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

Tribute to the memory of the President of the Military Junta of Venezuela

1. The CHAIRMAN, speaking on behalf of the Third Committee, requested the Venezuelan representative to convey to his Government the Committee's deepest sympathy and condolences with regard to the assassination of the President of the Military Junta of Venezuela, Lieutenant-Colonel Carlos Delgado Chalbaud.

2. Mr. PEREZ PEROZO (Venezuela) thanked the Committee on behalf of his country.

3. The CHAIRMAN asked the Committee to rise and observe one minute of silence.

Methods of accelerating the work of the Committee
4. Lord MACDONALD (United Kingdom), referring to a letter from the President of the General Assembly urging all Committees to expedite their work, suggested that the Third Committee might adopt the following regulations:

5. First, all meetings should begin as soon as a quorum was present, and members should be urged to be punctual.

6. Secondly, the interval between morning and afternoon meetings should be shortened to one hour and a half.

7. Thirdly, members should be urged to reduce the length and number of their speeches to a minimum.

8. Mr. BAROODY (Saudi Arabia) suggested further that speeches should be limited to ten minutes for sponsors of draft resolutions and amendments, and to five minutes for other speakers, and that each representative should be limited to a single speech on any given point.

9. Mr. CHANG (China) suggested that the reduction of the interval between morning and afternoon meetings might be achieved by prolonging the morning meeting by twenty or thirty minutes.

The suggestions of the United Kingdom and Saudi Arabian representatives were approved.

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)

10. The CHAIRMAN invited the Iraqi representative to introduce her two amendments (A/C.3/L.106 and A/C.3/L.107) to earlier amendments to paragraph 2 (e) of the joint draft resolution of Brazil, Turkey and the United States of America (A/C.3/L.76).

11. Mrs. AFNAN (Iraq) said that a number of previous speakers, in particular the representative of the Dominican Republic, had supported the idea contained in the Iraqi amendments even before the amendments themselves had been submitted.

12. The battle for women's rights had been won decades earlier by women who had valiantly opposed bigotry and prejudice; modern women should be able to enjoy the fruits of that victory. To make absolutely certain that the struggle for equal rights with men did not have to be waged again anywhere in the world, the Commission on Human Rights should state explicitly, in all its further work, the equal rights of men and women as set forth in the Charter of the United Nations. That was the purpose of her amendment (A/C.3/L.107) to the joint amendment of Greece and New Zealand (A/C.3/83/Rev.1).

13. The mere mention in article 1 of the draft covenant that the rights recognized in it were to be ensured without distinction of any kind, such as sex, was in-

* Indicates the item number on the General Assembly agenda.

sufficient to safeguard equal rights for women, since in such countries as the United Kingdom and the United States, where women had been granted full political rights, they were still struggling to obtain equal pay for equal work.

14. Her delegation hoped that the covenant would contain certain economic, social and cultural rights and believed it imperative that the equality of women in regard to those rights should be unequivocally stated. That was the purpose of her amendment (A/C.3/L.106) to the Yugoslav amendment (A/C.3/L.92).

15. The Committee should instruct the Commission on Human Rights to include economic, social and cultural rights in the covenant. If the assistance of the specialized agencies were to be sought in the formulation of any rights, the basic principles involved should first be clearly stated by the General Assembly, whose duty it was to lay down the policy for the specialized agencies to follow.

16. Mr. KOUSSOFF (Byelorussian Soviet Socialist Republic) warmly supported the USSR amendment (A/C.3/L.96) to paragraph 2 (e) of the joint draft resolution.

17. Without the economic, social and cultural rights which were clearly and explicitly stated in that amendment, the rights already guaranteed in the draft covenant could not be implemented; the resulting document would not be a faithful reflection of the principles set forth in the Charter of the United Nations and the Universal Declaration of Human Rights and would disappoint millions of human beings who were looking to the United Nations to safeguard their basic rights.

18. He would vote against the revised Greek and New Zealand amendment (A/C.3/L.83/Rev.1), because its purpose, like that of paragraph 2 (e) of the joint draft resolution (A/C.3/L.76) itself, was, by excluding economic, social and cultural rights from the covenant, to make the remaining rights inoperative.

19. In reply to the Lebanese representative's arguments (312th meeting) that inclusion of economic, social and cultural rights would delay the adoption of the covenant and might make it unacceptable to a number of States, he said that the Commission on Human Rights should be able to draft the necessary articles within a year and that only those States which were opposed to granting basic human rights to their people would refuse to ratify them.

20. Mr. ALTMAN (Poland) had not been convinced by the reasons cited against the inclusion of economic, social and cultural rights in the covenant. In particular the argument that some States would be unable to ratify the covenant had been used in connexion with every single policy decision adopted by the Committee. If universal acceptability were to be the criterion, nothing would be left of the covenant but the title.

21. Economic, social and cultural rights had been recognized in a number of national constitutions and had been the subject of many international conventions. Since they were basic human rights, he would vote for their inclusion in the covenant.

22. Mr. RODRIGUEZ ARIAS (Argentina) was not opposed to any of the rights enunciated in the USSR

amendment (A/C.3/L.96), since they and a number of others were guaranteed by his country's Constitution; but he preferred the more general statement of principle contained in the Yugoslav amendment (A/C.3/L.92), which would give clear directives to the Commission on Human Rights without interfering with its method of work.

23. He would therefore vote in favour of that amendment.

24. Mr. CAÑAS FLORES (Chile) supported the Yugoslav amendment as modified by the amendment submitted by the Iraqi representative (A/C.3/L.106). The Chilean Government was anxious that the covenant should be as comprehensive and effective as possible, and it could not be so if its provisions were limited to individual and political rights.

25. Mr. DAVIN (New Zealand) introduced the revised amendment (A/C.3/L.83/Rev.1) submitted jointly by the Greek delegation and his own to the joint draft resolution (A/C.3/L.76). The revised amendment embodied the proposal made orally by the Mexican representative at the 312th meeting, and he hoped that it would be acceptable to the latter in the form in which it stood.

26. The revised amendment also took account of a suggestion made to him informally by the French representative.

27. Referring to an observation made by the representative of the Byelorussian SSR, he stated that it was not the intention of the sponsors of the revised joint amendment to exclude economic, social and cultural rights from the draft covenant on human rights. The Committee had already decided that such rights should, in principle, be included in the draft covenant. He feared, however, that it would be impossible to provide for the inclusion of all economic, social and cultural rights in the draft covenant in the time available. Hence it might be preferable to include only the most essential of those rights and to provide for the inclusion of additional rights in supplementary instruments and measures, as stated in the revised joint amendment.

28. He had no objection to the amendment of the representative of Iraq (A/C.3/L.107) to the revised joint amendment, but would suggest the deletion of the words "Recommends to the Commission on Human Rights" and the insertion of the remainder at the beginning of the joint amendment, so that the text would read:

"To state explicitly in all further work of the Commission on Human Rights the equal rights of men and women as set forth in the Charter of the United Nations and to proceed after the completion. . ."

29. Mrs. AFNAN (Iraq) accepted the drafting suggestions of the New Zealand representative.

30. Mrs. MENON (India) supported the Iraqi amendments in the belief that the principle of equality should be emphasized because it was the one principle most likely to be ignored.

31. Her delegation would vote against paragraph 2 (e) of the joint draft resolution (A/C.3/L.76) because it did not answer the question addressed to the General Assembly by the Economic and Social Council but

raised other issues which were likely to defeat the very purpose of the draft covenant.

32. Her delegation would abstain from voting on the USSR proposal (A/C.3/L.96) since it encroached upon the function of the Commission on Human Rights to draft the actual text of the covenant.

33. It would vote for the Yugoslav amendment (A/C.3/L.92) because its operative part constituted a clear reply to the question asked by the Economic and Social Council regarding the desirability of including economic, social and political rights in the draft covenant. It would do so, however, on the assumption that economic, social and cultural rights would be included in subsequent, separate covenants.

34. Specifically, her objection to paragraph 2 (e) of the joint draft resolution (A/C.3/L.76) was that it did not explicitly call for, or even contemplate, the inclusion of those rights in the draft covenant and that two of its suggestions were apt to harm the functions of the Commission on Human Rights, namely, the suggestions that economic, social and cultural rights, although mentioned in the Universal Declaration of Human Rights, would not necessarily become a part of the draft covenant, and that existing conventions, projects and procedures of other organs of the United Nations and specialized agencies might well be regarded as guaranteeing those rights in so far as they dealt with some or all of the rights mentioned in sub-paragraph (e). In the opinion of her delegation, the agreements of the specialized agencies did not cover human rights as such. Both the World Health Organization and the United Nations Educational, Scientific and Cultural Organization dealt with projects concerning health and cultural levels, but not with the fundamental rights in those fields.

35. It was particularly important to avoid confusion between International Labour Organisation conventions and the economic rights to be embodied in the draft covenant. The Universal Declaration of Human Rights and, therefore, the covenant, attempted to achieve justice through equality and freedom by recognizing fundamental rights and obligations. The International Labour Organisation, on the other hand, was diluting those rights until they became a kind of colourless protective legislation the implementation of which was left to the mercy of acceding governments not bound by the broad principles of justice and humanity proclaimed in the United Nations Charter or in the Declaration.

36. Her delegation had no intention of belittling the activities of the specialized agencies. To avoid misunderstandings, she would cite, as a specific example, ILO Convention No. 89 concerning Night Work of Women Employed in Industry, as revised in 1948, that was three years after the adoption of the United Nations Charter. If that convention had been framed according to the principles of the Declaration, the ban on night work would be based on certain specific health reasons and would extend to all those who were likely to be harmed by work during abnormal hours. She analysed the provisions of the convention to show that they were not based upon such principles and that the entire approach differed from that which had led to the Declaration, and which should be applied to the covenant.

37. The conclusion was that basic economic, social and cultural rights must be included in the covenant. That would not prevent the drafting of a separate convention or conventions on the same question. There was already a precedent for such a step in the case of article 14 of the draft covenant, concerning freedom of information.

38. Mr. DEMCHENKO (Ukrainian Soviet Socialist Republic) recalled that his delegation had previously stressed its view that economic, social and cultural rights should be included in the covenant. The Committee itself had taken a positive stand on that issue when it had adopted, at the 306th meeting, the Mexican amendment for a single draft covenant on human rights. The amendment proposed by the USSR (A/C.3/L.96) was clearly within the scope of that decision.

39. The fundamental rights of man could not be divided arbitrarily. Yet that was precisely what the basic text (A/C.3/L.76) and the revised joint amendment of Greece and New Zealand (A/C.3/L.83/Rev.1) were proposing to do. The argument that economic, social and cultural rights were difficult to define legally and to apply uniformly was being used as a pretext to prevent those rights from ever being included in a covenant.

40. His delegation would vote against paragraph 2 (e) of the joint draft resolution and against the joint revised amendment to it.

41. It would vote for the USSR proposal (A/C.3/L.96).

42. Mr. DE LACHARRIERE (France) said the definition and protection of economic, social and cultural rights were admittedly necessary but could not be accomplished all at once. It might perhaps prove possible to include some of those rights in the draft covenant but it would be necessary to embody additional rights in supplementary instruments. The Third Committee had largely committed itself when it had adopted the Mexican amendment (306th meeting). It might even be held that the USSR (A/C.3/L.96) and Yugoslav (A/C.3/L.92) amendments could not be considered, since to do so would be to reopen a decision already taken.

43. The revised joint amendment of Greece and New Zealand provided the most satisfactory method of dealing with the question. It would make possible the inclusion of some economic, social and cultural rights in the draft covenant; at the same time, it would request the Human Rights Commission to proceed with the consideration of additional instruments and measures in respect of rights not included in the draft covenant.

44. He wondered whether the amendments submitted by the representative of Iraq (A/C.3/L.106 and A/C.3/L.107) were really necessary since the principle of equal rights for men and women was fully recognized and established.

45. Mr. HOFFMEISTER (Czechoslovakia) said economic, social and cultural rights were fundamental for the development and, indeed, the very existence of all human rights. In expressing a contrary view, the representative of the United States had perhaps felt that the moral crisis of the Western World had not yet reached the point where the need for such rights was recognized. He would however recall that the late

President Roosevelt had proclaimed, *inter alia*, freedom from want, so that a decision to include economic, social and cultural rights in the draft covenant would be no more than an implementation of Mr. Roosevelt's postulate.

46. It had been stated in the course of the debate that the USSR proposal was an empty one because the USSR delegation was opposed to the draft measures of implementation. Far from being empty, the USSR proposal was most constructive and helpful and his delegation would vote for it.

47. Mrs. ROOSEVELT (United States of America) thought that the amendment submitted by the representative of Iraq (A/C.3/L.106) might, with slight drafting changes, be included in the joint draft resolution at the end of paragraph 2 (e). It could be amended to read "and recognizing explicitly the equal rights of men and women . . .".

48. She would vote against the Yugoslav (A/C.3/L.92) and the USSR (A/C.3/L.96) proposals because, although her delegation was in favour of the consideration and drafting of articles embodying economic, social and cultural rights, it was doubtful whether that could be accomplished at the next session of the Commission on Human Rights. In the circumstances, the Commission should be left free to decide whether or not it could include suitable articles in the draft covenant.

Mr. A. S. Bokhari (Pakistan) took the chair.

49. Mr. PANYUSHKIN (Union of Soviet Socialist Republics) stated that some representatives had criticized the USSR proposal, quite sincerely, on the grounds that it was too sweeping; others had raised doubts about the rights enjoyed by citizens of the USSR, or opposed the proposal for no other reason than that it had been submitted by the USSR delegation.

50. He did not think the proposal too sweeping; if the Committee desired to have an instrument containing the basic human rights, all rights should be included therein.

51. Mrs. Roosevelt had described the USSR proposal as empty words and had accused its sponsor of opposing measures of implementation. The truth of the matter was that the USSR delegation wished to have measures of implementation included in the covenant, provided that they were clearly worded and that they unmistakably outlined the duties of States. The criticism of his delegation concerning articles 19 to 41 was that they were vague and could aptly be described as empty words; their adoption would mean that there would be no implementation at all.

52. His delegation would vote against the joint draft resolution (A/C.3/L.76) and the joint revised amendment (A/C.3/L.83/Rev.1) because both would lead to an indefinite delay in the adoption of basic economic, social and cultural rights. Without such rights, any draft covenant would be defective, for the very right to life was meaningless unless States were also obliged to guarantee the right to work. The USSR proposal rested upon those premises and could therefore not be dismissed as unrealistic or empty.

53. He took issue with Mrs. Roosevelt's interpretation of a passage from Mr. Vyshinsky's book *The Law of the Soviet State* regarding the rights of Soviet citizens.

54. Mr. NORIEGA (Mexico) stated that the revised joint amendment (A/C.3/L.83/Rev.1) correctly reflected the views of his delegation, namely, that if some economic, social and cultural rights were included in the draft covenant, it would still be necessary to prepare additional instruments to implement those rights. Parallels might be found in the draft convention on freedom of information and in pending draft conventions on the political rights of women and on the rights of the child. The revised joint amendment did not mean that economic, social and cultural rights were to be excluded from the draft covenant: the Committee's records made it clear that paragraph 2 (b) envisaged the inclusion of those rights.

55. He would also remind the Committee that it would have another opportunity to deal with the question when it would be called upon to consider the final draft of the covenant. There was thus no risk in adopting the revised joint amendment.

56. He favoured the amendment (A/C.3/L.106) submitted by the representative of Iraq, but agreed with the relevant drafting suggestion of the United States representative.

57. His delegation would vote for the USSR proposal (A/C.3/L.96) since all the rights it enumerated were embodied in the Mexican Constitution.

58. Miss BERNARDINO (Dominican Republic) wished to explain the vote which her delegation was about to cast. As she had previously pointed out, her delegation considered that the principle of the equal rights of women and men should be specifically mentioned in the draft covenant. She had thought that the Commission on Human Rights would draft suitable articles to cover that principle and had consequently not submitted any specific amendments. As the representative of Iraq had submitted such amendments, her delegation would vote for them as a matter of principle.

59. She reserved the right of her delegation to introduce during the consideration of the final draft of the covenant, an amendment similar to that submitted by the representative of Iraq if the latter's proposal were rejected at the current stage.

60. The CHAIRMAN proposed that the amendments to the basic text of paragraph 2 (e) of the joint draft resolution (A/C.3/L.76) should be put to the vote in the following order: the USSR amendment (A/C.3/L.96) for a total substitution; the Iraqi amendment (A/C.3/L.106) to the Yugoslav amendment (A/C.3/L.92); then that Yugoslav amendment, which also proposed a total substitution; the revised Iraqi amendment (A/C.3/L.107) to the revised joint Greek and New Zealand amendment (A/C.3/L.83/Rev.1), and then that joint amendment itself. If all the amendments were rejected, the vote would obviously be taken upon the basic text.

It was so agreed.

61. Mr. PANYUSHKIN (Union of Soviet Socialist Republics) proposed that the vote should be taken on the USSR amendment paragraph by paragraph and that, in the interests of clear drafting, the introductory paragraph should be added to each paragraph adopted.

62. Mrs. ROOSEVELT (United States of America) proposed that the Committee should follow a procedure

in voting similar to that used in connexion with the vote on the Yugoslav amendment (A/C.3/L.92) to paragraph 2 (a).

63. The vote should be taken separately on the introductory paragraph of the USSR amendment on the understanding that, if it were rejected, the remaining paragraphs would also be regarded as rejected. That would preclude the possibility of such misunderstanding as had arisen with regard to the vote on paragraph 2 (b) (305th and 306th meetings).

64. Mrs. AFNAN (Iraq) opposed the United States proposal and supported that of the USSR representative. She might wish to vote for certain paragraphs and abstain on a number of others.

65. Mr. MENDEZ (Philippines) opposed the motion for division, citing rule 128 of the rules of procedure.

66. Mr. CABADA (Peru) and Mr. DE LACHARRIERE (France) supported the Philippine representative.

67. Mr. NORIEGA (Mexico) and Mr. DEMCHENKO (Ukrainian Soviet Socialist Republic) supported the proposal for a vote by division.

The proposal for a vote by division on the USSR amendment was rejected by 25 votes to 14, with 10 abstentions.

The USSR amendment as a whole (A/C.3/L.96) was rejected by 26 votes to 8, with 15 abstentions.

The Iraqi amendment (A/C.3/L.106) to the Yugoslav amendment (A/C.3/L.92) was adopted by 34 votes to none, with 13 abstentions.

68. Mrs. ROOSEVELT (United States of America) suggested that the vote should be taken first on the operative part of the Yugoslav amendment (A/C.3/L.92), as the result of that vote might determine the interpretation of its preamble.

69. The CHAIRMAN could not accept that suggestion in the absence of a definite request for a vote by division.

The Yugoslav amendment (A/C.3/L.92), as amended, was adopted by 23 votes to 17, with 10 abstentions.

70. Mr. AZKOUL (Lebanon) explained that he had voted against the inclusion of economic, social and cultural rights in the draft covenant under consideration because he thought it more advisable that the Commission on Human Rights should first complete the draft of the first eighteen articles before embarking upon the consideration of additional rights. The greatest possible number of rights should be prepared for inclusion in the draft covenant with the greatest possible speed.

71. Mrs. ROOSEVELT (United States of America) suggested that the vote could still be taken on paragraph 2 (e) of the basic text or upon the joint Greek and New Zealand amendment (A/C.3/L.83/Rev.1), as they were not incompatible with the Yugoslav text just adopted and contained some additional ideas.

72. Paragraph 2 (e) might be reintroduced in the form of an amendment to the Yugoslav text; the Iraqi

amendments had been submitted after the expiry of the agreed time limit, and one of them had been adopted.

73. The CHAIRMAN observed that rule 129 of the rules of procedure precluded the reintroduction of paragraph 2 (e) as a new amendment, even if the time limit were waived.

74. Mr. LAMBROS (Greece) and Mr. DE LACHARRIERE (France) urged that consideration should be given to the possibility of taking the vote on the joint Greek and New Zealand amendment because it had not been put to the vote and could not be automatically replaced by the Yugoslav amendment—as was the case with the original text of paragraph 2 (e). The joint amendment of Greece and New Zealand did not depart in substance from the Yugoslav text but contained new ideas and referred to methods of implementation which were not included in that text.

75. Mr. DEMCHENKO (Ukrainian Soviet Socialist Republic) observed that the procedure proposed by the United States representative was quite unprecedented and wholly contrary to the rules of procedure.

76. He requested the Chairman to give a ruling on the status of the joint Greek and New Zealand amendment.

77. MR. LEQUESNE (United Kingdom) said that the order of voting announced by the Chairman and accepted by the Committee had made it quite clear what the consequences of each vote would be. The Yugoslav amendment had been a total substitution for the original paragraph 2 (e); consequently, the joint Greek and New Zealand amendment, which had been introduced as an amendment to the basic text, must necessarily have lapsed when the basic text had fallen.

78. AZMI Bey (Egypt) suggested that a solution might be found if a new sub-paragraph (f) were inserted in the joint draft resolution (A/C.3/L.76) reproducing the former text of paragraph 2 (e), with the deletion of the words "economic, social, cultural and other".

79. The CHAIRMAN requested the Egyptian representative to submit his new amendment in writing. The Committee would decide at the following meeting whether it could be accepted for consideration.

80. The Chairman ruled that the joint Greek and New Zealand amendment (A/C.3/L.83/Rev.1) could not be discussed or voted on because it was an amendment to a text which had already been rejected as a result of the adoption of the Yugoslav amendment. He wondered whether the Committee would be prepared to challenge that ruling.

81. Mr. BAROODY (Saudi Arabia) said that although he fully supported that ruling, he would challenge it only in order to obtain a definite vote. He had no objection whatever to the substance of the ruling.

The Chairman's ruling was upheld by 32 votes to 1, with 10 abstentions.

82. Mr. KAYALI (Syria) moved the adjournment of the meeting.

The motion was adopted.

The meeting rose at 6.25 p.m.