



**C O N T E N T S**

	<i>Page</i>
Report of the Economic and Social Council (chapters IV and V) ( <i>continued</i> ).....	259

**Chairman: Mr. G. F. DAVIDSON (Canada).**

**Report of the Economic and Social Council (chapters IV and V) (A/2430, E/2447, A/C.3/L.367 and Add.1 and 2) (*continued*)**

[Item 12]\*

**HUMAN RIGHTS (*continued*)**

**DRAFT RESOLUTION SUBMITTED BY EGYPT AND PHILIPPINES (A/C.3/L.367 and Add.1 and 2) (*continued*)**

*Development of the work of the United Nations for wider observance of, and respect for, human rights and fundamental freedoms throughout the world* (continued)

1. Mr. REYES (Philippines) said that he would add only some brief comments to the very full statement made by the representative of Egypt at the preceding meeting. The purpose of the proposal made by the Egyptian and Philippines delegations (A/C.3/L.367 and Add.1 and 2) was to enable the Commission on Human Rights to give due consideration to the three important United States draft resolutions (E/2447, paras. 263, 269 and 271), which had been aptly called an "action programme" on human rights. Nevertheless, the Commission's main task continued to be the preparation of the covenants, and the proposal was in no way intended to supplant the covenants by the "action programme".

2. Some countries had expressed a wish to study the three draft resolutions in greater detail. The draft resolution submitted by Egypt and the Philippines accordingly provided sufficient time for the Commission on Human Rights, in preparing its recommendations, to take account of the comments made by Member States and specialized agencies. Moreover, by providing that the Economic and Social Council should consider those recommendations at its eighteenth session, emphasis was placed on the importance of the action programme as a means of strengthening respect for human rights and fundamental freedoms. In addition, the importance of the programme was increasing, for it did not appear that the covenants would be ratified at a very early date. It would therefore be desirable to give effect to the three United States proposals until such time as the covenants came into force. The three proposals fell within the Commission's competence;

they supplemented the draft covenants and enabled the United Nations and the specialized agencies to take constructive action in the matter.

3. The first two United States draft resolutions (E/2447, paras. 263 and 269) were complementary. One provided for the preparation of annual reports and the other for a series of studies of specific aspects of the problem. Hence they would both give the United Nations, the specialized agencies and the non-governmental organizations a sound foundation for practical measures.

4. States would transmit their reports of their own free will and would stress the specific aspects which according to the second draft resolution should be studied. The Secretary-General would then make a brief summary of the reports to assist the Commission on Human Rights and the Economic and Social Council in preparing the necessary recommendations. The experts responsible for the series of studies would have functions similar to those of the Council's Rapporteur on Freedom of Information. They would be chosen for their special qualifications and would take personal responsibility for their reports and recommendations.

5. The third draft resolution would make it possible to provide governments, at their request, with technical assistance in the form of expert services, fellowships and seminars. A new element would be that the Secretary-General would be empowered to extend such assistance, in line with resolutions adopted at the current session authorizing technical assistance for the promotion of the rights of women, the prevention of discrimination and the protection of minorities.<sup>1</sup>

6. The programme was still in the preliminary stage and there was thus no need to go into every detail. In its existing form it was already of sufficient interest to merit further study by the Commission on Human Rights. The draft resolution submitted by Egypt and the Philippines was intended precisely to provide a procedure to that end.

7. Mr. PAZHAWAK (Afghanistan) regretted his inability to agree with the Egyptian and Philippines delegations, with which he had often closely co-operated. He hoped that they, as well as the United States representative herself and the rest of the Third Committee, would accept his remarks as a sincere statement of his views and would give them full consideration. Because of the great importance of the draft resolution (A/C.3/L.367 and Add.1 and 2) and the Syrian amendments (A/C.3/L.370), he had wished to state his opinion as soon as possible after their introduction.

8. He had hoped that the observations made on the three United States proposals in the general debate would have induced the United States representative to reconsider her position. He had thought that the General Assembly could consider the draft resolutions at

\* Indicates the item number on the agenda of the General Assembly.

<sup>1</sup> See *Official Records of the General Assembly, Eighth Session, Plenary Meetings, 453rd meeting.*

the proper time and not prematurely. The general debate had, indeed, shown that although the three draft resolutions were well worth considering, the time had not yet come to do so. He had said at the time that those resolutions were the products of earnest consideration and would be useful. Most Members, however, earnestly desired to adopt more important measures, and the United States attitude did not take that desire into account.

9. He recalled the purpose of the joint draft resolution submitted by Egypt and the Philippines and said that if it were adopted by the Third Committee, he should like his views to be transmitted to the bodies that would be responsible for considering the question. The United States proposals introduced a new programme and a new approach even though, as the United States representative had maintained, they were not entirely new in concept. Since, however, the work already undertaken had not yet been completed, the adoption of a new method, whatever its merits, would mean reconsidering the work of several years. The United States representative had, to be sure, been careful to say that her proposals were not intended to replace the covenants, that is, the old method. If that was the case, there was reason to ask what purpose they served. If they made no fresh contribution to the covenants, it might be better to complete the task already in hand before taking additional steps in the same field.

10. It had been said that certain rights should be considered separately, but that would involve the danger of giving one right priority over another right. Human rights, like human beings, were on an equal footing. The idea of drafting two covenants instead of one had already done enough harm, but now an attempt was being made to break the pieces into even smaller pieces. He wondered furthermore whether the United States delegation could say on what basis particular rights could be singled out. It had also been said that the proposals were merely an outline of an action programme. He could imagine what additional work would result for the United Nations organs, whose agenda was already so heavy that they could not cope with their new task in spite of the General Assembly's request.

11. It had also been said that the so-called action programme was experimental in character. The United States representative herself had admitted at the tenth session of the Commission on Human Rights that the programme would take the Commission into new fields of activity and present it with new problems and perhaps even with new difficulties. He admired her frankness but wondered whether the Commission should be put in that position. In addition, it should not be forgotten that the United States of America had decided not to sign the covenants. Thus, the proposals might replace the covenants, or at least delay their completion and adoption.

12. The Egyptian representative, in introducing the draft resolution (A/C.3/L.367 and Add.1 and 2), had further increased the anxiety of the Afghan delegation, for he had said that if the covenants did not see the light of day the United States proposals would at least be some consolation. In addition, the Egyptian representative's allusion to the adoption and implementation of the proposals had been evidence that the cause of the covenants had already been harmed. Although the covenants had indeed been cut in two they had not yet died.

13. When the right of peoples to self-determination had been discussed, many countries, including the Soviet Union and the United States of America, had succeeded in reaching agreement despite their divergent views. In contrast, Afghanistan and Egypt were quite unable to agree on the United States proposals: a fact which sufficiently demonstrated the virtual absence of any ground for agreement on the subject.

14. In paragraph 1 (c) of the first United States draft resolution (E/2447, para. 263) it was provided that the annual reports should deal in particular with the right or group of rights currently selected for study by the Commission on Human Rights in accordance with a procedure to be established in due course. There was thus a reference first to one right, then to a group of rights; then to selection by a procedure as yet unknown. Everything thus indicated that the unity of the covenant on human rights was to be broken. In those circumstances, even the mere "consolation" envisaged would be problematical.

15. The first United States proposal also contemplated the setting up of an advisory body, composed of experienced and competent persons, to assist their government in the preparation of its annual report. Thus everything was left to the discretion of governments, with a consequent risk that one government might impose on others whatever procedure it might adopt. If that method was to be followed, it would have to be given detailed study, and a form acceptable to all States would have to be found.

16. In the draft resolution the Secretary-General and the specialized agencies were also requested to make certain arrangements. Since the constitution and membership of those agencies varied, the Afghan representative wondered how duplication of effort was to be avoided as stated at the end of paragraph 5. He also wanted to know what expense was involved.

17. As to the second United States proposal (E/2447, para. 269), he also wished to know what the United States representative meant by the words "specific aspects of human rights". The fourth paragraph of the preamble to the draft resolution revealed some inconsistency on the part of its sponsor, because, if Mr. Pazhwak's remarks concerning the specialized agencies were taken into account, it would be found that the United States delegation had been conscious of the special responsibilities of those agencies. He would like further information about the series of studies on a world-wide basis mentioned in paragraph 1 of the draft resolution, and how they might be initiated. Paragraph 2 referred to a specific subject or specific subjects but was far from clear in spite of the reservation at the end of the paragraph. He would also like to know whether it was intended to solve the current problems with the existing machinery, or to lay down new terms of reference and procedural courses for the Commission, forgetting the work previously accomplished by United Nations organs. Paragraphs 3, 4 and 5 of the proposal sufficiently illustrated his observations on the subject. The last part of the proposal amended Economic and Social Council resolution 75 (V), but he could see no reason to reconsider a resolution which had been adopted.

18. He would abstain at that stage from commenting on the third proposal (E/2447, para. 271) and would merely point out that it was premature. Besides, the draft resolution (A/C.3/L.367 and Add.1 and 2) showed that the Commission on Human Rights had in

fact been requested to consider a resolution that was to be transmitted to the General Assembly. In other words, the Economic and Social Council would submit to the General Assembly, for consideration, a draft resolution which the Assembly, without having considered it, had itself referred to the Commission on Human Rights. He doubted whether there was any real intention to proceed in that manner.

19. The Philippine representative had maintained that the draft resolution (A/C.3/L.367 and Add.1 and 2) was solely concerned with procedural matters. That might appear to be the case at first sight, but a more thorough examination of the matter would reveal that the draft resolution would instruct the Commission on Human Rights to consider an extremely important question at an unfavourable moment. The proposal therefore affected the very substance of the matter. Again, notwithstanding the Philippine representative's statement, the draft resolution would obscure the fact that the principal duty of the Commission on Human Rights continued to be the preparation of the covenants. Not only would the draft resolution thrust that duty into the background, but by enabling the United States proposal to be implemented, it would delay the coming into force of the covenants.

20. He would like to know the views of the Egyptian and Philippine representatives on the subject, because the enforcement of the covenants was, in his opinion, the main objective.

21. He would speak on the Syrian amendments (A/C.3/L.370) later and reserve his right to revert to the subject.

22. Mrs. WASILKOWSKA (Poland) explained her delegation's position with regard to the joint draft resolution. She believed that all three proposals should be considered in the light of the United States delegation's declaration that the United States Government did not intend to sign any covenants on human rights. The draft resolutions were therefore an endeavour to wipe out all the current efforts of the United Nations in the field of human rights.

23. When the United States representative had introduced her proposals in the Third Committee (504th meeting), she had pointed out that they were not intended as an alternative to the draft covenants, but when she had submitted those proposals to the Commission on Human Rights<sup>2</sup> and read President Eisenhower's letter stating that the United States would not sign the covenants she had declared that the world was not yet ripe for such covenants. That statement called for no further comment. It meant that the United States delegation regarded the covenants and all work on them as unnecessary. The Third Committee should reject that scheme for substituting vague formulations, like those proposed by the United States of America, for such concrete international obligations as the covenants on human rights.

24. She recalled that the Egyptian representative, while pointing out that the United States proposals should not be regarded as substitutes for the draft covenants, had nevertheless stated that, if the covenants were not achieved, those proposals would perhaps be a sort of "consolation". That was a very dangerous statement. As was evident from the discussion, the decisive majority of Member States wished to have the covenants, and their joint efforts should be concentrated on completing them. The Committee must

not allow itself to be diverted from that direct and correct road by considering the United States proposals.

25. Those reasons were sufficient to justify the negative attitude her delegation would adopt towards the draft resolution, but she would like to add a few words on the substance of the United States proposals and the methods they advocated in connexion with respect for human rights. She held that the action programme advocated by the United States of America was, in fact, an attempt to interfere in the domestic affairs of sovereign States. The Commission on Human Rights, which would be required to deal with the reports of Member States and with a series of studies of specific aspects of human rights, would thus be transformed into an institute carrying on abstract studies, or into a sort of quasi-judicial body in which some Member States would pass judgment upon other States, also Members of the United Nations. Such a situation would be contrary to the Charter, which required full observance of the sovereign rights of Member States. The United States also suggested that technical assistance should apply to clearly domestic problems, such as the organization and activities of judicial and administrative bodies. There again the suggestion was contrary to the principle of sovereignty.

26. The United States proposals, far from contributing to the progress of the work of the Organization in the field of human rights, hampered that work, and even discussion of the proposals was delaying the completion of the covenants which not only conformed to the true functions of the Organization, but could really ensure the promotion of human rights.

27. That was why the Polish delegation had voted against all draft resolutions connected with the United States proposals in the Commission on Human Rights and in the Economic and Social Council, and would vote against the joint draft resolution (A/C.3/L.367 and Add.1 and 2).

28. Mrs. EMMET (United Kingdom) recalled that the three United States draft resolutions (E/2447, paras. 263, 269 and 271) had been regarded in some quarters as resulting from the United States decision not to ratify the covenants on human rights, a decision described by the Egyptian representative as a "bombshell". Although it admitted that the decision might have seemed a set-back to those who looked forward to the coming into force of the covenants, the United Kingdom delegation understood the reasons behind the decision. It had strongly supported the draft covenants from the beginning, but had for some time felt that in the process of drafting they were being diverted from their original purpose. It feared that the Commission on Human Rights had been dominated too much by political motives and had tended to forget the humanitarian basis of its work. Nevertheless, it still hoped that covenants might be drafted in a form acceptable to the great majority of Member States, and would continue to strive towards that end.

29. In view of the doubts about the future of the covenants, which would in any case take some time to come into force, the United Kingdom delegation appreciated the genuine desire of the United States of America to see some immediate practical action. Even though some of the suggestions had been made before, the three proposals, which had never previously been considered by governments, deserved close examination. The Government of the United Kingdom was studying the proposals carefully but had not yet been able

<sup>2</sup> See document E/CN.4/SR.391.

to send in the written comments which had been requested by the Economic and Social Council (Council resolution 501 (XVI)) and which only a small number of Member States had so far been able to submit. The United Kingdom delegation therefore believed that the Third Committee should not attempt to come to any kind of decision on the three proposals or even to discuss them in detail, and it was grateful to the Egyptian representative for submitting his draft resolution, under which the proposals would be transmitted to the Commission on Human Rights.

30. She was unable to make official comments on behalf of her Government, but would make a few personal remarks on the proposals.

31. The first proposal, dealing with annual reports, was similar to that already adopted for a *Yearbook on Human Rights* (Economic and Social Council resolution 303 H (XI)). It was, however, open to the same objection as were all reports and questionnaires in the current state of world affairs, for there was little likelihood that all governments would submit honest reports. Those countries in which many fundamental rights were disregarded would either not reply at all or would simply reply that the human rights situation in their country was as nearly perfect as possible. On the other hand, States which had the courage to admit to certain imperfections would lay themselves open to attack from countries whose record was far worse. The Commission on Human Rights was thus likely to become a forum for political recrimination to the detriment of the humanitarian functions which it ought to carry out. As to the proposed national advisory bodies, such a body might prove useful in the United States of America, but in the United Kingdom, for instance, it would only complicate the current system of safeguarding human rights through impartial and independent law-courts and the parliamentary method of redressing grievances. It was also to be feared that, in many countries, such advisory bodies might develop into pressure groups and be used by certain sections for political purposes.

32. With regard to the proposal concerning technical assistance for the promotion of human rights (E/2447, para. 271), she thought that she could forecast her Government's attitude. When the Third Committee had considered the advisability of technical assistance for safeguarding the rights of women and for the prevention of discrimination and the protection of minorities, her delegation had expressed doubts as to the usefulness or need of that form of technical assistance, and she would not repeat the arguments then used. She wished to emphasize, however, that requests for technical assistance had to come from the governments concerned. In the majority of cases where human rights were not safeguarded in a country, the blame lay with government policy in that country. Such a government was most unlikely to admit to an international body that human rights were not adequately safeguarded and still less likely to admit the ability of some outside expert to put things right. Consequently, any money set aside for that form of technical assistance would be unused, or, if used, would be wasted on well-meaning projects unlikely to have any real effect on the situation in the countries in question.

33. The first duty of the Commission on Human Rights was the completion of the covenants and that work should not be side-tracked, nor in any way belittled. She therefore supported the first Syrian amend-

ment (A/C.3/L.370) in so far as it insisted that work on the covenants should be completed before the United States proposals were studied. She could not, however, support the whole of the Syrian amendment since its effect would be to postpone consideration of the United States proposals indefinitely.

34. The attitude of the United Kingdom to questions of human rights was by no means negative. The United Kingdom had always supported and would continue to support any measures calculated to promote and safeguard human rights anywhere in the world. It believed, however, that in the existing state of international relations the scope of direct international action was necessarily limited. The safeguarding of human rights was essentially a question of internal jurisdiction; it depended on the setting up of adequate and effective judicial machinery, and above all on the impartial administration of that machinery. Through the centuries the United Kingdom had developed a system of checks and balances which ensured the rights of the individual to the largest extent compatible with the maintenance of order, but which might not be suitable for other countries. The governments of those countries themselves, supported by the efforts of their peoples, should develop such systems of safeguarding human rights as were best suited to the community concerned. The long-term problem was largely one of education, since no system of law and order could long endure unless the great majority of the people in the country understood how it worked and were prepared to defend it. The Committee should therefore proceed with patience and understanding, consolidating one step at a time and not being disappointed if world conditions were not changed overnight.

35. Mrs. CALDWELL (Canada) would support the joint draft resolution. Her delegation would abstain in the vote on the Syrian amendments (A/C.3/L.370) on the ground that it was neither advisable nor necessary to give such precise directions on priority to the Commission on Human Rights. That was particularly so in view of the priorities already established by the Economic and Social Council, and by the Third Committee itself, in earlier resolutions relating to the draft covenants and to self-determination.

36. Her Government had not yet had time to give the three United States proposals the detailed attention which they undoubtedly deserved, and had therefore been unable to submit its observations to the Secretary-General by the date requested. Further time was required to enable those governments desirous of expressing their views to do so. The replies should be considered in the first instance by the Commission on Human Rights so that it could come to a decision on the three proposals themselves.

37. Mrs. LORD (United States of America) recalled that her statement to the Commission on Human Rights in submitting the three United States proposals (E/2447, paras. 263, 269 and 271) was given in document E/CN.4/690. In drafting those proposals, the purpose of which had been well analysed by the Egyptian and Philippine representatives, her delegation had consulted with other delegations, the specialized agencies and non-governmental organizations. Their suggestions and observations had been used in the text, which was of an experimental nature and would be worked out in detail as the action programme developed.

38. She thanked the Afghan representative for his fine criticism and wished to take up some of the ques-

tions which he had raised. In the first place, United States interest in respect for human rights everywhere in the world was well known. The United States would continue to co-operate in the drafting of the covenants and was not trying to side-track them. The United States view was that covenants were not the only means of ensuring respect for human rights and that in other matters, such as the status of women, the protection of minorities, freedom of information, forced labour and war prisoners, the United Nations was continuing its efforts by other means.

39. With regard to the cost of the proposed programme, the Secretary-General had already submitted estimates (E/CN.4/L.266/Add.1, E/CN.4/L.267/Add.1 and E/CN.4/L.268/Add.1), which were not unduly high.

40. The second United States proposal referred to studies of specific aspects of human rights, and the Afghan representative had been alarmed at the vagueness of the proposal. She repeated that the time was not ripe to study details. She had previously suggested that a start might be made, for example, with freedom of worship and the right to a fair trial, but a perusal of the Universal Declaration of Human Rights would suggest many other possibilities. The important thing was to begin studies in the following year.

41. With regard to the specialized agencies, she had worked with them at Geneva and had modified her text in agreement with them in order to avoid overlapping and duplication. Moreover, two specialized agencies had already sent in their observations.

42. She could not reply for the time being to certain technical questions, since the draft resolution before the Committee (A/C.3/L.367 and Add.1 and 2) was concerned only with procedure, but a reply to those questions would certainly be forthcoming in the Commission on Human Rights, the Economic and Social Council or the General Assembly.

43. She thanked the Egyptian and Philippine representatives for their draft resolution, which she would fully support.

44. She also thanked the delegations which had presented thoughtful observations on the three proposals and assured them that her Government would bear their remarks in mind.

45. In conclusion, she emphasized that it was impossible to ensure peace and security in a world in which the rights of the individual were violated, because those who violated individual rights could hardly be expected to respect the right of other countries in the international community.

46. Mr. JUVIGNY (France) stated that the reason why his country had not yet replied to the Council's request was not that it lacked interest in the three proposals but that it had not had sufficient time to make the careful study required in view of the scope and possible effects of the question. The reply would not, however, be long delayed; in its absence he could not give an opinion on the questions of principle in the second and third proposals.

47. On the other hand, the French delegation had in the Commission on Human Rights already shown its interest in the first of those proposals, which, incidentally, incorporated many of its own suggestions, especially as regards the necessity of preserving the technical competence of the specialized agencies, and which clearly showed the integrity of the United States intentions. The submission by all States without distinc-

tion of reports to the United Nations on the progress made and the difficulties met in the field of human rights constituted a regular and universal and, it was to be hoped, an amicable procedure which was not a juridical substitute for the system of implementation provided for in the covenants. Far from replacing such covenants, the system of reports would supplement them, since by not making any distinction between States which had and those which had not ratified the covenants, it would be more nearly universal. His delegation thought that at that stage it would be wiser to refer the three proposals to the Commission on Human Rights, as the Egyptian and Philippine representatives had proposed.

48. His delegation could support the first part of point 1 of the Syrian amendments (A/C.3/L.370) since the primary duty of the Commission on Human Rights was to complete the drafting of the covenants. In the latter part of that amendment, the words "other important matters pending" were, however, ambiguous. It was not clear who would decide the importance of the various questions. Moreover, at every session the Commission on Human Rights had a large number of new items on its agenda, which it did not succeed in completing and which remained pending. If the latter part of the amendment were not strictly interpreted, it might have the effect of indefinitely postponing consideration of the three proposals.

49. Mr. KOS (Yugoslavia) said that his Government had been unable to submit its comments on the three proposals by the date set owing to lack of time and to the complexity of the problems involved, which required careful study by the proper authorities. He would therefore confine himself to some general observations which should not be regarded as representing his Government's final point of view.

50. The three draft resolutions included some of the measures of implementation and some of the positive measures in the former part V of the draft covenant,<sup>3</sup> and they could be considered together. It would perhaps be advisable to correlate them with those measures. When discussing the measures of implementation in the covenants, the Commission on Human Rights might keep the three proposals in mind with a view to harmonizing them with the former.

51. The measures proposed in the draft resolutions were in principle acceptable to his delegation but should not be regarded as replacing the covenants and measures of implementation. At most, the three proposals could be regarded as a trial for the measures of implementation until such time as the covenants entered into force.

52. The scope of the three proposals, in their existing form, was narrow. They took into account only political and civil rights and left aside economic, social and cultural rights although the latter were of primary importance in some parts of the world. That observation applied especially to the third proposal (E/2447, para. 271), which recommended the granting of technical assistance in various forms but not other assistance which might be more urgently needed to promote human rights. To improve the proposal, it should be made clear that all human rights had to be considered and that complete international assistance, technical as well as other, had to be envisaged.

<sup>3</sup> See *Official Records of the Economic and Social Council, Thirteenth Session, Supplement No. 9, annex I.*

53. The first proposal, which might be made into an independent resolution not necessarily connected with the other two, contained the essential idea of annual reports. The idea was not new and would be useful if the reports indicated the efforts made by individual governments regardless of the results to promote human rights. The reports should also give a picture of the progress made in the different countries with regard to the former situation, the general standard in the area, and the objective possibilities. Human rights could not be measured by a yardstick and the aim of the reports should be to provide a comparative picture of developments and achievements, from which it could be seen where and in what form assistance would be necessary. International help could succeed only if it was genuine assistance and not a form of control. Once the need for assistance had been recognized, it should be organized only through the United Nations to avoid potential misuse and complaints of interference in the internal affairs of States.

54. The suggestion to set up advisory bodies might be regarded as a recommendation to set up national committees on human rights like, but with much broader terms of reference than, the national committees of the United Nations Educational, Scientific and Cultural Organization. It should be left to individual countries to determine the form of organization which would be most suitable to its needs. Such advisory bodies should have official government recognition and advisory functions on a nation-wide basis.

55. Those ideas were mere suggestions. The situation in the field of human rights was so delicate that he would hesitate to leave it only to the Economic and Social Council to make comments and draw conclusions or even establish programmes, without consulting the governments concerned and obtaining their co-operation and final consent.

56. Referring to a number of individual points in the other two United States proposals, he said that the proposed expert adviser could be considered as a rapporteur, and as the appointment of rapporteurs was tending to become a system in the United Nations, the principle should first be discussed.

57. Two other points in the second draft resolution (E/2447, para. 269), communications and petitions, had already been discussed in the Committee and had been given a favourable reception. In the proposal the question of obtaining information from non-governmental organizations and other sources and the authorization to the expert to use that information seemed to correspond to the question of communications and petitions envisaged in the draft covenants. The Commission on Human Rights should therefore bear in mind the discussions of the Third Committee on the question.

58. With regard to the purposes the three proposals should serve, he said that they should not replace the covenants or stop the work of drafting them. They should not be used to raise controversial issues by the choice of a specific subject for study or as a continuation of the "cold war" in the field of human rights: the subjects chosen should be of universal interest and should refer to problems which were also of interest to under-developed countries and which required international assistance. They should not be used to brand some countries as violators of certain human rights; they should not serve as a basis for passing an absolute judgment concerning the exercise of a certain right in

a given country, still less in comparison with other countries. Finally, they should not overburden the Commission on Human Rights or the Secretariat with lengthy studies.

59. On the other hand, the proposals could serve useful purposes. They could present a picture of the situation of a given right with regard to other rights and with regard to the general situation in a given country; they could show the progress made in the exercise of different rights in a given country within a certain period, for example, before and after the Second World War; they could give a picture of the measures contemplated by governments, the difficulties encountered and the results achieved in promoting certain rights; and they could result in recommendations acceptable to the governments concerned and proposals for international assistance by the United Nations. The primary purpose of the system of reports should be the organization of international assistance for States which needed it. The picture would be complete only if reports from Non-Self-Governing and Trust Territories dealing with all the rights set forth in the two covenants were included.

60. Those observations were only tentative suggestions, which should be worked out in detail.

61. The Yugoslav delegation would vote for the draft resolution submitted by Egypt and the Philippines (A/C.3/L.367 and Add.1 and 2) and for the Syrian amendments (A/C.3/L.370). His only fear was that the terms of the draft resolution were perhaps too rigid and that it might, as the experience of the Commission on Human Rights and the Council tended to show, prove difficult of application.

62. Mr. MUFTI (Syria) said that in submitting its amendments (A/C.3/L.370) his delegation had had in mind only the overburdened agenda of the tenth session of the Commission on Human Rights and the limited time at its disposal. Apart from the various questions it had been unable to examine at its last session, such as final clauses, the federal State article, reservations, the proposed human rights committee and the periodical reports, the Commission on Human Rights would be required, under the resolutions recently adopted by the Third Committee, to take up other important aspects of the problem of the covenants on which no final decision had yet been taken. Those questions had to be considered and settled in order to permit the completion of the drafting of the covenants. In drawing up its amendments Syria had also had in mind the priority that the Commission on Human Rights had to give to the framing of recommendations relating to the right of self-determination; that would be one of the most important matters before the Commission when it had completed the drafting of the covenants.

63. The Syrian delegation considered that the draft resolution submitted by Egypt and the Philippines was procedural and would therefore make no comment on the substance of the three United States draft resolutions. In the course of the general discussion, he had, however, had an opportunity to state his country's view on those proposals; in particular, he had said that they appeared to be premature, and that the Commission on Human Rights should first of all be allowed time to complete the work which it had undertaken and to which world public opinion and a great many delegations attached special importance. That was the consideration on which his amendments were based.

64. He pointed out that there was a mistake in the English text of his amendment (A/C.3/L.370); in point 2 of the amendment, the phrase "insert after the words 'throughout the world, and . . .'" should be replaced by the phrase "insert after the words 'and to prepare . . .'" in order to bring the English text into line with the French. He asked the Secretariat to make the necessary correction.
65. In conclusion, he stressed that the Syrian delegation's attitude in voting on the draft resolution (A/C.3/L.367 and Add.1 and 2) would depend on whether the amendment was adopted or not.
66. Mr. SCHMELZ (Czechoslovakia) said that his country regarded economic, social and cultural rights as inseparable from civic and political rights; in particular, the right to work, the right to social security and the right to a decent standard of life were the foundation of all human rights. In accordance with that principle, which was in conformity with the letter and spirit of the United Nations Charter, the Czechoslovak delegation consistently supported proposals to ensure the simultaneous development of all human rights and was opposed to measures which tended to establish unacceptable artificial distinctions between various categories of rights.
67. In common with several other members of the Committee, he considered that the United States proposals would, if adopted, divert the attention of the Commission on Human Rights from important problems raised by the draft covenants. He would therefore vote against the draft resolution submitted by Egypt and the Philippines (A/C.3/L.367 and Add.1 and 2).
68. Mrs. TSALDARIS (Greece) said that, as she had already pointed out, the Greek Government had been unable to consider the United States proposals before the date set for the replies, as the text had not been transmitted to it by the Secretary-General until 10 August. Many other governments had been in the same position. Under the two-Power draft resolution the Commission on Human Rights would consider the question at its tenth session. Greece would be represented on the Commission in 1954 and would then be in a position to state its views after due consideration of the documents. As the United States representative had made it clear that the proposals were designed not to replace, but to supplement the covenants, and to permit of a more extensive application of their provisions, the Greek delegation would vote for the two-Power draft resolution.
69. She agreed with the French representative regarding the Syrian amendments (A/C.3/L.370) and could accept only the first part of the point 1 of the amendments.
70. Mr. REYES (Philippines) wished to reply to questions put to the sponsors of the draft resolution (A/C.3/L.367 and Add.1 and 2).
71. He repeated that the Commission on Human Rights was being asked only to consider the United States proposals and not to adopt any of them. There could be no question of halting the preparation of the draft covenants or of delaying it; he was ready to accept suitable amendments in order to dispel any possible doubt on that point.
72. In reply to the question why the sponsors of the draft resolution did not wait until the covenants came into force before planning additional measures, he pointed out that the action programme in view was intended to supplement the covenants.
73. With regard to the question of selecting specific rights, it should be remembered that the Third Committee had already decided, before completion of the draft covenants, to assign the highest priority to the right of self-determination. A programme to promote the effective observance of human rights nationally and internationally appeared useful, since adoption of the covenants could not be expected, automatically, to bring about the desired practical results. The United Nations had many opportunities to further such a programme and, as the Yugoslav representative had pointed out, studies carried out in the proper spirit could prove extremely valuable. Egypt and the Philippines were suggesting detailed study of such a draft programme. The Commission on Human Rights would have to decide on the proposals submitted, recommend their adoption by the General Assembly if it found them satisfactory, or if not, reject them, and if necessary, amend them. The Third Committee was not being asked to decide on the substance of the question, but merely to take a procedural decision.
74. He made it clear that his emphasis on the need for a plan of action pending the coming into force of the covenants did not mean that the Philippines was less anxious than other Member States for the covenants to be universally applied. Unfortunately, a realistic appraisal of the situation gave no cause for optimism in that respect. It should also be noted that the covenants did not constitute the sole possibility of constructive action to promote human rights. His delegation also had been somewhat concerned at the United States position at the ninth session of the Commission on Human Rights, but it had been clarified since then: the United States delegation had stated that its Government's proposals had not been intended to replace the covenants, but to supplement them. Moreover, that was not the only possible plan; other suggestions could be made, as the Yugoslav representative had noted.
75. He concluded by stating that, in sponsoring the draft resolution, the Philippines delegation was not committing itself with respect to the substance and the final form of an "action programme" in the field of human rights.
76. Mr. PAZHAWAK (Afghanistan) took note of the questions the United States representative had referred to as technical, which prevented him from replying to them at that stage. He hoped they would be taken up subsequently by the United Nations body dealing with the problem.
77. He also noted that one of the sponsors of the draft resolution, the Philippines representative, had emphasized that the United States proposals were merely intended to supplement the covenants and not to replace or supersede them.
78. He whole-heartedly supported the Syrian amendments (A/C.3/L.370), for which he was prepared to vote, but suggested an addition to point 2. He suggested that that passage should read: ". . . if possible, to supplement the provisions of the covenants on human rights". That clause was in keeping with the reiterated statements of the authors of the draft resolution and would prevent misunderstanding and clearly state their purpose. The Philippines representative had said that he was ready to accept any amendment which would make the text of the draft resolution clearer. The representative of Afghanistan hoped that the three delegations concerned would accept his suggestion.

79. Mr. AZMI (Egypt) associated himself fully with the remarks of the Philippines representative who had correctly stated the purpose of the sponsors of the draft resolution (A/C.3/L.367 and Add.1 and 2).

80. He would give a general answer to the questions put by the Afghanistan representative, without going into detail on the various points raised. Under the draft resolution, the General Assembly would request the Commission on Human Rights to consider the three United States proposals (E/2447, paras. 263, 269 and 271) and to prepare recommendations thereon. It would not be asked to accept them; it might very well conclude, after study, that they were valueless and recommend their rejection, just as it might decide to recommend their adoption with or without amendment. The decision was exclusively for the Commission on Human Rights to make, and no attempt was being made to prejudge it. During the general debate, delegations had emphasized that the primary task of the Human Rights Commission was to complete the preparation of the draft covenants, and that nothing should interfere with that task. There was no need to repeat it again; the Third Committee's position on the subject was sufficiently clear. It was true that, at the ninth session of the Commission on Human Rights, he had described the United States announcement that it would not sign the covenants as a "bomb-shell"; but he had also expressed the hope that the United States would not maintain that position indefinitely, a position which appeared to have been taken as a result of difficulties encountered in the Senate. Like the representative of Afghanistan, all the members of the Committee were anxious to have the draft covenants completed before the Commission on Human Rights took up any other matters. The representative of Afghanistan, however, had made an appeal to "those who accepted the United States proposals". Mr. Azmi wished to point out that nobody had yet accepted them; only the first had been subjected to superficial examination by the Commission on Human Rights, which had referred it to the Economic and Social Council without taking action; consideration of the other two proposals had not even been started. He would repeat: the draft resolution simply referred the matter, without instructions, to the Commission on Human Rights which would express its view quite independently.

81. The representative of Afghanistan had said that the Commission on Human Rights should not concern itself with any other problem so long as the covenants had not been adopted or ratified. Mr. Azmi pointed out that adoption was a matter for the General Assembly, while signature and ratification depended exclusively on the Member States; when that stage had been reached, the Commission on Human Rights would automatically cease to be concerned with the covenants. Member States were sovereign entities free to sign and ratify international instruments if they chose to do so. In that connexion, the United Kingdom representative had expressed the hope that the covenants would be drafted "in such a form" as to be acceptable to the majority of Member States. That was, of course, the most serious difficulty. Every country had a preference for a specific "form". Some provisions were considered excellent by some, unacceptable by others; tastes rarely coincided. The real difficulties would become apparent after the completion and adoption of the covenants. That was what he feared and why he had said, at the preceding meeting, that nobody could foresee when the covenants would come into force and that, some day,

the United States proposals might prove to be a consolation. The suggestions put forward by the Yugoslav representative would be useful to the Commission on Human Rights in its study, and it was to be hoped that further comments would be sent in promptly by governments and specialized agencies so that the Commission could benefit by a broad exchange of views and take its decision after detailed consideration.

82. The general debate clearly showed that the Third Committee unanimously felt that the preparation of the draft covenants should have absolute priority in the work of the Commission on Human Rights; above everything else, they had to be completed. In the circumstances, there did not seem to be any point in saying so specifically, as did the Syrian amendments. If necessary, however, to be absolutely certain, the first part of point 1 of the amendment up to and including the words "covenants on human rights" could be accepted, as the representatives of Greece and France had conceded. As for the remainder of the proposed text, it appeared to suggest that the General Assembly wanted to interfere in the business of the Commission on Human Rights and propose the order of its work. Every United Nations body was master of its own procedure and it would be very tactless to appear to dictate to the Commission the order in which it should consider the matters submitted to it. Even the first part of point 1 of the amendment was open to criticism in that respect. If it was accepted, it should be on the understanding that it did not mean that, in the opinion of the General Assembly, the Commission on Human Rights had to consider the United States proposals immediately after completing the draft covenants. The Assembly must not give the impression that it was trying to interfere in the Commission's business.

83. For all those reasons, he would prefer not to have the draft resolution amended. He therefore asked the Syrian representative to reconsider the matter and see whether he could withdraw his amendment, or retain only the first part of part 1 of the amendment.

84. Mrs. DE LA CAMPA (Cuba) supported the two-Power draft resolution (A/C.3/L.367 and Add.1 and 2).

85. On the other hand, she would abstain in the vote on the Syrian amendment (A/C.3/L.370). The proposed changes would not improve the text; the General Assembly would appear to be deciding to mark time in the promotion of human rights pending completion of the draft covenants, thus rendering the resolution itself superfluous. If the Syrian amendment was adopted, she would have to abstain on the draft resolution as amended.

86. Mrs. AFNAN (Iraq) did not think that the draft resolution was strictly procedural; it at least implied an opinion on the substance of the question. She did not feel, personally, that studies could be very useful in a matter where action was of primary importance. She was glad to hear assurances that the proposals were not intended as a substitute for the draft covenants. However, she had some general reservations.

87. The Iraqi delegation did not believe that outside foreign experts could accurately evaluate conditions in any given country. The proposed reports would be much more useful if they were made on the spot by non-governmental organizations and submitted to the national authorities, which could derive real benefit from them. At the international level, the reports would probably not be very helpful. Nevertheless, if the United



Nations was to study such reports, they should be progress reports rather than achievement reports. In the under-developed countries, for example, achievements sometimes seemed insignificant whereas, actually, substantial progress had been made. In any case, there would undoubtedly be many difficulties before a system could be worked out taking fully into account the legitimate rights and privileges of States. Moreover, Iraq was opposed in principle to the practice of appointing a "rapporteur" to study a problem. That method, which had recently been resorted to more and more frequently in the United Nations, had serious drawbacks because it tended merely to inform Member States of the views of a single person.

88. For that reason, the Iraqi delegation, which would vote for the two-Power draft resolution, wished to state that its affirmative vote did not mean acceptance of the United States proposals (E/2447, paras. 263, 269 and 271).

89. Mr. MUFTI (Syria) maintained his amendment, with the modification suggested by the representative of Afghanistan.

90. Mr. PAZHWAQ (Afghanistan) wished to clarify a point on which there seemed to be some misunderstanding; he had not suggested that adoption and ratifi-

cation of the covenants was within the competence of the Commission on Human Rights; adoption was a matter for the General Assembly and ratification depended solely on the sovereign States. Moreover, the Egyptian representative had observed that every country had its own opinion on what constituted a "form" which would make the covenants acceptable. Mr. Pazhwak feared that the draft resolution might be interpreted to mean that the "form" selected would be that which pleased the United States of America. It was therefore desirable to state unequivocally the purposes of the sponsors of the draft resolution. The Syrian amendments would prove very useful to that end. However, a few drafting changes might be desirable and he would like some time to think about it before making a specific suggestion. He hoped therefore that the Committee would not immediately proceed to a vote on the draft resolution and the amendments.

91. Mr. BAROODY (Saudi Arabia) moved the adjournment of the meeting.

92. The CHAIRMAN put the motion to the vote.

*The motion was adopted by 12 votes to 11, with 23 abstentions.*

The meeting rose at 5.50 p.m.