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Working Group I
Agenda item 12

REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Draft International Convention on the Protection of the Rights
of All Migrant Workers and Their Families

Letter dated 21 August 1985 from the Vice-Chairman of the Open-Ended
Working Group on the Elaboration of an International Convention on
the Protection of the Rights of All Migrant Workers and Their
Families addressed to the Chairman of the Working Group

Referring to the report of the open-ended Working Group on its inter-sessional meeting from 3 to 14 June 1985 (A/C.3/40/1), I have the honour to inform you as follows.

On 7 June 1985, at its 9th and 10th meetings chaired by you, Sir, and by myself, the Working Group considered a text for article 1 of the Convention (reproduced in para. 121).

The text provisionally agreed upon on first reading contained two expressions in brackets, namely, in English, "ethnic" and "property", on which the Working Group focused its discussion (reflected in paras. 124-129), but other issues were also dealt with.

After a long, friendly and constructive discussion, the Working Group proceeded to the adoption of a text for article 1, and you confirmed such a decision which was reflected in the Journal of the United Nations of 10 June 1985 (No. 85/108).

When, at its 17th meeting on 14 June 1985, the Working Group discussed the draft report (A/C.3/40/WG.1/CRP.5 and Addenda), which I had the honour to submit for adoption, it appeared that the required consensus for the adoption of a text for article 1 had not been at hand.

The lack of consensus came as a surprise to the Working Group and to myself, and we spent a great deal of time trying to find out whether the situation had been caused by disagreement on the substance of the provision, by the imperfection of the draft report, or by interpretation difficulties at the time of the adoption of the article. The problem remained unresolved, though.

Even if the disagreement with regard to the word "property" and to the words proposed for the other language versions did reflect substantive differences of opinion, it would not have been possible to find a solution at that stage: the substantive discussion had been concluded, and we were in the process of adopting the Working Group's report.

If, on the other hand, the confusion was due to linguistic or interpretation problems, which seems more probable, the time at our disposal did not allow an exhaustive discussion.

As a matter of fact, the time spent on the formulation of article 1 for inclusion in the report jeopardized the adoption of the report as a whole. In the view of such a risk, I proposed the "solution" reflected in paragraph 136 of the report, adding that I, as Vice-Chairman, would send a letter to you, Sir, and inform you and, through you, the Working Group, of the development with regard to article 1. The Working Group accepted the "solution" implying that it will resume its discussion on article 1 at its next session.

In the course of the debate, some delegations had pointed out "that the word 'property', as contained in the English version of the International Covenant on Civil and Political Rights, might have a different meaning in other linguistic versions of the Covenant" (para. 124).

Without trying to interpret the meaning of the word "property", I note that the French version of the Covenant (or, indeed, both Covenants) uses the word "fortune" where the English uses "property". Furthermore, during the course of the debate my attention was drawn to the fact that the Spanish version of the Covenant uses the expression "condicion economica" where the English has "property" and the French "fortune". This I find especially noteworthy, since the English draft text for article 1 contains the expression "economic position" in addition to the word "property".

This leads me to believe that, in the future, we shall have to check very carefully all the linguistic versions of the Covenants to which constant references have been made throughout the first reading of the draft text.

Finally, Sir, I wish to draw your attention to paragraph 135 of the report, in which the representative of Morocco placed on record that her delegation's acceptance of article 1 was subject to a satisfactory agreement concerning article 2.

In the light of all this, I would like to suggest that the Working Group, at its next session, resume its discussion on articles 2 and 1 in that order.

In conclusion, I submit that my letter to you be made available to the Working Group at the beginning of its next session.

(Signed) Benqt LIDAL
Vice-Chairman of the Working Group
on Migrant Workers
