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DRAFT INTERNATIONAL COVENANT ON HUMAN RIGHTS  
AND MEASURES OF IMPLEMENTATION

Report of the Third Committee

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TABLE OF CONTENTS

	Paragraphs
I. Introduction and Historical Analysis	1-12
II. Reference to the Third Committee and its Procedure	13
III. The General Debate	14-40
Question whether the Covenant should be drafted at the sixth session of the General Assembly	15
Proposal that the decision taken by the General Assembly at its fifth session that there should be a single Covenant should be reconsidered	16-22
The articles of the draft Covenant concerning economic, social and cultural rights	23
The first eighteen articles of the draft Covenant and the additional articles	24
The right of peoples to self-determination	25-28
Measures of implementation	29-36
The question of reservations	37
Spanish term for the expression "human rights"	30
Statement by the representative of the United Nations Educational, Scientific and Cultural Organization	39
Documentation submitted to the Third Committee	40
IV. Disposal of the draft resolution and amendments	41-110
A. Joint draft resolution by Chile, Egypt, Pakistan and Yugoslavia (A/C.3/L.182) and amendments	42-54
B. Draft resolution by Ecuador and Guatemala (A/C.3/L.189)	55
C. Joint draft resolution by Afghanistan, Burma, Egypt, Indonesia, Iran, Iraq, Lebanon, Pakistan, Philippines, Saudi Arabia, Syria, Yemen and India (A/C.3/L.186 and A/C.3/L.186/Add.1)	
D. Revised draft resolution by Guatemala (A/C.3/L.190/Rev.1)	72-73

Paragraphs

E. Four-Power draft procedural resolution by Denmark, New Zealand, Norway and Sweden (A/C.3/L.229)	74-87
F. Draft resolution submitted by Mexico (A/C.3/L.194)	90-91
G. Draft resolution submitted by Chile concerning the convening of a special session of the Economic and Social Council (A/C.3/L.218/Rev.2)	92-95
H. Draft resolution submitted by Chile (A/C.3/L.180) and amendments thereto	96-97
I. Draft resolution submitted by Poland (A/C.3/L.203/Rev.1)	98-109
J. Draft resolution submitted by Chile, China and Colombia (A/C.3/L.197)	110
V. Recommendations of the Third Committee	111
Resolution A (Preparation of two draft international covenants on human rights)	
Resolution B (Preparation of articles on economic, social and cultural rights)	
Resolution C (Inclusion in the international covenant or covenants on human rights of an article relating to the right of peoples to self-determination)	
Resolution D (Inclusion in the draft international covenant of provisions regarding reservations)	
Resolution E (Measures for the implementation of the international covenants on human rights -- procedural resolution)	
Resolution F (Adoption in Spanish of the term "Derechos humanos" instead of the term "Derechos del hombre")	
Resolution G (Special session of the Economic and Social Council)	

I

INTRODUCTION AND HISTORICAL ANALYSIS

1. On 10 December 1948 the General Assembly adopted and proclaimed the Universal Declaration of Human Rights (resolution 217 A (III)). At the same time "considering that the plan of work of the Commission on Human Rights provides for an International Bill of Human Rights, to include a Declaration, a Covenant on Human Rights and measures of implementation" it requested the Economic and Social Council to ask the Commission on Human Rights to continue to give priority in its work to the preparation of a draft Covenant on Human Rights and draft measures of implementation (resolution 217 E (III)). This resolution was transmitted to the Commission on Human Rights for the action contemplated therein and the Commission on Human Rights accordingly continued to prepare the draft International Covenant on Human Rights, to which task it devoted most of its fifth (1949), sixth (1950) and seventh (1951) sessions.

2. The Economic and Social Council considered at its eleventh session (1950) the draft International Covenant on Human Rights prepared by the Commission on Human Rights at its sixth session in its broad aspects. It gave consideration to the following questions:

- (a) the general adequacy of the first eighteen articles;
- (b) the desirability of including special articles on the application of the Covenant to federal States and to Non-Self-Governing and Trust Territories;
- (c) the desirability of including articles on economic, social and cultural rights; and
- (d) the adequacy of the articles relating to implementation (resolution 303 I (XI) of 9 August 1950).

The Council concluded that further progress on the Covenant could not be made without basic policy decisions on the above matters being taken by the General Assembly. The Council, therefore, transmitted the draft International Covenant on Human Rights, as prepared at the sixth session of the Commission, to the General Assembly at its fifth session.

/3. After a

3. After a thorough examination of all the problems raised in the resolution of the Economic and Social Council 303 I (XI), by the Third Committee, and, on the latter's advice, the General Assembly, on 4 December 1950, acted upon the request of the Council and adopted resolutions 421 (V) and 422 (V) which, inter alia, contained certain directives to the Economic and Social Council and to the Commission on Human Rights with respect to the four questions (a), (b), (c) and (d) referred to in paragraph 2 above.

4. Concerning question (a) (the general adequacy of the first eighteen articles) the General Assembly expressed the opinion that the list of rights in the first eighteen articles "does not contain certain of the most elementary rights" and that the wording of some of the articles "should be improved in order to protect more effectively the rights to which they refer". Accordingly, the General Assembly called upon the Economic and Social Council to request the Commission on Human Rights to revise the first eighteen articles with a view to including additional rights and with a view to defining the rights set forth in the Covenant as well as the limitations thereto, with the greatest possible precision (resolution 421 B (V)).

5. Concerning question (b) (application of the Covenant to federal States and to Non-Self-Governing and Trust Territories) the General Assembly called upon the Economic and Social Council to request the Commission on Human Rights to study a federal State article and to prepare recommendations which would have as their purpose "the securing of the maximum extension of the Covenant to the constituent units of federal States, and the meeting of the constitutional problems of federal States" (resolution 421 C (V)); and requested the Commission on Human Rights to include the following article in the Covenant:

"The provisions of the present Covenant shall extend or be applicable equally to a signatory metropolitan State and to all the territories, be they Non-Self-Governing, Trust or Colonial Territories, which are being administered or governed by such metropolitan State" (resolution 422 (V)

/6. With respect to

6. With respect to question (c) (the desirability of including articles on economic, social and cultural rights) the General Assembly voiced the opinion that "the enjoyment of civil and political freedoms and of economic, social and cultural rights are interconnected and interdependent". It decided "to include in the Covenant economic, social and cultural rights and an explicit recognition of equality of men and women in related rights", and called upon the Economic and Social Council to request the Commission on Human Rights "to include in the draft Covenant a clear expression of economic, social and cultural rights in a manner which relates them to the civic and political freedoms proclaimed by the draft Covenant" (resolution 421 E(V)).

7. As to question (d) (the adequacy of the articles relating to implementation) the General Assembly called upon the Economic and Social Council to request the Commission on Human Rights to proceed with the consideration of provisions, to be inserted in the draft Covenant or in separate protocols, for the receipt and examination of petitions from individuals and organizations with respect to alleged violations of the Covenant; and to take into consideration in its studies of questions relating to petitions and implementation the proposals presented by Chile, by Ethiopia and France, by Israel, and by Uruguay (resolution 421 F(V)).

8. The General Assembly also called upon the Economic and Social Council to request the Commission on Human Rights "to study ways and means which would ensure the right of peoples and nations to self-determination" (resolution 421 D(V)).

9. The Economic and Social Council transmitted the above-mentioned resolutions of the General Assembly to the Commission on Human Rights and requested the Commission to prepare and to submit "a revised draft Covenant on the lines indicated by the General Assembly" (Council resolution 349 (XII) of 23 February 1951).

10. The Commission on Human Rights, at its seventh session (16 April to 19 May 1951) endeavoured to revise the draft Covenant in accordance with General Assembly resolutions 421 (V) and 422 (V) and Council resolution 349 (XII). During that session it was able to draft articles on economic, social and cultural rights, to revise the articles on implementation relating to the human rights committee, and to prepare articles concerning periodic reports. The Commission also included in the text of the draft Covenant the provision on the application of the Covenant to Non-Self-Governing, Trust and Colonial

/Territories,

Territories, as adopted by the General Assembly at its fifth session. However, the Commission did not have time to revise the first eighteen articles, to consider provisions for the receipt and examination of petitions from individuals and organizations, or to draft a federal State clause (E/1992, paragraph 20). The question of the right of peoples and nations to self-determination constituted item 4 of the agenda of the seventh session of the Commission. Owing to lack of time, the Commission deferred consideration of this item (E/1992, paragraph 95).

11. The draft Covenant as revised at the seventh session of the Commission in the light of the decisions and of the debates in the General Assembly and the Economic and Social Council consists of a preamble and six parts. In substance, articles 1 and 2 of part I and article 18 of part II deal with certain general obligations of States parties to the Covenant; articles 3 - 17 of part II set forth certain civil and political rights; part III (articles 19 - 32) sets forth certain economic, social and cultural rights; part IV (articles 33 - 59) contains provisions regarding the establishment and the functions of a human rights committee; part V (articles 60 - 69) provides for the institution of a system of periodic reports; and part VI (articles 70 - 73) contains final clauses.

12. In considering the report of the Commission on Human Rights on its seventh session, the Economic and Social Council, at its thirteenth session, on 29 August 1951, adopted resolution 384 (XIII) which is divided into three parts. In part A, the Council requested the Commission on Human Rights to proceed at its next session (1952) with the revision of the draft Covenant "in particular the revision of the first eighteen articles and the preparation of recommendations aiming at securing the maximum extension of the Covenant to the constituent units of Federal States and at meeting the constitutional problems of those States". In part B, the Council transmitted to the General Assembly the report of the Commission on Human Rights and other relevant documents in order to give an opportunity to all governments of Member States "to express their views on the work done by the Commission and, in particular, its proposals relating to implementation". In part C, the Council invited the General Assembly "to reconsider its decision in resolution 421 E (V) to include in one Covenant articles on economic, social and cultural rights together with articles on civil and political rights".

## II

### REFERENCE TO THE THIRD COMMITTEE AND ITS PROCEDURE

13. The General Assembly, at its 342nd plenary meeting held on 13 November 1951, decided to allocate to the Third Committee, inter alia, the following items on the agenda of the sixth regular session: (1) Report of the Economic and Social Council, Chapters IV, V and VI (item 11); and (2) Draft International Covenant on Human Rights and measures of implementation (item 29). The Third Committee decided, at its 347th meeting held on 15 November 1951, to combine the examination of Chapter V, Section I of the Report of the Economic and Social Council, document A/1884, "Draft International Covenant on Human Rights and Measures of Implementation",<sup>2/</sup> with the agenda item having the same title. The Third Committee devoted forty meetings (the 358th to 372nd held between 30 November and 21 December 1951, and the 387th to the 411th held between 14 January and 30 January 1952) to the consideration of the question of the draft International Covenant on Human Rights. It began its work with a debate on the procedure to be adopted in considering this problem. This procedural debate was followed by a general debate, and finally the Committee examined and decided upon the proposals and amendments which were before it.

## III

### THE GENERAL DEBATE

14. The general debate took place in the 360th to 372nd meetings of the Committee, held between 4 and 21 December 1951. In this part of the Committee's report the various opinions which were expressed in the general debate are summarized. Relevant statements made during the examination of concrete proposals are, however, also incorporated.

#### Question whether the Covenant should be drafted at the sixth session of the General Assembly

15. The first question which the Committee had to examine was whether the Covenant should be revised and adopted at the current session of the General Assembly, or whether the General Assembly should restrict itself at this session to an examination of the draft in its broad aspects. Only one member of the Committee suggested that the General Assembly should redraft the Covenant article by article and adopt it at the current session. Another member suggested that the final drafting of the Covenant should be entrusted to an ad hoc committee of /the General Assembly.

<sup>2/</sup> General Assembly - Official Records: Sixth Session, Suppl. No.3.

the General Assembly. The overwhelming majority of the representatives were, however, of the opinion that it was neither appropriate nor feasible for the General Assembly to draft the Covenant at this session, and that therefore the General Assembly should, at this session, examine the draft Covenant in its broad aspects. Various delegations insisted that the General Assembly should give to the Economic and Social Council and to the Commission on Human Rights clear directives. Several delegations stressed very strongly the necessity for the Economic and Social Council to give the Commission on Human Rights the necessary time and facilities to enable it to finish its discussion between now and the next session of the General Assembly.

Proposal that the decision taken by the General Assembly at its fifth session that there should be a single covenant should be reconsidered.

16. The Third Committee devoted considerable attention to the suggestion of the Economic and Social Council that it should consider the decision contained in resolution 421 E (V) of the General Assembly to include in one covenant articles both on economic, social and cultural rights and on civil and political rights. A number of delegations questioned the propriety of the Council's proposal. They pointed out that it was very unfortunate, for it showed a tendency among certain Members of the United Nations to try to undermine the work done by a higher organ. They said that the General Assembly's instructions should not be questioned, that a reversal of a previous decision would be justified only on the ground that the decision was legally unsound or that conditions had subsequently changed -- which was here not the case -- that no fresh evidence had been advanced and no real difficulties had arisen to justify such a reversal. It was also said that the Council's attitude, which had no precedent in the case of an organ such as the Council -- a subsidiary organ, as one delegation called it -- meant putting matters back a year.

/17. Other delegations,

17. Other delegations, while disagreeing with the merits of the Council's proposal to reconsider the decision taken by the General Assembly at its fifth session, defended the right of the Council to request reconsideration of a General Assembly resolution if it thought fit.

18. A number of delegations stated that the Council had the full right to inform the higher organ that it had met with serious difficulties, that there was nothing in the Charter or in the Rules of Procedure to prevent such action, that there were adequate grounds for reversing the General Assembly's decision, and that due weight should be given to the opinion which had led the Council to ask for reconsideration of the directives given by the General Assembly at its fifth session.

19. Most delegations expressed their views, however, on the merits of the problem whether the decision taken by the fifth session should be reaffirmed or whether it should be reversed; and appropriate proposals and amendments were submitted to the Committee, which are dealt with below in Part IV of the present report. The majority of those who participated in the general debate expressed themselves for the reaffirmation of General Assembly resolution 421 E (V). Other participants spoke in favour of not inserting in one instrument provisions both on political and civil rights and on economic, social and cultural rights. One of those delegations reserved its position as to the possibility of drafting a covenant on economic, social and cultural rights.

20. Those members of the Committee who advocated the drafting of two different covenants claimed that, while civil and political rights could be protected by appropriate legislative or administrative measures, the realization of economic, social and cultural rights could only be achieved progressively, because their protection depended on economic and social conditions. The measures of implementation which could be devised were necessarily different with regard to the two different groups of rights.

The nature of the obligations to be undertaken with regard to economic, social and cultural rights was different from that of the obligations which States would assume with regard to civil and political rights. The safeguarding of civil and political rights required the non-intervention of the State, while the guarantee of economic, social and cultural rights required positive action. The drafting problems relating to provisions on economic, social and cultural rights were different from those relating to civil and political rights.

/The separation

The separation of rights into the two groups would ensure against the danger of one group holding up the other and would therefore achieve the greatest and quickest possible progress in the field of human rights. General agreement on economic and social rights, some delegations added, was not likely to be reached for some time to come. The existence of two separate instruments would facilitate a greater number of accessions.

Some representatives challenged the proposition that the two groups of rights were equal in importance: they said that civil and political rights were of an absolute nature while other rights had not this absolute character; people could not attain to the <sup>full</sup> enjoyment of economic, social and cultural rights until civil and political rights were ensured.

21. Those representatives who were in favour of maintaining the decision that a single covenant should contain provisions both on political and civil rights and on economic, social and cultural rights pointed out, not only that it was undesirable to reverse a decision of the General Assembly, but also that the division of human rights into sharply-differentiated categories was artificial, and that there was an inseparable link and a close relationship and connexion between the two categories of rights.

Some delegations stated that economic, social and cultural rights formed the basis of the other rights, and that the exercise of civil and political rights might become purely nominal and be reduced to a dead letter under economic conditions which were conducive to instability and unemployment. Others, while recognizing the great value of political and civil rights, pointed out that these rights deprived of their economic and cultural complements could not ensure the free development of the human personality.

It was claimed that economic, social and cultural rights were capable of precise definition and that it was possible to include the various categories of rights and the measures of implementation pertaining to them in one instrument, without robbing the Covenant of the necessary clarity and precision. It was claimed by some that the same measures of implementation could be mapped out for

both types of rights and that, even if this were not so, the Covenant could contain provisions on different measures of implementation applying to different rights. In some States it was even easier to implement economic, social and cultural rights than civil and political rights, because it was sometimes easier to build a hospital than to revise a legal code.

22. Several delegations took an intermediate position: they declared that the main task was to make progress in defending, guaranteeing and protecting fundamental human rights, while the question as to whether one or two covenants should be drawn up was of secondary importance. The differences between civil and political rights on the one hand, and economic, social and cultural rights on the other, should not be exaggerated: among the latter there were many susceptible of implementation; the only truly valid criterion was, it was claimed, whether and on what conditions any economic right could be implemented; it was suggested that even if the General Assembly decided to draw up two covenants, these covenants and the contemplated measures of implementation should retain as many common features as possible. The classification into political and civil rights on the one hand, and economic, social and cultural rights on the other, did not represent the real division of human rights into "legal" rights and "programme" rights.

The articles of the draft Covenant concerning economic, social and cultural rights

23. While the Third Committee did not undertake an article-by-article examination of the substance of the provisions concerning economic, social and cultural rights drafted by the Commission on Human Rights, several delegations made comments thereon. Several speakers stressed the necessity of the contents and form of the provisions on economic, social and cultural rights being revised. They claimed the necessity of more specific definitions of the obligation to be undertaken by States parties to the Covenant. It was said that some of the provisions were not sufficiently imperative, that Part III of the draft was unbalanced, <sup>because</sup> some of the rights were set forth in very general terms, and others

in great detail, that some aspects of the right to an adequate standard of living were specified and others, e.g. the right to food and clothing, were not. Some representatives described Article 19 of the draft as a second preamble in the body of the draft itself, and criticized its insertion as a manoeuvre manifesting the intention to split the Covenant in two.

The first eighteen articles of the draft Covenant and the additional articles

24. While the Committee at this session did not examine afresh the question of the first eighteen articles and additions thereto, on which the General Assembly had expressed its opinion at its last session, a number of comments were made in the course of the debate on the substance and form of some of the first eighteen articles and on provisions which should be added to them. The necessity of a precise definition of the rights and the limitations thereto was again stressed. Disappointment was expressed at the decision of the Commission on Human Rights to exclude a provision on the right to property from the Covenant. The inclusion of provisions safeguarding the right of parents in matters of education of their children was suggested for inclusion in the Covenant on civil and political rights. The insertion of an article on the protection of family rights was also advocated. The Commission on Human Rights, it was suggested, should draw up an article on the functioning of democracy to oblige States to carry out secret and free elections at regular intervals. It was suggested on the other hand by one delegation that the right to change one's religion should not be spelt out in article 13 of the Covenant.

The right of peoples to self-determination

25. A very great number of delegations expressed their regret at the fact that the Commission on Human Rights at its 1951 session had not been able to comply with the General Assembly's directive to study ways and means which would ensure the right of peoples and nations to self-determination, and to prepare recommendations for consideration by the General Assembly at its sixth session. They proposed that the General Assembly should take action on the matter at this session by inserting an article on the right of peoples to self-determination in the draft Covenant.

26. Those favouring this course of action emphasized that the right of self-determination of peoples was set forth in the Charter of the United Nations as a principle, and that it was necessary and useful to start its implementation by inserting a provision thereon in the draft Covenant. They said that the Universal Declaration of Human Rights had proclaimed it by providing that the will of the peoples shall be the basis of the authority of government. They stated that public opinion of the world required such action by the United Nations and would not understand why this right was not included in the Covenant. Its inclusion would give moral and legal support to peoples aspiring to political and social independence and would be a valuable contribution to the maintenance of international peace and security. The respect for the self-determination of peoples would affect the respect for and the observance of individual human rights; no basic human rights could be ensured unless the right of peoples to self-determination were ensured at the same time.

The delegations which were in favour of inserting an article on the right of self-determination replied to several technical and methodological objections raised by pointing out that both the Universal Declaration and the draft Covenant already contained provisions concerning rights which were not purely individual rights. Others said that the right of peoples to self-determination was also an individual right and was in fact the sum of individual rights. The right to self-determination was an absolute and unqualified right, independent of the degree of economic and social development of the people concerned. Some delegations stated that the right of peoples to self-determination was both a political and a social right, and when the Third Committee decided to recommend that two covenants should be drafted, they proposed that the article on the right of self-determination should be inserted in both covenants.

27. No member of the Third Committee opposed the principle of self-determination as set forth in the Charter of the United Nations, and only technical, methodological and legal considerations were advanced against the proposal that an article on this right should be inserted in the Covenant.

Those who opposed the insertion of an article on the right of self-determination pointed out that there was no necessity for such action, as the principle was already enshrined in the Charter. They stressed the necessity of solving a great number of technical problems before it could be decided to insert a provision on this right in the Covenant. There were great difficulties in defining the notions of "people" and "nation". It was necessary to distinguish between majority and minority, and to examine when a majority ceased to be a people and became a minority.

It was also necessary to provide for the establishment of an organ or machinery which would decide upon the granting of the right. The right had many political and juridical connotations which made it doubtful whether it was within the competence of the Third Committee of the General Assembly and the Commission on Human Rights.

In any case the Covenant on Human Rights was not the document in which the right of self-determination should be stated, since the purpose of that instrument was to define the relations between the State and the individual. It was suggested that the proper place for such a provision would be the Declaration on the Rights and Duties of States. From the methodological point of view, it was observed that it was not indispensable to have all the rights embodied in a single Covenant. The measures of implementation contemplated for the Covenant were certainly not applicable to the right of peoples to self-determination and the inclusion of such an article would therefore make it very difficult, if not impossible, to draft appropriate measures of implementation for the Covenant as a whole; thus the completion of the Covenant would be delayed. Others stressed that the article would only be declaratory without means of enforcement, and would also encourage separatist movements. It was not always desirable, it was claimed, to recognize the right, for to do so might endanger peaceful relations and lead to a multiplication of frontiers.

28. Some delegations which expressed reservations as to the drafting of an article on the right of self-determination by the Third Committee stated that they were not opposed to the re-affirmation of the principle in the Covenant. They eventually agreed to the insertion of a provision on this right, and even of a specific article provided that the drafting was not done by the Third Committee but left to the Commission on Human Rights.

#### Measures of implementation

29. The General Assembly had already at its fifth session confirmed that the Covenant should provide measures of implementation. Many delegations stressed the importance of a system of international implementation as a necessary means for an effective protection of human rights. However, some delegations repeated at this session their stand taken on previous occasions, viz. that the only method of implementing the Covenant was by national legislation, and that the methods proposed by the Commission on Human Rights, in particular the establishment of the proposed human rights committee and its contemplated terms of reference, would amount to intervention in matters essentially within the domestic jurisdiction of States and hence be contrary to Article 2, paragraph 7, of the Charter.

30. As regards the organization of the proposed human rights committee contemplated in the draft Covenant, the opinion was expressed by one representative that its members should not, as proposed by the Commission on Human Rights at its seventh session, be appointed by the International Court of Justice, but elected by the States Parties to the Covenant, as it had proposed at its sixth session. The question was also raised whether the proposed number of members of the committee, which at the seventh session of the Commission had been raised from 7 to 9, was sufficiently large. A member advocated the deletion of article 59 of the draft Covenant by which States Parties agreed not to submit to the International Court of Justice any disputes arising out of the interpretation or implementation of the Covenant which came within the competence of the human rights committee.

One feature to which many delegations devoted critical remarks was that States only should have the right to approach the human rights committee. Several delegations pointed to the dangers of a system of State-to-State complaints to international peace and understanding. The system, it was stated, would invite States to intervene in the domestic affairs of other States. It was also pointed out that such a system would leave the protection of human rights incomplete because it would make it difficult for citizens to secure the assistance of a foreign government for the submission of a petition against their own government.

31. To avoid all these deficiencies and dangers, some delegations recommended the enlarging of the right of access to the human rights committee, and several ways were proposed to this end. Several delegations expressed themselves unconditionally for the recognition of the right of individuals and organizations to petition the international organ. Others advocated what they considered a more careful approach by suggesting that the right of petition should not be granted to individuals, but that it should be available only to non-governmental organizations, or only to certain selected non-governmental organizations, by insisting on the principle of reciprocity, by suggesting that if the right of petition be at all provided for, this should be done in a separate protocol or protocols, and by proposing that in any case the right of petition should be admissible only after the exhaustion of domestic remedies and under guarantees of absolute impartiality of the organ to deal with petitions.

Those delegations, however, who had constantly maintained that international measures of implementation, as distinct from implementation through national legislation, were contrary to the Charter of the United Nations, also opposed the establishment of a system of petitions.

32. A second solution for the problem raised through the restriction to States of the right of access to the human rights committee which found the support of some delegations was the establishment of an office of a United Nations Attorney-General, whose duties would be to receive charges from any source, to inquire into their merit, to approach the States involved with a view to a friendly settlement, and, if necessary, to institute proceedings before the human rights committee.

Those who opposed this solution held that it was not appropriate to vest so great an authority in one person, that the proposal was far-reaching and complex, and that it would be far preferable to give authority with respect to the initiation of the consideration of complaints to a group of people, to constitute a committee or a board and to be representative of different areas and different judicial systems throughout the world.

33. A third solution proposed by some delegations was that the human rights committee should itself have the right to initiate proceedings in any case where violation of human rights serious enough to require international action came to its attention. Others, who accepted this idea on principle, wished to restrict its application to cases when States had recognized this competence of the committee by ratification of the respective covenant or protocol.

34. An idea not suggested at previous discussions of the question of implementation was proposed at this session of the General Assembly, namely the possibility of including among the measures of implementation contemplated in the Covenant international inquiries and investigations in the field, which would have to offer adequate guarantees of good faith and impartiality.

While this idea received the whole-hearted support of some delegations, others pointed out that, as some Member States would sign the Covenant and others would not, it would be difficult for the United Nations, as an organization composed of signatories and non-signatories of the Covenant, to appoint the suggested missions of inquiry. Others, equally not opposed to the principle of inquiries and investigations, insisted that if inquiries and investigations were to be carried out they must be carried out in all States.

35. Several delegations addressed their observations to the question whether and to what extent the two systems of implementation contemplated respectively in Part IV and V of the draft Covenant, namely the establishment of a human rights committee and the institution of a reporting system, should be applied to the whole or to part only of the provisions of the Covenant. No definite recommendations on these points had been made by the Commission on Human Rights. While some delegations who favoured the unity of measures of implementation suggested that the procedure of the human rights committee should apply not only to civil and political rights but also to economic, social and cultural rights, most speakers were in favour of restricting the jurisdiction of the human rights committee to the field of civil and political rights.

36. As far as the reporting system was concerned, some delegations were of the opinion that it should apply to economic, social and cultural rights only, or expressed their acquiescence in such a solution. Other delegations suggested that the reporting system should apply equally to both economic, social and cultural rights and civil and political rights, independently of the fact whether one or two covenants would be drafted. Some delegations supported this idea with the understanding that the provisions concerning reporting need not be phrased identically for the two different groups of rights.

Several delegations stressed in connexion with the reporting system the necessity of avoiding duplication with reports already submitted to specialized agencies. The idea was also expressed that the State Member submitting the report should transmit it through a specialized agency, if it were a member of one, and only transmit it through the Secretary-General if it were not.

/The question

The question of reservations

37. In line with the work of the International Law Commission in this field, and following a general recommendation made by the General Assembly in a resolution dated 12 January 1952 (document A/L.37), it was suggested that the Covenant on Human Rights should contain clauses relating to the admissibility or non-admissibility of reservations and on the effect to be attributed to them.

A number of delegations questioned the competence of the Third Committee to deal with this matter, which was primarily a legal one, and thought that the Sixth Committee should be consulted. They also felt that each State had the sovereign right to decide for itself whether it wished to make reservations or not. Many members of the Committee agreed, however, that the question of admissibility or non-admissibility of reservations should be studied by the Commission on Human Rights, and that the Commission should be requested to make appropriate recommendations.

Opinions on the substance of the eventual solution of the problem were also expressed. While some delegations were opposed on principle to the idea of reservations to the International Covenant on Human Rights, and thought that reservations were appropriate to a commercial treaty, not however to an instrument like the Covenant. Others favoured the admissibility of reservations to either some, or all, provisions of the Covenant, though stressing the responsibility which States would assume by making reservations.

Spanish term for the expression "human rights"

38. Some delegations drew attention to the fact that the title of the draft Covenant in Spanish, "Derechos del Hombre", was not in line with the operative provisions of the Charter of the United Nations which used the words "Derechos humanos". These delegations also alleged that while the words "Derechos del Hombre" reflected somewhat obsolete individualistic ideas, the words "Derechos humanos" were more in conformity with the spirit and the meaning of the Universal Declaration which, according to this theory, was based on the concept of solidarity and collective responsibility and the equality in rights of women and children and old people. It was also stated that the term "Derechos del Hombre" might be interpreted as excluding women. Other delegations replied that there was no danger that the Universal Declaration or the draft Covenant could be interpreted as not proclaiming equal rights of men and women and it was also stated that the expression "Derechos del Hombre", exactly because of its individualistic character, expressed better the principles of the Universal Declaration.

/Statement by

Statement by the representative of the United Nations Educational, Scientific and Cultural Organization

39. In the 367th meeting of the Third Committee a statement was made by the representative of the United Nations Educational, Scientific and Cultural Organization. He informed the Committee that his organization, at its General Conference held in June/July 1950, had passed a resolution expressing general approval of the proposals of the Commission on Human Rights. The United Nations Educational, Scientific and Cultural Organization was keenly interested in the question of cultural rights. When the draft Covenant had been discussed in the United Nations Educational, Scientific and Cultural Organization the hope had been expressed that the final text of Part V of the draft Covenant, dealing with the reporting system, would eventually be made less ambiguous than it was at present. The United Nations Educational, Scientific and Cultural Organization was still in consultation with Governments with a view to obtaining from them their observations on the draft Covenant. The Executive Board was at this stage in favour of the adoption of a single Covenant, until further information had been received.

Documentation submitted to the Third Committee

40. Supplementing its oral intervention in the general debate, the delegation of Uruguay submitted to the Third Committee a memorandum on the "bases of the proposal to establish a United Nations Attorney-General for Human Rights" setting out the reasons for the establishment of such an office and its functions, powers and organization (A/C.3/564). Similarly, the delegation of Israel circulated to the Committee a memorandum (A/C.3/565) elaborating upon its suggestion for a division of human rights into such as are capable of becoming reality through immediate legislative or administrative action and such as cannot effectively come into existence until after the execution of programmes.

The Secretary-General prepared for the Committee an historical analysis of the question of the Covenant (A/C.3/559) and, at the request of a member of the Committee, a list of rights proclaimed in the Universal Declaration of Human Rights and not embodied in the draft Covenant (A/C.3/566).

IV

DISPOSAL OF THE DRAFT RESOLUTIONS AND AMENDMENTS

41. At its 387th meeting, the Third Committee considered the order in which it should discuss the various draft resolutions and amendments relating to the draft International Covenant on Human Rights and Measures of Implementation. In the course of this procedural discussion the representative of Egypt proposed that the Committee should first consider the draft resolution submitted by Chile, Egypt, Pakistan and Yugoslavia (A/C.3/L.182) proposing that the General Assembly should reaffirm its resolution 421 E (V) of 4 December 1950. The representative of Poland proposed that the Committee should begin with the Polish draft resolution (A/C.3/L.203) concerning the defence of twenty-four inhabitants of Barcelona charged with a capital offence. A Mexican proposal that consideration of the Polish draft resolution should be postponed for forty-eight hours in order to enable the Committee to obtain factual information was subsequently adopted by a roll-call vote of 30 votes to 12, with 11 abstentions.<sup>3/</sup> The voting was as follows:

In favour: Canada, Chile, China, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Ethiopia, France, Greece, Guatemala, Haiti, India, Indonesia, Iran, Israel, Liberia, Mexico, Norway, Peru, Philippines, Poland, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yugoslavia, Belgium, Byelorussian Soviet Socialist Republic.

Against: Colombia, Costa Rica, El Salvador, Honduras, Netherlands, New Zealand, Nicaragua, United States of America, Venezuela, Argentina, Bolivia, Brazil.

Abstaining: Egypt, Iraq, Lebanon, Pakistan, Syria, Turkey, United Kingdom of Great Britain and Northern Ireland, Yemen, Afghanistan, Australia, Burma.

/A. Joint draft

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<sup>3/</sup> A summary of the discussion of this question and the text of the decision adopted by the Committee may be found in paragraphs 98 - 109 of this report.

A. Joint draft resolution by Chile, Egypt, Pakistan and Yugoslavia (A/C.3/L.182) and amendments

42. Apart from its examination of the problems raised by the Polish draft resolution (A/C.3/L.203/Rev.1), the Committee began its discussion of the various proposals before it with the joint draft resolution of Chile, Egypt, Pakistan and Yugoslavia (A/C.3/L.182) and amendments thereto. In accordance with that proposal the General Assembly would reaffirm its decision taken by its resolution 421 E (V) of 4 December 1950 that the International Covenant on Human Rights should include economic, social and cultural rights. The following amendments to that draft resolution were submitted:

(a) Joint amendments by Belgium, India, Lebanon and the United States of America (A/C.3/L.185/Rev.1)

For insertion of a paragraph in the preamble and for a change in the operative paragraph to the effect that the Economic and Social Council be requested to ask the Commission on Human Rights to draft two covenants on human rights, to be submitted simultaneously for the consideration of the General Assembly at its seventh session, one to contain civil and political rights and the other to contain economic, social and cultural rights, in order that the General Assembly may approve the two covenants simultaneously and open them at the same time for signature.

(b) United Kingdom amendment (A/C.3/L.188)

To ask Member States and appropriate specialized agencies to submit drafts or memoranda containing their views on the form and contents of the proposed covenant on economic, social and cultural rights together with their observations thereon.

The following amendments were moved to the joint amendments submitted by Belgium, India, Lebanon and the United States (A/C.3/L.185/Rev.1):

(1) Amendment by France (A/C.3/L.192/Rev.2)

The two covenants to contain as many similar provisions as possible, particularly in relation to the reports to be submitted by States on the implementation of the rights.

(11) Syrian amendment (A/C.3/L.219)

To add a paragraph providing that if, in the considered opinion of the Commission on Human Rights, the preparation and ratification of the covenant on economic, social and cultural rights appears likely to delay needlessly the ratification of the covenant on civil and political rights, then these and the economic, social and cultural rights shall be incorporated in a single covenant; and also providing for the admissibility of reasonable reservations during a transitional period.<sup>4/</sup>

43. At the 389th meeting, during the discussion of the joint draft resolution (A/C.3/L.182) and the amendments thereto, a number of delegations objected to the joint amendments of Belgium, India, Lebanon and the United States (A/C.3/L.185/Rev.1) being considered a genuine amendment to the joint draft resolution (A/C.3/L.182) because they did not modify part of the joint draft resolution but tended to nullify the whole. They were therefore a new proposal which should be put to the vote after the vote on A/C.3/L.182. The Chairman ruled, however, that document A/C.3/L.185/Rev.1 was a genuine amendment. At the 395th meeting it was again proposed that the joint draft resolution A/C.3/L.182 should be voted upon first. The Chairman recalled, however, her previous ruling and ruled again that A/C.3/L.185/Rev.1 should be voted upon before A/C.3/L.182.

44. At the 395th meeting the representative of Syria withdrew his amendment (A/C.3/L.219) to the joint amendments by Belgium, India, Lebanon and the United States (A/C.3/L.185).

45. The Committee then proceeded to a vote on the French amendment (A/C.3/L.192/Rev.2) to the joint amendments by Belgium, India, Lebanon and the United States (A/C.3/L.185). In response to a request by the delegation of New Zealand, the French amendment was voted upon in two separate parts.

/46. The first

<sup>4/</sup> With the agreement of the representative of Syria, the discussion of that part of his amendment which referred to the question of reservations was deferred until the discussion of the draft resolution by Guatemala (A/C.3/L.190).

46. The first part of the French amendment, to add to paragraph 2 of the joint amendments (A/C.3/L.185/Rev.1), after the words "and open them at the same time for signature", the following:

"the two covenants to contain, in order to emphasize the unity of the aim in view and to ensure respect for and observance of human rights, as many similar provisions as possible"

was adopted by a roll-call vote of 28 votes to 22, with 7 abstentions. The voting was as follows:

In favour: Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Australia, Belgium, Bolivia, Brazil, Colombia, Costa Rica, Denmark, France, Greece, Honduras, Iceland, India, Israel, Lebanon, Liberia, Luxembourg, Netherlands, Nicaragua, Norway, Panama, Paraguay, Peru.

Against: Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yemen, Yugoslavia, Afghanistan, Argentina, Burma, Byelorussian Soviet Socialist Republic, Chile, Cuba, Czechoslovakia, Ecuador, Egypt, Haiti, Indonesia, Iran, Iraq, Mexico, Pakistan, Poland, Saudi Arabia.

Abstaining: Canada, China, Dominican Republic, Ethiopia, Guatemala, New Zealand, Philippines.

47. The second part of the French amendment, which read:

"...particularly in so far as the reports to be submitted by States on the implementation of those rights are concerned"

was adopted by a roll-call vote of 26 to 24, with 8 abstentions. The voting was as follows:

In favour: Belgium, Burma, Brazil, Colombia, Costa Rica, Denmark, France, Greece, Honduras, Iceland, India, Israel, Lebanon, Liberia, Luxembourg, Netherlands, Nicaragua, Norway, Panama, Paraguay, Peru, Sweden, Turkey, United States of America, Uruguay, Venezuela.

/Against:

Against: Burma, Byelorussian Soviet Socialist Republic, Chile, Cuba, Czechoslovakia, Ecuador, Egypt, Haiti, Indonesia, Iran, Iraq, Mexico, Pakistan, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Yemen, Yugoslavia, Afghanistan, Argentina, Australia.

Abstaining: Canada, China, Dominican Republic, Ethiopia, Guatemala, New Zealand, Philippines, Thailand.

48. The French amendment as a whole was then adopted by a roll-call vote of 26 to 24, with 8 abstentions. The voting was as follows:

In favour: Lebanon, Liberia, Luxembourg, Netherlands, Nicaragua, Norway, Panama, Paraguay, Peru, Sweden, Turkey, United States of America, Uruguay, Venezuela, Belgium, Bolivia, Brazil, Colombia, Costa Rica, Denmark, France, Greece, Honduras, Iceland, India, Israel.

Against: Mexico, New Zealand, Pakistan, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Yemen, Yugoslavia, Afghanistan, Argentina, Burma, Byelorussian Soviet Socialist Republic, Chile, Cuba, Czechoslovakia, Ecuador, Egypt, Haiti, Indonesia, Iran, Iraq.

Abstaining: Philippines, Thailand, Australia, Canada, China, Dominican Republic, Ethiopia, Guatemala.

49. The Committee next proceeded to vote on the amendments of Belgium, India, Lebanon and the United States (A/C.3/L.185/Rev.1) to the joint draft resolution. The first joint amendment which read:

"After the third paragraph of the preamble, insert the following:

'Whereas the General Assembly, at the request of the Economic and Social Council in resolution 384 (XIII) of 29 August 1951, reconsidered this matter at its sixth session',"

was adopted by 29 votes to 22, with 4 abstentions.

/50. The second

50. The second joint amendment (A/C.3/L.185/Rev.1) was then put to a vote. It read as follows:

"Substitute the following for the last two paragraphs:

Requests the Economic and Social Council to ask the Commission on Human Rights to draft two covenants on human rights, to be submitted simultaneously for the consideration of the General Assembly at its seventh session, one to contain civil and political rights and the other to contain economic, social and cultural rights, in order that the General Assembly may approve the two covenants simultaneously and open them at the same time for signature".

It was adopted by a roll-call vote of 30 to 24, with 4 abstentions. The voting was as follows:

In favour: Honduras, Iceland, India, Lebanon, Liberia, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Australia, Belgium, Bolivia, Brazil, Canada, China, Colombia, Costa Rica, Denmark, France, Greece.

Against: Indonesia, Iran, Iraq, Israel, Mexico, Pakistan, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yemen, Yugoslavia, Afghanistan, Argentina, Burma, Byelorussian Soviet Socialist Republic, Chile, Cuba, Czechoslovakia, Ecuador, Egypt, Ethiopia, Haiti.

Abstaining: Philippines, Thailand, Dominican Republic, Guatemala.

51. The Committee then voted on the joint amendment as amended by the French amendment previously adopted. It was adopted by 28 votes to 23, with 7 abstentions.

52. At its 396th meeting the Committee proceeded to vote on the United Kingdom amendment (A/C.3/L.188). This amendment, to add a new paragraph at the end of the operative part of the joint draft resolution A/C.3/L.182, was adopted by 26 votes to 13, with 4 abstentions. It read as follows:

/"Requests

"Requests the Secretary-General to ask Member States and appropriate specialized agencies to submit drafts or memoranda containing their views on the form and contents of the proposed covenant on economic, social and cultural rights, together with their observations thereon, to reach the Secretary-General before 1 March 1952, for the information and guidance of the Commission on Human Rights at its forthcoming session".

53. The French delegation proposed a vote by division on the first three paragraphs of the preamble of the draft resolution A/C.3/L.182. Objection was made to the request for division by the representative of Yugoslavia under rule 128 of the rules of procedure. The French motion for division was thereupon rejected by 23 votes to 20, with 10 abstentions.

54. The joint draft resolution (A/C.3/L.182), as amended, was adopted by a roll-call vote of 29 to 21, with 6 abstentions. The voting was as follows:

In favour: Lebanon, Liberia, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Sweden, Thailand, Turkey, United States of America, Uruguay, Venezuela, Australia, Belgium, Bolivia, Brazil, Canada, China, Colombia, Costa Rica, Denmark, Dominican Republic, France, Greece, Honduras, Iceland, India.

Against: Indonesia, Iran, Iraq, Mexico, Pakistan, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Yemen, Yugoslavia, Afghanistan, Argentina, Byelorussian Soviet Socialist Republic, Chile, Cuba, Czechoslovakia, Ecuador, Egypt, El Salvador, Ethiopia.

Abstaining: Israel, Peru, Philippines, United Kingdom of Great Britain and Northern Ireland, Burma, Guatemala.

The text of the resolution appears below as draft resolution I.

#### B. Draft resolution by Ecuador and Guatemala (A/C.3/L.189)

55. In the 396th meeting the Committee proceeded to examine and vote on the draft resolution by Ecuador and Guatemala (A/C.3/L.189). This draft resolution states that the wording of the articles on economic, social and cultural rights should be improved, and calls upon the Economic and Social Council to request the Commission on Human Rights to take into consideration the views expressed during the discussion in the General Assembly and to be expressed by specialized agencies, non-governmental organizations and Member States.

/In the course

In the course of the examination of this draft resolution the necessity of adopting it was questioned because in the view of some delegations it was a pure repetition of the United Kingdom amendment (A/C.3/L.188) to the joint draft resolution (A/C.3/L.182) already adopted. It was explained, however, that the draft resolution by Ecuador and Guatemala differed from the United Kingdom amendment in several respects, and particularly in not containing a time limit for comments to be submitted; and that it also contemplated taking into account opinions of non-governmental organizations.

The joint draft resolution was adopted by 44 votes to none, with 8 abstentions. Its text appears below as draft resolution II.

C. Joint draft resolution by Afghanistan, Burma, Egypt, Indonesia, Iran, Iraq, Lebanon, Pakistan, Philippines, Saudi Arabia, Syria and Yemen; and India (A/C.3/L.186 and A/C.3/L.186/Add.1)

56. In the 403rd meeting the Committee proceeded to vote on the Thirteen-Power joint draft resolution A/C.3/L.186 and Add.1.

The draft resolution proposes that the General Assembly decide to include in the International Covenant on Human Rights the following article:

"All peoples shall have the right to self-determination".

The Committee had before it the following amendments to the joint draft resolution:

Amendments to draft resolution A/C.3/L.186

(a) Amendment by Greece (A/C.3/L.205/Rev.1): To request the Commission on Human Rights to prepare recommendations concerning international respect for the self-determination of peoples and to submit these recommendations to the General Assembly at its seventh session.

(b) Amendment by the USSR (A/C.3/L.206): To add to the text of the proposed article the following text:

"States which have responsibilities for the administration of Non-Self-Governing Territories shall promote the realization of this right, being guided by the purposes and principles of the United Nations with regard to the peoples of such territories."

(c) Amendment by the United States (A/C.3/L.204): To substitute for the incisive language of the joint draft resolution the decision to include in the Covenant "a re-affirmation of the principle of self-determination". This amendment was later revised (A/C.3/L.204/Rev.1) as follows: "Decides to include... a provision reaffirming" the principle.

To this amendment a sub-amendment by Afghanistan (A/C.3/L.209/Rev.1) was moved to substitute for the words "Decides to include a provision" the words "Decides to include an article". This amendment was accepted by the United States and therefore replaced the United States amendment A/C.3/L.204/Rev.1.

Sub-amendment to the Greek amendment (A/C.3/L.205/Rev.1)

Amendment by Syria (A/C.3/L.221): To add the following paragraph to the operative part of the Greek amendment to the joint draft resolution:

"Such recommendations must include an invitation to States Members of the United Nations, responsible under the United Nations Charter and the Universal Declaration of Human Rights for the safeguarding and defence of the said principle, to avoid recourse to manoeuvres calculated to frustrate the principles of the right of peoples to self-determination, including obstruction of the free expression of the people's will and of the realization of their legitimate national aspirations, aggression under the guise of defence or masked by disinterested motives, such as the struggle for truth, freedom, humanitarian principles or any other equally high ideal, the exploitation of internal dissensions, trivial or ephemeral national divergencies or conflicting interests in foreign countries and the Non-Self-Governing Territories, threats and terrorism or any other method contrary to the purposes and principles of the United Nations as set forth in the Charter."

Sub-amendment to the USSR amendment (A/C.3/L.206)

Sub-amendment by the United States of America (A/C.3/L.222): To substitute for the wording proposed by the USSR in A/C.3/L.206 the following:

"States which have responsibilities for the administration of Non-Self-Governing Territories, as well as all other States, shall promote the realization of the principle of self-determination, being guided by the purposes and principles of the United Nations."

Sub-amendments to the Afghan amendment (A/C.3/L.209/Rev.1)

(1) Sub-amendment by the USSR (A/C.3/L.216): To add in the second line of the Afghan amendment, after the word "right", the words "of all" (i.e. the right of all peoples); and to add at the end:

"The said article to stipulate that States having responsibility for the administration of Non-Self-Governing Territories should promote the realization of that right, in conformity with the purposes and principles of the United Nations in relation to the peoples of such Territories."

(ii) Sub-amendment by Iraq (A/C.3/L.217/Rev.1): To provide that the article to be included under the text of the Afghan amendment be drafted in the following terms:

"All peoples shall have the right to self-determination."

Sub-amendment to the USSR sub-amendment (A/C.3/L.216)

Sub-amendment by the United States (A/C.3/L.224): To substitute for the text proposed by the USSR in A/C.3/L.216 the following text:

"The said article to stipulate that all States, including those having responsibility for the administration of Non-Self-Governing Territories, should promote the realization of that right, in conformity with the purposes and principles of the United Nations."

Sub-amendment to the United States sub-amendment (A/C.3/L.224)

Sub-amendment by the Byelorussian Soviet Socialist Republic and the USSR (A/C.3/L.225): To add after the text contained in the United States sub-amendment A/C.3/L.224 the following words:

"that States having responsibility for the administration of Non-Self-Governing Territories should promote the realization of that right in relation to the peoples of such Territories".

57. The first vote was taken on the sub-amendment submitted by the Byelorussian Soviet Socialist Republic and the Union of Soviet Socialist Republics (A/C.3/L.225) to add to the United States sub-amendment (A/C.3/L.224), after the words "United Nations", the following words:

"and that States having responsibility for the administration of Non-Self-Governing Territories should promote the realization of that right in relation to the peoples of such Territories".

This amendment was adopted by a roll-call vote of 24 to 11, with 9 abstentions. The voting was as follows:

In favour: Liberia, Mexico, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yemen, Afghanistan, Burma, Byelorussian Soviet Socialist Republic, Chile, Colombia, Czechoslovakia, Egypt, Ethiopia, Greece, Guatemala, India, Indonesia, Iraq, Lebanon

Against: Netherlands, Norway, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Australia, Belgium, Canada, China, Denmark, France.

Abstaining: Sweden, Thailand, Uruguay, Venezuela, Argentina, Brazil, Cuba, Dominican Republic, Israel.

58. The Committee next voted on the United States sub-amendment (A/C.3/L.224) which, as amended by the sub-amendment submitted by the Byelorussian Soviet Socialist Republic and the Union of Soviet Socialist Republics (A/C.3/L.225), read as follows:

"the said article to stipulate that all States, including those having responsibility for the administration of Non-Self-Governing Territories, should promote the realization of that right, in conformity with the purposes and principles of the United Nations, and that States having responsibility for the administration of Non-Self-Governing Territories should promote the realization of that right in relation to the peoples of such Territories".

The sub-amendment as thus amended was adopted by a roll-call vote of 21 to 9, with 17 abstentions. The voting was as follows:

In favour: United States of America, Uruguay, Yugoslavia, Argentina, Brazil, Canada, Chile, China, Cuba, Denmark, Dominican Republic, France, Greece, Guatemala, India, Lebanon, Mexico, Nicaragua, Norway, Philippines, Thailand.

Against: Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Australia, Belgium, Byelorussian Soviet Socialist Republic, Czechoslovakia, Poland, Turkey, Ukrainian Soviet Socialist Republic.

Abstaining: Venezuela, Yemen, Afghanistan, Burma, Colombia, Egypt, Ethiopia, Indonesia, Iran, Iraq, Israel, Liberia, Netherlands, Pakistan, Saudi Arabia, Sweden, Syria.

59. The Committee then proceeded to a vote, by division, on the USSR sub-amendment (A/C.3/L.216) to the Afghan amendment (A/C.3/L.209/Rev.1).

Paragraph 1, to add after the word "right" the words "of all", was adopted by 29 votes to 3, with 13 abstentions.

Paragraph 2, as amended by sub-amendments A/C.3/L.225 and A/C.3/L.224, was adopted by 25 votes to 12, with 10 abstentions.

60. The Committee next voted on the Iraqi sub-amendment (A/C.3/L.217/Rev.1) to add to the third line of the Afghan amendment (A/C.3/L.209/Rev.1), after the words "United Nations" the following:

"drafted in the following terms: 'All peoples shall have the right to self-determination'".

The Iraqi sub-amendment was adopted by a roll-call vote of 23 to 14, with 14 abstentions. The voting was as follows:

In favour: Czechoslovakia, Egypt, Ethiopia, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yemen, Yugoslavia, Afghanistan, Burma, Byelorussian Soviet Socialist Republic.

Against: China, Denmark, France, Netherlands, New Zealand, Norway, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Australia, Belgium, Canada.

Abstaining: Chile, Colombia, Cuba, Dominican Republic, Ecuador, Greece, Guatemala, Haiti, Israel, Nicaragua, Peru, Sweden, Argentina, Brazil.

61. The Committee then proceeded to vote on the Afghan amendment (A/C.3/L.209/Rev.1) by division.

The first phrase in this amendment: "decides to include in the International Covenant...", was adopted by 30 votes to 10, with 11 abstentions.

The second phrase: "or covenants on human rights", was adopted by 23 votes to 9, with 15 abstentions.

The last part, as amended by the USSR sub-amendment (A/C.3/L.216), was adopted by 31 votes to 9, with 11 abstentions. It read as follows:

"an article on the right of all peoples and nations to self-determination in reaffirmation of the principle enunciated in the Charter of the United Nations".

62. The Afghan amendment as amended was put to the vote as a whole and adopted by 35 votes to 9, with 7 abstentions.

63. The Committee next voted on the Syrian sub-amendment (A/C.3/L.221) to add to paragraph 2 of the operative part of the Greek amendment (A/C.3/L.205) the following text:

"Such recommendations must include an invitation to States Members of the United Nations, responsible under the United Nations Charter and the Universal Declaration of Human Rights for the safeguarding and defence of the said principle, to avoid recourse to manoeuvres calculated to frustrate the principle of the right of peoples to self-determination, including obstruction of the free expression of the people's will and of the realization of their legitimate national aspirations, aggression under the guise of defence or masked by disinterested motives, such as the struggle for truth, freedom, humanitarian principles or any other equally high ideal, the exploitation of internal dissensions, trivial, or ephemeral national divergencies or conflicting interests in foreign countries and the Non-Self-Governing Territories, threats and terrorism or any other method contrary to the purposes and principles of the United Nations as set forth in the Charter".

The Syrian sub-amendment was adopted by a roll-call vote of 20 to 16, with 15 abstentions. The voting was as follows:

In favour: Yemen, Yugoslavia, Afghanistan, Burma, Byelorussian Soviet Socialist Republic, Czechoslovakia, Egypt, Ethiopia, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Pakistan, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Against: Australia, Belgium, Canada, Chile, China, Cuba, Denmark, France, Greece, Netherlands, New Zealand, Norway, Peru, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Uruguay, Venezuela, Argentina, Brazil, Colombia, Dominican Republic, Ecuador, Guatemala, Haiti, India, Israel, Nicaragua, Philippines, Thailand, Turkey.

64. The Committee then proceeded to vote by division on the Greek amendment (A/C.3/L.205/Rev.1), as amended by the Syrian sub-amendment.

The word "international" was adopted by 21 votes to 5, with 17 abstentions.

The first part was adopted by 38 votes to 3, with 10 abstentions, and reads as follows:

"Requests the Commission on Human Rights to prepare recommendations concerning international respect for the self-determination of peoples..."

The second part was adopted by 39 votes to 2, with 9 abstentions, and reads as follows:

"... and to submit these recommendations to the General Assembly at its seventh session".

65. The Greek amendment as a whole (but without the Syrian sub-amendment) was adopted by 39 votes to 3, with 9 abstentions.

66. The Committee then adopted by a roll-call vote of 24 to 10, with 17 abstentions, the Greek amendment as amended by the Syrian sub-amendment. The voting was as follows:

In favour: Burma, Byelorussian Soviet Socialist Republic, Czechoslovakia, Egypt, Ethiopia, Greece, Guatemala, Haiti, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yemen, Yugoslavia, Afghanistan.

Against: Canada, Denmark, France, Netherlands, New Zealand, Norway, United Kingdom of Great Britain and Northern Ireland, United States of America, Australia, Belgium.

Abstaining: Brazil, Chile, China, Colombia, Cuba, Dominican Republic, Ecuador, India, Israel, Nicaragua, Peru, Sweden, Thailand, Turkey, Uruguay, Venezuela, Argentina.

67. The Chairman stated that there was no need to vote on the USSR amendment (A/C.3/L.222) and the United States amendment (A/C.3/L.206) as these had been automatically superseded by the Committee's adoption of the United States sub-amendment (A/C.3/L.224) and the joint Byelorussian and USSR sub-amendment (A/C.3/L.225).

68. The Committee then proceeded to vote on the joint draft resolution (A/C.3/L.186) as amended. In response to a request by the representative of France, the preamble was put to the vote paragraph by paragraph, with the following results:

The first paragraph was adopted by 30 votes to none, with 13 abstentions.

The second paragraph was adopted by 37 votes to none, with 13 abstentions.

The third paragraph was adopted by 42 votes to none, with 9 abstentions.

69. The draft resolution as a whole, as amended, was adopted by roll-call vote by 33 to 9, with 10 abstentions. The voting was as follows:

In favour: Uruguay, Venezuela, Yemen, Yugoslavia, Afghanistan, Argentina, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, Czechoslovakia, Dominican Republic, Egypt, Ethiopia, Greece, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Nicaragua, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Against: Australia, Belgium, Canada, France, Netherlands, New Zealand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Chile, China, Colombia, Cuba, Denmark, Ecuador, Israel, Norway, Peru, Sweden.

The text of the resolution appears below as draft resolution III.

70. During the voting which is described in paragraphs 57 to 69 of the present report, several representatives drew attention to the fact that in their opinion the USSR and the United States amendments A/C.3/L.224 and A/C.3/L.225 overlapped, and that there was a contradiction between these two amendments and the Iraqi amendment A/C.3/L.217/Rev.1, the contradiction consisting in the fact that, while the Iraqi amendment provided for precise terms in which the article on the right of peoples to self-determination should be drafted, the other two amendments (A/C.3/L.224 and A/C.3/L.225) contained directives as to the contents the articles should have. The fear was expressed that the Commission on Human Rights would find itself in an absurd position, for it would be called upon to draft an article the wording of which had already been established. Other delegations pointed out, however, that they did not see any difficulty in that connexion, since the text of the article which the Committee had just adopted (Iraqi amendment A/C.3/L.217/Rev.1) was the essential element in the article envisaged. The Commission on Human Rights was therefore left a certain amount of latitude. One of the representatives who had drawn attention to the difficulty thought this interpretation satisfactory, but felt that the Committee should formally adopt this interpretation. The Chairman stated that a procedure by which the Committee would interpret a decision which it had just taken would be irregular. One delegate stated that the Commission on Human Rights would be able to find the interpretation which had just been given in the Summary Records and in the Report of the Third Committee.

71. After the close of the voting, the representative of Lebanon, speaking as Rapporteur, felt that the various amendments superimposed on the text had made it rather incoherent. He too indicated that the United States amendment A/C.3/L.224 and the USSR amendment A/C.3/L.225 overlapped to some extent, and he also pointed to the difficulty of reconciling the Iraqi amendment with those two amendments. In order to rectify this state of affairs the Rapporteur suggested that the Drafting Committee which would probably have to meet to review the various resolutions and to make, where necessary, drafting changes in them, should redraft the text of the resolution, it being understood that the text reading "All peoples shall have the right to self-determination" should appear

/in the article

in the article and that the provisions suggested in the adopted amendments of the United States (A/C.3/L.224) and of the USSR (A/C.3/L.225) should be added to this text by the Commission on Human Rights. The Rapporteur stated that he understood that this was the intention of the majority of the Committee which had voted for the amendments concerned. No action was taken by the Committee on the Rapporteur's suggestion.

D. Revised draft resolution by Guatemala (A/C.3/L.190/Rev.1)

72. In the 405th meeting the Committee decided upon the draft resolution presented by the delegation of Guatemala on the problem of reservations.

By the operative paragraph the General Assembly recommends to the Economic and Social Council to instruct the Commission on Human Rights to prepare for inclusion in the two Covenants on Human Rights one or more clauses relating to the admissibility or non-admissibility of reservations and to the effect to be attributed to them.

A Netherlands oral amendment to bring the second paragraph of the preamble of the draft resolution into conformity with the General Assembly's resolution adopted on 14 January 1952 (A/L.37) was accepted by the representative of Guatemala and incorporated in a revised text of his draft resolution (A/C.3/L.190/Rev.1).

73. The Committee adopted the Guatemalan draft resolution as revised by a roll-call vote of 28 to 5, with 13 abstentions. The voting was as follows:

In favour: Greece, Guatemala, Haiti, Iran, Israel, Liberia, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Australia, Belgium, Bolivia, Brazil, Canada, China, Denmark, Dominican Republic, Ecuador, Ethiopia, France.

Against: Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Byelorussian Soviet Socialist Republic, Czechoslovakia.

Abstaining: India, Indonesia, Pakistan, Philippines, Saudi Arabia, Syria, Yugoslavia, Afghanistan, Argentina, Burma, Chile, Cuba, Egypt.

The text of this resolution appears below as draft resolution IV.

E. Four-Power draft procedural resolution by Denmark, New Zealand, Norway and Sweden (A/C.3/L.229)

74. At its 406th, 407th and 408th meetings the Committee had before it the following draft resolutions and revisions thereto concerning different proposed measures for the implementation of the International Covenant or Covenants on Human Rights and related subjects.

(a) Draft resolution by Syria (A/C.3/L.191/Rev.2)

Request for the consideration of the possibility of international enquiries and investigations in the field as measures of implementation.

(b) Revised draft resolution by Syria (A/C.3/L.191/Rev.3)

Request for the consideration of the possibility of international enquiries and sending of missions of investigation to the Non-Self-Governing and Trust Territories as measures of implementation.

(c) Draft resolution by Israel (A/C.3/L.193)

Proposal that the international procedure of implementation be different for rights capable of effectively becoming a reality through legislative or administrative action and rights which cannot effectively come into existence until after the execution of economic and social programmes; for States signatories, each in so far as it is concerned, to decide how the rights are, in effect, to be allocated as between these two categories in their countries; request to the Commission on Human Rights to undertake a new study of the text with regard to the definition of the various human rights and their implementation according to these principles.

(d) Draft resolution by Guatemala, Haiti and Uruguay (A/C.3/L.195)

Recommends the revision of article 52 of the draft Covenant so that it should recognize (a) the right of States Parties to the Covenant, of groups and of individuals to apply to the appropriate organ, and (b) the right of the organ to institute proceedings when informed of serious violations of human rights

(e) Revised draft resolution by Guatemala, Haiti and Uruguay (A/C.3/L.195/Rev.2)

Recommends the revision of article 52 of the draft Covenant so that the provisions of the Covenant relating to political and civil rights should recognize the competence of such organ as may be established to receive communications from States, Non-Governmental Organizations, groups and individuals relating to the non-fulfilment by a State Party to the Covenant of such provisions, provided that such States have recognized the said competence by ratification of the respective covenant or protocol, and that proceedings shall be instituted in the case of serious charges supported by evidence.

(f) Draft resolution by Guatemala and Uruguay (A/C.3/L.196)

Recommends the inclusion in the Covenant of provisions for the establishment of an impartial and politically independent body to receive charges, verify their seriousness, attempt to reach a solution by friendly means, and, if necessary, refer the matter to the United Nations organ responsible for the investigation of violations.

(g) Revised draft resolution by Guatemala and Uruguay (A/C.3/L.196/Rev.2)

Recommends the inclusion in the Covenant on Civil and Political Rights of provisions for the establishment of an impartial, politically independent and highly responsible body to receive charges, pronounce on their merit and substance, request the State involved to submit the necessary information, verify the facts, lend its good offices for a friendly settlement based on respect for human rights and, if necessary, take other appropriate measures.

75. After a brief discussion on some of these draft resolutions, the delegations of Denmark, New Zealand, Norway and Sweden submitted a draft procedural resolution (A/C.3/L.229) whereby the following of the above-mentioned draft resolutions contained in documents A/C.3/L.191/Rev.2 (Syria), A/C.3/L.195, A/C.3/L.195/Rev.2 (Guatemala, Haiti and Uruguay) and A/C.3/L.196/Rev.2 (Guatemala and Uruguay) would be forwarded to the Commission on Human Rights as additional basic working papers on the subject with which they deal, and that this Commission should also take into consideration the discussions of the General Assembly concerning these draft resolutions and submit recommendations thereon. The words "as additional basic working papers" were added in accepting an oral amendment by the representative of Afghanistan, and the reference to A/C.3/L.195 in acceptance of a suggestion by the representative of Lebanon.

76. A USSR amendment (A/C.3/L.230) to this joint draft procedural resolution proposed (a) that the consideration of the various draft resolutions on measures of implementation should be deferred until a complete text of the draft Covenant had been submitted to the General Assembly; and (b) the draft resolution by Israel (A/C.3/L.193) should be added to the list of draft resolutions consideration of which would be thus postponed.

At the request of the representative of Israel the sponsors of this joint draft procedural resolution amended it to include reference to the draft resolution by Israel.

77. A Chilean amendment (A/C.3/L.231) to the joint draft procedural resolution proposed to delete from the list of draft resolutions mentioned therein documents A/C.3/L.195 and A/C.3/L.195/Rev.2 (Guatemala, Haiti and Uruguay), so that they might be discussed by the Committee at once.

78. Before proceeding to a vote, the representative of Syria announced that, in view of the criticisms which had been expressed by some delegations against his draft resolution contained in document A/C.3/L.191/Rev.2, he would withdraw that draft and replace it by a revised text (A/C.3/L.191/Rev.3). After a discussion of the question whether reference to the withdrawn draft resolution A/C.3/L.191/Rev.2 could nevertheless appear in the joint draft procedural resolution, the sponsors of that draft agreed to include amongst the draft resolutions to be forwarded to the Commission on Human Rights the withdrawn draft resolution as a document and not as a Syrian draft resolution. On the other hand, the sponsors of the joint draft procedural resolution did not agree to the addition of the latest revised text of the Syrian draft resolution (A/C.3/L.191/Rev.3) to the list contained in their proposal. The representative of the USSR thereupon proposed orally that a reference to that document A/C.3/L.191/Rev.3 (Syria) be added to the list contained in document A/C.3/L.229.

79. The representative of Uruguay proposed orally that document A/C.3/L.196 be added to the list contained in document A/C.3/L.229.

80. The Committee voted on paragraph 1 of the USSR amendment (A/C.3/L.230) to replace the words "to request the Economic and Social Council to forward" by the words "to defer consideration of the various draft resolutions on measures for the implementation of the International Covenant on Human Rights, namely". This amendment was rejected by a roll-call vote of 33 to 5, with 11 abstentions. The voting was as follows:

In favour: Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Byelorussian Soviet Socialist Republic, Czechoslovakia.

Against: Ethiopia, France, Greece, Guatemala, Haiti, Indonesia, Iraq, Israel, Lebanon, Netherlands, New Zealand, Norway, Pakistan, Peru, Philippines, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yugoslavia, Afghanistan, Australia, Belgium, Brazil, Canada, Chile, China, Cuba, Denmark, Dominican Republic, Egypt.

Abstaining: India, Iran, Liberia, Mexico, Saudi Arabia, Syria, Thailand, Yemen, Argentina, Burma, Ecuador.

81. The Chilean amendment (A/C.3/L.231) to delete from the list of draft resolutions "A/C.3/L.195 and A/C.3/L.195/Rev.2 (Guatemala, Haiti and Uruguay)" so that the Third Committee should take a decision on it during this session was rejected by a roll-call vote of 24 to 12, with 13 abstentions. The voting was as follows:

/In favour:

In favour: Uruguay, Chile, Cuba, Egypt, France, Guatemala, Haiti, India, Iraq, Liberia, Mexico, Peru.

Against: Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Argentina, Australia, Brazil, Byelorussian Soviet Socialist Republic, Canada, China, Czechoslovakia, Denmark, Dominican Republic, Ethiopia, Greece, Iran, Israel, Netherlands, New Zealand, Norway, Poland, Sweden.

Abstaining: Yemen, Yugoslavia, Afghanistan, Belgium, Burma, Ecuador, Indonesia, Lebanon, Pakistan, Philippines, Saudi Arabia, Syria, Thailand.

82. The USSR oral amendment to include a reference to document

A/C.3/L.191/Rev.3 (Syria) was adopted by 17 votes to 13, with 18 abstentions.

83. The Uruguayan oral amendment to include a reference to document

A/C.3/L.196 was adopted by 29 votes to none, with 17 abstentions.

84. Upon a request for division, the Committee voted separately on the remaining documents mentioned in the joint draft procedural resolutions as follows:

It was decided by 37 votes to none, with 12 abstentions to include a reference to document A/C.3/L.196/Rev.2 (Guatemala and Uruguay).

It was decided by 27 votes to 7, with 16 abstentions to include a reference to document A/C.3/L.191/Rev.2 (the withdrawn Syrian amendment).

It was decided by 30 votes to none, with 12 abstentions to include a reference to document A/C.3/L.193 (Israel).

85. The Committee also voted separately on different parts of the joint draft procedural resolution, (A/C.3/L.195/Rev.2), as amended, as follows:

The first part was adopted by 31 votes to 1, with 14 abstentions, as follows:

"The General Assembly

"Decides to request the Economic and Social Council to forward the following documents on measures for the implementation of the International Covenant on Human Rights: A/C.3/L.191/Rev.3 (Syria), A/C.3/L.193 (Israel), A/C.3/L.195 and A/C.3/L.195/Rev.2 (Guatemala, Haiti and Uruguay) and A/C.3/L.196 and A/C.3/L.196/Rev.2 (Guatemala and Uruguay), and document A/C.3/L.191/Rev.2".

/The words "as

The words "as additional basic working papers on the subject with which they deal" were adopted by 26 votes to 6, with 15 abstentions.

The words "for its consideration" were adopted by 27 votes to none, with 21 abstentions.

The words "...in connexion with the drafting of provisions on implementation in the Covenants on Human Rights. The said Commission should also take into consideration the discussions of the General Assembly concerning these documents and submit its recommendations...." were adopted by 31 votes to none, with 17 abstentions.

The words "... to the seventh session of the General Assembly" were adopted by 29 votes to none, with 17 abstentions.

86. The Committee adopted the joint draft procedural resolution (A/C.3/L.220) as a whole by 28 votes to none, with 22 abstentions. The text of this resolution, as later amended by the inclusion of a reference to the Lebanese draft resolution (A/C.3/L.198/Rev.2) referred to in paragraph 87 of this Report, appears below as draft resolution V.

Decision concerning the Lebanese draft resolution (A/C.3/L.198/Rev.2)

87. At its 410th meeting the Committee had before it a revised Lebanese draft resolution (A/C.3/L.198/Rev.2) which recommended: (a) the inclusion in the Covenant on Civil and Political rights, inter alia, of provisions relating to the rights at present appearing <sup>in</sup> the third part of the "draft international covenant on human rights" and capable of implementation by immediate legislative or administrative action, independent of the social or economic conditions of the country; and (b) the strengthening and rendering more explicit, in the draft covenant on economic, social and cultural rights, of the obligation to achieve the full realization of the rights recognized therein.

88. In the course of the discussion of this draft resolution it was generally agreed that, due to lack of time, and the necessity of taking a considered decision on the recommendations contained in the draft resolution, the draft resolution should be transmitted to the Commission on Human Rights for consideration as had been done in the case of the draft resolutions on measures of implementation. The representative of Canada proposed that document A/C.3/L.198/Rev.2 should be added to the list contained in the joint procedural resolution. There was no objection to this proposal.

89. The Committee decided, by 30 votes to 7, with 7 abstentions, that the revised Lebanese draft resolution (A/C.3/L.198/Rev.2) should be added to the list of documents to be transmitted to the Commission on Human Rights by means of the joint procedural resolution previously adopted (draft resolution V below).

F. Draft resolution submitted by Mexico (A/C.3/L.194)

90. In the 409th meeting, the Committee examined and voted upon the draft resolution submitted by Mexico (A/C.3/L.194) concerning the adoption in Spanish of the terms "Derechos Humanos" instead of "Derechos del Hombre". This draft resolution proposed that in future in all United Nations working documents and publications in Spanish and in the Universal Declaration of Human Rights and in the draft Covenant the words "Derechos Humanos" should be used instead of the words "Derechos del Hombre".

In the course of the discussion of this draft resolution, the representative of Mexico accepted an oral amendment by the USSR to insert the words "in Spanish" before the words "By the term 'Derechos del Hombre'", in the second paragraph of the preamble, which therefore read as follows: "Whereas the content and purpose of the Universal Declaration of Human Rights and of the draft Covenant have a wide significance which is not covered in Spanish by the term "Derechos del Hombre". The representative of Lebanon suggested a drafting change which, he submitted, would sever the resolution from the philosophical motivation adduced by its sponsor. He proposed to substitute for the third paragraph of the preamble which read "Taking into account the statements to this effect made by prominent representatives of Spanish-American countries in the general discussion on that question in the Third Committee during the sixth session of the General Assembly" the following text: "Taking into account the fact that in the general discussion on this matter in the Third Committee during the sixth session of the General Assembly prominent representatives of Spanish-American countries expressed their preference for the term employed in the Charter". The representative of Mexico accepted this drafting change.

Voting on the draft resolution

91. The Committee adopted the second paragraph of the preamble, as amended, by 33 votes to 1, with 12 abstentions. The Committee adopted the Mexican draft resolution as a whole, as amended by the Lebanese amendment to the third paragraph of the preamble, by a roll-call vote of 36 to none, with 9 abstentions. The voting was as follows:

/In favour:

In favour: Philippines, Poland, Saudi Arabia, Sweden, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia, Afghanistan, Argentina, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, Canada, Chile, China, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Ethiopia, Greece, Indonesia, Iran, Iraq, Israel, Liberia, Mexico, Netherlands, New Zealand, Norway.

Against: None.

Abstaining: Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, Australia, Belgium, France, India, Lebanon, Pakistan.

The text of the resolution will be found below as draft resolution F.

G. Draft resolution submitted by Chile concerning the convening of a special session of the Economic and Social Council (A/C.3/L.218/Rev.2)

92. At the 378th, 387th and 410th meetings, the Third Committee was seized of a proposal by the representative of Chile which, in its revised form, proposed to request the Economic and Social Council, in accordance with its rules of procedure, to hold a special session to precede the eighth session of the Commission on Human Rights, at which it shall take the necessary action to enable the Commission to complete the work entrusted to it in connexion with the Covenants before the end of the fourteenth session of the Council, so that the Council may submit the drafts to the seventh regular session of the General Assembly with its recommendations.

The representative of Afghanistan moved an amendment requesting that the Commission on Human Rights give priority to the question of the right of peoples to self-determination.

93. The mover of the draft resolution (A/C.3/L.218/Rev.2) and those delegations which supported him stressed the necessity of a special session because of the facts that the Economic and Social Council at its resumed thirteenth session had decided to hold in 1952 only one single session, to begin on 13 May 1952, i.e. after the beginning of the scheduled eighth session of the Commission on Human Rights, and that the Committee was about to adopt and approve draft resolutions concerning the draft International Covenants on

Human Rights on which action by the Economic and Social Council was necessary both with regard to substance and with regard to procedural arrangements for the eight session of the Commission on Human Rights.

Other representatives held that a special session of the Economic and Social Council was neither necessary nor opportune and that the Secretary-General could be requested to bring the decisions of the General Assembly to the attention of the Commission on Human Rights, in which case action by the Economic and Social Council would be superfluous.

94. The Committee adopted the Afghanistan amendment to be the first operative paragraph of the draft resolution by 26 votes to 7, with 4 abstentions. The operative paragraph proposed by Chile was adopted by 20 votes to 6, with 5 abstentions, to become paragraph 2 of the operative part of the draft resolution.

95. The revised draft resolution as a whole, as amended, was adopted by 23 votes to 1, with 18 abstentions.

The text of this resolution will be found below as draft resolution G.

#### H. Draft resolution submitted by Chile (A/C.3/L.180) and amendments thereto

96. In addition to the various draft resolutions and amendments which were disposed of by the voting described in the preceding paragraphs of this report, the Committee also had before it a draft resolution submitted by Chile (A/C.3/L.180 and Corr.1) concerning the reaffirmation of the directives given by the General Assembly in resolution 421 (V); the transmission of the General Assembly records to the Commission on Human Rights; and the request to the Economic and Social Council to provide the Commission on Human Rights with the necessary time to complete its task. Amendments were proposed to this draft resolution by Belgium, India, Lebanon and the United States of America (A/C.3/L.184/Rev.1) and by the United Kingdom (A/C.3/L.187). These amendments were identical in substance with the amendments proposed by the same Powers to the draft resolution submitted by Chile, Egypt, Pakistan and Yugoslavia (A/C.3/L.182) in documents A/C.3/L.185/Rev.1 and A/C.3/L.188. The amendment submitted by France (A/C.3/L.192/Rev.2) to the joint amendment submitted by Belgium, India, Lebanon and the United States of America (A/C.3/L.184) applied also to the joint amendment of the same four Powers moved to the Chilean proposal (A/C.3/L.180).

97. At the 396th meeting, following the adoption by the Committee of the joint draft resolution submitted by Chile, Egypt, Pakistan and Yugoslavia (A/C.3/L.182) and the amendments thereto, the representative of Chile announced that, in view of the adoption of that text, his draft resolution (A/C.3/L.180) was withdrawn. No voting on this draft resolution has, therefore, taken place.

I. Draft resolution submitted by Poland (A/C.3/L.203/Rev.1)

98. As stated in paragraph 41 of the present report, the Third Committee decided at its 387th meeting in a roll-call vote to postpone consideration of the Polish draft resolution for 48 hours in order to enable the Committee to obtain factual information.

Accordingly the Committee resumed the examination of this question at its 391st meeting. The delegation of Poland submitted a revised text of its draft resolution to read as follows:

"The Third Committee of the General Assembly,

Concerned over violations of human rights in Spain,

Noting that twenty-four inhabitants of Barcelona, among them Gregorio Lopez Raimundo, have been arraigned before a military court for participation in the Barcelona strike and that they are under threat of death penalty,

Requests the President of the General Assembly to take the necessary steps in order that the appropriate authorities in Spain take measures to ensure the cessation of the persecution of the above-mentioned twenty-four inhabitants of Barcelona and their immediate release".

99. At the same time the Committee had before it an eleven-Power procedural motion submitted by the representatives of Brazil, Colombia, Costa Rica, Honduras, Netherlands, New Zealand, Nicaragua, Peru, United Kingdom of Great Britain and Northern Ireland, United States of America and Venezuela (A/C.3/L.220) according to which the Rapporteur should include in the report a statement that the Committee without considering the substance of the draft resolution submitted by the delegation of Poland would decide that the subject matter of the draft resolution was not within item 29 of the agenda of the General Assembly and that the Committee was not authorized, under rule 97 of the

/rules of procedure,

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rules of procedure, to introduce this draft resolution as a new item on its own initiative. The sponsors of the eleven-Power motion also proposed that the Committee should note that the subject matter of the draft resolution has not been placed on its agenda in accordance with rules 15 and 40.

100. Introducing the eleven-Power motion, several of its sponsors as well as a number of other delegations argued that the Polish proposal did not fall within the scope of agenda item 29 devoted to the draft Covenant, but that it was a new question; that rule 97 of the rules of procedure provided that Committees should not introduce new items on their own initiative; that rule 15 fixed the time-limit for the submission of additional items and rule 40 provided that the General Committee should make recommendations on the inclusion or rejection of additional items; that the question of competence did not arise in connexion with the Polish draft resolution, but only a question of correct procedure, which would require the introduction of the question as an item on the agenda in accordance with rules 15 and 40 of the rules of procedure. It was also argued that the Uruguayan draft resolution on the floods in Italy could not be invoked as a precedent, since it must be considered as an exception justified by unique circumstances and that the Polish draft resolution would constitute interference in the domestic affairs of a State, in contravention of Article 2, paragraph 7 of the Charter.

101. In reply to these arguments, it was argued that the Polish draft resolution was concerned with an essentially humanitarian problem with no political implications, that it was a matter of grave urgency in which human lives were at stake and that for these reasons the Polish draft resolution should not be eliminated by the submission of a so-called procedural motion, that the draft resolution fell within the purview of item 29 and should therefore be voted on, that no procedural objection had been raised against the United Nations motion on behalf of political prisoners in Greece in 1949, or against that concerning victims of the floods in Italy at the current session.

102. At the 392nd meeting of the Committee, the Chairman said that the Mexican proposal adopted at the 387th meeting to the effect that the consideration of the Polish draft resolution should be resumed after an interval for the collection of further information, would stand only if the joint procedural proposal (A/C.3/L.220) was rejected. The Committee had decided at its previous meeting that the vote on the joint procedural motion should be taken immediately. At the 392nd meeting, the representative of the USSR formally moved a procedural amendment to the eleven-Power procedural proposal as follows:

"Delete all words after the word 'decides' and substitute the following: 'to transmit the draft resolution embodied in document A/C.3/L.203/Rev.1 and the records of the Committee containing the discussion of this matter to the President of the General Assembly, so that he may decide in connexion with what item of the agenda of the sixth session of the General Assembly it should be considered'".

Voting on the eleven-Power procedural motion.

103. After a discussion on whether or not the procedural amendment of the USSR was in order, the Chairman ruled that the USSR amendment was out of order in view of the Committee's decision to vote immediately on the eleven-Power procedural proposal. She said that she would put the proposal to the vote immediately unless the Committee decided to reverse its previous decisions. The Committee accordingly proceeded to the vote by division on the joint procedural motion (A/C.3/L.220).

104. The Committee adopted by 29 votes to 13, with 12 abstentions the following phrase:

"without considering the substance of the draft resolution submitted by the delegation of Poland (A/C.3/L.203/Rev.1)".

105. The Committee adopted by 29 votes to 14, with 10 abstentions the following text for the first part of the first sentence:

"The Rapporteur shall include in the report a statement that the Committee, without considering the substance of the draft resolution submitted by the delegation of Poland (A/C.3/L.203/Rev.1), decides that the subject matter of the draft resolution is not within item 29: 'Draft International Covenant on Human Rights and Measures of Implementation'."

106. The Committee adopted by 29 votes to 13, with 11 abstentions the following text for the second part of the first sentence:

"and the Committee is not authorized, under rule 97 of the rules of procedure, to introduce this draft resolution as a new item on its own initiative."

107. The Committee adopted the final sentence of the proposal by 29 votes to 13, with 12 abstentions, as follows:

"The Committee notes that the subject matter of the draft resolutions has not been placed on its agenda in accordance with rules 15 and 40."

108. The Committee adopted the joint procedural motion (A/C.3/L.220) as a whole, by roll-call, by 28 votes to 13, with 13 abstentions. The voting was as follows:

In favour: Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Peru, Philippines, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Argentina, Australia, Belgium, Bolivia, Brazil, Canada, China, Colombia, Costa Rica, Denmark, Dominican Republic, Ecuador, El Salvador, Greece, Honduras, Iceland.

Against: Mexico, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yugoslavia, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Guatemala, Haiti, Indonesia, Israel.

Abstaining: Lebanon, Liberia, Saudi Arabia, Syria, Yemen, Afghanistan, Burma, Chile, Egypt, France, India, Iran, Iraq.

109. The Rapporteur has therefore included in the report the statement that the Committee, without considering the substance of the draft resolution submitted by the delegation of Poland (A/C.3/L.203/Rev.1), decides that the subject matter of the draft resolution is not within item 29: "Draft International Covenant on Human Rights and Measures of Implementation", and that the Committee is not authorized, under rule 97 of the rules of procedure, to introduce this draft resolution as a new item on its own initiative. The Committee notes that the subject matter of the draft resolution has not been placed on its agenda in accordance with rules 15 and 40.

- J. Joint draft resolution by Chile, China and Colombia (A/C.3/L.197)  
Recommendation that Member States should redouble their efforts to rectify past injustices and stop denials of human rights.
110. The Third Committee commenced its discussion of this draft resolution at its 410th meeting and continued it at its 411th meeting during which the consideration of item 29 on its agenda "Draft International Covenant on Human Rights and Measures of Implementation" was completed. At this meeting, the representative of China proposed that the joint draft resolution of which he was a co-sponsor be considered in connexion with item 11 of the agenda: "Report of the Economic and Social Council". It was so agreed. An account of the consideration of the voting on this draft resolution will therefore be found in the report of the Third Committee on The Report of the Economic and Social Council, Chapters V and VI.

V

Recommendations of the Third Committee

111. The Third Committee, therefore, recommends to the General Assembly the adoption of the following resolutions:

Resolution A

PREPARATION OF TWO DRAFT INTERNATIONAL COVENANTS ON HUMAN RIGHTS

Whereas the Economic and Social Council, by resolution 303 I (XI) of 9 August 1950, requested the General Assembly to make a policy decision concerning the inclusion of economic, social and cultural rights in the Covenant on Human Rights,

Whereas the General Assembly affirmed, in its resolution 421 E (V) of 4 December 1950, that "the enjoyment of civic and political freedoms and of economic, social and cultural rights are interconnected and interdependent" and that "when deprived of economic, social and cultural rights, man does not represent the human person whom the Universal Declaration regards as the ideal of the free man",

Whereas the General Assembly, after a thorough and all-round discussion, confirmed in the aforementioned resolution the principle that economic, social and cultural rights should be included in the Covenant on Human Rights,

Whereas

Whereas the General Assembly, at the request of the Economic and Social Council in resolution 364 (XIII) of 29 August 1951, reconsidered this matter at its sixth session,

The General Assembly

1. Requests the Economic and Social Council to ask the Commission on Human Rights to draft two covenants on human rights, to be submitted simultaneously for the consideration of the General Assembly at its seventh session, one to contain civil and political rights and the other to contain economic, social and cultural rights, in order that the General Assembly may approve the two covenants simultaneously and open them at the same time for signature, the two covenants to contain, in order to emphasize the unity of the aim in view and to ensure respect for and observance of human rights, as many similar provisions as possible, particularly insofar as the reports to be submitted by States on the implementation of those rights are concerned;

2. Requests the Secretary-General to ask Member States and appropriate specialized agencies to submit drafts or memoranda containing their views on the form and contents of the proposed covenant on economic, social and cultural rights, together with their observations thereon, to reach the Secretary-General before 1 March 1952, for the information and guidance of the Commission on Human Rights at its forthcoming session.

Resolution B

PREPARATION OF ARTICLES ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

The General Assembly,

Considering that the Commission on Human Rights has, by virtue of General Assembly resolution 421 E (V) of 4 December 1950, prepared various articles on economic, social and cultural rights,

Considering that the wording of those Articles, which have been examined during the present session of the General Assembly, should be improved in order to protect more effectively the rights to which they refer,

Calls upon the Economic and Social Council to request the Commission on Human Rights to take into consideration, when revising those articles of the draft Covenant, the views expressed during the discussion of the draft Covenant, and also such views as the Governments of Member States, the specialized agencies and non-governmental organizations may think fit to advance.

Resolution C

INCLUSION IN THE INTERNATIONAL COVENANT OR COVENANTS  
ON HUMAN RIGHTS OF AN ARTICLE RELATING TO THE RIGHT  
OF PEOPLES TO SELF-DETERMINATION

Whereas the General Assembly at its fifth session recognized the right of peoples and nations to self-determination as a fundamental human right<sup>5/</sup>,

Whereas the Economic and Social Council and the Commission on Human Rights, due to lack of time, were unable to carry out the request of the General Assembly to study ways and means which would ensure the above-mentioned right to peoples and nations,

Whereas the violation of this right has resulted in bloodshed and war in the past and is considered a continuous threat to peace,

The General Assembly

- (i) To save the present and succeeding generations from the scourge of war,
- (ii) To reaffirm faith in fundamental human rights, and
- (iii) To take due account of the political aspirations of all peoples and thus to further international peace and security, and to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples,

1. Decides to include in the International Covenant or Covenants on Human Rights an article on the right of all peoples and nations to self-determination in reaffirmation of the principle enunciated in the Charter of the

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<sup>5/</sup> See General Assembly resolution 421 D (V) of 4 December 1950.

United Nations. This article shall be drafted in the following terms: "All peoples shall have the right of self-determination", and shall stipulate that all States, including those having responsibility for the administration of Non-Self-Governing Territories, should promote the realization of that right, in conformity with the purposes and principles of the United Nations, and that States having responsibility for the administration of Non-Self-Governing Territories should promote the realization of that right in relation to the peoples of such Territories;

2. Requests the Commission on Human Rights to prepare recommendations concerning international respect for the self-determination of peoples and to submit these recommendations to the General Assembly at its seventh session. Such recommendations must include an invitation to State Members of the United Nations, responsible under the United Nations Charter and the Universal Declaration of Human Rights for the safeguarding and defence of the said principle, to avoid recourse to manoeuvres calculated to frustrate the principle of the right of peoples to self-determination, including obstruction of the free expression of the people's will and of the realization of their legitimate national aspirations, aggression under the guise of defence or masked by disinterested motives, such as the struggle for truth, freedom, humanitarian principles or any other equally high ideal, the exploitation of internal dissensions, trivial or ephemeral national divergencies or conflicting interests in foreign countries and the Non-Self-Governing Territories, threats and terrorism or any other method contrary to the purposes and principles of the United Nations as set forth in the Charter.

Resolution D

INCLUSION IN THE DRAFT INTERNATIONAL COVENANTS ON  
HUMAN RIGHTS OF PROVISIONS REGARDING RESERVATIONS

The General Assembly,

Considering that it is desirable that the two Covenants on Human Rights should include provisions relating to the admissibility or non-admissibility of reservations and to the effect to be attributed to them, in particular with regard to the validity of the Covenants between the reserving State and other States ratifying the Covenant,

/Considering

Considering that the General Assembly in its resolution (VI)<sup>6/</sup> of 12 January 1952 has recommended that the organs of the United Nations, the specialized agencies and States should, in the course of preparing multilateral conventions, consider the insertion therein of provisions relating to the admissibility or non-admissibility of reservations and to the effect to be attributed to them,

Decides to recommend to the Economic and Social Council that it should instruct the Commission on Human Rights to prepare, for inclusion in the two Covenants on Human Rights, one or more clauses relating to the admissibility or non-admissibility of reservations and to the effect to be attributed to them.

#### Resolution E

#### MEASURES FOR THE IMPLEMENTATION OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS -- PROCEDURAL RESOLUTION

##### The General Assembly

Decides to request the Economic and Social Council to forward the following documents on measures for the implementation of the International Covenants on Human Rights: A/C.3/L.191/Rev.3 (Syria), A/C.3/L.193 (Israel), A/C.3/L.195 and A/C.3/L.195/Rev.2 (Guatemala, Haiti and Uruguay), A/C.3/L.196 and A/C.3/L.196/Rev.2 (Guatemala and Uruguay), A/C.3/L.198/Rev.2 (Lebanon) and document A/C.3/L.191/Rev.2, to the Commission on Human Rights as additional basic working papers on the subjects with which they deal, for its consideration in connexion with the drafting of provisions on implementation in the Covenants on Human Rights. The said Commission should also take into consideration the discussion of the General Assembly concerning these documents and submit its recommendations to the seventh session of the General Assembly.

#### Resolution F

#### ADOPTION IN SPANISH OF THE TERM "DERECHOS HUMANOS" INSTEAD OF THE TERM "DERECHOS DEL HOMBRE"

Whereas in the Spanish text of the United Nations Charter, Articles 1, 13, 55, 62, 68 and 76 refer to "derechos humanos" and not to "derechos del hombre",

/Whereas

<sup>6/</sup> See document A/L.37

Whereas the content and purpose of the Universal Declaration and of the draft Covenant have a wide significance which is not covered in Spanish by the term "derechos del hombre",

Taking into account the fact that in the general discussion on this matter in the Third Committee during the sixth session of the General Assembly prominent representatives of Spanish-American countries expressed their preference for the term employed in the Charter,

The General Assembly

Decides that, in future, in all United Nations working documents and publications in Spanish, and in the Universal Declaration and draft Covenant, the words "derechos humanos" shall be used instead of the words "derechos del hombre", used at present.

Resolution G

SPECIAL SESSION OF THE ECONOMIC AND SOCIAL COUNCIL

The General Assembly,

Bearing in mind the resolutions adopted at its present session which relate to the draft International Covenants on Human Rights and measures of implementation,

1. Requests the Economic and Social Council to instruct the Commission on Human Rights to give priority to the question of the right of peoples to self-determination which the Commission was forced to defer at its seventh session due to lack of time,
2. Requests the Council, in accordance with its rules of procedure, to hold a special session, to precede the eighth session of the Commission on Human Rights, at which it shall take the necessary action to enable the Commission to complete the work entrusted to it in connexion with the said draft International Covenants on Human Rights and measures of implementation before the end of the Council's fourteenth session, so that the Council may submit the drafts to the seventh regular session of the General Assembly together with its recommendations.