

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.



Monday, 28 January 1952, at 3 p.m.

Palais de Chaillot, Paris

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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.

* Indicates the item number on the General Assembly agenda.

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

of those States on other countries, however, made universal measures essential.

7. In conclusion, he did not consider that the joint draft procedural resolution should have priority in the vote and appealed to the sponsors of that draft to withdraw it under rule 121.

8. Mr. DAVIN (New Zealand) regretted that the Syrian representative had withdrawn his original text and stated that he could not support the revised draft resolution (A/C.3/L.191/Rev.3). He pointed out that, under General Assembly resolution 422 (V), an article extending the provisions of the covenants to all territories was mandatory and already existed as article 72 of the draft covenant prepared by the Commission on Human Rights (E/1992). The new Syrian text was unfortunately discriminatory; the danger of the violation of human rights prevailed everywhere, and any missions of enquiry which might be established should be universal. Moreover, it was dangerous to attempt to settle in the Third Committee matters which were the special concern of trusteeship organs.

9. Mr. VALENZUELA (Chile), introducing his amendment (A/C.3/L.231) to the joint draft procedural resolution (A/C.3/L.229), recalled that the Commission on Human Rights at its seventh session had dealt with only one of the fourteen items on its agenda. Although the Commission's eighth session would be longer than the seventh, it was faced with a formidable task; nevertheless it was proposed to add three more items to that agenda. His delegation had therefore submitted its proposal to delete the joint draft resolutions submitted by Guatemala, Haiti and Uruguay (A/C.3/L.195 and A/C.3/L.195/Rev.2) from the list of documents to be referred to the Commission.

10. Mr. NAJAR (Israel) wished to know whether the sponsors of the joint draft procedural resolution would agree to include his delegation's draft resolution (A/C.3/L.193) in the list of documents to be transmitted to the Commission on Human Rights.

11. Mr. ROY (Haiti), speaking on a point of order, recalled that the inclusion of the Israel draft resolution in the list was proposed in point 3 of the USSR amendment (A/C.3/L.230) to the joint draft procedural resolution.

12. Mr. NAJAR (Israel) stated that the question of measures of implementation gave rise to new juridical and executive problems which were highly important in drafting the covenants. Although he agreed with the Chilean representative that the Commission on Human Rights had a heavy agenda, he did not consider that the Third Committee either had the time or was in a suitable frame of mind to consider the substance of the draft resolutions. For example, he had not received complete replies to the many questions concerning the joint draft resolution submitted by Guatemala, Haiti and Uruguay (A/C.3/L.195/Rev.2), on which his Government could not commit itself without further explanations. The various suggestions on measures of implementation should be considered together; he would therefore prefer his draft resolution to be examined within the framework

of the general debate on that subject either in the Commission on Human Rights or in the Third Committee.

13. The draft resolution submitted by his delegation (A/C.3/L.193) proposed a classification independent of the traditional concept of the division between civil and political rights and economic, social and cultural rights. It was not concerned with the division of the covenant into chapters. The proposed reclassification applied only in so far as implementation was concerned and would be equally applicable to one or more covenants. Moreover, the new classification was applicable only to new measures of implementation other than the system of reports which had already been approved by the Third Committee when it had approved (395th meeting) the French amendment (A/C.3/L.192/Rev.2). It was necessary to study the Israel draft resolution (A/C.3/L.193) in the framework of a general study of implementation measures.

14. The Israel delegation considered international implementation as indispensable. The USSR delegation saw in such an implementation a breach of national sovereignty (407th meeting). That was not the case since States would sign any covenant on human rights of their own free will.

15. In conclusion, he stated that, although the inclusion of his draft resolution in the list contained in the joint draft procedural resolution (A/C.3/L.229) was proposed in the USSR amendment (A/C.3/L.230, point 3), he would prefer the sponsors of the draft procedural resolution to accept its inclusion.

16. Mrs. ROOSEVELT (United States of America), speaking in accordance with rule 114 of the rules of procedure, took exception to the arguments put forward at the 407th meeting to the effect that anyone who called for international implementation was acting in bad faith, by doubting the adequacy of national implementation. She was fully aware of the inevitability of national implementation, but considered that international control would serve to strengthen any national action in the matter.

17. It had also been stated that the United States of America was leading other countries into war; all kinds of measures to prevent war were being taken in other organs of the United Nations and she objected to the use of the Third Committee as a platform for propaganda purposes.

18. Allegations had also been made to the effect that majority votes in the Third Committee had been dictated by the United States of America. She thought that such assertions were insulting to sovereign States, which were free to take independent action. The people of the United States had no aggressive intentions and wished to work with the United Nations for world peace. Her delegation would not, however, accept any measures which might endanger the peace and freedom of all the peoples of the world.

19. Mr. CASSIN (France) said, in reply to the Syrian representative, that he had meant that the European countries might be more likely than others to be able to extend their legislation to cover the exercise of

human rights other than those currently protected by law. He had explicitly stated that he would be willing to examine the Syrian draft resolution if it was not discriminatory; but the newly revised version (A/C.3/L.191/Rev.3) was discriminatory.

20. Mr. PAVLOV (Union of Soviet Socialist Republics) asked for the right, under rule 114 of the rules of procedure, to reply to the remarks of the United States representative.

21. The CHAIRMAN thought that the United States representative had introduced no new matter into her remarks and that no reply was therefore necessary. The French representative had been permitted to reply because he had asked to exercise his right at the previous meeting. No further replies would be permitted.

22. Mr. PAVLOV (Union of Soviet Socialist Republics) appealed against the Chairman's ruling.

The Chairman's ruling was upheld by 12 votes to 5, with 30 abstentions.

23. Mr. BAROODY (Saudi Arabia) and Mrs. COELHO LISBOA DE LARRAGOITI (Brazil) had abstained because they had not wished to take sides on a matter involving denial of the right to reply. To vote on such a question set a bad precedent, as the large number of abstentions showed.

24. The CHAIRMAN observed that the Chair had had no alternative but to put the ruling to the vote since it had been challenged by the USSR representative.

25. Mr. LANNUNG (Denmark) said on behalf of the sponsors of the joint draft procedural resolution (A/C.3/L.229), that he was willing, after having heard the statement of the representative of Israel, to include the reference to the Israel draft resolution (A/C.3/L.193), to simplify matters.

26. The CHAIRMAN observed that points 2 and 3 of the USSR amendment (A/C.3/L.230) had thus become unnecessary.

27. Mr. PAVLOV (Union of Soviet Socialist Republics) amended point 3 of his amendment to include a reference to the third revised text of the Syrian draft resolution (A/C.3/L.191/Rev.3). It included one paragraph which he could not accept, but he did not wish to vote against it as a whole; but it could be thoroughly discussed at the seventh session of the General Assembly.

28. Mr. MENEMENCIUGLU (Turkey) observed that the Syrian representative had withdrawn the second revised text of his draft resolution (A/C.3/L.191/Rev.2) and had substituted a third revision. One of the sponsors of the joint draft procedural resolution (A/C.3/L.229) had said that the third revision was not acceptable. He wondered, therefore, what precisely was the standing of the second revised text (A/C.3/L.191/Rev.2).

29. The CHAIRMAN thought that the Syrian representative had been within his rights in withdrawing his second revised text as no amendment to it had been submitted.

30. Mr. DAVIN (New Zealand) thought that the reference to document A/C.3/L.191/Rev.2 would be automatically deleted from the text of the joint draft procedural resolution (A/C.3/L.229) as it had been withdrawn by its sponsor, and thus no longer existed.

31. Mr. ROY (Haiti) observed that the joint procedural proposal referred to other revised texts, for example document A/C.3/L.195/Rev.2. As one of its sponsors, he had not asked, for the inclusion of a reference to the original text (A/C.3/L.195), but had acceded to the wishes of the Lebanese delegation (407th meeting). He saw no reason why there should be no reference to all the Syrian revisions.

32. If the Syrian representative persisted in withdrawing his second revision the Haitian delegation would be ready to sponsor it.

33. Mr. MUFTI (Syria) maintained he had a perfect right to withdraw his own second revised text.

34. Mr. PAVLOV (Union of Soviet Socialist Republics) did not see why any discrimination should be made between the various documents that had been before the Third Committee; they should all go to the seventh session of the General Assembly or to the Commission on Human Rights, as the case might be.

35. Mr. DAVIN (New Zealand), Mr. LANNUNG (Denmark), Mr. SMITT INGEBRETSEN (Norway) and Mr. WAHLUND (Sweden), the sponsors of the joint draft procedural resolution (A/C.3/229) accepted the inclusion of the reference to document A/C.3/L.191/Rev.2.

36. The CHAIRMAN, replying to a question by Mr. PAZHAWAK (Afghanistan), observed that that document did not formally exist as a Syrian draft resolution, but it was still a document, and the Third Committee could transmit to the Commission on Human Rights whatever working papers it deemed fit.

37. Mr. MUFTI (Syria) expostulated against that view.

38. Mr. AZKOUL (Lebanon) suggested that if the Syrian representative did not wish his delegation's name to appear as sponsor of document A/C.3/L.191/Rev.2, the reference should be to the document symbol only, at the end of the list in document A/C.3/L.229. Whether the Syrian representative liked it or not, the text had become the property of the Third Committee, which could certainly transmit any paper it pleased to the Commission on Human Rights.

39. Mr. GARCIA BAUER (Guatemala) proposed that, to clear up any ambiguity in the description of document A/C.3/L.191/Rev.2, the word "documents" should be substituted for the words "draft resolutions" wherever they appeared in the joint draft procedural resolution.

40. The CHAIRMAN put to the vote the proposals made by the representatives of Guatemala and Lebanon.

The proposals were adopted.

41. Mr. GARIBALDI (Uruguay) proposed that a reference to document A/C.3/L.196/Rev.2 should be inserted.

42. The CHAIRMAN said that the vote would be taken first on the USSR amendment (A/C.3/L.230), which was the one furthest removed from the joint draft procedural resolution (A/C.3/L.229).

43. Mr. PAZHAWAK (Afghanistan) proposed that a separate vote should be taken on each of the document symbols listed in the draft procedural resolution; thereby the need for a vote on the Chilean amendment (A/C.3/L.231) would be eliminated.

44. Mr. ROY (Haiti) and Mr. MUFTI (Syria) contended that the draft resolutions should be voted in the order in which they had been submitted; under no rule of procedure could there be a justification for voting on the joint draft procedural resolution first.

45. The CHAIRMAN observed that both logic and precedent dictated the voting of a procedural motion before a draft resolution dealing with substance.

46. Mr. AZKOUL (Lebanon), supported the Chairman's views; there was no need for a formal ruling.

47. Mr. GARCIA BAUER (Guatemala) suggested that the Chilean amendment (A/C.3/L.231) should be voted first, as the result might influence the subsequent voting.

48. The CHAIRMAN agreed, provided that there were no objections.

49. Mr. PAVLOV (Union of Soviet Socialist Republics) objected that the USSR amendment was the furthest removed and must be voted on first.

50. Mr. VALENZUELA (Chile) said that his only objection to the Afghan representative's proposal for a vote by parts was that he wished for a roll-call vote on the proposal for the deletion of the reference to documents A/C.3/L.195 and A/C.3/L.195/Rev.2. The USSR amendment should of course be voted on first.

51. Mr. ROY (Haiti) and Mr. GARCIA BAUER (Guatemala) insisted that the vote should be taken on the Chilean amendment (A/C.3/L.231) before that on the relevant document symbols in the joint procedural resolution.

52. The CHAIRMAN agreed to that request.

53. Mr. HAJEK (Czechoslovakia) requested, for reasons he had already explained (407th meeting) that the vote on the joint draft procedural resolution (A/C.3/L.229) should be taken by parts. His proposal went beyond that of the Afghan representative, which, was that the vote should be taken as follows: first on the phrase "Decides... to the Commission on Human Rights"; second, on the phrase "as additional... they deal"; third, the phrase "for its consideration"; fourth, the phrase "in connexion with... recommendations"; fifth, the final phrase.

54. Mr. PAZHAWAK (Afghanistan) moved the closure of the debate on procedure.

55. Mr. AZKOUL (Lebanon) and Mr. ROY (Haiti) opposed that motion.

The Afghan motion was adopted by 28 votes to 2, with 16 abstentions.

56. Mr. CORLEY SMITH (United Kingdom) requested that a roll-call vote should be taken on point 1 of the USSR amendment (A/C.3/L.230).

57. Mr. ALBORNOZ (Ecuador), explaining his vote, said he would have supported the second revised text of the Syrian draft resolution (A/C.3/L.191/Rev.2), had it not been withdrawn, because it extended the enforcement of the protection of human rights to countries both large and small. It could not be regarded as infringing the sovereignty of States, as all States would remain at liberty to accept the visits of the proposed missions or not, as they deemed fit. The third revised text of the Syrian draft resolution was unfortunately more restrictive.

58. The debate had been useful if only because it had shown that countries had expressed great enthusiasm in stating and defining human rights but considerably more caution in accepting measures of implementation; there was thus still a gap between words and deeds.

59. The Israel proposal (A/C.3/L.193) was important, but the objection to a static classification was that some countries were continuously extending their protection of human rights; thus the classification would require constant revision. The proposal needed further consideration.

60. The proposals made in the Guatemalan, Uruguayan and Haitian joint draft resolution (A/C.3/L.195/Rev.2) were excellent; but it would be easier to decide about them after the Commission on Human Rights had examined them in the light of the discussion in the Third Committee.

61. Mrs. AFNAN (Iraq), explaining her vote, said that she would oppose the joint draft procedural resolution (A/C.3/L.229) and any other procedural measures the effect of which would be to prevent the Third Committee from expressing its views or giving directives to the Commission on Human Rights in connexion with the vital principles underlying the draft resolutions before it.

62. Her delegation would abstain on the joint draft resolution of Guatemala, Haiti and Uruguay (A/C.3/L.195/Rev.2), since it was impossible for it to recognize the competence of a body whose nature and composition were not properly defined.

63. Although she was in favour of the principle of individual and group petition, the Iraqi delegation could not support the Guatemalan and Uruguayan joint draft resolution (A/C.3/L.196/Rev.2), since it involved a proposal to establish the post of a United Nations attorney-general for human rights, an office which could not adequately be filled by any one individual. On the other hand, delegation of a part of the authority of such an official could not take place without the delegation of a part of his responsibility.

64. Finally, her delegation would vote against point 1 of the USSR amendment (A/C.3/L.230), in which it was proposed that consideration of measures of implementation should be deferred, since it did not believe that early acceptance by a given State of an international

nal system of implementation need involve surrender by that State of any part of its sovereignty.

65. Mr. REYES (Philippines), also explaining his vote, said that his delegation would vote for the amended joint draft procedural resolution (A/C.3/L.229). The Third Committee's failure to devote sufficient time to the study of measures of implementation left no practicable alternative but to adopt the procedure outlined in the draft resolution.

66. Since his delegation had no objection to granting the right of petition to individuals and groups or associations of individuals, as long as the conditions enunciated by his delegation during the general debate (366th meeting) were observed, it would have been prepared to vote for the joint Guatemalan, Haitian and Uruguayan draft resolution (A/C.3/L.195/Rev.2), provided that there had been time to remove the imperfections in its drafting and to bring it into line with the conditions to which he had referred, and also with the other useful observations on the subject which had been presented. The fact that there had been insufficient time to do so, however, would oblige his delegation to abstain on the joint draft resolution.

67. With regard to the proposal contained in the joint Guatemalan and Uruguayan draft resolution (A/C.3/L.196/Rev.2), the Philippines delegation entirely agreed that it would require further study by the Commission on Human Rights. His delegation considered it useful that the Israel draft resolution (A/C.3/L.193), to which the Lebanese draft resolution (A/C.3/L.198/Rev.1) to some extent formed a natural complement, should be included among the documents to be forwarded to the Commission on Human Rights for study.

68. In conclusion, his delegation would vote against the USSR amendment (A/C.3/L.230), since it was opposed to any decision which would lead to unwarranted delay in drafting the covenant and its measures of implementation.

69. The CHAIRMAN put to the vote point 1 of the USSR amendment (A/C.3/L.230) to the joint draft procedural resolution (A/C.3/L.229).

A vote was taken by roll-call.

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

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

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

Abstaining : India, Iran, Liberia, Mexico, Saudi Arabia, Syria, Thailand, Yemen, Argentina, Burma, Ecuador.

Point 1 of the amendment was rejected by 33 votes to 5, with 11 abstentions.

70. The CHAIRMAN noted that, as a result of the vote, point 4 of the USSR amendment automatically fell.

71. The CHAIRMAN put to the vote the Chilean amendment (A/C.3/L.231) to the joint draft resolution.

A vote was taken by roll-call.

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

In favour : Uruguay, Chile, Cuba, Egypt, France, Guatemala, Haiti, India, Iraq, Liberia, Mexico, Peru.

Against : Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Argentina, Australia, Brazil, Byelorussian Soviet Socialist Republic, Canada, China, Czechoslovakia, Denmark, Dominican Republic, Ethiopia, Greece, Iran, Israel, Netherlands, New Zealand, Norway, Poland, Sweden.

Abstaining : Yemen, Yugoslavia, Afghanistan, Belgium, Burma, Ecuador, Indonesia, Lebanon, Pakistan, Philippines, Saudi Arabia, Syria, Thailand.

The amendment was rejected by 24 votes to 12, with 13 abstentions.

72. The CHAIRMAN called for a vote on point 3 of the USSR amendment (A/C.3/L.230), as amended orally by the sponsor to include the reference to document A/C.3/L.191/Rev.3.

Point 3 of the amendment, as amended, was adopted by 17 votes to 13, with 18 abstentions.

73. The CHAIRMAN then put to the vote Uruguayan oral proposal that a reference to document A/C.3/L.196/Rev.2 should be included in the joint draft procedural resolution (A/C.3/L.229).

The proposal was adopted by 29 votes to none, with 17 abstentions.

It was decided by 37 votes to none, with 12 abstentions, to include also a reference to document A/C.3/L.196/Rev.2.

It was decided, by 27 votes to 7, with 16 abstentions, to include a reference to document A/C.3/L.191/Rev.2.

It was decided, by 34 votes to none, with 12 abstentions, to include a reference to document A/C.3/L.193.

74. In accordance with the request of the representative of Czechoslovakia, the Chairman called upon the Committee to vote on the joint draft procedural resolution (A/C.3/L.229) in five parts.

75. She put to the vote the first phrase : "The General Assembly... to the Commission on Human Rights".

The first phrase was adopted by 31 votes to 1, with 14 abstentions.

76. The CHAIRMAN put to the vote the second phrase : "as additional... they deal".

The second phrase was adopted by 26 votes to 6, with 15 abstentions.

77. The CHAIRMAN put to the vote the third phrase: "for its consideration".

The third phrase was adopted by 27 votes to none, with 21 abstentions.

78. The CHAIRMAN put to the vote the fourth phrase: "in connexion with... recommendations".

The fourth phrase was adopted by 31 votes to none, with 17 abstentions.

79. The CHAIRMAN put to the vote the fifth, and final, phrase.

The fifth phrase was adopted by 29 votes to none, with 17 abstentions.

80. The CHAIRMAN then called for a vote on the joint draft procedural resolution (A/C.3/L.229), as a whole, as amended.

The draft resolution, as a whole, as amended, was approved by 28 votes to none, with 22 abstentions.

81. Mrs. COELHO LISBOA DE LARRAGOITI (Brazil) stated that her delegation had serious misgivings regarding the inclusion in the joint draft procedural resolution of a reference to documents A/C.3/L.193 and A/C.3/L.195/Rev.2.

The meeting rose at 7 p.m.



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[Item 29]*

DRAFT RESOLUTIONS CONCERNING MEASURES OF IMPLEMENTATION OF THE COVENANT

1. The CHAIRMAN recalled that a number of members of the Committee had asked to be allowed to explain the votes they had cast at the 408th meeting concerning the joint draft procedural resolution (A/C.3/L.229/Rev.2).
2. Mr. PLEIC (Yugoslavia) said that his delegation had voted against the USSR amendment (A/C.3/L.230) because the USSR representative had stated on several occasions that his Government was against any system of implementation of the international covenant on human rights. The attitude of a country towards the implementation of the covenant showed to what extent that country was prepared to contribute towards the achievement of the purposes of the Charter.
3. His delegation had voted against the proposal to include the third version of the Syrian draft resolution (A/C.3/L.191/Rev.2) in the list of documents cited in the joint draft procedural resolution because the document in question had been withdrawn by its sponsor before it had been studied by the Third Committee. It had not voted in favour of the draft procedural resolution submitted by Denmark, New Zealand, Nor-

way and Sweden (A/C.3/L.229/Rev.2) in spite of the fact that that draft resolution offered the only possible solution to the difficulties encountered by the Committee, in order to show its regret that the Committee had once again postponed the consideration of the basic problems concerning measures of implementation. In view of such repeated setbacks it might well be asked whether, in spite of their statements, the members of the Committee were really ready to draw up an adequate system of implementation of the international covenant on human rights.

4. Mr. TSYBA (Ukrainian Soviet Socialist Republic) said that his delegation had abstained from voting on the draft procedural resolution submitted by Denmark, New Zealand, Norway and Sweden (A/C.3/L.229/Rev.2), because it would be premature to study measures of implementation of an instrument which did not yet exist. His delegation had therefore voted in favour of the USSR amendment (A/C.3/L.230) in which it was proposed that consideration of the various draft resolutions on measures of implementation should be deferred.

5. The delegation of the Ukrainian SSR was convinced of the fact that the implementation of the covenant came exclusively within the jurisdiction of the signatory States and that to establish a supervisory body as well as to send visiting missions would be so many indirect methods of allowing one State to intervene in the domestic affairs of another. His delegation's abstention on the joint draft procedural resolution (A/C.3/L.229/Rev.2) should by no means be taken to mean that his delegation was in agreement with the principles laid down in the draft resolutions which would be submitted to the Commission on Human Rights. His delegation would, at the appropriate stage, express its opinion on the substance of those draft resolutions, which were far from meeting with its approval.

* Indicates the item number on the General Assembly agenda.

6. Mr. MENEMENCIOGLU (Turkey) said that his delegation had voted in favour of the inclusion in the joint draft procedural resolution (A/C.3/L.229/Rev.2) of all the texts which had been put to the vote. That affirmative vote did not mean that the Turkish Government was in agreement with the content of those documents; indeed, his delegation would have objections to make to some of the proposals contained in those draft resolutions when their substance was considered.

7. Mrs. MARSHALL (Canada) said that her delegation had not wished to take a final decision on the implementation of the covenant as it was impossible to adopt concrete measures in that respect so long as the contents of the covenant had not been finally established. Furthermore, the question raised extremely important and complex problems which could be solved only after a full examination of their technical and political implications.

8. Her delegation was of the opinion that, in proceeding to reconsider the matter, the Commission on Human Rights should be guided by the discussion that had been held in the Third Committee and, without committing her delegation on the substance of the proposals submitted during the debate, it had voted in favour of referring the various draft resolutions and the records of the debate to the Commission on Human Rights.

9. The Canadian delegation had voted against the USSR amendments because it believed that the question of implementation deserved attention and that the Commission on Human Rights should be acquainted with the discussion which had taken place thereon during the sixth session of the General Assembly.

10. Mr. BALLARD (Australia) said that his delegation was in agreement with the principle of the joint draft procedural resolution (A/C.3/L.229/Rev.2); it would indeed be premature to take a decision at that stage on the proposals before the Committee regarding the implementation of the covenant. The Australian delegation had, however, not voted in favour of that text in view of the fact that the Syrian amendment (A/C.3/L.191/Rev.3), which it considered to be of a discriminatory nature and incompatible with the principles of the Charter of the United Nations and particularly chapters XI, XII and XIII, had been included in the list of documents concerned.

11. Mr. CORLEY SMITH (United Kingdom) explained that his delegation had voted in favour of the draft procedural resolution (A/C.3/L.229/Rev.2), which had appeared to offer the best solution to a delicate and complex problem. By voting in favour of transmitting some of the documents to the Commission on Human Rights, his delegation had not, in his opinion, in any way committed itself to subscribing to the principles and proposals that some of them contained.

12. He had voted against the inclusion of the fourth version of the Syrian draft resolution (A/C.3/L.191/Rev.3) in the list of documents to be transmitted; that draft, which had been submitted at the last moment, constituted a proposal of a discriminatory character to which his delegation could not subscribe. Naturally,

if the General Assembly were eventually to adopt covenants which would gain the approval of all delegations, such instruments would be universally applied, that is to say, they would have to be implemented in metropolitan territories as well as in Trust Territories and Non-Self-Governing Territories. Such implementation could not give rise to any discrimination, in one direction or another.

13. When the Third Committee had decided (408th meeting) to include the revised version of the Syrian draft resolution in the list of documents to be referred to the Commission on Human Rights, the United Kingdom delegation had nevertheless voted in favour of the joint draft procedural resolution (A/C.3/L.229/Rev.2) as a whole, in spite of its objections to the Syrian draft resolution, as it believed that its vote could not possibly give rise to any misunderstanding in the Committee.

14. Mr. LANNUNG (Denmark) said that on reading the fourth version of the Syrian draft resolution (A/C.3/L.191/Rev.3), he had imagined himself back in the Fourth Committee during its consideration of the question of visiting missions to the Trust Territories. The Syrian draft resolution was superfluous as far as the Trust Territories were concerned since they had already been provided for under the provisions of Chapters XIII and XIV of the Charter; the provisions of that draft resolution, as far as the Non-Self-Governing Territories were concerned, would be anti-constitutional because there was no basis for any distinction or discrimination in that respect between provisions applicable to Non-Self-Governing Territories and those applicable to other territories.

15. His delegation had therefore voted against the inclusion of the fourth version of the Syrian draft resolution (A/C.3/L.191/Rev.3) but in favour of the inclusion of the third version (A/C.3/L.191/Rev.2) in the list of documents to be transmitted to the Commission on Human Rights.

16. Mr. PAZHAWAK (Afghanistan) said that his delegation had voted in favour of the joint draft procedural resolution (A/C.3/L.229/Rev.2) because it believed that all the proposals which had been submitted called for the attention of the Commission on Human Rights. His delegation's affirmative vote did not in any way prejudice the position his Government would take when the content of those draft resolutions came to be considered.

17. Mrs. COELHO LISBOA DE LARRAGOITI (Brazil) stated that she had abstained from voting on the joint draft procedural resolution in view of the fact that the Third Committee had decided to include in the list of documents cited therein the Israel draft resolution (A/C.3/L.193) and the third version of the Syrian draft resolution (A/C.3/L.191/Rev.2), with regard to which her delegation made formal and serious reservations.

18. Mr. BAROODY (Saudi Arabia) said that he had abstained from voting on the joint draft procedural resolution. The Third Committee should have referred the draft resolutions and amendments on measures of implementation referred to in that draft to the Sixth Committee for its opinion on the matter. But he had no

fundamental objections to the Commission on Human Rights studying those documents, and had not, therefore, voted against the joint draft procedural resolution.

19. Mr. TSAO (China) pointed out that, in the opinion of the Chinese delegation, the General Assembly was not at the moment in a position to establish an organ for receiving claims or complaints from non-governmental organizations or individuals concerning violations of human rights. In view of the limited time at the disposal of the Committee and of the importance of the problem, the Chinese delegation had considered that the wisest plan was to adopt the joint draft procedural resolution (A/C.3/L.229/Rev.2) and had therefore voted for it. But, at the seventh session of the General Assembly, his delegation would welcome every concrete proposal which the Commission on Human Rights might recommend with relation to measures of implementation.

20. The CHAIRMAN said that, in connexion with the draft covenant, the Committee still had before it a Mexican draft resolution (A/C.3/L.194), a Lebanese draft resolution (A/C.3/L.198/Rev.2) and a Chilean draft resolution (A/C.3/L.218/Rev.2).

21. Mr. DE ALBA (Mexico) proposed that the Committee should first take up the Mexican draft resolution (A/C.3/L.194), which was not of a controversial nature.

It was so agreed.

DRAFT RESOLUTION SUBMITTED BY MEXICO
(A/C.3/L.194)

22. Mr. DE ALBA (Mexico) stated that the Mexican draft resolution suggested that, in the Spanish texts relating to the Universal Declaration of Human Rights, the expression *derechos humanos* should be adopted instead of the words *derechos del hombre*. The Mexican delegation did not intend to embark upon an analysis of the etymology and evolution of the Spanish language, but the Universal Declaration of Human Rights was obviously universal in scope inasmuch as it had to apply to every human being irrespective of age or sex. Moreover, since the concepts were obvious, the words in which they were expressed must also be clear.

23. The expression "rights of man" dated from the French Revolution of 1789, when philosophers and humanists looked upon the individual as an end in himself. It was also a concept proclaimed by the United States Declaration of Independence, in which Jefferson had stated that individual rights included the right to life, liberty and the pursuit of happiness; but man had not been long in realizing that happiness presupposed the existence of favourable social and family conditions, that it was based on the solidarity of individuals and peoples and, at the same time, on the fulfilment of various economic, social and cultural conditions.

24. The Universal Declaration of Human Rights, adopted by the General Assembly in 1948 (Assembly resolution 217 A (III)), proclaimed the fundamental human rights both in its preamble and in articles 2, 7,

15, 23, 25, 28 and 29, but it added that, if those rights were to be fully effective, there must be social and international order and, furthermore, that the individual had duties towards the community in which the free and full development of his personality was possible. The Universal Declaration of Human Rights adopted in 1948 was the manifesto of a new humanism based on the principle of equal rights and the brotherhood of peoples; but the principles of the Declaration had no binding force and it was therefore essential to render the expression "human rights" in Spanish as *derechos humanos* to avoid ambiguity and to ensure concordance between the letter and the substance of the covenant.

25. As early as 1948 the delegation of the Dominican Republic had raised the question and had stressed the need to protect women's rights.¹ The proposal had not been adopted for lack of time.

26. He hoped that his draft resolution (A/C.3/L.194), which had already been favourably received by the Latin American Press, could be approved by the Third Committee in spite of the technical difficulties in which it might involve the United Nations.

27. Miss BERNARDINO (Dominican Republic) stressed that her delegation whole-heartedly supported the proposal made in the Mexican draft resolution (A/C.3/L.194).

28. The expression *derechos del hombre* related to a glorious period of the eighteenth century, a period which should be respected because it was precisely that period which had incited the women of several countries to struggle for emancipation. It was none the less true that in the mid-twentieth century, when woman had been recognized as a person before the law in most of the world, the expression was out of date.

29. It was on that account that, during the general discussion on the draft covenant, the delegation of the Dominican Republic had pointed out (367th meeting) that the word *hombre*, taken to represent the human race, could only mean man as opposed to woman, whereas the adjective *humanos* applied to the whole of mankind. The expression *derechos del hombre* was therefore out of place in such an important and far-reaching document as the covenant.

30. By retaining that expression in the future covenant the Committee might compromise the progress already achieved by woman in the recognition of her rights. Furthermore, confusion would unfortunately be bound to arise which would be damaging to the dignity of the female sex and would impede the fulfilment of its aspirations to absolute equality of rights.

31. It was at the San Francisco Conference that woman had undertaken the most difficult part of the campaign to have that equality recognized, when she had requested that her rights should be embodied in the United Nations Charter. The representatives who had participated in the San Francisco Conference still remembered with emotion the day when, through the efforts of the group of delegations which supported the

¹ See *Official Records of the General Assembly, Third Session, Part I, Third Committee, 98th meeting.*

worthy cause of woman, equal rights for men and women had been specifically mentioned in the Charter of the United Nations.²

32. Since the Charter used the expression *derechos humanos* in its broadest meaning, which would allow an interpretation which was more favourable to woman's interests, she wondered why that term was not adopted. She asked why an expression which did not correspond to the wording of the Charter should be used in the Universal Declaration of Human Rights and in the covenant.

33. The delegation of the Dominican Republic emphasized the need to co-ordinate the text of General Assembly documents with the language used in the Charter of the United Nations, particularly in the case of documents setting forth the principles and postulates of the most elementary human justice.

34. It should also be recognized that woman had not been a person before the law at the time when the Declaration of the Rights of Man and of the Citizen of 1789 had been proclaimed. In spite of the important part which French women had played in the history of the French Revolution, in spite of the willing sacrifices, in spite of the blood they had shed, woman had not been covered by the Declaration of the Rights of Man and of the Citizen, since, at that time, they had not enjoyed the rights which should apply to every human being. The Declaration of 1789 had been in keeping with the political conception of human rights of those days.

35. The twentieth century conception, on the contrary, had been extended to cover economic, social and cultural rights. In keeping with that new tendency there was a modern classification of rights for which the expression *derechos humanos*, already established by the Charter of the United Nations, was more appropriate.

36. The delegation of the Dominican Republic respected the conception which the French-speaking delegations might have of the expression *droits de l'homme*. It was therefore merely requesting, together with the Mexican representative, that the expression *derechos humanos* should be used rather than the words *derechos del hombre* in the working documents and publications in Spanish relating to the Universal Declaration and to the draft international covenant on human rights.

37. She asked the members of the Committee to vote for the Mexican draft resolution (A/C.3/L.194) in order to assist women, who represented more than half of the world's population, to have their rights guaranteed by the international covenant on human rights.

38. Mr. BAROODY (Saudi Arabia) said he would vote for the Mexican draft resolution and added that the same difficulties arose in Arabic as in Spanish regarding the meaning of the phrase "rights of man". The concept of human rights to which the Mexican representative had referred went back to the period

before the French Revolution and had its origins in the Bible itself.

39. The part played by women in society was indeed an important one. Whether as the mother, protecting man in his childhood and youth, or as man's wife and the mother of his children, it was beyond question that she was indispensable to man and had equal rights with him. Accordingly, the Saudi Arabian representative supported the Mexican draft resolution.

40. Mr. PAZHAWAK (Afghanistan) said that his delegation entirely approved the purpose of the Mexican draft resolution. He wondered, however, whether it would not be more advisable to broaden its scope by stating in the operative part that in future, Member States would be asked to use a phrase equivalent to *derechos humanos* in all documents published in their language and in their countries dealing with the Universal Declaration of Human Rights or the international covenant on human rights.

41. Mr. DE ALBA (Mexico) thought that the various versions of the covenant and the relevant texts should be closely related. He would not, however, wish to make any judgment regarding the French language, with which he was far less acquainted than with Spanish. He would therefore like to hear the views of the French-speaking representatives regarding the Afghan suggestion. If those views were favourable, the representative of Afghanistan might submit an amendment to the Mexican draft resolution.

42. Mr. CASSIN (France) could not give an opinion as to whether the expression *derechos humanos* in Spanish was better than *derechos del hombre*, but he thought that all the official languages were, to some extent, interdependent.

43. He warned the Committee against changes relating to past decisions, for they might have serious consequences.

44. From a procedural point of view, it should be recalled that the title of the Declaration was part of the text and that if it were altered, the text would also be changed. When the Chinese delegation had criticized the Chinese text of the Convention on the Prevention and Suppression of the Crime of Genocide, it had requested the inclusion in the General Assembly's agenda of the question of the revision of that text. The Third Committee was not competent, on its own initiative, to alter the text of the Universal Declaration of Human Rights, which had been officially adopted by the United Nations (General Assembly resolution 217 A (III)). Once a specially-convened meeting of linguistic experts had discussed the problem, the same would not apply to the future covenant.

45. With regard to the conception of human rights, the French representative recalled that his delegation had been the first to endorse the proposal of the Dominican Republic to include in the text of the preamble of the Declaration the principle of equality before the law for men and women. Without fear that its intentions might be misunderstood, it could therefore assert that the conception defended by those who wished to

² See *Documents of the United Nations Conference on International Organization, San Francisco, 1945*, vol. VI, document 1006.

alter the text adopted in the Universal Declaration of Human Rights was not compatible either with the principles or purposes of that document.

46. The representative of Lebanon had already demonstrated (370th meeting) that the Declaration was a manifesto, a protest by mankind against oppression of the human being as a human being; it expressed his claim to the rights of the human person as opposed to the rights of the human herd. The expression *droits humains* meant nothing or should be interpreted in the much wider sense of general juridical relations between human beings, relations between individuals, between communities and between communities and individuals. However broad the interpretation placed on the concept of human rights, it was inconceivable that the Declaration governed collective relations; it governed only the fundamental rights of human beings, as such, *vis-à-vis* the community as well as *vis-à-vis* one another.

47. The French representative therefore had to point out the risk the Committee would incur if it approved the Mexican draft resolution, which was not in conformity with past United Nations practice or with the conception of human rights as expressed in the Universal Declaration of Human Rights.

48. With regard to the covenant, the members of the Committee were of course free to adopt whatever terminology seemed appropriate.

49. His delegation could not vote in favour of the reference to the Universal Declaration of Human Rights.

50. AZMI Bey (Egypt) said that he would abstain from voting on the Mexican draft resolution (A/C.3/L.194). He pointed out, however, that in Arabic there could be no difficulty in translating the words "human rights", since there was a generic term meaning human person and applicable to both sexes.

51. Mr. RAADI (Iran) said he would accept the opinion of the Spanish-speaking delegations, who were competent to decide whether the proposed alteration should be made. In support of the argument submitted by the Mexican delegation, he pointed out that there were similar difficulties in translating the expression "human rights" into certain oriental languages although it was true that they were not working languages, like Spanish. Moreover, most often, translations were based on the English words "human rights" which were more in keeping with the genus of those languages.

52. Accordingly, the Iranian delegation viewed with sympathy the draft resolution submitted by Mexico and would vote for it.

53. Mr. AZKOUL (Lebanon) recalled the bonds of friendship between Lebanon and the Latin American republics and the fact that there were Lebanese settled in those countries who loved their adoptive country as much as their country of origin. He would not wish his intentions to be misinterpreted.

54. He would understand a change in terminology if the expression "rights of man" might actually be interpreted as excluding women. He doubted, however, that any sane person in modern times could claim that

the provisions of the Universal Declaration of Human Rights and the draft covenant did not apply to women. Moreover, the word "man" had never been interpreted otherwise in the United Nations and delegations had consistently maintained that it included men and women.

55. The Lebanese delegation was particularly distressed by the reasons given by the author of the draft resolution (A/C.3/L.194) and by the philosophical concepts underlying his proposal. Mr. Azkoul had been gratified to hear the French representative recall that the authors of the Charter and of the Universal Declaration of Human Rights were reacting against the growing collectivism of society, against the conception of man as a mere element of the collectivity, as a mere cog in a wheel. It was for that reason that the United Nations, in opposition to nazism, fascism and the totalitarian legislation tending to submerge the individual, had strengthened the human person and the rights of the human person. The Lebanese delegation could not therefore admit that man should be considered solely in terms of his relationship with his fellowmen.

56. It would be compelled to vote against the draft resolution if, by adopting it, the members of the Committee were endorsing the theory put forward by the Mexican representative in the observations he had made on 5 December 1951 (360th meeting).

57. He did not think that the words *droits humains* made the title any clearer; he thought they would be understood to include the rights of the State, of the Church or of groups. The Universal Declaration of Human Rights, however, dealt only with the rights of the individual, of the human person. When certain delegations had suggested that it should include the duties of the individual, the Commission on Human Rights had rejected that suggestion and had stressed that it was the rights of the individual that were in danger, thus showing that its concern was with the human person. Moreover, the USSR proposals to add to the Declaration rights of States as distinct from rights of the individual had always been rejected by the Commission on Human Rights and the General Assembly.

58. Article 29 of the Universal Declaration of Human Rights, the only article dealing with the duties of the individual to the community, made it a condition that the community should promote the development of the human personality; when a community rendered such development impossible, the individual no longer had duties to it. The authors of the Universal Declaration of Human Rights had meant to take a stand against totalitarianism and exaggerated collectivism.

59. Words had meaning only in relation to other words. Thus *droits humains* could be set only against the rights of animals or plants, but *droits de l'homme* contrasted with the rights of the State, of society, and of the community. Those remarks would also apply to the English text, where, however, the question of interpretation had never arisen.

60. As to the Afghan representative's suggestion, there was no point, as the Egyptian representative had

observed, in amending the Arabic text. The main reason for his opposition was that the interpretation by which it had been sought to justify the terminological change was contrary to the intentions, the scope, the tenor and the sense of the Universal Declaration of Human Rights.

61. Mr. ALBORNOZ (Ecuador) observed that it was customary in legal matters to consult the dictionary on words concerning which doubt existed. In the dictionary of the Spanish Academy, the first meaning of the word *hombre* was an individual of the human species; a representative of the male sex was only the second meaning.

62. Article 20 of the Ecuadorean Civil Code provided that the words man, person, child, adult and other similar words which applied generally speaking to individuals of the human race, without distinction of sex, should be understood as embracing both sexes under provisions of the law. The cases where legislation applied to only one of the sexes were the exception. But in the case, for example, of the "citizen", "official" and "teacher", both men and women were implied, unless the law expressly provided otherwise. The civil legislation of Ecuador was similar to that of other Latin-American countries.

63. As to the enjoyment by women of the rights enumerated in the Universal Declaration of Human Rights, he was pleased to say that the Ecuadorean legislation guaranteed absolute equality as between men and women. He quoted article 17 of the Constitution of Ecuador, the provisions of which were equivalent to article 21, paragraph 1, of the Universal Declaration of Human Rights and which conferred citizenship on all Ecuadoreans, whether men or women, of over 18 years of age and able to read and write, and who could vote or be elected. He said that a large number of women held public office, the majority being engaged in teaching. Labour legislation in Ecuador not only guaranteed equality as between men and women but also provided special protection for women, as did the legislation guaranteeing freedom of assembly, religion and association.

64. He recognized that the Spanish text of the Charter spoke of "the rights of man" and of "human rights", while that of the Declaration spoke of "the rights of man". Where the question of the emancipation of women and of guaranteeing their rights was concerned, particularly in countries where women had not yet exercised any right, the ambiguity should clearly not be allowed to subsist. He was in full agreement with the Dominican Republic representative on that point.

65. Thus, not because of a contradiction in the Spanish language between the concept "rights of man" and that of "human rights", but rather because there was no such contradiction, he would not only refrain from opposing the Mexican draft resolution (A/C.3/L.194) but would vote in favour of it, thus endorsing the sense of justice behind that draft and paying a tribute to the women representatives and to particularly the Chairman of the Third Committee who was an honour to her high post.

66. He would, however, request a vote in parts, for he would abstain on the second paragraph of the preamble; in fact, the contents and purpose of the Universal Declaration of Human Rights and of the draft covenant had always been adequately defined by the term "rights of man". He would also vote for the draft resolutions because of the repercussions it might have in the case of other languages in which real differences between the expression "rights of man" and "human rights" might give rise to undue restrictions. If, however, the Mexican representative made certain formal changes to the second paragraph, he might be able to vote for it.

67. Mrs. AFNAN (Iran) supported the Mexican draft resolution and spoke of her delegation's respect for the ideals and humanitarian concern of the Mexican representative. She saw in the draft resolution a further effort to eliminate a last vestige of discrimination from the draft international covenant on human rights and approved it, not only as a woman but more particularly as an individual with a profound interest in the draft covenant and in the Universal Declaration of Human Rights.

68. In interpreting the draft resolution, the Lebanese representative had found that it contained traces of heresy. The Iraqi delegation was not opposed to heresies, for they were inseparable from dogma and helped to keep the latter alive. She would probably have approved the heresies, but she had been unable to detect the dangerous socialist or collectivist tendencies the Lebanese delegation had read into the text.

69. Mrs. COELHO LISBOA DE LARRAGOITI (Brazil) regretted that, instead of giving rise to a unanimous vote, the draft resolution had revived an old dispute. The United Nations Charter itself, to which some members had referred, did not entirely bear them out. While the Charter spoke of the human person, it also recognized a difference between man and woman by proclaiming their equality. The Lebanese representative had said that no sensible person could misinterpret the expression "rights of man". But if the world were sensible, there was little reason why the United Nations should exist.

70. The Brazilian delegation would vote for the Mexican draft resolution and hoped that the members of the Committee would do likewise.

71. Mr. DE ALBA (Mexico) asked the Afghan representative not to insist on extending the effect of the Mexican proposal to all languages.

72. When the Universal Declaration of Human Rights had been drafted in 1948, Spanish had not yet become a working language. It had only become a working language at the end of the third session of the General Assembly (Assembly resolution 247 (III)). Consequently, the General Assembly had not voted on the draft declaration of human rights in Spanish. The existing text was thus only an official translation.

73. He thought that the Lebanese representative had with too much subtlety read between the lines and found there intentions that did not exist. The life of

contemporary man was based on the idea of human solidarity, a view which the Lebanese representative could not contest. The fact that the Universal Declaration of Human Rights could be applied to various political sectors of the world was only another argument in its favour. He thanked those delegations that had supported his draft and in particular the representative of Ecuador, who had approved it although with many reservations.

74. The CHAIRMAN confirmed that by resolution 247 (III) adopted on 7 December 1948³ the General Assembly had decided that Spanish should become one of its working languages and that it was only on 11 December 1948, the day after the adoption of the Universal Declaration of Human Rights, that it had adopted the amendment to rule 44 of its rules of procedure (resolution 262 (III)), making the necessary changes.⁴ Thus the General Assembly had not officially adopted the Spanish text of the Universal Declaration of Human Rights and the existing text was only an official translation.

75. Mr. PAZHAWAK (Afghanistan) would not press his proposal since the Mexican representative had not accepted it. Only he and the representative of Iran spoke the same language, which was not a working language, and he had always bowed to the opinion of the majority. In any event, since the Mexican draft resolution (A/C.3/L.194) appeared to him to have certain advantages, he would vote for it in its existing form.

76. Mr. MENEMENCIOLU (Turkey) said his delegation had insufficient information on which to decide as to the advantages of the words "human rights" in Spanish as against the words "rights of man".

77. He would, therefore, abstain from voting.

78. Mr. PAMONTJAK (Indonesia) relied in the matter of terminology on the opinion of the specialists in the Spanish language. The Indonesian Constitution contained a special chapter on human rights, and the expression had already been translated into his language, with the correct distinction between the human race on the one hand and men and women on the other, by a word derived from sanscrit corresponding to the German *Mensch*. The legislation of Indonesia provided for complete equality between men and women in practice as well as in theory.

79. His delegation would therefore vote in favour of the Mexican draft resolution.

80. Mr. AZKOUL (Lebanon) was glad to hear from the Mexican representative's last statement that his proposal was not necessarily connected with any one concept but in fact covered them all. He suggested that the second paragraph of the preamble should be deleted in order to avoid asking representatives who were not Spanish-speaking to settle a linguistic problem outside their competence and also to avoid the possi-

bility of an interpretation which some would consider dangerous. For that latter reason, he also suggested that the words "the statements to this effect made by" should be replaced by "the preference for the wording of the Charter expressed by" in the third paragraph of the preamble. With those amendments, the draft resolution would achieve the desired purpose of replacing a word in the Spanish text by another word preferred by the Spanish-speaking delegations, without involving an interpretation which certain delegations would consider very dangerous and which would compel them to vote against the Mexican draft resolution.

81. Mr. BAROODY (Saudi Arabia) was personally in favour of the Mexican draft resolution and saw no reason to object to an amendment which the Latin American delegations considered highly important. The change would be made only in the Spanish text and would not in any way affect the position of each delegation on the text in its own language. It would be pointless to enter into a philosophical and philological discussion on the matter and there was no reason to prolong the debate.

82. Miss BERNARDINO (Dominican Republic) did not agree with the representative of Ecuador on the meaning of the word *hombre* in the constitutions and legislative texts of the Spanish-speaking countries. The representative of Ecuador had referred to the dictionary of the Spanish Royal Academy, but perhaps that dictionary also required revision. The constitutions of most Latin American countries contained a provision couched in the following terms: "All (the name of the nationals of the country in question) are citizens", but that did not mean that they all, and particularly the women, had necessarily been granted the right of franchise and, in many cases, the constitution had had to be amended before they could be granted that right. There was still much to be done in that respect and in certain countries, such as Ecuador, the vote was optional for women but compulsory for men.

83. She assured the representative of France that she had not forgotten his support of the draft resolution she had submitted in 1948 for the insertion of a provision proclaiming the equality of the sexes in the preamble of the Universal Declaration. She was well aware that Mr. Cassin was the great champion of the rights of women in the Commission on Human Rights. All that she was asking, in support of the Mexican representative, was that the wording of the Universal Declaration of Human Rights and of the covenant should be brought into line with that of the United Nations Charter, in order to avoid any confusion.

84. Mr. PAVLOV (Union of Soviet Socialist Republics) pointed out that the Russian word *chelovik* meant a human being and applied to women as well as men, since it covered both sexes. If the same was not the case for the Spanish word *hombre*, only the Spanish delegations were competent to decide whether that word should be changed. The Universal Declaration of Human Rights was in fact based on the recognition of the complete equality of the sexes, a

³ See *Official Records of the General Assembly, Third Session, Part I, Plenary Meetings*, 174th meeting.

⁴ *Ibid.*, 186th meeting.

observed, in amending the Arabic text. The main reason for his opposition was that the interpretation by which it had been sought to justify the terminological change was contrary to the intentions, the scope, the tenor and the sense of the Universal Declaration of Human Rights.

61. Mr. ALBORNOZ (Ecuador) observed that it was customary in legal matters to consult the dictionary on words concerning which doubt existed. In the dictionary of the Spanish Academy, the first meaning of the word *hombre* was an individual of the human species; a representative of the male sex was only the second meaning.

62. Article 20 of the Ecuadorean Civil Code provided that the words man, person, child, adult and other similar words which applied generally speaking to individuals of the human race, without distinction of sex, should be understood as embracing both sexes under provisions of the law. The cases where legislation applied to only one of the sexes were the exception. But in the case, for example, of the "citizen", "official" and "teacher", both men and women were implied, unless the law expressly provided otherwise. The civil legislation of Ecuador was similar to that of other Latin-American countries.

63. As to the enjoyment by women of the rights enumerated in the Universal Declaration of Human Rights, he was pleased to say that the Ecuadorean legislation guaranteed absolute equality as between men and women. He quoted article 17 of the Constitution of Ecuador, the provisions of which were equivalent to article 21, paragraph 1, of the Universal Declaration of Human Rights and which conferred citizenship on all Ecuadoreans, whether men or women, of over 18 years of age and able to read and write, and who could vote or be elected. He said that a large number of women held public office, the majority being engaged in teaching. Labour legislation in Ecuador not only guaranteed equality as between men and women but also provided special protection for women, as did the legislation guaranteeing freedom of assembly, religion and association.

64. He recognized that the Spanish text of the Charter spoke of "the rights of man" and of "human rights", while that of the Declaration spoke of "the rights of man". Where the question of the emancipation of women and of guaranteeing their rights was concerned, particularly in countries where women had not yet exercised any right, the ambiguity should clearly not be allowed to subsist. He was in full agreement with the Dominican Republic representative on that point.

65. Thus, not because of a contradiction in the Spanish language between the concept "rights of man" and that of "human rights", but rather because there was no such contradiction, he would not only refrain from opposing the Mexican draft resolution (A/C.3/L.194) but would vote in favour of it, thus endorsing the sense of justice behind that draft and paying a tribute to the women representatives and to particularly the Chairman of the Third Committee who was an honour to her high post.

66. He would, however, request a vote in parts, for he would abstain on the second paragraph of the preamble; in fact, the contents and purpose of the Universal Declaration of Human Rights and of the draft covenant had always been adequately defined by the term "rights of man". He would also vote for the draft resolutions because of the repercussions it might have in the case of other languages in which real differences between the expression "rights of man" and "human rights" might give rise to undue restrictions. If, however, the Mexican representative made certain formal changes to the second paragraph, he might be able to vote for it.

67. Mrs. AFNAN (Iran) supported the Mexican draft resolution and spoke of her delegation's respect for the ideals and humanitarian concern of the Mexican representative. She saw in the draft resolution a further effort to eliminate a last vestige of discrimination from the draft international covenant on human rights and approved it, not only as a woman but more particularly as an individual with a profound interest in the draft covenant and in the Universal Declaration of Human Rights.

68. In interpreting the draft resolution, the Lebanese representative had found that it contained traces of heresy. The Iraqi delegation was not opposed to heresies, for they were inseparable from dogma and helped to keep the latter alive. She would probably have approved the heresies, but she had been unable to detect the dangerous socialist or collectivist tendencies the Lebanese delegation had read into the text.

69. Mrs. COELHO LISBOA DE LARRAGOITI (Brazil) regretted that, instead of giving rise to a unanimous vote, the draft resolution had revived an old dispute. The United Nations Charter itself, to which some members had referred, did not entirely bear them out. While the Charter spoke of the human person, it also recognized a difference between man and woman by proclaiming their equality. The Lebanese representative had said that no sensible person could misinterpret the expression "rights of man". But if the world were sensible, there was little reason why the United Nations should exist.

70. The Brazilian delegation would vote for the Mexican draft resolution and hoped that the members of the Committee would do likewise.

71. Mr. DE ALBA (Mexico) asked the Afghan representative not to insist on extending the effect of the Mexican proposal to all languages.

72. When the Universal Declaration of Human Rights had been drafted in 1948, Spanish had not yet become a working language. It had only become a working language at the end of the third session of the General Assembly (Assembly resolution 247 (III)). Consequently, the General Assembly had not voted on the draft declaration of human rights in Spanish. The existing text was thus only an official translation.

73. He thought that the Lebanese representative had with too much subtlety read between the lines and found there intentions that did not exist. The life of

contemporary man was based on the idea of human solidarity, a view which the Lebanese representative could not contest. The fact that the Universal Declaration of Human Rights could be applied to various political sectors of the world was only another argument in its favour. He thanked those delegations that had supported his draft and in particular the representative of Ecuador, who had approved it although with many reservations.

74. The CHAIRMAN confirmed that by resolution 247 (III) adopted on 7 December 1948^a the General Assembly had decided that Spanish should become one of its working languages and that it was only on 11 December 1948, the day after the adoption of the Universal Declaration of Human Rights, that it had adopted the amendment to rule 44 of its rules of procedure (resolution 262 (III)), making the necessary changes.⁴ Thus the General Assembly had not officially adopted the Spanish text of the Universal Declaration of Human Rights and the existing text was only an official translation.

75. Mr. PAZHAWAK (Afghanistan) would not press his proposal since the Mexican representative had not accepted it. Only he and the representative of Iran spoke the same language, which was not a working language, and he had always bowed to the opinion of the majority. In any event, since the Mexican draft resolution (A/C.3/L.194) appeared to him to have certain advantages, he would vote for it in its existing form.

76. Mr. MENEMENCIOLU (Turkey) said his delegation had insufficient information on which to decide as to the advantages of the words "human rights" in Spanish as against the words "rights of man".

77. He would, therefore, abstain from voting.

78. Mr. PAMONTJAK (Indonesia) relied in the matter of terminology on the opinion of the specialists in the Spanish language. The Indonesian Constitution contained a special chapter on human rights, and the expression had already been translated into his language, with the correct distinction between the human race on the one hand and men and women on the other, by a word derived from sanscrit corresponding to the German *Mensch*. The legislation of Indonesia provided for complete equality between men and women in practice as well as in theory.

79. His delegation would therefore vote in favour of the Mexican draft resolution.

80. Mr. AZKOUL (Lebanon) was glad to hear from the Mexican representative's last statement that his proposal was not necessarily connected with any one concept but in fact covered them all. He suggested that the second paragraph of the preamble should be deleted in order to avoid asking representatives who were not Spanish-speaking to settle a linguistic problem outside their competence and also to avoid the possibi-

lity of an interpretation which some would consider dangerous. For that latter reason, he also suggested that the words "the statements to this effect made by" should be replaced by "the preference for the wording of the Charter expressed by" in the third paragraph of the preamble. With those amendments, the draft resolution would achieve the desired purpose of replacing a word in the Spanish text by another word preferred by the Spanish-speaking delegations, without involving an interpretation which certain delegations would consider very dangerous and which would compel them to vote against the Mexican draft resolution.

81. Mr. BAROODY (Saudi Arabia) was personally in favour of the Mexican draft resolution and saw no reason to object to an amendment which the Latin American delegations considered highly important. The change would be made only in the Spanish text and would not in any way affect the position of each delegation on the text in its own language. It would be pointless to enter into a philosophical and philological discussion on the matter and there was no reason to prolong the debate.

82. Miss BERNARDINO (Dominican Republic) did not agree with the representative of Ecuador on the meaning of the word *hombre* in the constitutions and legislative texts of the Spanish-speaking countries. The representative of Ecuador had referred to the dictionary of the Spanish Royal Academy, but perhaps that dictionary also required revision. The constitutions of most Latin American countries contained a provision couched in the following terms: "All (the name of the nationals of the country in question) are citizens", but that did not mean that they all, and particularly the women, had necessarily been granted the right of franchise and, in many cases, the constitution had had to be amended before they could be granted that right. There was still much to be done in that respect and in certain countries, such as Ecuador, the vote was optional for women but compulsory for men.

83. She assured the representative of France that she had not forgotten his support of the draft resolution she had submitted in 1948 for the insertion of a provision proclaiming the equality of the sexes in the preamble of the Universal Declaration. She was well aware that Mr. Cassin was the great champion of the rights of women in the Commission on Human Rights. All that she was asking, in support of the Mexican representative, was that the wording of the Universal Declaration of Human Rights and of the covenant should be brought into line with that of the United Nations Charter, in order to avoid any confusion.

84. Mr. PAVLOV (Union of Soviet Socialist Republics) pointed out that the Russian word *cheloviek* meant a human being and applied to women as well as men, since it covered both sexes. If the same was not the case for the Spanish word *hombre*, only the Spanish delegations were competent to decide whether that word should be changed. The Universal Declaration of Human Rights was in fact based on the recognition of the complete equality of the sexes, a

^a See *Official Records of the General Assembly, Third Session, Part I, Plenary Meetings, 174th meeting.*

⁴ *Ibid.*, 186th meeting.

point on which his delegation had insisted. If the Spanish text did not express that principle clearly, it should be corrected. It was only natural that he should hold that view because he represented a country where men and women were on a footing of complete equality and enjoyed equal rights in all respects.

85. There were no difficulties involved in the proposed alteration, because, as the Chairman had pointed out, it was not a question of revising a text adopted by the General Assembly but simply of improving a translation. Consequently there was no justification for the French representative's objections.

86. Obviously the fact that the principle of equality was proclaimed in the Universal Declaration of Human Rights was not enough in itself; steps should also be taken to make sure that the principle became a reality. Although there was equality in every respect in the USSR, the same was not the case in many other countries, where, for example, women did not receive equal pay for equal work. The covenant should be drafted in such a way as to prevent the survival of that type of discrimination.

87. The representative of Lebanon had quite unjustifiably attempted to distort completely the attitude of the USSR delegation towards the question of human rights. With his idea of man isolated from the community, he was reminiscent of a mediaeval alchemist trying to create a homunculus in a retort. His remarks amounted in fact to an argument for inequality and, indeed, it might well be asked what equality the women of Lebanon enjoyed. On the other hand, it was true that a society should be created in which each individual could exercise his rights. That was a fact which certain delegations accepted, but which others, turning their backs on civilization, refused to recognize. The USSR delegation favoured complete equality for men and women in all respects. To achieve that end, a social structure must be created consonant with the full development of the human personality and an atmosphere of perfect harmony between the individual and his surroundings. It was for the State to create the necessary conditions for that harmony and full development.

88. He proposed that the words "in the Spanish text" or "in Spanish" should be added at the end of the second paragraph of the preamble to the Mexican draft resolution (A/C.3/L.194). His delegation would vote in favour of that draft which reflected the legitimate desire of the Latin American delegations to give the Universal Declaration of Human Rights its true meaning.

89. Mr. BUNGE (Argentina) said that his delegation supported the Mexican proposal in its entirety. It was true that the word *hombre* could mean the human race, but it was ambiguous and had had to be defined in many constitutions and legislative texts.

90. His delegation would vote for the draft resolution.

91. Mr. ALBORNOZ (Ecuador) was grateful to the representative of the Dominican Republic for having spoken of the women's vote in Ecuador. In his

country, all literate citizens over the age of 18 years were entitled to vote. The vote was compulsory for men and optional for women, which was in fact an advantage for the women because they were not penalized if they failed to vote. That provision was perfectly justified since in Ecuador the right to vote had been granted to women only about twenty years previously.

92. Mr. DE ALBA (Mexico) accepted the USSR amendment for the addition of the words "in Spanish" at the end of the second paragraph of the preamble. He could not however accept the Lebanese representative's suggestion for the deletion of that paragraph because it was precisely there that the purpose of the draft resolution was explained and the idea of man in society was expressed. That idea was in keeping with the spirit of the Universal Declaration of Human Rights, which considered man in relation to society and embodied many purely collective rights, such as the right to have a family, the right of association and the right to social security. In a spirit of compromise, he accepted the Lebanese representative's proposal to substitute "the preference for the wording of the Charter expressed by" for "the statements to this effect made by" in the third paragraph of the preamble.

93. Mr. PAZHWAQ (Afghanistan) said he would vote for the Mexican draft resolution. He could not agree that it was a question that concerned only Spanish-speaking delegations. An idea was involved, as well as a word, to which the members of the Third Committee could not remain indifferent. For its part, his delegation could not fail to be interested in any question that came before the General Assembly.

94. Mr. VALENZUELA (Chile) would vote for the Mexican draft resolution. He was not interested in an academic discussion but rather in the Universal Declaration of Human Rights and the covenant as instruments for attaining certain objectives. It was important that in Spanish-speaking countries the term used should not permit of any interpretation that would discriminate against women. The Lebanese representative's theory was interesting but seemed highly contestable; for man could not be regarded as an individual divorced from his surroundings but had to be thought of in relation to society. The first of those two notions constituted a retrograde step and was tantamount to wiping out all progress already achieved.

95. Miss BERNARDINO (Dominican Republic) requested a roll-call vote on the draft resolution as a whole.

96. The Chairman first put to the vote the second paragraph of the preamble to the Mexican draft resolution (A/C.3/L.194) as amended by the USSR delegation.

The paragraph, as amended, was adopted by 33 votes to none, with 12 abstentions.

97. The CHAIRMAN put to the vote by roll-call the draft resolution submitted by Mexico (A/C.3/L.194), as a whole, as amended by the Lebanese amendment to the third paragraph of the preamble.

A vote was taken by roll-call.

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

In favour : Philippines, Poland, Saudi Arabia, Sweden, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia, Afghanistan, Argentina, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, Canada, Chile, China, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Ethiopia, Greece, Indonesia, Iran, Iraq, Israel, Liberia, Mexico, Netherlands, New Zealand, Norway.

Abstaining : Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, Australia, Belgium, France, India, Lebanon, Pakistan.

The draft resolution (A/C.3/L.194), as a whole, as amended, was approved by 36 votes to none, with 9 abstentions.

98. Mr. AZKOUL (Lebanon), exercising his right of reply, said it was easy to invent arguments and put them in the mouth of a speaker in order to be able to demolish them. The USSR representative had interpreted him as saying that he favoured inequality as between men and women. Nothing could be further from the truth and it was enough to refer to the

statement he had made at the current meeting in which he had emphasized that no reasonable person could interpret the expression "rights of man" as applying exclusively to the male sex and not to the human being. The USSR representative had also alleged that he (Mr. Azkoul) had envisaged the individual as deprived of economic, social and cultural rights. He had, on the contrary, held that the full development of the individual should be assured. What he had said, and what had not been refuted by the USSR representative, was that there was a tendency to think of the individual only in terms of the community, a tendency against which the Commission on Human Rights and the General Assembly had taken a categorical stand by rejecting all the draft resolutions submitted by the Soviet Union with a view to confirming the subordination of the individual to the collectivity. The enemies that the USSR representative was fighting were the windmills of his own imagining.

99. In deference to the Chairman and in order to avoid embarking on a possibly lengthy debate, he would refrain from replying to the allusions to Lebanon and from making comparisons between the observance of human rights in his country and in that of the USSR representative.

The meeting rose at 1.35 p.m.

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.



Monday, 28 January 1952, at 3 p.m.

Palais de Chaillot, Paris

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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.

* Indicates the item number on the General Assembly agenda.

3. The reclassification of rights proposed in the Israel draft resolution (A/C.3/L.193) seemed to prejudge 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

of those States on other countries, however, made universal measures essential.

7. In conclusion, he did not consider that the joint draft procedural resolution should have priority in the vote and appealed to the sponsors of that draft to withdraw it under rule 121.

8. Mr. DAVIN (New Zealand) regretted that the Syrian representative had withdrawn his original text and stated that he could not support the revised draft resolution (A/C.3/L.191/Rev.3). He pointed out that, under General Assembly resolution 422 (V), an article extending the provisions of the covenants to all territories was mandatory and already existed as article 72 of the draft covenant prepared by the Commission on Human Rights (E/1992). The new Syrian text was unfortunately discriminatory; the danger of the violation of human rights prevailed everywhere, and any missions of enquiry which might be established should be universal. Moreover, it was dangerous to attempt to settle in the Third Committee matters which were the special concern of trusteeship organs.

9. Mr. VALENZUELA (Chile), introducing his amendment (A/C.3/L.231) to the joint draft procedural resolution (A/C.3/L.229), recalled that the Commission on Human Rights at its seventh session had dealt with only one of the fourteen items on its agenda. Although the Commission's eighth session would be longer than the seventh, it was faced with a formidable task; nevertheless it was proposed to add three more items to that agenda. His delegation had therefore submitted its proposal to delete the joint draft resolutions submitted by Guatemala, Haiti and Uruguay (A/C.3/L.195 and A/C.3/L.195/Rev.2) from the list of documents to be referred to the Commission.

10. Mr. NAJAR (Israel) wished to know whether the sponsors of the joint draft procedural resolution would agree to include his delegation's draft resolution (A/C.3/L.193) in the list of documents to be transmitted to the Commission on Human Rights.

11. Mr. ROY (Haiti), speaking on a point of order, recalled that the inclusion of the Israel draft resolution in the list was proposed in point 3 of the USSR amendment (A/C.3/L.230) to the joint draft procedural resolution.

12. Mr. NAJAR (Israel) stated that the question of measures of implementation gave rise to new juridical and executive problems which were highly important in drafting the covenants. Although he agreed with the Chilean representative that the Commission on Human Rights had a heavy agenda, he did not consider that the Third Committee either had the time or was in a suitable frame of mind to consider the substance of the draft resolutions. For example, he had not received complete replies to the many questions concerning the joint draft resolution submitted by Guatemala, Haiti and Uruguay (A/C.3/L.195/Rev.2), on which his Government could not commit itself without further explanations. The various suggestions on measures of implementation should be considered together; he would therefore prefer his draft resolution to be examined within the framework

of the general debate on that subject either in the Commission on Human Rights or in the Third Committee.

13. The draft resolution submitted by his delegation (A/C.3/L.193) proposed a classification independent of the traditional concept of the division between civil and political rights and economic, social and cultural rights. It was not concerned with the division of the covenant into chapters. The proposed reclassification applied only in so far as implementation was concerned and would be equally applicable to one or more covenants. Moreover, the new classification was applicable only to new measures of implementation other than the system of reports which had already been approved by the Third Committee when it had approved (395th meeting) the French amendment (A/C.3/L.192/Rev.2). It was necessary to study the Israel draft resolution (A/C.3/L.193) in the framework of a general study of implementation measures.

14. The Israel delegation considered international implementation as indispensable. The USSR delegation saw in such an implementation a breach of national sovereignty (407th meeting). That was not the case since States would sign any covenant on human rights of their own free will.

15. In conclusion, he stated that, although the inclusion of his draft resolution in the list contained in the joint draft procedural resolution (A/C.3/L.229) was proposed in the USSR amendment (A/C.3/L.230, point 3), he would prefer the sponsors of the draft procedural resolution to accept its inclusion.

16. Mrs. ROOSEVELT (United States of America), speaking in accordance with rule 114 of the rules of procedure, took exception to the arguments put forward at the 407th meeting to the effect that anyone who called for international implementation was acting in bad faith, by doubting the adequacy of national implementation. She was fully aware of the inevitability of national implementation, but considered that international control would serve to strengthen any national action in the matter.

17. It had also been stated that the United States of America was leading other countries into war; all kinds of measures to prevent war were being taken in other organs of the United Nations and she objected to the use of the Third Committee as a platform for propaganda purposes.

18. Allegations had also been made to the effect that majority votes in the Third Committee had been dictated by the United States of America. She thought that such assertions were insulting to sovereign States, which were free to take independent action. The people of the United States had no aggressive intentions and wished to work with the United Nations for world peace. Her delegation would not, however, accept any measures which might endanger the peace and freedom of all the peoples of the world.

19. Mr. CASSIN (France) said, in reply to the Syrian representative, that he had meant that the European countries might be more likely than others to be able to extend their legislation to cover the exercise of

human rights other than those currently protected by law. He had explicitly stated that he would be willing to examine the Syrian draft resolution if it was not discriminatory; but the newly revised version (A/C.3/L.191/Rev.3) was discriminatory.

20. Mr. PAVLOV (Union of Soviet Socialist Republics) asked for the right, under rule 114 of the rules of procedure, to reply to the remarks of the United States representative.

21. The CHAIRMAN thought that the United States representative had introduced no new matter into her remarks and that no reply was therefore necessary. The French representative had been permitted to reply because he had asked to exercise his right at the previous meeting. No further replies would be permitted.

22. Mr. PAVLOV (Union of Soviet Socialist Republics) appealed against the Chairman's ruling.

The Chairman's ruling was upheld by 12 votes to 5, with 30 abstentions.

23. Mr. BAROODY (Saudi Arabia) and Mrs. COELHO LISBOA DE LARRAGOITI (Brazil) had abstained because they had not wished to take sides on a matter involving denial of the right to reply. To vote on such a question set a bad precedent, as the large number of abstentions showed.

24. The CHAIRMAN observed that the Chair had had no alternative but to put the ruling to the vote since it had been challenged by the USSR representative.

25. Mr. LANNUNG (Denmark) said on behalf of the sponsors of the joint draft procedural resolution (A/C.3/L.229), that he was willing, after having heard the statement of the representative of Israel, to include the reference to the Israel draft resolution (A/C.3/L.193), to simplify matters.

26. The CHAIRMAN observed that points 2 and 3 of the USSR amendment (A/C.3/L.230) had thus become unnecessary.

27. Mr. PAVLOV (Union of Soviet Socialist Republics) amended point 3 of his amendment to include a reference to the third revised text of the Syrian draft resolution (A/C.3/L.191/Rev.3). It included one paragraph which he could not accept, but he did not wish to vote against it as a whole; but it could be thoroughly discussed at the seventh session of the General Assembly.

28. Mr. MENEMENCIOLU (Turkey) observed that the Syrian representative had withdrawn the second revised text of his draft resolution (A/C.3/L.191/Rev.2) and had substituted a third revision. One of the sponsors of the joint draft procedural resolution (A/C.3/L.229) had said that the third revision was not acceptable. He wondered, therefore, what precisely was the standing of the second revised text (A/C.3/L.191/Rev.2).

29. The CHAIRMAN thought that the Syrian representative had been within his rights in withdrawing his second revised text as no amendment to it had been submitted.

30. Mr. DAVIN (New Zealand) thought that the reference to document A/C.3/L.191/Rev.2 would be automatically deleted from the text of the joint draft procedural resolution (A/C.3/L.229) as it had been withdrawn by its sponsor, and thus no longer existed.

31. Mr. ROY (Haiti) observed that the joint procedural proposal referred to other revised texts, for example document A/C.3/L.195/Rev.2. As one of its sponsors, he had not asked, for the inclusion of a reference to the original text (A/C.3/L.195), but had acceded to the wishes of the Lebanese delegation (407th meeting). He saw no reason why there should be no reference to all the Syrian revisions.

32. If the Syrian representative persisted in withdrawing his second revision the Haitian delegation would be ready to sponsor it.

33. Mr. MUFTI (Syria) maintained he had a perfect right to withdraw his own second revised text.

34. Mr. PAVLOV (Union of Soviet Socialist Republics) did not see why any discrimination should be made between the various documents that had been before the Third Committee; they should all go to the seventh session of the General Assembly or to the Commission on Human Rights, as the case might be.

35. Mr. DAVIN (New Zealand), Mr. LANNUNG (Denmark), Mr. SMITT INGEBRETSEN (Norway) and Mr. WAHLUND (Sweden), the sponsors of the joint draft procedural resolution (A/C.3/229) accepted the inclusion of the reference to document A/C.3/L.191/Rev.2.

36. The CHAIRMAN, replying to a question by Mr. PAZHAWAK (Afghanistan), observed that that document did not formally exist as a Syrian draft resolution, but it was still a document, and the Third Committee could transmit to the Commission on Human Rights whatever working papers it deemed fit.

37. Mr. MUFTI (Syria) expostulated against that view.

38. Mr. AZKOUL (Lebanon) suggested that if the Syrian representative did not wish his delegation's name to appear as sponsor of document A/C.3/L.191/Rev.2, the reference should be to the document symbol only, at the end of the list in document A/C.3/L.229. Whether the Syrian representative liked it or not, the text had become the property of the Third Committee, which could certainly transmit any paper it pleased to the Commission on Human Rights.

39. Mr. GARCIA BAUER (Guatemala) proposed that, to clear up any ambiguity in the description of document A/C.3/L.191/Rev.2, the word "documents" should be substituted for the words "draft resolutions" wherever they appeared in the joint draft procedural resolution.

40. The CHAIRMAN put to the vote the proposals made by the representatives of Guatemala and Lebanon.

The proposals were adopted.

41. Mr. GARIBALDI (Uruguay) proposed that a reference to document A/C.3/L.196/Rev.2 should be inserted.

42. The CHAIRMAN said that the vote would be taken first on the USSR amendment (A/C.3/L.230), which was the one furthest removed from the joint draft procedural resolution (A/C.3/L.229).
43. Mr. PAZHWAQ (Afghanistan) proposed that a separate vote should be taken on each of the document symbols listed in the draft procedural resolution; thereby the need for a vote on the Chilean amendment (A/C.3/L.231) would be eliminated.
44. Mr. ROY (Haiti) and Mr. MUFTI (Syria) contended that the draft resolutions should be voted in the order in which they had been submitted; under no rule of procedure could there be a justification for voting on the joint draft procedural resolution first.
45. The CHAIRMAN observed that both logic and precedent dictated the voting of a procedural motion before a draft resolution dealing with substance.
46. Mr. AZKOUL (Lebanon), supported the Chairman's views; there was no need for a formal ruling.
47. Mr. GARCIA BAUER (Guatemala) suggested that the Chilean amendment (A/C.3/L.231) should be voted first, as the result might influence the subsequent voting.
48. The CHAIRMAN agreed, provided that there were no objections.
49. Mr. PAVLOV (Union of Soviet Socialist Republics) objected that the USSR amendment was the furthest removed and must be voted on first.
50. Mr. VALENZUELA (Chile) said that his only objection to the Afghan representative's proposal for a vote by parts was that he wished for a roll-call vote on the proposal for the deletion of the reference to documents A/C.3/L.195 and A/C.3/L.195/Rev.2. The USSR amendment should of course be voted on first.
51. Mr. ROY (Haiti) and Mr. GARCIA BAUER (Guatemala) insisted that the vote should be taken on the Chilean amendment (A/C.3/L.231) before that on the relevant document symbols in the joint procedural resolution.
52. The CHAIRMAN agreed to that request.
53. Mr. HAJEK (Czechoslovakia) requested, for reasons he had already explained (407th meeting) that the vote on the joint draft procedural resolution (A/C.3/L.229) should be taken by parts. His proposal went beyond that of the Afghan representative, which, was that the vote should be taken as follows: first on the phrase "Decides... to the Commission on Human Rights"; second, on the phrase "as additional... they deal"; third, the phrase "for its consideration"; fourth, the phrase "in connexion with... recommendations"; fifth, the final phrase.
54. Mr. PAZHWAQ (Afghanistan) moved the closure of the debate on procedure.
55. Mr. AZKOUL (Lebanon) and Mr. ROY (Haiti) opposed that motion.
- The Afghan motion was adopted by 28 votes to 2, with 16 abstentions.*
56. Mr. CORLEY SMITH (United Kingdom) requested that a roll-call vote should be taken on point 1 of the USSR amendment (A/C.3/L.230).
57. Mr. ALBORNOZ (Ecuador), explaining his vote, said he would have supported the second revised text of the Syrian draft resolution (A/C.3/L.191/Rev.2), had it not been withdrawn, because it extended the enforcement of the protection of human rights to countries both large and small. It could not be regarded as infringing the sovereignty of States, as all States would remain at liberty to accept the visits of the proposed missions or not, as they deemed fit. The third revised text of the Syrian draft resolution was unfortunately more restrictive.
58. The debate had been useful if only because it had shown that countries had expressed great enthusiasm in stating and defining human rights but considerably more caution in accepting measures of implementation; there was thus still a gap between words and deeds.
59. The Israel proposal (A/C.3/L.193) was important, but the objection to a static classification was that some countries were continuously extending their protection of human rights; thus the classification would require constant revision. The proposal needed further consideration.
60. The proposals made in the Guatemalan, Uruguayan and Haitian joint draft resolution (A/C.3/L.195/Rev.2) were excellent; but it would be easier to decide about them after the Commission on Human Rights had examined them in the light of the discussion in the Third Committee.
61. Mrs. AFNAN (Iraq), explaining her vote, said that she would oppose the joint draft procedural resolution (A/C.3/L.229) and any other procedural measures the effect of which would be to prevent the Third Committee from expressing its views or giving directives to the Commission on Human Rights in connexion with the vital principles underlying the draft resolutions before it.
62. Her delegation would abstain on the joint draft resolution of Guatemala, Haiti and Uruguay (A/C.3/L.195/Rev.2), since it was impossible for it to recognize the competence of a body whose nature and composition were not properly defined.
63. Although she was in favour of the principle of individual and group petition, the Iraqi delegation could not support the Guatemalan and Uruguayan joint draft resolution (A/C.3/L.196/Rev.2), since it involved a proposal to establish the post of a United Nations attorney-general for human rights, an office which could not adequately be filled by any one individual. On the other hand, delegation of a part of the authority to such an official could not take place without the delegation of a part of his responsibility.
64. Finally, her delegation would vote against point 1 of the USSR amendment (A/C.3/L.230), in which it was proposed that consideration of measures of implementation should be deferred, since it did not believe that early acceptance by a given State of an international

nal system of implementation need involve surrender by that State of any part of its sovereignty.

65. Mr. REYES (Philippines), also explaining his vote, said that his delegation would vote for the amended joint draft procedural resolution (A/C.3/L.229). The Third Committee's failure to devote sufficient time to the study of measures of implementation left no practicable alternative but to adopt the procedure outlined in the draft resolution.

66. Since his delegation had no objection to granting the right of petition to individuals and groups or associations of individuals, as long as the conditions enunciated by his delegation during the general debate (366th meeting) were observed, it would have been prepared to vote for the joint Guatemalan, Haitian and Uruguayan draft resolution (A/C.3/L.195/Rev.2), provided that there had been time to remove the imperfections in its drafting and to bring it into line with the conditions to which he had referred, and also with the other useful observations on the subject which had been presented. The fact that there had been insufficient time to do so, however, would oblige his delegation to abstain on the joint draft resolution.

67. With regard to the proposal contained in the joint Guatemalan and Uruguayan draft resolution (A/C.3/L.196/Rev.2), the Philippines delegation entirely agreed that it would require further study by the Commission on Human Rights. His delegation considered it useful that the Israel draft resolution (A/C.3/L.193), to which the Lebanese draft resolution (A/C.3/L.198/Rev.1) to some extent formed a natural complement, should be included among the documents to be forwarded to the Commission on Human Rights for study.

68. In conclusion, his delegation would vote against the USSR amendment (A/C.3/L.230), since it was opposed to any decision which would lead to unwarranted delay in drafting the covenant and its measures of implementation.

69. The CHAIRMAN put to the vote point 1 of the USSR amendment (A/C.3/L.230) to the joint draft procedural resolution (A/C.3/L.229).

A vote was taken by roll-call.

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

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

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

Abstaining : India, Iran, Liberia, Mexico, Saudi Arabia, Syria, Thailand, Yemen, Argentina, Burma, Ecuador.

Point 1 of the amendment was rejected by 33 votes to 5, with 11 abstentions.

70. The CHAIRMAN noted that, as a result of the vote, point 4 of the USSR amendment automatically fell.

71. The CHAIRMAN put to the vote the Chilean amendment (A/C.3/L.231) to the joint draft resolution.

A vote was taken by roll-call.

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

In favour : Uruguay, Chile, Cuba, Egypt, France, Guatemala, Haiti, India, Iraq, Liberia, Mexico, Peru.

Against : Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Argentina, Australia, Brazil, Byelorussian Soviet Socialist Republic, Canada, China, Czechoslovakia, Denmark, Dominican Republic, Ethiopia, Greece, Iran, Israel, Netherlands, New Zealand, Norway, Poland, Sweden.

Abstaining : Yemen, Yugoslavia, Afghanistan, Belgium, Burma, Ecuador, Indonesia, Lebanon, Pakistan, Philippines, Saudi Arabia, Syria, Thailand.

The amendment was rejected by 24 votes to 12, with 13 abstentions.

72. The CHAIRMAN called for a vote on point 3 of the USSR amendment (A/C.3/L.230), as amended orally by the sponsor to include the reference to document A/C.3/L.191/Rev.3.

Point 3 of the amendment, as amended, was adopted by 17 votes to 13, with 18 abstentions.

73. The CHAIRMAN then put to the vote Uruguayan oral proposal that a reference to document A/C.3/L.196/Rev.2 should be included in the joint draft procedural resolution (A/C.3/L.229).

The proposal was adopted by 29 votes to none, with 17 abstentions.

It was decided by 37 votes to none, with 12 abstentions, to include also a reference to document A/C.3/L.196/Rev.2.

It was decided, by 27 votes to 7, with 16 abstentions, to include a reference to document A/C.3/L.191/Rev.2.

It was decided, by 34 votes to none, with 12 abstentions, to include a reference to document A/C.3/L.193.

74. In accordance with the request of the representative of Czechoslovakia, the Chairman called upon the Committee to vote on the joint draft procedural resolution (A/C.3/L.229) in five parts.

75. She put to the vote the first phrase : "The General Assembly... to the Commission on Human Rights".

The first phrase was adopted by 31 votes to 1, with 14 abstentions.

76. The CHAIRMAN put to the vote the second phrase : "as additional... they deal".

The second phrase was adopted by 26 votes to 6, with 15 abstentions.

77. The CHAIRMAN put to the vote the third phrase: "for its consideration".

The third phrase was adopted by 27 votes to none, with 21 abstentions.

78. The CHAIRMAN put to the vote the fourth phrase: "in connexion with... recommendations".

The fourth phrase was adopted by 31 votes to none, with 17 abstentions.

79. The CHAIRMAN put to the vote the fifth, and final, phrase.

The fifth phrase was adopted by 29 votes to none, with 17 abstentions.

80. The CHAIRMAN then called for a vote on the joint draft procedural resolution (A/C.3/L.229), as a whole, as amended.

The draft resolution, as a whole, as amended, was approved by 28 votes to none, with 22 abstentions.

81. Mrs. COELHO LISBOA DE LARRAGOITI (Brazil) stated that her delegation had serious misgivings regarding the inclusion in the joint draft procedural resolution of a reference to documents A/C.3/L.193 and A/C.3/L.195/Rev.2.

The meeting rose at 7 p.m.



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[Item 29]*

DRAFT RESOLUTIONS CONCERNING MEASURES OF IMPLEMENTATION OF THE COVENANT

1. The CHAIRMAN recalled that a number of members of the Committee had asked to be allowed to explain the votes they had cast at the 408th meeting concerning the joint draft procedural resolution (A/C.3/L.229/Rev.2).

2. Mr. PLEIC (Yugoslavia) said that his delegation had voted against the USSR amendment (A/C.3/L.230) because the USSR representative had stated on several occasions that his Government was against any system of implementation of the international covenant on human rights. The attitude of a country towards the implementation of the covenant showed to what extent that country was prepared to contribute towards the achievement of the purposes of the Charter.

3. His delegation had voted against the proposal to include the third version of the Syrian draft resolution (A/C.3/L.191/Rev.2) in the list of documents cited in the joint draft procedural resolution because the document in question had been withdrawn by its sponsor before it had been studied by the Third Committee. It had not voted in favour of the draft procedural resolution submitted by Denmark, New Zealand, Nor-

way and Sweden (A/C.3/L.229/Rev.2) in spite of the fact that that draft resolution offered the only possible solution to the difficulties encountered by the Committee, in order to show its regret that the Committee had once again postponed the consideration of the basic problems concerning measures of implementation. In view of such repeated setbacks it might well be asked whether, in spite of their statements, the members of the Committee were really ready to draw up an adequate system of implementation of the international covenant on human rights.

4. Mr. TSYBA (Ukrainian Soviet Socialist Republic) said that his delegation had abstained from voting on the draft procedural resolution submitted by Denmark, New Zealand, Norway and Sweden (A/C.3/L.229/Rev.2), because it would be premature to study measures of implementation of an instrument which did not yet exist. His delegation had therefore voted in favour of the USSR amendment (A/C.3/L.230) in which it was proposed that consideration of the various draft resolutions on measures of implementation should be deferred.

5. The delegation of the Ukrainian SSR was convinced of the fact that the implementation of the covenant came exclusively within the jurisdiction of the signatory States and that to establish a supervisory body as well as to send visiting missions would be so many indirect methods of allowing one State to intervene in the domestic affairs of another. His delegation's abstention on the joint draft procedural resolution (A/C.3/L.229/Rev.2) should by no means be taken to mean that his delegation was in agreement with the principles laid down in the draft resolutions which would be submitted to the Commission on Human Rights. His delegation would, at the appropriate stage, express its opinion on the substance of those draft resolutions, which were far from meeting with its approval.

* Indicates the item number on the General Assembly agenda.