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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.4, 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, A/C.3/L.424) (*continued*)

PROCEDURAL PROPOSAL SUBMITTED BY COSTA RICA (A/C.3/L.410/REV.4) (*continued*)

1. The CHAIRMAN announced that the Lebanese (A/C.3/L.415), Indian (A/C.3/L.416) and United Kingdom (A/C.3/L.417) amendments to the revised draft resolution submitted by Costa Rica (A/C.3/L.410/Rev.4) had been withdrawn, since they had been taken into account in the revised draft.

2. Mr. PAZHWAK (Afghanistan) withdrew his amendments (A/C.3/L.419), except that for the insertion of the words "Members and non-Members of the United Nations" after "Governments" in operative paragraph 1 (*a*) of the Costa Rican draft resolution. He would maintain the proposal for the addition of the words "in their respective countries" at the end of paragraph 1 (*c*), as it had been virtually accepted by the working group.

3. Mr. FOMIN (Union of Soviet Socialist Republics) pointed out that the first Afghan amendment had been accepted, and that its omission from the English text was obviously an error. Incidentally, when he had referred to errors in Russian at the 582nd meeting, he had been referring to the written translation, not to the interpretation.

4. Mr. ROY (Haiti) maintained the oral proposal he had made at the 582nd meeting, that the words "six months" should be replaced by "four months" *passim*.

5. Mr. HOOD (Australia) said that he was maintaining his amendment (A/C.3/L.423).

6. The CHAIRMAN drew attention to the Guatemalan amendment (A/C.3/L.425).

7. Mr. AZKOUL (Lebanon) drew attention to the lack of concordance between the English and French versions of the initial phrase in operative paragraph 3. The French should be brought into line with the English text.

8. Replying to the CHAIRMAN, Mr. RODRIGUEZ FABREGAT (Uruguay) said that he had submitted his amendment (A/C.3/L.420) without being able to consult other delegations, in order to meet the time-limit. It had not been discussed by the Committee and he had found little support for it so far. He would not press it, although he still believed that the Third Committee should not hand over the entire work of compilation to the Secretariat. He would not, accordingly, vote for operative paragraph 2 of the draft resolution as it stood.

9. Mr. HOARE (United Kingdom) observed that the word "examined" had been substituted for the words "has discussed", which had appeared in the original draft and earlier revisions of the second paragraph of the preamble. There was a difference of meaning: "examination" implied detailed discussion, but the discussion in the Third Committee had been general. The original translation of the Spanish word "*examinado*" should be retained.

10. Mr. ZUAZO CUENCA (Bolivia) said that there was a difference in the meaning of the words "*examinar*" and "*discutir*" in Spanish.

11. Mr. KING (Liberia) said that he would support the retention of the word "examined", because delegations had had to examine the drafts before they could express their views on them.

12. Mr. NUÑEZ (Costa Rica) said that he would maintain the word "*examinado*" in the Spanish text; it had been there from the outset and he saw no good reason to change it.

13. Mr. MATTHEW (India) objected that what was involved was a matter of fact, not of translation, as the United Kingdom representative had observed. As the Costa Rican representative wished to retain his word, the Indian delegation would submit an amendment (A/C.3/L.426) replacing the word "examined" by the word "discussed".

14. The CHAIRMAN asked whether the word "*ces*" should not be substituted for the word "*des*" in the French text of the third paragraph of the preamble, to correspond with the Spanish "*estos*" and the English "these".

15. Mr. NUÑEZ (Costa Rica) said that he would retain the word "*estos*" in the Spanish text.

16. Mr. JUVIGNY (France) and Mr. FOMIN (Union of Soviet Socialist Republics) objected that an equivalent for "*estos*" would make no sense, because "these international covenants" were draft covenants only, and drafts, having no legal force, could not effectively safeguard rights.

17. Mr. PAZHWAK (Afghanistan) said that if the word "these" was altered, he would have to reverse his withdrawal of the stipulation he had made at the 582nd meeting that the paragraph should refer unequivocally to the draft international covenants which

had been before the Third Committee and move it in the form of an amendment.

18. Mr. NUÑEZ (Costa Rica) said that it had been precisely to meet that point that he had, at the Uruguayan representative's suggestion, substituted the word "*estos*" for the word "*unos*". He would accept "*los pactos*", but "*estos pactos*" was clearer.

19. Mrs. TSALDARIS (Greece) agreed with the Afghan representative. The paragraph should refer specifically to the draft covenants sent by the Commission on Human Rights to the Third Committee (E/2573, annex I). Any other wording might give the false impression that the Committee intended to draft further covenants and that certain fundamental rights might be eliminated to be transferred to instruments which had not yet, and might never, come into existence. The reference to giving peoples specific instruments to safeguard the rights of the human person, which had been used in the second revised draft (A/C.3/L.410/Rev.2), might well have been retained.

20. The Haitian representative's oral amendment limiting to four months the period allowed for observations from Governments, agencies and organizations, merited consideration. With it, the Secretariat would have more time to prepare the compilation and the Governments would be better able to prepare for the debate at the tenth session of the General Assembly.

21. Mr. ABDEL GHANI (Egypt) said that he had understood that, if operative paragraph 1 (*c*) of the draft resolution were adopted, the Secretariat would interpret the words "non-governmental organizations" to mean such organizations as had been granted consultative status by the Economic and Social Council. He therefore hoped that, in order to enable the Committee to estimate the practical value of that part of the Costa Rican proposal, the Secretariat would supply a clear answer to two questions: first, whether there were any non-governmental organizations with consultative status having their headquarters, or failing that, having branches or affiliates, in the Non-Self-Governing Territories and Trust Territories and having the protection of human rights as their primary interest; and secondly, whether such organizations regarded their main objective as the promotion of the right of self-determination and considered that all other rights depended on it.

22. Although the draft covenants were approaching the final stages, the role of public opinion was more important than ever. The meetings of the experts of the Commission on Human Rights and similar bodies over the past six years had attracted comparatively little attention, but now that the draft covenants had reached the General Assembly, the public should be given every opportunity to discuss them. The Secretariat had an imperative duty to publish full information on the purpose and principles of the covenants, together with the arguments and opinions expressed by the experts who had drafted them, through all the media at its disposal, particularly its foreign language broadcasts, as it had done in the case of the Universal Declaration of Human Rights. A most instructive book might be compiled on the draft covenants in the official and other languages and an issue of the *United Nations Review* could be devoted to it, as the United Nations Educational, Scientific and Cultural Organization had published a special issue of its bulletin on the Universal Declaration of Human Rights.

23. Mr. HUMPHREY (Secretariat) said that there were 252 non-governmental organizations with consultative status. None of them had their headquarters in Non-Self-Governing or Trust Territories, but sixty-eight had branches or affiliates in those Territories; with those, however, the Secretariat maintained no direct relationship. Forty-five of them appeared to be interested in human rights. There was nothing in the records to indicate whether the organizations were primarily interested in self-determination. The Secretariat could not guarantee the accuracy of that information, although it was based on the latest available data.

24. Mr. JUVIGNY (France) said that the difficulty of inserting the word "the" or "these" before "international covenants" in the third paragraph of the preamble was purely one of language and logic. So far the covenants were merely draft covenants and as such incapable of safeguarding the rights of the human person. To adopt a draft resolution containing a passage in that form would amount to asserting that all sixty members of the Committee agreed that the draft covenants would, when adopted, absolutely protect human rights; yet it was obvious that there was considerable difference of opinion in the Committee as to the effectiveness of the covenants or parts of them. The wording of the third paragraph should therefore be kept as it was.

25. It was a pity that the Israel representative's observations (582nd meeting) on the sixth paragraph of the preamble had not received more attention; as the Australian representative had pointed out, the considerandum of that paragraph did not properly correspond to operative paragraph 1 (*c*). It was untrue that public opinion had not expressed itself fully and freely on the draft covenants; some thirty or forty non-governmental organizations had observed the proceedings of the Commission on Human Rights, and statements on the covenants or related subjects had been made by such organizations to the Social Committee of the Economic and Social Council at its eighteenth session. They did not, of course, represent the whole of public opinion, but they did represent a large section of it, as the Charter of the United Nations had recognized. Thus the sixth paragraph of the preamble was neither true nor directly relevant to the operative part.

26. There were two possible interpretations of the words "non-governmental organizations concerned with the promotion of human rights, including those in the Non-Self-Governing and Trust Territories", in operative paragraph 1 (*c*). Either the Secretary-General could invite all recognized non-governmental organizations, whether or not they had branches in the dependent Territories and without taking the responsibility of deciding whether or not they were primarily concerned with human rights, to submit their observations on the draft covenants, or he could communicate with all non-governmental organizations, national as well as international. The second alternative would entail communication with thousands of organizations which would be less representative than the recognized international non-governmental organizations; it would be an enormous task in itself and would create a precedent for dealing directly with individuals and unofficial bodies over the heads of Governments, contrary to the principles of the United Nations.

27. It could be assumed that the branches of recognized non-governmental organizations in the dependent territories would make their views known through their parent organizations.

28. Thus there was an excellent case for following the procedure established by the Economic and Social Council in dealing with non-governmental organizations, rather than creating a new and doubtful procedure, especially by a more or less indirect reference in the body of a procedural resolution on a quite different subject.

29. Mr. EL-FARRA (Syria) said that the main difference between the original text of the third paragraph of the preamble and the text as amended at the United Kingdom suggestion lay in the word "effectively". It was a strange coincidence that the International League for the Rights of Man, a non-governmental organization with consultative status, had used the same term in a letter to the Committee recommending that the right of self-determination should not be included in those draft covenants. It had been said that the United Kingdom amendment had not vitally affected the substance, yet the effect was to draw a distinction between rights which could and rights which could not be effectively safeguarded. Human rights were indivisible. They would lose their significance, appeal and value if they were to be put to the political test as to what rights could, in the opinion of some, be effectively protected, and what rights could not. It was the Committee's task to establish them without regard, at that stage, to whether, under current conditions, they could be effectively safeguarded. The United Kingdom delegation had, without giving convincing reasons, supported the exclusion of the right of self-determination from the covenants, which, in the Syrian delegation's opinion, would be seriously detrimental to them. The United Kingdom amendment was in line with the one submitted by the United Kingdom during the general debate, aiming at the exclusion of the right of self-determination from the operative part of the covenant. To add the word "the" or "these" to the third paragraph of the preamble would not improve the paragraph so long as the word "effectively" remained. The Syrian delegation preferred the original text and would abstain on the text now proposed.

30. U MAUNG MAUNG SOE (Burma) said that his delegation agreed in principle with the Costa Rican draft resolution.

31. It had no strong views on the Australian amendment (A/C.3/L.423), but it could not agree with the amendment proposed orally by the Haitian representative, whereby the time allowed in operative paragraph 1 (*a*) of the draft resolution would be reduced from six months to four months. The Burmese Government would require the full time to study the draft covenants in relation to its own legislation.

32. Mr. HOARE (United Kingdom) said that he would vote for the Indian amendment (A/C.3/L.426) because the word "discussed" accurately described the Committee's work on the draft covenants at the ninth session of the General Assembly.

33. He objected to the use of the word "these" to qualify "international covenants" in paragraph 3 of the preamble. The question was not one of principle or substance, but one of language. The proposed particularization led to the assumption that the texts as they stood would effectively safeguard the rights of the human person; that could not be said, however, of documents which merely constituted the basis of the Committee's work, were not in their final form and had no legal force. The purpose of the paragraph was to describe the kind of instruments that the Committee wished to achieve.

34. He assured the Syrian representative that, in proposing the amended wording of that paragraph, his delegation had had no intention of weakening the position of those who favoured the inclusion of an article on the right of self-determination in the draft covenants. The purpose of the amendment had been to bring the paragraph into line with the facts. Although the principle set forth in the first three versions of the Costa Rican draft resolution was correct, the reference to the urgency of giving peoples specific instruments to safeguard human rights was out of place in a resolution concerned with the programme of work of the Third Committee, since work on the covenants would continue for at least a year; moreover, the peoples could be given those instruments only by the accession of their Governments. The word "effectively" had been used because many delegations had criticized the drafts on the grounds that important rights were not adequately safeguarded in them; the use of the same word with regard to the inclusion of the article on self-determination in a communication from the International League for the Rights of Man was purely coincidental and he would not object to its deletion if the Syrian representative so wished. The new wording was not intended to suggest in any way the preparation of further covenants; it was based on the assumption that the covenants which would finally emerge would result from consideration of the drafts then before the Committee.

35. He considered paragraph 1 (*c*) of the operative part unsatisfactory. In the first place, it was improper for the General Assembly to go on record with a request which implied that public opinion was apathetic and that there was need to stimulate public interest in the covenants. That implication could not be proved and was inconsistent with many of the statements made during the general discussion. It was not for the General Assembly to issue what seemed to be a desperate appeal, as if at that stage every possible step had to be taken to arouse any interest whatsoever among the public.

36. Secondly, if the non-governmental organizations concerned were not to be limited to those in consultative status with the Economic and Social Council, the General Assembly's invitation would have to be extended directly, by publicizing the resolution itself, as it would be impossible to identify, let alone communicate with, all organizations. The only purpose in stimulating public interest could be that public opinion would exercise pressure on Governments with regard to the covenants. While no democratic State could object to such pressure being brought to bear, it was not for the General Assembly to invite unspecified organizations to take steps with a view to influencing Governments. The logical conclusion of the adoption of such a procedure, on the ground that the subject was vitally important and that its discussion was entering upon the final stages, would be that the United Nations should call upon organizations to stimulate public interest in all important and controversial subjects, such as disarmament and atomic energy. That would be an entirely novel, and in his delegation's view, undesirable, procedure.

37. Thirdly, a resolution relying on publicity to enter into contact with unspecified organizations transgressed the recognized arrangements for relations between the

United Nations and public opinion through the non-governmental organizations with consultative status. Those organizations were a representative cross-section of public opinion and as such had made many useful contributions to the work of the United Nations. In the matter of human rights, the many interested organizations had submitted statements of principle, suggestions, amendments and proposals. For example, the Uruguayan proposal for the appointment of an attorney-general for human rights was partly based on the suggestion of a non-governmental organization. Departure from the accepted practice was not only contrary to the spirit of the United Nations Charter, but was likely to discourage the organizations in consultative status from continuing the effective assistance they had given. As an example of activities in that sphere, branches of interested organizations in the United Kingdom had set up a working group on human rights, which had exchanged views with the Government departments concerned. Public opinion would express itself in its own way, without instructions from the General Assembly.

38. Mrs. CISELET (Belgium) said that she would vote for the Indian amendment (A/C.3/L.426) to the second paragraph of the preamble.

39. She agreed with the French representative that the word *"des"* should be used in the third paragraph of the preamble. She drew attention to another difference between the French version and the English and Spanish versions: in English and Spanish, the verb "safeguard" was in the future, but in French it was in the present, which altered the meaning of the passage.

40. She could not support the Haitian oral amendment, as it would be difficult enough for Governments to consider and comment on the proposed compilation in six months; reduction of the time limit would make their task impossible.

41. Finally, she associated herself with the French and United Kingdom representatives' objections to paragraph 1 (*c*) of the operative part.

42. Mr. ZUAZO CUENCA (Bolivia) asked the Costa Rican representative whether the compilation of observations would give the views of Governments *in extenso*, or whether comments would be summarized.

43. Mr. NUÑEZ (Costa Rica) replied that, although verbatim texts of observations would not be given, the compilation would provide an accurate expression of amendments, additions and observations.

44. Mr. ZUAZO CUENCA (Bolivia) considered that, in those circumstances, the procedure proposed in the Uruguayan amendment (A/C.3/L.420), providing for a sub-committee of the Third Committee, would be the most appropriate. A report prepared by a group representing the schools of thought expressed in the Committee would convey the underlying ideas of observations more accurately than would a summary prepared by the Secretariat. He hoped that the Uruguayan representative would re-introduce his amendment.

45. Mrs. AFNAN (Iraq) agreed with representatives who considered that the word "discussed" was more accurate than the word "examined" in the second paragraph of the preamble, but pointed out that the word "discussion" was used in paragraph 3 of the operative part, relating to the second reading of the draft covenants.

46. The Afghan representative had rightly drawn attention to the fact that the peoples of Non-Self-Governing and Trust Territories were as much interested in the covenants as the peoples of other countries, but it was doubtful whether the purpose of allowing them to express their views would best be served by inviting non-governmental organizations to stimulate interest. As the Egyptian representative had pointed out, only national organizations in the Territories could express public opinion; the activities of such organizations might be called revolutionary or subversive.

47. It was also doubtful whether non-governmental organizations in consultative status with branches in Non-Self-Governing and Trust Territories could adequately express or stimulate public opinion. For example, the International League for the Rights of Man had branches in the Belgian Congo and in Togoland. Nevertheless, it had advised against the inclusion of the article on the right of self-determination in the covenants. It was hardly likely that the branches in the Territories had been consulted on the subject.

48. It was true that the public was not apathetic about the covenants, but it was no less true that public opinion should have means of expression. For example, despite the great public interest in the United Nations among Americans, the New York Press laid little stress on the fact that the draft covenants were before the General Assembly for the first time. She would be glad if public opinion could be stimulated in her country, in order that the Government and the people should work together to achieve the implementation of human rights.

49. The CHAIRMAN pointed out that the Committee had to decide whether it should hold another meeting on the draft covenants, as it had already exceeded the number of meetings fixed by its previous decision (A/C.3/L.409).

50. Mr. RODRIGUEZ FABREGAT (Uruguay) proposed that the debate should be continued, in view of the new ideas that had been introduced during the meeting.

It was so decided.

The meeting rose at 1 p.m.

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