



Tenth session
Agenda item 28

DRAFT INTERNATIONAL COVENANTS ON HUMAN RIGHTS

Report of the Third Committee

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I. INTRODUCTION

1. At its ninth session (1954), the General Assembly held a first reading of the draft International Covenants on Human Rights.^{1/} The Commission on Human Rights had completed its work on the two covenants at its tenth session (February to April 1954), and the Economic and Social Council at its eighteenth session had transmitted them to the General Assembly by resolution 545 B (XVIII) of 29 July 1954.
2. By that resolution, the Council transmitted (1) the draft covenants, together with the Commission's report and the record of the proceedings of the Council on the subject; and (2) the proposals and amendments^{2/} relating to reservations, together with the pertinent summary records of the discussion in the Commission. By resolution 547 G (XVIII) of 12 July 1954, the Council forwarded to the General Assembly the recommendations on article 22 of the draft Covenant on Civil and Political Rights (rights relating to marriage), which the Commission on the Status of Women had submitted^{3/} to the Council, so that the Assembly might consider them at the same time as the draft Covenant on Civil and Political Rights.
3. The first reading of the draft covenants by the General Assembly at its ninth session was in two parts: the first consisted of a general discussion and the second of the presentation of proposals and amendments which were not voted upon during the ninth session of the General Assembly (see report of the Third Committee on the item^{4/}).
4. On 4 December 1954, the General Assembly adopted resolution 833 (IX), in which it decided to invite the Governments of Member and non-member States to submit amendments, additions or observations on the draft covenants. The

1/ See Official Records of the Economic and Social Council, Eighteenth Session, Supplement No. 7, annex I.

2/ Ibid., annex II.

3/ Ibid., Supplement No. 6, annex 2.

4/ See Official Records of the General Assembly, Ninth Session, Annexes, agenda item 58, document A/2808.

specialized agencies were also asked to comment. In the same resolution, the Assembly requested the Secretary-General to prepare an annotation of the text of the draft covenants, to distribute to Governments the comments received and to prepare as a working paper a compilation of all the amendments and proposed new articles which might be submitted by Governments.

5. In response to the invitation of the General Assembly, the following Governments sent observations:

Australia (A/2910/Add.2)
Austria (A/2910/Add.1)
Ceylon (A/2910)
People's Republic of Hungary (A/2910/Add.6)
Netherlands (A/2910/Add.3)
Pakistan (A/2910/Add.4)
Thailand (A/2910/Add.2)
United Kingdom of Great Britain and Northern Ireland (A/2910/Add.1)
Union of Soviet Socialist Republics (A/2910/Add.1)
Yugoslavia (A/2910/Add.5)

The following specialized agencies submitted comments: United Nations Educational, Scientific and Cultural Organization (A/2907); and the International Labour Organisation (A/2907/Add.2). Observations by the United Nations High Commissioner for Refugees were circulated in document A/2907/Add.1. The annotation prepared by the Secretary-General was distributed as document A/2929, and the compilation of amendments and proposed new articles as documents A/C.3/L.400 and Corr.1.

6. In resolution 833 (IX) the General Assembly also recommended that, during the tenth session, the Third Committee should give priority and devote itself mainly to the discussion, article by article, in an agreed order, of the draft covenants with a view to their adoption at the earliest possible date.

7. At its tenth session the Assembly, at the 530th meeting, allocated the item: "Draft International Covenants on Human Rights" to the Third Committee. It was discussed at the 633rd to 659th, 667th to 677th and 679th meetings of the Committee, held between 11 October and 11 November, between 21 and 30 November and on 2 December.

Statement by the Secretary-General

8. At the 633rd meeting on 11 October, the Secretary-General made a statement which concerned this item and item 3 of the Committee's agenda: "Recommendations concerning international respect for the right of peoples and nations to self-determination". He suggested that the General Assembly might establish an ad hoc committee which would attempt to reach agreement on certain basic principles relating to the whole question of self-determination. These principles might be applied in the solution of specific problems. The ad hoc committee might prepare for consideration and adoption by the General Assembly a declaration on the self-determination of peoples and nations. The Secretary-General suggested that such a declaration might help "in finding a way out of the political impasse in which the draft covenants on human rights now find themselves" (see A/C.3/L.466 for the full text of the statement). The Secretary-General made an additional statement at the 637th meeting on 17 October 1955 (A/C.3/L.472).
9. During the discussion some delegations expressed support for these ideas; others opposed them, saying that the time for declarations was past and that now more concrete action was called for. Some expressed regret that the statement had been made.

II. PROCEDURE FOLLOWED BY THE THIRD COMMITTEE

10. The Third Committee, at its 633rd to 636th meetings held between 11 and 13 October, discussed the order in which it would consider the articles of the two draft international covenants. The following delegations submitted proposals or amendments: Costa Rica (A/C.3/L.467) to which oral amendments were moved by the representative of Afghanistan (A/C.3/SR.635); Saudi Arabia (A/C.3/L.468), with oral amendments by the representative of Afghanistan (A/C.3/SR.636); Denmark (A/C.3/L.469), with amendments by Afghanistan (A/C.3/L.471); El Salvador (A/C.3/L.470), whose proposal was subsequently revised and sponsored jointly by Chile, Costa Rica, El Salvador, and Greece (A/C.3/L.470/Rev.1). At the 635th meeting, the proposal of Costa Rica (A/C.3/L.437) was withdrawn in favour of the joint proposal.

11. The proposal by Saudi Arabia (A/C.3/L.468) was as follows:

"The Third Committee,

"Notwithstanding the fact that the preamble is an important part of the draft covenants, and

"Considering that no serious objections could be raised for discussing the preamble first, and

"Noting the decision taken by the General Assembly at its ninth session (resolution 833 (IX)) to give priority to the discussion of the draft covenants article by article, in an agreed order,

"Decides to consider part I of the draft covenants first and to proceed to the other parts in the consecutive order in which they have been drafted."

The oral amendments of Afghanistan to this text were:

- (1) Delete the first two paragraphs of the draft proposal.
- (2) Add the following paragraph after the last paragraph:
"Decides to discuss the preamble first".
- (3) Replace the words "to consider part I of the draft covenants first" in the last paragraph by the words "to continue with part I of the draft covenants".

12. Denmark (A/C.3/L.469) proposed as follows:

"The Third Committee should begin its work with a consideration of the articles contained in part III of one or other of the draft covenants."

The amendments of Afghanistan (A/C.3/L.471) to this proposal were:

- (1) Delete "a" before "consideration";
- (2) Add after "the" and before "articles" the words "draft International Covenants on Human Rights";
- (3) Replace "articles" by "article by article";
- (4) Replace "part III" by "part I";
- (5) Add at the end of the text the following: "in the order in which they have been drafted".

13. The text of the joint proposal of Chile, Costa Rica, El Salvador and Greece (A/C.3/L.470/Rev.1), which was adopted by the Committee, is contained in paragraph 15 below.

Decisions of the Committee

14. On the proposal of the representative of El Salvador, the Committee, at its 636th meeting, decided, by 32 votes to 13, with 8 abstentions, that it would vote first on the proposal of Chile, Costa Rica, El Salvador and Greece, which was adopted by a roll-call vote of 36 to 18, with 3 abstentions. The voting was as follows:

In favour: Afghanistan, Bolivia, Burma, Byelorussian Soviet Socialist Republic, Chile, Costa Rica, Czechoslovakia, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Greece, Guatemala, Haiti, Honduras, India, Indonesia, Iran, Iraq, Lebanon, Mexico, Nicaragua, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen, Yugoslavia

Against: Argentina, Australia, Belgium, Brazil, Canada, China, Colombia, Denmark, Israel, Luxembourg, Netherlands, New Zealand, Norway, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela

Abstaining: Cuba, Thailand, Union of South Africa.

15. The Committee, therefore, decided to adopt the following procedure for the consideration of the draft covenants:

- (1) Discussion of the preambles to both drafts;
- (2) Discussion of those operative parts common to and similar in both drafts, beginning with part I of the two covenants, continuing with part II, and so on;
- (3) Discussion of the remaining articles in their present order in the two drafts, beginning with the draft Covenant on Economic, Social and Cultural Rights.

16. The Committee discussed the preambles, part I, article 1, of both draft covenants and part II, article 2, of the draft Covenant on Economic, Social and Cultural Rights. The action taken is described in chapter III.

III. CONSIDERATION OF THE DRAFT COVENANTS

Preambles

17. The preambles to the two draft covenants were discussed at the 637th to 640th meetings of the Committee. They were acceptable to most delegations in the form in which they had been drafted by the Commission on Human Rights.

18. Amendments were submitted by Brazil (A/C.3/L.460, with a sub-amendment by Afghanistan and Saudi Arabia (A/C.3/L.474); and by Bolivia, Costa Rica, the Dominican Republic and Guatemala jointly (A/C.3/L.473).

19. The latter amendment read as follows:

"In the second line of the third paragraph, replace the word 'men' by the words 'human beings'."

It was explained that while the phrase "free men" could hardly be misinterpreted so as to exclude women, it would be preferable to use a more general term which was clearly applicable to persons of both sexes.

20. The amendment of Brazil, originally part of an amendment submitted at the ninth session of the General Assembly, was to add the following two paragraphs to the preambles:

"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,".

In the amendment submitted at the ninth session (A/2808, paragraph 41), Brazil had proposed also the deletion of article 1 in both draft covenants, of 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; and the preparation of a draft protocol as an annex to the covenants embodying the principles proclaimed in article 1, paragraph 2, of the draft covenants and the other articles mentioned above.

21. The objection was raised that the General Assembly had already, at its sixth session, decided to include in the covenants an article on the right of self-determination and that to transfer that article to the preambles would mean reversing a decision already taken. It was also objected that it was not appropriate to mention any particular right in the preambles, which should serve as an introduction to the covenants as a whole. Some members stated that they would not oppose the inclusion in the preambles of a provision drafted in general terms, but that they could not accept a reproduction of the text of article 1 as at present drafted. Under the sub-amendment to the amendment of Brazil submitted by Afghanistan and Saudi Arabia (A/C.3/L.474), the clause to be added to the preambles would be rephrased to read:

"Considering that the right of self-determination is a prerequisite for the full enjoyment of all fundamental human rights,".

It was the view of the majority that these amendments could not properly be considered except in their relation to the Committee's decisions regarding article 1. They were subsequently withdrawn, and a procedural proposal by El Salvador was adopted (see paragraph 24 below).

22. Two other questions were raised in connexion with the preambles. The first was whether the phrase in the first paragraph, "in accordance with the principles proclaimed in the Charter of the United Nations", was intended to apply only to the principles laid down in Article 2 of the Charter or also to the purposes specified in Article 1. It was said that the use of the word "principles" was intended to include also the purposes laid down in the Charter. A suggestion by the representative of El Salvador that this point might be clarified by amending the text to read "in accordance with the Purposes and Principles laid down in different provisions of the Charter of the United Nations" was considered unnecessary and not moved formally. The

second question was whether the fourth paragraph, which mentions the obligations of States under the Charter to promote respect for human rights, would apply to non-member States parties to the covenants. The view was expressed that non-member States would be bound only by the covenants and not necessarily by the obligations under the Charter.

Decisions of the Committee

23. At its 640th meeting, the Committee by a roll-call vote of 50 to none, with 6 abstentions, adopted the joint amendment of Bolivia, Costa Rica, Dominican Republic and Guatemala to replace the word "men" by the words "human beings".

The voting was as follows:

In favour: Afghanistan, Argentina, Australia, Belgium, Bolivia, Brazil, Byelorussian Soviet Socialist Republic, Canada, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Greece, Guatemala, Haiti, Honduras, India, Iran, Iraq, Israel, Luxembourg, Mexico, Netherlands, New Zealand, Norway, Pakistan, Panama, Peru, Philippines, Poland, Saudi Arabia, Sweden, Syria, Thailand, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, Yemen, Yugoslavia

Against: None

Abstaining: Burma, Indonesia, Lebanon, Liberia, Union of South Africa, United States of America

24. The Committee voted next on a procedural proposal by the representative of El Salvador and decided as follows:

- (1) To take a vote on the preambles as amended. This proposal was adopted by 50 votes to none, with 6 abstentions; and
- (2) To reserve its right to consider additions to the preambles after it had completed its consideration of article 1. This proposal was adopted by 21 votes to 15, with 19 abstentions.

25. The Committee then voted on the preambles as amended and adopted them, by a roll-call vote of 54 to none, with 2 abstentions. The voting was as follows:

In favour: Afghanistan, Argentina, Australia, Belgium, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, Canada, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark,

Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Greece, Guatemala, Haiti, Honduras, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Norway, Pakistan, Panama, Peru, Philippines, Poland, Saudi Arabia, Sweden, Syria, Thailand, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, Yemen, Yugoslavia

Against: None

Abstaining: Union of South Africa, United States of America.

26. The text of the preambles as adopted reads:

"Draft Covenant on Economic, Social and Cultural Rights

"The States Parties hereto,

"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 responsibility to strive for the promotion and observance of the rights recognized in this Covenant,

"Agree upon the following articles:"

"Draft Covenant on Civil and Political Rights

"The States Parties hereto,

"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 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 responsibility to strive for the promotion and observance of the rights recognized in this Covenant,

"Agree upon the following articles:"

Part I

Article 1

27. The Committee devoted twenty-six meetings (641st to 655th and 667th to 677th meetings) to the consideration of article 1 of the two draft covenants. It began by holding a general debate on the article (see section (a) below); various amendments to the text as drafted by the Commission on Human Rights were submitted (see section (b)); a Working Party was established to redraft a text (see section (c)); amendments to the text proposed by the Working Party were submitted and two draft resolutions relating to procedure were considered (see sections (d) and (e)); and the Committee finally adopted a text of article 1 (see section (f)).

(a) General debate

28. The general debate included discussion of whether the covenants should contain an article on self-determination. Some delegations opposed its inclusion; others insisted that an article must be included. The view was

expressed that a compromise might be found that would bring the two opposing sides closer together. The main points raised are briefly summarized below. The opinions of individual delegations will be found in the summary records (A/C.3/SR.641 to 652).

29. Those who opposed the inclusion of an article emphasized that the covenants, to be effective, must be acceptable to as many States as possible. To include a limited number of rights which could be universally acceptable was more important than to draft covenants which might be far-reaching, but might not come into force at all, or only between a small number of States, since few would ratify them. To force a decision by a simple majority vote would be unrealistic and might jeopardize the whole future of the covenants.

30. All Member States had, on signing the United Nations Charter, accepted its provisions regarding self-determination. In Articles 1 and 55 of the Charter the principle of self-determination was considered as a basis for the development of friendly relations among nations. The nature of the debates on the question in recent years could not be said to have furthered that aim. Moreover, Chapters XI and XII of the Charter did not provide that the Trust and Non-Self-Governing Territories should immediately be granted independence and self-government. It was recognized that this could only be achieved progressively and in line with the development of the peoples of these Territories and their readiness to govern themselves.

31. The Charter referred to the "principle", not the "right", of self-determination. As a principle, it had very strong moral force, but was too complex to translate into legal terms in an instrument which was to be legally enforced. The difficulties of implementing any article on self-determination must be carefully considered. The various terms used - "peoples", "nations", "right of self-determination" - were not defined. Many of the arguments which had been advanced against attempting to define such terms might be valid, but in the absence of any definition, it would be difficult for the proposed human rights committee or any machinery established to act in any particular case.

32. The authors of article 1 were attempting to write a whole chapter of highly complicated international law into a single article. The principle of self-determination was interpreted in different ways in different places. Problems

of minorities and the right of secession were involved. Much suffering had, in the past, been caused by the incitement of discontented minorities in the name of self-determination. The internal aspect of self-determination, being the right of a nation already constituted as a State to choose its own form of government and freely to determine its own policies, was frequently ignored by the most fervent adherents of external self-determinations.

33. It must also be recalled that the Universal Declaration of Human Rights, which was intended to cover all human rights, contained no article on self-determination. If, in fact, self-determination were essential to the enjoyment of all other human rights, it was curious that it had been omitted.

34. Finally, self-determination did not constitute an individual right. It was a collective right and, therefore, inappropriate for inclusion in a covenant which was attempting to lay down the rights of individuals. It had been singled out in the covenants to be placed before all the individual rights, which seemed to imply that individual rights were of secondary importance as compared to self-determination. This was not in accord with the spirit of the Charter.

35. Those who wanted to include an article on self-determination in the draft covenants insisted that the "right" of self-determination was essential for the enjoyment of all other human rights and must, therefore, appear in the forefront of the covenants. In many cases, individual rights could not be exercised because peoples did not enjoy the right of self-determination.

36. Moreover, the General Assembly had already, at its sixth session, decided to include an article on the right of self-determination in the draft covenants. It had also indicated the terms in which it should be drafted. Any change in that position meant a reversal of a decision already taken.

37. No attempt was being made to broaden or distort the provisions of the Charter. Self-determination was proclaimed as a principle in the Charter, but it was clear that any Member State which had accepted that principle was committed to respect the right which derived from it. Member States had already undertaken, therefore, in Articles 1 and 55, to respect the right of self-determination. Under Chapters XI and XII the Administering Powers were obliged to promote self-government or independence by taking into account

the freely expressed wishes of the peoples of the Trust and Non-Self-Governing Territories.

38. Self-determination was included in the Charter as a means of furthering universal peace. By reaffirming this right in the covenants, the United Nations would help to create the conditions necessary for the establishment of peaceful relations among nations and thereby strengthen international co-operation.

39. Much of the discussion on article 1 had related the question of self-determination to the colonial issue, but that was only because the peoples of Trust and Non-Self-Governing Territories had not yet attained independence. The right would be proclaimed in the covenants as a universal right and for all time. The dangers of including the article had been exaggerated. It was true that the right could and had been misused, but that did not invalidate it. It was said that the article was not concerned with minorities or the right of secession, and the terms "peoples" and "nations" were not intended to cover such questions.

40. If self-determination constituted a collective right, it nevertheless affected each individual. To be deprived of the right of self-determination entailed the loss of individual human rights. Article 23 of the draft Covenant on Civil and Political Rights guaranteed the free expression of the will of the electors in elections. The same idea was expressed in paragraph 3 of article 21 of the Universal Declaration of Human Rights. There was little difference between voting in an election and voting in a plebiscite.

41. Various suggestions were advanced during the discussion in attempts to reconcile these opposing views. It was said that the whole question required further study and that a special committee might be established for that purpose. One suggestion along these lines was that a committee of experts, jurists and historians might study the nature, scope and limits of the right of self-determination. Another was that a committee could draw up a declaration on self-determination for adoption by the General Assembly. It was proposed that a protocol on self-determination might be drafted to be annexed to the present draft covenants. Other delegations expressed the view that a third covenant on self-determination should be prepared; some thought that such a covenant should be adopted and opened for signature simultaneously with the other two covenants. The view was expressed that a special international conference might be convened to prepare a convention or charter on self-determination.

42. With regard to the article itself, it was suggested that no final decision should be taken at the present session, so that Governments might reconsider the question in the light of the General Assembly's debate.
43. Some delegations found the text as drafted by the Commission on Human Rights adequate and acceptable. Others considered it ambiguous, vague and confused. Paragraphs 1 and 3 were criticized in particular. It was said that the terms "peoples" and "nations" were not clear and that they appeared to indicate two separate and different categories, which was not intended. The definition of the right of self-determination contained in paragraph 1 was also criticized. It was said that a nation could determine its political status, but the expression "economic, social and cultural status" had little meaning.
44. Both sentences of paragraph 3 were criticized as being imprecise and dangerous in their present wording. Some opposed the inclusion of any provision relating to a peoples' right to sovereignty over their natural wealth and resources in an article on self-determination. Some said that the paragraph as drafted was either superfluous, or it was dangerous because it might introduce obstacles to international co-operation. The first sentence was criticized on the grounds that "permanent sovereignty" had little meaning. Objection was raised to the second sentence on the grounds that, as drafted, its consequences might be too far-reaching and infringe upon existing international treaties and agreements between States. It could be interpreted to mean expropriation without just compensation. It could discourage foreign investors and, in particular, could harm the policy of assistance to under-developed countries. Those who supported this paragraph recognized that some amendment might be called for to meet some of these objections.

(b) Amendments submitted

45. The text of article 1 as drafted by the Commission on Human Rights reads:

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

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

"3. The right of peoples to self-determination shall also include permanent sovereignty over their natural wealth and resources. In no case may a people be deprived of its own means of subsistence on the grounds of any rights that may be claimed by other States."

46. Amendments to this text were submitted by Brazil (A/C.3/L.460), by Australia, the Netherlands and the United Kingdom (A/C.3/L.460), by Syria (A/C.3/L.475), by Chile, Ecuador and Peru (A/C.3/L.476), by Costa Rica (A/C.3/L.480/Rev.1) and by Lebanon and Pakistan (A/C.3/L.481).

47. Brazil and Australia^{5/} the Netherlands and the United Kingdom all proposed that article 1 should be deleted.

48. The amendment of Lebanon and Pakistan was to substitute the following for the present text of article 1:

"1. The States parties to the Covenant shall uphold the principle of self-determination of all peoples and nations.

"2. The States parties to the Covenant having responsibility for the administration of Non-Self-Governing and Trust Territories shall promote the realization of that right in such Territories in conformity with the provisions of the United Nations Charter."

49. Costa Rica proposed various amendments as follows:

(1) Paragraph 1: delete the words: "and all nations".

(2) Paragraph 1: delete the words: "namely, the right freely to determine their political, economic, social and cultural status".

(3) Paragraph 1: after the word "self-determination" add the following passage: "for the purpose of deciding their political status and promoting their own economic, social and cultural development".

(4) Paragraph 3, first sentence: delete the words "also include permanent sovereignty over their natural wealth and resources" and substitute: "include freedom to dispose of their natural wealth and resources for their own welfare, without prejudice

^{5/} The amendment of Brazil, which was linked with other amendments proposed by that delegation, is summarized in paragraph 20 above.

to any obligations or responsibilities arising out of the economic interdependence of peoples or the principles of international law".

- (5) Paragraph 3, second sentence: delete the words "on the grounds of any rights that may be claimed by other States".
- (6) After paragraph 1, insert paragraph 3 as amended, which now becomes paragraph 2.
- (7) Former paragraph 2 becomes paragraph 3.

50. Syria proposed the following amendment to paragraph 3:

"Between the words 'permanent' and 'sovereignty' insert the words 'right to'."

51. Chile, Ecuador and Peru also proposed an amendment to paragraph 3 as follows:

At the end of this paragraph, add the following sentence:
"It is understood that the said right, like all the rights inherent in sovereignty, shall not affect the principles of economic interdependence and international co-operation".

(c) Establishment of a Working Party and report of that group

52. At the 653rd to 655th meetings, the Committee discussed how it should next proceed in its consideration of article 1. Proposals were submitted by Ecuador (A/C.3/L.477), which was revised to take account of oral amendments by the representatives of Cuba and El Salvador and submitted as a joint proposal by Cuba, Ecuador and El Salvador (A/C.3/L.477/Rev.1); by Denmark (A/C.3/L.479); and by Saudi Arabia (A/C.3/L.482). The latter two proposals are contained in Section (e) of the present chapter, paragraphs 67 and 68 respectively.

53. The joint proposal of Cuba, Ecuador and El Salvador read as follows:

" The Committee decides

" To appoint a working party, composed of representatives of nine countries designated by the Chairman of the Committee, to consider article 1 of the draft covenants on human rights and, in the light of the amendments proposed and of the comments and suggestions made, and to report the result of its work to the Committee as soon as possible, so that the Committee may continue its discussion at the present session."

54. An oral amendment by the representative of Saudi Arabia was submitted to substitute for the words "as soon as possible" the words "not later than 19 November 1955". Amendments to the joint proposal were also submitted by Afghanistan (A/C.3/L.478) as follows:

(1) Replace the words "report the result of its work" by the words "submit a text".

(2) Between the words "discussion" and "at", in the last line, add the following phrase: "and adopt, in accordance with the decisions of the General Assembly, an article on the right of peoples and nations to self-determination in the draft International Covenants on Human Rights."

55. The Committee voted at the 655th meeting. It adopted the first amendment of Afghanistan by a roll-call vote of 23 to 19, with 14 abstentions.

The voting was as follows:

In favour: Afghanistan, Burma, Byelorussian Soviet Socialist Republic, Costa Rica, Czechoslovakia, Egypt, El Salvador, Greece, Guatemala, Haiti, Indonesia, Iraq, Lebanon, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen, Yugoslavia.

Against: Australia, Belgium, Brazil, Canada, China, Colombia, Denmark, Iceland, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Abstaining: Argentina, Bolivia, Chile, Cuba, Ecuador, Ethiopia, Honduras, India, Iran, Israel, Liberia, Mexico, Panama, Thailand.

The Committee adopted the second amendment of Afghanistan by a roll-call vote of 23 to 18, with 14 abstentions. The voting was as follows:

In favour: Afghanistan, Burma, Byelorussian Soviet Socialist Republic, Czechoslovakia, Egypt, El Salvador, Greece, Guatemala, Haiti, Indonesia, Iraq, Lebanon, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen, Yugoslavia.

Against: Australia, Belgium, Brazil, Canada, China, Colombia, Denmark, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Abstaining: Argentina, Bolivia, Chile, Cuba, Dominican Republic, Ecuador, Ethiopia, Honduras, India, Iran, Israel, Liberia, Mexico, Panama.

It adopted the oral amendment of Saudi Arabia by a roll-call vote of 29 to 17, with 10 abstentions. The joint proposal (A/C.3/L.477/Rev.1), as amended, was adopted by 35 votes to 13, with 10 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, El Salvador, Greece, Guatemala, Haiti, India, Indonesia, Iraq, Lebanon, Mexico, Pakistan, Panama, Peru, Philippines, Poland, Saudi Arabia, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen, Yugoslavia.

Against: Australia, Belgium, Brazil, Canada, China, Denmark, Luxembourg, Netherlands, New Zealand, Norway, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Ethiopia, Honduras, Iceland, Iran, Israel, Liberia, Nicaragua, Paraguay, United States of America, Venezuela.

56. The text, as adopted by the Committee, which laid down the terms of reference of the Working Party, read as follows:

"The Committee decides

"To appoint a Working Party, composed of representatives of nine countries designated by the Chairman of the Committee, to consider article 1 of the draft International Covenants on Human Rights, in the light of the amendments proposed and of the comments and suggestions made, and to submit a text to the Committee not later than 19 November 1955, so that the Committee may continue its discussion and adopt, in accordance with the decisions of the General Assembly, an article on the right of peoples and nations to self-determination in the draft International Covenants on Human Rights at the present session".

57. At the 656th meeting, the Chairman appointed the representatives of Brazil, Costa Rica, El Salvador, Greece, India, Pakistan, Poland, Syria and Venezuela to

serve on the Working Party. The Working Party held six meetings on 9, 10, 11, 14, 15 and 16 November 1955. It elected as its Chairman Mr. Miguel Rafael Urquía (El Salvador) and, as its Rapporteur Mrs. Lina Tsaldaris (Greece). The Working Party reported to the Committee (A/C.3/L.489 and Corr.1 and 2), and submitted the following text for its consideration:

"1. All peoples have the right to self-determination.^{6/} By virtue of this right they freely determine their political status and freely pursue their economic, social and cultural development.

"2. The 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 Covenant having responsibility for the administration of Non-Self-Governing and Trust Territories 7/ shall promote the realization of the right of self-determination in such Territories in conformity with the provisions of the United Nations Charter."

(d) Discussion of the report of the Working Party and amendments submitted

58. The text proposed by the Working Party was discussed at the 667th to 677th meetings of the Committee. Amendments were submitted by Yugoslavia (A/C.3/L.495/Rev.2); and by Lebanon and Pakistan (A/C.3/L.498/Corr.2), with sub-amendments by Afghanistan (A/C.3/L.499).

59. Under the amendment of Yugoslavia, twice revised, paragraph 3 of article 1 would read as follows (the specific amendments are underlined):

6/ At the 668th meeting, the Third Committee agreed that the phrase "right to self-determination" in the English text should be amended to read "right of self-determination".

7/ At the same meeting, the Committee agreed that the phrase "qui sont chargés de l'administration de territoires non autonomes et de territoires sous tutelle" in the French text should be amended to read "qui ont la responsabilité d'administrer des territoires non autonomes et des territoires sous tutelle".

"All the States parties to the 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 United Nations Charter."

60. The amendments of Lebanon and Pakistan, in their final form, were as follows:

(1) For the first paragraph, substitute the following:

"1. The States parties to the Covenant shall uphold the principle that all peoples and nations have the right of self-determination."

(2) Delete paragraph 2.

The text of the article will then read:

"1. The States parties to the Covenant shall uphold the principle that all peoples and nations have the right of self-determination.

"2. The States parties to the Covenant having responsibility for the administration of Non-Self-Governing and Trust Territories shall promote the realization of the right of self-determination in such Territories in conformity with the provisions of the United Nations Charter."

The sub-amendments of Afghanistan were as follows:

(1) Paragraph 1: delete the words: "States parties to the Covenant shall uphold the principle that".

(2) Paragraph 1: at the end of this paragraph add the following:
"By virtue of this right they shall freely determine their political status and pursue their economic, social and cultural development."

61. During the discussion many delegations expressed their appreciation of the efforts which the Working Party had made to achieve a compromise solution. It was pointed out that the Working Party had adhered closely to its terms of reference and had attempted to meet the criticisms advanced against the text as drafted by the Commission on Human Rights, bearing in mind that the latter was drafted according to the directives of the General Assembly in resolution 545 (VI). Some delegations stated that the new text was open to many of the objections which

had been raised regarding the old text, and many of the criticisms were repeated. Some expressed their regret that the terms of reference of the Working Party had apparently made it impossible for that group to consider the suggestions submitted to it relating to a separate protocol or covenant on the right of peoples to self-determination.

62. The question was raised of the relationship of article 1 to the other articles in the two draft covenants and, in particular, to article 2, which laid down the general obligations of States. It was pointed out that under the draft Covenant on Civil and Political Rights, States would be undertaking to promote the rights of self-determination immediately; whereas under the draft Covenant on Economic, Social and Cultural Rights, the obligations assumed were to be applied progressively. The view was expressed that this point should be considered under article 2 rather than article 1.

63. With regard to paragraph 1 of the Working Party's text, it was pointed out that the word "nations" had been deleted, since "peoples" was considered to be the more comprehensive term and was used in the Preamble to the Charter. The second sentence of this paragraph had been recast to meet the objection that a people might determine its political, but not its economic, social and cultural status. Some stated that the deletion of the word "nations" made the article less acceptable. It strengthened the argument that separatist movements within States could be encouraged. It was also said that the paragraph as now drafted was in the nature of a mere declaratory statement and did not lay down the obligations which States were to assume in precise legal terms. Moreover, the meaning of "peoples" in this and the other paragraphs appeared to differ and was far from clear. The provision was inappropriate for inclusion in a legally binding instrument.

64. It was pointed out that the text of the article proposed by Lebanon and Pakistan would consist of two paragraphs. The first, moved as an amendment to paragraph 1 of the Working Party's text, imposed, it was stated, a well-defined obligation on States parties to the covenants. The second paragraph, which was the same as paragraph 3 of the Working Party's text, imposed a specific obligation on States administering Non-Self-Governing and Trust Territories. The amendment to paragraph 1, it was claimed, represented a middle course which avoided many

of the problems raised by the article proposed by the Commission on Human Rights and by the Working Party. It imposed the obligation on all States not of respecting the "right" but of upholding the "principle" of self-determination whenever it was applicable and compatible with other valid principles, such as international peace and security, the security of a State and respect for human rights. Some questioned this interpretation. It was also asked whether anything would be gained by inserting in the covenants provisions which were already binding upon States under the Charter. A further objection was that the majority of the Committee had already agreed that self-determination was a "right" rather than a "principle" and the amendment ran contrary to that view.

65. With regard to paragraph 2 of the Working Party's text, it was explained that the group had deleted the reference to "permanent sovereignty" and had redrafted the paragraph to meet the objections which had been expressed that it could be invoked to justify expropriation without proper compensation. The references to international law and international economic co-operation should allay any fears regarding foreign investments in a country, while the words "based upon the principle of mutual benefit" would provide certain safeguards. Objections were raised that the new text did not adequately meet these criticisms. The wording was vague and ambiguous and many of the terms used were open to different interpretations. It was also said that the meaning of the word "peoples" in this paragraph appeared to be different from the interpretation intended in paragraph 1.

66. Paragraph 3 of the Working Party's text, it was claimed, made clear the obligations of the Administering Authorities under the covenants and related them to the obligations already assumed under the Charter. It was pointed out also that "in conformity with the provisions of the United Nations Charter" applied not only to the provisions of Chapter XI and XII or to Article 1, but to the Charter as a whole, and the obligation of the Administering Powers to promote self-determination in the Non-Self-Governing and Trust Territories was implicit in the spirit and letter of the Charter. It was argued on the other side that self-determination was not mentioned in Chapters XI and XII and that the obligations laid down in these Chapters could be altered only by amending

the Charter and the Trusteeship agreements. Moreover, the obligations with regard to Non-Self-Governing and to Trust Territories were not the same in the Charter, but under paragraph 3 of Article 1 of the covenants no distinction was made. Some delegations emphasized that the article must be made applicable, in unambiguous terms, to all peoples and territories, including those in metropolitan States. By singling out the Administering Powers in this paragraph, the article discriminated against a certain group of States. It could not be claimed that it was only the peoples of Non-Self-Governing and Trust Territories which did not enjoy the right of self-determination. Moreover, the meaning of the term "Non-Self-Governing Territories" even as used in the Charter was a subject of controversy and under discussion by United Nations organs. It was claimed on the other side that, by singling out the Administering Authorities in this paragraph, the article did not discriminate against a certain group of States, since paragraph 1 of the article asserted the right as a universal right. The most pressing and urgent problem, however, was the achievement of independence by the peoples of Non-Self-Governing and Trust Territories and for that reason paragraph 3 dealt with that question. It was argued also that the paragraph, by omitting the reference to "all States", differed from General Assembly resolution 545 (VI), which had laid down the terms in which the article on self-determination should be drafted. The Yugoslav amendment (A/C.3/L.495/Rev.2) was intended to meet this point.

(e) Draft resolutions relating to procedure

67. Before the establishment of the Working Party, Denmark and Saudi Arabia had submitted draft resolutions to the Committee relating to article 1. The proposal of Denmark was subsequently revised, inter alia, to include a reference to the Working Party's text and read as follows (A/C.3/L.479/Rev.1):

"The General Assembly,

"Having discussed article 1 of the draft International Covenants on Human Rights,

"Taking note of the differing opinions which have been expressed during the discussion on the wording of the text of article 1 proposed by the Commission on Human Rights and also on the wording of the text submitted by the Working Party on article 1 (A/C.3/L.489, paragraph 5),

"Mindful of the importance of securing the widest possible acceptance of the covenants in their final form,

"1. Decides not to proceed at the present session to a vote on a text of article 1 of the draft covenants,

"2. Requests the Secretary-General to circulate to Governments of States Members and non-members of the United Nations the record of the discussion of this question in the Third Committee during the present session, to invite them to submit before 30 June 1956 any observations, amendments or proposals which they may wish to make, and to prepare a working paper incorporating these observations, amendments and proposals for consideration by the General Assembly at its eleventh session."

Several delegations said in support of this proposal that, in view of the serious disagreement on the article and the importance of the decision for the whole future of the covenants, it was inadvisable to take a final vote at the present session on article 1. More time was needed to attempt to reconcile the widely divergent views and further improve the drafting of the text. On the other side, it was claimed that the question had been under discussion in the General Assembly for several years and the fundamental position of delegations holding opposing views had not changed in that time. The Working Party had made a sincere attempt to consider the various views expressed and their work represented the best possible compromise.

68. The draft resolution submitted by Saudi Arabia (A/C.3/L.482) read:

"The Third Committee,

"Considering the fact that the General Assembly had decided to include article 1 on self-determination in the draft international Covenants on Human Rights, and

"Considering that the majority in the Third Committee repeatedly declared itself in favour of including an article on self-determination in the draft international Covenants on Human Rights, and

"Reaffirming the decision of the General Assembly that the right of self-determination is a prerequisite for the full enjoyment of all other fundamental human rights,

"Decides that the two draft International Covenants on Human Rights will not be considered complete and ready for signature until the text of article 1 on self-determination is finalized."

It was explained that this draft resolution was submitted in order to preclude the adoption of any course other than the inclusion of an article on the right of self-determination in the covenants. It was pointed out also that the use of the word "finalized" indicated that the General Assembly could revise article 1 as long as the covenants were under discussion without, however, touching on the question of the inclusion of the article.

(f) Decisions of the Committee

69. The Committee voted on the various proposals and amendments to article 1 at the 676th meeting, beginning with the draft resolution of Denmark (see paragraph 67). The question was raised whether, under rule 124 of the rules of procedure, a two-thirds majority would be required for adoption of this draft resolution. The Chairman ruled that a simple majority was required, and his ruling was upheld by 32 votes to 19, with 6 abstentions.

70. The draft resolution of Denmark was rejected by a roll-call vote of 28 to 25, with 5 abstentions. The voting was as follows:

In favour: Australia, Belgium, Brazil, Burma, Canada, China, Colombia, Cuba, Denmark, Ethiopia, France, Honduras, Iceland, Lebanon, Liberia, Luxembourg, Netherlands, New Zealand, Norway, Panama, Paraguay, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Afghanistan, Argentina, Byelorussian Soviet Socialist Republic, Chile, Costa Rica, Czechoslovakia, Ecuador, Egypt, El Salvador, Greece, Guatemala, Haiti, India, Indonesia, Iraq, Mexico, Pakistan, Peru, Philippines, Poland, Saudi Arabia, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen, Yugoslavia.

Abstaining: Bolivia, Dominican Republic, Iran, Israel, Venezuela.

71. The Committee then proceeded to vote on the text of article 1 proposed by the Working Party and the amendments thereto. The representatives of Lebanon and Pakistan had stated that they would not press for a vote on their joint amendments (A/C.3/L.498/Corr.2). The representative of Afghanistan said that, consequently, he would not press for a vote on his sub-amendments (A/C.3/L.499). The representative of the United States of America stated that, under rule 123 of the rules of procedure, she would introduce, as a United States amendment,

the amendment of Lebanon and Pakistan to delete paragraph 2 of the Working Party's text.

72. The amendment of Yugoslavia to paragraph 3 (see paragraph 59) was adopted by a roll-call vote of 32 to none, with 26 abstentions. The voting was as follows:

In favour: Afghanistan, Argentina, Bolivia, Byelorussian Soviet Socialist Republic, Chile, Colombia, Costa Rica, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Guatemala, Haiti, Iceland, Indonesia, Iraq, Mexico, Panama, Peru, Philippines, Poland, Saudi Arabia, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: None.

Abstaining: Australia, Belgium, Brazil, Burma, Canada, China, Cuba, Ethiopia, France, Greece, Honduras, India, Iran, Israel, Lebanon, Liberia, Luxembourg, Netherlands, New Zealand, Norway, Pakistan, Paraguay, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

73. The United States amendment to delete paragraph 2 was rejected by a roll-call vote of 25 to 18, with 15 abstentions. The voting was as follows:

In favour: Australia, Belgium, Brazil, Canada, China, Denmark, France, Iceland, Lebanon, Liberia, Luxembourg, Netherlands, New Zealand, Norway, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Afghanistan, Argentina, Bolivia, Byelorussian Soviet Socialist Republic, Chile, Costa Rica, Czechoslovakia, Ecuador, Egypt, Greece, Haiti, India, Indonesia, Iran, Iraq, Mexico, Peru, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen, Yugoslavia.

Abstaining: Burma, Colombia, Cuba, Dominican Republic, El Salvador, Ethiopia, Guatemala, Honduras, Israel, Pakistan, Panama, Paraguay, Philippines, Thailand, Venezuela.

74. The words in paragraph 1, "All peoples have the right of self-determination", were adopted by a roll-call vote of 41 to none, with 17 abstentions. The voting was as follows:

In favour: Afghanistan, Argentina, Bolivia, Brazil, Byelorussian Soviet Socialist Republic, Chile, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Greece, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Saudi Arabia, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: None.

Abstaining: Australia, Belgium, Burma, Canada, China, Ethiopia, France, Honduras, Iceland, Luxembourg, Netherlands, New Zealand, Norway, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

The words "By virtue of this right they freely determine their political status and freely pursue their economic, social and cultural development", were adopted by a roll-call vote of 30 to 5, with 23 abstentions. The voting was as follows:

In favour: Afghanistan, Argentina, Bolivia, Byelorussian Soviet Socialist Republic, Chile, Costa Rica, Czechoslovakia, Dominican Republic, Ecuador, Egypt, El Salvador, Greece, Guatemala, India, Indonesia, Iraq, Liberia, Mexico, Peru, Philippines, Poland, Saudi Arabia, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Australia, Belgium, France, Sweden, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Brazil, Burma, Canada, China, Colombia, Cuba, Denmark, Ethiopia, Haiti, Honduras, Iceland, Iran, Israel, Lebanon, Luxembourg, Netherlands, New Zealand, Norway, Pakistan, Panama, Paraguay, Turkey, United States of America.

Paragraph 1 as a whole was adopted by a roll-call vote of 31 to 9, with 18 abstentions. The voting was as follows:

In favour: Afghanistan, Argentina, Bolivia, Byelorussian Soviet Socialist Republic, Chile, Costa Rica, Czechoslovakia, Dominican Republic, Ecuador, Egypt, El Salvador, Greece, Guatemala, Haiti, India, Indonesia, Iraq, Liberia, Mexico, Peru, Philippines, Poland, Saudi Arabia, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yemen Yugoslavia.

Against: Australia, Belgium, France, Netherlands, New Zealand, Norway, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Brazil, Burma, Canada, China, Colombia, Cuba, Denmark, Ethiopia, Honduras, Iceland, Iran, Israel, Lebanon, Luxembourg, Pakistan, Panama, Paraguay, United States of America.

75. In paragraph 2 the words, "for their own ends", which were voted separately at the request of the representative of the United States of America, were adopted by a roll-call vote of 21 to 17, with 20 abstentions. The voting was as follows:

In favour: Afghanistan, Argentina, Bolivia, Byelorussian Soviet Socialist Republic, Chile, Costa Rica, Czechoslovakia, Ecuador, El Salvador, Greece, India, Indonesia, Liberia, Peru, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yemen, Yugoslavia.

Against: Australia, Belgium, Brazil, Canada, China, Denmark, Dominican Republic, France, Haiti, Luxembourg, Netherlands, New Zealand, Norway, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Burma, Colombia, Cuba, Egypt, Ethiopia, Guatemala, Honduras, Iceland, Iran, Iraq, Israel, Lebanon, Mexico, Pakistan, Panama, Paraguay, Philippines, Thailand, Uruguay, Venezuela.

The words, "based upon the principle of mutual benefit", which were voted separately at the request of the representative of the United States of America, were adopted by a roll-call vote of 21 to 14, with 23 abstentions. The voting was as follows:

In favour: Afghanistan, Argentina, Bolivia, Byelorussian Soviet Socialist Republic, Chile, Costa Rica, Czechoslovakia, Ecuador, Greece, Guatemala, India, Indonesia, Liberia, Peru, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yemen, Yugoslavia.

Against: Australia, Belgium, Brazil, Canada, China, France, Luxembourg, Netherlands, New Zealand, Norway, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Burma, Colombia, Cuba, Denmark, Dominican Republic, Egypt, El Salvador, Ethiopia, Haiti, Honduras, Iceland, Iran, Iraq, Israel, Lebanon, Mexico, Pakistan, Panama, Paraguay, Philippines, Thailand, Uruguay, Venezuela.

The words, "In no case may a people be deprived of its own means of subsistence", which were voted separately at the request of the representative of the United States of America, were adopted by a roll-call vote of 25 to 8, with 25 abstentions. The voting was as follows:

In favour: Afghanistan, Argentina, Bolivia, Byelorussian Soviet Socialist Republic, Chile, Costa Rica, Czechoslovakia, Ecuador, Egypt, El Salvador, Greece, India, Indonesia, Iraq, Liberia, Peru, Philippines, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen, Yugoslavia.

Against: Australia, Canada, Netherlands, New Zealand, Norway, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Belgium, Brazil, Burma, China, Colombia, Cuba, Denmark, Dominican Republic, Ethiopia, France, Guatemala, Haiti, Honduras, Iceland, Iran, Israel, Lebanon, Luxembourg, Mexico, Pakistan, Panama, Paraguay, Thailand, Turkey, Venezuela.

Paragraph 2 as a whole was adopted by a roll-call vote of 26 to 13, with 19 abstentions. The voting was as follows:

In favour: Afghanistan, Argentina, Bolivia, Byelorussian Soviet Socialist Republic, Chile, Costa Rica, Czechoslovakia, Ecuador, Egypt, Greece, Haiti, India, Indonesia, Iran, Iraq, Liberia, Peru, Philippines, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen, Yugoslavia.

Against: Australia, Belgium, Canada, China, France, Luxembourg, Netherlands, New Zealand, Norway, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Brazil, Burma, Colombia, Cuba, Denmark, Dominican Republic, El Salvador, Ethiopia, Guatemala, Honduras, Iceland, Israel, Lebanon, Mexico, Pakistan, Panama, Paraguay, Thailand, Venezuela.

76. Article 1 as a whole, as amended, was adopted by a roll-call vote of 33 to 12, with 13 abstentions. The voting was as follows:

In favour: Afghanistan, Argentina, Bolivia, Byelorussian Soviet Socialist Republic, Chile, Colombia, Costa Rica, Czechoslovakia, Ecuador, Egypt, El Salvador, Greece, Guatemala, Haiti, India, Indonesia, Iraq, Lebanon, Liberia, Mexico, Pakistan, Peru, Philippines, Poland, Saudi Arabia, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Australia, Belgium, Canada, France, Luxembourg, Netherlands, New Zealand, Norway, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Brazil, Burma, China, Cuba, Denmark, Dominican Republic, Ethiopia, Honduras, Iceland, Iran, Israel, Panama, Paraguay.

77. The text of article 1 of both draft covenants as adopted reads:

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

"2. The 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. All the States Parties to the 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 United Nations Charter."

Part II

Article 2 of the draft Covenant on Economic,
Social and Cultural Rights

78. Article 2 of the draft Covenant on Economic, Social and Cultural Rights, as submitted by the Commission on Human Rights, contains two paragraphs: Paragraph 1 provides that:

"Each State Party hereto undertakes to take steps, individually and through international co-operation, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in this covenant by legislative as well as by other means."

Paragraph 2 provides that:

"The States Parties hereto undertake to guarantee that the rights enunciated in this covenant will be exercised 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."

79. The Third Committee discussed the article at its 655th to 659th meetings. Amendments were submitted by the Netherlands (A/C.3/L.460), the United Kingdom (A/C.3/L.460), Pakistan (A/C.3/L.483), Costa Rica, Denmark, Norway and Sweden (A/C.3/L.484/Rev.2), Lebanon (A/C.3/L.485) and El Salvador (A/C.3/L.486).

80. The Netherlands amendment was to amalgamate the two paragraphs of article 2 into a single paragraph, which would read:

"Each State Party hereto undertakes to take steps, individually and through international co-operation, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in this covenant by legislative as well as by other means and 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."

It was suggested that there was a certain contradiction between paragraph 1 and paragraph 2 of the original text. Under paragraph 1 a State Party might be considered to have fulfilled its obligations, even if the rights set forth in the covenant were not fully realized, even if, in other words, the State was not able to "guarantee" to everyone the exercise of the rights in question "without distinction of any kind" as required under paragraph 2. It was a fact that in

many countries economic, social and cultural rights could not be guaranteed to all persons without distinction of any kind. There were distinctions, for instance, between nationals and aliens, between men and women workers, between legitimate and illegitimate children. It would be realistic and logical, therefore, to relate the principle of non-discrimination to the idea of the progressive realization of economic, social and cultural rights by combining the two paragraphs into a single paragraph.

81. Against the Netherlands amendment, it was argued that there was no necessary contradiction between paragraph 1 and paragraph 2. Whatever the level reached in the progressive realization of economic, social and cultural rights in a country at any given time, the benefits thereof should be accorded to all equally. When a specific right was granted, it should be granted to all without discrimination. The Netherlands amendment would subject the principle of non-discrimination to progressive implementation, whereas the present text of paragraph 2 would abolish all forms of discrimination immediately.

82. Lebanon submitted an amendment to paragraph 2 (A/C.3/L.485) which would replace the word "guarantee" by the words "take the necessary steps to". This amendment, according to its author, would obligate States Parties to take the necessary steps to apply the general principle of non-discrimination, whereas the Netherlands amendment had the disadvantage of serving as an escape clause which could be invoked to delay enforcement of non-discrimination.

83. El Salvador submitted an amendment (A/C.3/L.486) which would add, in paragraph 2, after the words "will be exercised", the following phrase: "in accordance with the provisions of the preceding paragraph and". The opinion was expressed that the provisions of paragraph 2 were conditional, not absolute or immediate, since States could not be bound to guarantee to all, without distinction, the exercise of any rights until they had taken steps to achieve their full realization in accordance with the provisions of paragraph 1.

84. Pakistan submitted an amendment (A/C.3/L.485) to add at the beginning of paragraph 2 the following phrase: "Subject to any general or special reservation made in this behalf". It was pointed out, however, that, as the Third Committee had not considered the general question of the admissibility or non-admissibility of reservations, their scope and their effect, it would hardly be in a position to adopt the Pakistan amendment at present. Subsequently, the amendment was withdrawn.

85. A joint amendment (A/C.3/L.484/Rev.2) was submitted by Costa Rica, Denmark, Norway and Sweden to add the phrase "association with a national minority"^{8/} after the words "national or social origin" in paragraph 2. It was understood that the amendment was intended to protect persons who belonged to national minorities against any discrimination on that account.

86. The United Kingdom submitted an amendment (A/C.3/L.460) to replace the words "as well as" by the word "or". This amendment was intended to leave States free to employ either "legislative" or "other means" - instead of obligating them to employ both "legislative" and "other means" - in order to achieve the realization of the rights recognized in the covenants.

Decision of the Committee

87. Before the Committee took action on the amendments to article 2, it considered a procedural proposal submitted by Belgium (A/C.3/L.487) which read:

"The Third Committee,

"Decides not to vote on article 2 until it has considered, discussed and adopted the articles in part III."

Under paragraph 2 of article 2, States would undertake to guarantee that the rights enumerated in the covenant would be exercised by all without distinction of any kind. The opinion was expressed that it would be illogical and perhaps dangerous to adopt article 2 before the exact contents of the substantive articles in part III of the covenant were known.

88. The Belgian proposal was adopted by 25 votes to 14, with 14 abstentions.

IV. RECOMMENDATION OF THE THIRD COMMITTEE

89. At the 679th meeting, the Rapporteur suggested that the conclusion of the report should read:

^{3/} The amendment in French read: "d'appartenance à une minorité nationale". The phrase was translated into English as "association with a national minority" or as "membership of a national minority". It was agreed that the French text should be considered as the basic text.

"It was understood by the Committee that, since it has been unable to complete its examination of the draft International Covenants on Human Rights at the present session, the General Assembly would decide to continue its consideration of the draft covenants at the eleventh session."

It was so agreed.

50. The Third Committee therefore recommends that the General Assembly should continue its consideration of the draft International Covenants on Human Rights at its eleventh session.
