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Chairman: Mr. G. J. VAN HEUVEN GOEDHART (Netherlands).

Draft first international covenant on human rights and measures of implementation (A/1384, A/C.3/534, A/C.3/535, E/1681 and A/C.3/L.76) (continued)

[Item 63]*

DRAFT RESOLUTION SUBMITTED BY BRAZIL, TURKEY AND THE UNITED STATES OF AMERICA (A/C.3/L.76) (continued)

1. Mr. BEAUFORT (Netherlands) remarked that the text adopted for paragraph 2 (b) at the 306th meeting would have serious consequences.
2. He had, after considerable hesitation, decided to abstain from voting, both because the phrase "with a view to the addition . . . of other rights", as adopted, referred only to views expressed in the Yugoslav (A/C.3/L.92) and USSR (A/C.3/L.96) proposals and not to the whole debate, as it would have done if the Netherlands suggestion had been accepted; and because he had grave misgivings with respect to the amendment proposed by Mexico and adopted at the same meeting.
3. Economic, social and cultural rights should not at the current stage be included in the covenant, because safeguarding them presupposed a far greater equality of political, economic, financial and social conditions in the various countries than actually existed. He wished to make it clear that those rights were completely protected and safeguarded in his own country, even without the benefit of the covenant; he was not sure that countries the representatives of which had championed the inclusion of those rights in the draft first covenant would be able to say as much even after a very complete covenant had been adopted.
4. He had not, however, voted against the text proposed for paragraph 2 (b) because he understood that under that text the Commission would still be free, after due consideration of the views referred to it, to decide that articles on economic, social and cultural

rights should not for the time being be included in the covenant. Since the opposite view was also arguable, he reserved his position on the point when it came up for discussion at a plenary meeting of the General Assembly.

5. Mr. ZELLEKE (Ethiopia) also interpreted paragraph 2 (b) as adopted to mean that it was for the Commission on Human Rights to decide whether or not rights mentioned in the Yugoslav and USSR proposals should be included in the covenant.

6. Mr. CASSIN (France) said he had been unable to vote for the text of paragraph 2 (b) because he did not think it was practicable to include all the rights enunciated in the Universal Declaration of Human Rights in a single covenant. In that connexion, he pointed out that the Philippine and Syrian resolution (A/C.3/L.71/Rev.1) adopted by the Committee at the 302nd meeting referred to the "first covenant".

7. Moreover, in his understanding, paragraph 2 (b) did not have mandatory force.

8. The French delegation would, in any case, do all in its power to help the Commission to produce the most progressive covenant possible.

9. Mr. LAMBROS (Greece) agreed with the French and Netherlands representatives' interpretation of paragraph 2 (b).

10. He had voted against that paragraph because to instruct the Commission on Human Rights, in addition to revising the first eighteen articles of the draft covenant and defining the measures of implementation, to consider the inclusion of economic, social and cultural rights, which had not yet been defined in any international instrument, as well as of various political rights, the rights of minorities, the right of nations to self-determination, etc., in time for the sixth session of the General Assembly, was asking it to do the impossible. Should the Commission, contrary to his expectations, be able to cope with such a superhuman task, he would be the first to congratulate it on its achievement.

* Indicates the item number on the General Assembly agenda.

11. Mrs. MENON (India) said her delegation had decided after all to vote in favour of the text of paragraph 2 (b) for almost the same reasons as the sponsors of the Egyptian, United Kingdom and United States amendment (A/C.3/L.99) to the paragraph had decided to vote against it. The Mexican amendment had so transformed the character and purpose of the paragraph as to make it more definite and intelligible and therefore more acceptable.

12. She did not share the fear that the Commission on Human Rights had been asked to perform an impossible task. Under paragraph 2 (b), the Commission was only requested to take into consideration certain views, some of which had found majority support. The Third Committee had been asked for a policy decision, and it had taken one. Should the Commission find itself unable to complete its work in one session, it could always ask for more time; and the actual determination of the additional rights to be included in the covenant had been left to its discretion.

13. Mrs. AFNAN (Iraq) said she had voted for the text of paragraph 2 (b) because the Mexican amendment to it had so improved the text that it contained a definite policy decision.

14. Mr. AZKOUL (Lebanon) said he had voted for the paragraph because it clearly conveyed to the Commission on Human Rights the Committee's opinion that other rights should be added to the draft covenant. The choice of those rights was, however, left to the Commission. In considering the proposals referred to in paragraph 2 (b) the Commission would certainly take into account the fact that those proposals had not been generally and thoroughly debated in the Committee. Furthermore, the Commission could, if it saw fit, include in the covenant rights not contained in those proposals.

15. Mr. TEIXEIRA SOARES (Brazil) said he had abstained because he agreed with the Greek representative that the Commission would be faced with an impossible task. He had not voted against the paragraph because it was quite clear that the text was no more than a request to the Commission to take into consideration views regarding the inclusion of certain rights.

16. Mrs. LIONAES (Norway) said she had voted against the paragraph as amended by Mexico, not because she was opposed to the inclusion of articles on economic, social and cultural rights in a covenant, but because to include those rights in the first covenant might unduly postpone its adoption. It would have been more practical to enunciate those rights in a separate covenant which would follow immediately upon the first.

17. Mr. DELHAYE (Belgium) said his delegation had made it clear on several previous occasions that it was interested in the inclusion of economic, social and cultural rights in the first covenant, but in the form of general principles, to be more precisely defined in a later instrument or instruments. As it was, he shared the fear of the Greek representative that the Commission would be unable to perform all the work assigned to it in the short space of time at its disposal.

18. He had voted against the Mexican amendment for that reason, and for that reason alone.

19. Mr. ROSHCIN (Union of Soviet Socialist Republics) said his delegation attached great importance to the vote on paragraph 2 (b), especially the passage concerning the inclusion of economic, social and cultural rights, without which the covenant would fail to meet the expectations of the peoples of the United Nations.

20. He also noted with satisfaction that the Commission on Human Rights had been advised of the need to include in the draft covenant the rights enumerated in the USSR proposal (A/C.3/L.96).

21. Mr. NORIEGA (Mexico) remarked, in reply to the Netherlands representative, that if there were an equality of social, economic and financial conditions throughout the world, there would be no need for the covenant.

22. It was essential, on both humanitarian and selfish grounds, that the covenant should contain articles relating to economic, social and cultural rights. In many parts of the world, people lived and laboured in such conditions of abject misery that no one who had human welfare at heart could deny that they should be granted economic and social rights which alone could give them true equality with others. From the selfish point of view, it was advisable to eliminate the competition of low-paid labour which undermined standards of living in other countries.

23. The covenant should not fall into the error of nineteenth century liberal thought. Political and civil rights alone were not enough to secure equality and decent standards of living; that could be done only by the addition of economic, social and cultural rights, without which the covenant would have no real value.

24. International solidarity was needed in opposing not only military aggression but social and economic aggression as well.

25. The CHAIRMAN invited the Committee to take a decision on the first two paragraphs of the Yugoslav amendment (A/C.3/L.92). Both paragraphs had been changed (304th meeting) so as to begin with the word "considers". The exact place at which those paragraphs, if adopted, were to be inserted in the draft resolution could be determined later.

26. Mrs. ROOSEVELT (United States of America) remarked that the first of those two paragraphs was covered by the text of paragraph 2 (b) as adopted; she would therefore vote against it.

27. Mr. GARCIA BAUER (Guatemala) thought that the Committee could not properly vote on those two paragraphs since they were no longer before it, the whole text of the Yugoslav amendment having been referred to the Commission on Human Rights under paragraph 2 (b).

28. The CHAIRMAN replied that in adopting paragraph 2 (b) the Committee had merely referred to the Commission its views on certain rights specified in the subsequent paragraphs of the Yugoslav amendment, but had not dealt with the two introductory paragraphs in question, which were not concerned with any particular right.

29. Mr. VLAHOVIC (Yugoslavia) agreed with the Chairman. The first paragraph of the Yugoslav amendment dealt with a certain category of rights but was at

the same time a reply to the question concerning the adequacy of the first eighteen articles asked by the Economic and Social Council. Certainly it was connected with paragraph 2 (b), but it also covered rights, such as that of asylum, not incorporated in that paragraph. Certain delegations appeared to fear the inclusion of such rights.

30. Mr. GARCIA BAUER (Guatemala) replied that the Latin-American delegations certainly did not fear the inclusion of the right of asylum, which had long been cherished by them.

31. Mr. CAÑAS FLORES (Chile) supported the Chairman's view. In adopting the Yugoslav amendment, the Committee would inform the Commission of the reason why it wished the rights mentioned in paragraph (b) to receive consideration.

32. Mr. AZKOUL (Lebanon) observed that in paragraph 2 (b) the Committee was not requesting the Commission to take into consideration the rights enumerated in the USSR and Yugoslav amendments, but simply the Committee's views on those rights. The part of the Yugoslav amendment under discussion was, therefore, quite separate from the parts incorporated in paragraph 2 (b).

33. Mr. CABADA (Peru) said the Yugoslav amendment was unnecessary, as the views expressed in it could better have been stated orally in the Commission on Human Rights by the representatives of the countries concerned.

34. The CHAIRMAN noted that the question of the order in which the amendments should be put to the vote had been settled at the 306th meeting, and said that that decision should be observed.

35. He called for the vote on the first paragraph of the Yugoslav amendment (A/C.3/L.92), as modified.

That paragraph was adopted by 25 votes to 16, with 9 abstentions.

36. Mrs. ROOSEVELT (United States of America) suggested that the wording of the second paragraph did not correctly express the Yugoslav delegation's intentions and asked whether that delegation would accept the insertion of the words "some of" between "wording of" and "the first eighteen articles". Obviously, all eighteen articles were not inadequately drafted.

37. Mr. VLAHOVIC (Yugoslavia) said that other delegations had suggested similar changes and he had revised the paragraph to read:

"Considers that the present wording of some of the first eighteen articles of the draft covenant on human rights should be improved in order to protect more effectively the rights to which they refer."

38. The CHAIRMAN put to vote the second paragraph of the Yugoslav amendment (A/C.3/L.92) in its revised form.

That paragraph was adopted by 48 votes to none, with 2 abstentions.

39. The CHAIRMAN drew attention to the revised amendment submitted jointly by the Lebanese and United Kingdom representatives (A/C.3/L.94/Rev.1).

40. Lord MACDONALD (United Kingdom) said that the new paragraph proposed in that amendment was self-explanatory.

41. Mr. OREN (Israel) and Mr. MENDEZ (Philippines) thought that the new paragraph added nothing which was not already in the second paragraph of the Yugoslav amendment just adopted.

42. Mr. AZKOUL (Lebanon) explained that no duplication was involved, because the manner in which the draft covenant was to be improved was not specified in the Yugoslav amendment. There had been two conflicting trends of thought in the Commission on Human Rights with regard to limitations: one in favour of broad statements of limitations, the other favouring the precise enumeration of limitations.

43. Mrs. AFNAN (Iraq) said she appreciated the emphasis on the definition of rights. The word "improved" in the second paragraph of the Yugoslav amendment just adopted was not sufficiently precise.

44. The CHAIRMAN put the joint Lebanese and United Kingdom amendment (A/C.3/L.94/Rev.1) to the vote.

That amendment was adopted by 39 votes to none, with 10 abstentions.

45. Mr. CHANG (China) explained that none of the members of the Commission on Human Rights had ever intended that the articles of the draft covenant should be drafted in very broad or vague language. The real difference of opinion had occurred on the question whether certain limitations should or should not be enumerated. It was to be hoped that the new paragraph would not be interpreted to mean that the Committee wished further limitations to be embodied in the draft covenant, but merely that it thought that it was desirable that the rights and limitations should be very precisely defined.

46. Mr. CASSIN (France) agreed with the Chinese representative. The new paragraph was not entirely mandatory. That was wise, because it would be dangerous to define certain rights too precisely by the enumeration of too many limitations.

47. Mr. AZKOUL (Lebanon) agreed that the paragraph was not mandatory but merely expressed a suggestion by the Committee. A further limitation was the proviso that the Commission should define the rights and limitations only "with the greatest possible precision", with the emphasis on the word "possible".

48. The CHAIRMAN invited the Committee to consider the last part of point 1 of the Yugoslav amendment (A/C.3/L.92), beginning with the words, "Considers that in drafting the covenant . . .".

49. Mrs. ROOSEVELT (United States of America) suggested that in the first paragraph of that text, the introduction and the first sub-paragraph should be combined and certain drafting changes made. She opposed the second sub-paragraph of that same paragraph because it was for the Commission on Human Rights rather than the Third Committee — if, indeed, for any body — to define the sources of human rights, a matter which had been lengthily and inconclusively debated on many previous occasions.

50. The Yugoslav amendment (A/C.3/L.92) was in any case inconsistently worded, since in one paragraph it was stated that rights were acquired by humanity in its efforts to develop well-being and democratic relations among men, whereas the assertion was made in another paragraph that social and cultural rights indubitably belonged to man as a person.

51. Mr. VLAHOVIC (Yugoslavia) said that he wished to consult with the United States representative to see how far he could meet her suggestions.

52. The CHAIRMAN adjourned the meeting in order to give those two delegations time for consultation.

The meeting rose at 12.40 p.m.