



Chairman: Miss Maria GROZA (Romania).

*Organization of work (continued)
(A/C.3/620, A/C.3/L.1762, A/C.3/L.1763)*

1. The CHAIRMAN noted that the Committee had before it a proposal submitted by Pakistan on behalf of the Afro-Asian group (A/C.3/L.1763) concerning the order of consideration of items.

2. Mrs. BARISH (Costa Rica) thanked those delegations which had supported her suggestion that the second item to be considered should be item 46, concerning the creation of the post of United Nations High Commissioner for Human Rights. That arrangement would be in keeping with General Assembly resolution 2595 (XXIV) and with the fact that all the necessary documentation on the item was available. She noted, however, that some delegations did not fully agree with that order and that others were openly opposed to any consideration of item 46 at all.

3. One representative had urged that a clear distinction should be drawn between questions of substance and procedural matters which might affect the degree of priority assigned; however, in some cases procedure had a direct bearing on substance and was therefore equally important. Furthermore, the divergence of views on the priority to be accorded to item 46 was not due entirely to procedural considerations, since at the twenty-fourth session of the General Assembly a number of representatives had gone into the substance of the question of the creation of the post of United Nations High Commissioner for Human Rights pursuant to Economic and Social Council resolution 1237 (XLII).

4. Again, delegations which asserted that it was impossible to create a post for which there was no mandate would do well to remember that the mandate of the High Commissioner was defined in Economic and Social Council resolution 1237 (XLII), on the basis of the recommendations in the report¹ of the working group established under resolution 4 (XXII) of the Commission on Human Rights. Those facts were recorded in a report of the Secretary-General (A/8035) which was simply a complement to the analytical and technical study² which had been prepared by the Secretary-General in accordance with paragraph 3 of Commission resolution 4 (XXII).

5. Without wishing to go into the substance of the matter, she would reiterate that, in her view, the item was one

which deserved priority consideration, even if it was bound to prove controversial. If the Committee avoided subjects simply because they were controversial, there would be no justification for its existence.

6. Mr. WALLOT (Central African Republic) said it was essential for the Committee to examine objectively items held over from the twenty-fourth session. He felt that, in order to comply with the decision taken by the General Assembly in its resolution 2595 (XXIV), item 46 should be the third item to be considered, and not the fourth as proposed by Pakistan. While the creation of the post of United Nations High Commissioner for Human Rights would not solve all problems in the field of human rights, it would at least facilitate their solution, and he therefore appealed to all delegations to agree that the item should be considered.

7. Miss EDMONDS (United States of America) said there was a tendency to dwell too much on the controversies and disagreements arising from social questions and to disregard the fact that the Third Committee and the United Nations already had to their credit many achievements which had improved the daily life of thousands of human beings. Obviously there was still much to be done, and the twenty-fifth anniversary of the United Nations should be an occasion for seeking better means of promoting implementation of the principles set forth in the Charter and respect for the commitments assumed in the Universal Declaration of Human Rights. That applied particularly to the Third Committee. Her delegation therefore supported the suggestions, made by the representative of Costa Rica and other delegations, that priority should be assigned to item 46. In the light of the Secretary-General's report and the discussions in the General Assembly at its twenty-fourth session, her delegation would have preferred item 46 to be taken up first, followed by item 47, concerning respect for human rights in armed conflicts. Nevertheless, it was willing to agree that priority should be accorded to item 55, relating to the problems of youth—an important but not controversial item which should be disposed of fairly quickly. In her delegation's view, the items should be considered in the following order: item 55, followed by items 46, 47, 53 and 60; the Committee should be given the opportunity to devote as much time as was needed to the last two of those items. Her delegation had no firm views concerning the order of consideration of the other items. However, it felt that item 58, concerning technical assistance in the field of narcotics, could be left until the end of the session, since the International Narcotics Control Board had not yet completed its work.

8. Mr. STELLINI (Malta) observed that most delegations, including his own, attached the utmost importance to items 55, 47, 53, 46, 50, 49, 52, 60, 48 and 12. It should

¹ Document E/CN.4/934.

² Document E/CN.4/AC.21/L.1 and Corr.1 and Add.1 and Add.1/Corr.1.

therefore be easy to decide, on the basis of the Pakistan proposal (A/A.3/L.1763), in what order those items should be considered. While he did not support that proposal to the exclusion of all others, he noted that it accorded due priority to items 55, 53, and 60, to which great importance had been attached at the twenty-fourth session, and to other matters, such as the question of the elderly and the aged, which in the view of his delegation deserved particular attention. At the current session, a decision should be taken on the exact number of meetings to be devoted to the various items in the light of their respective importance.

9. Mr. PENTCHEV (Bulgaria) said it would be better not to begin a commemorative session by considering questions that were especially controversial. His delegation therefore proposed the following order: item 55, on which there were no great differences of opinion, followed by items 53 and 60, item 47 and item 50. With regard to the last item, it should be borne in mind that the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity would enter into force on 11 November 1970 and that it would be desirable to complete consideration of the question of the punishment of war criminals by that date. Although his delegation agreed with the view that item 46 should be placed last on the Committee's agenda, it would suggest, purely in the interest of compromise, that that item should be given fifth place, provided, however, that it was followed immediately by item 49, concerning measures to be taken against nazism and racial intolerance. With regard to the other items, his delegation would agree to the order proposed by Pakistan.

10. His delegation, having considered the Nigerian representative's suggestion at the previous meeting that some items should be combined, felt obliged to say, with great regret, that such an amalgamation of items would be artificial and might lead to the Committee's dwelling on certain questions, to the detriment of others that were equally important.

11. Mr. GUZMAN (Peru) stated that he supported the order of consideration of items proposed by Pakistan, on behalf of many other delegations, in document A/C.3/L.1763.

12. Mr. GOUAMBA (People's Republic of the Congo) said that certain agenda items should be given the highest priority—for instance, item 55. On the other hand, he did not feel that the question of the creation of the post of United Nations High Commissioner for Human Rights should be accorded high priority. However, he was prepared to accept the majority view regarding the order in which the items would be considered.

13. He associated himself with the appeal made by the representative of Ceylon and would again urge the Committee not to waste its time in pointless discussions, as that would compel it to rush through its work at the end of the session.

14. Mr. PANT (Nepal) said that he unreservedly supported the Pakistan proposal and was pleased that the Committee was beginning its work with uncontroversial questions such as items 53, 60 and 47. By avoiding lengthy debate on the organization of its work the Committee would be able to devote more time to the questions it had before it.

15. Mr. AKRAM (Pakistan) stated that he had consulted not only the Afro-Asian group, but other groups as well, before submitting the proposal contained in document A/C.3/L.1763. In order to satisfy as many delegations as possible, his delegation had now decided to assign fifth place to item 50, concerning the punishment of war criminals and of persons who had committed crimes against humanity. That item would thus be separated from item 49 on measures to be taken against nazism and racial intolerance, which the Committee would consider immediately after item 50.

16. He urged those delegations which had wanted higher priority to be given to the question of the creation of the post of United Nations High Commissioner for Human Rights to display a willingness to compromise. He hoped that the Committee would arrive at a consensus and that it would not be necessary to take a vote.

17. Mr. VAN WALSUM (Netherlands) pointed out that the Secretary-General's report on respect for human rights in armed conflicts (A/8052) would not be circulated until 5 October and that it would therefore be wiser to reverse the order of consideration of items 46 and 47. Apart from that, he could accept the Pakistan proposal as a reasonable compromise. He wished to point out, however, that since there appeared to be no consensus as to the order of items 46 and 47, the Committee would, it seemed, have to take a formal decision on the Pakistan proposal, in which case his delegation would submit an amendment.

18. Mr. RIOS (Panama) said that all the items before the Committee were extremely important, and their relative importance was a matter of individual judgement. His delegation attached great importance to the creation of the post of United Nations High Commissioner for Human Rights because it considered that such an institution could play a very effective role and advance the cause of human rights throughout the world. Inasmuch as the documentation needed for the consideration of item 47 was not yet ready, he felt that the Committee should follow the suggestion of the Netherlands representative.

19. He would like the Committee to consider measures to be taken against nazism simultaneously with the question of the punishment of war criminals and of persons who had committed crimes against humanity, whereas the question of measures to be taken against racial intolerance, which was also included in item 49, should be discussed simultaneously with item 53, concerning the elimination of all forms of racial discrimination. The question of the punishment of war criminals was more of a political nature; the concept of "war crimes and crimes against humanity" was extremely relative, and some acts committed in time of war might be regarded either as acts of heroism or as war crimes, depending on the outcome of the conflict.

20. The question of the elderly and the aged was now very important, since in many countries people over fifty years of age were already experiencing difficulties in finding employment and providing for themselves. That was a result of the population explosion and of the improvement in the level of general health, and it posed a distressing human problem.

21. His delegation had often stressed the importance of freedom of information in the world of today. Freedom to receive information and to express one's opinion through all contemporary media was one of man's major prerogatives and fundamental rights. Yet many dictatorial régimes throughout the world continued to impede freedom of information.

22. Drug abuse was another extremely pressing problem which should command the Committee's full attention. Item 58, concerning technical assistance in the field of narcotics, should be considered in conjunction with item 55; for youth could not apply itself to constructive tasks unless the plague that was ravaging the younger generation was first stamped out, and, to that end, international action must be undertaken to combat the traffic in drugs.

23. Mr. PAOLINI (France) thanked the Pakistan delegation and the members of the Afro-Asian group for the compromise proposals they had submitted. His delegation was particularly pleased that items 53 and 60 had been assigned second place on the list of items which the Third Committee was to consider. He welcomed the change which the representative of Pakistan had made in document A/C.3/L.1763, whereby items 50 and 49 would come immediately after item 46.

24. Inasmuch as many delegations felt that consideration of item 47, concerning respect for human rights in armed conflicts should be postponed, since the relevant documents were not available, he would like the order of consideration of items 47 and 46 to be reversed, and he joined the Netherlands and Panamanian delegations in their appeal to the representative of Pakistan. He hoped that the Committee would reach a unanimous decision without having to take a vote.

25. Mrs. DMITRUK (Ukrainian Soviet Socialist Republic) said that she would appreciate a statement by the Secretariat on why the documentation relating to the question of respect for human rights in armed conflicts was not yet available. She requested that those documents should be circulated as soon as possible, so that the Committee's work would not be delayed for technical reasons, and that item 49 on measures to be taken against nazism and racial intolerance should be assigned third place.

26. Mr. EL SHEIKH (Sudan) said that the order of consideration of items proposed by the Syrian delegation at the previous meeting was entirely acceptable to his delegation, which had supported the Pakistan proposal in the interest of compromise.

27. The Committee would certainly take a fortnight to consider the first two items on the list, which meant that the necessary documents would be available when the Committee took up item 47.

28. Mr. SCHREIBER (Director, Division of Human Rights), replying to the Ukrainian representative's query regarding the documentation on item 47, said that the Secretary-General had prepared a basic report, issued as document A/7720, which had been before the General Assembly at its twenty-fourth session but had not been examined because of lack of time. The report, which was

still before the Assembly, was supplemented by comments of the Commission on Human Rights³ and the Economic and Social Council (see A/8003, paras. 316-319), which were available to delegations. The General Assembly, in resolution 2597 (XXIV) had requested the Secretary-General to continue studying the question and to submit a further report on the subject at the twenty-fifth session. The report of the Secretary-General (A/8052) had been prepared on the basis of expert studies and in consultation with the International Committee of the Red Cross. The information transmitted by the latter had not been received by the Secretary-General until early August; his report had been completed during the third week of that month. It had then been transmitted to the technical services in charge of preparing the documents for the General Assembly, but because of the volume of work entailed by the preparation of the documentation required for the session as a whole it had not yet been possible for the report to be distributed; he expected it to be distributed at the beginning of October. He noted in that connexion that the technical services set up their own scale of priorities taking into account the priorities established by the Committee. The documents on item 47 should be ready by the time the Committee took up that item.

29. Mr. MAHMASSANI (Lebanon) said that the Pakistan proposal seemed to be acceptable to a large majority of the members of the Committee and that there was no purpose in continuing the debate. The Committee might accept the order proposed by the delegation of Pakistan on the understanding that if the documentation on the question of respect for human rights in armed conflicts had not been distributed in time, the Committee would proceed with the next item and then return to item 47.

30. Mrs. ASIYO (Kenya) supported the order of consideration proposed by the representative of Pakistan in document A/C.3/L.1763 with the amendments which he had just made. The position of item 46 in that listing should satisfy those who wished it to be given the highest possible priority. However, if it would expedite the Committee's work, her delegation would be willing, in a spirit of compromise, to accept the proposal of the Netherlands representative.

31. Mr. MOUSSA (United Arab Republic) said that, in view of the controversial nature of item 46, delegations would need time to reconcile their views; that would be possible if the items were considered in the order proposed by the Pakistan delegation. Furthermore, the delegations that wished item 46 to be assigned a higher order of priority did not seem to be able to agree as to where it should be placed.

32. The Netherlands proposal to reverse the order of consideration of items 46 and 47 was unacceptable to his delegation. Both items should indeed be given high priority, but certainly the question of respect for human rights in armed conflict was more important and more urgent than the question of the creation of the post of United Nations High Commissioner for Human Rights. If the Netherlands representative submitted his amendment formally, his own delegation would find it necessary to ask for a roll-call vote.

³ See *Official Records of the Economic and Social Council, Forty-eighth Session, Supplement No. 5*, paras. 87-99.

33. Mr. BAROODY (Saudi Arabia) said he would like the Secretariat to inform the Committee how many meetings it could hold during the session and to suggest how many meetings should be devoted to each item. That would facilitate the organization of the Committee's work.

34. He would like to know what had become of the draft protocol to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity which he had submitted at the twenty-third session.⁴ If that was a matter for the Sixth Committee to consider, the draft should be transmitted to it.

35. He felt that the debate should be closed and that the Committee should take a decision on the Pakistan proposal.

36. Mr. MAHMASSANI (Lebanon) reminded the Committee of his proposal regarding the adoption of the Pakistan proposal and asked whether there were any objections to it.

37. The CHAIRMAN asked the members of the Committee if they were prepared to accept the Lebanese proposal.

38. Mr. RYBAKOV (Union of Soviet Socialist Republics) said that such technical matters as the availability of documents should not prevent the Committee from examining the questions with which it was concerned in the order it deemed appropriate. The representative of the Secretary-General had said that the documentation on item 47 would be available by the time the Committee was ready to take up that question. If when that time came the documentation was not available, the entire question of documentation would have to be reviewed with the Secretariat.

39. Despite the differing views on the matter, the Committee seemed to be on the verge of reaching a consensus, although some delegations had expressed a desire to change the order of certain items. The Pakistan proposal, however, was obviously nothing more than a compromise which probably did not fully satisfy any delegation. His delegation was prepared to support any decision that might be taken by consensus, on the condition that the Committee would actually be able to follow the order thus established.

40. His delegation hoped it would not be necessary to proceed to a vote. With the general consent of the Committee, the Chairman could decide on the order of priority, taking into account the views that had been expressed by the various delegations.

41. The CHAIRMAN, replying to the representative of Saudi Arabia with regard to the number of meetings that might be devoted to each item, said that the General Committee had considered that matter and that she intended to provide the Committee with the necessary information once the order of consideration of the items had been decided.

42. She asked the Netherlands representative whether he would be willing to withdraw his amendment.

43. Mr. VAN WALSUM (Netherlands) said he wished to make it clear that his argument to the effect that the documentation for item 47 would not be ready in advance was not a pretext for avoiding consideration of one of the two items; the Committee would have sufficient time to give full attention to both the items in question as they were at the head of the list. The importance of the documentation for item 47 was such that it would not suffice simply to have it ready by the date on which the Committee began its examination of the item; it should be available well in advance. The Netherlands had played an important part in all international efforts to limit the effects of war by extending the scope of international law, and it was therefore natural that his authorities should want to have sufficient time to examine the relevant documentation.

44. The CHAIRMAN reminded the Committee that if the Netherlands representative did not withdraw his amendment the delegation of the United Arab Republic would request a roll-call vote on it.

45. Mr. VAN WALSUM (Netherlands) said that he could submit an amendment only to a formal proposal. He would like to know if such a proposal had actually been made. If so, he would submit a formal amendment.

46. Mr. BAROODY (Saudi Arabia) said that he thought that would be a risky procedure. He wished to let the Netherlands representative know that, before the latter's amendment was put to the vote, he would apply the same procedure in respect of item 46, in order to have time to consult his Government.

47. He requested that a vote should be taken on the Pakistan amendment immediately after the list of speakers had been exhausted.

48. Mr. RYBAKOV (Union of Soviet Socialist Republics) said that if the Netherlands representative formally proposed that the order of consideration of items 47 and 46 should be reversed, he would make a formal proposal that item 50 should precede item 46.

49. Mr. AKRAM (Pakistan) expressed regret that the Netherlands representative had taken such an intransigent position. The latter's argument did appear to be nothing but a pretext, since the documents for the other items would not be ready in advance either.

50. He reiterated that his own proposal was the result of a number of compromises and he urged those delegations that wanted item 46 to receive a higher priority to try to avoid bringing the matter to a vote.

51. The CHAIRMAN referring to the Saudi Arabian representative's request, read out the list of speakers.

52. Mr. ČALOVSKI (Yugoslavia) said that for a number of reasons he was strongly opposed to the Committee's considering item 46 before item 47. If that proposal was put to the vote, his delegation would be obliged to vote against it.

53. Mr. CASTRO (Costa Rica) expressed the hope that it would not be necessary to take a vote. In the light of the

⁴ See *Official Records of the General Assembly, Twenty-third Session, Annexes*, agenda item 55, document A/7342, paras. 101-112.

explanations given by the Director of the Division of Human Rights concerning the documents relating to item 47, his delegation supported the Netherlands representative's proposal.

54. Mr. MOUSSA (United Arab Republic) appealed to the representatives of the Netherlands and the USSR to withdraw their amendments in favour of the Pakistan proposal together with the Lebanese suggestion; the Committee would thus follow the order laid down in document A/C.3/L.1763, as orally amended, and would be prepared to take up item 46 before item 47 if the necessary documents were not available in time.

55. Mr. RYBAKOV (Union of Soviet Socialist Republics) said that he was willing to withdraw his amendment if the Netherlands representative would withdraw his.

56. Mr. MANI (India) said that, in the light of the appeal made by the Pakistan representative, who had requested that his proposal should be adopted by consensus, it would be advisable to adjourn the debate in order to allow time for consultations. Therefore, he formally moved the adjournment of the debate under rule 117 of the rules of procedure of the General Assembly.

57. Mr. WYZNER (Poland) said that he would support the Indian motion provided a decision was taken immediately after the debate was resumed.

58. Mr. WALLOT (Central African Republic) said that he also supported the Indian proposal, for consultations were essential at that stage. He felt that the Committee should not take a vote but should decide the matter by consensus.

59. Mr. BARODY (Saudi Arabia) recalled that he had made a proposal to the effect that a vote should be taken on the Pakistan proposal as soon as the list of speakers had been exhausted.

60. Mr. MANI (India) formally moved the adjournment of the meeting under rule 119 of the rules of procedure of the General Assembly.

61. The CHAIRMAN put to the vote the Indian representative's motion to adjourn the meeting in accordance with rule 119.

The motion was adopted by 35 votes to 1, with 45 abstentions.

The meeting rose at 1.5 p.m.