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Chairman: Mr. Jiří NOSFK (Czechoslovakia).

AGENDA ITEM 58

**Draft international covenants on human rights
(A/2714, A/2686, chapter V, section I, E/2573)
(continued)**

**PROCEDURE FOR CONSIDERATION OF THE DRAFT COVE-
NANTS (continued)**

1. Mr. PAZHWAQ (Afghanistan), speaking on a point of order, said that the Lebanese representative's statement at the 558th meeting had induced him to amend his third proposal to the effect that the first reading should be taken section by section instead of article by article. That amendment would meet points raised by other delegations and would make no difference to his own preferences. The Chairman should decide what articles were related in one way or another and place them before the Committee as sections for discussion. The discussion should not go beyond the bounds of the definition of a first reading. He had already explained what a first reading was not.

2. The question of the time-table should be decided at a later stage, but the Committee should bear in mind the idea that the meetings devoted to the procedural discussion should not be regarded as part of the meetings to be devoted to the discussion of the draft covenants.

3. The CHAIRMAN observed that the Afghan representative's statement had not been strictly a point of order, but he had admitted it in order to facilitate the Committee's work. In summarizing the Afghan representative's proposals, he noted that the word "part" rather than "section" had been used by the Commission on Human Rights.

4. Mr. AZKOUL (Lebanon), speaking on a point of order, observed that he had intentionally used the word "section" in his original suggestion (558th meeting), now adopted by the Afghan representative, as the parts into which the drafts were divided were rather large. The Afghan representative had used the term "section" because he had wished to leave it to the Chairman to decide which articles were inter-related. Delegations would be able to comment on each article in a given section or on the section as a whole, as they wished.

5. The CHAIRMAN said that he would find it very difficult to decide which articles made up a section. Even if the Secretariat was asked to prepare a working paper setting out the articles by sections, the paper itself would be the subject of renewed and protracted discussion. He had interpreted the Afghan proposal as referring to parts, since the Commission on Human Rights had undoubtedly had good reasons for dividing the draft covenants in that way.

6. Mr. PAZHWAQ (Afghanistan), speaking on a point of order, said that he had intentionally used the words "section by section" rather than "part by part". The Chairman would not find it so very hard to decide how to divide the sections and would be able to consult the Committee in case of doubt.

7. Mr. AZKOUL (Lebanon) speaking on a point of order, said that some of the parts were short enough to be taken as sections. If the larger parts were divided, the Committee would certainly accept the Chairman's decision.

8. Mr. BAROODY (Saudi Arabia), speaking on a point of order, said that the Committee could not make any progress unless it heard the remainder of the speakers on the Chairman's list, who might have other proposals to make in place of those that were being discussed by means of points of order.

9. Mr. AZKOUL (Lebanon), speaking on a point of order, explained that he had not been discussing any proposal but merely clearing up some misunderstandings about a proposal which derived from his own original suggestion.

10. Mr. ROY (Haiti), speaking on a point of order, said that he intended to ask for the application of rule 118 of the rules of procedure—on the closure of the debate—as soon as the list of speakers was exhausted.

11. Mr. EL-FARRA (Syria) said that the discussion had centred mainly on the definition to be given to the term "first reading". There had been general agreement that the term should be defined in order to place limits on the scope of the debate and thus save time. Two questions had arisen: the meaning of a discussion section by section and whether it would be more practical to have a general debate. The Egyptian delegation had given a practical definition: there would be a general discussion touching upon any aspect of the subject that any delegation wished. Other delegations had questioned the purpose of a first reading. The Afghan proposal, based on the Lebanese representative's suggestion, seemed very practical, inasmuch as it would enable delegations both to discuss any particular article and to make any general statements they wished.

12. Mr. MENESES PALLARES (Ecuador) said that he had come to the conclusion that nothing should prevent the discussion of the draft covenants at the current session; it was the imperative duty of the United Nations to enter the final drafting stage without

delay. The term "first reading" should not be taken too literally. The discussion of an instrument of broad philosophical and juridical import could not be compared with that of an International Labour Organisation convention. What was required was a comprehensive survey of the whole subject at the highest possible level, in order to assess the effectiveness or ineffectiveness of the draft covenants in their present form and to make clear what had been done and what remained to be done. Such a comprehensive view by sixty nations would clear up all those points which still needed to be cleared up. For that purpose the rights enumerated might be divided up into categories, rather than sections, embracing individual rights, family rights, educational and cultural rights and so forth. The Secretariat would not find it too hard to establish such categories in a working paper.

13. Mr. JIMENEZ (Philippines) said that, as his delegation had been one of the original sponsors of the proposal in paragraph 39 of the report of the Commission on Human Rights (E/2573), he wished to explain that the procedure of a first reading article by article had seemed the most practical. It would not preclude the usual general debate or even voting in order to formalize the decision taken. At the second reading a vote would certainly be taken at least on each draft covenant as a whole. Governments might wish to submit amendments or new proposals; they would be considered during the second reading. The Afghan proposal of a reading section by section was not inconsistent with the proposal in paragraph 39 of the Human Rights Commission's report. The Egyptian delegation had suggested that delegations would be entirely free to expatiate on the principles and philosophy involved and to refer to specific articles. The Saudi Arabian proposal that a general debate should be held first and that the Committee should then make a further decision on procedure was a good compromise, which merited serious consideration. The views expressed in the general debate might well provide guidance on future procedure.

14. Mr. DUNLOP (New Zealand) said that, whatever solution the Committee adopted for discussing the draft covenants, there would obviously be a general debate. The representatives of Australia, Yugoslavia, Argentina and the URSS had already stressed that it would be premature to adopt any procedure for future work, which could only emerge in the course of the discussion. The Syrian representative had asked for a definition of the term "first reading". The delegations just referred to and the New Zealand delegation did not think that such a definition was necessary; any attempt to give one would involve the Committee in a general debate. A general debate could be anything. It might, as the Philippine representative had just suggested, be an introduction to a more detailed reading of the draft covenants.

15. The Afghan representative had formally suggested that the draft covenants should be considered article by article. If that suggestion were accepted, a debate would be necessary to decide in what order the articles should be taken up. He agreed with the French representative that an article-by-article consideration should begin with firm decisions on some questions of implementation, such as reservations. The New Zealand delegation would hesitate to discuss substantive articles with finality until ideas on reservations and implementation clauses had been clarified. If the

Afghan proposal were adopted, the debate should begin with the last articles.

16. The Lebanese representative had made a compromise proposal which was no compromise as it defeated the purposes both of those who favoured a general debate and of those who wanted an article-by-article discussion. It was not a textual reading but had all the disadvantages of a discussion article by article and more, as it would entail, besides a general discussion of the order in which the articles were to be taken up, a preliminary debate on what articles were to be included in the different sections.

17. The Chairman had suggested that a provisional allocation of articles to different sections should be made by the Secretariat and a document circulated. But such a document would not be accepted without a lengthy debate. Such complicated debates would only be worthwhile if they could be considered as a preliminary to a first reading in the sense meant by the representatives of France and Belgium. An article-by-article consideration of the draft covenants would necessarily be a textual one. The New Zealand delegation was not ready to embark on such a detailed study of the draft covenants, although it could be ready to state its position with regard to reservations and petitions.

18. The Chinese representative had suggested that a conference of plenipotentiaries should be convened to consider the draft covenants. It was not the time for him to state his Government's view on that point. The proposal had advantages, as underlined by the Chinese representative, and disadvantages, as had been pointed out by the United Kingdom representative. If the Committee were to take up the Chinese proposal, again a general debate would be unavoidable.

19. There were both advantages and disadvantages to the suggestion of two readings in paragraph 39 of the report of the tenth session of the Commission on Human Rights (E/2573). He agreed with the Soviet representative that it would be unrealistic to adopt a rigid time-table, or to set a time limit to the work on the draft covenants, which had to be accepted by a very wide diversity of peoples and had to gain a maximum of support if they were to be of any use. There was much work still to do: the general debate should begin as soon as possible.

20. He supported the United Kingdom representative's suggestion that the covenants should be debated at alternate meetings. When no representatives wished to speak on human rights, other questions could be considered. He did not feel that it was beyond the powers of most representatives to consider two items at once. There was also the advantage that, if two items were discussed simultaneously, delegations would have more time to consider draft resolutions and amendments.

21. Mr. ALTMAN (Poland) stated that his delegation was opposed to entrusting the remaining work on the draft covenants to any body outside the United Nations, such as a conference of plenipotentiaries. The Commission on Human Rights had carried out a difficult and delicate task and the draft covenants had been transmitted to the General Assembly. The Third Committee should, therefore, immediately embark on the next stage of the work with a view to establishing a final text. Two readings has been suggested in paragraph 39 of the report of the Commission on Human Rights (E/2573). If the Committee were to engage

in a discussion of the actual meaning of the expression "two readings", much time would be lost and no practical result would be gained. The Committee should begin work on the draft covenants, which should not be considered as final texts, at its current session and continue at the next session or as long as was necessary to allow all sixty Member States to express their opinion.

22. The Polish delegation agreed with the Egyptian representative that the best plan would be to have a general discussion, during which certain questions of detail could also be discussed. It also agreed with the Afghan representative that the draft covenants could be discussed part by part in the course of a general discussion. Delegations would be free to express their Governments' point of view on specific points, and amendments might be suggested, but there should be no vote.

23. Alternate meetings did not seem advisable.

24. Mr. RODRIGUEZ FABREGAT (Uruguay) thought that the procedural debate had been useful in clarifying a number of points. He agreed, however, that the Committee should begin consideration of the draft covenants without delay. The work should be done by the United Nations and not by an outside body, such as a conference of plenipotentiaries. Even when the covenants had been put in their final form, the question of human rights should remain on the United Nations agenda, as the United Nations was determined to stand by the affirmation on human rights in the second paragraph of the preamble of the Charter. The draft covenants should be considered as a working paper for study and amendment and a more formal expression of the principles embodied in the Universal Declaration of Human Rights and the Charter of the United Nations.

25. He supported the Egyptian representative's suggestion concerning a general debate. In the procedural discussion attention had been drawn to the fact that, if the Committee considered the draft covenants at its current session, there would be time before the tenth session of the General Assembly for Governments to present their views on various points such as the difficulties of ensuring observance and implementation of the covenants. A general debate would not preclude a detailed discussion on certain points, and delegations should make clear statements on specific attitudes. The Third Committee was representative of sixty States Members of the United Nations and therefore the various political, economic and philosophic currents of the modern world were represented there. United in their respect for human rights, they would arrive at a large measure of agreement on those points.

26. The Uruguayan delegation would support any proposal for an immediate debate on the draft covenants, but a detailed study of the articles and voting on the draft covenants should be postponed until the next session. The general debate could be considered as a first reading, as suggested in paragraph 39 of the report of the Commission on Human Rights (E/2573), but, although delegations might suggest amendments and refer to specific points, there should be no discussion on drafting, which should be left until the next session.

27. Mr. JUVIGNY (France) did not consider that the procedural debate had been useless, since it had given rise to many different suggestions. Some repre-

sentatives had advocated a general debate, others had accepted that suggestion but considered that emphasis might be laid on certain articles, and yet others had thought that the covenants should be considered article by article, part by part, section by section, or category by category. According to some members, the first stage should merely constitute a consideration of the covenants, without any substantive decisions; others, who agreed with that principle, nevertheless thought that some delegations could submit amendments, while yet others considered that all delegations should be allowed to submit amendments. It had been suggested that all the amendments should be submitted during the current session; the United States representative had advanced the idea that amendments might also be submitted between sessions; and the Philippine representative had suggested that a vote might be taken on some of the articles.

28. He did not think it would be opportune at that stage to adopt an unduly rigid procedure, which would inevitably hinder the Committee's progress. The New Zealand representative had rightly said that a general debate of some kind could not be avoided; it would therefore be wise to follow the Australian representative's realistic suggestion and proceed with the discussion.

29. Mr. ABDEL GHANI (Egypt) did not agree with the New Zealand representative's statement that the adoption of the Afghan proposal would be tantamount to holding a general debate, because it did not provide for an examination article by article. The proposal was a compromise which linked the concept of a general discussion with that of a first reading properly so-called. In practice, if the draft covenants were discussed part by part, delegations could comment either on the general principles underlying the articles of each part, or on the specific articles and provisions. Representatives who had expressed a preference for a general discussion would undoubtedly choose the first method and those who favoured consideration article by article would choose the second. Although all delegations were interested in the covenants, they attached special importance to certain articles or groups of articles; thus, for example, certain delegations, including his own, attached particular importance to the article on self-determination and might speak at length on that subject. The measures of implementation, which were more important than the rights themselves, would also be discussed.

30. The Egyptian delegation had deliberately refrained from moving formally its suggestion that a general discussion should be held. It now considered that the Afghan proposal, based on the Lebanese representative's suggestion, provided for a better procedure than that of an untrammelled discussion. Nevertheless, he could not see why the articles of the covenants should be divided into sections or categories, when the Commission on Human Rights and the Secretariat had already divided them into eleven parts. The preamble and the part relating to self-determination were more or less similar in both draft covenants and need not be examined more than once, so that the Committee would have nine parts before it. The decision to divide the articles in that way had not been reached lightly and it therefore seemed unnecessary to impose on the Secretariat the difficult task of making a new division. The draft covenants in their present form should be taken as a working paper.

31. Mr. ROY (Haiti) said that he would not move the closure of the debate unless any more representatives expressed the intention of speaking on the general question of procedure.

32. The CHAIRMAN said that, if there was no objection, he would close the procedural debate and put the Afghan proposal to the vote.

33. Mr. HOOD (Australia) thought that, before the proposal was put to the vote, an alternative proposal should be submitted to enable representatives who held other views to express their opinions.

34. Mr. CHENG (China) pointed out that the Committee had had no opportunity to discuss the Afghan proposal.

35. Mrs. AFNAN (Iraq) said that her delegation would support the Afghan proposal as amended by Lebanon and interpreted by the representative of Egypt. But she agreed with the representative of Australia that there was no alternative proposal before the Committee. Since the representative of Egypt had first suggested a general discussion the idea had had the support of various delegations, and she submitted that it would be only right for that suggestion to be proposed as an alternative.

36. Mr. AZKOUL (Lebanon) thought that, if the Afghan proposal were rejected, the Committee would automatically proceed to a general discussion.

37. Mr. BARODY (Saudi Arabia) reintroduced his proposal that, if the Afghan proposal were rejected, the Committee should immediately proceed to a general discussion, in which amendments could be submitted, but in which no votes would be taken.

38. Mr. ROY (Haiti) formally moved the closure of the procedural debate.

39. Mr. JUVIGNY (France), speaking against the Haitian motion, pointed out that the Afghan pro-

posal and any alternative proposals that might be submitted had not been distributed in writing. It would be unwise to close the debate in the absence of written proposals.

40. Mr. CHENG (China), speaking on a point of order, asked whether the closure of the debate would prevent him from speaking on the Afghan proposal.

41. The CHAIRMAN agreed with the French representative that proposals should be submitted in writing.

42. He called for a vote on the Haitian motion.

43. Mr. RODRIGUEZ FABREGAT (Uruguay), speaking on a point of order, asked whether adoption of the Haitian motion would mean that no new proposals could be made.

44. Mr. AZKOUL (Lebanon), speaking on a point of order, pointed out that there was no need to close the debate if further proposals and amendments could be submitted.

45. The CHAIRMAN suggested that the meeting should be adjourned without a vote on the closure of the procedural debate and that the Afghan proposal and any new proposals or amendments should be discussed at the next meeting. The discussion should be confined to those proposals.

46. Mr. PAZHWAQ (Afghanistan) did not consider that the Chairman's suggestion was in conformity with the rules of procedure. Moreover, that procedure might adversely affect the vote on the Afghan proposal. He therefore appealed to the Chairman to reconsider his suggestion.

47. The CHAIRMAN withdrew his suggestion.

The meeting rose at 1.15 p.m.