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Chairman: Mr. G. J. VAN HEUVEN GOEDHART (Netherlands).

Draft first international covenant on human rights and measures of implementation (A/1384, A/C.3/534, A/C.3/535, E/1681 and A/C.3/L.76) (continued)

[Item 63]*

DRAFT RESOLUTION SUBMITTED BY BRAZIL, TURKEY AND THE UNITED STATES (A/C.3/L.76) (concluded)

1. The CHAIRMAN called upon the Committee to continue the consideration of the joint draft resolution (A/C.3/L.76).

2. He put paragraph 2 (h) to the vote.

That paragraph was adopted by 29 votes to none, with 2 abstentions.

3. The CHAIRMAN asked the representative of France to present his amendment (A/C.3/L.82) to the joint draft resolution.

4. Mr. DE LACHARRIERE (France) said that he was not yet sure where his amendment should be inserted and added that all the provisions adopted by the Committee would in any case have to be rearranged.

5. The purpose of the French delegation's draft was to supplement the decision under which the Committee requested the Economic and Social Council to call upon other United Nations bodies and the specialized agencies for their collaboration. Under that amendment, the Economic and Social Council would have to take steps, at its twelfth session, to invite the specialized agencies to lend their assistance to the Commission on Human Rights. The fundamental aim of the draft was to save the Council's time and to bring some definite order into the sequence of operations.

6. The CHAIRMAN put the French amendment (A/C.3/L.82) to the vote.

* Indicates the item number on the General Assembly agenda.

The amendment was adopted by 36 votes to none, with one abstention.

7. The CHAIRMAN put to the vote paragraph 3 of the joint draft resolution (A/C.3/L.76).

That paragraph was adopted by 37 votes to none, with one abstention.

8. The CHAIRMAN called for a separate vote on each of the paragraphs of the preamble to the joint draft resolution (A/C.3/L.76) and on the amendments thereto.

The first paragraph was adopted by 37 votes to none, with 2 abstentions.

The second paragraph was adopted by 38 votes to none, with 2 abstentions.

9. The CHAIRMAN opened the discussion on point I of the USSR amendment (A/C.3/L.96), which proposed three paragraphs for insertion after the first two paragraphs of the preamble of the basic text.

10. Mr. GREEN (United States of America) said that the rights contained in the first paragraph of the USSR amendment had been expressly omitted from the covenant, and that the Commission on Human Rights must consider whether they should be included in the covenant. The USSR amendment was untimely since it might prejudice the study which the Commission on Human Rights was to undertake.

11. Mr. PANYUSHKIN (Union of Soviet Socialist Republics) strongly urged that the first paragraph of his amendment should be put to the vote. The provisions already adopted by the Third Committee merely recommended that the Commission on Human Rights should study certain questions, such as the right of peoples to self-determination, whereas his delegation's amendment clearly pointed out the gaps in the covenant.

12. Mr. DE LACHARRIERE (France) thought that some of the provisions proposed by the USSR were contradictory to, or a duplication of, the provisions already adopted by the Third Committee, such as the Yugoslav proposal on social, economic and cultural rights.

13. He would therefore be forced to vote against the USSR amendment.

14. Mr. DEMCHENKO (Ukrainian Soviet Socialist Republic) said that his delegation did not agree with the view of the French and United States delegations, because the USSR amendment did not concern the draft resolution under discussion but rather the draft covenant. The amendment, noting that the draft covenant omitted a number of principles and freedoms, therefore listed those principles and freedoms. It would serve to draw the attention of the Commission on Human Rights to the gaps in the existing document and should consequently be included in the preamble.

15. His delegation would, therefore, vote for that amendment.

16. The CHAIRMAN put to the vote successively the first and second additional paragraphs to the preamble set forth in the USSR amendment (A/C.3/L.96) to the joint draft resolution (A/C.3/L.76).

The first paragraph was rejected by 20 votes to 8, with 11 abstentions.

The second paragraph was adopted by 16 votes to 15, with 12 abstentions.

17. Mr. DAVIN (New Zealand) said that he would vote against the third additional paragraph proposed by the USSR as it would rob the covenant of its international character and consequently of its value. The proposed amendment was contrary to the United Nations Charter and to article 38 of the covenant.

18. Mr. DE LACHARRIERE (France) pointed out that the measures of implementation were chiefly intended to ensure that each State would do its utmost to promote respect for human rights within its territory. If the measures of implementation of the covenant were not accompanied by any international measures of enforcement, the covenant would become meaningless. Where there were no measures of enforcement there could be no law. The adoption of the USSR proposal would turn the covenant into a mere piece of propaganda.

19. The USSR amendment challenged the very spirit of the Charter, the purpose of which was to strengthen human rights by affording the individual an opportunity for international redress. The Charter tried to protect human rights, not only in words but effectively by placing on an international plane what had so far been the prerogative of States.

20. The USSR amendment should therefore be energetically opposed.

21. Mr. TEIXEIRA SOARES (Brazil) agreed with the French representative. If the Third Committee were to adopt the USSR proposal it would be impossible to implement the covenant, which would then become meaningless.

22. It was not surprising that the delegation of the Soviet Union should defend the classical idea of sov-

eignty for it continued to adhere to it, and accepted no limitation of sovereignty. The covenant, however, proposed the introduction of certain limitations to the sovereignty of States, and it should be realized that if those limitations were not accepted, the covenant would no longer have any purpose.

23. Mr. NORIEGA (Mexico) thought that many points affecting implementation, such as the provisions of the federal clause, would have to be clarified and that the covenant could not be applied without State action.

24. His delegation would therefore abstain from voting on the USSR amendment, which it considered premature.

25. Mr. LAMBROS (Greece) said that the text which the Third Committee had adopted so far for the draft resolution was somewhat inconsistent. Were the Committee to adopt the third paragraph proposed in the USSR amendment, the draft resolution would become a masterpiece of contradiction.

26. Mr. PANYUSHKIN (Union of Soviet Socialist Republics) stated that the implementation of the covenant must depend entirely on measures taken by the governments concerned and that, consequently, his amendment should be included in the text of the preamble. The appointment of a committee such as that contemplated in the covenant might enable certain States to shift a part of their responsibilities on to that body. The USSR delegation's proposal was designed to avoid any such possibility by making the signatory State responsible for the fulfilment of the obligations it assumed. The State was, in fact, the only body that could assume such responsibility and it was therefore entitled to expect that, contrary to what was proposed in articles 19 to 41 of the draft covenant, no other body would encroach on its prerogatives.

27. Mr. GARCIA BAUER (Guatemala) announced that he would vote against the USSR amendment. He took the view that the concept of sovereignty upheld in that text was long out of date and was contrary to the Charter, in particular to Article 1, paragraph 3, Article 62, paragraph 2, and Article 76 c. The Guatemalan delegation considered that the Third Committee could not adopt such a retrograde provision.

28. Mr. CAÑAS FLORES (Chile) requested that a roll-call vote should be taken on the third paragraph of the USSR amendment.

29. Mr. DEMCHENKO (Ukrainian Soviet Socialist Republic) stated that his delegation would vote for the USSR amendment because States alone could guarantee respect for human rights. He pointed out that under the Charter, Member States had accepted certain obligations, but that there was no special body responsible for supervising the carrying out of those obligations. As States had solemnly undertaken to carry out their obligations, it must be assumed that they would do so. The same principles should apply in the case of the covenant, and States must not be suspected of bad faith in advance.

30. He stressed the fact that no law existed outside that which was applied in different States by those States themselves. If that fact were forgotten, human rights would become a mere illusion. The adoption of the USSR amendment would, he said, give a positive and concrete character to the covenant.

31. Mrs. MENON (India) explained that she had abstained from voting on the first two paragraphs because she considered them to be a duplication of the provisions already adopted by the Third Committee.

32. As regards the third paragraph, she acknowledged that the chief responsibility belonged to the State. She pointed out, however, that discrimination of all kinds was practised by some States, and yet they were signatories to the Charter. For that reason, provisions must be made for the case of States which might not carry out the obligations imposed upon them by the covenant. The USSR amendment would eliminate any safeguard in that respect and, consequently, would strip the covenant of its value. It should never be forgotten that the sole redress possible in case of a violation of human rights would be appeal to an international organization.

33. For those reasons, the Indian delegation would vote against the USSR amendment.

34. Mr. AZKOUL (Lebanon) stated that the Third Committee, by its vote, would choose between two fundamental principles. One was the original concept of the Charter of the United Nations, taken up again by the Commission on Human Rights, which consisted of protecting the individual not only against other individuals but against the State, by placing him under the guarantee of an international authority. The other concept consisted of leaving the individual to the mercy of the State, which tended to become an increasingly powerful instrument that sometimes protected the individual and sometimes crushed him. But all that was being done under the United Nations Charter, and in particular by the Commission on Human Rights, was aimed at freeing man from the ascendancy of the State. The Third Committee, by accepting the USSR amendment, might help to place the individual once more at the mercy of the State to which he belonged, and that would be contrary to the Charter, the Universal Declaration of Human Rights and the whole structure of the United Nations.

35. In those circumstances, the Lebanese delegation would vote against the USSR amendment.

36. Mrs. AFNAN (Iraq) said that all her country's hopes were placed on the principles of international responsibility proclaimed in the Charter and that, in her opinion, the implementation of human rights must not be the exclusive responsibility of the State.

37. Hence, she would vote against the USSR amendment.

38. The CHAIRMAN put to the vote the third additional paragraph proposed in the USSR amendment (A/C.3/L.96) to the joint draft resolution.

A vote was taken by roll-call.

In favour: Byelorussian Soviet Socialist Republic, Czechoslovakia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Against: Australia, Belgium, Brazil, Burma, Canada, Chile, China, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, Ethiopia, France, Greece, Guatemala, Haiti, India, Iraq, Israel, Lebanon, Netherlands, New Zealand, Norway, Peru, Philippines, Sweden, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Afghanistan, Argentina, El Salvador, Honduras, Indonesia, Iran, Mexico, Pakistan, Saudi Arabia, Syria, Union of South Africa, Venezuela, Yemen, Yugoslavia.

The paragraph was rejected by 32 votes to 5, with 14 abstentions, 9 delegations were not represented at the time of the vote.

39. The CHAIRMAN put to the vote the third paragraph of the preamble of the draft joint resolution (A/C.3/L.76).

That paragraph was adopted by 49 votes to none, with 2 abstentions.

40. The CHAIRMAN stated that the Third Committee would be able to vote upon the draft resolution as a whole only when its various parts had been put together in a coherent and connected fashion.

41. Mr. DE LACHARRIERE (France) having called attention to the contradictions in the draft resolution, the CHAIRMAN made it clear that the Committee secretariat would have no power to delete such contradictions: it could only gather together in logical sequence the various proposals adopted by the Committee.

42. The representatives of GREECE, CHILE, MEXICO, CUBA, the UKRAINIAN SOVIET SOCIALIST REPUBLIC, the UNITED STATES OF AMERICA, YUGOSLAVIA, NEW ZEALAND and the UNITED KINGDOM took part in a short procedural discussion.

It was decided to entrust the drawing up of the draft resolution to the Committee secretariat.

43. The CHAIRMAN invited the representative of the International Labour Organisation to address the Committee.

44. Mr. PHELAN (International Labour Organisation) stated that the organization he represented was deeply interested in the Third Committee's work relating to the covenant on human rights. He had taken particular note of the part of the report of the Commission on Human Rights concerning co-operation with the specialized agencies, in particular with ILO, in respect of economic and social rights.

45. He affirmed that his organization, more than any other, realized the difficulties involved in drawing up the draft covenant, and particularly the articles relating to economic and social rights. Views on those subjects were often divergent despite the identical purposes. A case in point was the Convention concerning Employment of Women during the Night, which had been unable to win unanimous approval, although prepared at a General Conference held under the auspices of ILO in collaboration with about fifty national delegations, composed of representatives of governments, employers and workers. That example served to show the need for very close co-operation.

46. He announced that the Governing Body of ILO would meet the following week in Brussels. It would then have before it a report on the Third Committee debates and would proceed without delay to study measures of co-operation with the Economic and Social Council and the Commission on Human Rights which would enable ILO to help in the fulfilment of their task.

Human Rights Day: draft resolution submitted by the United States of America (A/C.3/L.102)

[Item 63]*

47. The CHAIRMAN invited the Committee to examine the draft resolution submitted by the delegation of the United States concerning the proclamation of a Human Rights Day (A/C.3/L.102).
48. Mr. GREEN (United States of America) wished to thank the Secretary-General for the useful memorandum which he had sent the Committee (A/C.3/542) regarding the steps which forty-two countries had taken the previous year to celebrate the adoption of the Universal Declaration of Human Rights. The memorandum was extremely encouraging in that it revealed the deep impression which the Declaration had made in many parts of the world. It reproduced a letter which the Secretary-General had sent to Member States on 20 October 1950 to ask them to set aside 10 December every year in commemoration of the proclamation of the Declaration. The United States delegation was submitting a draft resolution in the hope of having that request backed by a formal recommendation by the General Assembly.
49. Mr. PANYUSHKIN (Union of Soviet Socialist Republics) said that his delegation warmly welcomed the idea behind the draft resolution. It would be glad to see the whole world celebrate the adoption of such an important document as the Universal Declaration of Human Rights.
50. However, the world was already celebrating, on 24 October, the anniversary of the signing of the Charter of the United Nations. It might perhaps be advisable to combine the two celebrations in a single day of commemoration on 24 October every year. The celebration on 24 October would thus honour the Declaration at the same time as the Charter, and United Nations Day would be given added meaning.
51. Mr. NORIEGA (Mexico) felt on the other hand that a special date should be reserved for the celebration of the anniversary of a special event, particularly in the case of an event which was of such importance to humanity as the adoption of the Universal Declaration of Human Rights.
52. He drew attention to the Spanish version of the draft resolution which suggested that 10 December should be observed as "a manifestation of gratitude". The Mexican delegation did not think that it was suitable to speak of gratitude since in adopting the Declaration the United Nations had simply done its duty.
53. In his opinion, the second paragraph of the preamble should say that the adoption of the Universal Declaration of Human Rights should be celebrated "as evidence of human progress". The important thing was to emphasize the spirit of the celebration, which should have the same symbolic value throughout the world as was attached to 14 July 1789, a date celebrated by many countries which had no direct link with France.
54. Mr. GARCIA BAUER (Guatemala) unreservedly supported the principle of the draft resolution submitted by the United States of America.
55. He also wished to point out that the Spanish version was not faithful to the original text. However, he

felt that the word "recognition" in the English text was weak and suggested that the term "commemoration" should be used instead.

56. Mr. AZKOUL (Lebanon) observed that it would be advisable to use the terminology employed in the preamble to the Declaration itself and to substitute "proclaim" and "proclamation" for "adopt" and "adoption".

57. Miss BERNARDINO (Dominican Republic) said that in her country schools, cultural groups and women's organizations had given the widest possible publicity to the Universal Declaration of Human Rights ever since its adoption by the General Assembly.

58. The delegation of the Dominican Republic would therefore vote enthusiastically in favour of the draft resolution before the Committee.

59. Mr. CHANG (China) also approved the proposal of the delegation of the United States. However, the Chinese delegation would not be entirely satisfied if 10 December were to mark simply a commemoration: it was important not only to recall the anniversary of the adoption of the Universal Declaration of Human Rights, but also to encourage governments and peoples to pursue their efforts to make it a living reality.

60. To that end, he proposed that the Secretary-General should also be asked to report each year to the General Assembly on the steps taken in the various countries to publish the Declaration as widely as possible.

61. Lord MACDONALD (United Kingdom) supported the comments of the Chinese representative regarding the need to draft the resolution in more positive terms. Although it was good to look backwards occasionally, the most important thing was to encourage the march of progress.

62. Mr. BAROODY (Saudi Arabia) recalled that his delegation, for reasons which it had explained at the first part of the third session of the General Assembly, had been obliged to abstain in the vote on the Universal Declaration of Human Rights as a whole. Nevertheless, Saudi Arabia was firm in the defence of human rights and would be happy to see a Human Rights Day proclaimed throughout the world.

63. He would abstain from taking any stand on the draft resolution under consideration and reserved his government's final decision on the matter.

64. Mr. GREEN (United States of America), taking into account the various suggestions that had been made, amended the operative part of his draft resolution as follows:

"Recommends that Governments of Member States designate 10 December of each year as United Nations Human Rights Day and observe this day to commemorate the proclamation of the Universal Declaration of Human Rights by the General Assembly on 10 December 1948, and to recognize human progress in this field:

"Requests the Secretary-General to prepare an annual report on the observance of Human Rights Day."

65. The CHAIRMAN put to the vote the first paragraph of the preamble, drafted as follows:

"Considering that on 10 December 1948 the General Assembly adopted the Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations,"

The paragraph was adopted by 48 votes to none, with 2 abstentions.

66. Mr. MENDEZ (Philippines) proposed that a second paragraph should be added to the preamble, reading as follows:

"Considering that the Declaration marks a distinct forward step in the march of human progress,"

That provision would give the draft resolution the positive tone desired by the Chinese representative.

The amendment was adopted by 41 votes to none, with 9 abstentions.

67. Mr. BAROODY (Saudi Arabia) asked for a separate vote on the words "in all countries" in the third paragraph of the preamble of the draft resolution, as amended. If those words were rejected, he would be able to express his government's support for the principle involved when a vote was taken on the remaining text.

It was decided, by 36 votes to none, with 12 abstentions, to retain the words "in all countries" in the text of the third paragraph of the preamble.

The third paragraph of the preamble was adopted by 6 votes to none, with 5 abstentions.

68. Mr. PAZHAWAK (Afghanistan) noted that certain countries which did not belong to the United Nations had helped to make the Declaration known throughout the world.

69. He therefore suggested that a new paragraph should be added to the preamble expressing special appreciation for the efforts of those countries.

70. Mr. AZKOUL (Lebanon) asked whether the representative of Afghanistan would agree to a paragraph worded as follows:

"Expressing its appreciation to all those countries which have already celebrated this anniversary"

71. Mr. PAZHAWAK (Afghanistan) said that the formula seemed to be satisfactory provided that the words "Members or non-members of the United Nations" were added after the word "countries".

72. AZMI Bey (Egypt) noted that the various countries, including Egypt, which had already celebrated the anniversary of the Universal Declaration of Human Rights, had done so spontaneously and without expecting any show of gratitude from the General Assembly. He felt that the Afghan amendment was superfluous.

73. Mr. CHANG (China) said that in paying a tribute to the Members of the United Nations, the General Assembly would be addressing compliments to itself. The Assembly could obviously express its appreciation to the other countries which were not represented in the Organization, but he wondered whether it was really necessary.

74. The CHAIRMAN put to the vote the text of the amendment submitted by Afghanistan.

75. He pointed out that, if it were adopted, that text would become the fourth paragraph of the preamble of the draft resolution.

The text was adopted by 19 votes to 2, with 14 abstentions.

76. Mr. BAROODY (Saudi Arabia) suggested that the operative part should be amended by substitution of the word "invites" for "recommends", so that the resolution could apply to both Members and non-members, to whom, he recalled, the Organization could not make recommendations.

77. Mr. NORIEGA (Mexico) was afraid that that amendment would change the whole nature of the resolution and suggested the following wording:

"Recommends the Governments of Member States and invites non-member States . . ."

78. Mr. GREEN (United States of America) felt that that formula was too complicated and preferred the following wording:

"Invites all States . . ."

79. Mr. CAÑAS FLORES (Chile) suggested that the invitation should be extended to all organizations which might participate in commemorating the proclamation of the Declaration by the General Assembly.

80. Mr. CHANG (China) said that in view of the many amendments which had been made in the draft resolution in the course of the discussion, it would be preferable if the Committee could have a written text of the whole resolution before taking a final vote.

81. Mr. DE LACHARRIERE (France), seconded by Mr. LAMBROS (Greece), proposed the following formula as the text of the operative part:

"Invites all States and organizations to adopt 10 December of each year as Human Rights Day, and observe this day to commemorate the proclamation of the Universal Declaration . . ."

82. The CHAIRMAN said that the revised text of the United States draft resolution would be circulated at the beginning of the afternoon meeting.

The meeting rose at 1.30 p.m.