CHAPTER I

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Although the concept of human rights is an old one and has evolved over a long period of time, it is only recently that the international community addressed itself to the problem of evolving the international measures needed for the implementation of those rights. Indeed the roots of the concept of human rights can be traced in ancient Indian history and the mediaeval history of Europe and America, but


2 Three very well-publicized achievements of the mediaeval period which are also the cornerstone of the law of human rights, are the Magna Carta, the French Declaration, and the Virginia Declaration.

The Magna Carta was granted by King John of England to the barons at Runnymede on 15 June 1215 and confirmed with some alterations in Parliament later by Henry III and Edward I. Among its thirty-eight chapters are found provisions for regulating the administration of justice, securing the personal liberty of the subject and his rights of property, and preserving the liberties and privileges of the Church. The Magna Carta is so called partly to distinguish it from the Charta de Foresta, which was granted about the same time, and partly on account of its own transcendent importance. See *Black's Law Dictionary* (St. Paul, Minn., 1979), edn 5, p.858.

The Declaration of the Rights of Man and the Citizen 1789, issued by the Constituent Assembly in France, asserted that "men are born and remain free and equal in rights" and further that "the purpose of all
the "international measures of implementation" began to evolve only in the twentieth century.

This delayed action on the part of the international community was perhaps due to the late start of the process of international organization, for whatever reason. 

Political associations is the conservation of the natural and inalienable rights of man; these rights are liberty, property, security, and resistance to oppression.

The Virginia Bill of Rights, adopted by a representative Convention in 1776, proclaimed that "all men are by nature equally free and independent and have certain inherent rights...." The US Constitution of 1789 together with its amendments, defined these rights in greater detail.

Besides these instruments, the Treaty of Paris, which provided for the universal prohibition of the slave trade, the Geneva Convention of 1864, and the Hague Conventions of 1899 and 1907 made significant contributions to the development of international humanitarian law. See Daes, n.1, paras 880, 882, 932, and 933.

In the view of Francesco Capotorti the expression "international measures of implementation" is generally used today to indicate the collective legal instruments through which the States Parties to a multilateral agreement, or the organization that has promoted the stipulation of such agreements among its members, try to ensure the fulfilment of the obligations undertaken by each contracting State. See Francesco Capotorti, "The International Measures of Implementation included in the Covenants on Human Rights", in Asbjorn Eide and August Schou, eds. International Protection of Human Rights (Proceedings of the Seventh Nobel Symposium, Oslo, 25-27 September 1967) (Stockholm, 1968), p.131.

The term "international organization" should not be confused with the term "international organizations". While the former denotes an international process of interaction among nations, the latter just means international functional institutions like the United Nations.
There was no international institution to ensure the observance of basic rights and freedoms of human beings in the years prior to the First World War. All that we had was a blunt 2-way approach of so-called "humanitarian intervention" and conclusion of treaties for the protection of religious minorities (as, for example, the Treaty of Westphalia, the Congress of Vienna, etc.). This imperfect, unbalanced, and irrational approach to humanitarian problems was bound to fail. One indirect consequence of the approach was the First World War. At the close of the war the international concern for human rights and social justice found expression, for the first time, in the Covenant of the League of Nations and the Constitution of the International Labour Organization (ILO).

Japan sought, though in vain, to ensure that the Covenant carried provisions prohibiting discrimination on the ground of race and nationality and guaranteeing freedom of religion. The Covenant nevertheless included provisions under which Member States accepted certain obligations in respect of the inhabitants of their indigenous colonies. Particularly, for the first time, a loose international

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supervisory system was created in the form of the Mandate System. Under this system certain Member States accepted sacred trust responsibility for the well-being and advancement of the mandated peoples concerned as a sacred trust. In addition, in accordance with the relevant sections of the peace treaties concluded, the unilateral declarations made, and the understandings reached prior to their admission to the membership of the League, certain States accepted far-reaching limitations on their sovereignty in favour of their minorities.6

Under these treaties, the League departed from the traditional conception of national sovereignty to ensure adequate protection of human rights and instituted an organized system of inspection to make sure that the minority groups created by the total redrawing of the map of Europe enjoyed the attention, consideration, and protection provided for them under the Treaty of Versailles. The League Committee of Three visited the countries concerned and issued reports which were subsequently debated in detail.7

6 For instance, there was no treaty making it obligatory for Albania to afford protective treatment to the Greek minority within its borders. However, when Albania was admitted to the League of Nations, it undertook to accord this minority treatment in compliance with the minority regime. See Daes, n.1, Rev.1, para 31.

Although this was described widely as a precedent-setting system, it yet symbolized an unequal distribution of international obligations. It sought to protect, or ensure fair treatment of, only particular groups in particular countries; and it was totally helpless in the face of the savage treatment of the minority groups in Nazi Germany; so that when, after 1931, the League gradually disintegrated, its minority regime also broke down. This tragic failure, however, taught that any system that might be forged to protect human rights would need to be far more comprehensive and equitable in scope and structure.8

Meanwhile there broke out the Second World War. The challenge of Nazism and Fascism and their outrageous behaviour before and during the Second World War made the issue of protection of civil liberties a major and urgent issue of international policy.9

It is no surprise, therefore, that Winston S. Churchill should have designated the "enthronement of Human Rights" as one of the war aims of the Grand Alliance. The experience of the war resulted in the widespread conviction that the protection of human rights was a condition precedent for

8 Ibid.
international peace and prosperity. That conviction found expression in various blueprints beginning with the Atlantic Charter and culminating in the Dumbarton Oaks Proposals.

The Dumbarton Oaks Proposals, in particular, contemplated the establishment of the United Nations to achieve, *inter alia*, "international co-operation in the solution of international economic, social, and other humanitarian problems,"\(^{10}\) and to ensure respect for human rights and fundamental freedoms. On the basis of these proposals, a conference was convened at San Francisco, Calif. It was at this conference that the Charter of the United Nations was adopted. Discreetly, this newly written Bible of modern international law avoided giving a precise definition and categorization of human rights.\(^{11}\) However, its Preamble


11 At the San Francisco Conference, Cuba, Mexico, and Panama suggested that the Declaration of the Rights and Duties of the Nations and the Declaration of Essential Human Rights should be appended to the Charter and be made integral parts thereof. One of the subcommittees received the idea with sympathy, but decided that the present Conference, due to the paucity of time, cannot proceed to realize such a draft in an international contract.

and as many as six of its Articles postulate the human rights policy of the United Nations. The Charter introduced the principle of respect for basic human rights in international law, imposing corresponding obligations on the various Member States. 12


In fact, scholarly opinion has been divided on the question whether the human rights provisions of the Charter impose any legal obligations on Member States. The school led, among others, by Manley O. Hudson, answered in the negative. Another member of this school, Hans Kelsen, observed: "The Charter does not impose upon the Members a strict obligation...." See his The Law of the United Nations (New York, 1964), p.29.

Hersch Lauterpacht, one of the leading advocates of the other school, submitted that since the human rights provisions of the Charter figure prominently in the statement of the Purposes of the United Nations, Members of the United Nations were under a legal obligation to act in accordance with those Purposes. Lauterpacht, n.9, pp.147-9. This view was supported by Phillip C. Jessup, Quincy Wright, Elaine Sloan, Myres McDougal, and Schwelb. McDougal writes: "Beyond making grants of competence subject to limitations in favor of human rights, the Charter further imposes affirmative obligations upon both members and the organization for the Protection of such rights". Myres S. McDougal and others, Human Rights and World Public Order: The Basic Policies of an International Law of Human Dignity (New Haven, Conn. : 1980), p.333. Similarly, Schwelb, with the help of Advisory Opinion of the ICJ on the legal consequences for States of the continued presence of South Africa in Namibia, asserted that "the Charter does impose on the Members of the United Nations legal obligations in the human rights field". Schwelb, "International Court of Justice and Human Rights", AJIL (Washington, D.C.), vol.66, 1972, p.348.

At another place, however, he observed that the Charter provisions were intentionally vague, and
The Preamble sets forth the determination of the peoples of the United Nations "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small". One of the Purposes of the United Nations is "to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples" and "to achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character ... and in promoting and encouraging respect for human rights and for fundamental freedoms for all".

A strict obligation to protect human rights was specifically evaded. A proposal (by Panama) to add the words 'and protecting human rights' was defeated at San Francisco. See Schweb, n. 5, pp. 362-3.

We would, however, submit that the human rights clauses of the Charter are not just a pious declaration. They create rights and obligations. This view is endorsed in the fourth preambular paragraph of the two Covenants in which "the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights" is expressly mentioned.
Article 55 provides, inter alia, that the United Nations shall promote "universal respect for, and observance of, human rights and fundamental freedoms for all". Article 56 states: "All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55". Article 68 empowers the Council to set up "commissions ... for the promotion of human rights".

In accordance with these provisions, the Economic and Social Council (ECOSOC) at its first session in February 1946, established the "Commission on Human Rights" (hereinafter referred to as the Commission) and charged it with the task of submitting proposals, recommendations, and reports regarding an "International Bill of Human Rights". Four months later, at its second session in June 1946, it declared that "the purpose of the United Nations with regard to the promotion and observance of human rights, as defined in the Charter of the United Nations, can only be fulfilled if provisions are made for the implementation of human rights...."14

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13 See Res.1/5, ESCOR, First Session, 23 January 1946/18 February 1946, Annex 8, p.163.
14 Res. 2/9, para 7, Ibid., pp.401-2.
It, therefore, requested the Commission to submit "suggestions regarding the ways and means for the effective implementation of human rights and fundamental freedoms".  

The Commission thereupon started work on the form and content of an international bill of human rights at its first session itself. It instituted a small working group or drafting committee for the purpose and asked it to study the Australian proposal and such other documents as might be submitted to it.

The task of formulation of an international bill of human rights was by no means easy, given the heterogeneous character of the United Nations. It entailed the enunciation of common principles and standards which might find acceptance from all the members of an organization built around the nucleus of the United Nations at war and consisting of states with differing, even conflicting legal, economic, and political systems and social and cultural traditions. Nevertheless, the working group managed to prepare and submit to the Commission draft Articles of

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15 Ibid.

16 The first session was held at Lake Success, New York. See Report of the Commission on Human Rights (UN Doc. E/259), p.6.

17 Daes, n.1, Rev.1, para 54.
an international convention on human rights. It also considered the question of implementation and transmitted to the Commission a memorandum on the subject.

At its second session held in December 1947 the Commission decided that the proposed international bill of human rights should consist of a "declaration", a "convention" or "covenant", and "measures of implementation".\(^{18}\) It established three working groups to draft them respectively. With Hansa Mehta of India as its Chairman, the 6-member Working Group on Implementation started work at once in right earnest. The representative of the Ukrainian Soviet Socialist Republic raised objections on various grounds. Later he even boycotted the meetings of the Working Group. The Group nevertheless went ahead with its work. It examined various issues like the "domestic jurisdiction" of states. It based its work on a memorandum prepared by the secretariat and the Australian draft resolution for the Establishment of an International Court of Human Rights. Ultimately, it submitted a report to the Commission in which it proposed the establishment of a Standing Committee consisting of independent non-Governmental experts "to supervise the observance of the provisions of the Convention or Conventions on Human Rights".\(^{19}\)


\(^{19}\) Ibid., Annex C, p.38.
The Commission did not take action on this report. Instead it transmitted it to the Governments of the various states and to the ECOSOC for their consideration and comments.20

At its third session held in May-June 1948 the Commission was ready with the draft declaration, but did not have time to consider the Covenant or the measures of implementation. The draft declaration was submitted to the ECOSOC, which, in its turn, transmitted it to the General Assembly.

On 10 December 1948, during its Third Session held in Paris, the General Assembly adopted the draft declaration and proclaimed the Universal Declaration of Human Rights21 as a "common standard of achievement for all peoples and all nations".22 By another resolution it asked the Commission

20 Ibid., p.6.

21 The text of the Declaration, as a whole, was adopted by 48 votes to nil, with 8 abstentions. Those abstaining included the countries of the Soviet bloc, Saudi Arabia, and South Africa. The President of the Assembly called it a "remarkable achievement". See UN Yearbook, 1948-49 (New York 1950), p.535.

22 See the eighth preambular para of the Declaration. Ibid. In the opinion of Daes, the Declaration may be regarded as "the first landmark in the contemporary history in the development of the concept of human rights". In the process of definition of human rights, the Declaration may be accepted as the true Magna Carta of mankind. See Daes, n.1, Rev.1, para 56.
to continue to give priority to the preparation of a Draft Covenant on Human Rights and draft measures of implementation. The Commission thereupon devoted six sessions - from the fifth session to the tenth (1949-54) - to the preparation of a Draft Covenant, including measures of implementation.

At its fifth (1949) and sixth (1950) sessions the Commission prepared a Draft Covenant based on the texts prepared by the Commission at its second session (in 1947) and by its drafting committee (in 1948). It rejected the idea of ad hoc bodies and decided to include Articles relating to a system of implementation by means of a permanent body - the Human Rights Committee - for resolving disputes between States Parties through the means of good offices. It forwarded the Draft Covenant to the ECOSOC, which, in its turn, transmitted it to the General Assembly.

23 Resolution 217 (III)E., Ibid., p.533.

At its Fifth and Sixth sessions, the General Assembly decided, *inter alia*, that two Draft Covenants should be prepared, one on civil and political rights and the other on economic, social, and cultural rights, and that the two Covenants should contain as many similar provisions as possible, particularly with regard to the measures of implementation. 25

This made the task of the Commission somewhat easy. At its seventh session, in April-May 1951, the Commission drafted ten Articles on measures of implementation envisaging a system of reporting by States Parties to the Covenant. 26 At its eighth session it was concerned most of the time with the formulation of Articles on economic, social, and cultural rights and was hence unable to consider the question of implementation.

At its ninth session, in April-May 1953, the Commission was able to draft a few more Articles on the implementation of the Draft Covenant on Civil and Political Rights, including special provisions relating to the implementation of the Article on self-determination. Progress was slow.

25 See, *UN Action in the Field of Human Rights* (UN Doc.ST/HR/2/Rev.1), p.9. (hereinafter referred to as the *UN Action in the Field of Human Rights*).

In August 1953, therefore, the ECOSOC requested the Commission to complete the drafting during its tenth session in 1954. The report of the ninth session of the Commission was transmitted to the General Assembly, and the Secretary-General of the United Nations was requested to communicate it to Member States, to the Specialized Agencies, and to non-Governmental organizations for their observations. It later transpired that these had no comments to make. The Commission then proceeded, at its tenth session, in February-April 1954, to consider the Draft Covenant in the light of the instructions contained in the resolutions of the General Assembly and the ECOSOC. It devoted forty-one meetings to a consideration of the Draft international Covenant on human rights and measures of implementation. And, finally, it produced two Draft Covenants - one on economic, social, and cultural rights and the other on civil and political rights. 27

The measures of implementation of the Draft Covenant on economic, social, and cultural rights consisted of a mandatory reporting system under which the States Parties undertook to submit reports concerning the progress made

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27 For the texts of these Drafts, see Report of the Commission on Human Rights (UN Doc. E/2573), pp. 62-72.
in ensuring the observance of the rights recognised in the aforesaid Covenant. An almost identical reporting system was part of the implementation measures of the Draft Covenant on Civil and Political Rights. It also envisaged an inter-state communication procedure so as to enable a State Party, if it felt that another State Party was not giving effect to a provision of the Covenant, to bring the matter before the Human Rights Committee through a written communication. Moreover, any State Party lodging a complaint or charged with non-compliance with or violation of any provision of the Covenant, was entitled to take the case to the International Court of Justice (ICJ) under certain conditions. The Human Rights Committee was authorized to recommend to the ECOSOC that it should obtain the opinion of the World Court on any legal question connected with a matter of which the Committee was seized.

28 See Article 17 of the Draft, Ibid., p.64.
30 See Article 40, Ibid., p.70.
31 See Article 46, Ibid., p.71.
32 See Article 44, Ibid.
None of the Draft Covenants, however, envisaged the individual petition system. There was of course a proposal for the creation of a United Nations High Commissioner (Attorney General) for Human Rights in Annex III of the Commission’s report on the tenth session.33

The Commission forwarded the two Draft Covenants to the General Assembly. It also suggested that the Assembly should give them two separate readings at two consecutive sessions.34 For six years, i.e., from the ninth session in 1954 to the eighteenth session in 1963, the General Assembly considered the substantive provisions of the Draft Covenants. It was only then that the Third Committee of the General Assembly, which is competent to deal with social, cultural, and humanitarian matters, paid attention to the measures of implementation. However, no progress was made from the eighteenth session to the twentieth for some reason or other. It was at the twenty-first session in 1966 that the Third Committee started an Article-by-Article consideration of the measures of implementation.35

33 Ibid., pp.74-75.
34 See UN Action in the Field of Human Rights, n.25, p.10.
35 From the 1415th meeting onwards, the Third Committee considered the measures of implementation on the Draft Covenant on Civil and Political Rights. For details, see Summary Records of the Third Committee (UN Doc. A/C. 3/SR.1375-1464), Agenda Item 62, pp.219-11. (hereinafter referred to as Third Committee Records (1966).
Though the long time spent in the process was regrettable in one sense, it was useful in another sense. During the preceding years two important instruments had been adopted, viz the UNESCO Convention against Discrimination in Education, 1960, and the Protocol of 1962; and the Convention on the Elimination of all Forms of Racial Discrimination, 1965. These instruments, as also the European Convention, were steps in the direction of international implementation of human rights. Although they did promote the cause of human rights, their influence on the traditional positions of the various countries on the question of implementation measures of the Draft Covenants was minimal.

During the debates of the Third Committee the representatives of the Socialist world and the Western world took mutually opposite positions on the measures of implementation. The Socialist countries of Eastern Europe,


led by the Soviet Union, maintained their traditional opposition to the measures of implementation on the ground that the establishment of any kind of international machinery for the implementation of human rights would amount to an interference in the domestic affairs of sovereign states and hence be contrary to Article 2, paragraph 7, of the Charter. As against this, the countries of Western Europe, led by the United States, contended that it would be wrong to interpret the principle of domestic jurisdiction so as to preclude any sovereign state from entering into international agreements or treaties such as the human rights Covenants. They pointed out how, under Article 56 of the Charter, Members of the United Nations had pledged "themselves to take joint and separate action in co-operation with the organization" to achieve the various purposes enumerated in

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37 The Soviet Union voiced its opposition to the measures of implementation as included in the Draft Covenants right from the beginning. A statement to this effect was made by the Soviet representative, Mr Fomin, to the Third Committee. See Summary Records of the Third Committee, Ninth Session, 22 September 1954 to 15 December 1954, Agenda Item 58, mtg 565, paras 19, 35. Manouchehr Ganji expresses the view that all Socialist countries, with the exception of Yugoslavia, expressed discontent with respect to implementation measures of the Draft Covenants. See Manouchehr Ganji, International Protection of Human Rights (Geneva, 1962), p.146.
Charter, including observance of human rights and fundamental freedoms. They held that international implementation was the heart of the Covenants and that the Covenants had little practical value unless these provisions were implemented.\(^{38}\)

The summary records of the Third Committee reveal that the controversy between the Socialist and Western blocs stemmed from their diverse ideological conceptions and national interests. Hence it was left to the countries of the Third World to build a bridge between the East and the West, between the advocates of undiminished national sovereignty and the champions of effective and strong international implementation measures and evolve an intermediate solution.\(^{39}\) The solution that emerged took notice of the diversity of the ideological, political, and economic systems and the asymmetrical stages of

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\(^{38}\) See statements by the British representative (Lady Gaitskell) and the Austrian representative (Mr Nettel) to the Third Committee. See Third Committee Records (1966), 1415th and 1417th mtgs, paragraphs 25–27 and 38. The representative of France (Mr Paolini) was rather moderate in his expression. Ibid., 1415th mtg, paras 18–24.

development of the various States which made up the international community. It was neither too coercive nor too permissive and represented a middle but realistic course. Eventually it was found acceptable to both blocs.

This solution evolved by the countries of the Third World was based on the simple premise that the goal of human rights must of necessity be approached cautiously and step by step.\(^\text{40}\) In the matter of international armaments, the Indian representative envisaged four stages: the creation of international machinery; the establishment of a reporting system; provision for state-to-state complaints and conciliation machinery; and the establishment of an international authority to receive and act on complaints by individuals against their own or other states.\(^\text{41}\)

40 Schweb used the term "Afro-Asian delegations" for them. These were: India, Libya, Nigeria, Pakistan, Senegal, the Sudan, the United Arab Republic, Upper Volta, and a few others. For their proposals, see the General Assembly Official Records (GAOR), Twentyfirst Session, Annexes II, Agenda Item 62, pp.11-65.

41 In the opinion of his delegation, the time was ripe for the first two stages. He never said that the time would never be ripe for the last two stages. See speech by Mr Sinha, Third Committee Records (1966), 1416th mtg, para 7.
All these four stages found expression in the three instruments on human rights that were finally drafted by the Third Committee. The Committee made fundamental changes in the proposals concerning the implementation of the Draft Covenant on civil and political rights and drafted an Optional Protocol. Implementation measures of the Draft Covenant on Economic, Social, and Cultural Rights were approved without any substantial change.

When these texts were referred back to the General Assembly, there was no difficulty in getting them adopted.

On 16 December 1966 the Assembly adopted the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and the Optional Protocol to the International Covenant on Civil and Political Rights.

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42 GA Resolution no. 2200 A (XXI). It was adopted unanimously by record vote of 105 to nil. See UN Yearbook, 1966, pp. 418-23.

43 Adopted by a record vote of 106 to nil. Ibid., pp. 418 and 423-31.

44 It was adopted by a record vote of 66 to 2, with 38 abstentions. Niger and Togo voted against. The Socialist countries and some of the countries of the /including India, abstained. Ibid., pp. 418 and 431-2. /Third World,
The adoption of these "most ambitious" instruments was appreciated in all quarters. The then Secretary-General of the United Nations, U Thant, called it "the culmination and the outcome of sustained and complex preparatory work to which the United Nations has devoted itself since 1947". The Mexican representative described it as a "triumph for the United Nations". In the view of the representatives of Socialist countries like Poland and the Soviet Union the adoption of these "extremely useful international instruments" marked "a turning-point in the development of the international community".

The General Assembly opened these human rights instruments for signature, ratification, and accession. Whereas the two Covenants needed at least thirty-five

45 UN Doc. A/PV.1409-1451, 1496th mtg, para 70.
47 Nasinovsky (USSR), Ibid., para 15.
48 Resich (Poland), Ibid., 1455th mtg, para 23.
instruments of accession or ratification,\textsuperscript{49} the Optional Protocol needed only ten for their entry into force.\textsuperscript{50} The International Covenant on Economic, Social, and Cultural Rights came into force on 3 January 1976; and the International Covenant on Civil and Political Rights (the Covenant) along with its Optional Protocol entered into force on 23 March 1976. Sixty-seven States have so far become parties

\textsuperscript{49} See Article 27 and Article 49 of the Covenant on Economic, Social and Cultural Rights and the Covenant on Civil and Political Rights, respectively.

Under Article 51 of the Draft Covenant on Civil and Political Rights, which was identical to the corresponding provision of the Covenant on Economic, Social and Cultural Rights, ratification or accession by just only "twenty States" was sufficient to bring it into force. France, which had opposed this figure in the Commission on the ground that it was too low, suggested in the Third Committee in 1963 that it would be both wise and feasible to require ratification by a two-thirds majority or, at least, half the members of the United Nations. During the debates of the Third Committee on the corresponding provision of the Draft Covenant on Economic, Social and Cultural Rights, a 13-Power amendment proposed to replace the words "twenty States" by "fifty States". An amendment was submitted by Guatemala, Nigeria, and Pakistan (A/C.3/L.137), proposing the replacement of the words "fifty States" by "thirty States". However, later on, a consensus emerged in favour of thirty-five. See Annexes, n.40, paras 102-11.

\textsuperscript{50} See Article 9 of the Protocol, Appendix II.
to the Covenant.\textsuperscript{51} Twenty-six States are parties to the
Optional Protocol.\textsuperscript{52} These instruments constitute a sort
of "international legal code"\textsuperscript{53} which provides an inter-
national system of collective observance of implementation
of human rights.

\textsuperscript{51} These sixty-seven States are: Australia, Austria,
Barbados, Bulgaria, Byelorussia, Canada, the
Central African Republic, Chile, Colombia, Costa
Rica, Cyprus, Czechoslovakia, Denmark, Dominican
Republic, Ecuador, El Salvador, Finland, France,
The Gambia, The German Democratic Republic, the
Federal Republic of Germany, Guinea, Guyana, Hungary,
Iceland, India, Iran, Iraq, Italy, Jamaica, Japan,
Jordan, Kenya, the Lebanon, Libya, Madagascar, Mali,
Mauritius, Mexico, Mongolia, Morocco, the Netherlands,
the New Zealand, Nicaragua, Norway, Panama, Peru,
Poland, Portugal, Romania, Rwanda, Senegal, Spain,
Sri Lanka, Suriname, Sweden, Syria, Trinidad and
Tobago, Tunisia, Ukraine, the Soviet Union, the
United Kingdom, the United Republic of Tanzania,
Uruguay, Venezuela, Yugoslavia, and Zaire.

\textsuperscript{52} These twenty-six States are: Barbados, Canada,
the Central African Republic, Colombia, Costa Rica,
Denmark, the Dominican Republic, Ecuador, Finland,
Iceland, Italy, Jamaica, Madagascar, Mauritius,
the Netherlands, Nicaragua, Norway, Panama, Peru,
Senegal, Suriname, Sweden, Trinidad and Tobago,
Uruguay, Venezuela, and Zaire.

\textsuperscript{53} This phrase was used by the Polish representative.
Resich, Third Committee Records (1966), 1420th
mtg, para 35.
Most of the rights and freedoms enshrined in the two Covenants have been incorporated in the various municipal legal systems. Their protection is now a national as well as international responsibility of the States Parties concerned.

In order to ensure efficient fulfilment of this responsibility, a new institution called the Human Rights Committee has been created. The establishment of this Committee, its structure, procedure, and decision-making process, and several other aspects are discussed in the next chapter.

54 Elihu Lauterpacht remarked that one of the most interesting phenomena in the history of the protection of human rights was the connexion between national and international activity in the field. International consciousness of human rights had grown out of national awareness of the problem; and, in its turn, contemporary national concern with the situation in many parts of the world itself stemmed from the extent of such international awareness. See Elihu Lauterpacht, "Some Concepts of Human Rights", Howard Law Journal, vol. 11, 1965, p. 264.