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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.197, A/C.3/L.198/Rev.2) (continued)

[Item 29]*

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

1. The CHAIRMAN invited the Committee to discuss the revised Chilean draft resolution concerning the proposal to hold a special session of the Economic and Social Council (A/C.3/L.218/Rev.2) and the Afghan amendment (A/C.3/L.223) thereto.

2. Mr. VALENZUELA (Chile) said that the considerable number of resolutions which the General Assembly had adopted during the preceding few weeks requesting the Economic and Social Council to take action affecting the work of the Commission on Human Rights at its eighth session made it more than ever necessary for the Council to hold a special session in order to enable it to comply with the terms of the resolutions to which he had referred. It was for those reasons that his delegation was submitting its revised draft resolution.

3. Mr. REYES (Philippines) recalled that his delegation had already proposed (397th meeting) that the Economic and Social Council should be requested to take appropriate steps to ensure that the Commission on Human Rights would have the necessary time at its disposal to carry out the tasks assigned to it by the General Assembly. The decisions which the General Assembly had since taken in connexion with item 29 of its agenda made it even more important that the

Commission should be given as much time as possible, and a preliminary special session of the Council seemed the best way of ensuring that.

4. His delegation would therefore vote for the Chilean draft resolution, in the hope that the Council would do everything possible to facilitate the completion of the Commission's work on the draft covenants on human rights.

5. Mr. RIBAS (Cuba), while indicating his support for the Chilean draft resolution, said he feared that a decision by the General Assembly to make a formal request for a special session of the Economic and Social Council, which would bring into operation rule 4 of the Council's rules of procedure, might result in the session having to be held at an inconveniently early date. It would probably mean that the latest possible date under the rules of procedure would fall in the early days of March, an arrangement to which his delegation could not agree.

6. Mr. PAZHAWAK (Afghanistan), referring to his amendment (A/C.3/L.223), pointed out that the specific reference in that amendment to a priority was fully in accordance with General Assembly resolution 421 (V), section D. He did not think there could be any objection to the priority he had selected, namely the right to self-determination, but he wished formally to ask whether the Chilean representative could accept the amendment.

7. Mr. VALENZUELA (Chile), remarked, in connexion with the Philippine representative's reference to the need to give the Commission on Human Rights as much time as possible to complete its work, that a new factor had arisen since the Chilean draft resolution was first presented; the Interim Committee on Programme of Conferences of the Economic and Social Council for 1952 had extended the next session of the Commission on Human Rights to seven weeks, which meant that the Commission's final meetings would

* Indicates the item number on the General Assembly agenda.

coincide with the opening meetings of the Council's fourteenth session. Should the seven weeks allocated for the Commission's work prove insufficient, it would thus be easy to arrange for a further extension, as the Council would be in session.

8. With regard to the opening date of the Council's proposed special session, his delegation was inclined to let rule 4 of the Council's rules of procedure take its natural course, as the subsequent regular sessions of the bodies concerned made it imperative that the Council's special session should be summoned for an early date.

9. Referring to the Afghan amendment, he said he felt that his delegation's draft resolution was a purely procedural resolution and that it would be inappropriate to add to it an amendment dealing with a point of substance. On the subject of priorities, he would, however, say that his delegation was inclined to give equal priority to all outstanding items.

10. Mr. CORLEY SMITH (United Kingdom) fully supported the principle of convening a special session of the Economic and Social Council but feared, like the Cuban representative, that a formal resolution to that effect, which would bring into play rule 4 of the Council's rules of procedure, would result in an inconveniently early opening date for the session.

11. The main purpose underlying the Chilean resolution had, he believed, already been attained when the Interim Committee on Programme of Conferences of the Economic and Social Council had arranged to prolong the next session of the Commission on Human Rights. He thought it might be sufficient to state in the Committee's report to the General Assembly, that the Committee desired and requested the Council to hold a special session. He himself was fully confident that, although informal, the request would be observed.

12. Mr. PAZHAWAK (Afghanistan) regretted that the Chilean representative was apparently unwilling to assent to the inclusion of his amendment in the Chilean draft resolution. Since the substance of the amendment had already been discussed, and he had disposed of the principal objections to it, and as, moreover, the Chilean representative himself agreed on the importance of the right to self-determination, he did not feel inclined at the moment to withdraw his amendment.

13. Mr. CASSIN (France) thought everyone would agree that the Council should take whatever measures were necessary to permit the Commission on Human Rights to fulfil the tasks assigned to it. He did not, however, believe that a special session of the Council would be required for that purpose since, under the revised programme, it would be sitting during part of the Commission's next session. On the other hand, it could not be denied that an unwelcome precedent might be established if the General Assembly were to transmit its directives directly to the Commission without passing through the Council. To avoid such a situation, a very short session, or even a single meeting, of the Council might be necessary, but its date would be unimportant.

14. He was not prepared at the moment to state

whether his delegation favoured the Chilean or the United Kingdom proposal for convening that session.

15. With regard to the question of priorities, he feared that if the Commission on Human Rights were asked to give priority to a given item, for instance the right of self-determination, which had not been properly dealt with by the General Assembly, the result might be further unfortunate delay in the final presentation of a draft covenant to the Assembly. For that reason he could not support the Afghan amendment (A/C.3/L.223).

16. Mr. VALENZUELA (Chile) said that the difficulty arising under rule 4 of the Council's rules of procedure might be to some extent lessened by voting the draft resolution on the closing day of the General Assembly, that is, at the latest date possible. A further step in the same direction would be for the Council to hold a single meeting on the date so determined, and then to suspend work for whatever period the convenience of representatives required.

17. With regard to the United Kingdom representative's proposal, he feared that a mere mention of the matter in the Committee's report might not guarantee the desired result.

18. Mr. MUFTI (Syria) said he was unable to accept the Chilean representative's contention that the Afghan amendment was a substantive amendment. In his view it was just as much a matter of procedure as was the Chilean draft resolution itself, and there should therefore be no objection to its acceptance on those grounds.

19. Mr. PAVLOV (Union of Soviet Socialist Republics) inquired whether the Afghan representative intended that the question of the right of peoples to self-determination should receive priority only at the proposed special session of the Council or at the subsequent ordinary session as well. His delegation favoured the latter course.

20. The USSR delegation was opposed in principle to the holding of a special session of the Council, which it considered entirely unnecessary. The General Assembly was fully empowered, under the terms of the Charter, to transmit its instructions directly to the Commission on Human Rights, without reference to a third body.

21. Mr. PAZHAWAK (Afghanistan), replying to the USSR representative, observed that under his amendment the priority in question was to be considered by the Council and the Commission on Human Rights at the earliest possible date, and there was no intention to limit study of the subject to the proposed special session. It was important to remember, in connexion with the right of peoples to self-determination, that the General Assembly had decided (Assembly resolution 421 (V), section D) that an article on the subject should be inserted in the covenant. That was another reason in favour of acceptance by the Chilean representative of his amendment; it was also a reply to the French representative's fear that the amendment would delay submission of the final draft to the General Assembly. Since the General Assembly had decided

that an article on the right of self-determination should be included in the covenant, no final draft could possibly be submitted until all aspects of that matter had been thoroughly discussed, and in that connexion priority was clearly essential.

22. Mr. RIBAS (Cuba) said that his delegation agreed in principle to the holding of a special session of the Economic and Social Council. He thought the only point at issue was the date of that session.

23. He suggested that a specification of the dates of the proposed special session might be inserted into the Chilean draft resolution (A/C.3/L.218/Rev.2) after the words "special session" in the operative paragraph.

24. The CHAIRMAN pointed out that, since rule 4 of the Economic and Social Council's rules of procedure prescribed that special sessions should be convened within thirty days of receipt, by the President of the Council, of a request for such a session, the Third Committee had no authority to fix the date.

25. Mr. RIBAS (Cuba) accordingly withdrew his oral amendment to the Chilean draft resolution.

26. Mr. BAROODY (Saudi Arabia) agreed that the cost involved in holding a special session of the Economic and Social Council was a valid objection; but he hoped that, if only one session of the Council was to be held in 1952, it would be long enough to give the Commission on Human Rights time to deal adequately with its work.

27. He suggested that, in order to ensure that the Afghan amendment (A/C.3/L.223) would stand irrespective of what might happen to the existing operative paragraph of the Chilean draft resolution, it might be inserted in the Chilean draft resolution as operative paragraph 1, with the existing operative paragraph of that draft resolution thus becoming operative paragraph 2.

28. Mr. PAZHAWAK (Afghanistan) agreed.

29. The CHAIRMAN called for a vote on the Afghan amendment (A/C.3/L.223) as paragraph 1 of the operative part of the Chilean draft resolution (A/C.3/L.218/Rev.2).

That paragraph was adopted by 26 votes to 7, with 4 abstentions.

30. At the request of Mr. BAROODY (Saudi Arabia), the CHAIRMAN called for a separate vote on the operative paragraph of the Chilean draft resolution (A/C.3/L.218/Rev.2), which was to become paragraph 2 of the operative part.

That paragraph was adopted by 21 votes to 6, with 15 abstentions.

31. The CHAIRMAN put to the vote the Chilean draft resolution (A/C.3/L.218/Rev.2), as a whole, as amended.

The draft resolution (A/C.3/L.218/Rev.2), as a whole, as amended, was approved by 23 votes to 1, with 18 abstentions.

DRAFT RESOLUTION SUBMITTED BY LEBANON
(A/C.3/L.198/Rev.2)

32. The CHAIRMAN asked the Committee to consider the Lebanese draft resolution (A/C.3/L.198/Rev.2) concerning modification of the provisions of the draft international covenant on human rights.

33. Mr. AZKOUL (Lebanon), introducing his draft resolution (A/C.3/L.198/Rev.2), explained that sub-paragraph (a) of the operative part was based on recognition of the fact that, even before the Committee's decision to draw up two separate covenants, the human rights proclaimed in the draft covenant had been recognized as falling into two distinct categories: those which were to be implemented immediately, and those of which the implementation was contingent on certain economic and social changes and which it would take time to enforce. The civil and political rights contained in part II of the draft covenant (E/1992) were regarded as mandatory, and States were called upon to take, within a reasonable time, such legislative or other measures as were necessary to give effect to them. The methods proposed for implementation of the second set of rights, the economic and social, set forth in part III of the draft covenant, were entirely different. Whereas civil and political rights were to be enforced immediately, States were merely called upon, in respect of the second category of rights, to take steps, to the maximum of their available resources, with a view to achieving progressively the full realization of those rights. It would be wrong if the implementation of certain of the rights included in that category was delayed merely because, as economic and social rights, they were contained in the second draft covenant. Such rights as, for instance, the right to form and join trade unions (article 27), and the right of parents to decide on their children's education (article 28, paragraph 8), could be implemented immediately, without waiting for economic and social conditions to evolve. Such rights should therefore be transferred to the covenant on civil and political rights.

34. The purpose of the second modification, proposed in sub-paragraph (b) of the operative part of the Lebanese draft resolution (A/C.3/L.198/Rev.2), was to make more explicit the obligation on States parties to the covenant to implement the rights proclaimed in the covenant. It was no longer necessary, since there were to be two separate covenants, for the obligations devolving on States to be toned down to make them universally acceptable; it was not, for instance, sufficient for States merely to "recognize" the right to work (article 20), when the meaning was that people should be helped to find work. Ambiguities such as that could be eliminated, and obligations made more explicit, even though a certain period must elapse before the rights contained in the economic and social covenant could be implemented.

35. Mr. LESAGE (Canada) considered that the Lebanese draft resolution (A/C.3/L.198/Rev.2) drew a necessary distinction between rights which were justiciable and those which were not yet justiciable. The draft resolution was also useful because it stressed the importance of economic, social and cultural

rights. The Commission on Human Rights should make a recommendation on those lines, but he would ask the Lebanese representative whether he would agree to include the adjective "justiciable" after the words "provisions relating to the" in sub-paragraph (a) of the operative part of his draft resolution.

36. A restatement of the distinction between civil and political rights and economic, social and cultural rights might result in the reopening of the debate on that question and he would therefore request the Lebanese representative to agree that his draft resolution should be referred to the Commission on Human Rights, in accordance with the precedent created in the case of the draft resolutions on measures of implementation.

37. Mr. CASSIN (France) hoped that the Lebanese representative would agree to have his draft resolution referred to the Commission on Human Rights. Although many of the points in the draft resolution were interesting, it was difficult for delegations to take a stand at the current stage on the principles contained in it.

38. The distinction between two categories of rights accepted by the majority of the Committee could not affect the fact that certain rights, such as trade-union rights, were immediately justiciable; on the other hand, it was impossible to classify the right of parents to educate their children according to their wishes as a civil right merely because it was justiciable. In that connexion, the Lebanese draft resolution (A/C.3/L.198/Rev.2) resembled the Israel draft resolution (A/C.3/L.193), which had been referred to the Commission on Human Rights (408th meeting), and rightly so, because the Commission was competent to decide such matters.

39. With regard to sub-paragraph (b) of the operative part of the Lebanese draft resolution, he agreed that the obligations of States in respect of economic, social and cultural rights should be strengthened. But that could not be done by a stroke of the pen. The Lebanese representative had criticized the use of the word "recognize". But recognition surely implied a commitment in most cases. There was obviously room for improvement in the draft covenant, but that was no reason to condemn it out of hand.

40. Therefore, to avoid a precipitate decision being taken by the Third Committee, the Lebanese draft resolution should be referred to the Commission on Human Rights, in accordance with the decisions taken in respect of similar draft resolutions.

41. Mr. AZKOUL (Lebanon) agreed that the Committee did not have enough time for an exhaustive study of his draft resolution (A/C.3/L.198/Rev.2). Nor was the atmosphere conducive to dealing with it seriously.

42. He disagreed with the French representative's statement that the term "recognize" was strong enough to imply a precise commitment by States to certain obligations. The terms of article 19 of the draft covenant were vitiated by certain conditional clauses. Moreover, it was difficult to decide in principle which

rights were justiciable and which were not; it was for the Commission to take that decision after mature consideration. With regard to the French representative's comparison between the Lebanese and the Israel draft resolutions, he pointed out that the Israel draft referred only to measures of implementation, and not to the nature of the obligations incurred.

43. In reply to the Canadian representative, he stated that, although he had in mind the extent to which various civil and political rights might be justiciable, he would hesitate to include that word in his draft resolution, since it might give rise to misinterpretation. If the Third Committee decided to include his draft resolution among the documents to be referred to the Commission on Human Rights, he would suggest that the Canadian oral amendment should be submitted to the Commission separately.

44. Mrs. COELHO LISBOA DE LARRAGOITI (Brazil) agreed with the proposal that the Lebanese draft resolution should be referred to the Commission on Human Rights.

45. Her delegation wished, however, to make a reservation with regard to sub-paragraph (b) of the operative part of the draft resolution. It took exception to the words "obligation placed upon States" and would prefer them to be replaced by the phrase "obligations assumed by States".

46. Mr. PAVLOV (Union of Soviet Socialist Republics) thought that the Lebanese draft resolution (A/C.3/L.198/Rev.2) was equally unacceptable to representatives who favoured a single covenant and to those who had voted for two covenants, since it proposed a new classification of human rights. The Lebanese draft resolution seemed to draw a distinction between rights which were immediately justiciable and those which depended on the social and economic conditions of the country concerned. In his delegation's opinion all human rights properly so-called were justiciable; moreover, those rights could not be implemented unless suitable social and economic conditions prevailed.

47. To illustrate his thesis, he pointed out that no legislation on freedom of the Press, however liberal, could ensure real freedom in that connexion unless the personnel concerned had the means to produce publications. Freedom of assembly guaranteed by law could be nullified by lack of premises. Again, the right to work was purely negative if unsupported by legislation providing for the right of appeal against abuses. The right to just and favourable working conditions should also be protected by law. That also applied to the principle of equal pay for equal work for men and women workers. Many other examples could be adduced to prove that economic, social and cultural rights could be protected on a legal basis as justiciable rights.

48. The reclassification proposed in the Lebanese draft resolution placed all the members of the Committee in an embarrassing position, since it in fact undermined both of the conflicting views taken on the division of the covenant. The arbitrary splitting up of the covenant into even smaller categories by transfer-

ring certain articles of the covenant on economic, social and cultural rights to the covenant on civil and political rights further jeopardized the implementation of economic, social and cultural rights.

49. The preamble to the Lebanese draft resolution was inaccurate, since the Committee had not examined the draft covenant, but had only considered a few draft resolutions relating to it. Further, sub-paragraph (b) was rendered useless by the reclassification proposed in sub-paragraph (a) of the operative part of the draft resolution.

50. The draft resolution could hardly be submitted to the Commission on Human Rights as a serious basic text. The Lebanese representative should reconsider his proposal before it was referred to the Commission.

51. Mr. AZKOUL (Lebanon) pointed out that the USSR representative had based his remarks on the distinction between civil and political rights and economic, social and cultural rights when he had stated that the former could have no practical value without the latter. The difference between justiciable and non-justiciable rights in fact lay between rights which were permitted and guaranteed by law and those which depended upon positive action on the part of the State, however effective or ineffective their implementation might be. He did not consider his classification artificial, since civil and political obligations had to be immediately enforced by law, whereas the observance of economic and social provisions was necessarily a matter of more gradual procedure.

52. He was surprised that the USSR representative had not welcomed sub-paragraph (b) of the operative part of the Lebanese draft resolution, since the USSR representative had implicitly recognized the distinction between the two categories of rights. With regard to the preamble of the Lebanese proposal, he pointed out that all the documents submitted during the discussion of agenda item 29 had been based on a draft covenant contained in the report of the Commission on Human Rights (E/1992); the USSR representative had taken part in that discussion, and could not therefore allege that no such document existed.

53. Mr. NAJAR (Israel) was glad that the Lebanese representative had agreed to have his draft resolution (A/C.3/L.198/Rev.2) included in the list of documents to be referred to the Commission on Human Rights.

54. His view was that the draft resolution in its existing form was incomplete and therefore required expert consideration. It contained two separate proposals for the reclassification of human rights: sub-paragraph (a) of the draft provided, in the first place, for the traditional distinction between civil and political and economic, social and cultural rights and, in the second place, for a distinction between justiciable and non-justiciable rights. Both those classifications, however, were confused by the implication that all civil and political rights were immediately justiciable, which was doubtful, since it was well known that the effective implementation of those rights called for a highly developed judiciary organization, which could not be

achieved at short notice. The introduction of certain arbitrarily chosen economic, social and cultural rights into the covenant devoted to civil and political rights might also confuse the issue.

55. The CHAIRMAN suggested that the best way to transmit the Lebanese draft resolution to the Commission on Human Rights through the Economic and Social Council would be to amend the joint draft procedural resolution approved at the Committee's 408th meeting (A/C.3/L.229 in its original form, A/C.3/L.232 in its final form), so as to include the Lebanese draft resolution (A/C.3/L.198/Rev.2).

56. Mr. LESAGE (Canada) moved a proposal to that effect.

57. The CHAIRMAN observed that since no objection had been raised to that procedure she would put that proposal to the vote.

58. She put to the vote the proposal that the revised Lebanese draft resolution (A/C.3/L.198/Rev.2) should be added to the list of documents to be transmitted to the Commission on Human Rights by means of the draft resolution (A/C.3/L.232) based on the joint draft procedural resolution (A/C.3/L.229), approved by the Committee at its 408th meeting.

The proposal was adopted by 30 votes to 7, with 7 abstentions.

59. Mr. MUFTI (Syria) and Mr. PAVLOV (Union of Soviet Socialist Republics) asked whether that vote did not infringe rule 122 of the rules of procedure.

60. The CHAIRMAN observed that the Committee had raised no objection when the proposal had been made and she would therefore ask members to discuss the draft resolution (A/C.3/L.197) submitted jointly by the Chilean, Chinese and Colombian delegations.

JOINT DRAFT RESOLUTION SUBMITTED BY CHILE, CHINA AND COLOMBIA (A/C.3/L.197)

61. Mr. VALENZUELA (Chile) introduced the joint draft resolution submitted by Chile, China and Colombia (A/C.3/L.197), concerning observance of human rights. As the latest of the sponsors to lend his name to it, he observed that it was not directed against any particular country but was merely a statement of a moral principle that should be generally acceptable. No country could claim to have a perfect record with regard to the protection of human rights.

62. Mr. BARODY (Saudi Arabia) thought that there could be no objection to the principle of the joint draft resolution, which at first sight appeared somewhat platitudinous.

63. Serious objections might, however, be advanced against its wording. The phrase "to see that the lights of freedom shall not be further extinguished" was extraordinarily vague and embodied a metaphor which could hardly appear in a United Nations document. The first paragraph of the preamble referred to denials of the right to life, or, in other words, murders. The operative part recommended that such past injustices

rights. The Commission on Human Rights should make a recommendation on those lines, but he would ask the Lebanese representative whether he would agree to include the adjective "justiciable" after the words "provisions relating to the" in sub-paragraph (a) of the operative part of his draft resolution.

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The proposal was adopted by 30 votes to 7, with 7 abstentions.

59. Mr. MUFTI (Syria) and Mr. PAVLOV (Union of Soviet Socialist Republics) asked whether that vote did not infringe rule 122 of the rules of procedure.

60. The CHAIRMAN observed that the Committee had raised no objection when the proposal had been made and she would therefore ask members to discuss the draft resolution (A/C.3/L.197) submitted jointly by the Chilean, Chinese and Colombian delegations.

JOINT DRAFT RESOLUTION SUBMITTED BY CHILE, CHINA AND COLOMBIA (A/C.3/L.197)

61. Mr. VALENZUELA (Chile) introduced the joint draft resolution submitted by Chile, China and Colombia (A/C.3/L.197), concerning observance of human rights. As the latest of the sponsors to lend his name to it, he observed that it was not directed against any particular country but was merely a statement of a moral principle that should be generally acceptable. No country could claim to have a perfect record with regard to the protection of human rights.

62. Mr. BAROODY (Saudi Arabia) thought that there could be no objection to the principle of the joint draft resolution, which at first sight appeared somewhat platitudinous.

63. Serious objections might, however, be advanced against its wording. The phrase "to see that the lights of freedom shall not be further extinguished" was extraordinarily vague and embodied a metaphor which could hardly appear in a United Nations document. The first paragraph of the preamble referred to denials of the right to life, or, in other words, murders. The operative part recommended that such past injustices

should be rectified, which was not, perhaps, wholly logical. He wished to vote for the principle embodied in the joint draft resolution but hoped that the sponsors would first accept some amendments in the wording.

64. Mr. PAZHAWAK (Afghanistan) agreed with the Saudi Arabian representative's views, although he warmly supported the last paragraph of the preamble and the operative paragraph of the draft resolution, if amended as suggested.

65. The reference in the first paragraph of the preamble to reports which had been current concerning denials of certain human rights required far more explanation: it was not stated what reports had been current, through what medium they had passed and from what source they had emanated.

66. Mr. ALFONZO RAVARD (Venezuela) said he had seen few better-intentioned draft resolutions but agreed with the Saudi Arabian and Afghan representatives that the style left much to be desired.

67. The operative paragraph was something of an anticlimax after the very strong, if somewhat vague, first paragraph of the preamble. If there had been widespread denials of human rights, the United Nations must, once it had ascertained the reliability of the reports mentioned, study ways and means of finding some effective remedy.

68. A much more crucial objection to the joint draft resolution was, however, the question whether its submission had been in order. The Committee had refused (392nd meeting) on procedural grounds to entertain a Polish draft resolution (A/C.3/L.203/Rev.1) concerning the defence of twenty-four inhabitants of Barcelona threatened with capital punishment, more especially on the ground that it was not related to item 29 of the agenda, which was under discussion. It might well be asked whether the Polish delegation would not have good ground for complaint if the Chilean, Chinese and Colombian draft was discussed whereas the Polish draft had been shelved; the former seemed to have as little connexion with the draft international covenant on human rights as the latter.

69. Mr. PLEIC (Yugoslavia) agreed that there was a close parallel with the Polish draft resolution (A/C.3/L.203/Rev.1) which the Third Committee had refused to discuss. At the time of the discussion regarding the Polish draft resolution, the Yugoslav delegation had appealed to the Committee (392nd meeting) to prove to the world that it did not wish the protection of human rights to remain a dead letter, but the majority had remained deaf to that appeal. If the joint draft resolution under discussion (A/C.3/L.197) was adopted, the Third Committee might give the impression that it really preferred hollow words to deeds.

70. Mrs. COELHO LISBOA DE LARRAGOITI (Brazil) regretted that her delegation had not been asked to join in sponsoring the draft resolution (A/C.3/L.197), which it whole-heartedly supported. The claims of suffering anywhere could not be denied; they must be alleviated, but they must not be permitted to become material for political propaganda. If the right

to life had been denied, that denial concerned not only the victim himself but also all those who suffered from injustice. She could not, therefore, agree with the objection advanced by certain delegations against the wording of the draft resolution.

71. Mr. MUFTI (Svria) could not vote for the joint draft resolution (A/C.3/L.197) as it stood, although the principles embodied in it merited the most thorough consideration. Such a draft resolution, if presented at all, should have been submitted not in the name of individual sponsors but as a draft resolution of the whole Committee. As it stood, it might offend the susceptibilities of certain countries without encouraging the rest. It was unnecessary: the best way to enhance the protection of human rights would be to speed the work on drafting the international covenant.

72. Mr. YU Tsune-Chi (China) felt that the Third Committee had wasted so much time on procedural discussion during its sixth session that it must at least produce some concrete expression of its own position on the protection of human rights and of that of the Economic and Social Council and of the Commission on Human Rights, in order to justify itself and them in the eyes of the world. Otherwise, public opinion, which, it must be admitted, was not always favourable to the United Nations, might fail to understand the reasons for the delay in drafting the international covenant on human rights. Every Member of the United Nations examining its conscience must be fully aware that human rights had been denied and violated; a moral call to order was essential.

73. In his introduction to the report of the Economic and Social Council on its thirteenth session (A/1884), the President of the Council had recorded the alarming fact that, six years after the promulgation of the San Francisco Charter, the world had made no appreciable progress in respect of fundamental rights. That passage in the introduction to the report should be considered in close connexion with the joint draft resolution. Everyone knew that instances of the denial of certain human rights had occurred; the joint draft resolution (A/C.3/L.197) was not an attack on any particular Member State.

74. The wording of the first paragraph of the preamble had been derived from the statement of the President of the Economic and Social Council; that of the second paragraph had been taken from a statement made by a representative on the Third Committee. The operative part set out the least that the Committee could do to make its general position clear before it began drafting the final version of the international covenant on human rights. Every member of the Third Committee was in duty bound to do his or her utmost to see that human rights were safeguarded. There was no reason to be pessimistic about the result. By persuasion and explanation and even by collective action it was perfectly possible to rectify past injustices and to put a stop to the denial of human rights.

75. In reply to the Venezuelan and Yugoslav representatives, he maintained that there was no need to specify the source or assess the veracity of the reports described in the joint draft resolution as current; the

United Nations received daily scores of allegations of the denial of human rights.

76. Furthermore, the joint draft resolution was in order. It had no similarity to the Polish draft resolution (A/C.3/L.203/Rev.1) to which allusion had been made, because it specifically quoted the introduction to the Economic and Social Council's report, and item 29 of the agenda of the General Assembly covered the relevant chapter of that report besides the draft international covenant on human rights and measures of implementation itself. Matters connected with the report but not closely concerned with the draft covenant had been freely raised in the general debate, out of which the joint draft resolution had emerged. Moreover, the joint draft resolution was general in scope, whereas the purpose of the Polish draft resolution had been to accuse a particular country.

77. Mr. REYES (Philippines) had been greatly impressed by the moving and moderate tones of the Chinese representative's explanation. He wholeheartedly supported the spirit and purpose of the joint draft resolution. In the debate on agenda item 29 his delegation had expressed concern over the widespread and systematic denials of human rights, which it considered to be a direct and major threat to international peace and security. Undoubtedly the attention of Member States should be called to the urgent need to remedy that situation.

78. Mr. BAROODY (Saudi Arabia) suggested that the joint draft resolution (A/C.3/L.197) might be so amended that all delegations could accept its principle. He proposed the following wording :

"The General Assembly,

Considering that since the promulgation of the Universal Declaration of Human Rights the President of the Economic and Social Council in his introduction to the latest report of the Council has pointed out that practically no progress has been effected in the universal observance of human rights,

Recognizing that it is the responsibility of the Members of the United Nations, individually and collectively, to see that freedom shall be enhanced throughout the world,

Recommends that Members of the United Nations intensify their efforts for the observance of universal human rights."

79. Mr. PAZHAWAK (Afghanistan) could agree with the Saudi Arabian suggestion on most points, but suggested the following further amendments: the deletion of the first paragraph of the preamble; the insertion, in the second paragraph, after the words "to see that" of the words "human rights are observed all over the world and that" and the substitution of the word "considering" for "recognizing"; and the deletion of the word "such" in the operative paragraph.

80. The CHAIRMAN, referring to the point of order raised by the Venezuelan representative, observed that the Chair had made no ruling with regard to the Polish draft resolution (A/C.3/L.203/Rev.1), and had recalled precedents (387th and 391st meetings) for the Third Committee's dealing with matters not very closely connected with items on its agenda. The Committee had decided that matter (392nd meeting) by voting a procedural motion whereby it had expressed the majority's view that the Polish draft resolution had not been in order and was not related to its agenda.

81. The case under discussion was very similar and the Chair was thus unwilling to make a ruling. She must, however, point out that the two draft resolutions differed in substance and that the Third Committee in similar circumstances had at its fifth session voted a resolution on Human Rights Day (General Assembly resolution 423 (V)), which had not been closely connected with any item on its agenda.

82. Mr. MUFTI (Syria) moved the closure of the debate.

83. Mrs. AFNAN (Iraq) thought that other delegations wished to speak and therefore moved the adjournment of the meeting, which took precedence under rule 118 of the rules of procedure.

The motion for the adjournment of the meeting was adopted by 26 votes to none, with 11 abstentions.

The meeting rose at 7.10 p.m.