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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.189) (continued)

[Item 29]*

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

1. The CHAIRMAN put the United Kingdom amendment (A/C.3/L.188) to the joint draft resolution submitted by Chile, Egypt, Pakistan and Yugoslavia (A/C.3/L.182) to the vote.

The amendment was adopted by 26 votes to 13, with 4 abstentions.

2. Mr. PLEIC (Yugoslavia) asked whether the original text of the joint draft resolution (A/C.3/L.182) could be submitted as an amendment to the final text of the draft resolution at the plenary meeting of the General Assembly and whether such an amendment could be voted on first.

3. The CHAIRMAN replied that such an amendment could be submitted, and thought that the President of the General Assembly would rule that it should be voted on first.

4. She read the text of the joint draft resolution (A/C.3/L.182), as amended at the previous meeting and at the current meeting, and asked whether anyone wished the vote to be taken by parts.

5. Mr. VALENZUELA (Chile) considered that a single vote should be taken on the draft resolution.

6. He proposed that it should be taken by roll-call.

7. Mr. CASSIN (France) proposed that the vote be taken by parts on the first three paragraphs of the preamble.

8. Mr. PLEIC (Yugoslavia) opposed the motion for division, in accordance with rule 128 of the rules of procedure.

9. Mrs. AFNAN (Iraq) stated that, in view of the fact that her delegation would vote consistently for the first three paragraphs of the preamble, but could not support the amended resolution, it would be embarrassing for her to vote against those paragraphs if the vote were divided. She therefore objected to the division.

10. Mr. CARIAS (Honduras) supported the French motion.

11. The CHAIRMAN put the French motion to the vote.

The motion was rejected by 23 votes to 20, with 10 abstentions.

12. The CHAIRMAN put to the vote the joint draft resolution submitted by Chile, Egypt, Pakistan and Yugoslavia (A/C.3/L.182), as amended.

A vote was taken by roll-call.

Indonesia, having been drawn by lot by the Chairman, was called upon to vote first.

In favour : Lebanon, Liberia, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Sweden, Thailand, Turkey, United States of America, Uruguay, Venezuela, Australia, Belgium, Bolivia, Brazil, Canada, China, Colombia, Costa Rica, Denmark, Dominican Republic, France, Greece, Honduras, Iceland, India.

Against : Indonesia, Iran, Iraq, Mexico, Pakistan, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Yemen, Yugoslavia, Afghanistan, Argentina, Byelorussian Soviet Socialist Republic, Chile, Cuba, Czechoslovakia, Ecuador, Egypt, El Salvador, Ethiopia.

* Indicates the item number on the General Assembly agenda.

Abstaining: Israel, Peru, Philippines, United Kingdom of Great Britain and Northern Ireland, Burma, Guatemala.

The joint draft resolution (A/C.3/L.182), as amended, was approved by 29 votes to 21, with 6 abstentions.

13. Mr. VALENZUELA (Chile) stated that, in view of the approval of the amended joint draft resolution (A/C.3/L.182), which was in flagrant contradiction with General Assembly resolution 421 (V), he would withdraw his delegation's draft resolution (A/C.3/L.180).

14. Mr. NAJAR (Israel) stated that his delegation had voted against the joint amendment (A/C.3/L.185/Rev.1) and for the French amendment (A/C.3/L.192/Rev.2), but had abstained from voting on the joint draft resolution as a whole. That abstention did not mean that the Israel delegation no longer supported a single covenant, but served as an expression of its willingness to explore all the possibilities of the new situation that had arisen. His delegation would support an amendment proposing a single covenant if it were submitted at a plenary meeting of the General Assembly.

15. Mr. HOWARD (United Kingdom) recalled that his delegation had voted for the first part of the French amendment (A/C.3/L.192/Rev.2), but had been unable to support the second part and, thence, the amendment as a whole. His delegation had, however, supported the joint amendment (A/C.3/L.185/Rev.1) because it was against a single covenant containing both civil and political and economic, social and cultural rights. Although his delegation was not convinced that economic, social and cultural rights could be included effectively in a general covenant, it did not wish to oppose the desire of many delegations that an attempt should be made by the Commission on Human Rights to draft such a covenant. His delegation had, therefore, abstained from voting on the amended draft resolution (A/C.3/L.182).

16. Mr. Altaf HUSAIN (Pakistan) had voted against the joint draft resolution as amended because his delegation had always favoured a single covenant. Moreover, the amended draft resolution was grotesquely illogical and inconsistent, since the first three paragraphs of the preamble were contradicted by the fourth paragraph. Furthermore, he thought that the approval of the draft resolution would open the door to further reconsideration of General Assembly resolutions; it was an invitation to world public opinion and consequently the decision might well be reversed at the seventh session and the adoption of the covenant would thus be delayed.

17. Mr. SMITT INGEBRETSEN (Norway) regarded the problem of whether there should be one or two covenants not as a question of principle, but as one of convenience. It would be more difficult for many States to ratify a single instrument, whereas the adoption of two covenants would facilitate more ratifications. The object of the covenant was to obtain as many accessions as possible, and the under-developed countries would also be helped by such a practical measure. He had therefore voted for the joint draft resolution.

18. Mr. WAHLUND (Sweden) considered that undue stress had been laid on the importance of the question whether one or two covenants should be drafted. He had voted for the joint draft resolution for practical reasons, since he considered that two covenants would be easier to ratify and implement than a single instrument.

19. Mr. JOCHAMOVITZ (Peru) pointed out that the drafting of the covenant crystallized concepts of civil and political rights which had existed for centuries. The Universal Declaration of Human Rights had provided an outline of generally recognized rights, and the nations had to commit themselves solemnly to a practical implementation of that document. The wish of those who favoured a single covenant to commit themselves to the observance of as many articles of the covenant as possible was praiseworthy but impractical; civil and political rights had a legal basis in most countries, whereas the necessary conditions for enjoyment of economic, social and cultural rights did not yet prevail in all countries, although such rights were essential. He had therefore voted for the joint amendment (A/C.3/L.185/Rev.1), but had been obliged to abstain from voting on the joint draft resolution as a whole, owing to the contradiction between the first three paragraphs and the fourth paragraph of the preamble. The basic decision that had been reached was that the covenant represented a single instrument divided into two parts.

20. Mr. VALENZUELA (Chile) had voted against the joint draft resolution as amended for four reasons. First, he was unable to accept the contradiction between the paragraphs of the preamble. Secondly, his delegation had consistently objected to the idea of two separate covenants, although that did not mean that it would not co-operate in any future work in that regard. Thirdly, he agreed with the representative of Pakistan that, in view of the precedents created by the Committee, there might still be a movement towards a single covenant at the next session of the General Assembly, in the light of the experience of the eighth session of the Commission on Human Rights. Lastly, his vote was a tribute to the views of the three major international trade-union organizations which were in favour of a single covenant.

21. Mr. PAZHWAQ (Afghanistan) had voted against the amended draft resolution because it opposed certain basic principles to which his delegation attached great importance. The decision disregarded the fundamental interdependence of human rights. Differentiation between specific categories implied differentiation between rights, which could only be regarded as a contradiction of the indivisibility of the human personality. Moreover, the draft resolution ignored certain basic conditions of democracy; its adoption would serve to deprive human beings of a life which was worthy of the human person. He would have to consult his Government on its attitude towards the future work of the United Nations in connexion with human rights in the light of the decision that had been taken.

22. Mr. BORDER (Australia) said that while his delegation had voted for the joint draft resolution, his

Government would not be able to take up a position on the reporting procedure until that procedure had been more precisely formulated and until the obligations to which it was to apply had themselves been defined. In view of that, he would have preferred that the final words of the French amendment (A/C.3/L.192/Rev.2) should have been omitted. He believed, however, that his delegation's preoccupation, or rather the attitude which followed from it, was not foreclosed by the existing text of the amendment, which had a certain flexibility; and the affirmative vote of his delegation should be interpreted in that sense, so far as those words were concerned.

23. Mr. BAROODY (Saudi Arabia) had voted against the joint draft resolution as amended because he considered that civil and political rights and economic, social and cultural rights were not only interdependent and interconnected, but compounded. Any attempt to create a division between the two categories would result in violent explosions throughout the world. All wars and revolutions sprang from such attempts to split economic, social and cultural rights from civil and political rights and he called upon those who favoured a single covenant to do their best to bring about a reversal of the decision.

ORDER OF CONSIDERATION OF THE DRAFT RESOLUTIONS BEFORE THE COMMITTEE

24. The CHAIRMAN suggested that the Committee should next discuss the joint draft resolution (A/C.3/L.186 and Add.1) on the inclusion of the right to self-determination in the covenant on human rights, and the amendments thereto.

25. Mr. GARCIA BAUER (Guatemala) proposed that the Committee should first discuss the joint draft resolution submitted by Ecuador and Guatemala (A/C.3/L.189), because it related to the matters on which a decision had just been taken by the Committee whereas the right to self-determination was a different question.

26. Mr. ALBORNOZ (Ecuador) observed that there were no amendments to that draft resolution, so that the Committee would find it easy to dispose of it rapidly.

27. Mr. Altaf HUSAIN (Pakistan) said that, as the Committee had decided to give priority to the civil and political rights, the question of self-determination, which was closely linked with those rights, should be discussed first.

28. Mr. GARCIA BAUER (Guatemala) argued that the Committee had not given priority to one category of rights but had decided that the two covenants should be drafted simultaneously.

29. Mr. PLEIC (Yugoslavia) felt that the joint draft resolution had become less urgent as a result of the decision to place the economic and social rights in a separate covenant. There was no reason to give it priority.

30. The CHAIRMAN called for a vote on the Guatemalan proposal to take up the joint draft resolution

submitted by Ecuador and Guatemala (A/C.3/L.189) next.

The proposal was adopted by 15 votes to 10, with 18 abstentions.

JOINT DRAFT RESOLUTION SUBMITTED BY ECUADOR AND GUATEMALA (A/C.3/L.189)

31. Mr. ALBORNOZ (Ecuador), introducing the joint draft resolution submitted by Ecuador and Guatemala (A/C.3/L.189), explained that it was designed to facilitate the revision and improvement of the articles on economic, social and cultural rights in the draft covenant, with a view to making the series of rights more homogeneous and stressing the common principles underlying them.

32. It was proposed that the Commission on Human Rights should take note of information supplied by the specialized agencies, non-governmental organizations and governments of Member States, in particular governments not represented on the Economic and Social Council or the Commission on Human Rights, thus achieving a broad exchange of views. The revised work would be ready for presentation to the General Assembly at its seventh session.

33. Mr. AZKOUL (Lebanon) suggested that, in view of the Committee's decision in favour of two covenants, the words "the draft covenant" should be altered to "the draft covenants" where they appeared in the joint draft resolution.

34. He also wondered whether that joint draft resolution was in fact indispensable, since its operative part, calling upon the Commission on Human Rights to take account of the views of the specialized agencies, non-governmental organizations and governments of Member States, appeared merely to be a reiteration of the United Kingdom amendment (A/C.3/L.188), which had already been adopted.

35. Mr. ALBORNOZ (Ecuador) had no objection to changing "covenant" to "covenants". But he wished the joint draft resolution to stand since, unlike the United Kingdom amendment (A/C.3/L.188), it specified no date for the submission of views to the Commission on Human Rights; in his opinion the date 1 March left too little time. In addition he did not wish to rule out the possibility of future communications from governments.

36. Mr. DE ALBA (Mexico) thought the joint draft resolution very important in that it amounted to keeping the covenant an open book to which new articles could be added, in the course of the next few years, in the light of experience.

37. He was glad that the joint draft resolution emphasized the importance of co-operation with the specialized agencies, a point which his delegation wished to endorse, with special reference to the progress made by two of those agencies—the United Nations Educational, Scientific and Cultural Organization and the International Labour Organisation—in implementing various principles of the Universal Declaration of Human Rights through international conventions.

38. Mr. de Alba thought the joint draft resolution complemented rather than duplicated the United Kingdom amendment, and he would vote in favour of it.

39. Mr. GARCIA BAUER (Guatemala) did not agree with the drafting amendment suggested by the representative of Lebanon: the "draft covenant" mentioned clearly referred to the articles on economic, social and cultural rights already drafted, and the text was thus entirely consistent with the decision in favour of two covenants.

40. He did not think the joint draft resolution duplicated the United Kingdom amendment (A/C.3/L.188) to the draft resolution that had been approved (A/C.3/L.182), since it specifically instructed the Commission on Human Rights to take note of the views expressed in the Third Committee during the discussion of the draft covenant; it was, moreover, less restrictive than the United Kingdom amendment, in that it laid down no time limit for submission of observations.

41. Mr. AZKOUL (Lebanon) said that in view of what had been said, he would not press the drafting amendment he had suggested.

42. Mr. CASSIN (France) thought that, since the joint draft resolution was concerned essentially with the existence not of one or two covenants, but of articles covering economic and social rights, it remained important, despite the decision just taken by the Committee.

43. Nevertheless, adoption of the joint draft resolution would lead to delay because it called upon the Economic and Social Council to request the Commission on Human Rights to take account of the views of specialized agencies, non-governmental organizations and governments of Member States; whereas the United Kingdom amendment (A/C.3/L.188), which the French delegation had supported, proposed that such views should be called for by the Secretary-General, a more expeditious method.

44. He wondered whether the joint draft resolution was not redundant. It must be made quite clear that only the Secretary-General could call for views.

45. Mr. GARCIA BAUER (Guatemala), supported by Mr. ALBORNOZ (Ecuador), said that the joint draft resolution did not suggest that the Economic and Social Council should call for information, but only that it should request the Commission on Human Rights to take note of the views expressed. Views would of course be collected through the Secretary-General's office, but the time limit specified by the United Kingdom allowed too little time. He did not think there was any contradiction between the joint draft resolution and the United Kingdom amendment: the former merely allowed greater latitude.

46. Mr. NAJAR (Israel) said that the joint draft resolution differed entirely in spirit from the United Kingdom amendment, as was clear from the second paragraph of its preamble. Whereas the United Kingdom representative had stated that he was opposed to the reporting procedure adopted in the French

amendment (A/C.3/L.192/Rev.2), a much more positive position was taken towards implementation in the joint draft resolution.

47. He would vote for the joint draft resolution.

48. Mr. PAVLOV (Union of Soviet Socialist Republics) was dubious about the prospects of any progress in the protection of human rights after the Committee's decision to separate the economic, social and cultural rights from the civil and political rights and thus about the practical use of the joint draft resolution. His delegation, however, had consistently supported all draft resolutions designed to further the protection of human rights and would therefore vote for the joint draft resolution. The sponsors had argued convincingly that it did not duplicate the United Kingdom amendment already adopted. Although there was no reference to two covenants, their existence could be inferred if necessary. An explicit reference might be interpreted as an invitation to redraft all the economic, social and cultural rights to bring them more closely into line with the implications of the decision to draft two covenants; but the second paragraph of the preamble appeared to provide an adequate safeguard.

49. Mrs. ROOSEVELT (United States of America) would support the joint draft resolution. It partly duplicated the United Kingdom amendment already adopted, but there was no great harm in that.

50. The CHAIRMAN put to the vote the joint draft resolution submitted by Ecuador and Guatemala (A/C.3/L.189).

The joint draft resolution (A/C.3/L.189) was approved by 44 votes to none, with 8 abstentions.

51. Mr. ALFONZO RAVARD (Venezuela) had abstained from voting, although he was, in general, in favour of the ideas embodied in the draft resolution. The second paragraph of the preamble referred to those articles which had been examined during the current session; but the debate had been a general one, and there had been no detailed examination of specific articles.

52. Mr. PAZHWAQ (Afghanistan) proposed that the Committee should next discuss the joint draft resolution (A/C.3/L.186 and Add.1) on the inclusion of the right to self-determination in the covenant on human rights, and the amendments thereto (A/C.3/L.204, A/C.3/L.205, A/C.3/L.206, A/C.3/L.209, A/C.3/L.216, A/C.3/L.217, A/C.3/L.221).

That proposal was adopted.

JOINT DRAFT RESOLUTION SUBMITTED BY AFGHANISTAN, BURMA, EGYPT, INDIA, INDONESIA, IRAN, IRAQ, LEBANON, PAKISTAN, THE PHILIPPINES, SAUDI ARABIA, SYRIA AND YEMEN (A/C.3/L.186 and Add.1)

52. Mr. PAZHWAQ (Afghanistan) introduced the joint draft resolution submitted by Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Pakistan, the Philippines, Saudi Arabia, Syria and Yemen (A/C.3/L.186 and Add.1) on behalf of some of the sponsors. It had already aroused considerable comment during

the general debate, and the interest then shown had amply demonstrated its importance. It dealt with one of the most significant questions that had ever been brought before any organ of the United Nations. It must be stated in all sincerity that it was not aimed against any delegation; that must be clearly understood, as certain observations made in the general debate seemed to show that some delegations had thought otherwise. The only purpose of the joint draft resolution was to defend one of the most fundamental human rights. He must appeal to all delegations to refrain from such embittered controversy as that which had marred the general debate in that connexion and to discuss the joint draft resolution in the same friendly spirit in which the sponsors had submitted it.

54. Commenting upon the joint draft resolution paragraph by paragraph, he pointed out that the fourth paragraph of the preamble had been taken from the United Nations Charter; the principles embodied therein had thus already been accepted by all Members of the United Nations.

55. It might be asked whether the right to self-determination was a human right; it had been explicitly recognized as such in the Charter and in General Assembly resolution 421 (V), section D. It might further be asked why the right should be embodied in the draft covenant; it should be incorporated in any instrument designed to protect human rights.

56. He would explain why it should be included in the form of an article after the United States represen-

tative had introduced her amendment (A/C.3/L.204). The particular wording chosen had seemed the shortest and simplest, but the sponsors would welcome any improvement suggested.

57. The text should be discussed by the Third Committee, because it would have examined such an article if the Commission on Human Rights had had time to draft one and because other such texts had been so discussed in the past.

58. The question of the distinction between a people and a nation might be raised. With the right to self-determination the terms were identical. A western writer had well defined a nation as a unit with the sense of special unity which marked off those who shared in it from the rest of mankind, the outcome of a common history and common traditions created by a corporate effort and resulting in the sense of kinship which bound men into oneness and enabled them to recognize their likenesses and emphasize their differences from others; having a distinctive social heritage, giving them a high survival value that had enabled them successfully to struggle for their existence until at last the time came for them to have political aspirations and to wish to determine their own destiny and to preserve their own dignity. The distinction drawn between a people and a nation was an unfortunate one in the context; it was to be hoped that the question would not again be raised.

The meeting rose at 12.55 p.m.