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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.191/Rev.2, A/C.3/L.193, A/C.3/L.195, A/C.3/L.195/Rev.2, A/C.3/L.196/Rev.2, A/C.3/L.229) (continued)

[Item 29]*

DRAFT RESOLUTIONS CONCERNING MEASURES OF IMPLEMENTATION OF THE COVENANT (continued).

1. Mr. VALENZUELA (Chile) had no difficulty in understanding the acceptance by the delegations who opposed a system of international supervision for human rights of a compromise solution whereby the General Assembly would postpone till a later session examination of the draft resolutions before the Third Committee. But the delegations which regarded as indispensable the inclusion of such a system in the draft covenants could appeal to three competent authorities: the Commission on Human Rights, which consisted of experts; the Economic and Social Council, which was a reviewing organ; and the General Assembly which was the central body responsible for political decisions.

2. The joint draft resolution submitted by Denmark, New Zealand, Norway and Sweden (A/C.3/L.229) proposed to transmit to the Commission on Human Rights the draft resolution submitted by Guatemala, Haiti and Uruguay (A/C.3/L.195/Rev.2). But, the Commission on Human Rights had already taken a decision on the recommendation contained in the joint draft resolution (A/C.3/L.195/Rev.2). In that connexion he quoted paragraph 84 of the Commission's report on its seventh session (E/1992), which said that an Indian proposal providing that the human rights

* Indicates the item number on the General Assembly agenda.

committee might initiate an enquiry on receipt of complaints received either from individuals or from non-governmental organizations, had been rejected by 10 votes to 7, with 1 abstention. It would therefore be curious for the General Assembly to request the Commission on Human Rights to consider a question on which it had already taken a decision.

3. Consequently, he would urge the delegations of Denmark, New Zealand, Norway and particularly Sweden which had voted for the proposal rejected by the Commission on Human Rights, not to mention the joint draft resolution submitted by Guatemala, Haiti and Uruguay (A/C.3/L.195/Rev.2) in their draft resolution. He would also like the Third Committee to decide whether it had sufficient time to study the joint draft resolution submitted by Guatemala and Uruguay (A/C.3/L.196/Rev.2), which had already been submitted to the Commission on Human Rights but which the latter, as was stated in paragraph 70 of its report, had not had time to study; the solution visualized in the joint draft procedural resolution (A/C.3/L.229) should only be adopted if the Third Committee did not have time to make that study.

4. Mr. DE ALBA (Mexico) thought the Third Committee should vote without further delay on the draft resolution submitted by Guatemala, Haiti and Uruguay (A/C.3/L.195/Rev.2) particularly since, as the Chilean representative had pointed out, the Commission on Human Rights had already examined the question. He noted with regret that frequently a vicious circle was created between the General Assembly, the Economic and Social Council and the Commission on Human Rights. The Third Committee was jealous of its authority: it had often had to remind the Economic and Social Council and the Commission on Human Rights that neither of those bodies could impose their views on the Third Committee since the membership of the Council and the Commission was limited, whereas all States Members of the United Nations were represented on the Third Committee.

5. He appreciated the intentions by which the delegations of Denmark, New Zealand, Norway and Sweden had been actuated in submitting their joint draft resolution (A/C.3/L.229): either they had received no instructions from their governments or the question had been dealt with from a new standpoint so that they had not yet been able to adopt a position with regard to it. Nevertheless, the Third Committee must take a vote, for it must decide whether the decision of the Commission on Human Rights as regards the right of individuals and non-governmental organizations to petition was to be maintained or modified. If the draft resolution submitted by Guatemala, Haiti and Uruguay (A/C.3/L.195/Rev.2) was adopted, the Commission on Human Rights would have to reconsider its decision; if it were rejected, the majority would thereby imply that it supported the Commission's decision. At all events, the General Assembly must take a decision.

6. A number of delegations would undoubtedly abstain from voting on the joint draft resolution (A/C.3/L.195/Rev.2) but the essential point was that the members of the Third Committee should vote on that draft and thus make the position of their governments known. It was sufficient for the Chairman to give a ruling to that effect. Furthermore, the Committee had embarked on the discussion of the other draft resolutions mentioned in the joint draft resolution (A/C.3/L.229) and it might take a vote on them as well.

7. Mr. PAVLOV (Union of Soviet Socialist Republics) recalled the USSR delegation's opinion that the time was not yet ripe to examine the question substantively and to study measures for the implementation of a still non-existent covenant. Only when the Third Committee was in possession of the complete draft covenant could it usefully begin to consider measures of implementation. It would then have to reject all proposals implying intervention in a country's domestic affairs. The only effect of applying international supervision to questions which were exclusively within a country's domestic jurisdiction would be to increase the tension between States. Any such measure would therefore serve neither the cause of peace nor the purposes and principles of the United Nations. Moreover, his delegation thought that individual methods of implementation must be adopted for each country; each country must harmonize its legislation with the provisions of the covenant, as it had the right to do in its capacity as a sovereign State.

8. The various draft resolutions before the Committee, excellent as were the intentions of their sponsors, showed that it would be premature to take up the question of substance. For example, the draft resolution submitted by Syria (A/C.3/L.191/Rev.3) spoke of enquiries and investigations. Admittedly that was a method stipulated by the chapters of the Charter on the International Trusteeship System. But, if it were extended to fields other than that of trusteeship, all sovereign States would find themselves in the position of Non-Self-Governing or Trust Territories in relation to the Trusteeship Council. Since the influence of the United States of America was preponderant in the United Nations, it was possible that an American inspir-

ed mission might one day go to Syria with instructions to carry out an enquiry and frame recommendations which would herald the despatch of divisions or the establishment of air bases in that country. He concluded that that seemingly innocent proposal was in reality extremely dangerous and that it could only serve the most imperialistic and expansionist Powers.

9. The delegations of Guatemala, Haiti and Uruguay proposed in their draft resolution (A/C.3/L.195/Rev.2) that the organ which it was proposed to establish should be competent to receive charges of non-fulfilment of the provisions of the covenant, irrespective of whether such charges were serious and justified or not: but he asked who was going to decide whether the charges were serious. He feared that the United States of America might succeed in making the proposed human rights committee its tool, empowered, under the cover of the United Nations, to decide whether complaints were admissible or not. With that method, a suit between a citizen of a country and his government might be transferred to the international plane and degenerate into an international dispute. Furthermore, it would be dangerous to grant small groups of private persons or individuals a right which could only belong to large, responsible associations such as the trade unions. Again, it was obvious that, if a government was competent to legislate, it was competent to apply the law. The sponsors of the joint draft resolution (A/C.3/L.195/Rev.2) should reflect on the danger which their proposal would involve for future relations between their governments and peoples, seeing that it would afford a foreign Power the necessary pretext for interference in the affairs of their respective countries.

10. The proposals before the Committee were, therefore, too vague and too incomplete to permit the Committee to decide on the substance of the matter. That being so, he was obliged to fall back on the joint draft procedural resolution (A/C.3/L.229). He had intended to submit a similar draft but had been forestalled, and he would merely submit some amendments by way of a reply to the Chilean representative's argument. The object of one of his amendments would be to postpone consideration of measures of implementation until the General Assembly was in possession of the complete draft covenant. Another amendment would be the addition of the draft submitted by Israel (A/C.3/L.193) to the three texts mentioned in the draft resolution submitted by Denmark, New Zealand, Norway and Sweden; he felt that that text came within the same category, since it was closely linked to the question of implementation and drew a distinction between rights which could be implemented and those which could not, a problem which the Third Committee was still not in a position to solve.

11. Mrs. ROOSEVELT (United States of America) thought that it was insulting for Member States, which were sovereign States, to be described as tools of the United States of America. The votes taken in the Committee were ample proof that the United States of America had no more influence than the Soviet countries possessed in the Committee. She recalled that, in the Commission on Human Rights, the USSR repre-

representative had made it amply clear that he opposed the principle of international supervision and he had submitted several proposals to that effect which the Commission on Human Rights had invariably rejected. She anticipated the submission of a similar proposal in the Third Committee, which she warned to be on its guard.

12. The United States delegation agreed with a number of delegations on the importance of implementing the provisions of the two covenants on human rights. Confining herself for the moment to the covenant on civil and political rights, she would express her conviction that it would be essential to set up an international organ for the implementation of that covenant at the international level. Though it was to be assumed that the countries which ratified the covenant would take action to ensure that it was respected on their territory, there should nevertheless be provisions for its implementation in all countries in the world.

13. Her delegation would be prepared to vote for the three draft resolutions on measures of implementation (A/C.3/L.191/Rev.2, A/C.3/L.195/Rev.2 and A/C.3/L.196/Rev.2), subject to a few formal changes in the draft resolution submitted by Guatemala and Uruguay (A/C.3/L.196/Rev.2).

14. She thought that the Commission on Human Rights, when drafting the measures of implementation, might take account of the suggestions formulated by the Syrian representative in his draft resolution (A/C.3/L.191/Rev.2), and that the drafts submitted by Guatemala, Haiti and Uruguay (A/C.3/L.195/Rev.2), and by Guatemala and Uruguay (A/C.3/L.196/Rev.2) were general enough in their terms to allow the Commission on Human Rights a sufficiently free hand in devising practical implementation machinery.

15. With those three draft resolutions, the Commission on Human Rights might decide to set up a human rights committee as the international organ responsible for examining complaints of non-fulfilment of the provisions of the covenant. She objected to the proposal for a United Nations attorney-general¹ as being too complicated and because the outcome would be to vest too much authority in a single individual.

16. The proposed attorney-general would receive all complaints and investigate their validity and urgency; he would be authorized to proceed to the territory of any of the contracting parties and make such investigations as he thought appropriate; if he was dissatisfied with a country's compliance with the provisions of the covenant, he would be authorized to request a report from that country. He would then proceed to make a full investigation on his own motion or even to review all the civil and penal judicial proceedings of all the courts of signatory States. The United States delegation would prefer to set up a committee on which not only all the areas of the world but also the different judicial systems of the world would be represented.

17. The United States delegation would vote for the procedural proposal submitted by Denmark, New Zealand, Norway and Sweden (A/C.3/L.229), which in its

view met the situation. The Commission on Human Rights had not completed its study of questions relating to implementation and it would be useful for the General Assembly to be in possession of the Commission's recommendations before taking a final decision in the matter. It was clear from articles 33 to 59 of the draft covenant prepared by the Commission on Human Rights at its seventh session (E/1992, annex I) that the drafting of the provisions on implementation was an extremely delicate matter.

18. The United States representative did not think that the draft resolution submitted by Israel (A/C.3/L.193) should be mentioned in the draft procedural resolution (A/C.3/L.229) since it was not simply a draft resolution on implementation. She would vote against that draft resolution, which proposed a new classification of all the rights to be embodied in the covenant; she would explain the reasons for her delegation's attitude at a later stage.

19. Mr. DAVIN (New Zealand) wished to reply to the criticisms voiced by certain delegations and to assure the Third Committee that it had not been his delegation's intention to suppress the draft resolutions listed in the draft procedural resolution (A/C.3/L.229), of which it was a co-sponsor. Its object had been to secure proper and well thought out proposals on the question of petitions and on other aspects of implementation, considering as it did that the question of implementation by international action was of the utmost importance.

20. It was true that the matters covered by the proposals listed in the joint draft resolution (A/C.3/L.229) had already been considered by the Commission on Human Rights. There was however no reason why the Commission should not study them more closely and submit them to the General Assembly at its seventh session as alternative proposals. The General Assembly would then take a final decision on them, whereas any decision would be premature at the current stage. His delegation could not therefore accept the Chilean suggestion that the reference to the joint draft resolution submitted by Guatemala, Haiti and Uruguay (A/C.3/L.195/Rev. 2) should be deleted from the joint draft resolution. It would have considerable difficulty in voting at once on the proposals in question. The meaning of some of their provisions was not clear; for example, it was not clear whether the third paragraph of the preamble in the joint draft resolution submitted by Guatemala and Uruguay (A/C.3/L.196/Rev. 2) referred to the committee on human rights specified in the draft covenant or to an attorney-general of the United Nations.

21. He would accept the amendment suggested by the Afghan representative (406th meeting) provided it were re-worded: "as basic working papers on the subjects with which they deal" and thought it would be acceptable to the other sponsors of the joint draft resolution (A/C.3/L.229).

22. His delegation would have difficulty in accepting the amendments proposed by the USSR representative, since the documents in question had already been considered by the Committee and had resulted in some

¹In this connexion see also document A/AC.3/564.

extremely interesting discussions. The most that could be said was that the General Assembly had considered them without, however, taking a decision.

23. As for the USSR representative's suggestion in connexion with the draft resolution submitted by Israel (A/C.3/L.193), his delegation did not agree that the latter proposal bore on the same subject as the draft resolutions listed in the joint draft procedural resolution (A/C.3/L.229) it dealt with the classification of rights rather than measures of implementation and he would not therefore be prepared to refer to it in that draft resolution. Judged on the same basis, the Lebanese draft resolution (A/C.3/L.198) could be mentioned in document A/C.3/L.229, but his delegation did not think it would be expedient to do so.

24. Mr. LANNUNG (Denmark), speaking as a co-sponsor of the joint draft procedural resolution (A/C.3/L.229), said he was prepared to accept the additional words which the New Zealand representative had proposed and hoped they would be acceptable to the Afghan representative and to a large number of members of the Committee.

25. Mr. CASSIN (France) recalled the importance his country attached to the implementation provisions. He agreed with other representatives that, if the covenant was to be something more than a mere reproduction of the Universal Declaration of Human Rights, it must be matched by implementation measures acceptable to States. He could not accept the amendment proposed by the USSR, which would be tantamount to divorcing the measures of implementation from the covenant. The Commission on Human Rights, which had embarked on a study of implementation measures, was to submit not only a complete statement of rights but a complete system of implementation to the General Assembly at its seventh session.

26. In theory he also shared the wishes of certain delegations on the right of petition. He wondered, however, whether such an important innovation as the granting of that right to groups and individuals could be instituted at a politically inauspicious moment. It would be better to postpone it to a more propitious day and to await the progress which would undoubtedly follow the drafting of the clauses on implementation measures by the Commission on Human Rights.

27. The French delegation was in favour of a middle course, one which, while positive and progressive, would be based on a policy of preparing an instrument that all States would accept and ratify.

28. Reviewing the differences between the various proposals before the Committee, he pointed out that the draft resolution submitted by Guatemala, Haiti and Uruguay (A/C.3/L.195/Rev. 2) was undoubtedly more mature than the others; though it did not give individuals the right of complaint, it nevertheless left the door open to such action, since it provided that, if States had agreed to grant the right of petition, the human rights committee would be competent to study such petitions. Some of the Lebanese representative's criticisms of the draft (406th meeting) were correct. The draft resolution spoke of States, as did article 52

of the draft covenant, but it must not be forgotten that there might be other delinquents apart from States; on that point the Guatemalan representative should have used the same words as appeared in the proposal his delegation had submitted to the Commission on Human Rights (E/1992, para. 85).^a

29. The Lebanese representative had also questioned the likelihood of there being any States sufficiently benevolent to consent to charges being brought against themselves. But it might be recalled that on 4 November 1950 a Covenant for the Protection of Human Rights had been signed by various European States. That instrument stipulated that, provided a certain number of contracting parties sanctioned the principle of such a clause, complaints could be received by a body similar to the proposed human rights committee. True, that covenant had not yet been ratified and the adoption of such a system was perhaps less easy on the world scale than on the regional scale. If, therefore, the sponsors of the joint draft resolution (A/C.3/L.195/Rev. 2) would agree to delete any reference to breaches committed "by a State party to the covenant" as well as the last sentence of the draft resolution, his delegation would be ready to vote immediately in favour of that text.

30. The questions dealt with in the Syrian draft resolution (A/C.3/L.191/Rev. 2) and in the draft resolution submitted by Guatemala and Uruguay (A/C.3/L.196/Rev. 2) were less ripe since they had never been studied by the Commission on Human Rights. His delegation was not opposed to the principle of enquiries and investigations; its objections related rather to the expediency and reciprocity of such measures. If the system of protection to be set up was to be in conformity with the United Nations Charter, all the obligations must not fall upon certain States only. If enquiries and investigations were to be carried out, they must be carried out in all States.

31. The proposal by Guatemala and Uruguay concerning a United Nations attorney-general might be of interest at some future date; but for existing conditions the draft was too ambiguous and ambitious. It was ambiguous because it did not clearly state whether the United Nations attorney-general would detract from the position of the human rights committee or strengthen the human rights committee. The latter was probably the sponsors' intention, but it should be stated clearly in their text. The draft resolution was ambitious because it vested in the attorney-general certain extremely important functions, some of which belonged to the Commission on Human Rights while others would fall to the proposed committee. The attorney-general's functions should merely be to prepare the committee's work to receive complaints and sift them so as prevent the committee's receiving complaints not within its competence or not in keeping with the general interest. The screening of communications was an extremely important question, which the Commission on Human Rights must not shirk.

^a See also documents E/CN.4/SR.249 and E/CN.4/634/Rev.1.

32. The procedural proposal (A/C.3/L.229) was acceptable in so far as it concerned the Syrian draft resolution (A/C.3/L.191/Rev. 2) and that submitted by Guatemala and Uruguay (A/C.3/L.196/Rev. 2). He would, if necessary, agree to its mentioning the draft resolution submitted by Israel (A/C.3/L.193), but considered that the Third Committee could take a vote on the draft resolution submitted by Guatemala, Haiti and Uruguay (A/C.3/L.195/Rev. 2) which had already been discussed at length.

33. Mr. GARIBALDI (Uruguay) noted that the draft resolutions (A/C.3/L.191/Rev. 2, A/C.3/L.195/Rev. 2 and A/C.3/L.196/Rev. 2) mentioned in the draft resolution of Denmark, New Zealand, Norway, and Sweden (A/C.3/L.229) touched on certain aspects of the human rights problem which were by no means new. The question raised by the joint draft resolution of Guatemala, Haiti and Uruguay (A/C.3/L.195/Rev. 2) had been discussed during the seventh session of the Commission on Human Rights.* The Third Committee could not postpone considering it, particularly as item 29 on its agenda was entitled "Draft international covenant on human rights and measures of implementation". The three draft resolutions dealt with measures of implementation and therefore fell within the Third Committee's mandate at the current session.

34. With regard to measures of implementation, the USSR representative had invoked the principle of the sovereignty of States and had said that the existence of a body qualified to receive communications from States, non-governmental organizations, groups and individuals relating to the non-fulfilment by a State party to the covenant of the provisions contained therein would represent inadmissible interference in the domestic affairs of sovereign nations. He asked why the USSR representative confined that remark to the measures of implementation. All aspects of the human rights problem concerned the various countries taken individually. But, if it was agreed that the problem was also a problem of international law, it must inevitably be recognized that implementation too was an international question. The Charter of the United Nations had specifically laid down the principle of respect for human rights, and implementation measures were the logical consequence of that principle.

35. He wished to reply to the questions put by the representative of Israel at the 406th meeting. The representative of Israel had asked which would be the body referred to in the draft resolution. The joint draft resolution submitted by Guatemala, Haiti and Uruguay (A/C.3/L.195/Rev. 2) did not specify that body, but the question was dealt with in another draft resolution, that submitted jointly by Guatemala and Uruguay (A/C.3/L.196/Rev. 2). Document A/C.3/L.195/Rev. 2 had been purposely drafted in fairly broad terms so as to leave the Commission on Human Rights greater freedom. The representative of Israel had also asked why the competence of the proposed body was limited to political and civil rights. That was because

infringements of those rights were far easier to prove than infringements of economic, social and cultural rights where a large variety of factors were involved. The representative of Israel had asked, lastly, which covenant or protocol was referred to in the joint draft resolution. It was clearly the international covenant on human rights, which was simultaneously to define those rights and to lay down measures of implementation.

36. The draft resolution submitted by Guatemala and Uruguay (A/C.3/L.196/Rev. 2) was another of the corner-stones in the new edifice under construction. It had been asserted that the body envisaged in the draft would infringe the sovereignty of States. But by their very adherence to the covenant States would be recognizing the international character of human rights and hence of their implementation. In regard to the selection of an attorney-general for human rights, he could not stress too strongly the need for a very high standard of impartiality, independence and competence, but he did not agree with the United States representative that the task was too heavy for a single individual. The attorney-general would have to receive complaints, investigate their validity and refer them to the competent body; in most countries that was the function of a single individual appointed for the purpose. The functions of the international "attorney-general" would be entirely similar to those of a national attorney-general. It would be the function of the committee on human rights to consider complaints, but it could only do so satisfactorily if it was not inundated by complaints and if complaints had been subjected to a preliminary screening. The purpose of the proposed procedure was to eliminate politics from the examination of complaints, which could thus be conducted in a calm and impartial atmosphere.

37. Mr. PAZHAWAK (Afghanistan) repeated that he attached very great importance to the problem under discussion. He appreciated the good intentions of the authors of the various draft resolutions and it was because he found them so interesting that he wished to see them studied thoroughly. That study would be possible only when the text of the covenant or covenants was available. It would therefore be better to transmit the proposals to the Commission on Human Rights.

38. It was that idea which had led him to submit his amendment to the joint draft resolution (A/C.3/L.229), so that the Commission on Human Rights might consider the proposals in question as basic working papers. He gladly accepted the New Zealand representative's proposal, which did not change the meaning of his amendment, and understood that the latter had been accepted by the authors of the draft resolution in question.

39. Mr. AZKOUL (Lebanon) said that if the joint draft procedural resolution (A/C.3/L.229) was put to the vote, he would ask its sponsors to maintain the mention of the revised draft resolution submitted by Guatemala, Haiti and Uruguay (A/C.3/L.195/Rev. 2) and also the original draft resolution (A/C.3/L.195) among the documents listed. As he had pointed out

* See documents E/CN.4/SR.209 to 214, E/CN.4/SR.240, E/CN.4/SR.243, E/CN.4/SR.245 and E/CN.4/SR.249.

(406th meeting), the two texts differed radically, and the revised text offered no inducement to States to accede to the covenant, since although not parties to the covenant they would be entitled to appear before the human rights committee and bring charges against other States, whereas only States parties to the covenant could be accused. Reciprocity of interest was the best guarantee of progress, and it was difficult to imagine States voluntarily placing themselves in the position of being liable to prosecution unless they could themselves prosecute others. The European pact mentioned by the French representatives was not a satisfactory example. It had not yet been ratified and the clause referring to petitions was optional. If States were allowed to submit petitions without becoming parties to the covenant on human rights, the number of signatures might be very small.

40. For that reason, if the authors of the joint draft procedural resolution (A/C.3/L.229) were unable to accept his suggestion, he would submit document A/C.3./L.195 as an amendment to document A/C.3./L.195/Rev. 2.

41. Mr. LANNUNG (Denmark), on behalf of the authors of the joint draft resolution (A/C.3/L.229) accepted the Lebanese representative's suggestion.

42. Mr. DE ALBA (Mexico) moved the closure of the debate when the list of speakers had been exhausted.

43. Mr. NAJAR (Israel) noted that the USSR representative had suggested that the Israel draft resolution (A/C.3/L.193) should be included among the documents mentioned in the draft resolution submitted by Denmark, New Zealand, Norway and Sweden (A/C.3/L.229). In those circumstances he thought that it would be difficult to close the debate before the Israel draft resolution had been discussed.

44. Mr. PAVLOV (Union of Soviet Socialist Republics) and Mr. KUSOV (Byelorussian Soviet Socialist Republic) pointed out that they had been asking for permission to speak just when the Mexican representative had moved the closure of the debate.

45. Mr. GARCIA BAUER (Guatemala) said that as a co-sponsor of the draft resolutions contained in documents A/C.3/L.195/Rev. 2 and A/C.3/L.196/Rev. 2, he would be willing for the latter document to be sent to the Commission on Human Rights, but he appealed to the authors of the joint draft procedural resolution (A/C.3/L.229) not to mention the former.

46. The CHAIRMAN, referring to the motion for closure of the debate, said that the joint draft procedural resolution (A/C.3/L.229) suggested that the three draft resolutions should be considered together and it was not possible to take a vote until the study of each had been completed. In view of the USSR representative's amendment she intended to call on the Israel representative. The Guatemalan representative's suggestion was identical with that of the Chilean representative, who had received a negative reply from the New Zealand representative speaking for the authors of the joint draft procedural resolution (A/C.3/L.229).

47. Mr. DE ALBA (Mexico) withdrew his motion for the closure of the debate.

48. Mr. HAJEK (Czechoslovakia) said that his delegation's attitude was based on the views it had expressed in the general debate (366th and 390th meetings). It was impossible to consider the question of implementation realistically before the text of the covenant was ready. Moreover, the only implementation which could be envisaged was the carrying out of the provisions of the covenant through legislation in each State, for implementation could be assured only by sovereign States acting without the intervention of any international organ. The implementation of the covenant by each State within the framework of its national institutions was the only solution in conformity with concrete international law and the Charter of the United Nations. Neither the three draft resolutions—that of Guatemala, Haiti and Uruguay, that of Syria, and that of Guatemala and Uruguay—nor that of Israel would therefore solve the problem, because they subordinated sovereign States to an international organ. They therefore had the double defect that they were utopian and represented an instrument for interfering in the domestic affairs of States. The draft resolution contained in document A/C.3/L.195/Rev. 2 could not be accepted because it suggested a committee which would have the right to interfere in the domestic affairs of States, and granted non-governmental organizations and individuals an authority which could only be exercised within the limits of the sovereign State. The draft resolution contained in document A/C.3/L.196/Rev. 2 and the Syrian draft resolution (A/C.3/L.191/Rev. 2) were also unacceptable for the same reasons. The last mentioned went even further than the other two and would have the effect of extending the Trusteeship System to sovereign States, contrary to Article 78 of the Charter. Far from ensuring human rights, those texts would be bound to have dangerous consequences.

49. The study of the implementation problem was premature and required a thorough examination based on the respect of the sovereign rights of States. The Third Committee had not the time to take up such a study. The joint draft procedural resolution (A/C.3/L.229) offered a fairly satisfactory solution, especially if the USSR amendment (A/C.3/L.230), which the Czechoslovak delegation supported, was taken into account. The New Zealand amendment, on the other hand, limited the task of the Commission on Human Rights by offering it incomplete and insufficiently thought-out drafts as working documents. The only way of ensuring respect for human rights on the basis of the sovereignty of States was to recognize the sole responsibility of States in all that concerned implementation.

50. Mrs. ROOSEVELT (United States of America) said that her delegation could not accept the USSR amendment (A/C.3/L.230). She suggested that the word "additional" should be inserted before the words "basic working documents", proposed by the representative of Afghanistan, in the joint draft resolution submitted by Denmark, New Zealand, Norway, and Sweden (A/C.3/L.229). The text would then read: "The General Assembly decides to ask the Economic and Social Council to forward the following draft resolutions on measures for the implementation of the inter-

national covenant on human rights... to the Commission on Human Rights as additional basic working papers". She felt sure that neither the sponsors of the joint draft resolution nor the Afghan representative had the slightest suspicion that their texts might afford an opportunity for nullifying all the work accomplished by the Commission on Human Rights over the past three years, as might be concluded from the Czechoslovak representative's remarks.

51. Mr. LANNUNG (Denmark) and Mr. DAVIN (New Zealand) accepted the United States representative's suggestion, which could be taken into account in a new version of the joint draft resolution (A/C.3/L.229).

52. Mr. KUSOV (Byelorussian Soviet Socialist Republic) said that a number of delegations seemed to be labouring under the mistaken idea that the implementation of an international instrument must necessarily be itself international and must be effected through an organ possessing supra-national authority. Such a notion seemed to presuppose that States which signed the covenant would do so with the mental reservation that they would not abide by its provisions. The Byelorussian SSR was convinced that signatory States would act in good faith and would have the intention of implementing all the rights set forth in the covenant.

53. That was the idea on which the revised draft resolution of Guatemala, Haiti and Uruguay (A/C.3/L.195/Rev.2) was based, the sponsors of which visualized the establishment of a supervisory body which would receive, from States, non-governmental organizations and even from groups or individuals, communications relating to the non-fulfilment of the provisions of the covenant; it was also the basic idea of the revised draft resolution of Syria (A/C.3/L.191/Rev. 2), which even provided for enquiries and investigations.

54. The Byelorussian delegation, without challenging the good faith of the sponsors of those proposals, could not fail to note that the joint draft resolution (A/C.3/L.195/Rev. 2) and the revised Syrian draft resolution (A/C.3/L.191/Rev. 2) both impeded the effective implementation of human rights and that they were not in keeping with the principles of the Charter since they indirectly authorized a State to interfere in the domestic affairs of another State.

55. His delegation thought that the implementation of the covenant would be effective when all the States parties to the future instrument undertook to ensure the implementation of the covenant on their territory by definite, specific measures.

56. The Commission on Human Rights did not therefore need to concern itself with working out measures of implementation or establishing an international supervisory body; its only concern should be to find a precise definition of rights and to draft clauses formally obliging signatory States to guarantee those rights to their citizens. States were alone competent to decide on the methods of implementing those rights by legislative measures and changes in their constitutions; the measures which they adopted would necessarily vary in each country according to the prevailing economic, political and social conditions.

57. The French representative had implied that the representatives of the peoples' democracies were wanting to divorce the covenant from the measures of implementation. That supposition was incorrect; his country earnestly wished the covenant to be implemented as quickly as possible but urged that implementation should be effected by the responsible governments at the national level.

58. Quite apart from questions of principle, it was pointless to study at the moment the implementation of a text which only existed as a vague draft. The joint draft resolution (A/C.3/L.195/Rev. 2) contained obvious contradictions because, being based on the principle that misunderstanding among States must be avoided, it proposed the establishment of an international organ which would have full powers to interfere in the domestic affairs of States and whose very existence, being a cause of international tension, could only give rise to misunderstanding among States. Adoption of the Syrian draft resolution (A/C.3/L.191/Rev.2) would also be bound to add to international tension; it was only necessary to recall the part which some visiting missions had played—the United Nations Conciliation Commission for Palestine, the United Nations Special Committee on the Balkans, the United Nations Commission on Korea—to foresee in whose interests the proposed missions would work. The sovereign States parties to the covenant would find themselves relegated to the status of mere Non-Self-Governing Territories.

59. The Byelorussian SSR hoped that no effort would be spared to ensure the effective implementation of the rights set forth in the covenant, but objected to seeing the fulfilment of the covenant jeopardized by the adoption of illegal and dangerous measures of implementation: it would therefore have to vote against the joint draft resolution (A/C.3/L.195/Rev. 2) and the Syrian draft resolution (A/C.3/L.191/Rev. 2).

60. His delegation considered reasonable the proposal in the procedural draft resolution (A/C.3/L.229) that the question of implementation should not be settled at the sixth session of the General Assembly. It would vote for the USSR amendment (A/C.3/L.230), which would enable the Commission on Human Rights to concentrate on drafting the actual text of the articles of the covenant.

61. Mr. PAVLOV (Union of Soviet Socialist Republics) said that, in its amendment (A/C.3/L.230), his delegation had included the Israel draft resolution (A/C.3/L.193) among the texts the consideration of which the General Assembly should be requested to postpone. The draft resolution submitted by Israel provided for an international implementation procedure and set forth a classification of rights which was based on an arbitrary distinction between rights capable of being effectively realized through immediate legislative or administrative action on the part of each State and those which, while retained in principle, could have effective legal existence only after the implementation of action programmes of varying duration. The USSR delegation felt that the principle of that classification was wrong. It being premature to take up the general

implementation question at the moment, the Committee had no need to consider the Israel draft resolution just as it did not have to concern itself with the other draft resolutions on the same subject.

62. There were two conflicting trends of opinion with regard to the ways in which the covenant should be implemented: some wanted governments to adopt the measures necessary to make effective the rights set forth in the covenant, a view which was in keeping with the Charter and the principle of the national sovereignty of States: the sponsors of the joint draft resolution (A/C.3/L.196/Rev. 1) and their supporters, on the other hand, were trying to encourage interference in the domestic affairs of States.

63. He did not doubt the good faith of the sponsors of the various draft resolutions, but it was most disturbing to find that the United States delegation had announced that it was ready to support the Syrian draft resolution (A/C.3/L.191/Rev.2) when everyone knew that the United Nations was becoming less and less an international body and that the sovereign States which composed it were actually losing the capacity for independent thought and action and were becoming the docile tools of the United States of America.

64. If, as the United States representative had claimed, the USSR exercised as much influence in the United Nations as did the United States of America, the United Nations would not have rejected one after the other all the proposals submitted by the USSR delegation, those on the prohibition of atomic weapons, on measures of collective security and on disarmament alike. Denials and uncalled-for accusations could not conceal the fact that the United States of America was at the moment trying to impose its wishes on the world and to subject the United Nations to its rule. But the United States should take care: as its warlike intentions became clearer, the number of its supporters was decreasing and it should realize that, if it persisted in heading towards disaster, it would soon find itself alone.

65. Mrs. ROOSEVELT (United States of America) requested permission to avail herself of the right to reply at the following meeting.

66. The CHAIRMAN announced that she would add the name of the United States representative to the list of speakers.

The meeting rose at 1.30 p.m.



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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.191/Rev.2, A/C.3/L.191/Rev.3, A/C.3/L.193, A/C.3/L.195, A/C.3/L.195/Rev.2, A/C.3/L.196/Rev.2, A/C.3/L.229) (continued)

[Item 29]*

DRAFT RESOLUTIONS CONCERNING MEASURES OF IMPLEMENTATION OF THE COVENANT (continued).

1. Mrs. DE RIEMAECKER (Belgium) recalled that in the general debate her delegation had expressed the view that no proposals on measures of implementation could be dealt with adequately during the current session of the General Assembly. She would therefore abstain from voting on the joint draft procedural resolution (A/C.3/L.229).

2. Mrs. DOMANSKA (Poland) said that, although her delegation wanted measures of implementation to be inserted in the covenant as soon as possible, she could not support the substantive draft resolutions that had been submitted on the matter. The constitutional and political systems of Member States varied widely and the obligations undertaken with regard to implementation would therefore be different in the case of each State. Nevertheless, legislation for the implementation of the covenant would constitute an integral part of the legal system of each signatory. Her delegation considered that the application of such legislation was an internal matter on which each State had to decide, whereas the draft resolutions before the Committee seemed to provide for international implementation, which was unacceptable.

3. The reclassification of rights proposed in the Israel draft resolution (A/C.3/L.193) seemed to prejudice the decision as to which organs of the signatory States would deal with certain measures of implementation ; the Committee as an organ of the United Nations had to abide by the provisions of the Charter, which prohibited such interference in the internal affairs of States. The same considerations applied to the draft resolutions on the right of petition. The adoption of such recommendations could only lead to discord and threats to peace. She would therefore vote for the USSR amendment (A/C.3/L.230) to the joint draft procedural resolution.

4. Mr. MUFTI (Syria), speaking in accordance with rule 114 of the rules of procedure, replied to the Guatemalan representative (407th meeting) who had asked whether the Syrian delegation would agree to its draft resolution (A/C.3/L.191/Rev.2) being referred to the Commission on Human Rights.

5. His delegation had wanted its draft resolution to be discussed during the current session, but since certain delegations had objected to it on the grounds that it was premature and others had opposed it because they considered that it constituted interference in the internal affairs of States, he would withdraw that draft and replace it by a revised text (A/C.3/L.191/Rev.3), which he was submitting for the consideration of the sponsors of the joint draft procedural resolution (A/C.3/L.229). The revised text contained a new formula of the essential types of measures of implementation, since it confined the concept of missions of enquiry to the Non-Self-Governing and Trust Territories, where human rights were most liable to be violated.

6. The French representative had given the impression (407th meeting) that he opposed universal measures of implementation and that the European States alone were capable of taking proper measures ; the influence

* Indicates the item number on the General Assembly agenda.