several delegations had announced their intention of resuming it, founding themselves on rules 120 and 97 of the rules of procedure.

78. Mr. GARIBALDI (Uruguay) said he had voted for the Mexican proposal with the idea that the Committee should subsequently decide whether or not it was competent to deal with the matter.

79. Mr. PAVLOV (Union of Soviet Socialist Republics) said he had voted for the Mexican proposal. He was convinced that the Committee was competent to study a humanitarian appeal. The Committee's affirmative vote seemed a favourable sign to him, in the sense that in deferring the matter it had presumed the need to consider it. It had adopted a just decision and one worthy of its task, and in doing so had merely acted in accordance with the Chairman's ruling and the precedents she had already established. Questions of violation of human rights were not new, but in the case in point the proposal was to intervene directly to save human lives, and the Committee could not shirk its responsibilities. For the rest, the draft resolution had been submitted in good time and was certainly relevant to item 29 of the agenda of the General Assembly. His delegation had always been opposed to interference in the domestic affairs of a State, but he did not see how the Polish draft resolution amounted to any kind of interference.

80. Mr. URQUIA (El Salvador) said he had voted against the Mexican proposal because the matter did not seem to him to fall within the Committee's competence. He regretted that the representative of Haiti had withdrawn his motion requesting the application of rule 120 of the rules of procedure, which would have enabled the Committee to decide immediately on its competence and would have made the discussion much shorter. He did not think that by adopting the Mexican motion the Committee had prejudged the question of competence, as the representative of the USSR had affirmed ; the question of competence could still be raised, and none of the arguments of the representative of the USSR was sufficient to bring the Polish draft resolution within item 29 of the agenda.

81. Mr. REYES (Philippines) said he had voted for the Mexican proposal so as to give all members of the Committee the necessary time to study the question. His vote did not imply approval of the draft resolution submitted by Poland nor was it an expression of opinion on the competence of the Committee to consider it. Furthermore, he contested the interpretation which the representative of the USSR had placed on the Committee's decision in affirming that by adopting the Mexican proposal the Committee had prejudged the question of its competence.

82. Mr. HAJEK (Czechoslovakia) said he had supported from the outset the draft resolution submitted by Poland. He was convinced that there was no doubt about the competence of the General Assembly and the Third Committee in a case in which the violation of human rights was so flagrant. In his view the matter was relevant to agenda item 29, which concerned the preparation of a covenant regarding all human rights —a task which could not be carried out in an academic way, without taking account of realities. The draft resolution submitted by Poland placed before the Committee the case of violations of the most elementary human rights, for defending which certain persons were in danger. The Third Committee should listen to the voice of the peoples and attend to the case reported to it by Poland.

83. He deplored that some persons had raised questions of competence to cover their defence of the fascist régime condemned by the General Assembly in 1946 (resolutions 32 (I) and 39 (I)). The Czechoslovak delegation appealed to all men of goodwill to oppose those manœuvres. It had other documents at its disposal which supplemented the statement referred to by the representative of the USSR, and it had voted for the Mexican proposal simply in order to give some delegations an opportunity to study that statement.

84. Mr. PAZHWAK (Afghanistan) said he doubted the Committee's competence and noted that almost all representatives, in explaining their votes, had felt the need to refer to that matter. Since he had not received the explanation he had requested, he had been forced to abstain. Like the representative of the USSR, he thought the Committee should do all it could to save human lives, but he stressed the need to determine the authorities to whom the President of the General Assembly could apply for the necessary information.

85. So far as the Committee's competence was concerned, he did not see any objection to studying the draft resolution submitted by Poland in so far as it dealt with human rights, but that could not be done so long as the draft bore the title "Draft international covenant on human rights".

86. The CHAIRMAN announced that at the next meeting, if no member had any objection, the Committee would consider first the joint draft resolution (A/C. 3/L.182).

The meeting rose at 6.30 p.m.

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United Nations

GENERAL ASSEMBLY

SIXTH SESSION

Official Records

THIRD COMMITTEE 388th MEETING

Tuesday, 15 January 1952, at 3 p.m.

Palais de Chaillot, Paris

CONTENTS

Chairman : Mrs. Ana FIGUEROA (Chile).

Draft international covenant on human rights and measures of implementation (A/1883, A/1884 (chapter V, section I), E/1992, E/2057 and Add.1 to 5, E/2059 and Add.1 to 8, E/2085 and Add.1, A/C.3/559, A/C.3/L.88, A/C.3/L.180, A/C.3/L.182, A/C.3/L.186 and Add.1, A/C.3/L.203/Rev.1) ***(continued)***

[Item 29]*

1. The CHAIRMAN suggested that, in accordance with rule 113 of the rules of procedure, some limit should be placed on the time allowed to each speaker and the number of times each representative might speak. She did not, of course, wish to restrict any delegation's right to free speech, but such limitation was essential in order to expedite the Committee's work.

2. Mr. Altaf HUSAIN (Pakistan) thought it would be unfair to limit the time of sponsors of draft resolutions and delegations which had expressly reserved their right in the general debate to speak later at greater length.

3. Mrs. ROOSEVELT (United States of America) said that the general debate on the draft international covenant on human rights had been exhaustive and it was essential that the Third Committee should finish its work. She therefore warmly supported the Chairman's suggestion.

4. Mr. Altaf HUSAIN (Pakistan) wondered whether the Committee would agree simply to vote on the draft resolutions and amendments before it without any further discussion at all.

5. Mr. PAZHWAK (Afghanistan) agreed that the Committee must complete its work before the end of the session, but it could hardly claim to have done so if it had failed adequately to examine the draft resolutions before it. Some draft resolutions had not been referred to at all during the general debate and certain amendments were, in substance, of even greater importance than some of the draft resolutions.

6. Mr. PAVLOV (Union of Soviet Socialist Republics) observed that the Committee would not have been so behindhand in its work had it accepted the original USSR proposal (359th meeting) to refer the draft covenant back to the Commission on Human Rights on the ground that it was not yet ripe for useful discussion by the General Assembly. Some delegations might hold views which had been determined in advance and might therefore feel no need to speak on the draft resolutions, but others must be allowed to express their opinion, particularly on draft resolutions not discussed in the general debate. A time-limit for speeches could be accepted, but more latitude should be given for comments on draft resolutions and amendments which had not yet been fully discussed.

7. Mr. DEHOUSSE (Belgium) suggested that when there were a number of co-sponsors of a draft resolution or amendment, one sponsor should be designated by them to speak on behalf of all.

8. Mr. BAROODY (Saudi Arabia) thought that the Belgian suggestion, if adopted, would set a dangerous precedent, as representatives acting as co-sponsors might have been instructed by their governments to express their views ; furthermore, it would constitute a dangerous restriction of the freedom of speech.

9. The CHAIRMAN suggested that, in view of the sense of the Committee, the best procedure might be to impose no time limit on the sponsors of draft resolutions or amendments, to permit all representatives to speak only three times and to limit the statements of speakers other than sponsors to fifteen minutes for the first intervention and ten minutes each for the second and third interventions.

* Indicates the item number on the General Assembly agenda.

10. Mr. ALFONZO RAVARD (Venezuela) felt that the danger of wasting time lay rather in the possible length of individual speeches than in the number of times any representative might speak. He proposed that delegations should be permitted to speak three times on all the draft resolutions or amendments ; that the sponsors of draft resolutions or amendments should be permitted to speak for twenty minutes the first time, ten minutes the second and five minutes the third ; and that other delegations should be permitted to hold the floor for ten minutes the first time and five minutes the second and third times.

11. Mr. ROY (Haiti) moved the closure of the debate on the point of order.

The motion was adopted.

12. The CHAIRMAN put to the vote the procedural motion submitted by Venezuela.

The motion was adopted by 29 votes to 8, with 17 abstentions.

PROPOSAL TO HOLD A SPECIAL SESSION OF THE ECONOMIC AND SOCIAL COUNCIL.

13. The CHAIRMAN drew attention to the fact that, owing to the special circumstances in which the General Assembly was meeting in 1951, the Economic and Social Council had decided to hold a single session in 1952, beginning on 13 May. According to the calendar of conferences, however, the Commission on Human Rights was to meet from 21 April to 6 June 1952, so that there would be no regular session of the Economic and Social Council before the Commission convened. She had considered the implications of that situation with regard to such decisions as might be taken by the Third Committee on the draft covenant, and it seemed that there were two alternatives open to the General Assembly. The Assembly could either send its directives straight to the Commission on Human Rights without consulting the Economic and Social Council or request the Council to hold a special session prior to the Commission's eighth session. The latter procedure was in accordance with the Council's rules of procedure and would not have any financial implications.

14. Mr. DUDLEY (United Kingdom) suggested that, as the Economic and Social Council would be obliged to elect new officers for its special session, it might be preferable for the Third Committee to request the General Assembly merely to bring its resolutions to the attention of the Commission on Human Rights. The Council could then take action to endorse those resolutions formally before the Commission had completed its work.

15. Mr. VALENZUELA (Chile) pointed out that, under the rules of procedure of the Economic and Social Council, the latter was required not only to transmit directives to the Commission on Human Rights, but to give that body its own instructions. Some of the draft resolutions before the Third Committee involved points on which the Council's opinion would probably be necessary.

16. If the General Assembly were to give direct guidance to the Commission on Human Rights, it would be by-passing the Economic and Social Council and curtailing its powers.

17. With regard to the difficulty mentioned by the United Kingdom representative, he pointed out that the Council was empowered to suspend the election of new officers and to hold a special session with an acting President. There was therefore no substantive reason to by-pass the Council, and his delegation was in favour of holding a special session in Paris at the end of the General Assembly session.

18. AZMI Bey (Egypt) agreed that a special session of the Council should be held in order to give the Commission on Human Rights more time to complete its work. Although the Council could, at its regular session, decide to prolong the session of the Commission, it might, if it held a special session, decide to fix an earlier date for the beginning of the Commission's session.

19. The CHAIRMAN pointed out that if the extension of the Commission's session were left to the regular session of the Council, there would not be sufficient time to consider the financial implications of such an extension.

20. Mr. GARCIA BAUER (Guatemala) agreed with the Chilean representative on the need for safeguarding the status of the Economic and Social Council as a principal organ of the United Nations. The special circumstances existing at the moment had given rise to a situation which might prevent adequate consideration of the draft covenant at the seventh session of the General Assembly. The Economic and Social Council should be requested to reconsider its calendar from that point of view. Any request for a special session of the Council should, therefore, also contain a request for advancing the opening of the session of the Commission on Human Rights.

21. Mr. AZKOUL (Lebanon) was in favour of a special meeting of the Economic and Social Council in order that the Council's authority might be fully safeguarded. The Council must be given an opportunity to offer its own comments on whatever decisions the General Assembly might take and transmit them to the Commission on Human Rights. Furthermore, the proposed special meeting of the Council should take place immediately after the General Assembly had taken its decision, because it seemed likely that the Commission on Human Rights would have to hold two separate plenary sessions or one plenary session and one session sitting as a committee of the whole if it was to complete its very heavy agenda before the seventh session of the General Assembly. The Council would have to authorize that procedure and make special arrangements for the appointment of alternates in order to make such a procedure possible. Besides, the General Assembly had not as yet given the Commission on Human Rights any specific directives, so that action by the Council would inevitably be required. It would be preferable for the officers of the Economic and Social Council to convene the special session, but there was no great

objection to the General Assembly making such a request, if the Third Committee so wished.

22. Mr. MUFTI (Syria) suggested that there might be some danger of the Council reversing at its proposed special session any decisions taken by the General Assembly.

23. Mr. CASSIN (France) recalled that his delegation had voted in favour of holding only one session of the Council in 1952 ; nevertheless, in the special circumtances under consideration, he would support the proposal to hold a brief special session.

24. It would, however, be a mistake to suppose that the convening of a special session of the Council and the extension of the eight session of the Commission on Human Rights would of necessity give miraculous results, particularly if the General Assembly should set the Commission too difficult a task. Work on the draft covenant had been in progress for four years and the end was by no means in sight. It had, moreover, to be borne in mind, that governments would barely have time to form considered opinions on the subject between the conclusion of the Commission's session and the opening of the seventh session of the General Assembly.

25. Mr. DE ALBA (Mexico) supported the proposal to hold a special session of the Council and urged that session should be as brief as possible. The Commission on Human Rights should open its session in March, in order to be able to complete one stage of its work. Although it was essential to complete the draft covenant as soon as possible, undue haste might result in the preparation of unsatisfactory instruments.

26. Mr. DEHOUSSE (Belgium) agreed with the representatives of Chile and Lebanon that the Economic and Social Council should not be by-passed in the matter. It might well expedite the work of the Commission on Human Rights if that body were divided into two plenary committees, one to deal with the substantive articles and the other with implementation. The Council might make such a proposal at its special session and recommend the governments concerned to send oppropriate delegations to the session of the Commission on Human Rights.

27. Mr. PAVLOV (Union of Soviet Socialist Republics) quoted Articles 10, 60, 66 and 72 of the Charter and certain rules of procedure of the Economic and Social Council to show that it was unnecessary to hold a special session of the Council to give guidance to the Commission on Human Rights, since the General Assembly was fully empowered to give direct instructions to any organ of the United Nations. Moreover, in his view the Council had invariably stood in the way of any concrete solution in connexion with the draft covenant. No decision on a recommendation for a special session could be taken until a concrete proposal had been submitted to that effect; the Committee should therefore continue the discussion on the joint draft resolution submitted by Chile, Egypt, Pakistan and Yugoslavia (A/C.3/L.182) which dealt with concrete questions of principle.

28. Mr. VALENZUELA (Chile) made an oral proposal[1] to the effect that the Economic and Social Council should be invited to hold a special session before the eighth session of the Commission on Human Rights in order to take action on the draft resolutions approved by the Third Committee on the draft international covenant on human rights, and should be requested to consider whether it would be possible for the Commission to complete its work during its eighth session.

29. The CHAIRMAN proposed that further discussion should be postponed until the Chilean draft resolution had been distributed to the Committee.

It was so agreed.

JOINT DRAFT RESOLUTION SUBMITTED BY CHILE, EGYPT, PAKISTAN AND YUGOSLAVIA (A/C.3/L.182).

30. AZMI Bey (Egypt) thought the joint draft resolution (A/C.3/L.182) summed up the whole debate in the Third Committee on the draft international covenant on human rights. It favoured a single covenant, which seemed to reflect the desire of the majority.

31. Even at the risk of raising fresh procedural issues, he felt bound to point out that none of the three amendments submitted to the joint draft resolution were in fact amendments, but rather separate proposals. The French amendment (A/C.3/L.192/Rev.2) was in reality an amendment to the joint amendments proposed by Belgium, India, Lebanon, and the United States of America (A/C.2/L.185/Rev.1) in that it contained a separate proposal to the effect that both covenants should enjoy identical status. It presupposed, in fact, two separate covenants, whereas the joint draft resolution (A/C.3/L.182), to which it was supposed to apply, mentioned only one.

32. The United Kingdom amendment (A/C.3/L.188) was an amendment rather to the Chilean draft resolution (A/C.3/L.180) than to the joint draft resolution (A/C.3/L.182), in which, since it allowed for either one or two covenants, it could have been incorporated.

33. Having stated these objections, he would be prepared to accept the Committee's ruling ; if the Committee regarded the amendments mentioned as amendments to the joint draft resolution (A/C.3/L.182), he would accept that decision.

34. Mr. BAN (Burma) said that his delegation's silence during general debate must not be imputed to any lack of interest. On the contrary, Burma had always attached the greatest importance both to the adoption of the Universal Declaration of Human Rights and to its implementation by means of a covenant making it binding on States acceding thereto to safeguard the rights and freedoms it proclaimed.

35. The Commission on Human Rights at its seventh session, whilst achieving valuable results in a delicate and highly controversial field, had not had time either to revise the first eighteen articles of the draft covenant, or to study the important question of federal States and

[1] Circulated later as document A/C.3/L.218.

the right of peoples and nations to self-determination. Whilst the action of the Economic and Social Council in initiating the Commission's work merited general approval, there were inevitable difficulties regarding the types of rights to be included in the draft covenant. States with high economic standards, for instance, contended that economic, social and cultural rights were aspirations rather than legally enforceable rights on the same footing as civil and political rights, whilst other, less fortunate, States desired such rights also to be guaranteed.

36. The Burmese delegation was of opinion that, as stated in General Assembly resolution 421 (V), all categories of rights were equally fundamental and important, and significant only in relation to one another. Burma was therefore in favour of including both categories of rights in a single covenant ; though his country would be willing, in the event of it being impossible to reconcile the views of the advocates of a single instrument with those of the advocates of two separate covenants, to consider the Israeli suggestion (A/C.3/L.193) for one covenant in two sections, one to cover civil and political rights, the other economic, social and cultural rights.

37. The joint draft resolution (A/C.3/L.182), which upheld the directives issued by the General Assembly, conformed also with the view of the Burmese delegation. His delegation would therefore vote in favour of it. The Burmese delegation would thus be unable to support the two amendments (A/C.3/L.185/Rev.1 and A/C.3/L.192/Rev.2) to that joint draft resolution though it would be prepared, should those amendments be carried, to vote for the joint draft resolution so amended. Whilst advocating, in principle, a single instrument. Burma had no very strong views on the matter, the main consideration being that the draft covenant should contain all the fundamental rights proclaimed in the Universal Declaration on Human Rights, and be acceptable to the greatest possible number of States.

38. He was as yet unable to take any stand on the United Kingdom amendment (A/C.3/L.188), which he regarded as premature in that it presupposed a decision to adopt two separate covenants. He would be prepared to support that amendment should such a decision be taken, but would vote against it if the original General Assembly directive (resolution 421 (V), section E) were upheld.

39. Mrs. ROOSEVELT (United States of America) reminded the meeting that her delegation had, during the debate, consistently advocated the drawing up of two separate covenants, one to contain civil and political rights, the other economic, social and cultural rights. The main consideration was to achieve the greatest possible and the quickest possible progress in the observance of human rights ; and she thought that the separation of rights into two groups would preclude the danger of one group delaying the implementation of the other.

40. On the amendment which the United States had submitted jointly with Belgium, India and Lebanon (A/C.3/L.185/Rev.1), it was proposed that the two covenants envisaged should be submitted simultaneously by the Commission on Human Rights to the General Assembly at its seventh session, so that they might be approved and opened for signature simultaneously.

41. The United States would support the French amendment (A/C.3/L.192/Rev.2), which reflected the Third Committee's aim, particularly stressing the close relationship between the two groups of rights, as so often urged during the debate. The United States delegation would also support the French representative's proposal to incorporate in both covenants certain requirements with regard to reporting on the obligations undertaken by Member States, it being understood however, that those requirements need not be phrased identically in both documents. At the same time, there would have to be even more implementation provisions in the covenant on civil and political rights, in view of the justiciable character of those rights.

42. In conclusion, she hoped that the amendment proposed jointly by Belgium, India, Lebanon and the United States of America would be approved; with that amendment incorporated in the joint draft resolution, the latter would have the support of the United States delegation.

The meeting rose at 6 p.m.

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United Nations

GENERAL ASSEMBLY

SIXTH SESSION

Official Records

THIRD COMMITTEE 389th MEETING

Tuesday, 15 January 1952, at 8.30 p.m.

Palais de Chaillot, Paris

CONTENTS

Chairman : Mrs. Ana FIGUEROA (Chile).

Draft international covenant on human rights and measures of implementation (A/1883, A/1884 (chapter V, section I), E/1992, E/2057 and Add.1 to 5, E/2059 and Add.1 to 8, E/2085 and Add.1, A/C.3/559, A/C.3/L.88, A/C.3/L.180, A/C.3/L.182, A/C.3/L.186 and Add.1, A/C.3/L.203/Rev.1) (*continued*)

[Item 29]*

JOINT DRAFT RESOLUTION SUBMITTED BY CHILE, EGYPT, PAKISTAN AND YUGOSLAVIA (A/C.3/L.182) (*continued*)

1. Mr. MUFTI (Syria) said he had some doubts whether the text submitted by the delegations of Belgium, India, Lebanon and the United States of America (A/C.3/L.185/Rev.1) and described in the Secretary-General's note (A/C.3/L.208) as an amendment to the joint draft resolution submitted by Chile, Egypt, Pakistan and Yugoslavia (A/C.3/L.182) represented a genuine amendment.

2. Rule 129 of the rules of procedure provided that a motion was considered an amendment to a proposal if it merely added to, deleted from or revised part of that proposal. Document A/C.3/L.185/Rev.1, however, asked that human rights should be dealt with in two separate covenants, one relating to civil and political rights and the other to economic, social and cultural rights ; whereas the joint draft resolution submitted by Chile, Egypt, Pakistan and Yugoslavia (A/C.3/L.182) proposed that economic, social and cultural rights should be included in one and the same instrument with civil and political rights, and in its preamble based that proposal on considerations with which the contents of the amendment submitted by Belgium, India, Lebanon and the United States of America (A/C.3/L.185/Rev.1) conflicted. The latter text therefore did not modify a part of the joint draft resolution, but tended to nullify the whole of it.

3. It must therefore be concluded that in allowing a text which really constituted a separate proposal to be presented as an amendment, the officers of the Committee had disregarded the terms of rule 129, the purpose of which was precisely to avoid a situation in which members could wreck a draft resolution submitted in accordance with the rules by so amending it as to nullify its effect.

4. The delegation of Syria considered that the representatives of Belgium, India, Lebanon and the United States of America had adopted an easy but irregular solution, and that the fact that one of the officers of the Committee was among the authors of the pseudo-amendment made the situation worse. It was not too late, however, to repair the irregularity. He therefore called upon the authors of the amendment to resubmit it as a draft resolution.

5. Furthermore, it appeared that in his note on the draft resolutions and amendments (A/C.3/L.208), the Secretary-General had not maintained the strictest impartiality and that he prejudged the decisions to be adopted by the Third Committee on those draft resolutions and amendments. It was surely not necessary to point out in paragraph 5 that some draft resolutions represented duplications, unless the intention was to engineer the defeat of a number of drafts in accordance with the same tactics as those used against the principle of the repatriation of refugees desiring to return home, the pretext being that the ideas contained in the draft resolutions had already been expressed elsewhere. If there had been any duplication, it was for the Committee itself to decide. The Committee had not deemed it useless in the past to reaffirm a fundamental principle. It had, indeed, been of the opinion that such repetition only reinforced the General Assembly's policy and gave it greater consistency.

* Indicates the item number on the General Assembly agenda.