



Monday, 8 November 1954,
at 3.15 p.m.

New York

C O N T E N T S

Page

Agenda item 58:
Draft international covenants on human rights (*continued*) 175

Chairman: Mr. Jiří NOSEK (Czechoslovakia).

AGENDA ITEM 58

**Draft international covenants on human rights
(A/2714, A/2686, chapter V, section I, E/2573,
A/C.3/574) (*continued*)**

GENERAL DEBATE (*concluded*)

1. Mr. PAZHWAK (Afghanistan), speaking under rule 116 of the rules of procedure, said that he wished to avoid any misunderstanding, such as that implied by the Costa Rican representative's statement at the 576th meeting, with regard to the objections raised by the representatives of some Moslem countries to the wording of article 18 of the draft covenant on civil and political rights (E/2573, annex I). As a churchman, the Costa Rican representative might convey that misunderstanding to other persons of his faith.

2. In advancing the Islamic point of view on the draft article, the representatives of Moslem countries had in no way intended any specific reference to Christianity. Indeed, he himself had referred in his statement only to Moslems and non-Moslems. The millions of Moslems whom he represented would be grieved if they thought that their religious feelings were being misrepresented to the Christian world. The Costa Rican representative had expressed the view that the Moslem countries' objection to the drafting of article 18 represented a serious reservation to freedom of religion and had spoken of the Christian philosophy of free will and the free judgment of the human conscience. He had also stated that Christianity allowed other religions to be presented to followers of the faith. Islam was in perfect agreement with that point of view; the only difference lay in the method of presentation of certain other religions. It could not be said that difference of presentation implied any interference with the free judgment of the human will and conscience.

3. The Moslem religion, which had come into being some centuries after Christianity, entailed belief in Christianity as a divine religion. In fact, any Moslem who did not believe in Christianity as a divine religion was not a true Moslem. Every Moslem regarded the Bible as a holy book on the same level as the Koran, which was itself a history of previous religions. Islam offered every individual freedom to study all religions. The Moslem countries did not believe that the principle in draft article 18 was incorrect, but considered that

the wording should be improved, in order to comply with a philosophy which was common to the religions of the world.

4. He hoped that he had made it quite clear that his original statement had not been disparaging of Christianity and that Islam did not claim to be the only champion of the free will of man and of freedom of conscience.

5. Mr. FOMIN (Union of Soviet Socialist Republics), speaking under rule 116 of the rules of procedure, said that he had been constrained to speak again because the United States representative had not confined herself to stating her Government's position with regard to the draft covenants, but had expatiated on the differences between various delegations' interpretations of their provisions. If that attitude were followed to its logical conclusion, and every delegation were to assume that differences of opinion automatically meant that co-operation was impossible, any work on the draft covenants would be vain. The United States representative had illustrated her remarks with references to the views of the USSR on matters not connected with the draft covenants. It should be borne in mind that the United Nations was not an anti-Communist institution or a United States committee on un-American activities. Its purpose was to promote co-operation among countries with different political and economic structures. The Third Committee was no place in which to raise the false issue of different ideologies and it should not be used as a forum for attacks on the Soviet Union.

6. In connexion with the question of self-determination, the United States representative had quoted J. V. Stalin as saying that the right should be subordinate to the right of the working class to strengthen its power. The practice of using quotations out of context was always questionable; in that case, the United States representative had attempted to use a short excerpt from a speech to prove that the Soviet concept of self-determination was different from that of other countries. The United States representative had distorted the meaning of J. V. Stalin's statement. In fact, Stalin's statement had been intended to expose certain dangerous trends at a particular historical period in the Soviet Union towards differentiating between groups of citizens. It had been made at a time when certain groups had been trying to create enmity between the different nations of the Soviet Union and had attempted to put an end to the very existence of the Soviet State, and Stalin, replying to that attempt to use the right of self-determination to sow hatred, had stressed the need for unity and had pointed out that it was inadmissible to pursue such attempts under cover of the right of nations to self-determination.

7. The representative of the United States of America had repeated the old stories about the individual in the Soviet Union being subordinate to the State. She had also made that assertion in order to prove that individual

and collective rights were interpreted differently in the Soviet Union. In his speech at the 183rd plenary meeting of the General Assembly, held on 10 December 1948, Mr. Vyshinsky, Chairman of the Soviet delegation, had already shown how untrue those stories were. In fact, conflict between the individual and the State was due to the rise of antagonistic classes. In societies where the State was represented by the ruling class, which used its power against the interests of other classes, conflict naturally arose, but in the USSR, where there was no class antagonism, there was no such problem. He would not take up the Committee's time by replying to the rest of the United States representative's stories about the Soviet Union. They had been mentioned for a purpose which had nothing to do with the Committee's essential work, and they were entirely without foundation. The United States representative was entitled to her own views, but her attempt to introduce the idea that ideological differences made co-operation in the preparation of the covenants impossible was quite out of place. The Committee's task could be accomplished only by a frank exchange of views and an attempt to achieve a *rapprochement*.

8. Mrs. TSALDARIS (Greece), speaking under rule 116 of the rules of procedure, stated, in reply to the United Kingdom representative's comments on her own references to the question of minorities, that the United Nations had special organs which dealt with that matter. Minorities within the national territory of a sovereign State enjoyed the special rights and protection accorded to such groups. The purpose of the article on the right of self-determination was to protect national majorities which did not govern themselves and to give them the opportunity of expressing their views on their political status. It was surprising that those who questioned the right of national majorities to self-determination wished to extend that right to minorities.

9. Mrs. AFNAN (Iraq), speaking under rule 116 of the rules of procedure, pointed out, in connexion with article 18 of the draft covenant on civil and political rights (E/2573, annex I), that every religion was universal in principle. Unfortunately, religious discrimination and intolerance existed, not only between different faiths but between sects of the same religion, and article 18 should be considered against that background. The Iraqi delegation considered that the provision for freedom to change one's religion was superfluous. It had no objection to it in principle, but thought that, as no religion could differ from another in ethical concepts, the article should be universal and applicable to every religion, sect and individual.

PROCEDURAL PROPOSAL SUBMITTED BY COSTA RICA

10. The CHAIRMAN pointed out that, in accordance with its own decision (A/C.3/L.409), the Committee had only five meetings to devote to the discussion of the draft covenants. It might be possible to arrange to hold two or three more meetings on 6 and 7 December.

11. Mr. NUÑEZ (Costa Rica) stressed the need for a detailed discussion of the questions which had been dealt with in broad outline during the general debate. He therefore proposed that the Committee should, first, regard its work during the current session as a first reading of the covenants, in order to preclude the possibility of continuing that reading at a subsequent session; secondly, ask the General Assembly to invite Governments to submit comments on and amendments to the covenants within approximately six months; and,

thirdly, request the Secretary-General to submit to the Assembly at its tenth session a working paper containing the comments and amendments, together with the statements made in the Third Committee.

12. The CHAIRMAN added that the proposed time limit of six months would not preclude delegations from submitting proposals and amendments up to the time of the second reading.

13. Mr. NUÑEZ (Costa Rica) agreed.

14. The CHAIRMAN reminded the Committee of his suggestion that there might be a second part of the first reading, limited to a single statement by each delegation and including that delegation's proposals, amendments and observations with regard to individual articles of the draft covenants, without prejudice to the right to submit other proposals and observations up to the time of the second reading.

15. Mr. BARODY (Saudi Arabia) said that he was unable to see how the general debate, or a second part of it, could be regarded as a first reading. It had been decided to hold a general debate in order to establish the positions of delegations. All speakers had stated their positions and had dealt with matters of substance, but there had been no amendments or draft resolutions. A first reading would have entailed an article-by-article examination of the draft covenants, in the course of which delegations would have made their proposals and offered their amendments and observations.

16. The other suggestions made by the Costa Rican representative were perfectly acceptable.

17. Two procedures seemed to be open to the Committee. First, delegations could submit their proposals and amendments immediately and the remaining time could be used in discussing them or, if there was not enough time, the discussion could be carried over to the next session. It was more important that the draft covenants should be carefully considered than that they should be put into force quickly. Secondly, an actual first reading could be begun.

18. Mr. MATTHEW (India) agreed that the general debate just ended could not be called a first reading. It was generally accepted that a first reading entailed an examination of the text article by article. If the Committee's work for the session was to be described as a first reading, the draft covenants would have to be considered article by article during the next five meetings. There was no need, however, to introduce amendments and proposals at the meetings; time would be saved if delegations submitted them between meetings.

19. Mr. PAZHAWAK (Afghanistan) said that it would be impossible to carry out a proper first reading in five meetings. He had opposed the suggestion of a general debate, hoping that the first reading could begin immediately. That he had been right had been shown by the fact that the general debate had produced no new ideas, but only a restatement of positions which had been well known for several sessions. A second part of the first reading would probably mean another restatement of those positions, and would bring the Committee no nearer to a first reading properly so called.

20. The Committee's immediate task should be settled before the Costa Rican representative's suggestions were considered. It would be useful for the Committee to devote the remaining meetings to attempting to settle such outstanding problems as the questions of reservations and of the implementation articles and to preparing a working paper on them for the next session.

21. In principle, the Afghan delegation agreed with the Costa Rican representative's suggestions and hoped that he would make them in writing. It would be useful if he made it clear that the purpose of the Secretariat working paper would be to facilitate an article-by-article examination of the draft covenants at the next session. Experience at the current session had shown that the draft covenants could not be examined quickly or easily. The tenth session of the General Assembly should therefore be devoted entirely to human rights. It would be advisable for the written Costa Rican proposals to indicate the date from which the suggested six month's time limit would begin and to make it clear that the observations and amendments by Governments should be final, that is, that they should be in a form which would serve as a basis for the reading of the draft covenants at the tenth session.

22. Mrs. AFNAN (Iraq) thought that, if the Committee had at the next session to deal not only with the hundred articles of the draft covenants, but also with a large number of amendments, the work on the draft covenants would probably not be completed then. It appeared advisable for the Committee to give up all idea of a first reading at the current session; it should merely report that the general debate had been held.

23. Mr. NUÑEZ (Costa Rica) did not think that the Committee should continue to be plagued by doubt about what constituted a first reading; he would be willing to substitute any other suitable term in the first part of his suggestion. The end in view was simply to prevent the indefinite protraction or postponement of work on the draft covenants. The Afghan representative's suggestion that the work of the Third Committee at the tenth session of the General Assembly should be devoted exclusively to human rights was a good one.

24. Miss BERNARDINO (Dominican Republic) said that a protracted procedural discussion should be avoided. The Costa Rican proposal should be submitted in writing and should be discussed at the next meeting.

25. The CHAIRMAN observed that the agenda for the next meeting should be settled before the Costa Rican proposal was discussed.

26. Mr. PAZHWAK (Afghanistan) proposed, first, that the Committee should begin the second part of the first reading immediately after the procedural question had been settled, it being understood that every delegation should be entitled freely to express its views on the draft covenants in one statement, and, secondly, that the Costa Rican suggestion should be discussed at the end of the second part of the first reading.

27. Mr. NUÑEZ (Costa Rica) accepted the second part of the Afghan proposal.

28. Mr. AZKOUÏ (Lebanon) said that the Afghan proposal was a good one, but delegations should not be entitled freely to express their views on the entire draft covenants, because they had already done so in the general discussion. They should be limited to giving their views on specific articles.

29. Mr. KOS (Yugoslavia) agreed with the Lebanese representative. There would be no time to conduct a reading article by article and many delegations would not be able to take a definite stand on all the draft articles. Accordingly, while delegations should submit specific proposals, no decision should be taken on them.

30. Mr. PAZHWAK (Afghanistan) said that no delegation was likely to range over the whole of draft cove-

nants once the general debate had taken place; that had been implicit in the decision taken by the Committee at the outset. The Lebanese representative's point had already been covered by that understanding. The only further Afghan suggestion had been that during the second part of the first reading the Committee might also deal with unsettled questions. He agreed with the Yugoslav representative that few delegations could take any definite stand at the current session; they would not be asked to do so.

31. Mr. JUVIGNY (France) said that the decision on immediate procedure would in fact have to be taken in the light of the Costa Rican representative's proposal. There seemed to be a consensus in favour of the second and third parts of it. What the Committee really wanted was working documentation which would enable it to start work immediately at the tenth session of the General Assembly. Consequently, Governments had to be able to do as much work as possible in the way of drafting amendments and new proposals in the interval between the ninth and tenth sessions. In the light of that consideration, time might be saved if delegations which had amendments or proposals ready submitted them at the current session. Governments would thus gain some idea of what other Governments intended. No Government would be precluded from submitting further amendments during the interval between the sessions or at the tenth session. If no delegation was ready to submit proposals, there seemed no good reason why the Committee should seek at all costs to fill out the remaining meetings. Conversely, the Committee might follow the Afghan suggestion that the questions left unsettled by the Commission on Human Rights might be discussed at those meetings, although many delegations had already touched upon them during the general debate. In any case, the time set aside for the consideration of the draft covenants was almost exhausted.

32. The ideal procedure in connexion with the Costa Rican suggestion would be for the Secretary-General to submit the working paper embodying the amendments to Governments so that they could submit sub-amendments before the tenth session. It was unlikely, however, that there would be time enough for that. The Secretary-General might perhaps be requested to circulate the documents to Governments for information as soon as he could and, in any case, not less than six weeks before the opening of the tenth session. He hoped that the Costa Rican representative would bear that suggestion in mind when he put his suggestion into final form.

33. Mr. TUNCEL (Turkey) said that the Committee should not encroach upon the twenty meetings to be devoted to the remainder of its agenda by devoting undue time to the draft covenants. He agreed with the Saudi Arabian representative that it would be better to slow down work on the covenants in the interest of obtaining the greatest possible number of ratifications than to adopt too rigid a timetable. He agreed, also, with the Yugoslav representative that few delegations could yet take a definite stand on most articles. Delegations might, however, use the two remaining meetings to be devoted to the draft covenants for submitting new proposals or amendments. That would go some way towards putting into practice the spirit of the Costa Rican suggestion.

34. Mr. FOMIN (Union of Soviet Socialist Republics) asked the Afghan representative whether the Committee might not discuss the Costa Rican proposal,

if there were no speakers on the draft covenants at the next meeting.

35. Mr. PAZHWAK (Afghanistan) replied that he would be willing to support the USSR representative if such a proposal became necessary, but would prefer that a vote be taken on his own proposal first.

36. Mr. AZKOUL (Lebanon) pointed out that some delegations might be ready to speak on certain articles, but not on all of them, in a single statement.

37. The CHAIRMAN said that he saw no reason for limiting delegations to a single statement.

38. Mr. PAZHWAK (Afghanistan) thought that there might be a time limit on second statements, but, if delegations were to be permitted to speak very often, the Committee would not be able to complete its work.

39. Mr. HOOD (Australia) hoped that the Costa Rican proposal would be before the Committee at its next meeting, at least for study.

40. Mr. PAZHWAK (Afghanistan) pressed for a vote on his proposal. If there were no speakers at the next meeting, any delegation would be entitled to propose an agenda. Not to take a vote on the Afghan proposal until the next meeting would be tantamount to shelving it.

41. Mr. AZKOUL (Lebanon) concurred in the Afghan representative's view.

42. Mrs. HARMAN (Israel) would support the Costa Rican representative's suggestion that the Committee should devote its tenth session wholly to human rights. There would however be other important items on the agenda. Accordingly, she reverted to the suggestion she had made before that an *ad hoc* committee on human rights might be set up under rule 98 of the rules of procedure. Governments would thus be able

to appoint expert representatives and the committee would be able to set up drafting sub-committees where necessary.

43. The CHAIRMAN suggested that the vote should be taken only on the first part of the Afghan proposal—that the Committee should begin the second part of the first reading at the next meeting, on the understanding that every delegation would be free to submit amendments to new proposals for, or observations on, the draft articles.

44. Mr. PAZHWAK (Afghanistan) objected that such a procedure would stultify his proposal. There would be no sense in deciding what should be discussed first if no decision was taken on what would be discussed afterwards. The Israel representative had raised a point that should really have been discussed in connexion with the Costa Rican proposal. Such a procedure would make the Committee's work too complicated.

45. The CHAIRMAN explained that his idea had been to avoid a procedural discussion at the next meeting. If the Committee decided to discuss the Costa Rican proposal at the end of the second part of the first reading, a two-thirds majority would be required if, after all, the Committee decided to discuss it, in the absence of speakers, at the next meeting.

46. Mr. FOMIN (Union of Soviet Socialist Republics) said that he would not press his suggestion, on the understanding that, as the Afghan representative had agreed, delegations could propose at the next meeting that the Costa Rican proposal should be discussed if there were no speakers on the first reading.

The Afghan proposal was adopted by 50 votes to none, with 1 abstention.

The meeting rose at 5.35 p.m.