



Ninth session
Agenda item 58

DRAFT INTERNATIONAL COVENANTS ON HUMAN RIGHTS

Report of the Third Committee

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DRAFT INTERNATIONAL COVENANTS ON HUMAN RIGHTS

Report of the Third Committee

I. INTRODUCTION

1. The General Assembly, on 10 December 1948, adopted and proclaimed the Universal Declaration of Human Rights and, in the same resolution (217(III)), requested the Economic and Social Council to ask the Commission on Human Rights to continue to give priority in its work to the preparation of a draft covenant on human rights and draft measures of implementation. The Commission, at its tenth session (23 February to 16 April 1954), completed its work on a draft Covenant on Economic, Social and Cultural Rights and a draft Covenant on Civil and Political Rights.

2. The various stages of the work on the draft covenants are outlined in the report of the Commission on the work of its tenth session (E/2573, chapter III, part I). The review covers the period from the second session of the Commission in December 1947, when it decided that the International Bill of Human Rights should consist of a "declaration", a "covenant" and "measures of implementation" (E/600, paragraph 18) up to the completion of the two draft covenants by the Commission at its last session.

3. The Commission also decided at that session to request the Economic and Social Council to forward to the General Assembly certain documents relating to the admissibility or non-admissibility of reservations to the covenants and the effect to be attributed to them (E/2573, chapter III, part IV B, paragraphs 262 to 305). It also included in its report certain observations submitted by four of its members (E/2573, paragraph 39) regarding the procedure which might be followed for the final adoption of the covenants. These representatives (Egypt, France, the Philippines and Uruguay) proposed that the Council's attention should be drawn to the possible advantage of recommending that the General Assembly give the drafts two separate readings at two consecutive sessions, the first to deal with the drafts in their present form.

4. The Council at its eighteenth session noted with warm appreciation that the Commission had completed the lengthy and difficult task of preparing, in so far as possible, the draft covenants, and felt that this fact warranted special mention in its report to the General Assembly.^{1/}

5. In section I of resolution 545 B I (XVIII) of 29 July 1954, the Council transmitted the draft covenants to the General Assembly, together with the Commission's report and the records of the proceedings of the Council on the subject. It drew the attention of the Assembly to the suggestions about procedure for the final consideration of the draft covenants contained in that report. It requested the Secretary-General to bring the covenants and the parts of the report concerning them to the special attention of the Governments of Member and non-member States, and to collect any comments they might submit. In section II of resolution 545 B (XVIII) the Council transmitted to the General Assembly the proposals and amendments together with the pertinent summary records of the Commission's discussion on the problem of admissibility or non-admissibility of reservations to the covenants. In resolution 547 J (XVIII) the Council also forwarded to the Assembly the recommendation on article 22 of the draft Covenant on Civil and Political Rights submitted to it by the Commission on the Status of Women, to be considered at the same time as the draft Covenant on Civil and Political Rights.

6. The Government of the United Kingdom of Great Britain and Northern Ireland transmitted comments in accordance with the Council's request (A/C.3/574).

^{1/} See Official Records of the General Assembly, Ninth Session, Supplement No. 3, document A/2686, paragraph 7111.

II. PROCEDURE FOLLOWED BY THE THIRD COMMITTEE

7. The General Assembly, at its 478th meeting on 25 September 1954, decided to allocate the item "Draft International Covenants on Human Rights" to the Third Committee. The Committee decided to take this up as the second item on its agenda (A/C.3/SR.544, 548 and 549). It also considered at the same time the section of chapter V of the report of the Economic and Social Council on the draft covenants (A/2686, chapter V, section 1).
8. The Committee first discussed the procedure it wished to follow in dealing with the draft covenants (A/C.3/SR.557 to 560). In this connexion, it took into account the suggestions of the four members of the Commission on Human Rights (E/2573, paragraph 39), which had been drawn to the attention of the General Assembly by the Council.
9. A difference of opinion arose in the Committee over what should constitute a "first reading" of the draft covenants. Some members thought that there should be a general discussion at which all delegations, and especially those who had not been represented on the Commission on Human Rights, would have a chance to express their views. Some considered that such a general discussion should constitute a "first reading". Others thought that the Committee should begin immediately to discuss the draft covenants article by article. It was argued that the drafts had been under discussion for several years and that a general debate or general discussion would not serve any useful purpose at that stage.
10. It was suggested that the draft covenants might be discussed "part by part" or "section by section". It was said that those who favoured holding a general discussion could then comment on the general principles underlying the articles in each part or section, while those who wanted to discuss the individual articles would be free to do so under each part or section. Objections were raised to this suggestion on the grounds that it might not allow time enough to complete the discussion of the draft covenants at the present session, and also that difficulties would arise in grouping the articles in sections or parts, and regarding the order in which the sections or parts should be discussed. The view was expressed that the first reading should be completed at the current session

of the Assembly. Others, however, thought that it was premature to decide finally on that question and that the decision should not be prejudged.

11. During the debate on procedure reference was made to the possibility of convening a conference of plenipotentiaries, of holding a special session of the Third Committee, or of setting up a committee of all Member States or a sub-committee of the Third Committee to draw up the draft covenants in final form. Several representatives expressed the view that, for the present stage at any rate, the Third Committee itself should deal with the draft covenants and should devote approximately half its remaining meetings to this item.

Proposals and amendments before the Committee

12. Proposals were made by Afghanistan (A/C.3/L.406) concerning the procedure to be adopted for dealing with the draft covenants as follows:

- "1. The draft covenants should be discussed during the current session of the General Assembly.
- "2. The draft covenants should be discussed in the Third Committee.
- "3. The first reading of the draft covenants should take place, section by section, in the Third Committee during the current session of the General Assembly."

13. In an amendment by the United Kingdom (A/C.3/L.407) the addition of the following paragraph was proposed:

- "4. The Third Committee will devote not more than half of its remaining meetings to the consideration of the draft covenants."

The representative of Cuba orally proposed that the words "not more than" should be replaced by the word "one" (A/C.3/SR.560). This proposal was accepted by the representative of the United Kingdom.

14. An amendment was submitted by Australia (A/C.3/L.408) to replace paragraph 3 of the proposals of Afghanistan by the following text:

- "A first reading of the draft covenants, beginning with a general discussion, should take place in the Third Committee during the current session of the General Assembly."

The representative of Egypt orally proposed that the words "section by section" in paragraph 3 of the proposals of Afghanistan should be replaced by the words "part by part" (A/C.3/SR.560).

15. The representative of Afghanistan accepted the amendments put forward by the United Kingdom and Egypt (A/C.3/SR.560).

Decisions of the Committee

16. The first proposal of Afghanistan (A/C.3/L.406, paragraph 1) was adopted by 52 votes to none, with one abstention.

17. The second proposal of Afghanistan (A/C.3/L.406, paragraph 2) was adopted by 51 votes to none, with one abstention.

18. In connexion with the third proposal of Afghanistan (A/C.3/L.406, paragraph 3) the Committee first voted on whether it wished to consider the amendment of Australia (A/C.3/L.408) as an amendment or a separate proposal. It decided, by 27 votes to 15, with 5 abstentions, that it should be considered as an amendment.

19. A proposal by the representative of Lebanon to vote only on those words of the Australian amendment which amended the Afghanistan text was adopted by 19 votes to 2, with 23 abstentions.

20. The Committee then voted as follows:

(a) On the amendment of Australia:

It adopted, by 25 votes to 15, with 10 abstentions, the first word "a" as a substitution for the word "the" in the proposal of Afghanistan.

The word "beginning" was retained by 26 votes to 5, with 12 abstentions.

The words "beginning with a general discussion" were adopted by 30 votes to 7, with 13 abstentions.

(b) A motion to insert the phrase "part by part" was rejected by 22 votes to 16, with 7 abstentions.

21. The third proposal of Afghanistan, as amended by Australia, was adopted on a roll-call vote taken at the request of the representative of Afghanistan, by 31 votes to 3, with 18 abstentions. The voting was as follows:

In favour: Argentina, Australia, Belgium, Brazil, Byelorussian Soviet Socialist Republic, Canada, Chile, Colombia, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, France, Guatemala, Iceland, Israel, Luxembourg, Mexico, Netherlands, New Zealand, Norway, Peru, Poland, Sweden, Turkey, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: China, Egypt, Haiti.

Abstaining: Afghanistan, Bolivia, Burma, Costa Rica, Ethiopia, Greece, Honduras, India, Indonesia, Iran, Iraq, Lebanon, Pakistan, Philippines, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Yugoslavia.

22. The additional paragraph proposed by the United Kingdom (A/C.3/L.407), with the amendment orally proposed by the representative of Cuba and accepted by the representative of the United Kingdom, was adopted by 38 votes to none, with 7 abstentions.

23. The decisions of the Committee therefore were as follows:

(a) The draft covenants should be discussed during the current session of the General Assembly.

(b) The draft covenants should be discussed in the Third Committee.

(c) A first reading of the draft covenants, beginning with a general discussion, should take place in the Third Committee during the current session of the General Assembly.

(d) The Third Committee would devote one-half of its remaining meetings to the consideration of the draft covenants.

24. The general discussion was held during the 561st to 577th meetings from 21 October to 2 November 1954. It is briefly summarized in chapter III, part A of the present report.

25. After the conclusion of the general discussion, at the 577th meeting, the Committee adopted, by 50 votes to none, with one abstention, an oral proposal by the representative of Afghanistan, by which the Committee decided to begin, at its next meeting, the second part of its first reading of the draft covenants, on

the understanding that every delegation would be free to submit, if possible in one statement, new proposals or amendments to or observations on the articles.

26. The second part of the first reading took place at the 578th to 582nd meetings, from 9 to 12 November 1954. A brief summary, including the proposals and amendments submitted, is given in chapter III, part B of the present report.

27. At the 577th meeting also, the representative of Costa Rica introduced a proposal which concerned future work on the draft covenants. This was discussed at the 577th to 586th meetings of the Committee. The draft resolution presented, the various amendments to it, and the action taken by the Committee are described in chapter IV of the present report.

III. FIRST READING OF THE DRAFT COVENANTS

A. First part (general discussion)

28. Most representatives on the Committee participated in the general discussion, when certain general questions relating to the draft covenants were raised.

Different opinions were expressed on the admissibility of reservations. There were some general observations on the measures of implementation. Reference was made to the right of petition. Widely divergent views were expressed on some provisions common to both draft covenants, such as the article on the right of peoples to self-determination, the federal clause and the territorial application article. Observations and suggestions on some of the individual articles in each draft covenant were also made during the general discussion.

29. Several members expressed their regret that the General Assembly had decided on the preparation of two covenants. It was pointed out that civil and political rights and economic, social and cultural rights were of equal importance and mutually interdependent. Certain economic, social and cultural conditions were necessary for the full enjoyment of civil and political rights. The distinction which had been made was a purely artificial one. Others held that the nature of the two categories of rights rendered it necessary to give them separate treatment. The level of realization of economic, social and cultural rights in every country depended on factors which were not always within the power of the Government to control. It was also argued that the draft Covenant on Economic, Social and Cultural Rights expressed aspirations to be achieved progressively over a period of time, while civil and political rights should be guaranteed immediately by a State on becoming a party to the latter covenant. The view was also expressed that, while it might be difficult at this stage to reverse the previous decision of the General Assembly, as many States as possible should become parties to the two covenants simultaneously.

30. Many representatives emphasized that the two covenants should be drafted in such a way that they would be acceptable to as many States as possible. Their effectiveness would depend as much on their acceptability as on their content. At the same time it was pointed out that they should not establish such a low

level that all States could ratify them immediately, because then they would have no real effect. Similarly, instruments which established such high ideals that no nation could ratify them would be of little value. Some members of the Committee expressed the view that the drafts in their present form had, in general, achieved a wide degree of compromise between differing political, economic and cultural opinions and, while not ideal, should be regarded as fairly satisfactory.

31. Many of the views expressed on the question of reservations were linked with the idea of universal acceptability of the covenants. Some representatives held that, in instruments as important as the covenants, no reservations should be permitted. Many, however, expressed the view that, in the interests of securing the maximum number of ratifications, a reasonable provision on reservations should be included. It was generally agreed that, if reservations were admitted, adequate safeguards against abuse must be provided. Various suggestions to meet this problem were made. These included: limiting the articles to which reservations would be allowed; admitting reservations only after two-thirds of the States parties had consented to them; establishing a time-limit for the duration of reservations; and admitting only those which were compatible with the purpose and object of the covenants. The view was expressed that the question of reservations should be decided before the substantive articles were finally decided upon.

32. Some members of the Committee criticized the provisions on measures of implementation included in the draft covenants on the grounds that they could lead only to interference in the internal affairs of States contrary to the Charter. Some expressed regret that the decision to prepare two draft covenants had led to different systems of implementation for the two categories of rights. Some considered that the system of reporting was not suitable for the draft Covenant on Civil and Political Rights, since these rights should be guaranteed immediately and not progressively over a period of time. Several expressed their approval in general of the measures of implementation provided in the two draft covenants, although certain criticisms of detailed provisions were advanced.

33. A number of representatives expressed their regret that the draft covenants did not extend the right of petition to non-governmental organizations and

individuals. It was argued that, if human rights were to be properly safeguarded, the individual must be able to petition for redress of grievances. It was suggested that non-governmental organizations having consultative status should be granted this right, and that they could then act on behalf of individuals. Others considered that the time was not yet ripe to extend the right of petition beyond States. In this connexion, some representatives indicated their interest in discussing at some stage the proposal of Uruguay concerning a high commissioner (attorney-general) for human rights, which had not yet been considered by any United Nations organ.

34. Widely divergent views were expressed on the article on the right of peoples to self-determination. Some members stated that the right of self-determination was a collective right and, as such, had no place in covenants devoted to the rights of the individual. It was argued that the right of self-determination was a political principle and that its application in practice was subordinate to other principles, the most important of which was the maintenance of peace. It was said that the question was very complex and should be approached with great caution for fear of sowing confusion and disorder in the world. Others stated that the article on the right of self-determination was one of the most important articles in the draft covenants, since it was a prerequisite for the enjoyment of all other human rights. It was said also that, while the right belonged to peoples and nations, every individual belonging to a people or a nation must exercise it individually. It was argued that the maintenance of peace was dependent upon friendly relations among nations on the basis of equal rights for all nations. There was some criticism of the inclusion in the article of the provision concerning permanent sovereignty of peoples over their natural wealth and resources. It was said that this might make it possible for Governments to expropriate private property without any compensation. Others claimed that the application of the principle of permanent sovereignty of peoples over their natural wealth and resources was a most important element in the article and should not be omitted. It was suggested by some representatives that a possible compromise might be to draw up a separate instrument on the right of peoples to self-determination. Opposition to this suggestion was expressed by other members of the Committee.

35. The article on the federal clause was criticized by some representatives, who pointed out that the Commission on Human Rights had adopted the present text by a very small majority. It was stated that some States with federal constitutions would be prevented from becoming parties to the covenants if the article were retained. It was also argued that it was not in accordance with the terms of General Assembly resolution 421 C (V) which asked the Commission to study ways of meeting the constitutional problems of federal States. Others argued that the inclusion of a federal clause would discriminate against unitary States and that the problems of federal States should be met by making reservations. Some expressed the view that a compromise solution should be found in the interests of universal adherence to the covenants.

36. Objection was raised to the article on the territorial application of the covenants on the ground that it would have the effect merely of delaying for some considerable time their ratification by the Powers responsible for the Non-Self-Governing Territories. Others argued that the inclusion of a territorial application clause would discriminate in favour of the Administering Powers and imply endorsement of a system which had been severely criticized in many parts of the world. It was emphasized that the article had been adopted by the General Assembly itself in resolution 422 (V).

37. In their general statements many delegations referred to individual articles in both draft covenants. Drafting changes were suggested, criticisms of particular words were made and a number of points of substance were raised. These have not been included in the present report but may be found in the summary records (A/C.3/SR.561 to 577). Mention may be made, however, of the article on freedom of religion (article 18 of the draft Covenant on Civil and Political Rights) on which widely differing views were expressed. Objection was raised to the inclusion of the words "freedom to maintain or to change his religion". It was said that the article showed lack of balance and emphasis between the three ideas of freedom of thought, of conscience, and of religion. It was argued by others that the Commission on Human Rights had unanimously adopted the article, which could not therefore be said to represent the interest of any particular country or religious group.

38. There was some general criticism that the articles of the draft Covenant on Economic, Social and Cultural Rights contained too many vague generalizations which must be defined further if the covenant were to mean the same thing for all countries. The view was also expressed that this covenant should be drafted in general terms, providing a framework to be elaborated by the specialized agencies. Several members expressed regret that the right of property had not been included in this draft covenant.

39. With regard to the draft Covenant on Civil and Political Rights, the view was expressed that on the whole the articles were well drafted. It was emphasized by some delegations that since this covenant would impose obligations which would be binding upon States on ratification, the wording of all the articles should be quite precise. The view was expressed that this covenant should contain an article on the right of asylum and on the right to protection of moral and material interests deriving from scientific, literary or artistic work.

B. Second part

40. The second part of the first reading (A/C.3/SR.577 to 582) was concerned mainly with the presentation of amendments or proposals which were not voted upon by the Committee. These are indicated below.

Amendments and proposals relating to provisions common to both draft covenants

41. Brazil submitted the following proposals (A/C.3/L.412) relating to the articles, in both draft covenants, concerning the right of peoples to self-determination:

1. Add to the preambles of both draft covenants:

"Considering that all peoples and all nations have the right of self-determination, namely, the right freely to determine their political, economic, social and cultural status, and that the full exercise of this right must be ensured as an essential condition for universal respect for, and observance of, human rights,

"Considering further that the right of peoples to self-determination also includes permanent sovereignty over their natural wealth and resources, and that in no case may a people be deprived of its own means of subsistence on the grounds of any rights that may be claimed by other States".

2. Delete article 1 in both draft covenants, article 28 in the draft Covenant on Economic, Social and Cultural Rights, articles 48 and 53 in the draft Covenant on Civil and Political Rights, and any other provision relevant to the matters dealt with in those articles.

3. The Commission on Human Rights should be requested to prepare a draft protocol as an annex to the covenants, the said protocol to embody the principles proclaimed in article 1, paragraph 2, of both draft covenants, in article 28 of the draft Covenant on Economic, Social and Cultural Rights, in articles 48 and 53 of the draft Covenant on Civil and Political Rights, or in any other provision relevant to the matters dealt with in those articles.

4. The Secretary-General should be asked to transmit to the Commission on Human Rights the summary records of the debates on the subject.

These proposals were introduced at the 580th meeting.

42. Twenty delegations (Afghanistan, Bolivia, Burma, Chile, Egypt, Greece, Haiti, India, Indonesia, Iraq, Lebanon, Liberia, Pakistan, Philippines, Saudi Arabia, Syria, Thailand, Uruguay, Yemen and Yugoslavia) submit the following observations on the draft covenants (A/C.3/L.427 and Add.1):

"Considering that the peoples and nations as individuals and collectivities have laid their hopes in the United Nations to promote and safeguard human rights on a universal basis without any political, social or other discriminations whatsoever,

"Considering that the General Assembly passed a resolution to the effect that the right of peoples and nations to self-determination is a fundamental right without which the other human rights may not be fully enjoyed,

"Considering that the failure to recognize the right of peoples and nations to self-determination has been the cause of conflict among peoples and nations and may lead to further political and economic instability in many parts of the world and thereby endanger peace and security,

"Considering that since 1951 the General Assembly decided to have a distinct article formulated on the right of peoples and nations to self-

"Considering that the non-inclusion of the right of peoples and nations to self-determination in the operative part of the draft covenants may be regarded as a repudiation of this right by the United Nations,

"Considering that the General Assembly decided in resolution 637 (VII) of 16 December 1952 that it is necessary to continue the study of ways and means of ensuring international respect for the right of peoples and nations to self-determination, which resolution was reaffirmed by resolution 738 (VIII) of 28 November 1953,

"Propose that all Governments reaffirm the right of self-determination as a fundamental and inalienable right of peoples and nations;

"Propose that the right of self-determination be maintained in both draft covenants in the first article and in all relevant articles dealing with its promotion and implementation;

"Propose that the Administering Powers be invited to familiarize the peoples in the territories under their administration with the provisions of the two draft covenants as they now stand."

This draft resolution was presented at the 582nd meeting.

43. Australia submitted the following amendment (A/C.3/L.421) to article 27 of the draft Covenant on Economic, Social and Cultural Rights, and to article 52 of the draft Covenant on Civil and Political Rights:

Delete the present text of these articles and insert in their place the following text:

"1. A federal State may at the time of signature or ratification of, or accession to, this covenant make a declaration stating that it is a federal State to which this article is applicable. In the event that such a declaration is made, paragraphs 2, 3 and 4 of this article shall apply to it. The Secretary-General of the United Nations shall inform the other States parties to this covenant of such declaration.

"2. This covenant shall not operate so as to bring within the jurisdiction of the federal authority of a federal State making such declaration any of the matters referred to in this covenant which, independently of the covenant, would not be within the jurisdiction of the federal authority.

"3. Subject to paragraph 2 of this article, the obligations of such federal State shall be:

"(a) In respect of any provisions of the covenant, the implementation of which is, under the constitution of the federation, wholly or in part within federal jurisdiction, the obligations of the federal government shall, to that extent, be the same as those of parties which have not made a declaration under this article;

"(b) In respect of any provisions of the covenant, the implementation of which is, under the constitution of the federation, wholly or in part within the jurisdiction of the constituent units (whether described as States, provinces, cantons, autonomous regions, or by any other name), and which are not, to this extent, under the constitutional system bound to take legislative action, the federal government shall bring such provisions with favourable recommendations to the notice of the appropriate authorities of the constituent units, and shall also request such authorities to inform the federal government as to the law of the constituent units in relation to those provisions of the covenant. The federal government shall transmit such information received from constituent units to the Secretary-General of the United Nations;

"(c) Subsequently, the federal government shall notify the Secretary-General, for communication to States parties to the covenant, the legislative or other measures which the above-mentioned units have taken in implementation of the provisions of the covenant.

"4. A contracting State shall not be entitled to avail itself of the present covenant against other contracting States except to the extent that it is bound by the covenant."

44. The representative of the United Kingdom drew attention, at the 582nd meeting, to the proposals relating to reservations contained in annex II to the report of the Commission on Human Rights (E/2573).

Amendments to the draft Covenant on Civil and Political Rights

Article 18

45. Saudi Arabia proposed the following amendments (A/C.3/L.422) to this article:

Paragraph 1, second sentence: delete the following words:

"to maintain or to change his religion or belief, and freedom".

Paragraph 2: replace this paragraph by the following:

"No one shall be subject to coercion which would deprive him of his right to freedom of religion or belief."

Article 19

46. Brazil proposed (A/C.3/L.413, paragraph 3) the addition of the following paragraph to article 19:

"Any advocacy of national, racial or religious hostility, of class hatred or of violent methods for subverting the political or social order may, however, be prohibited by the law of the State."

Article 22

47. Belgium proposed the following amendments (A/C.3/L.414) to paragraph 4 of article 22:

Replace the first sentence by the following:

"The legislations of the States parties to this covenant shall, within a reasonable period of time, prescribe equality of rights and responsibilities for the spouses during marriage and at its dissolution."

In the last sentence, delete the words:

"In the last-mentioned case..."

48. Cuba, Denmark, Dominican Republic, Norway, Sweden and Yugoslavia proposed the following amendment (A/C.3/L.418 and Add.1) to paragraph 4 of article 22:

Replace the first sentence by:

"Men and women shall have equal rights and responsibilities as to marriage, during marriage and at its dissolution."

Article 23

49. Brazil proposed (A/C.3/L.413, paragraph 1) the following amendment to article 23:

In article 23 of the draft Covenant on Civil and Political Rights replace the words "without any of the distinctions mentioned in article 2 of this covenant and without unreasonable restrictions" by the words "without distinction as to race, colour, sex, religion, political or other opinion, social origin, property, birth or other status, and without any restrictions other than those which under the constitution of his country govern eligibility to certain high offices of State".

Article 26

50. Brazil proposed (A/C.3/L.413, paragraph 2) the deletion of this article.

Part IV.

51. The representative of Uruguay, at the 578th meeting, explained the proposal of Uruguay for a high commissioner (attorney-general) for human rights (E/2573, annex III). As an amendment, the representative of Uruguay proposed (A/C.3/L.424) that the provisions relating to the proposed high commissioner should be inserted in part IV of the Covenant on Civil and Political Rights.

IV. FUTURE WORK ON THE DRAFT COVENANTS

52. Costa Rica submitted a draft resolution (A/C.3/L.410) concerning future work on the draft covenants which was revised four times during the discussion and took into account amendments by Afghanistan (A/C.3/L.411 and A/C.3/L.419), Lebanon (A/C.3/L.415), India (A/C.3/L.416 and A/C.3/L.426) and the United Kingdom (A/C.3/L.417). An amendment by Uruguay (A/C.3/L.420) and an oral amendment by the representative of Haiti (A/C.3/SR.582) were withdrawn during the discussion.

53. The text of the fourth revision of the draft resolution of Costa Rica (A/C.3/L.410/Rev.4 and Rev.4/Corr.1 and 2) was as follows:

"The General Assembly,

"Taking note of the draft international covenants on human rights prepared by the Commission on Human Rights and transmitted by the Economic and Social Council (E/2573, Annexes I, II and III) and expressing its gratitude to that Commission for the work accomplished,

"Having considered these draft international covenants on human rights at its ninth session,

"Reaffirming that it is important that these international covenants on human rights which will effectively safeguard the rights of the human person should be adopted as soon as possible,

"Considering that it is desirable to give Governments of States Members and non-members of the United Nations and the specialized agencies time for making a full study of the draft covenants and for submitting, if they so desire, amendments or additions thereto, or further observations thereon,

"Considering that it is desirable for each Government to be informed in good time of the views of other Governments and of the specialized agencies concerning the provisions to be included in the draft international covenants on human rights so that it may take due account of these views in determining its own attitude,

"Considering that it is desirable that public opinion should express itself fully and freely on the draft covenants on human rights;

"1. Invites

"(a) Governments of States Members and non-members of the United Nations to communicate to the Secretary-General, within six months after the end of the present session, any amendments or additions to the draft international covenants on human rights or any observations thereon;

"(b) The specialized agencies to communicate to the Secretary-General, within six months after the end of the present session, any observations they may wish to make with regard to the draft international covenants; and

"(c) The non-governmental organizations concerned with the promotion of human rights, including those in the Non-Self-Governing and Trust Territories, to stimulate public interest in the draft international covenants on human rights by all possible means;

"2. Requests the Secretary-General to prepare a compilation of all the observations made before or during the ninth session and of all the amendments, additions and observations which may be communicated by Governments and the specialized agencies during the succeeding six months; and to circulate the document to Governments in good time to enable them to study it before the tenth session;

"3. Recommends that the meetings of the Third Committee during the tenth session shall begin with and be mainly devoted to the discussion of the draft international covenants on human rights, article by article in an agreed order including new articles, if any, with a view to their adoption at the earliest possible date."

54. The following amendments were proposed to the above text:

Preamble

Second paragraph:

Afghanistan proposed (A/C.3/L.431) that the word "these" should be replaced by the word "the".

Third paragraph:

Syria proposed (A/C.3/L.428) that the word "effectively" should be omitted.

Egypt and Lebanon proposed (A/C.3/L.429) that this paragraph should be replaced by the following:

"Reaffirming that it is important that these draft covenants should be adopted in their final form as soon as possible".

Greece proposed an amendment (A/C.3/L.430 and A/C.3/L.430/Corr.1) which was orally amended during the discussion, to replace this paragraph as follows:

"Reaffirming that it is important that all peoples should be provided as soon as possible with the covenants on human rights for the protection of the rights of the human person."

The representative of Costa Rica accepted the above Greek amendment (A/C.3/SR.585).

Sixth paragraph:

An oral amendment by the representative of Cuba (A/C.3/SR.584) to insert the words "continue to" between the words "should" and "express", and to delete the words "fully and" was accepted by the representative of Costa Rica (A/C.3/SR.585).

Operative paragraph 1

Sub-paragraph (c):

Egypt and Lebanon proposed (A/C.3/L.429, paragraph 2) that this sub-paragraph should be deleted. This amendment was subsequently withdrawn at the time of voting (A/C.3/SR.585).

Afghanistan proposed (A/C.3/L.431, paragraph 2) the addition at the end of this sub-paragraph of the words "in their respective countries". This amendment was accepted by the representative of Costa Rica (A/C.3/SR.585).

Operative paragraph 2

Australia proposed (A/C.3/L.423) the text below as a substitution for paragraph 2. It includes an oral amendment by the representative of Haiti to add the words "as early as possible" in sub-paragraph (a):

Requests the Secretary-General

"(a) To prepare and distribute to Governments, as early as possible, a concise annotation of the text of the draft international covenants, taking account of the observations made before and during the ninth session of the General Assembly, including those made in the Economic and Social Council and in the Commission on Human Rights;

"(b) To distribute to Governments, as soon as they are received, the communications which may be made by Governments and the specialized agencies in the next six months;

"(c) To prepare as a working paper the compilation of all the amendments and proposed new articles which may be submitted by Governments in that period."

The representative of Costa Rica accepted this amendment (A/C.3/SR.585).

New paragraph to be inserted
between operative paragraphs 2 and 3

Egypt and Lebanon proposed (A/C.3/L.429) the insertion of the following paragraph between operative paragraphs 2 and 3:

"Requests the Secretary-General to give the draft international covenants on human rights the widest-possible publicity through all the media of information available to him and within the limits of his budget."

Operative paragraph 3

Guatemala proposed (A/C.3/L.425) as a substitution for paragraph 3 the following text which includes oral amendments made during the discussion:

"Recommends that, during the tenth session of the General Assembly, the Third Committee give priority and devote itself mainly to the discussion, article by article in an agreed order, of the draft international covenants on human rights with a view to their adoption at the earliest possible date. The discussion should also cover any new articles which may be proposed."

This amendment was accepted by the representative of Costa Rica (A/C.3/SR.585).

55. Much of the discussion of this draft resolution concerned the invitation addressed to non-governmental organizations, in operative paragraph 1 (c), to stimulate public interest in the draft covenants. In support of the paragraph it was said that it was aimed at securing universal respect for human rights and, to this end, all possible means of gathering public support for the draft covenants should be used. It was explained that the reference to Non-Self-Governing and Trust Territories would make it clear to the indigenous inhabitants that they would not be excluded from the benefits of the covenants, and that their opinions would be welcomed and considered. Another argument advanced was that this invitation would provide a means of consulting the peoples of such territories, which the Powers responsible for their administration claimed was necessary before they could extend the provisions of the covenant to those peoples.

56. Some delegations interpreted the paragraph as including all non-governmental organizations, national and international. Others thought that only those having consultative status with the Economic and Social Council should be included. Some said that it would be very difficult to define which organizations were "concerned with the promotion of human rights, including those in Non-Self-Governing and Trust Territories" unless the scope were restricted to non-governmental organizations in consultative status, and many practical difficulties would arise. Some expressed doubt whether, if it were so restricted, those in Non-Self-Governing and Trust Territories would be able effectively to express their views.

57. Others said that it would be unwise to extend such a broad invitation to non-governmental organizations, which might only cause dissatisfaction with the draft covenants themselves. It was pointed out that these texts were not yet in final form, and that it would be improper for the General Assembly to go on record with a request which would imply that there was need to stimulate public interest on such a broad basis at this stage. It was said also that the proposal was not in accordance with the arrangements already established for consulting non-governmental organizations. It was also said that these organizations had already submitted their views several times in the Commission on Human Rights and in the Economic and Social Council and that it was unnecessary to address such an invitation to them.

58. It was suggested as a possible compromise that the Secretary-General should be requested to give the draft covenants the widest possible publicity through all the media of information available to him and within the limits of his budget. It was pointed out that such a proposal would encourage the Secretary-General to concentrate on giving more publicity to the draft covenants and would overcome some of the objections which had been raised against operative paragraph 1 (c).

Decisions of the Committee

59. At the 585th meeting, the Committee voted as follows on the draft resolution of Costa Rica and the amendments thereto (see paragraph 54).

Preamble

60. The first paragraph of the preamble was adopted by 52 votes to none, with one abstention.
61. The amendment of Afghanistan to replace "these" by "the" in the second paragraph of the preamble was rejected by 7 votes to 5, with 34 abstentions.
62. The second paragraph of the preamble was adopted by 50 votes to none, with one abstention.
63. The amendment of Egypt and Lebanon to replace the third paragraph of the preamble by a new text was adopted by 31 votes to 7, with 12 abstentions.
64. The fourth paragraph of the preamble was adopted by 52 votes to none, with one abstention.
65. The fifth paragraph of the preamble was adopted by 52 votes to none, with one abstention.
66. The sixth paragraph of the preamble, including the oral amendment by the representative of Cuba which had been accepted by the representative of Costa Rica, was adopted by 50 votes to none, with 2 abstentions.

Operative paragraph 1

67. Sub-paragraph (a) was adopted by 50 votes to none, with 2 abstentions.
68. Sub-paragraph (b) was adopted by 52 votes to none, with one abstention.
69. The words "concerned with the promotion of human rights, including those in the Non-Self-Governing and Trust Territories" in sub-paragraph (c) were adopted by a roll-call vote of 36 to 14, with 3 abstentions. The voting was as follows:

- In favour: Afghanistan, Argentina, Bolivia, Burma, Byelorussian Soviet Socialist Republic, Chile, Colombia, Costa Rica, Cuba, Czechoslovakia, Dominican Republic, Ecuador, Egypt, Greece, Guatemala, Haiti, Honduras, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Norway, Peru, Philippines, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yemen, Yugoslavia.
- Against: Australia, Belgium, Brazil, China, France, Iceland, Luxembourg, Netherlands, New Zealand, Pakistan, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.
- Abstaining: Canada, Denmark, Israel.

70. Sub-paragraph (c) as a whole, including the amendment by Afghanistan which had been accepted by the representative of Costa Rica, was adopted by a roll-call vote of 35 to 13, with 5 abstentions. The voting was as follows:

In favour: Afghanistan, Argentina, Bolivia, Burma, Byelorussian Soviet Socialist Republic, Chile, Colombia, Costa Rica, Cuba, Czechoslovakia, Dominican Republic, Ecuador, Greece, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Liberia, Mexico, Norway, Peru, Philippines, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Australia, Belgium, Brazil, Canada, France, Lebanon, Luxembourg, Netherlands, New Zealand, Pakistan, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland.

Abstaining: China, Denmark, Egypt, Israel, United States of America.

Operative paragraph 2

71. Paragraph 2, including the amendment by Australia which had been accepted by the representative of Costa Rica, was adopted by 48 votes to none, with 2 abstentions.

New operative paragraph

72. The new paragraph proposed by Egypt and Lebanon for insertion between paragraphs 2 and 3 was adopted by 46 votes to none, with 7 abstentions.

Operative paragraph 3

73. Paragraph 3, including the amendment by Guatemala which had been accepted by the representative of Costa Rica, was adopted by 51 votes to none, with 1 abstention.

Draft resolution as a whole

74. The draft resolution as a whole, as amended, was adopted by 42 votes to 5, with 4 abstentions.

V. RECOMMENDATION OF THE THIRD COMMITTEE

75. The Third Committee, therefore, recommends to the General Assembly the adoption of the following resolution:

DRAFT INTERNATIONAL COVENANTS ON HUMAN RIGHTS

The General Assembly,

Taking note of the draft international covenants on human rights prepared by the Commission on Human Rights and transmitted by the Economic and Social Council (E/2573, annexes I, II and III) and expressing its gratitude to that Commission for the work accomplished,

Having considered these draft international covenants on human rights at its ninth session,

Reaffirming that it is important that these draft covenants should be adopted in their final form as soon as possible,

Considering that it is desirable to give Governments of States Members and non-members of the United Nations and the specialized agencies time for making a full study of the draft covenants and for submitting, if they so desire, amendments or additions thereto, or further observations thereon,

Considering that it is desirable for each Government to be informed in good time of the views of other Governments and of the specialized agencies concerning the provisions to be included in the draft international covenants on human rights so that it may take due account of these views in determining its own attitude,

Considering that it is desirable that public opinion should continue to express itself freely on the draft international covenants on human rights,

1. Invites: (a) Governments of States Members and non-members of the United Nations to communicate to the Secretary-General, within six months after the end of the present session of the General Assembly, any amendments or additions to the draft international covenants on human rights or any observations thereon;

(b) The specialized agencies to communicate to the Secretary-General, within six months after the end of the present session, any observations they may wish to make with regard to draft international covenants;

(c) The non-governmental organizations concerned with the promotion of human rights, including those in the Non-Self-Governing and Trust Territories, to stimulate public interest in the draft international covenants on human rights by all possible means in their respective countries;

2. Requests the Secretary-General:

(a) To prepare and distribute to Governments, as early as possible, a concise annotation of the text of the draft international covenants, taking account of the observations made before and during the ninth session of the General Assembly, including those made in the Economic and Social Council and in the Commission on Human Rights;

(b) To distribute to Governments, as soon as they are received, the communications which may be made by Governments and by the specialized agencies during the next six months;

(c) To prepare as a working paper a compilation of all the amendments and proposed new articles which may be submitted by Governments during that period;

3. Requests the Secretary-General to give the draft international covenants on human rights the widest possible publicity through all the media of information available to him, and within the limits of his budget;

4. Recommends that, during the tenth session of the General Assembly, the Third Committee give priority and devote itself mainly to the discussion, article by article, in an agreed order, of the draft international covenants on human rights with a view to their adoption at the earliest possible date. The discussion shall also cover any new articles which may be proposed.
