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NATIONS UNIES  
NACIONES UNIDAS

" S C O P E "

1981

NO. 757

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Duration: 14 minutes  
March 1981

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MUSIC: HOLD - FADE UNDER  
ANNOUNCER: United Nations Radio presents - SCOPE - a programme which explores the world-wide work of the United Nations and its related agencies.  
NARRATOR: In our programme this week: eradicating racism and the making of a constitution of the oceans.

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

NARRATOR: That's stated in the Universal Declaration of Human Rights. However, some people are unwilling to exercise reason and to act in a spirit of brotherhood to people of other races. The result - racial discrimination - one of the evils plaguing the world today.

HOUSHMAND: Racism is a widespread problem. There is not a country which can claim that everything is perfect.

NARRATOR: Enayat Houshmand, Chief of the International Instruments Unit of the UN's Human Rights Division.

One of the instruments adopted by the members of the United Nations to fight this evil is the Convention on the Elimination of Racial Discrimination. One hundred and ten members of the United Nations have become party to the Convention, which means they have signed it and incorporated it into their national law. Enayat Houshmand tells us about this international treaty.

HOUSHMAND: The Convention provides for a wide range of activities by governments which are parties to this instrument. Under the Convention, the states parties undertake to adopt appropriate measures, legislative measures, administrative judicial measures, or any other measures that they may wish to with a view to combating racism and racial discrimination in the various fields of civil rights, political rights, economic, social, cultural rights, and to provide adequate protection for groups of minorities, or racial groups within their national territories.

NARRATOR: A committee of experts monitors the implementation of the treaty. They examine periodic reports from countries on their situation and on measures taken to eliminate racial discrimination. The committee also consider complaints from individuals and countries about the violation of the treaties. In the case of violation, what pressure can be brought to bear on countries?

HOUSHMAND:

Pressure is mostly moral pressure. The United Nations does not have enforcement power except when it's a question of a threat to world peace in which case the Security Council has the authority to take appropriate measures. But in the field of human rights, violations of individual rights, whether racial or non-racial, these committees simply bring their final views to the attention of the General Assembly and the governments concerned, in particular, the states which have ratified the instrument.

NARRATOR:

Racism is more widespread than is generally admitted. There are various problems.

HOUSHMAND:

The problem is different in different countries, some countries have problems with migrant workers, some other countries have problems with ethnic minorities. In some other countries racism based on colour may present certain other problems, especially at the cultural level, at the social level, if not in other areas. It varies from country to country. One cannot generalize. The problem is there. In most cases, we do have problems in the countries which report to this Committee. Some of them quite frankly admit the existence of a problem of racial discrimination and come before the committee with a view to obtaining assistance from the committee and suggestions and recommendations from the committee on how to deal with racial problems. There are countries, governments, which completely deny the existence of racial discrimination, but this is a well-known phenomenon in the United Nations. It's nothing new.

NARRATOR:

Well what new action can be taken to improve the effectiveness of the United Nations in dealing with racial problems?

HOUSHMAND:

It would strengthen the position of the United Nations in these areas if more governments had accepted the mandatory provisions of these instruments, since the universality of application is of paramount importance. This is the only recommendation that I can make to everyone concerned, to encourage at the national level their governments, if they have not done so, to become parties to these Conventions and Covenants of the United Nations which are designed to protect the individual in the final analysis.

NARRATOR:

Enayat Houshmand of the International Instruments Unit of the UN's Human Rights Division talking about United Nations work to combat racial discrimination. The Human Rights Declaration speaks of freedom, equality and dignity for all people. The same principles have been simply expressed by a nine year old boy from France in a poem submitted to a UNESCO international song contest. Listen to Ben Jorgensen with the words of Henri-Pierre Hemmerling:

JORGENSEN:

"If I had a seal for a friend  
You know, Nanouk, I could be you.

If I pounded millet in front of my hut,  
You know, Fatou, I could be you.

If I was searching for a well in the desert  
You know, Ahmed, I could be you.

If I was dreaming beneath my pointed hat,  
You know, Li-Yu, I could be you.

If I lived at the top of a skyscraper,  
You know, Jimmy, I could be you.

If my grandfather was called Black Eagle,  
You know Shaipan, I could be you.

Come friends, come to my country.  
Come friends, come to my home.  
Enter, enter my heart.

In the playground around we shall whirl.  
In our hands we hold the world.  
In our hands we hold tomorrow.

And we shall have but one country,  
And we shall have but one home.  
And we shall have but a single heart."

NARRATOR:

The Universal Declaration of Human Rights and the International Convention on the Elimination of Racial Discrimination are among the scores of legal instruments that make up current international law. How are these instruments created? Well for more than ten years, the United Nations has been trying to draw up an international instrument which would affect all our lives, a Convention to govern the use of the oceans. To give us some idea of what's involved in preparing new international legislation, here's Ambassador Alan Beasley of Canada, the Chairman of the Drafting Committee of the Third United Nations Conference on the Law of the Sea.

UN RADIO  
INTERVIEW

MORRIS:

BEASLEY:

Mr. Beasley, what had to be done to get this process started?

Well the first step had to be to reach a measure of political agreement that it was necessary to attempt to produce a constitution of the oceans, and going back now a good twelve years, even fifteen, the 1958 and 1960 Conferences of the Law of the Sea were very successful in codifying the existing principles of international law. They were unsuccessful in developing new principles and as a consequence, there was not only uncertainty concerning the law after the Conferences, but many serious disputes relating to the extent of fisheries jurisdiction for example to take only one point, and there were some who preferred to try and made do with the law as it was while others wanted to develop totally new law.

NARRATOR:

BEASLEY:

How was this resolved?

The result was a series of informal discussions. The two developments that I attach importance to both occurred in 1967. The first is that Ambassador Pardo of Malta introduced into the United Nations a resolution calling for agreement that the area of the sea-bed beyond national jurisdiction would be devoted to the common heritage of mankind and reserved for purely peaceful purposes. That same year, an approach was made by one of the great powers, the USSR, to various countries, suggesting that an attempt be made to reach agreement on rules of passage through international straits and at a slightly later stage working with the United States, the USSR proposed agreement also on fishing.

NARRATOR:

BEASLEY:

What was the significance of these developments?

As a result of those two initiatives, by 1970, it was evident that there were pressures for the development of environmental law where there had been none. There was very much evidence of pressure to develop a totally new system of law for the sea-bed beyond national jurisdiction beginning with the two hundred mile limit - so taking all those factors together, they are what contributed to agreement eventually in 1970 to begin the process of preparing for a Third United Nations Law of the Sea Conference which would have as its aim the progressive development of a totally new constitution of the oceans. There never has been one. We're now almost at the end of that process.

NARRATOR:

And it has been a particularly complicated process involving negotiations between a hundred and sixty countries. Yet even when agreement was reached on the substance of the laws work was far from over. What happens at that point?

BEASLEY:

What is needed is to translate the political agreements into treaty articles, articles that will form part of the Convention. It is necessary to ensure that the draft treaty is really a treaty, that it's enforceable, that we're not creating a whole lot of potential interpretation disputes by the manner in which we've drafted the treaty.

NARRATOR:

BEASLEY:

What kinds of problems are involved here?

One of the problems inherent in the whole negotiating process is that the whole series of small negotiating groups have worked out texts but because different groups produce solutions on quite different subjects, sometimes the same terms are used to mean quite different things and sometimes quite different terms are used to mean the same thing. That's called the problem of harmonization. We spent a lot of time on that and it's a very difficult one. To give you an example, the word facilities in English has been used in two ways to mean both objects and services and it's necessary to determine which is the intention and to ensure uniformity or harmonization. There are far more difficult issues than that one. In addition to that there is what is called inelegant drafting which usually means confusing drafting, but the real purpose is not clear.

NARRATOR: The differences in languages must also pose difficulties.

BEASLEY: What is now going on is unprecedented in the history of the UN because we are actually now drafting in six languages. It's incredibly difficult and what is needed is that the draft convention be in enforceable language in all six of the languages of the UN, so we have set up linguistic groups and these are composed of delegates to the Conference who have some expertise in the language and in the substance of the treaty. The people in these groups have a tremendously difficult task. When they have reached the stage where they have a series of proposals then we try to meet together and determine to what extent their proposals are generally acceptable. We have roughly perhaps five hundred articles to review, and some of them are very lengthy.

NARRATOR: How would you describe the overall importance of this very lengthy process?

BEASLEY: Oh it will mean a good deal to people in every country. If this Conference is successful and I hope and expect it will be, it will be, as is often described, the most important achievement since the one in San Francisco when the UN was founded. We're talking about laying down treaty rules for seventy per cent of the surface of the world.

We're talking about regulating rules of conduct that affect fundamental interests of states - jurisdictional issues which are always sensitive, very important economic issues, military issues, environmental issues, resource issues, etc., and there isn't anyone in the world who isn't affected by these rules one way or another. Some more than others, but everyone to some degree which is why all states are participating. I believe that the Conference has the chance to make a very major contribution to world peace and security.

NARRATOR: Thank you very much Ambassador Beasley of Canada, the Chairman of the Drafting Committee of the United Nations Law of the Sea Conference.

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ANNOUNCER: You have just listened to SCOPE - a United Nations programme written and produced by the international staff of United Nations Radio in New York.