accordance with a special procedure established under the peace treaties. The wording of the paragraph was not discussed in any detail during the debate. ^{555/} However, a number of representatives touched upon ^{556/} the question whether matters relating to human rights in non-member States came within the general scope of one or more of the provisions of the Charter relating to human rights, irrespective of whether or not those States were under any

^{554/} Article 2 of the Treaty of Peace with Bulgaria of 10 February 1947 and article 2 of the Treaty of Peace with Hungary of 10 February 1947, United Nations Treaty Series, vol. 41, 1949, I, Nos. 643 and 644, respectively.

^{555/} Attention during the discussions was directed mainly to the separate question of limitation under Article 2 (7) of the general scope of the provisions of the Charter relating to human rights. For details, see in this Repertory under Article 2 (7).

^{556/} For texts of relevant statements, see: G A (III/2), Plen., 189th mtg.: Czechoslovakia, pp. 7 and 8; United States, p. 12; 190th mtg.: Peru, pp. 28 and 29; Uruguay, pp. 24 and 26; USSR, p. 22; Yugoslavia, p. 20; 201st mtg.: Bolivia, pp. 235 and 236; 202nd mtg.: Cuba, pp. 246 and 248; 203rd mtg.: Ecuador, p. 270; El Salvador, pp. 260 and 261; General Com., 58th mtg.: Australia, p. 15; Canada, p. 22; Chile, p. 18; Poland, p. 11; 59th mtg.: China, p. 33; USSR, p. 27; Ad Hoc Pol. Com. 34th mtg.: Philippines, p. 61; 35th mtg.: Belgium, pp. 96 and 97; Poland, p. 80; 36th mtg.: Australia, p. 105; Canada, p. 103; New Zealand, pp. 102 and 103; United Kingdom, p. 98; 37th mtg.: Brazil, p. 114; 37th mtg.: Brazil, p. 114; 38th mtg.: Chile, p. 130; Colombia, p. 128; 39th mtg.: Lebanon, p. 136; 40th mtg.: Byelorussian SSR, pp. 150 and 151; 41st mtg.: Bolivia, p. 163.

international obligation bearing on such rights, and with a few exceptions, the views expressed were in the affirmative. 557/

248. It may further be noted that, at its eighth session, the Economic and Social Council adopted a resolution noting that the unsettled conditions in Palestine might have affected the observance of human rights in "Palestine and some other areas" and expressing the hope

"that Governments and authorities concerned will not cease to exert whatever efforts are necessary to safeguard the fundamental human rights of individuals and groups of different faiths;" 558/

Attention is also drawn to consideration by the General Assembly, at its eighth session, of the agenda item entitled "Question of atrocities committed by the North Korean and Chinese Communist forces against United Nations prisoners of war in Korea" and to resolution 804 (VIII), as further examples of action by United Nations organs in matters relating to human rights in individual non-member States.

557/ The same agenda item, modified to include Romania, was considered by the General Assembly at its fourth and fifth sessions when resolutions 294 (IV) and 385 (V) were adopted.

It may be noted that, at the fifth session of the Assembly, the representative of Bolivia submitted the following amendment (G A (V), Ad Hoc Pol. Com., 3rd mtg., p. 14, A/AC.38/L.2) to a draft resolution submitted by Australia (G A (V), Annexes, vol. I, a.i. 25, p. 1, A/AC.38/L.1):

"Declares that every violation of human rights and fundamental freedoms, wherever it occurs and whether or not it affects the Members of the United Nations, concerns the United Nations as a whole, since the primary mission of the United Nations is to safeguard the peace of nations and democracy, which rests on respect for the individual and his fundamental freedoms."

A few representatives spoke in favour of the amendment, whereas others thought that it was concerned with matters not connected with the item under consideration. One representative implied that such a statement might exceed the competence of the United Nations. The amendment was not included in a revised version of the draft resolution submitted by Australia (G A (V), Annexes, vol. I, a.i. 25, p. 3, A/AC.38/L.1/Rev.1) amended by agreement with two representatives including the representative of Bolivia. The latter subsequently withdrew his amendment (G A (V), Annexes, vol. I, a.i. 25, p. 2, A/1437, paras. 7-9). For texts of relevant statements, see: G A (V), Ad Hoc Pol. Com., 3rd mtg.: Australia, p. 17; Mexico, p. 17; Philippines, p. 16; 4th mtg.: Chile, p. 23; 6th mtg.: Haiti, p. 36.

558/ E S C resolution 214 B (VIII). For further details, see in this Repertory under Article 62 (2).