



Tuesday, 4 December 1951, at 10.30 a.m.

Palais de Chaillot, Paris

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Chairman : Mrs. Ana FIGUEROA (Chile).

Draft international covenant on human rights and measures of implementation (A/1883, A/1884 (chapter V, section I), E/1992, E/2057 and Add.1 to 5, E/2059 and Add.1 to 8, E/2085 and Add.1, A/C.3/559, A/C.3/L.88, A/C.3/L.180, A/C.3/L.182) (continued)

[Item 29]*

1. Mr. ALEMAYEHOU (Ethiopia) welcomed the desire expressed by several delegations to open a general discussion on the draft international covenant on human rights rather than merely refer the matter back to the Commission on Human Rights. However, it would appear that a general discussion alone was scarcely likely to be sufficient, as the report of the Economic and Social Council (A/1884) and the records of its proceedings¹ had shown that it was not lack of time alone which had prevented the Council and the Commission from completing their work. There had also been serious divergences of views. It seemed to him, therefore, that the unrivalled opportunities for full discussion presented by the session of the General Assembly should be utilized to consider those divergences in detail and attempt to eliminate them. Otherwise, a general discussion, probably leading to a vague and general resolution, would only reflect itself in the future work of the Council and the Commission, thus constituting a vicious circle of events which would repeat themselves at the next session of the Assembly.

2. He reserved his right to speak on the substance of the item later in the discussion.

3. Mr. STEINIG (Secretary of the Committee), replying to a question put by the Soviet Union representative at the previous meeting, stated that in 1948 the Third Committee had devoted 85 meetings to the discussion of the draft universal declaration on human rights, in

* Indicates the item number on the General Assembly agenda.

¹ See *Official Records of the Economic and Social Council, Thirteenth Session, 522nd to 525th meetings.*

addition to 20 meetings held by various sub-committees. Of the 29 articles of the draft declaration, 18 had been adopted without any opposition. In 1950, 31 meetings had been held for the purpose of arriving at policy decisions finally embodied in General Assembly resolution 421 (V). In view of the wide divergence between the figures for 1948 and 1950, and of the fact that the Committee's work in 1948 differed substantially from that in 1950, it was impossible for him to give any estimate of the number of meetings which the Committee would require in order to complete its work on the draft covenant.

4. Mr. PAVLOV (Union of Soviet Socialist Republics) considered that the information which the Secretary of the Committee had provided indicated that a discussion of the seventy and more articles of the draft covenant was out of the question by reason of the shortness of the time available. In its decision on the practical approach to the problem, the Committee would have to recognize that over-riding fact.

5. With regard to the item itself, in spite of the terms of General Assembly resolution 421 (V), which gave clear-cut directives to the Economic and Social Council, the Assembly had to face the fact that the Council had not complied with those directives. The result was that the matter was in precisely the same stage as it had been in a year previously. In those circumstances he considered that the criticisms which certain representatives had made of the Council and its manner of organizing the work on the draft covenant on human rights (358th meeting)—in connexion with which the Commission on Human Rights had, on the other hand, more properly fulfilled its obligations—had been fully justified.

6. According to the agenda of the current meeting, the question before the Committee was the draft international covenant on human rights and measures of implementation. He wished to point out, however, that the Committee's real task was to examine chapter V of the report of the Economic and Social Council (A/1884). Such a procedure would guide the Com-

mittee's work in the correct direction, since it would reveal where exactly the defects of the Council's work lay in connexion with the draft covenant. After that work had been completed the covenant itself could be discussed.

7. The most important practical implication of the Council's actions was that the Third Committee still had no full text of the draft covenant before it. In those circumstances it appeared to him entirely gratuitous to attempt to discuss such a question as whether the covenant should or should not be divided into two or more sections. The first step should be for the General Assembly to instruct the Council and the Commission on Human Rights to complete the work that had been assigned to them. That was all the more important since it would not be proper for the Assembly to attempt to replace those bodies in the exercise of their functions.

8. Some of the work still to be completed was of outstanding importance, particularly the revision of the first eighteen articles of the draft covenant. He would recall in that connexion that certain of the additions proposed to the draft covenant, particularly those relating to the right of peoples and nations to national self-determination and to free cultural development, had been proposed by the USSR delegation. The USSR delegation still considered the inclusion of such provisions to be vital, and entirely supported the proposals for their inclusion which had been voiced at the current session.

9. The CHAIRMAN requested the Soviet Union representative to conform to the agreed plan of the discussion and confine his remarks to procedural matters.

10. Mr. PAVLOV (Union of Soviet Socialist Republics) stated that, in his opinion, expression of his delegation's support for the proposals to which he had just referred came within the field of procedure.

11. As a basis for immediate concrete action, he would recommend that the Committee should give serious attention to the draft resolution submitted by the Chilean delegation (A/C.3/L.180) which, in spite of certain weaknesses, was substantially sound, in that it proposed that the Assembly should instruct the Economic and Social Council to proceed with the work which had been assigned to it. Priority for the consideration of that draft resolution would generally accelerate the Committee's work, since the subject matter of the draft resolution partly coincided both with that of chapter V, section I, of the Economic and Social Council's report, and with the procedural question which the Committee was attempting to solve with respect to the draft covenant. Indeed, discussion of the other relevant subjects could be conveniently grouped round discussion of the Chilean draft resolution. Examination of the other draft resolution before the Committee, that submitted jointly by Chile, Egypt, Pakistan and Yugoslavia (A/C.3/L.182), would be premature, since it did not constitute a point of departure for the debate in the same way as did the Chilean draft.

12. Therefore, the Committee had to decide immediately whether the General Assembly was itself to attempt to undertake the entire work in connexion with the draft covenant—in his view, a manifestly incorrect proceeding—or whether it was to take appropriate measures to ensure that that work was carried out by the body within whose competence it lay.

13. The CHAIRMAN, referring to the Soviet Union representative's remarks concerning the Committee's agenda, recalled that it had been agreed (347th meeting) that the Committee should first take up that chapter of the Economic and Social Council's report dealing with social matters and then proceed to a consideration of chapter V, section I, of the report, together with item 29 of the Assembly's agenda—both of which were entitled "draft international covenant on human rights and measures of implementation".

14. Mr. AZKOUL (Lebanon) said that if, as appeared likely, there was a danger of the procedural discussion becoming substantive, he would propose that all attempts to hold a procedural discussion be abandoned and that the general debate should begin forthwith.

15. Mr. PAZHAWAK (Afghanistan) thought that the USSR representative's apprehensions about possible waste of time might be allayed if all members of the Committee confined their remarks to the subject under discussion. On the matter of principle, his own view differed from that of the USSR representative only in that he himself saw the difficulties inherent in a fresh debate both in the Third Committee and in the Commission on Human Rights, whereas the USSR representative was perturbed only at the prospect of a new debate in the Third Committee. It was of no great use at that stage to discuss the reasons why the Commission on Human Rights had failed to complete the draft covenant; whatever it did or failed to do, the draft would inevitably be returned for further discussion by the Third Committee, simply because most of its members were not also members of that Commission.

16. He therefore maintained his proposal that the Third Committee should consider the draft covenant article by article at the current session.

17. Mr. URQUIA (El Salvador) believed that the most practical method was the one suggested at the 358th meeting by the Egyptian representative: the Committee should undertake a thorough discussion of the draft covenant, but the resulting draft resolutions must be as specific as possible and it must be clear that the Commission on Human Rights ought to be guided, not so much by all views expressed, as by the views shared by the majority of the Third Committee.

18. Although he supported both the Chilean (A/C.3/L.180) and the joint (A/C.3/L.182) draft resolutions, he suggested that they should be expanded to give the Commission directives on such specific points as whether the proposed economic, social and cultural rights should form an integral part of the draft convention or be stated in a separate instrument.

19. Mr. DEMCHENKO (Ukrainian Soviet Socialist Republic) agreed with the USSR representative that

no draft covenant was before the Committee, as the Commission on Human Rights and, more particularly, the Economic and Social Council had not been able to fulfil the directives embodied in General Assembly resolutions 421 (V) and 422 (V), and that the Third Committee would thus be wasting its time in attempting to debate an incomplete document. There would be no use in discussing the economic, social and cultural rights apart from the political rights, as they were inextricably connected. Wholly adequate directives had already been given to the Commission and the Council by the General Assembly at its fifth session; to discuss them all over again would be unprofitable.

20. The Chilean draft resolution (A/C.3/L.180) was generally acceptable and should therefore be discussed and voted on first.

21. Mr. KUSOV (Byelorussian Soviet Socialist Republic) said that resolution 384 (XIII) of the Economic and Social Council clearly showed that the Third Committee was not asked to discuss the draft covenant itself. For whatever reasons, the Commission on Human Rights had failed to recommend a final text for articles dealing with such rights as that of peoples and nations to self-determination, which, as the Afghan and Saudi Arabian representatives had rightly observed (358th meeting), was a prerequisite for the enjoyment of nearly all other human rights. Other essential articles had still not been drafted, contrary to the directives embodied in Assembly resolution 421 (V). The Third Committee could not, therefore, examine the substance of a draft covenant which had not yet been drafted.

22. The Secretary-General's memorandum (A/C.3/559) was not very convincing as a guide to what action the Third Committee should take; in fact, it mentioned several points, such as reservations, with which the Committee could not possibly deal until it had before it a complete draft of the covenant.

23. The Chilean draft resolution (A/C.3/L.180) was thus a good one and should be given priority over all others.

24. The CHAIRMAN said that to some extent the various procedural proposals overlapped. In essence, the Committee must decide whether it wished to embark upon a general debate in connexion with chapter V, section I, of the report of the Economic and Social Council and with the report of the Commission on Human Rights in the light of General Assembly resolutions 421 (V) and 422 (V); during that debate, delegations could discuss the measures of implementation and the reconsideration of the articles dealing with economic, social and cultural rights, and then take action on the draft resolutions currently before the Committee and any others that might emerge from the debate. Alternatively, the Committee might first discuss the Chilean draft resolution. If, however, the Committee decided that it would embark upon a general debate, it would thereby exclude the alternative proposal that it should undertake the actual redrafting of the covenant at the current session.

25. Mr. GARCIA BAUER (Guatemala) thought that the general debate should be restricted to the points on which the Commission on Human Rights had not taken action. To discuss the Chilean and the joint draft resolutions immediately would be premature, as other similar draft resolutions might emerge from the general debate.

26. The CHAIRMAN said that a general debate would inevitably cover all aspects of the report of the Commission on Human Rights, but special attention should be paid to the articles for which the General Assembly had not already given directives. The order in which the draft resolutions should be discussed could better be decided after the end of the general debate.

27. Mr. AZKOUL (Lebanon) pointed out that the general debate could not be confined to a few points, since the Committee's purpose was to obtain the views of States which were not members of the Economic and Social Council and the Commission on Human Rights on all matters relating to the covenant. It would be advisable, therefore, to begin at once with the general debate and, in the light of the opinions expressed, to decide upon the order of priority of specific points.

28. Mr. DEHOUSSE (Belgium) agreed with the Lebanese representative; indeed, he was not sure what the USSR representative meant by asking that the Chilean draft resolution (A/C.3/L.180) should be given priority. Paragraph 1 of the operative part of that resolution was worded in such a manner as to imply the necessity of a full debate in the Third Committee on the various documents referred to in that paragraph. Such a debate would have to be as detailed as possible; no limitations could be imposed on the discussion of such fundamental matters.

29. Mr. PAZHAWAK (Afghanistan) asked the Chairman when his proposal would be discussed.

30. The CHAIRMAN stated, in reply to the representatives of Ethiopia and Afghanistan, that no specific aspects of the subject would be ignored in the general debate. It would be possible to decide on priorities after opinions had been expressed in detail. Moreover, the discussion would probably give rise to the submission of other resolutions.

31. Mr. PAVLOV (Union of Soviet Socialist Republics) considered that the Committee was dealing with matters of substance before a decision had been taken on the procedure. Two mutually exclusive proposals had been made by the representatives of Chile and Afghanistan on the question of procedure: the Afghan proposal was in favour of the discussion of the covenant article by article in the Third Committee, whereas the Chilean proposal was against such a discussion.

32. He considered that the general debate on procedure had already taken place and that a vote should be taken on the concrete proposals that had been submitted before any attempt was made to proceed to the discussion of substantive questions.

33. Mr. DE ALBA (Mexico) thought that it would be premature to decide on priorities at that time. He moved the closure of the debate.

34. Mr. URQUIA (El Salvador) supported the Chairman's proposal to hold a general debate before putting concrete proposals to the vote.

35. The CHAIRMAN put to the vote the Mexican motion for the closure of the debate.

The motion was adopted by 37 votes to 1, with 7 abstentions.

36. Mr. AZKOUL (Lebanon) pointed out that it was unnecessary to take a vote on the question whether a general debate should be held, unless a formal proposal was made to adjourn the debate on the item under discussion, in accordance with rule 118 of the rules of procedure.

37. Mr. PAVLOV (Union of Soviet Socialist Republics) asked that separate votes should be taken on the proposal to discuss chapter V, section I, of the report of the Economic and Social Council and on the proposal to discuss the report of the Commission on Human Rights.

38. Mr. DEHOUSSE (Belgium) asked whether the

adoption of that proposal would mean that two separate general debates should be held.

39. The CHAIRMAN stated that only one debate would be involved if a vote were taken on the motion as a whole after the separate votes had been taken.

40. She put to the vote the proposal for a general debate on chapter V, section I, of the report of the Economic and Social Council.

The proposal was adopted by 42 votes to none, with 3 abstentions.

41. The CHAIRMAN put to the vote the proposal for a general debate on the report of the Commission on Human Rights.

The proposal was adopted by 37 votes to 6, with 3 abstentions.

42. The CHAIRMAN put to the vote the proposal for a general debate on chapter V, section I, of the report of the Economic and Social Council (A/1884) and the report of the Commission on Human Rights (E/1992), as a whole.

The proposal was adopted by 40 votes to none, with 6 abstentions.

The meeting rose at 1.20 p.m.