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CONTENTS

Chairman: Mr. Jiří NOSEK (Czechoslovakia).

AGENDA ITEM 58

Draft international covenants on human rights A/2714, A/2686, chapter V, section I, E/2573, A/C.3/574, A/C.3/L.410/Rev.3 and Corr.1, A/C.3/L.412, A/C.3/L.413, A/C.3/L.414, A/C.3/L.418 and Add.1, A/C.3/L.421, A/C.3/L.422) (*continued*)

FIRST READING (SECOND PART) (*continued*)

1. Mr. HOOD (Australia), introducing his delegation's amendments (A/C.3/L.421), to article 27 of the draft covenant on economic, social and cultural rights and to article 52 of the draft covenant on civil and political rights (E/2573, annex I), repeated that Australia would be unable to accede to the covenants if those articles remained in their existing form. The text he was proposing had been submitted by Australia and India to the Commision on Human Rights in 1951, and it incorporated amendments by Belgium and France (E/2573, paras. 246 to 248); thus it already enjoyed considerable support.

2. Many delegations, he had noted with interest, recognized the difficulties confronting federal States; and some thought that the federal State article did not conform to the spirit of General Assembly resolution 421 (V), section C, which called for the maximum extension of the covenants to the constituent units of federal States, and the meeting of their constitutional problems. The Australian amendment adequately met those requirements, and he hoped that the Committee would give it the consideration it deserved. Paragraph 4, originally proposed by Belgium, ensured equality between contracting parties when one of them was a federal State.

3. Mr. BEAUFORT (Netherlands) said that although the general debate had not removed all obstacles in the Committee's path, encouraging progress had been made. Originally he had regarded the idea of world-wide covenants as almost impracticable, and had suggested that the European example of regional covenants should be followed. It was now possible to be more optimistic. There were still differences of opinion on important matters, many of them constitutional, but there was increasing understanding of the difficult problems confronting some States, and substantial progress towards draft covenants acceptable to a majority of States could be anticipated at the next session.

4. The Netherlands delegation had not yet taken a definite position on certain important provisions, but the Netherlands Government intended to appoint a working group of experts to examine the draft covenants. Its conclusions would be communicated to the Secretary-General under the procedure provided for in the Costa Rican draft resolution (A/C.3/L.410/Rev.3 and Corr.1).

5. Mr. BAROODY (Saudi Arabia) introduced his amendments (A/C.3/L.422) to article 18 of the draft covenant on civil and political rights.

6. The amendment to paragraph 1 had not been prompted by theological considerations, but was merely intended to remedy the lack of balance between the religious and other aspects of the freedom of thought which had arisen through undue emphasis of the religious aspect. He hoped that the Secretariat, in reporting to Governments, would make that point clear.

7. He intended to introduce another amendment before the end of the second part of the first reading.

8. Mr. HOARE (United Kingdom) said that his delegation would wait until its views were requested by the Secretary-General before submitting what he hoped would be a complete list of such amendments as it might wish to propose.

9. However, he wished to be assured that the draft article already proposed by the United Kingdom delegation and appearing in annex II to the report of the Commission on Human Rights (E/2573) as well as the amendments to the final clauses consequent upon it would be circulated with the other proposals and observations by Governments. No doubt the authors of the other proposals in annex II, and the Uruguayan delegation, as sponsor of the proposal in annex III, would wish to have a similar assurance.

10. The CHAIRMAN confirmed that those proposals would be circulated.

11. He asked the Committee to consider the Costa Rican draft resolution (A/C.3/L.410/Rev.3) and the corrigendum thereto. The Saudi Arabian representative would introduce the proposal concerning the draft covenants of which he had given notice.

PROCEDURAL PROPOSAL SUBMITTED BY COSTA RICA (A/C.3/L.410/Rev.3 and Corr.1) (*continued*)

12. Mr. ROY (Haiti) proposed that the time specified in operative paragraph 1 of the Costa Rican draft resolution (A/C.3/L.410/Rev.3 and Corr.1) for the submission of observations should be reduced from six months to four months.

13. Mr. HUMPHREY (Secretariat) said that with reference to his statement at the 579th meeting, he was instructed by the Secretary-General to say that he was not prepared at the current time to go beyond that statement.

14. The amendment proposed by Afghanistan raised delicate legal issues. All that the Secretary-General could say immediately was that when the Committee had adopted a resolution indicating what it desired, he would study all the elements of the situation as they then presented themselves in the light of the United Nations Charter and act accordingly.

15. Mr. NUÑEZ (Costa Rica) said that in order to avoid a protracted discussion in the Committee he had enlisted the aid of the delegations of Afghanistan, Australia, India, Lebanon, New Zealand, Turkey, the United Kingdom and Uruguay in preparing the third revision of his draft resolution (A/C.3/L.410/Rev.3).

16. Some additional corrections appeared in document A/C.3/L.410/Rev.3/Corr.1. The correction to the second paragraph of the preamble, calling for insertion of the words "of States Members and non-Members of the United Nations", had been included to eliminate all possible doubt, although the Legal Department of the Secretariat considered that the word "Governments" alone would suffice.

17. The references in the second and fourth paragraphs of the preamble to "non-governmental organizations" should be deleted.

18. The third paragraph of the preamble, on the importance of international cove[illegible]s, had been amended on the suggestion of the United Kingdom.

19. In paragraph 3 of the operative part, the words "should begin with and give first preference to" should be deleted and replaced by "shall begin with and be mainly devoted to", and the phrase "(including any new articles)" should be taken out of parentheses and amended to read "including new articles, if any,".

20. The working group had been in general agreement with the revision as it then stood, with the important exception of operative paragraph 1 (*c*), on which the Costa Rican delegation had been supported by Afghanistan, the other members demurring.

21. The Uruguayan amendment (A/C.3/L.420) had also been offered for inclusion in the revised draft resolution, but had met with little response. The Uruguayan delegation had therefore submitted its amendment separately. The Costa Rican delegation would support it.

22. He noted the observations of the Secretary-General's representative. No doubt the highly controversial operative paragraph 1 (*c*) would cause much discussion, but it was important that those sections of mankind which, for historical reasons, had not yet achieved independence, should be assured that the draft covenants applied to all equally.

23. Mr. PAZHWAK (Afghanistan) said it had been his impression that the phrase "Governments of States Members and non-Members of the United Nations" would also appear in operative paragraph 1 (*a*).

24. Mr. NUÑEZ (Costa Rica) said that it had been thought that its appearance in the second paragraph of the preamble would be sufficient, but he would accept the amendment.

25. Mr. PAZHWAK (Afghanistan) said that he was gratified to note that all his suggestions had been incorporated in the revised draft resolution and approved by the working group, except that referring to operative paragraph 1 (*c*), which only the sponsor had accepted.

26. He proposed that the words "the draft" should be inserted before the word "international" in the third paragraph of the preamble.

27. Miss AGUILAR (Peru) asked the Costa Rican representative whether it would not lead to duplication of documentation to issue the observations of Governments both individually and in the compilation. She asked also what the financial implications would be.

28. Mr. MENDEZ (Philippines) said that the Costa Rican representative's suggestion might lead to duplication. Governments, when consulted by the Secretary-General, would almost certainly repeat the amendments and new proposals which they had put forward during the first reading, since they would not be voted on. To print and circulate them would therefore be wasteful.

29. Mr. NUÑEZ (Costa Rica) pointed out to the Peruvian representative that the compilation mentioned in the draft resolution was to cover not only the observations made during the ninth session of the General Assembly, but also those made before it. The intention was that a single basic document should be provided for the article-by-article discussion. The Secretariat was prepared to undertake the work, and recognized the many advantages of a single document.

30. Mr. HUMPHREY (Secretariat) said that a paper on the financial implications of paragraph 2 of the operative part of the Costa Rican draft resolution would be distributed.

31. Mr. DUNLOP (New Zealand) shared the Haitian representative's concern about the time available for consideration of the Secretariat's compilation by Governments. He wondered whether it might not be better for the Secretariat to submit comments and amendments to Governments as they were received. Such a course might be contrary to the General Assembly resolution against the proliferation of documents (resolutions 593 (VI), but it might meet the Haitian representative's objections.

32. Mr. HUMPHREY (Secretariat) said that every effort had to be made to keep documentation to a minimum, in compliance with the General Assembly resolution on the matter. The Secretary-General would therefore probably consider that the distribution of one document, in the form of a compilation, would be enough, especially since that procedure was provided for in paragraph 2 of the operative part of the Costa Rican draft resolution.

33. Mr. HOARE (United Kingdom) though that the wording of the new second paragraph of the preamble proposed in document A/C.3/L.410/Rev.3/Corr.1 was less accurate than the similar paragraph in document A/C.3/L.410/Rev.1, which had read: "Considering that it has discussed the draft international covenants on human rights at its ninth session". The Committee had not examined the drafts; it had discussed them.

34. With regard to the drafting change in operative paragraph 1 (*c*), he would prefer the words, "those in" to the words "those of" which appeared in document A/C.3/L.410/Rev.3/Corr.1.

35. He appealed to the Afghan representative to reconsider his oral amendment to the third paragraph of the preamble. In stating that international covenants on human rights which would effectively safeguard the rights of the human person should be adopted as soon as possible, the General Assembly would rightly not be committing itself to the view that the draft covenants before the Committee necessarily represented their final form. Moreover, the Afghan amendment declared by implication that the draft covenants would effectively safeguard the rights of the human person, whereas the

whole of the Committee's discussion had been devoted to the question whether or not that was the case.

36. Mr. PAZHWAK (Afghanistan) pointed out that the draft covenants were referred to throughout the Costa Rican draft resolution, and that it was the need for the drafting of covenants on human rights that had brought the current texts into existence. Once the draft covenants had been discussed article by article and adopted, there would no longer be any need to refer to them as drafts, but until that time the term had to be retained. He could not, therefore, agree with the United Kingdom representative. The retention of the present wording might invalidate the resolution.

37. Mrs. AFNAN (Iraq) suggested that the appreciation of the work of the Commission on Human Rights that had been voiced by many delegations should be reflected in the draft resolution.

38. Mr. MENESES PALLARES (Ecuador) agreed with the Iraqi representative's suggestion. The first paragraph of the preamble might be supplemented by the words ". . . and expressing its appreciation to the Commission for its work".

39. The word "Considering" at the beginning of the third paragraph of the preamble seemed unsuitable; it implied that the importance of the covenants was being recognized for the first time. It would be better to begin the paragraph with the word "Reaffirming" and to place the paragraph at the beginning of the preamble.

40. Mrs. HARMAN (Israel) said that the wording of the fifth paragraph of the preamble seemed to imply that public opinion would be prevented from expressing itself fully and freely on the draft covenants rather than that it should so express itself. She therefore suggested the deletion of the words "be able to".

41. It was not clear whether operative paragraph 1 (*c*) referred to non-governmental organizations having consultative or other status with the Economic and Social Council or to all non-governmental organizations. In the latter case, she was interested to know what criterion could be applied in determining which organizations were concerned with the promotion of human rights.

42. Mr. NUÑEZ (Costa Rica) said that the need for public opinion to express itself fully and freely should be particularly stressed because it was sometimes unable to do so.

43. So far as the Israel representative's other point was concerned, he considered that all non-governmental organizations should be invited to stimulate public interest in the draft covenants, irrespective of their status with the United Nations. Some Governments might feel concern about that provision, regarding it as an opportunity for the organizations to incite populations to rebellion or subversion; he could not share that view and stressed that the invitation should be extended to all organizations.

44. Mr. RODRIGUEZ FABREGAT (Uruguay) asked the Costa Rican representative whether the Uruguayan amendment (A/C.3/L.420) to the draft resolution had been accepted.

45. He agreed with the Iraqi and Ecuadorian representatives that the draft resolution should contain some expression of appreciation of the work done by the Commission on Human Rights.

46. He also agreed with the Ecuadorian representative that it would be better to begin the third paragraph of the preamble with the word "Reaffirming".

47. With regard to the Afghan representative's oral amendment to the effect that the words "the draft" should be inserted before the words "international covenants" in that paragraph, he considered that the Spanish text would be weakened by the absence of any particularization; it should be made clear that reference was being made to the draft covenants submitted to the Assembly by the Commission on Human Rights (E/2573, annex I). He therefore suggested that in the Spanish text the word *unos* should be replaced by *estos*.

48. Mr. NUÑEZ (Costa Rica) said that although he himself was inclined to support the Uruguayan amendment (A/C.3/L.420), he had been unable to accept it in what was essentially a compromise text because of the opposition it had aroused in the working group.

49. He agreed with the Ecuadorian representative that the third paragraph of the preamble should begin with the word "Reaffirming", but considered that the present order of the introductory paragraphs was logical and should be retained.

50. The replacement of the word *unos* by the word *estos* was acceptable.

51. Finally, he supported the view that the draft resolution should reflect the Committee's appreciation of the work of the Commission on Human Rights.

52. Mr. TOMIN (Union of Soviet Socialist Republics) pointed out that the Costa Rican proposal had been incorrectly translated into Russian, and asked that the Russian translation, in particular of paragraph 3 of the operative part, should be brought into line with the original text.

53. Mrs. ROSSEL (Sweden) said that she would vote for the Costa Rican draft resolution as a whole.

54. She agreed that the Committee should express its appreciation of the Commission's work and that the third paragraph of the preamble should begin with the word "Reaffirming". With regard to the Afghan oral amendment, she concurred with the United Kingdom representative's views.

55. In the light of the statement by the Secretary-General's representative on the functions of non-governmental organizations, she thought that the phrase "with the promotion of human rights, including those in the Non-Self-Governing and Trust Territories," should be deleted from paragraph 1 (*c*) of the operative part. She therefore asked for a separate vote on that phrase.

56. With regard to the Haitian representative's proposal, she considered that the time limit of six months provided for in the draft resolution should not be reduced, since it would be difficult for Governments to deal with the copious literature on the subject in a shorter period.

57. She would be unable to vote for the Uruguayan amendment (A/C.3/L.420).

58. Mr. PAZHWAK (Afghanistan) said that several delegations had rallied to his argument that the reference in the third paragraph of the preamble should be specifically to the draft covenants before the Committee and not to covenants on human rights in general. The Ecuadorian and Uruguyan representatives, however, in suggesting a stronger wording introduced by the word "Reaffirming", had not made it quite clear which alternative they favoured. To make the wording stronger without specifying that the covenants in question were the draft covenants before the Committee would in fact weaken the paragraph. Unless the Costa Rican representative accepted the Afghan amendment, the Afghan

delegation would move it to any version of the draft resolution that was submitted and would demand a vote on it.

59. He could not see why the Swedish representative had asked for a separate vote on the phrase in operative paragraph 1 (*c*); he had already explained his reasons for its inclusion. If a separate vote was taken, it should be taken by roll-call. The phrase was important because it would be a safeguard for the inclusion of the territorial application clause.

60. Mr. ROY (Haiti) thought that the Swedish representative had not fully understood why he had proposed the substitution of four for six months in operative paragraph 2. Between the ninth and tenth sessions of the General Assembly there would be an interval of about eight months. Under the draft resolution, Governments were to indicate their current views and then express any changes they might wish to make in the light of the comments of other Governments collected in the proposed compilation. But Governments had already expressed their current views fully during the general debate at the ninth session. They would need much more time to take into consideration the revised views of other Governments, the amendments and new proposals, the views of the specialized agencies and the non-governmental organizations and other factors, and to revise their own positions. They would be able to prepare their work more efficiently for the tenth session if they were given a longer time to do so, as suggested in the Haitian amendment.

61. He could not see the precise purpose of the Uruguayan amendment (A/C.3/L.420). He would appreciate a fuller explanation of the need for a sub-committee of the Third Committee to help the Secretary-General perform a routine task such as he had always hitherto carried out alone.

62. Mr. MENDEZ (Philippines) suggested that in the second paragraph of the preamble, the phrase "to study fully" would be better than the existing phrase "for making a full study".

63. The Costa Rican representative's explanation of the point raised by the Israel representative in connexion with the last paragraph of the preamble was not wholly convincing. If he had really wished to convey that public opinion could not always express itself fully, he should bring the Spanish text into line with the English version.

64. He regretted that the Costa Rican representative had dropped the former reference to "peoples" in the third paragraph of the preamble (A/C.3/L.410/Rev.1), since that weakened the original idea. If the intention was to make a general reference to covenants on human rights, it was irrelevant to quibble about whether the draft resolution should mention covenants in general or the draft covenants on which the Committee had worked; that purpose would best be served by a reference to giving peoples specific instruments to safeguard the rights of the human person. He himself, however, though that the draft resolution should refer to the specific draft covenants before the Committee.

65. In paragraph 2 of the operative part, the phrase "early enough to enable" might be preferable to "in good time to enable".

66. Mr. NUÑEZ (Costa Rica) replied that he would have preferred the stronger wording of the third preambular paragraph recalled by the Philippine representative, but he had had to compromise in the working group.

67. The Afghan representative's point on that paragraph would undoubtedly be met by incorporating the Ecuadorian representative's amendment to it, if the revised text was moved up to become the third preambular paragraph after insertion of the paragraph given in the corrigendum. It would then be clear that the reference was specifically to the draft covenants prepared by the Commission on Human Rights.

68. Mr. HOOD (Australia) said that he had willingly participated in the working group, but his participation did not mean that he had committed himself to the revised text, and in particular to operative paragraph 1 (*c*). The Committee might try to consider what it really intended to do by means of the draft resolution. It was an important draft resolution, since it would entirely determine the procedure for the General Assembly's future work on the draft covenants. Somehow or other, extraneous ideas which the Third Committee would find hard to justify to the General Assembly in plenary meeting had crept into the draft resolution. He could not see at all what was the purport of the last preambular paragraph. Naturally it was desirable that public opinion should be able to express itself fully and freely on any subject whatever. But the paragraph was totally irrelevant. If it was retained, it might be asked just how public opinion was to be expressed. In point of fact, public opinion on the draft covenants had been fully and freely expressed for the past five years.

69. In operative paragraph 1 (*c*) the General Assembly was to invite non-governmental organizations to stimulate public interest in the draft international covenants on human rights by all possible means. The operative paragraph had little connexion with the supposedly relevant preambular paragraph. It might be asked to whom public opinion was to express itself, and what was meant by all possible means. Again it might be asked what were the organizations referred to and who could judge whether they were genuinely concerned with the promotion of human rights. Even if they could be identified, the General Assembly was not competent to invite them to do anything. The whole point about such organizations was that they were non-governmental; even those with consultative status could only consult the United Nations. The General Assembly could not take it upon itself to invite them to do anything more than that.

70. He was at a loss to know what was intended by stimulating interest in the draft covenants. The United Nations could properly educate public opinion, and, indeed, was doing so every day. But stimulation was another matter; no one could know whether such stimulation might not arouse distrust of the draft covenants.

71. The whole idea of including such a notion in the draft resolution was wrong, especially as an objectionable political stipulation was included in the same paragraph. It was not right that the Third Committee should be asked to lend its name to a draft resolution of that type, which would have to be transmitted to the General Assembly in plenary meeting and be executed by the Secretary-General. If delegations wanted to express a political notion of that kind, they should do so in a separate draft resolution. A procedural draft resolution of the kind originally intended should be adopted unanimously for submission to the General Assembly. No one had objected to most of the substance, but the extraneous ideas brought in at the last moment would certainly prevent unanimity. His delegation would not be able to vote for it.

72. The CHAIRMAN said that a revised text of the Costa Rican draft resolution, embodying the oral amendments that had been accepted, would be prepared for the following meeting.

73. The Saudi Arabian representative had reserved his right to submit a proposal in connexion with the draft covenants. With that, the second part of the first reading would be concluded.

74. He asked the Committee whether it would be willing to devote one more meeting to the item on the draft covenants, despite its previous decision.

It was so agreed.

FIRST READING (SECOND PART) (*concluded*)

75. Mr. BAROODY (Saudi Arabia) said that he had been able to consult several delegations and had found them willing to act as co-sponsors for some observations and proposals on the draft covenants on human rights (E/2573, annex I). Those observations and proposals concerned the right of self-determination enunciated in article 1 of both covenants. He wished for more time to consult other delegations and to perfect the text, which would be submitted at the following meeting.[1] In brief, the document would embody a reaffirmation of General Assembly resolution 637 (VII) and 738 (VIII), would lay stress, *inter alia*, on the fact that dependent peoples were composed of individuals and collective groups, that they placed their hopes of self-determination in the United Nations and that self-determination was an economic, even more than a political, right. The Secretary-General would be requested to transmit the observations to Member States. The statement of the right would be reaffirmed and maintained in both covenants. Member States responsible for colonial territories would be asked to familiarize the inhabitants with the content of the draft covenants in their current form.

76. Millions of individuals in the dependent territories saw in the United Nations their best hope that the metropolitan countries could be persuaded to solve the existing conflicts by peaceful means. The solution should be sought within the framework of the covenants. Otherwise, the situation would certainly deteriorate.

Statement by the representative of Uruguay

77. Mr. RODRIGUEZ FABREGAT (Uruguay) drew the Committee's attention to the fact that the General Conference of the United Nations Educational, Scientific and Cultural Organization had opened that day at Montevideo. The Government and people of Uruguay extended a welcome to that agency, the spirit of which was in harmony with their own. The Uruguayan delegation wished to take the opportunity of joining in the welcome to UNESCO and of expressing its deep appreciation of the ideals which animated that agency of the United Nations.

The meeting rose at 6 p.m.

[1] The text of the proposals was subsequently issued as document A/C.3/L.427 and Add.1.

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