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Agenda item 28:	
Draft International Covenants on Human Rights (continued)	51

Chairman: Mr. Omar LOUTFI (Egypt).

AGENDA ITEM 28

**Draft International Covenants on Human Rights
(E/2573, annexes I, II and III, A/2907 and Add.
1 and 2, A/2910 and Add.1 to 5, A/2929, A/
2943, chapter VI, section I, A/C.3/L.460 and
Corr.1, A/C.3/L.466) (continued)**

**PROCEDURE FOR CONSIDERATION OF THE
DRAFT COVENANTS (continued)**

1. The CHAIRMAN pointed out that the Committee had before it several procedural proposals concerning the order of discussion of the draft International Covenants on Human Rights (E/2573, annex I): the Danish representative had proposed that the Committee should begin by considering part III, the Costa Rican representative had suggested that it should begin by examining the preamble, and the Saudi Arabian representative, taking into account the United Kingdom representative's remarks with regard to the preamble, had proposed that it should start with article 1 (633rd meeting).
2. Mr. BAROODY (Saudi Arabia), referring to the statement made by the Secretary-General (A/C.3/L.466) at the preceding meeting, expressed the hope that the Secretary-General would find it convenient to attend another meeting of the Committee in order to answer any questions that delegations might wish to put to him.
3. The Secretary-General's statement had introduced confusion into the Committee's work, since although it related to item 29 of the agenda it had been made just as the Committee was proceeding to the consideration of item 28. To the Saudi Arabian delegation, for one, the Secretary-General's intervention had come as a complete surprise. The Secretary-General had, no doubt, consulted some delegations before preparing his speech; it was a pity that he had not consulted them all.
4. Furthermore, the Secretary-General, who should be debarred by his very office from taking sides on political issues, had appeared in his unprecedented speech to be making himself the spokesman of those Powers which were opposed to the free exercise of the right of peoples and nations to self-determination. The Secretary-General had chosen to speak of the "principle" of self-determination; but the General

Assembly had decided years before that self-determination was a right, and that articles enunciating that right should be included in the draft covenants. Some States might be dissatisfied with that decision, but no Member State should ever seek to circumvent the will of the majority.

5. He urged the Committee to abide by the General Assembly's decision (resolution 833 (IX)) and to consider the draft covenants article by article, beginning with article 1.

6. Mr. MENON (India) said that the Asian and African nations had a special, although not an exclusive, interest in the question of self-determination. The Secretary-General had a perfect right, under the Charter of the United Nations, to make a statement on the subject, but Mr. Menon shared the Saudi Arabian representative's regret that the statement should have come as a surprise, to some delegations at least. It called for careful study and for consultation among delegations, which would require time. For that reason he would prefer the consideration of article 1 of the draft covenants, which dealt with the right of self-determination, to be postponed until 20 October. The Committee might in the meantime consider the preamble. As the Costa Rican representative had made only a suggestion to that effect, the Indian delegation would move an amendment to the Danish proposal (633rd meeting).

7. Mr. NUÑEZ (Costa Rica) formally proposed that the Committee should begin by considering the preamble.

8. Mr. MENON (India) said he supported the Costa Rican proposal, which would allow delegations to give the Secretary-General's statement the careful consideration it deserved and he would not therefore submit an amendment.

9. Mr. GONZALEZ CAMACHO (El Salvador) urged the Committee to decide on the order of consideration of the draft covenants, so as to avoid procedural discussions at later stages. The Committee should not evade its responsibilities by postponing the consideration of article 1; being one of the most difficult, that article should be considered first. He accordingly proposed that the Committee should begin by considering those articles which were common to both texts or drafted in similar terms in the two draft covenants; and that it should then examine the remaining articles in their present sequence, and should take up the preambles last.

10. Mr. MOROZOV (Union of Soviet Socialist Republics) regretted that so much time had already been lost in procedural discussion. The General Assembly had decided in resolution 833 (IX), paragraph 4, that the draft covenants on human rights should be discussed article by article. In their existing form the draft covenants were the fruit of many years

of work and had already been considered at length by Governments. It was therefore time to implement the resolution in question and proceed with the last stage of the work.

11. In the opinion of the USSR delegation, the drafts required considerable improvement before they could be accepted, but it would be untrue to say that there was not already a large measure of agreement on the principles on which they were based. There seemed to be no logical basis for the United Kingdom representative's proposal that the preamble should be considered after all the articles had been discussed, and he therefore opposed it.

12. Referring to the Secretary-General's statement (A/C.3/L.466), he agreed with the Indian representative that the Secretary-General was fully entitled to make such a statement, but he shared the misgivings that had been voiced about its character. It was unusual and inappropriate for the Secretary-General to speak in defence of a position adopted by one group of delegations. In stating that he was opposed to the establishment of the two commissions on self-determination recommended by the Commission on Human Rights (E/2573, annex IV, draft resolution F, and Economic and Social resolution 586D (XX)), the Secretary-General had exceeded the functions assigned to him by the Charter of the United Nations.

13. There were objections to the substance of the Secretary-General's proposals, but they should be dealt with under item 29 of the Committee's agenda. He therefore urged that the procedural discussion should be closed as soon as possible, and that the Committee should initiate its consideration of the draft covenants, beginning with the preamble.

14. The proposal submitted by El Salvador seemed at first sight somewhat complicated, but he agreed that any duplication of discussion on identical articles in the two covenants should be avoided. That might be done by discussing all the articles in the draft Covenant on Economic, Social and Cultural Rights and then leaving it to the Chairman to prevent any repetition in the debate on the corresponding articles in the draft Covenant on Civil and Political Rights.

15. Mr. PAZHWAQ (Afghanistan) thought that the Committee should take up the draft covenants article by article, as laid down in General Assembly resolution 833 (IX). However, various proposals had been made about the order in which the various articles should be taken up. He would be grateful if they could be circulated in writing, as he wished to move some amendments to them.

16. Referring to the Secretary-General's statement (A/C.3/L.466), he said that the relationship between representatives and the Secretary-General was based on respect for the person appointed by the General Assembly on the recommendation of the Security Council. His comments, like those of other delegations, should be considered in the light of that fact. Articles 97 and 100 of the Charter laid down that the Secretary-General was the chief administrative officer of the Organization and must neither seek nor receive instructions from any authority external to the Organization. It was on those grounds that he (Mr. Pazhwak) had said he wished the statement had not been made; but he had not said that it was improper for the Secretary-General to make a statement.

17. It was clear that in his statement the Secretary-General had expressed his personal views, not those

of the Secretariat. His desire had been to be helpful, but the result had been precisely the reverse, for the statement had merely confused the Committee and led to a long procedural discussion which had prevented it from proceeding with its work. Nor would the statement help to promote the development of friendly relations among nations, a point which the Secretary-General had mentioned. The examples he gave of progress in the realization of self-determination were encouraging, but he had entirely neglected the darker side of the picture, with which the United Nations was more particularly concerned. As for the question of the implementation of the principle of self-determination referred to by the Secretary-General, that was not mentioned in the draft covenants. The Secretary-General proposed the establishment of a new committee to draw up a declaration on the self-determination of peoples and nations; but that was not enough. Finally, the Secretary-General had said that the whole question was "confused". But many delegations did not find it so.

18. The Secretary-General's statement was entirely irrelevant to the discussion of the draft covenants, and was diametrically opposed to decisions the United Nations had already taken on the question. The General Assembly had given the draft covenants, including the article on self-determination, a first reading at its ninth session, and had adopted resolution 833 (IX). The third paragraph of the preamble of that resolution reaffirmed the General Assembly's conviction that the draft international covenants should be adopted in their final form as soon as possible, and operative paragraph 4 provided that, during the tenth session of the General Assembly, the Third Committee should devote itself mainly to the discussion, article by article, of the draft covenants with a view to their adoption. Although a short summary of the action taken on the draft covenants was to be found in the Secretary-General's report (A/2911, pp. 51 and 52), his statement entirely ignored it. It was unexpected and disappointing to find the Secretary-General himself proposing action which was contrary to previous decisions of the General Assembly.

19. Finally, Mr. Pazhwak drew attention to operative paragraph 3 of General Assembly resolution 833 (IX) and asked what steps had been taken to implement it.

20. The SECRETARY-GENERAL said that his duties as Chairman of the Administrative Committee on Co-ordination had unfortunately prevented him from being present throughout the whole discussion. However, he would study the record of the meeting and would make another statement in order to clarify his position and give any further information the Committee might desire.

21. Mr. NUÑEZ (Costa Rica) suggested that since the Secretary-General's statement related to only one part of the two draft covenants, it should be discussed in connexion with the substance of that part. If every speaker referred to the statement, the procedural debate would be unnecessarily prolonged.

22. Mrs. LIONAES (Norway) stressed the importance of beginning the discussion of the substance of the question as soon as possible. That could best be achieved by adopting the Danish proposal (633rd meeting) and starting with part III of each draft covenant, which dealt with less controversial matters than did parts I and II.

23. Mr. HIMIOB (Venezuela) supported the Danish proposal, because the discussion on part III of both covenants was less likely to lead to acrimonious debate than that on parts I and II. The Saudi Arabian representative had said in his statement at the previous meeting that it was the colonial Powers that were in favour of postponing the consideration of article 1 of the draft covenants but Venezuela could by no means be regarded as a colonial Power, since its people had waged a twenty-year struggle for liberation from colonial rule.

24. Mr. HAKIM (Syria) said that he had been amazed at the Secretary-General's statement. It was true that there was still a wide area of disagreement on how best to implement the principle of self-determination; but that disagreement existed because the world was divided between those who suffered and those who did not, between those who were exploited and those who were not, and between masters and those who were striving to break their shackles. The reason for the bloodshed that was taking place in North Africa was that self-determination had been denied to the peoples by the colonial Powers.

25. The Secretary-General's suggestion that a new committee, or political forum, should be set up to study the question of self-determination established an undesirable precedent. The constitution and membership of such a body might give rise to controversy, for while many of the peoples of the world were striving for their freedom, certain States were determined to prevent them from achieving it. Moreover, there seemed to be no reason for setting up a new body when the General Assembly itself had decided (resolu-

tion 833 (IX)) that the question should be dealt with by the Third Committee. He agreed with the USSR representative that the Committee should proceed without further delay to consider the draft covenants article by article, in their present sequence; the Costa Rican proposal to take the preamble first seemed to be acceptable. He also fully endorsed the Afghan representative's masterly criticism of the Secretary-General's statement.

26. Mr. RODRIGUEZ FABREGAT (Uruguay) disagreed with the United Kingdom representative's proposal that the preamble to the draft covenants should be considered after the substantive articles. Such a procedure might be appropriate in the case of new legislation, but the United Nations had been considering the draft covenants for many years, and representatives were well acquainted with the preliminary drafts and the general principles on which delegations had based their positions. Moreover, it was often wiser, from the point of view of legislative practice, to establish the broad outlines of a draft before proceeding to discuss more detailed aspects.

27. It would be more logical and consistent to begin at the beginning by examining the preamble, which represented as it were a ratification of the principles championed by the United Nations. After a general debate on the preamble the Committee would be able to come to a decision more easily on the order in which the articles of the draft covenants should be discussed. He therefore supported the Costa Rican proposal.

The meeting rose at 1 p.m.