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**Chairman: Mr. Hermod LANNUNG (Denmark).**

**AGENDA ITEM 60**

**Interim measures, pending entry into force of the Covenants on Human Rights, to be taken with respect to violations of the human rights set forth in the Charter of the United Nations and the Universal Declaration of Human Rights (A/3187 and Add.1, A/C.3/L.592, A/C.3/L.594) (*continued*)**

1. The CHAIRMAN announced that the Greek representative had accepted the Afghan amendment (A/C.3/L.596) to the Greek draft resolution (A/C.3/L.592).
2. Mr. JUVIGNY (France) said that although he sympathized with the aim of the Greek draft resolution (A/C.3/L.592), he had serious objections to the proposal itself. United Nations debates on related questions over recent years had in most cases shown that there were many juridical, political and psychological obstacles to the achievement of such an aim. The Greek representative had rightly stressed the need to put politics aside in the consideration of complaints concerning violations of human rights. That had always been the view of the French delegation, which, to mention only one instance, had deplored the acutely political character of the debate on self-determination that had taken place in the Commission on Human Rights, where it had been apparent that some delegations had no desire at all to exclude political considerations.
3. The Greek proposal laid down a procedure for dealing with complaints concerning violations of human rights. Under that procedure the Commission on Human Rights, which was composed of eighteen members, would instruct some of its members to investigate such complaints. But the question of the competence of those members to carry out so very delicate and difficult a task had to be considered. As members of the Commission on Human Rights, they represented their Governments; and they might be expected to receive instructions from their Governments with regard to the fulfilment of their obligations as investigators of complaints. Their decisions might be political in character, and would therefore be open to challenge.
4. For some delegations, the question of complaints was closely linked to the question of the right of petition in relation to Article 2, paragraph 7, of the United

Nations Charter. The Uruguayan delegation had raised that point in the Commission on Human Rights; it had also, and quite rightly, raised it again in the Third Committee in submitting its amendment (A/C.3/L.595). The General Assembly would in any case have to decide on the matter and lay down clear directives for the Commission on Human Rights before further progress could be made. There were also constitutional objections to the proposed procedure: no complaints of violations of human rights could be made until the rights themselves had been defined; and that had not yet been done. The Universal Declaration of Human Rights was a moral code for the guidance of States, but it did not possess the force of law; it was for that very reason that the decision to draft the Covenants had been taken. Finally, the Greek proposal left many questions connected with the organization and functioning of the proposed committee and its relationship with the Commission on Human Rights undefined, and it laid down no procedure for appeal. In the circumstances, it was very unlikely that the proposed machinery would produce the rapid results the Greek representative appeared to hope for.

5. The Greek proposal ignored the fact that in that matter the Commission on Human Rights had chosen a different procedure. During the drafting of the Covenants the Commission on Human Rights had given the matter careful consideration, and had not recognized its own competence to deal with complaints. It had therefore provided for the establishment of a Human Rights Committee, with provision for recourse, in the last resort, to the International Court of Justice. The Greek proposal fell far short of those provisions, which the Third Committee had yet to consider. If, on the other hand, the Greek procedure was meant to apply also to economic, social and cultural rights, it went too far. The draft Covenant on those rights provided merely for a system of reports.

6. Finally, the Greek proposal was premature. No machinery of the kind envisaged could be established until the Covenants had been signed and ratified and States had accepted the specific obligations they contained. The time for that had not yet come; but the Committee should press on with its work and not take sweeping decisions such as the one proposed by Greece. That did not mean that he was pessimistic about the future; he was merely taking a realistic view of the world situation. There were grounds for hope: action was already being taken along the lines of international co-operation laid down in the Charter of the United Nations. The only logical course was to defer consideration of the Greek proposal (A/C.3/L.592) and of the amendments proposed by Afghanistan (A/C.3/L.596) and Uruguay (A/C.3/L.595) until the part of the draft Covenants concerning implementation had been thoroughly discussed and adopted. If it took any other course, the Committee would run the risk of creating confusion and doing more harm than good.

7. Miss RADIC (Yugoslavia) said that the majority of speakers had agreed in recognizing the gravity of the problem raised by Greece. It was obvious that the United Nations was not yet able to prevent violations of human rights, to say nothing of promoting respect for or protecting them. It was also clear that it would be some considerable time before the International Covenants on Human Rights came into force. In the meantime, there were many concrete problems awaiting a solution.

8. Her delegation viewed with sympathy the initiative taken by the Greek delegation. However, the very specific solution proposed by Greece (A/C.3/L.592) also raised certain difficulties and there was a grave danger that interim measures of any kind might further complicate rather than help to solve the problem.

9. She welcomed the Afghan amendments (A/C.3/L.596), which provided a workable compromise. In stressing the need to expedite the adoption of the Covenants, the Afghan representative was offering the Committee the most constructive solution. Although she was not optimistic on the subject, the problems raised by the Greek proposal had convinced her that every possible effort must be made to complete consideration of the draft Covenants as soon as possible. She associated herself with the remarks on that point made by the USSR representative at the previous meeting.

10. She would support the Greek proposal (A/C.3/L.592), as amended by Afghanistan (A/C.3/L.596). Operative paragraph 2 of the Greek draft resolution, which was purely procedural in character, was quite acceptable to her delegation.

11. Mr. CHAUDHURI (Pakistan) said that the promotion of human rights was one of the corner-stones of the United Nations, which could claim the allegiance of mankind only to the extent that it safeguarded men's rights and contributed to the sum total of their happiness. Without rights men ceased to be men; the prevention of violations of human rights, wherever they might occur, was a sacred duty of the United Nations.

12. The heroic struggle for the realization of human rights was as old as humanity itself; and while recent years had seen great achievements in that sphere, they had also been marked by a revival of tyranny and brutal oppression. The United Nations, through its various organs, was striving to ensure to all men, once and for all, the enjoyment of the rights to which all men were entitled. Yet in various areas of the world men were being denied their rights, and were dying in the fight to achieve them, while in the United Nations their oppressors proclaimed their faith in human rights. The growing gap between words and deeds made it the more imperative for the United Nations to face up to its responsibilities in the field of human rights.

13. He was in full agreement with the purpose of the Greek draft resolution (A/C.3/L.592), but felt that it was unlikely to be achieved by the solution suggested. It had been said in criticism of the draft resolution that the proposed committee—the composition and powers of which had been left altogether too vague—would be sitting in judgment over sovereign States. But if States wished to have an effective world organization, they must surrender their absolute sovereignty. The existence of separate States was merely a historical accident; their present interdependence was a fact. The problem facing the world today was not how to reconcile the interests of mankind with those of any given

State, but how to direct the policies of States so that they served the interests of all mankind. In international life no one State could be sole judge of how best to solve problems affecting humanity as a whole. Unless States learned to co-operate with each other, they would relapse into their old bad ways—the ways of war—and the entire purpose of the United Nations would be defeated. If their intentions were good, States had nothing to fear from international co-operation; they should accustom themselves to sacrificing temporary interests for the lasting benefits which came from peace.

14. In the light of those considerations, he found the Greek draft resolution and the two amendments to it (A/C.3/L.595 and A/C.3/L.596) inadequate; but since he was in sympathy with the motives which had prompted their sponsors, he would abstain rather than vote against them.

15. Mr. PETRZELKA (Czechoslovakia) said that the merit of the Greek draft resolution (A/C.3/L.592) was that it focused attention on the violation of human rights and on the need to promote respect for those rights throughout the world. The proposal set forth in the operative part, however, had been based on the unduly pessimistic view that the draft Covenants would not enter into force for another ten years or more; he congratulated the Greek representative on agreeing to replace the passage in question by the Afghan text (A/C.3/L.596). Surely the best way to ensure respect for human rights was by speeding the work on the draft Covenants, which provided for implementation machinery that was bound to be more effective than that originally proposed by Greece, if only because it would rest on a contractual foundation. Furthermore, since the original Greek proposal would have been bound to give rise to long debate and to encounter the very difficulties which had delayed the drafting of the Covenants, there was no reason to suppose that any time would have been gained by giving it preference over the draft Covenants.

16. He therefore warmly supported paragraph 1 of the new operative part, consisting of the text proposed in the Afghan amendment (A/C.3/L.596); but paragraph 2, which was in essence the Greek proposal in a more general form, was open to the same objections as that proposal, and he therefore hoped it would be withdrawn or re-drafted.

17. The Uruguayan amendment (A/C.3/L.595) went even further than the original Greek proposal, and opened up a highly controversial question; he was therefore unable to support it.

18. Mr. TSURUOKA (Japan) associated himself with previous speakers who had congratulated the Greek representative on bringing his proposal (A/C.3/L.592) before the Committee, but was compelled to agree that in its existing form the proposal would be unable to achieve its purpose. However, he was grateful to the Greek representative for the opportunity to reflect whether his own Government was honestly discharging its obligations in the field of human rights. He had come to the conclusion that after many errors Japan had set its feet on the right path, and that human rights were respected not only in its legislation but in its daily life. Perhaps the best way to ensure similar respect everywhere would be for the statesmen of all countries to examine their conscience every day, and to accuse themselves before they accused others. Such

an approach might be considered somewhat naive; but he firmly believed that good must triumph over evil, and that the best safeguard of human rights lay in the human conscience.

19. Mr. HOARE (United Kingdom) said that whatever the fate of the Greek proposal might be, the debate on it had served as a useful reminder of the background against which work on the draft Covenants on Human Rights was proceeding; the question whether anything could be done within the framework of the United Nations to prevent violations of human rights was one that deserved consideration. He did not accept the Greek representative's reference to alleged violations of human rights in a territory under British rule; in any event, that matter was *sub judice* in another body. On the general question there seemed to him to be two important considerations. The first was that the Charter of the United Nations did not provide any organized system for dealing with violations. Such questions could be raised in higher organs than the Commission on Human Rights, but the results, as the Greek representative had said, were often political. Thus, although the importance of human rights was established in the Charter, the United Nations had not yet devised machinery for dealing with violations.

20. The first task entrusted to the Commission on Human Rights had been to draw up an International Bill of Human Rights; the result had been the preparation of the Declaration and the draft Covenants. The very fact that it had been considered essential to draft treaty provisions to ensure compliance by States showed that the United Nations Charter contained no similar provisions. The second important point was that the delays and difficulties the draft Covenants had encountered were mainly due to the change, since they were begun, in the climate of opinion. It was in that new political climate that the solution envisaged in the Greek proposal had to be considered.

21. Even if under the Greek proposal the Commission on Human Rights succeeded in evolving a system of inter-State complaints, to be adjudicated upon by a United Nations body, there could be no compulsion on States to accept it, and it was doubtful, in the prevailing political climate, whether many Member States would be prepared to submit to such a system. Moreover, there were two possible courses which might be followed in drawing up such a scheme: one was to leave it in the existing, somewhat indefinite, form of the Greek draft resolution, omitting any details concerning the powers and functioning of the organ which was to examine complaints; and the second was to set the proposal forth as precisely as possible. If the first course was taken, States would be highly unlikely to subscribe to an undertaking couched in vague terms, and if the second method was applied, the measures would inevitably become practically identical with those for the implementation of the Covenant on Civil and Political Rights. The result would be adherence to the measures of implementation in that Covenant without any more specific definition of the rights concerned than that set forth in the Universal Declaration of Human Rights. Under either alternative therefore it must be concluded that there was no immediate likelihood of any solution for the problem of interim measures.

22. With regard to the proposal that the question of interim measures should be entrusted to the Commission on Human Rights, the USSR representative's remarks (749th meeting) concerning the time factor were

pertinent. Moreover, the Commission would shortly have before it the first triennial reports of States under the United States proposals<sup>1</sup> for an entirely new approach to the problem of the promotion and maintenance of human rights, together with a special study of a particular human right made by three members of the Commission. The whole method of handling that new material would require the Commission's most careful thought. The proposal for a study of interim measures in addition was therefore not feasible. The same applied to the Uruguayan proposal that the Commission should consider a broad scheme of individual petitions and complaints. The Commission could scarcely take such a course before it had studied such a system within the framework of the draft Covenant on Civil and Political Rights. It had deliberately decided that that study should be left to the General Assembly in connexion with that draft Covenant.

23. While the debate on the Greek proposal had served a useful purpose particularly for the new Members by raising some of the fundamental problems of work on human rights, he thought the wisest course would be for the Greek representative to withdraw his draft resolution (A/C.3/L.592). The Afghan amendment (A/C.3/L.596) might be put as a substantive proposal before the Committee at the appropriate time.

24. Mr. DE ROSSI (Italy) pointed out that the Convention for the Protection of Human Rights and Fundamental Freedoms adopted by the Council of Europe and signed in Rome on 4 November 1950, provided for comprehensive machinery, including a Commission and a Court, for dealing with violations of human rights. The elaboration of that Convention had been accomplished within the period of about one year. He agreed with the representatives who had expressed the view that the adoption of the Greek proposal would be prejudicial to the speedy conclusion of the work on the draft Covenants, and would be premature until a juridical definition of "human rights" had been established. The proclamation of human rights in the Charter of the United Nations and the Universal Declaration of Human Rights could not be regarded as having a legally binding character and the Committee's task was to draft legal instruments on the matter. From the standpoint of democracy, an important guarantee of human rights lay in the distinction of powers; it was essential to maintain the balance between substantive provisions, procedures and implementation machinery.

25. With regard to the text of the operative paragraphs proposed in the Afghan amendments (A/C.3/L.596), he agreed with the provisions of paragraph 1 but could not support paragraph 2, as he did not think that the Commission on Human Rights should be charged with a new task before the conclusion of the urgent work on the draft Covenants.

26. Mrs. RÖSSEL (Sweden) said that her delegation did not consider the Commission on Human Rights competent to deal with such matters as those dealt with in the Greek draft resolution (A/C.3/L.592); indeed, the Commission itself had denied its competence, and had been confirmed in that view by the Economic and Social Council in its resolution 75 (V). The Commission, in discussing the implementation clauses against the background of the substantive articles, had shown a tendency to limit the terms of reference of the Human

<sup>1</sup> See *Official Records of the Economic and Social Council, Twentieth Session, Supplement No. 6, chap. VII.*

Rights Committee which was to supervise the implementation of the Covenants; the membership of the Committee was to be restricted to countries which had ratified the Covenants and complaints were to be accepted only from ratifying States against other ratifying States. The Greek proposal lacked any such clear definitions and seemed to envisage the acceptance of complaints against any Member State. She would therefore be obliged to vote against the Greek draft resolution if it was put to the vote.

27. The Afghan amendments (A/C.3/L.596) accepted by the Greek delegation were unduly ambitious. While all delegations were anxious to complete the consideration of the draft Covenants as soon as possible, there were advantages to be gained by spending adequate time on the subject, by ascertaining all points of view on the various articles and studying the meaning of every provision thoroughly. It would be unfair not to give all Member States, especially the twenty new Members, an opportunity for a full exchange of views on the matter. In the past, the eighteen members of the Commission on Human Rights had held a privileged position in that respect. She doubted, in any event, whether any member of the Third Committee would admit that his delegation's participation in the debates had been unnecessary and had unduly delayed the adoption of the Covenants. Furthermore, the articles so far adopted seemed to be less controversial than those of the draft Covenant on Civil and Political Rights, which had not yet been discussed. She was

sure the Afghan representative would agree that the Covenants must be drafted carefully, if they were not to become a dead letter. She would have to vote against paragraph 1 of the text proposed in the Afghan amendments, unless the words "if possible" were inserted after the words "at that session" at the end of paragraph 1 (a). She would also be obliged to vote against paragraph 2 of the text proposed in the amendments, as its objective was in effect the same as that of the Greek draft resolution.

28. Mr. PAZHAWAK (Afghanistan) thanked the Greek delegation for introducing its valuable proposal, which had given rise to a highly interesting debate.

29. He hoped that the Swedish representative would not move her suggestion to insert the words "if possible" as a formal amendment. It was surprising to hear the argument of the time factor raised again, after so many years had been spent on the consideration of the draft Covenants. The General Assembly could at any time prolong sessions of the Third Committee for a specific purpose, as it had done in the case of other bodies; moreover, he hoped that the eighteen members of the Commission on Human Rights would not place obstacles in the way of the exhaustive consideration of the draft Covenants; by refraining from speaking on the subject, they could give the new Members an opportunity to make their views known. The Swedish suggestion was in his view dangerous and unacceptable.

The meeting rose at 12.55 p.m.