



C O N T E N T S

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.186 and Add.1) (<i>continued</i>)	299
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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.186 and Add.1) (*continued*)

[Item 29]*

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) (*continued*)

1. Mrs. ROOSEVELT (United States of America) said that her delegation's purpose in submitting an amendment (A/C.3/L.204/Rev. 1) to the thirteen-Power draft resolution (A/C.3/L.186 and Add.1) on the inclusion in the covenant of a provision on the right to self-determination was to secure the reaffirmation of the principle enunciated in the Charter of the United Nations ; but the amendment submitted left open the question of the form in which the principle should be expressed, so as to enable the Commission on Human Rights to make recommendations for the consideration of the General Assembly at its seventh session. It was regrettable that the Commission had been unable to do so in time for the sixth session ; the only reason for its failure was that it had not had the necessary time at its disposal. The United States delegation approved the amendment submitted by Greece (A/C.3/L.205), which explicitly called upon the Commission on Human Rights not merely to draft a suitable provision, but also to prepare recommendations for submission to the General Assembly at its seventh session.

2. The United States delegation could not, however, accept the USSR amendment (A/C.3/L.206), for that amendment limited the scope of the principle only to

* Indicates the item number on the General Assembly agenda.

Non-Self-Governing Territories, placing only those States which administered such territories under the obligation to respect the right of self-determination. Only eight States were in such a position, and the United States delegation could not see any reason why the fifty-two others should be absolved. The purpose of its amendment (A/C.3/L.222) to the USSR amendment (A/C.3/L.200) was precisely to provide that all States should contribute to ensuring the application of the principle of the right of self-determination of peoples.

3. Mr. ACRITAS (Greece) recalled that during the general debate his delegation has unreservedly supported the right of self-determination, for that right was the keystone of the Universal Declaration of Human Rights and of international order. He therefore supported the thirteen-Power draft resolution (A/C.3/L.186 and Add. 1). It was not enough, however, to proclaim the principle ; provision had also to be made for its practical application. The purpose of the amendment submitted by the Greek delegation (A/C.3/L.205) was to supplement the joint draft resolution and facilitate the effort to discover appropriate means of ensuring such application. In its existing form, the joint draft resolution gave legal expression to the principle of the right of peoples to self-determination. By instructing the Commission on Human Rights to prepare recommendations, the amendment submitted by the Greek delegation aimed at translating that principle into practice. Far from being superfluous, it was, on the contrary, rendered necessary by the very terms of the joint draft resolution.

4. Mr. MUFTI (Syria) said that after the decisions adopted at the preceding meetings, the principle of the right of self-determination of peoples assumed particular importance, and no more suitable time could have been chosen for discussing it. That principle was indeed the corner-stone of the whole edifice of human rights, and the discussion that was beginning might open the way to practical achievements. Some delegations, affirming that the principle was likely to prove preju-

dicial to the covenant, wished to deprive it of all its substance and to call its terms in question again. According to those delegations, it was necessary to take up once more the matter of defining those terms, to consider the technical problems which were raised both by the principle itself and by the means of applying it, and to appoint a competent body to decide on the exercise of the right.

5. With regard to the world "people", which was the key word in the statement of the principle, he affirmed that in its context the word clearly meant the multiplicity of human beings constituting a nation, or the aggregate of the various national groups governed by a single authority. The principle of the right of peoples to self-determination was therefore one aspect of the principle of nationalities, which had played so great a part in history and on which a large number of peoples had relied in claiming and obtaining their independence. The principle of the right of peoples to self-determination had two aspects, according to whether it was considered from the domestic or the international point of view. From the domestic point of view, it took the form of self-government, that is to say a people's right to adopt representative institutions and freely to choose the form of government which it wished to adopt. From the international point of view, it led to independence.

6. He reviewed the texts by which the principle of the right of peoples to self-determination had been sanctioned. Without going further back into history, he first mentioned President Wilson's message of 11 February 1918, the three essential points of which he recalled: peoples and provinces must not be objects of bargaining; all territorial settlements must be carried out in the interests and for the benefit of the populations concerned; and lastly, all well-defined national aspirations should be given the fullest satisfaction that could be granted them without perpetuating old quarrels and antagonisms or creating new ones. It was objected that those three points related solely to territorial annexations. Everyone knew, however, that when a country's legitimate national aspirations became too troublesome, they were in the end simply rejected.

7. The principle of the right of peoples had also been sanctioned by the Atlantic Charter of 14 August 1941, the points 2 and 3 of which repudiated all territorial changes that did not accord with the freely expressed wishes of the peoples concerned and reaffirmed the right of all peoples to choose the form of government under which they would live. That instrument further provided that sovereign rights and self-government should be restored to those who had been forcibly deprived of them. It was refuted that the peoples referred to were countries that had been the victims of nazi aggression. If, however, reference was made to the Atlantic Charter, it would be found that point 3 mentioned all peoples, point 4 all States great or small, point 5 all nations, point 6 all nations and all the men in all the lands, point 7 all men and point 8 all the nations of the world. It would be sufficient to add that the Atlantic Charter had been the origin of the independence of a large number of nations and of the break-down of vast colonial empires.

8. Some delegations had maintained that the principle of the right of self-determination of peoples was liable to weaken international solidarity by increasing the number of frontiers; but international co-operation had reached its highest degree of development since the admission of independent States to the United Nations and the specialized agencies. Co-operation freely undertaken had always been the most productive type of co-operation, and the implementation of the principle of the right of peoples to self-determination was an indispensable condition in effecting co-operation in an atmosphere of peace and general understanding. Although solidarity presupposed a certain interdependence, it was an interdependence based on common development and progress.

9. The principle of the right of peoples to self-determination was also enshrined in the United Nations Charter. It appeared in Article 1, paragraph 2, and, in a more developed form, in Article 55. By quibbling with the wording of Article 55, it had been possible to say that the Charter subordinated the right of peoples to an economic and social sub-structure, whereas that Article actually stated that stability and well-being were necessary for peaceful and friendly relations among nations, sub-paragraph *c* affirming that those conditions demanded respect for, and observance of, human rights. Other passages in the Charter advocated a policy of self-government: that Member States should agree to develop self-government, that they should take due account of the political aspirations of the peoples and assist them in the progressive development of their free political institutions. Finally, that principle was sanctioned by the Universal Declaration of Human Rights, particularly in article 21, paragraph 3, (General Assembly resolution 217 A (III)).

10. The Committee had also brought up the subjects of federalism and collective security. Federalism, however desirable, was very rarely to be found in its true form, because it presupposed a certain autonomy, a higher legislative structure, joint citizenship and, above all, the participation of the various federated communities in expressing the common will. Although it was true that a State was not by itself capable of ensuring its own security, a beginning must be made by giving every State the chance to assist in ensuring it by joint action. Such collective security could not exist where there was a system of coercion and domination.

11. The joint draft resolution (A/C.3/L.186 and Add.1) was based on all the factors which had just been mentioned and only reaffirmed a resolution already adopted by the General Assembly. The Syrian delegation would therefore vote for it. The United States amendment (A/C.3/L.204/Rev.1) had certain merits, but it weakened the joint draft resolution by postponing the decision on it, whereas the joint draft resolution recommended the inclusion in the covenant of a simple and clear article. The USSR amendment (A/C.3/L.206) introduced a new element which should be retained. The Greek amendment (A/C.3/L.205), on the other hand, was unacceptable. The Syrian amendment (A/C.3/L.221) merely proposed that guarantees should be included for the implementation of the rights set forth in the covenant. He ended by paying a tribute

to Mrs. Roosevelt, whom he acknowledged as the real architect of the edifice which the Third Committee was trying to erect.

12. Mr. DE ALBA (Mexico) was glad to note that the sponsors of the joint draft resolution and of the various amendments had provided the members of the Committee with an opportunity of reconciling their differences of view on a high plane and within the framework of the Charter of the United Nations. The problem of peace was actually the only one in the Charter to be more extensively and more carefully developed than the principle of the right of self-determination of peoples set forth in Articles 73 *et seq.* The originality and merit of the Charter resided in the fact that it had recognized that the maintenance of peace necessarily implied the end of the abuses of the right of conquest and of occupation. Franklin D. Roosevelt would remain a source of inspiration in that connexion because, in his letters, talks and speeches, particularly after the Casablanca and Cairo conferences, he had always emphasized that the Powers fighting against nazism and Japanese militarism had committed themselves to assisting the countries of Asia and Africa in securing their independence and the recognition of their legal status as free and sovereign nations.

13. In that connexion it must be appreciated that Roosevelt's ideas were based on the history of America as a whole — Latin America as well as Anglo-Saxon America. When the New World had been discovered, Spanish theologians, jurists and philosophers, such as Francisco de Vitoria, Bartolomé de las Casas and Francisco Suárez, had denounced the exploitation of the indigenous inhabitants as unjust and illegal and had demanded that the dignity of the human person should be respected. Bolívar, San Martín, Hidalgo, Artigas, O'Higgins, Morelos and Martí had later been inspired by the same ideal as Washington, Jefferson and Lincoln.

14. All those heroes and martyrs, who had upheld the cause of the freedom of peoples, had prepared the way for the age when the Charter would ensure the independence of all peoples by the consent of colonial and mandated countries and by the agreement of the non-self-governing peoples and the administering Powers.

15. During the discussion on the right of self-determination, some representatives had asked to which competent authority peoples intent on independence should apply. The Charter clearly indicated that that authority was the United Nations. The full independence of peoples must be the guarantee of peace, and the changes that were taking place in Asia and Africa testified to a development similar to that of the Western hemisphere in the eighteenth and nineteenth centuries. A true democratic spirit was required to guide the restlessness, the spirit of revolt and the aspiration for independence shown by various peoples in Asia and Africa along peaceful and productive channels. The United Nations should assume the guiding role assigned to it by the Charter, which recommended a kind of mutually accepted agreement based on measures of economic and social reform designed to improve the living conditions of all mankind. If the age of conquest

and exploitation had really passed and if all the inhabitants of the world were ensured the enjoyment of human rights, a new day would dawn when values other than force and material wealth would be recognized.

16. The Mexican delegation was therefore grateful to the sponsors of the joint draft resolution (A/C.3/L.186 and Add.1) for having reaffirmed one of the basic principles of the Charter and for having thus enhanced the prestige of the United Nations by endeavouring to convert that principle into a reality. It considered all the amendments to be acceptable, because none was inconsistent with the Charter, and it hoped that there would be agreement on the urgent problem under consideration.

17. Mr. PAZHAWAK (Afghanistan) submitted the amendment (A/C.3/L.209) which he proposed to make to that of the United States of America (A/C.3/L.204/Rev.1) and which was designed to clarify the meaning of the text by replacing the words "a provision reaffirming the principle of" by the words "an article on the right of peoples and nations to". He said that, before the delegation of the United States had submitted a revised text of its amendment, Mrs. Roosevelt had assured him that she would approve the insertion of an article on the right of peoples to self-determination. He noted with regret that the word "article" did not appear in the revised amendment submitted by the United States of America, and he was therefore obliged to press his amendment.

18. Furthermore, he did not consider it necessary to affirm once again a principle recognized by the Charter and many other international instruments. Some good would be done if the principle appeared at last in a legal instrument imposing obligations on the signatories. That was, in fact, the purpose of the proposed covenant on human rights. As the representative of France had stated on many occasions although in a different connexion, a covenant was not a declaration. If the United States of America did not press its amendment, the representative of Afghanistan would withdraw his own. Otherwise, he thought his amendment improved on the United States wording and he would uphold it.

19. Mrs. AFNAN (Iraq) submitted her delegation's amendment (A/C.3/L.217) to the amendment proposed by the United States of America (A/C.3/L.204/Rev.1). The amendment of Iraq remained applicable in spite of the revision of the United States amendment (A/C.3/L.204/Rev.1) which proposed in somewhat vague terms the reaffirmation of a principle of the Charter and, if adopted, would prevent the Committee from expressing its views on the thirteen-Power draft resolution. All delegations must, however, be afforded the opportunity of stating their views. It was sometimes preferable to entrust the drafting of difficult texts to a small committee rather than to a large assembly, but some decisions called for a meeting of all sixty nations. It was sufficient to recall the cancellation of the colonial clause at the fifth session of the General Assembly.¹

¹ See *Official Records of the General Assembly, Fifth session, Third Committee, 302nd meeting.*

It was almost certain that if a different procedure had been adopted, the question would not yet have been settled. The wording proposed for the article on the right of peoples to self-determination was only a suggestion, and she would not insist on its retention exactly as it appeared; but such an article was even more necessary since the Third Committee had decided to recommend the preparation of two separate covenants.

20. Miss SUDIRDJO (Indonesia) recalled the attitude taken by her delegation in favour of the thirteen-Power draft resolution (A/C.3/L.186 and Add. 1) during the general debate (366th meeting). The covenant must obviously contain an article on the right of peoples to self-determination and not a mere reaffirmation of a principle. She could not therefore vote for the United States amendment, but would, when the occasion arose, vote for the Afghan amendment (A/C.3/L.209) proposing the insertion of such an article. The matter had been thoroughly discussed at the fifth session of the General Assembly, which had instructed the Commission on Human Rights to prepare recommendations to be submitted to it at its sixth session. As the Commission had not been able to do so, it would be hazardous to resort to the same procedure again. For that reason the Indonesian delegation was unable to accept the Greek amendment. On the other hand, the USSR amendment presented an acceptable principle, and the Indonesian delegation would vote for it if the occasion arose.

21. The CHAIRMAN announced that there were no further speakers on the list and asked whether the Committee wished to proceed to the vote.

22. Mr. BARODY (Saudi Arabia) pointed out that the fact that there were no more speakers on the list did not mean that the members of the Committee were ready to vote. Certain delegations appeared to be waiting until all those in favour of the thirteen-Power draft resolution had spoken, so as to have the last word. He therefore considered that an immediate vote would be highly premature.

23. Mr. D'SOUZA (India) shared the view of the representative of Saudi Arabia. Several amendments had been submitted which the delegations had not had time to consider. The Committee might therefore adjourn the discussion and pass to some other matter, for example the draft resolution submitted by Chile, relating to a special session of the Economic and Social Council (A/C.3/L.218/Rev. 1).

24. The CHAIRMAN replied that she had not intended to put the texts under discussion to the vote immediately, but the purpose of her remark had merely been to invite members of the Committee to speak.

25. Mr. GARCIA BAUER (Guatemala) considered that the joint draft resolution of the thirteen Powers and the various amendments presented so many points in common that the authors of the different texts might be asked to meet informally to revise the initial draft by incorporating the amendments in it. Meanwhile the draft resolution submitted by Chile (A/C.3/L.218/Rev. 1) or some other document, such as the draft resolution submitted by Guatemala (A/C.3/L.190) might be considered.

26. Mr. CORLEY SMITH (United Kingdom) said that the Interim Committee on the Programme of Conferences of the Economic and Social Council was due to meet in two days to consider the calendar of meetings of the various organs of the Economic and Social Council. The Chilean draft resolution would probably not take long to discuss, and he thought it inexpedient to proceed to it until the decision of the programme committee regarding the date of the session of the Commission on Human Rights was known. It would therefore be preferable for the Third Committee to consider some other question.

27. Mr. VALENZUELA (Chile) pointed out that the purpose of the draft resolution submitted by his delegation was not only to change the date of the session of the Commission on Human Rights, but also to ensure that matters referred to the Commission should pass through the normal channels — in other words, be transmitted to it through the Economic and Social Council.

28. Mr. ALEMAYEHOU (Ethiopia) asked whether the decision of the Third Committee on the Chilean draft resolution could be considered by the Programme Committee of the Council at its meeting on 23 January.

29. Mr. BARODY (Saudi Arabia) stated that he had no objection in principle to considering the Chilean draft, but that if it seemed likely that the discussion on procedure would continue, he would move the adjournment of the meeting.

30. Mr. CORLEY SMITH (United Kingdom) pointed out to the Committee that the Chilean draft resolution not only provided for a special session of the Council but also appointed the time and place of that session; it would be highly inconvenient to have a session of the Economic and Social Council in New York immediately after the General Assembly. Before voting on that draft resolution, the Third Committee should know the intentions of the programme committee.

31. The CHAIRMAN announced that she would put to the vote the Indian proposal regarding consideration of the draft resolution submitted by Chile (A/C.3/L.218/Rev. 1).

32. Mr. PAVLOV (Union of Soviet Socialist Republics) asked the Committee to return to the subject under discussion, namely the thirteen-Power draft resolution and the amendments relating to it. The final date for submitting draft resolutions and amendments was 5 January 1952 and, so far as he was aware, the Committee had not decided to change that date. If there were no more speakers on the list, the Committee might consider whether to accept the amendments before it. The United States amendment might well be a new Trojan horse, concealing weapons designed to destroy the thirteen-Power joint draft resolution and the USSR amendment. Experience of previous meetings hardly left any illusions as to the probable purpose of that manoeuvre. He wished to know how amendments had come to be submitted after the time limit, and whether that had been due to an arbitrary decision by the Chair.

33. The CHAIRMAN pointed out that the Committee had set no time limit for the submission of amendments to amendments, and that the amendments submitted by Afghanistan (A/C.3/L.209), Iraq (A/C.3/L.217), the United States of America (A/C.3/L.222) and the USSR itself (A/C.3/L.216) fell into that category. Moreover, the amendment contained in document (A/C.3/L.204/Rev. 1) was a new version of document (A/C.3/L.204), and it was customary to allow representatives who had submitted a text to revise it.

34. She then put to the vote the Indian proposal to adjourn further discussion on the thirteen-Power joint draft resolution (A/C.3/L.186 and Add.1) and the amendments relating to the right of self-determination of peoples until the following day, and to begin consideration of the Chilean draft resolution (A/C.3/L.218/Rev.1).

The proposal was adopted by 23 votes to none, with 23 abstentions.

35. Mr. PAVLOV (Union of Soviet Socialist Republics) regretted that he had to abstain. The text of the proposal, however, had not been read out. If he had known its contents he would have requested separate votes, on the proposal to adjourn the discussion and then on the question to be taken up next.

PROPOSAL TO HOLD A SPECIAL SESSION OF THE
ECONOMIC AND SOCIAL COUNCIL (*continued*)

36. Mr. CASSIN (France) welcomed the spirit of cooperation which the Chilean delegation had shown in submitting its draft resolution, and supported the draft resolution itself. He noted the objections of the United Kingdom representative, but pointed out that the Chilean draft resolution (A/C.3/L.218/Rev.1) laid no obligation on the programme committee and merely requested it to take the calendar of conferences into account. Far from prejudicing the work to be done by the programme committee, adoption of the Chilean draft resolution would assist it by bringing the Third Committee's wishes to its knowledge.

37. Mr. ALBORNOZ (Ecuador) said that he would support the Chilean draft resolution in the hope that it would enable work on the international covenants on human rights to be continued and completed before the end of 1952.

38. Mr. GARCIA BAUER (Guatemala) had no objection to a decision by the Economic and Social Council which should enable the Commission on Human Rights to submit to it the result of its work before the seventh session of the General Assembly. Paragraph 2 of the operative part of the Chilean draft resolution only repeated paragraph 1, however, and might well be deleted.

39. Mrs ROOSEVELT (United States of America) proposed that in paragraph 1 of the operative part of the Chilean draft resolution, the words "end of the" should be inserted before the words "fourteenth session".

40. Mr. REYES (Philippines) supported the suggestion made by the representative of Guatemala. He feared that if paragraph 2 were retained the drafting of the covenants might be delayed. To preclude such a possibility the operative part of the draft resolution should be as precise and imperative as possible, so as to ensure that the Economic and Social Council would give the Commission on Human Rights all the time it needed to complete the work entrusted to it by the General Assembly in its decision concerning item 29 of its agenda. A clause should therefore be added to paragraph 1 requesting the Economic and Social Council to take the appropriate action to ensure that the Commission on Human Rights had enough time to carry out the work entrusted to it by the General Assembly.

41. The Economic and Social Council had not always particularly in the social field, given the requests and directives of the General Assembly all the attention and the effective implementation they deserved. For example, the adoption of a draft convention on the international transmission of news and the right of correction (General Assembly, resolution 277 A (III)) had been made conditional on the adoption of a draft convention on freedom of information, to draft which the General Assembly had requested the Economic and Social Council to convene a conference of plenipotentiaries (resolution 426 (V), para. 5). The Economic and Social Council, however, had decided not to convene that conference. In consequence, adoption of the two texts was deferred *sine die*. Similarly, the General Assembly had requested the Economic and Social Council to explore the possibility of convening in 1951 both the Sub-Commission on Freedom of Information and of the Press and the Sub-Commission on Prevention of Discrimination and Protection of Minorities. The Council, however, had only convened the second of those bodies and at its thirteenth session had decided to abolish both.

42. When the Committee came to take a decision on the draft resolution (A/C.3/L.218/Rev.1), it should not forget those facts, which showed that the Economic and Social Council tended to underestimate the importance of social problems. The Philippine delegation, which was represented in the Economic and Social Council, upheld the Council's rights as firmly as any other delegation, but felt it must take into account the fact that the members of the Council did not represent their own governments only, but all sixty Member States of the United Nations.

43. Without prejudice to the principles governing relations between the General Assembly and the Economic and Social Council, the Assembly's directives to the Council should therefore be couched in as imperative a form as possible, so that the Council would be obliged to take them into account.

44. Mr. PAZHWAQ (Afghanistan) proposed the addition of a second operative paragraph, worded as follows (A/C.3/L.223):

"2. Requests the Council to instruct the Commission on Human Rights to give priority to the question of the right of peoples to self-determination,

which the Commission was forced to defer at its seventh session due to lack of time."

It was indeed right that those questions should at last receive the attention they deserved.

45. Mr. VALENZUELA (Chile) accepted the United States representative's oral amendment, which was an improvement, since the Economic and Social Council would start its fourteenth session a week before the session of the Commission on Human Rights ended.

46. The Guatemalan representative appeared to have logic on his side. But, as the Philippine representative had observed, the Economic and Social Council would perhaps be reluctant to give the Commission on Human Rights any more time. He therefore preferred to retain paragraph 2 of the draft resolution (A/C.3/L.218/Rev.1), even if it was tautological. Of course the Rapporteur, in his report to the General Assembly, could stress the importance the Third Committee attached to the review by the Economic and Social Council of the calendar of conferences with a view to extending the time given to the Commission on Human Rights; alternatively the point could be covered equally well in the summary records.

47. He feared, however, that the Committee's intentions, even if clearly expressed in that way, might not appear sufficiently precise and that the Economic and Social Council might not regard the directives it had received from the Committee as sufficiently mandatory.

48. He supported the substance of the amendment proposed by the representative of Afghanistan (A/C.3/L.223), but pointed out that only the Economic and Social Council could determine priorities. Many Member States certainly shared the views of Afghanistan, and it would be sufficient for their views to be recorded in the report of the Third Committee and in the summary records of its meetings.

49. Mr. REYES (Philippines) wondered what would happen if the Economic and Social Council were not prepared to give effect to the decision taken by the Third Committee with regard to item 29 of the agenda of the General Assembly. There were many delegations whose position with regard to the amendment submitted by Belgium, India, Lebanon and the United States of America (A/C.3/L.185/Rev.1) had been influenced by the proviso that the two covenants must be adopted simultaneously and in time to be presented to the General Assembly at its seventh session. It seemed possible that the Economic and Social Council might make it physically impossible for the Commission on Human Rights to give effect to that decision and that drafting of one or the other covenant would consequently be delayed. He requested the Secretariat to give further information on that point so as to assist his delegation to determine the attitude it would take when the matter was discussed at a plenary meeting of the General Assembly.

50. Mr. MUFTI (Syria) did not share the view expressed by the representatives of Chile and the Philippines. In his opinion the Third Committee, which represented the General Assembly and on which all

Member States were represented, was more authoritative than the Economic and Social Council, and was therefore entitled to establish priorities for the work. He supported the suggestion made by the representative of Afghanistan and wished in his turn, to move an oral amendment consisting of the addition at the end of paragraph 2 of the operative part of the Chilean draft resolution, of the words: "and in particular to those recommendations which relate to questions which have already been the subject of a resolution of the General Assembly and which the Commission on Human Rights has not had time to consider" (General Assembly resolution 421 (V) and 422 (V)).

51. Mr. PAZHAWAK (Afghanistan) asked whether the General Assembly, on the proposal of the Third Committee, had ever requested the Economic and Social Council to give priority to a specific question. If so, his suggestion could be adopted without infringing the rights of the Economic and Social Council.

52. Mr. GARCIA BAUER (Guatemala) regretted that the Chilean representative had not done as he had requested. Paragraph 2 of the Chilean draft resolution (A/C.3/L.218/Rev.1), besides being unnecessary—since the particular point it raised was already covered by the general provisions of paragraph 1—actually tended to weaken paragraph 1. He would therefore, at the appropriate time, request a separate vote on paragraph 2.

53. Mr. ALEMAYEHOU (Ethiopia) considered that the words "and determine whether", in paragraph 2 of the Chilean draft resolution, would weaken the resolution as a whole. If the Chilean representative decided to keep paragraph 2, he would therefore suggest that the first part of that paragraph should be amended to read:

"Requests the Economic and Social Council to review the arrangements made under the calendar of conferences for 1952 so that in the time scheduled..."

54. Mr. PAVLOV (Union of Soviet Socialist Republics) asked, first, whether the proposal to hold a special session of the Economic and Social Council would have financial implications and, if so what additional expenditure it would entail. Rule 152 of the rules of procedure of the General Assembly read as follows:

"No resolution involving expenditure shall be recommended by a committee for approval by the General Assembly unless it is accompanied by an estimate of expenditures prepared by the Secretary-General. No resolution in respect of which expenditures are anticipated by the Secretary-General shall be voted by the General Assembly until the Administrative and Budgetary Committee has had an opportunity of stating the effect of the proposal upon the budget estimates of the United Nations."

55. Secondly, he asked where the proposed special session of the Economic and Social Council was to be held. Rule 6 of the rules of procedure of the Economic and Social Council stated: "Each session shall be held at the seat of the United Nations unless, in pursuance of a previous decision of the Council, or at the request of a majority of its members, another place

is designated". He wondered whether that meant, then, that the proposed session would be held at United Nations headquarters, meaning in New York.

56. Finally, he asked for further information on the earliest and latest dates for the convening of the session.

57. He would not be able to define his attitude with regard to the Chilean draft resolution until he had received a reply to those three questions.

58. Mr. STEINIG (Secretary of the Committee) said that if the Economic and Social Council met in Paris during the current session of the General Assembly, the financial implications would be insignificant. On the other hand, if the special session of the Council were held in Paris but continued after the General Assembly had adjourned, or opened after that date, it would entail certain expenditures for *per diem* and other allowances. If the Council held a short session at the United Nations headquarters in New York, the additional expenditure would be very small, since all the necessary services would be available on the spot.

59. As regards the period during which the session could be convened, rules 4 and 7 of the rules of procedure of the Economic and Social Council provided that notification of a special session of the Council should be sent at least twelve days in advance and the special session should be convened within thirty days after the General Assembly's decision to request such a session.

60. With regard to the place of meeting, rule 6 laid down that the session should be held at headquarters, unless another place was appointed by a prior decision of the Council or at the request of the majority of its members. It should be made clear that in the case under discussion, there was no prior decision by the Council in that respect.

61. In reply to the questions put by the representatives of Syria, Afghanistan and the Philippines, he said that according to the actual provisions of the Charter, the Economic and Social Council carried out its functions under the authority of the General Assembly, but that, generally speaking, each of the principal United Nations organs interpreted for itself the scope of its authority. The Secretariat was not in a position to say immediately whether cases had already arisen in which the General Assembly had requested that certain matters should receive priority, but the necessary enquiries would be made and an authoritative reply given at the next meeting of the Third Committee.

62. Mr. VALENZUELA (Chile) felt that it would have been helpful to enlarge upon the special point which formed the subject of paragraph 2 of his draft resolution (A/C.3/L.218/Rev.1); but being anxious to satisfy those delegations which had objected to that paragraph he was willing to delete it, on the condition that it was clearly shown in the summary records and the report that the Committee had laid special emphasis on the need to modify the length of the session of the Human Rights Commission in order to enable it to carry out its duties as required.

63. He noted that a new issue had been raised during

the discussion. It should be stressed that the point to be decided in that connexion was not whether the Economic and Social Council should hold a special session, since it was already understood that the Council would be asked to meet in order to settle certain matters as a result of the General Assembly's decision to prepare two draft covenants on human rights. But it had been envisaged that the Council would hold a short session in Paris during the current session of the General Assembly. The need for at least twelve days notice from the date of the General Assembly's decision to request the convocation of the special session might, however, alter the position in that respect.

64. Mr. PAZHAWAK (Afghanistan) observed that although the Chilean representative had decided to delete paragraph 2 of his draft resolution, the Afghan amendment to that paragraph could be retained, perhaps in the form of a separate paragraph beginning with the words "*Calls upon the Economic and Social Council...*". With regard to the substance of the amendment, he was willing to wait until the Secretariat had made the necessary enquiries. However, in order to help the Secretariat, he would recall that in resolution 421 (V), the General Assembly had thanked the Commission on Human Rights for the priority which, in accordance with General Assembly resolution 217 (III), it had given during its fifth and sixth sessions to the preparation of a draft international covenant on human rights and measures for its implementation, and had called upon the Economic and Social Council to request the Commission on Human Rights to continue to give priority to the completion of the draft covenant and measures for its implementation. The resolution showed clearly that the General Assembly had already made recommendations to the Economic and Social Council and the Commission on Human Rights to the effect that certain questions should be given priority. There was therefore a precedent, and unless there was any other objection to the Afghan amendment, there would seem to be nothing to prevent the Third Committee from making a request to that effect to the Economic and Social Council.

65. In reply to a question from the CHAIRMAN, Mr. MUFTI (Syria) said that the Afghan amendment seemed completely satisfactory, and, if the Committee adopted it, he would withdraw his own proposal.

66. Mr. REYES (Philippines) thought that it would be better for the Committee to postpone its decision on the proposals before it until the Secretariat had told it whether, in view of the provisions of the rules of procedure and the calendar of meetings for 1952, the Commission on Human Rights would have sufficient time to complete its work in time for the result to be examined by the General Assembly as its seventh session. If it could not, the Chilean draft resolution would obviously be pointless.

67. Mr. STEINIG (Secretary of the Committee) pointed out that he could only reply to that question on behalf of the Secretariat. The Secretariat was of course entirely at the disposal of the United Nations and its various organs, and so far as it was concerned, there

would be nothing to prevent it from providing the Commission on Human Rights with all the necessary services for as long as was required.

68. Mr. PAVLOV (Union of Soviet Socialist Republics) said that he had not been altogether satisfied by the Secretary's reply to his three questions. With regard to the financial implications of the Chilean draft resolution, it would have been desirable for the Secretary of the Committee to give figures for the expenditure which would be made necessary by the convocation of a special session of the Economic and Social Council, according to whether the session was held in Paris, during or after the current session of the General Assembly, or in New York. Similarly, the Secretary of the Committee had failed to say whether, in view of the fact that the Economic and Social Council had not taken any decision regarding the place of meeting, the session would automatically be held in New York.

69. Mrs. ROOSEVELT (United States of America) pointed out, in reply to the Philippines representative's remarks, that the Secretariat could not foresee the future any more than could the members of the Commission on Human Rights. However, it would seem that if it had sufficient time—and it was very probable that the Economic and Social Council would allow it time—the Commission on Human Rights would be in a position to submit to the Economic and Social Council, at its fourteenth session, two draft covenants, which the General Assembly would then be able to examine at its seventh session.

70. The time and place of the Economic and Social Council's special session were secondary questions, which would be settled quite naturally in the light of circumstances.

71. With reference to the Afghan amendment to the Chilean draft resolution, she noted that not all the matters which had not been considered for lack of time were equally important. It would therefore be preferable for the amendment to be restricted to proposing that only the question of the rights of peoples to self-determination should receive priority. If that suggestion was accepted, the United States delegation would be able to support the amendment.

72. Mr. STEINIG (Secretary of the Committee) said, in reply to the USSR representative, that as soon as the General Assembly had decided to ask the Economic and Social Council to hold a special session, the members of the Council would be consulted on the place of meeting and the choice would be determined by the wishes of the majority of the members of the Council. With regard to the financial implications of the proposal, he could only say that the convocation of a special session of the Economic and Social Council would involve additional expenditure if it had to be held in Paris after the close of the General Assembly's current session.

73. Mr. PAVLOV (Union of Soviet Socialist Republics) said that he could, if necessary, explain his vote immediately, but he would prefer to have the written text of the various amendments before defining his position.

74. Mr. BAROODY (Saudi Arabia) proposed the adjournment of the meeting.

The motion was adopted by 18 votes to 6, with 20 abstentions.

The meeting rose at 6.15 p.m.