KEYNOTE ADDRESS: PROPOSALS FOR THE FUTURE

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As it has already been mentioned today, we are living in a rather exciting time as far as human rights are concerned. Since 1917, we have lived under both the shadow of the Soviet Revolution and the threat of Communism becoming the great idea of the future. We know now that this did not come to pass, and that communism has proved to be unable to assert its superiority over other existing political systems. A chance and opportunity now exists for the United States to show that it can do better, that its goal is not to take over the world, and that its system is working better than that of the Soviet Union.

Internationally, the two revolutions currently underway are a result of United States action. As I mentioned this morning, one of the first great ideas of the post-world war era was human rights. This idea came from the United States. I remember helping to draft the Declaration of Human Rights in 1943 for the American Law Institute. Several European refugees, including Professor Rabel from Germany, helped with that project. The report was published in some obscure magazine that same year. I later discovered that it was one of the documents the Secretariat of the United Nations collected to serve as a source for drafting the International Bill of Human Rights. What was important for me at that early time of international human rights was the clear understanding in Washington that human rights was the great idea of the future.

Another idea underestimated by people at that time was behind the direct pressure by the United States for self-determination of all the peoples. It began at Yalta with the simple theme that the great empires had to go, and that all the countries of the world held under colonial domination were entitled to self-determination. No one believed that this would happen. Winston Churchill immediately responded to this view of Mr. Roosevelt by stating, "I have not become

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the Prime Minister of Great Britain to preside over the dissolution of the British Empire!" But soon thereafter he lost the election to Atlee whose first act was to free India, because Great Britain, weakened by the war, could no longer govern that ungovernable country. Lord Mountbatten went to India and liberated 400 million people. Once the drive towards self-determination was completed, the majority of the world's population had been liberated. The United Nations took advantage of this by admitting over 100 new members. The United States was more successful in its effort than it had ever expected. As a result, we have a completely different world today. Never in the history of mankind have so many nations received their freedom from foreign domination.

We are now living in the second part of this revolution. It concerns the self-determination of people against whoever oppresses them. We see this happening in Eastern Europe today, something that was inconceivable only a year ago. Albania seems immune for the moment, but I think it will not last much longer either.

So, the United States started two international revolutions but became frightened by both of them. Thereafter, it adopted attitudes counter to both the demands of the developing world and the numerous international instruments on human rights that it helped to draft. As I explained this morning, by the 1950's, the United States had begun to shy away from them. Once into the 1980's, the United States had moved even further away from these instruments. We are now facing the delayed consequences of our original successes; somehow we must find a way to live with them. I hope our friends who came here from Washington will find a solution for us.

We are now confronting a completely different world. Therefore, we must approach international and domestic problems of human rights with some new wisdom. Professor Lillich reminded me this morning of some notes I collected some time ago on the approach of the Supreme Court and lower courts over the last 20 or so years to international rules in the field of human rights. As it was pointed out earlier, *Trop v. Dulles*,1 was one of the relatively recent cases that seemed to talk in international terms. Professor Lillich also mentioned a case I had never heard of, *Weems v. United States*.2

Historically minded as I am, I went to look at the *Weems* case. It is an international case involving the United States' occupation of

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2 217 U.S. 349 (1910).
the Philippines after the 1898 war. In the treaty with Spain, we promised that we would recognize the Spanish laws of the Philippines. As you know, we had to fight a guerilla war after defeating the Spanish. Again, an agreement was reached and we promised the Philippine guerrillas, as part of the agreement for their surrender, that we would respect the principles of their laws and customs. It was after this that trouble began for Mr. Weems.

He worked as an official of the Coast Guard which at that time was in charge of collecting customs. He discovered that, when paying salaries to people, he could make a nice deal with them. He would give them a check for more than they had actually earned. They would keep a little extra beyond their real salary and he would keep the rest. Over some time, he collected the great sum of 610 pesos. At that point he was caught. He went before a local Philippine court and they applied the Spanish Criminal Code, by that time called the Philippine Criminal Code. He was sentenced to fifteen years imprisonment in chains and “at hard labor.”

Fortunately, an American lawyer who happened to be in the Philippines pointed out that this was “a gross violation of the Philippine Constitution.” This modern Constitution had its own Bill of Rights, copied from the United States Bill of Rights, that Mr. Root and the Philippine Commission gave them, containing a clause prohibiting cruel and unusual punishment. Weems appealed to the Philippine Supreme Court which affirmed the lower court’s ruling. This decision was then appealed to the United States Supreme Court. It had never had a case like this before. However, it had to decide whether to follow the peace treaty and accept the Philippine law, whatever it may be, or whether to apply the Bill of Rights given to them out of the goodness of our heart. The Court decided upon the latter.

The Court looked up a great number of American precedents. In the case’s sixty-four pages, the Court recited the precedents of the United States about what constitutes “cruel and unusual punishment.” However, much of this did not really apply to this kind of case. Therefore, it had to apply by analogy some of the other state and federal cases it collected. The lawyers for the United States, who were arguing that Weems’ sentence was proper, insisted that the Court could not use modern cases and that it must interpret the Constitution as it was written in the 1780’s. Everybody knows that

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1 Id. at 375 (“we may rely on the conditions which existed when the Constitution was adopted”).
at that time such a punishment was permitted in the United States. Therefore, since we could do that at that time and the fathers of the Revolution knew about it, we cannot say that our new standards should be accepted for the Philippine standards, as the Philippines were only then starting on the road which we have by then travelled over 100 years.

The United States Supreme Court rejected this view, and by a six to three majority, said something quite different. I believe it is a beautiful statement by Justice McKenna, in which Chief Justice Fuller concurred.

Legislation, both statutory and constitutional, is enacted, it is true, from an experience of evils, but its general language should not, therefore, be necessarily confined to the form that evil had theretofore taken. Time works changes, brings into existence new conditions and purposes. Therefore a principle, to be vital, must be capable of wider application than the mischief which gave it birth. This is peculiarly true of constitutions. They are not ephemeral enactments, designed to meet passing occasions. They are, to use the words of Chief Justice Marshall, "designed to approach immortality as nearly as human institutions can approach it." The future is their care and provision for events of good and bad tendencies of which no prophecy can be made. In the application of a constitution, therefore, our contemplation cannot be only of what has been but of what may be.\(^4\) . . . The [cruel and unusual punishment] clause of the Constitution, in the opinion of the learned commentators, may be therefore progressive, and is not fastened to the obsolete, but may acquire meaning as public opinion becomes enlightened by a humane justice.\(^5\)

This is what happened in 1910. As a result, the Court set Mr. Weems free.

Some fifty years later, in *Trop v. Dulles*,\(^6\) the Court declared unconstitutional a statute under which a native-born citizen was stripped of citizenship in a case of desertion from military forces. The Court held that this was "cruel and unusual" punishment proscribed by the Eighth Amendment. Invoking the *Weems* case, the Court noted that the words of that Amendment were not precise, and that their scope was not static. It added that the "Amendment must draw its

\(^4\) *Id.* at 373.

\(^5\) *Id.* at 378.

meaning from the evolving standards of decency that mark the progress of a maturing society." The Court pointed out that "[t]he civilized nations of the world are in virtual unanimity that statelessness is not to be imposed as punishment for crime," and that a "United Nations' survey . . . reveals that only two countries, the Philippines and Turkey, impose denationalization as a penalty for desertion." It also stated that "[t]he provisions of the Constitution are not time-worn adages or hollow shibboleth. They are vital, living principles that authorize and limit governmental powers in our Nation. They are the rules of government, . . . we must apply the[m]."

These ringing phrases of Chief Justice Warren have been echoed in several later opinions of the Court, especially those relating to "evolving standards of decency." Following this opinion, several later decisions also looked abroad to help define these standards.

Thus, in Coker v. Georgia, the Court held that "a sentence of death is grossly disproportionate and excessive punishment for the crime of rape and is therefore forbidden by the Eighth Amendment as cruel and unusual punishment." It noted that "the climate of international opinion," as evidenced by a United Nations survey, did not condone such punishment, as only three countries retained the death penalty for rape where death did not ensue.

Similarly, in Enmund v. Florida, the Court held unconstitutional a Florida decision imposing a death sentence on a defendant who participated in a robbery as the driver of the get-away car and was not present when a murder was committed by the robbers. The Court noted again that the "climate of international opinion" was opposed to the death penalty in cases of felony murder such as this one.

Building on these cases, the Court concluded in Thompson v. Oklahoma that "it would offend civilized standards of decency to execute a person who was less than 16 years old at the time of his..."
or her offense,'" and cited in support that "three major human rights treaties explicitly prohibit juvenile death penalties." They were:


The swing vote in this case was that of Justice O'Connor,20 who in her separate opinion emphasized the importance of the United States ratification in 1955 of the 1949 Geneva Convention Relative to the Protection of Civilian Persons in Time of War. By doing so, the United States agreed to set a minimum age of eighteen for capital punishment in certain cases arising during military occupation of a foreign territory.21

On the other hand, Justice Scalia pointed out that

[w]e must never forget that it is a Constitution for the United States of America that we are expounding. The practices of other nations, particularly other democracies, can be relevant to determining whether a practice uniform among our people is not merely an historical accident, but rather so "implicit in the concept of ordered liberty" that it occupies a place not merely in our mores but, text permitting, in our Constitution as well. See Palko v. Connecticut, 302 U.S. 319, 325 (1937) (Cardozo, J.). But where there is not first a settled consensus among our own people, the views of other nations, however enlightened the Justices of this Court may think them to be, cannot be imposed upon Americans through the Constitution. In the present case, therefore, the fact that a majority of foreign nations would not impose capital punishment upon persons under sixteen

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18 Id.
19 Id. at 831, n. 34.
20 Id. at 848.
21 Id. at 851. It may be noted that in this instance the United States agreed to treat inhabitants of occupied territories better than some States of the United States were treating their own citizens. The majority of the Court agreed to grant the same rights to all United States citizens.
at the time of the crime is of no more relevance than the fact that a majority of them would not impose capital punishment at all, or have standards of due process quite different from our own.\textsuperscript{22}

In a later case, \textit{Stanford v. Kentucky},\textsuperscript{23} involving juveniles who committed a crime at the age of sixteen and seventeen, Justice Scalia delivered the opinion of a majority of the Court on some aspects of the case, while Justice O'Connor concurred only in part without specifying her view on the international law reference.\textsuperscript{24} The four dissenters pointed out, however, that the majority of nations would not impose death sentences on such teenagers and that three treaties and several declarations of the United Nations would not permit a person under eighteen years old to be punished like that.\textsuperscript{25} Scalia rejected the minority's reference to the practice of other nations and international agreements by merely referring to a footnote in his dissenting opinion in the \textit{Thompson} case.\textsuperscript{26} He did this so as not to call too much attention to the minority views on this subject. The situation is thus uncertain, depending in what direction Justice O'Connor will move in the future. Those of you who would like to influence courts may have a chance if you could develop arguments that might sway Justice O'Connor's vote in the right direction.

For the moment, the issue shifted to the lower courts which continued to apply the "evolving standards of decency." However, the courts either do not mention international law at all or fail to connect their mention of international law to their decision.\textsuperscript{27} Some of them simply state that other courts have mentioned international law as being relevant. I would cite one of these cases that you may find interesting, especially in the light of the new regulations prohibiting smoking on the airplanes. \textit{Avery v. Powell},\textsuperscript{28} is a case involving a nonsmoking prisoner confined in an area where a common air flow system exposed him to constant and involuntary inhalation of smoke. The district court invoked \textit{Rhodes v. Chapman},\textsuperscript{29} which applied the "evolving standards of decency" rule of \textit{Trop} to conditions of imprisonment which "involve the 'unnecessary and wanton' infliction

\textsuperscript{22} Id. 868-69, n. 4.
\textsuperscript{23} 109 S.Ct. 2969 (1989).
\textsuperscript{24} Id. at 2980-82.
\textsuperscript{25} Id. at 2985-86, n. 10.
\textsuperscript{26} Id. at 2975, n. 1.
\textsuperscript{29} 452 U.S. 337 (1981).
of pain,’’ and considered them to be prohibited by the Eighth Amendment clause proscribing punishment that is cruel and unusual. The Avery court held that “exposure to ETS [environmental tobacco smoke] is not merely discomforting and that conditions of the plaintiff’s confinement may constitute punishment cognizable under the Eighth Amendment.” It also relied on Thompson, but limited itself to reviewing the work product of the state legislatures. It concluded that the plaintiff established that ETS is harmful to his health and thus “has stated a claim for cruel and unusual punishment under the Eighth Amendment.” As you see, I have been able to draw a line from 1910 to 1990, pointing out how a little term in the Weems opinion has expanded into an influential principle, bolstered by references—at least in some cases—to international rules.

Rumaging through my stacks of papers, well known to the visitors to my office, I also discovered an article by Joan Hartman anticipating such a development. She did not like this approach very much and argued that it would be better to apply international law as a part of the supreme federal common law. I am less dogmatic, as I believe that we can apply several methods, depending on circumstances.

First, and we discussed some of this earlier today, contrary later legislation should not be allowed to abrogate a multilateral treaty ratified by the United States. The main thing we are doing wrong today is treating multilateral treaties the same way as we treated ordinary bilateral treaties at the beginning of the 19th century. As you remember, that was the only type of treaty Justice Marshall knew when he wrote the principle that a law and a treaty are equal and the later law can prevail over an earlier treaty. Now that we have the multilateral treaty system, that rule should be changed. As the original rule was established by jurisprudence, I hope that we may have an enlightened Court soon that will establish a new rule.

Second, customary international law, which has a very dignified place in United States practice because of the Paquete Habana case, also includes international agreements which crystallize the practice

30 Id. at 635.
31 Id. at 639.
32 Id. at 640.
34 175 U.S. 677 (1900).
of states, even if they have not been ratified by the United States. These international instruments are becoming generally accepted as customary international law, thereby becoming part of the common law of the United States. As part of the common federal law, these instruments can supersede the contrary laws of the states. In the area of criminal law, this might be a very important development for human rights. Third, application of international human rights agreements as a part of the process of the evolving "standards of decency" can assist us to interpret the human rights provisions of our constantly changing Constitution.

In addition to suggesting changes in the law, we have been asked what can be done right now on a practical level. It does not mean that it is not practical to hope for a change in the law, as I have suggested. This is the purpose of meetings like this. Ideas are presented that make one think and work. However, I have two ideas that may appear simple on first sight, but could be quite complicated.

I mentioned this morning that in a moment of desperation, while trying to pacify Senator Bricker, Mrs. Lord was asked to say that while the United States would not ratify the treaties, it would be willing to present reports to the United Nations showing how well it applies these non-ratified documents. Senator Bricker thought it would be a good idea, provided that the United Nations would adopt a rule saying that all States should present such reports. The General Assembly almost unanimously adopted the proposal. A negative vote came from the Soviet Union who did not like the idea, at least in the beginning; eventually, it began to present reports, boasting about its "progressive" human rights legislation. The United States fulfilled its promise, and presented comprehensive reports from 1953 until 1981. When a new enlightened administration entered the White House at that time, it said that since the Covenant on Civil and Political Rights established a Human Rights Committee, it was no longer necessary to have this old system of reports under the Universal Declaration of Human Rights. As I mentioned this morning, by a sleight of hand, with almost no one noticing it until suddenly there was no demand for the reports coming from the United Nations, the whole business ceased. Since the State Department no longer had to present reports on the United States, the Congress quickly imposed on it an even bigger task, to present human rights reports on the rest of the world. That is precisely what the State Department has been doing for the past nine years.

What I would suggest is that the United States propose a second time to the United Nations that human rights reports should be
presented to the United Nations by States which do not report under
the Covenants. While about 100 States present reports under the
Covenants, some sixty do not. With the United States among the
sixty, it could again pioneer the presentation of reports. As we have
done it in the past, we can do it again; we have nothing to hide.
Presenting the reports will show how well we are doing. We could
also make arrangements with the United Nations and the states parties
to the Covenant on Civil and Political Rights to authorize the Human
Rights Committee functioning under that Covenant to hold an ad-
ditional meeting during the year to look at the reports of the remaining
sixty countries. After holding appropriate discussions with special
representatives of the countries presenting these reports the Committee
would present some general comments on the developments in the
protection of human rights around the world.

Perhaps the United States could start with a trial period of three
to five years. If it works, then we would do it for another five years.
If it does not work, at that point we would simply say thank you
and stop sending any additional reports.

The second idea I have is a result of something I had to do recently
at the University of Georgia. At one point the enlightened previous
administration said we should have an ombudsman to decide disputes
between members of the faculty, the faculty and the university,
students and the faculty, students and the university, etc. A committee
of five was established of which I became Chairman. We discovered
that about 100 universities in the United States, and all universities
in Canada, have an ombudsman to deal with these kind of problems.
We drafted a proposal to establish such an office at the University.
This proposal was presented to the incoming new administration which
quickly decided that it could do it better than its predecessor and
that no ombudsman was necessary. While that was a wasted effort
to some extent, all my documents about an ombudsman remained,
and it seems to me that they can be put to a good use.

I would like to suggest that the United States should show its good
faith concerning human rights by establishing the office of a national
ombudsman, an Advocate General for Human Rights. His principal
duty would be to report to Congress annually on any complaints
alleging violations by the Government of the United States of generally
accepted rules of international human rights law. Of course, there
are only a few such violations per year, but it might be interesting
to have them discussed, and to have clarified whether there was a
violation. At the same time, the Congress should establish a joint
House-Senate Committee to review his report and to comment on it.
The Advocate General would also be entitled to submit to Congress opinions on the conformity of any proposed legislation with these rules of international law. It might be very useful to Congress since it sometimes does not receive the right advice.

The Advocate General would also be able to present amicus curiae briefs before federal and state courts in cases that involve issues of international human rights law. State courts, as well as federal courts, have to deal with these kinds of questions. In the light of the many complicated cases of Cuban and Haitian refugees, it would be useful for them to get some help.

Finally, the Advocate General might be further authorized to investigate claims by individuals alleging that they have been victims of a violation by United States officials of international human rights law. He would present a special report to Congress on the results of these investigations, with suggestions on how to resolve the problem, should Congressional or administrative action be required. These are my great radical suggestions which I present to you to commemorate this meeting. Thank you.
Appendix A

Universal Declaration of Human Rights

Preamble

Whereas 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,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear, and want has been proclaimed as the highest aspiration of the common people,

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,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms.

Whereas a common understanding of these rights and freedoms is of the greatest importance of 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.
Art. 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.

Art. 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.

Art. 3. Everyone has the right to life, liberty and the security of person.

Art. 4. No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Art. 5. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Art. 6. Everyone has the right to recognition everywhere as a person before the law.

Art. 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.

Art. 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.

Art. 9. No one shall be subjected to arbitrary arrest, detention or exile.

Art. 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 and of any criminal charge against him.

Art. 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 for 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 com-
mitted. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Art. 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.

Art. 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.

Art. 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.

Art. 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.

Art. 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.

Art. 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.

Art. 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.

Art. 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.
Art. 20. 1. Everyone has the right to freedom of peaceful assembly and association.
2. No one may be compelled to belong to an association.

Art. 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.

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

Art. 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.

Art. 24. Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Art. 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.
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.
Art. 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.

Art. 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.

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.

Art. 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.

Art. 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.

Art. 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.
Appendix B

INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Preamble

The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in
the Charter of the United Nations, 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,

Recognizing that these rights derive from the inherent dignity of
the human person,

Recognizing that, in accordance with the Universal Declaration of
Human Rights, the ideal of free human beings enjoying freedom
from fear and want can only be achieved if conditions are created
whereby everyone may enjoy his economic, social and cultural rights,
as well as his civil and political rights,

Considering the obligation of States under the Charter of the United
Nations to promote universal respect for, and observance of, human
rights and freedoms,

Realizing that the individual, having duties to other individuals and
to the community to which he belongs, is under a responsibility to
strive for the promotion and observance of the rights recognized in
the present Covenant,

Agree upon the following articles:

Part I

Art. 1. 1. All peoples have the right of self-determination. By virtue
of that right they freely determine their political status and freely
pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their
natural wealth and resources without prejudice to any obligations
arising out of international economic co-operation, based upon the
principle of mutual benefit, and international law. In no case may
a people be deprived of its own means of subsistence.
3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

**Part II**

**Art. 2.** 1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

3. Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.

**Art. 3.** The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

**Art. 4.** The States Parties to the present Covenant recognize that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.

**Art. 5.** 1. Nothing in the present Covenant 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 or freedoms recognized herein, or at their limitation to a greater extent than is provided for in the present Covenant.

2. No restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law,
conventions, regulations or custom shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

Part III

Art. 6. 1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social, and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

Art. 7. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

(a) Remuneration which provides all workers, as a minimum, with:
(i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;
(ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;

(b) Safe and healthy working conditions;

(c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;

(d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.

Art. 8. 1. The States Parties to the present Covenant undertake to ensure:

(a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public
order or for the protection of the rights and freedoms of others;

(b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;

(c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

(d) The right to strike, provided that it is exercised in conformity with the laws of the particular country.

2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State.

3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.

Art. 9. The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

Art. 10. The States Parties to the present Covenant recognize that:

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.

2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.

3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.
Art. 11. 1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvements of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:

(a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;

(b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

Art. 12. 1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

(a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;

(b) The improvement of all aspects of environmental and industrial hygiene;

(c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;

(d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

Art. 13. 1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations
and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

(a) Primary education shall be compulsory and available free to all;

(b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

(c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;

(d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;

(e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Art. 14. Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.
Art. 15. 1. The States Parties to the present Covenant recognize the right of everyone:
   (a) To take part in cultural life;
   (b) To enjoy the benefits of scientific progress and its applications;
   (c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.

3. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.

4. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.

Part IV

Art. 16. 1. The States Parties to the present Covenant undertake to submit in conformity with this part of the Covenant reports on the measures which they have adopted and the progress made in achieving the observance of the rights recognized herein.

2. (a) All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit copies to the Economic and Social Council for consideration in accordance with the provisions of the present Covenant;

   (b) The Secretary-General of the United Nations shall also transmit to the specialized agencies copies of the reports, or any relevant parts therefrom, from States Parties to the present Covenant which are also members of these specialized agencies in so far as these reports, or parts therefrom, relate to any matters which fall within the responsibilities of the said agencies in accordance with their constitutional instruments.

Art. 17. 1. The States Parties to the present Covenant shall furnish their reports in stages, in accordance with a programme to be established by the Economic and Social Council within one year of the entry into force of the present Covenant after consultation with the States Parties and the specialized agencies concerned.

2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Covenant.
3. Where relevant information has previously been furnished to the United Nations or to any specialized agency by any State Party to the present Covenant, it will not be necessary to reproduce that information, but a precise reference to the information so furnished will suffice.

Art. 18. Pursuant to its responsibilities under the Charter of the United Nations in the field of human rights and fundamental freedoms, the Economic and Social Council may make arrangements with the specialized agencies in respect of their reporting to it on the progress made in achieving the observance of the provisions of the present Covenant falling within the scope of their activities. These reports may include particulars of decisions and recommendations on such implementation adopted by their competent organs.

Art. 19. The Economic and Social Council may transmit to the Commission on Human Rights for study and general recommendation or, as appropriate, for information the reports concerning human rights submitted by States in accordance with articles 16 and 17, and those concerning human rights submitted by the specialized agencies in accordance with article 18.

Art. 20. The States Parties to the present Covenant and the specialized agencies concerned may submit comments to the Economic and Social Council on any general recommendation under article 19 or reference to such general recommendation in any report of the Commission on Human Rights or any documentation referred to therein.

Art. 21. The Economic and Social Council may submit from time to time to the General Assembly reports with recommendations of a general nature and a summary of the information received from the States Parties to the present Covenant and the specialized agencies on the measures taken and the progress made in achieving general observance of the rights recognized in the present Covenant.

Art. 22. The Economic and Social Council may bring to the attention of other organs of the United Nations, their subsidiary organs and specialized agencies concerned with furnishing technical assistance any matters arising out of the reports referred to in this part of the present Covenant which may assist such bodies in deciding, each within its field of competence, on the advisability of international measures likely to contribute to the effective progressive implementation of the present Covenant.
Art. 23. The States Parties to the present Covenant agree that international action for the achievement of the rights recognized in the present Covenant includes such methods as the conclusions of conventions, the adoption of recommendations, the furnishing of technical assistance and the holding of regional meetings and technical meetings for the purpose of consultation and study organized in conjunction with the Governments concerned.

Art. 24. Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

Art. 25. Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

Part V

Art. 26. 1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a party to the present Covenant.

2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Covenant shall be open to accession by any States referred to in paragraph 1 of this article.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States which have signed the present Covenant or acceded to it of the deposit of each instrument of ratification or accession.

Art. 27. 1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.

2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or
instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Art. 28. The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

Art. 29. 1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes.

3. When amendments come into force they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

Art. 30. Irrespective of the notifications made under article 26, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph 1 of the same article of the following particulars:

(a) Signatures, ratifications and accessions under article 26;

(b) The date of the entry into force of the present Covenant under article 27 and the date of the entry into force of any amendments under article 29.

Art. 31. 1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 26.
The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to striving for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

Part I

Art. 1. 1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self Governing and Trust Territories, shall promote the realization of the right of
self-determination, and shall respect that right, in conformity with
the provisions of the Charter of the United Nations.

Part II

Art. 2. 1. Each State Party to the present Covenant undertakes to
respect and to ensure to all individuals within its territory and
subject to its jurisdiction the rights recognized in the present Cov-
enant, 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.

2. Where not already provided for by existing legislative or other
measures, each State Party to the present Covenant undertakes to
take the necessary steps, in accordance with its constitutional processes
and with the provisions of the present Covenant, to adopt such
legislative or other measures as may be necessary to give effect to
the rights recognized in the present Covenant.

3. Each State Party to the present Covenant undertakes:

(a) To ensure that any person whose right or freedoms as herein
recognized are violated shall have an effective remedy, notwithstand-
ing that the violation has been committed by persons acting in an
official capacity;

(b) To ensure that any person claiming such a remedy shall have
his right thereto determined by competent judicial, administrative or
legislative authorities, or by any other competent authority provided
for by the legal system of the State, and to develop the possibilities
of judicial remedy;

(c) To ensure that the competent authorities shall enforce such
remedies when granted.

Art. 3. The States Parties to the present Covenant undertake to
ensure the equal right of men and women to the enjoyment of all
civil and political rights set forth in the present Covenant.

Art. 4. 1. In time of public emergency which threatens the life of
the nation and the existence of which is officially proclaimed, the
States Parties to the present Covenant may take measures derogating
from their obligations under the present Covenant to the extent strictly
required by the exigencies of the situation, provided that such meas-
ures are not inconsistent with their other obligations under interna-
tional law and do not involve discrimination solely on the ground
of race, colour, sex, language, religion or social origin.
2. No derogation from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision.

3. Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminated such derogation.

Art. 5. 1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.

2. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

Part III

Art. 6. 1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.

3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.

4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.
5. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.

6. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

Art. 7. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

Art. 8. 1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.

2. No one shall be held in servitude.

3. (a) No one shall be required to perform forced or compulsory labour;

   (b) Paragraph 3 (a) shall not be held to preclude, in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court;

   (c) For the purpose of this paragraph the term "forced or compulsory labour" shall not include:
   (i) Any work or service, not referred to in sub-paragraph (b), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention;
   (ii) Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors;
   (iii) Any service exacted in cases of emergency of calamity threatening the life or well-being of the community;
   (iv) Any work or service which forms part of normal civil obligations.

Art. 9. 1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise
judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.

4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

Art. 10. 1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

2. (a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;

   (b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.

3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

Art. 11. No one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation.

Art. 12. 1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

   2. Everyone shall be free to leave any country, including his own.

   3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.

   4. No one shall be arbitrarily deprived of the right to enter his own country.

Art. 13. An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where
compelling reasons of national security otherwise require, be allowed
to submit the reasons against his expulsion and to have his case
reviewed by, and be represented for the purpose before, the competent
authority or a person or persons especially designated by the com-
petent authority.

Art. 14. 1. All persons shall be equal before the courts and tribunals.
In the determination of any criminal charge against him, or of his
rights and obligations in a suit at law, everyone shall be entitled to
a fair and public hearing by a competent, independent and impartial
tribunal established by law. The Press and the public may be excluded
from all or part of a trial for reasons of morals, public order (ordre
public) or national security in a democratic society, or when the
interest of the private lives of the parties so requires, or to the extent
strictly necessary in the opinion of the court in special circumstances
where publicity would prejudice the interests of justice; but any
judgement rendered in a criminal case or in a suit at law shall be
made public except where the interest of juvenile persons otherwise
requires or the proceedings concern matrimonial disputes or the guard-
ianship of children.

2. Everyone charged with a criminal offence shall have the right
to be presumed innocent until proved guilty according to law.

3. In the determination of any criminal charge against him, eve-
ryone shall be entitled to the following minimum guarantees, in full
equality;

(a) To be informed promptly and in detail in a language which
he understands of the nature and cause of the charge against him;
(b) To have adequate time and facilities for the preparation of
his defence and to communicate with counsel of his own choosing;
(c) To be tried without undue delay;
(d) To be tried in his presence, and to defend himself in person
or through legal assistance of his own choosing; to be informed, if
he does not have legal assistance, of this right; and to have legal
assistance assigned to him, in any case where the interests of justice
so require, and without payment by him in any such case if he does
not have sufficient means to pay for it;
(e) To examine, or have examined, the witnesses against him
and to obtain the attendance and examination of witnesses on his
behalf under the same conditions as witnesses against him;
(f) To have the free assistance of an interpreter if he cannot
understand or speak the language used in court;
(g) Not to be compelled to testify against himself or to confess
guilt.
4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.

5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with law and penal procedure of each country.

Art. 15. 1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal 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 when the criminal offence was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby.

2. Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations.

Art. 16. Everyone shall have the right to recognition everywhere as a person before the law.

Art. 17. 1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

2. Everyone has the right to the protection of the law against such interference or attacks.

Art. 18. 1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private,
to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Art. 19. 1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary.

(a) For respect of the rights or reputations of others;
(b) For the protection of national security or of public order (ordre public), or of public health or morals.

Art. 20. 1. Any propaganda for war shall be prohibited by law.

2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Art. 21. The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Art. 22. 1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.
2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.

Art. 23. 1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

2. The right of men and women of marriageable age to marry and to found a family shall be recognized.

3. No marriage shall be entered into without the free and full consent of the intending spouses.

4. States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

Art. 24. 1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.

2. Every child shall be registered immediately after birth and shall have a name.

3. Every child has the right to acquire a nationality.

Art. 25. Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;

(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret
ballot, guaranteeing the free expression of the will of the electors;
(c) To have access, on general terms of equality, to public service in his country.

Art. 26. All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Art. 27. 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 the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.

Part IV

Art. 28. 1. There shall be established a Human Rights Committee (hereafter referred to in the present Covenant as the Committee). It shall consist of eighteen members and shall carry out the functions hereinafter provided.

2. The Committee shall be composed of nationals of the States Parties to the present Convenant who shall be persons of high moral character and recognized competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having legal experience.

3. The members of the Committee shall be elected and shall serve in their personal capacity.

Art. 29. The members of the Committee shall be elected by secret ballot from a list of persons possessing the qualifications prescribed in article 28 and nominated for the purpose by the States Parties to the present Covenant.

2. Each State Party to the present Covenant may nominate not more than two persons. These persons shall be nationals of the nominating State.

3. A person shall be eligible for renomination.

Art. 30. 1. The initial election shall be held no later than six months after the date of the entry into force of the present Covenant.

2. At least four months before the date of each election to the Committee, other than an election to fill a vacancy declared in
accordance with article 34, the Secretary-General of the United Nations shall address a written invitation to the States Parties to the present Covenant to submit their nominations for membership of the Committee within three months.

3. The Secretary-General of the United Nations shall prepare a list in alphabetical order of all the persons thus nominated, with an indication of the States Parties which have nominated them, and shall submit it to the States Parties to the present Covenant no later than one month before the date of each election.

4. Elections of the members of the Committee shall be held at a meeting of the States Parties to the present Covenant convened by the Secretary-General of the United Nations at the Headquarters of the United Nations. At that meeting, for which two thirds of the States Parties to the present Covenant shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

Art. 31. 1. The Committee may not include more than one national of the same State.

2. In the election of the Committee, consideration shall be given to equitable geographical distribution of membership and to the representation of the different forms of civilization and of the principal legal systems.

Art. 32. 1. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these nine members shall be chosen by lot by the Chairman of the meeting referred to in article 30, paragraph 4.

2. Elections at the expiry of office shall be held in accordance with the preceding articles of this part of the present Covenant.

Art. 33. 1. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his functions for any cause other than absence of a temporary character, the Chairman of the Committee shall notify the Secretary-General of the United Nations, who shall then declare the seat of that member to be vacant.

2. In the event of the death or the resignation of a member of the Committee, the Chairman shall immediately notify the Secretary-General of the United Nations, who shall declare the seat vacant
from the date of death or the date on which the resignation takes effect.

**Art. 34.** 1. When a vacancy is declared in accordance with article 33 and if the term of office of the member to be replaced does not expire within six months of the declaration of the vacancy, the Secretary-General of the United Nations shall notify each of the States Parties to the present Covenant, which may within two months submit nominations in accordance with article 29 for the purpose of filling the vacancy.

2. The Secretary-General of the United Nations shall prepare a list in alphabetical order of the persons thus nominated and shall submit it to the States Parties to the present Covenant. The election to fill the vacancy shall then take place in accordance with the relevant provisions of this part of the present Covenant.

3. A member of the Committee elected to fill a vacancy declared in accordance with article 33 shall hold office for the remainder of the term of the member who vacated the seat on the Committee under the provisions of that article.

**Art. 35.** The members of the Committee shall, with the approval of the General Assembly of the United Nations, receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide, having regard to the importance of the Committee's responsibilities.

**Art. 36.** The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Covenant.

**Art. 37.** 1. The Secretary-General of the United Nations shall convene the initial meeting of the Committee at the Headquarters of the United Nations.

2. After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.


**Art. 38.** Every member of the Committee shall, before taking up his duties, make a solemn declaration in open committee that he will perform his functions impartially and conscientiously.

**Art. 39.** 1. The Committee shall elect its officers for a term of two years. They may be re-elected.
2. The Committee shall establish its own rules of procedure, but these rules shall provide, *inter alia*, that:

  (a) Twelve members shall constitute a quorum;
  (b) Decisions of the Committee shall be made by a majority vote of the members present.

**Art. 40.** 1. The States Parties to the present Covenant undertake to submit reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made in the enjoyment of those rights:

  (a) Within one year of the entry into force of the present Covenant for the States Parties concerned;
  (b) Thereafter whenever the Committee so requests.

2. All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit them to the Committee for consideration. Reports shall indicate the factors and difficulties, if any, affecting the implementation of the present Covenant.

3. The Secretary-General of the United Nations may, after consultation with the Committee, transmit to the specialized agencies concerned copies of such parts of the reports as may fall within their field of competence.

4. The Committee shall study the reports submitted by the States Parties to the present Covenant. It shall transmit its reports, and such general comments as it may consider appropriate, to the States Parties. The Committee may also transmit to the Economic and Social Council these comments along with the copies of the reports it has received from States Parties to the present Covenant.

5. The States Parties to the present Covenant may submit to the Committee observations on any comments that may be made in accordance with paragraph 4 of this article.

**Art. 41.** 1. A State Party to the present Covenant may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the present Covenant. Communications under this article may be received and considered only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure:
(a) If a State Party to the present Convenant considers that another State Party is not giving effect to the provisions of the present Covenant, it may, by written communication, bring the matter to the attention of that State Party. Within three months after the receipt of the communication, the receiving State shall afford the State which sent the communication an explanation or any other statement in writing clarifying the matter, which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending, or available in the matter.

(b) If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State.

(c) The Committee shall deal with a matter referred to it only after it has ascertained that all available domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged.

(d) The Committee shall hold closed meetings when examining communications under this article.

(e) Subject to the provisions of sub-paragraph (c), the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for human rights and fundamental freedoms as recognized in the present Covenant.

(f) In any matter referred to it, the Committee may call upon the States Parties concerned, referred to in sub-paragraph (b), to supply any relevant information.

(g) The States Parties concerned, referred to in sub-paragraph (b), shall have the right to be represented when the matter is being considered in the Committee and to make submissions orally and/or in writing.

(h) The Committee shall, within twelve months after the date of receipt of notice under sub-paragraph (b), submit a report:

(i) If a solution within the terms of sub-paragraph (e) is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;

(ii) If a solution within the terms of sub-paragraph (e) is not reached, the Committee shall confine its report to a brief statement of the facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report.
In every matter, the report shall be communicated to the States Parties concerned.

2. The provisions of this article shall come into force when ten States Parties to the present Covenant have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

Art. 42. 1. (a) If a matter referred to the Committee in accordance with article 41 is not resolved to the satisfaction of the States Parties concerned, the Committee may, with the prior consent of the States Parties concerned, appoint an ad hoc Conciliation Commission (hereinafter referred to as the Commission). The good offices of the Commission shall be made available to the States Parties concerned with a view to an amicable solution of the matter on the basis of respect for the present Covenant;

(b) The Commission shall consist of five persons acceptable to the States Parties concerned. If the States Parties concerned fail to reach agreement within three months on all or part of the composition of the Commission, the members of the Commission concerning whom no agreement has been reached shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its members.

2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States Parties concerned, or of a State not party to the present Covenant, or of a State Party which has not made a declaration under article 41.

3. The Commission shall elect its own Chairman and adopt its own rules of procedure.

4. The meetings of the Commission shall normally be held at the Headquarters of the United Nations or at the United Nations Office at Geneva. However, they may be held at such other convenient places as the Commission may determine in consultation with the Secretary-General of the United Nations and the States Parties concerned.

5. The secretariat provided in accordance with article 36 shall also service the commissions appointed under this article.
6. The information received and collated by the Committee shall be made available to the Commission and the Commission may call upon the States Parties concerned to supply any other relevant information.

7. When the Commission has fully considered the matter, but in any event not later than twelve months after having been seized of the matter, it shall submit to the Chairman of the Committee a report for communication to the States Parties concerned:

(a) If the Commission is unable to complete its consideration of the matter within twelve months, it shall confine its report to a brief statement of the status of its consideration of the matter;

(b) If an amicable solution to the matter on the basis of respect for human rights as recognized in the present Covenant is reached, the Commission shall confine its report to a brief statement of the facts and of the solution reached;

(c) If a solution within the terms of sub-paragraph (b) is not reached, the Commission's report shall embody its findings on all questions of fact relevant to the issues between the States Parties concerned, and its views on the possibilities of an amicable solution of the matter. This report shall also contain the written submissions and a record of the oral submission made by the States Parties concerned;

(d) If the Commission's report is submitted under sub-paragraph (c), the States Parties concerned shall, within three months of the receipt of the report, notify the Chairman of the Committee whether or not they accept the contents of the report of the Commission.

8. The provisions of this article are without prejudice to the responsibilities of the Committee under article 41.

9. The States Parties concerned shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.

10. The Secretary-General of the United Nations shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States Parties concerned, in accordance with paragraph 9 of this article.

Art. 43. The members of the Committee, and of the ad hoc conciliation commissions which may be appointed under article 42, shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.
Art. 44. The provisions for the implementation of the present Covenant shall apply without prejudice to the procedures prescribed in the field of human rights by or under the constituent instruments and the conventions of the United Nations and of the specialized agencies and shall not prevent the States Parties to the present Covenant from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

Art. 45. The Committee shall submit to the General Assembly of the United Nations, through the Economic and Social Council, an annual report on its activities.

Part V

Art. 46. Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt within the present Covenant.

Art. 47. Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

Part VI

Art. 48. 1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a party to the present Covenant.

2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
5. The Secretary-General of the United Nations shall inform all States which have signed this Covenant or acceded to it of the deposit of each instrument of ratification or accession.

Art. 49. 1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.

2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Art. 50. The provisions of the present Covenant shall extend to all parts of federal states without any limitations or exceptions.

Art. 51. 1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General of the United Nations shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes.

3. When amendments come into force, they shall be binding of those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

Art. 52. Irrespective of the notifications made under article 48, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph 1 of the same article of the following particulars:

(a) Signatures, ratifications and accessions under article 48;
(b) The date of the entry into force of the present Covenant under article 49 and the date of the entry into force of any amendments under article 51.

Art. 53. 1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 48.
THE DEAN RUSK AWARD

The Dean Rusk Award is presented each year to the student author whose paper is chosen by a panel of distinguished judges as the best international or comparative law article submitted by students attending Georgia law schools. The competition, sponsored by the Georgia Society of International & Comparative Law, is administered in honor of former United States Secretary of State Dean Rusk, currently Samuel H. Sibley Professor of International Law at the University of Georgia School of Law.

The Georgia Journal of International and Comparative Law congratulates Mr. David L. Gappa, recipient of the 1989-90 Rusk Award. The Award was presented to Mr. Gappa for his paper "European Court of Human Rights - Extradition - Inhuman or Degrading Treatment or Punishment, Soering Case, 161 Eur. Ct. H.R. (ser. A) (1989)." The Georgia Journal is pleased to print the winning paper in the following pages.

Both the Georgia Society and the Georgia Journal thank the 1989-90 Rusk Award judges: Professor Louis B. Sohn, Woodruff Professor of International Law, University of Georgia School of Law and Beemis Professor of International Law Emeritus, Harvard Law School; Professor Thomas J. Schoenbaum, Rusk Professor of Law and Director of the Dean Rusk Center for International and Comparative Law, University of Georgia School of Law; Professor Gabriel M. Wilner, Thomas M. Kirbo Professor of Law and Director, Graduate Legal Studies, University of Georgia School of Law; and Bertis E. Downs IV, Professor of Law, University of Georgia School of Law.

The Georgia Journal also is grateful to Professor Rusk for his service to the School of Law and as advisor to the Georgia Journal since 1970. Throughout his numerous years in government, including positions at the United States Department of State as Director of the Office of United Nations Affairs, Assistant Secretary of State for Far Eastern Affairs, and as Secretary of State from 1961 to 1969, Professor Rusk served our country selflessly and with great distinction. The Georgia Journal has benefitted tremendously from his guidance, and the Managing Board expresses its deepest gratitude to Professor Rusk for his support and assistance.