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THIRD COMMITTEE
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New York

SUMMARY RECORD OF THE 30th MEETING

Chairman: Mrs. MAIR (Jamaica)

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The meeting was called to order at 10.50 a.m.

AGENDA ITEM 74: ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (continued)

(b) REPORT OF THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION (continued) (A/32/18; A/C.3/32/L.12)

1. Mr. FAURIS (France) commended the Committee on the Elimination of Racial Discrimination (CERD) for its well-organized and objective report on its fifteenth and sixteenth sessions (A/32/18) and for the moderation, courtesy and scrupulous regard for legal considerations with which it had conducted its work. He noted that the Committee had emphasized the quality of its relations with the States parties, which was such that the latter did not hesitate to send representatives to present the periodic reports of their countries to the Committee. It was aware that that valuable confidence must not be jeopardized, since it helped to establish the Committee's moral authority. He also noted that the fact that a country did not have serious problems of racial discrimination did not exempt that State from adopting measures to establish the legal framework within which the courts would be able, if necessary, to examine complaints of persons subjected to racial discrimination.

2. Furthermore, the Committee, as an independent technical body, wished to be left sole judge of the recommendations to be addressed to States parties. It would be anomalous if the Third Committee, which included a number of States that were not parties to the Convention, were able to address criticism and indirectly to give instructions to those States which had accepted the obligations arising from the Convention. It had been clearly asserted by the members of the Committee on the Elimination of Racial Discrimination that they were bound only by the Convention and by their own consciences. Moreover, the Committee was careful to observe the basic principle that it must never exceed its competence.

3. Turning to chapter IV of the report, concerning consideration of reports submitted by States parties, including France, he noted that articles 5 and 7 of the Convention in particular appeared to have served as a basis for CERD's comments and requests for clarification. With regard to article 5, under which States parties undertook to prohibit and eliminate racial discrimination and to guarantee equality before the law in the enjoyment of a number of rights, his delegation wished to raise again the question as to how States parties could undertake to guarantee equality in the enjoyment of those rights without recognizing the rights themselves in their national laws. That contradiction was reflected in the consideration of reports received from several States. Members of CERD had frequently requested additional information from States parties on the way in which the rights enumerated in article 5 had been embodied in their Constitutions and national legislation. In various instances, members of CERD had pointed out that it could not arrive at valid conclusions on the existence of discriminatory practices unless it was in a position to determine whether existing legal guarantees were actually enforced. In one case they had noted that the list of rights mentioned as being recognized in the national legal system had been less complete than that set forth in article 5 of the Convention.

(Mr. Fauris, France)

4. The importance which his delegation attached to article 5 applied equally to article 7, under which States parties undertook to adopt measures with a view to combating racial prejudices, promoting understanding among nations and propagating the purposes and principles of the Charter and other relevant instruments. In his delegation's view, that article too was crucial to the promotion of human rights. As emphasized in the report, article 7 was of paramount importance in that it opened the way to the application of peaceful methods, such as mediation and conciliation for settling racial conflicts, and States parties were in duty bound to pay special attention to that provision.

5. With regard to the decisions adopted by the Committee at its fifteenth and sixteenth sessions, he hoped that it would resist any temptation to go beyond its mandate. Under article 9, paragraph 2, of the Convention, the Committee could make suggestions and general recommendations based on the examination of the reports and information received from the States parties. That provision established precise limits which the Committee must always bear in mind.

6. Mr. McCLELLAND (Australia) said that his country's first report, which CERD had considered at its fifteenth session (A/32/18, paras. 161-176), had contained a detailed account of measures taken to implement the Convention and had provided a comprehensive over-view of government policy in relation to the Aboriginal people of Australia and other ethnic minorities. His delegation believed that CERD had been pleased at the extent of the information supplied and at his Government's approach to the problems of racial discrimination. It had long been Australian policy to deal with questions of discrimination and human rights with great candour and, as could be seen from the report, Australia had made no attempt to hide the problems that were confronting it.

7. The Convention could not elevate the consciousness of Governments and their peoples unless all States parties were prepared to report fully and frankly. He regretted that some States parties believed that racial discrimination could be corrected simply by the stroke of a legislative pen, and he hoped that the day would come when all States would willingly draw on the advice and experience of the international community so that real solutions could be found to the real human problems existing in that field.

8. With regard to the work being done in Australia to improve the situation of the Aboriginal people, he recalled that, by a constitutional amendment adopted in 1967, the Federal Government had acquired the power to enact laws uniformly applicable throughout Australia with respect to Aboriginal society, whereas laws affecting the Aboriginal inhabitants had previously been enacted by state governments. Since that time there had been a great deal of legislative and administrative activity, but there was still much to be done. The Aboriginal people were still having difficulty in exercising their ordinary social rights. A feature of the Government's policy was that legislative and other measures must continue to be developed which would help the Aboriginal people to free themselves from traditional constraints and attitudes and enable them to live together with all Australians in dignity and decency, following paths of their own choosing and free from the paternalism that had blighted relations between communities in earlier years.

(Mr. McClelland, Australia)

9. Current policies were creating new opportunities to achieve that objective. In 1977 the Government had brought into force legislation which helped Aboriginals freely to develop their own cultural identity. For example, they could now regain title to their traditional lands in the Northern Territory of Australia. That legislation could be seen as an attempt to satisfy a debt to Australia's original inhabitants and as evidence of the Government's hope that Aboriginal culture could be maintained as a living force in Australian society.

10. The Government was also seeking to reinforce the availability to Aboriginal Australians of their own customary law, should they wish to have recourse to it. An inquiry was now being conducted into the need for new legal systems which would enable Aboriginals to make use of traditional systems of justice within the general legal framework. Aboriginal Australians were also being assisted in making their views known at a high level. The Government regarded their advancement as a matter of high priority, and had worked to set up new economic and political bodies for Aboriginals, such as the Council for Aboriginal Development and the National Aboriginal Conference, both of which derived from the wishes of the Aboriginal people themselves. The Government hoped that both institutions would advise it on all programmes relating to the long-term goals and priorities of the Aboriginal people.

11. The Government was dedicated to the concept of a multi-cultural Australia in which both indigenous and immigrant peoples would be full and equal partners. It looked forward to a time when discrimination would be rejected not only because the law so provided but also because enlightenment would remove fear and ignorance, in which discrimination had its roots. The Minister for Aboriginal Affairs had recently noted that the Australian people had now become aware of the existence in their own country of a wealth of art, music and cultural and spiritual values belonging to a unique people. The Government intended to seek ways and means of developing them as an integral part of the Australian heritage.

12. His Government did not deny that the country's historical development had been one of difficulty for many Aboriginal people, but it would continue to report honestly and fully on its efforts to give effect to both the letter and the spirit of the Convention.

13. The CHAIRMAN announced that the Committee had concluded the general debate on item 74.

14. Mr. RUMBOS (Venezuela) said that he fully supported draft resolution A/C.3/32/L.12. In his country, which was in the forefront of the struggle for the enjoyment of human rights, there was no racial discrimination of any kind.

15. The CHAIRMAN invited the Committee to vote on draft resolution A/C.3/32/L.12.

16. Mr. MERKEL (Federal Republic of Germany) requested a separate vote on paragraph 7 of the draft resolution, since the word "endorses" caused difficulties for several delegations. It had been argued that, under article 9, paragraph 2, of the Convention, CERD should make general recommendations and avoid becoming

(Mr. Merkel, Federal Republic of Germany)

involved in difficult political problems for which it could not bring about a solution. It had also been argued that the General Assembly should not endorse decisions of a Committee that was not a United Nations organ. Furthermore, it had been pointed out that, in the last paragraphs of several of the decisions referred to, special action was requested from the General Assembly. Those matters would be dealt with by other committees under different items, and the Third Committee should not, in a disguised form, take decisions which tackled only one side of the respective problems.

17. His request for a separate vote was based on the hope that the whole draft resolution might then be adopted by consensus.

18. At the request of the representative of the Syrian Arab Republic, a vote was taken by roll-call on paragraph 7 of draft resolution A/C.3/32/L.12.

19. Albania, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Afghanistan, Argentina, Austria, Bahrain, Botswana, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Central African Empire, Chad, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Ecuador, Ethiopia, Fiji, Finland, Gabon, German Democratic Republic, Ghana, Greece, Hungary, India, Iran, Iraq, Jamaica, Jordan, Kuwait, Lao People's Democratic Republic, Liberia, Libyan Arab Jamahiriya, Madagascar, Mali, Mauritania, Mexico, Mongolia, Mozambique, New Zealand, Niger, Nigeria, Norway, Peru, Philippines, Poland, Portugal, Romania, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Thailand, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, Upper Volta, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

Against: Israel.

Abstaining: Australia, Barbados, Belgium, Brazil, Canada, Chile, Colombia, Costa Rica, Denmark, France, Germany, Federal Republic of, Guatemala, Honduras, Ireland, Italy, Ivory Coast, Japan, Luxembourg, Malaysia, Nepal, Netherlands, Nicaragua, Rwanda, Swaziland, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

20. Paragraph 7 of draft resolution A/C.3/32/L.12 was adopted by 70 votes to 1, with 28 abstentions.

21. Draft resolution A/C.3/32/L.12 as a whole was adopted by 103 votes to 1, with 1 abstention.

22. Miss ILIĆ (Yugoslavia) said that she wished to thank those delegations which had participated in the intensive consultations aimed at making operative paragraph 7 as broadly acceptable as possible.

23. Mrs. SEMICHI (Algeria), speaking in explanation of vote, said that if she had been present during the vote on paragraph 7 of the draft resolution she would have voted in favour of it.

24. Mr. AL-HINAI (Oman) and Mr. HALFHUID (Surinam) said that if they had been present during the vote on draft resolution A/C.3/32/L.12 they would have voted in favour of it.

25. Mrs. MORRISON (Lesotho) said that if she had been present during the vote she would have voted in favour both of operative paragraph 7 and of the draft resolution as a whole.

26. Mr. MAHMOUD (Malaysia), speaking in explanation of vote, said that he had abstained in the voting on paragraph 7 of the draft resolution by error. He was in favour of the paragraph and wished that fact to be reflected in the official record.

27. Mr. NOTHOMB (Belgium), speaking in explanation of vote on behalf of the nine members of the European Economic Community, said that all members of the Community had voted in favour of the draft resolution. They were satisfied with the activities of CERD and wished to record that fact through their votes. They had, however, abstained in the voting on paragraph 7 because they did not see why the General Assembly should endorse the Committee's decisions; furthermore, they noted in that connexion that the Committee appeared to have overlooked the provisions of article 9, paragraph 2, of the Convention. They also had reservations on subparagraphs (a) and (b) of paragraph 6.

28. Mr. SÖYLEMEZ (Turkey) said that at its 353rd meeting the Committee on the Elimination of Racial Discrimination, of which Turkey was not a member, had adopted a decision on the basis of information supplied solely by Greek Cypriots.

29. Mr. SHERIFIS (Cyprus), speaking on a point of order, said that the information to which the representative of Turkey had just referred was supplied on behalf of the Government of Cyprus. If his Government was unable to apply the provisions of the Convention in part of its territory, it was for reasons of which the representative of Turkey was well aware.

30. Mr. SÖYLEMEZ (Turkey) said that the main thrust of the decision to which he had just referred had been to express the hope that Cyprus would be able to exercise its responsibilities for the implementation of all its obligations under the Convention in the whole of its national territory. That decision was, however, incompatible, not only with the present situation in Cyprus, where the two separate communities had separate executive and administrative responsibilities pending a settlement, but also with the negotiating framework agreed between the two communities laying down the basis of a bi-communal federation. That meant that

(Mr. Söylemez, Turkey)

even when a settlement was reached, responsibility with respect to human rights would, except perhaps for some residual powers, be vested in the two communities. The draft resolution just adopted by the Committee, by endorsing CERD's so-called decision on Cyprus, distorted the situation in Cyprus and prejudged a political issue which was to be settled by negotiation between the two communities. For that reason his delegation had not participated in the vote, either on paragraph 7 or on the draft resolution as a whole.

31. Mrs. BEN-AMI (Israel) said that her delegation supported all measures designed to eliminate racial discrimination but had regretfully felt obliged to vote against the draft resolution because of serious reservations regarding paragraph 7.

32. The accusations of the Syrian delegation concerning the inhabitants of the Golan Heights were only another example of the policy of dragging the Israel-Arab conflict into every field of activity of the United Nations and exploiting United Nations bodies as platforms for propaganda against Israel, regardless of how irrelevant it might be to the matter actually under discussion. The problem of the inhabitants of the Golan Heights had nothing whatsoever to do with racial or any other discrimination. Those who had decided to remain continued to live peacefully in their villages in the Golan Heights. The political problem arising out of the conflict in the Middle East was being considered in other bodies of the General Assembly and would come up once more in the future Geneva Conference.

33. Mr. AL-HUSSAMY (Syrian Arab Republic), speaking in exercise of the right of reply, stated that the main issue behind the reference to the Golan Heights contained in paragraph 7 was that of occupation. He strongly rejected the Israeli argument. The Committee was dealing with racial practices arising from occupation; furthermore, Syrian territory in the Golan Heights had been occupied for 10 years. That occupation was in violation of both the Charter and various United Nations resolutions. If there were no occupation there would be no racial problem.

34. The CHAIRMAN said that consideration of item 74 (b) was now concluded.

AGENDA ITEM 81: INTERNATIONAL COVENANTS ON HUMAN RIGHTS

(a) REPORT OF THE HUMAN RIGHTS COMMITTEE (A/32/44)

35. Mr. van BOVEN (Director, Division of Human Rights), noting that a report of the Human Rights Committee was before the General Assembly for the first time, said it had been prepared in accordance with article 45 of the International Covenant on Civil and Political Rights. The Economic and Social Council had taken note of the report at its 2087th meeting and had requested the Secretary-General to submit to the General Assembly a statement of the financial implications of the work of the Committee. That statement was contained in document A/C.3/32/L.11.

(Mr. van Boven)

36. He reminded the Committee that the International Covenant on Civil and Political Rights had entered into force on 23 March 1976, three months after the deposit of the thirty-fifth instrument of ratification, in accordance with its article 49. The Optional Protocol to the Covenant had entered into force on the same date, having been ratified by more than 10 States parties. On 20 September 1976, States parties to the Covenant had held their first meeting and elected the 18 members of the Human Rights Committee. The first session of the Committee, held in New York from 21 March to 1 April 1977, had been devoted to the election of its officers, the adoption of a number of provisional rules of procedure and certain matters relating to the Committee's methods of work. At its second session, held in Geneva from 11 to 31 August 1977, the Committee had adopted most of the draft rules of procedure. Those were contained in annex II of the report. It had postponed the adoption of the draft rules of procedure relating to States' communications under article 41 of the Covenant, as that article had not yet entered into force. The Committee had also dealt with six out of the 11 reports submitted by States parties under article 40 of the Covenant and scheduled for consideration at the second session. Many questions had been put by members of the Committee to the representatives of the States parties concerned. The Committee had noted that different approaches had been followed by States parties in preparing their reports and that that was mainly due to the absence of guidelines for reporting under article 40 of the Covenant. The Committee had decided to postpone consideration of further reports at that session, for lack of time and in order to begin devising such guidelines. The guidelines adopted at the second session (annex IV) had been forwarded to all States parties in the hope that, when initial reports were drafted or additional information prepared, those guidelines would be taken into consideration in the light of the discussions held during the examination of the six reports at the second session.

37. The Committee had also dealt, in private meetings, with the communications before it under the Optional Protocol (chap. V) and had adopted decisions on the procedure for determining the admissibility of such communications. Two communications had been declared inadmissible and others had been returned for observations by the States parties concerned on their admissibility or for further information. The Committee had been unable, for lack of time, to consider the question of co-operation with the specialized agencies which had been on the agendas of its first two sessions. It had decided to give that question due priority at its third session.

38. The fact that the Committee was not a United Nations body but a conventional organ established by the States parties to an international treaty had prompted the members of the Committee to take a conservative attitude towards the role of the Secretary-General in its activities. His role had, at first, been viewed by many members as a technical one. However, on the basis of experience, and anticipating a growing increase in its work, the Committee at its second session had taken a more liberal attitude towards the Secretary-General's role. That change of attitude was manifested, inter alia, in the hope expressed by its members that the necessary resources would be allocated to enable the Division of Human Rights to provide appropriate facilities for the effective performance of the functions of the Committee. The Committee had also decided that the necessary measures should be taken to include a third regular session in the calendar of meetings for 1978, to be held from 23 October to 3 November 1978 in Geneva, it being understood that

(Mr. van Boven)

the Committee at its fourth session would review the progress of its work in order to determine at that time whether it could dispense with additional sessions.

39. The deliberations of the Committee had reflected a keen interest in, and a desire for, more publicity to be given to the provisions of the Covenant and the Protocol, by both the Secretariat and States parties. Accordingly, the Committee's deliberations had been characterized by an openness which had been clearly manifest in its decision to classify for general distribution the reports and additional information submitted by States parties under article 40 of the Covenant, as well as formal decisions and all other official documents of the Committee and its subsidiary bodies, unless the Committee decided otherwise. An exception had been made with regard to documents relevant to the Optional Protocol. Minimum publicity should be given to the content of the communications in question, the identity of their senders and the name of the State party concerned. Members of the Committee had from the outset wanted to work in harmony and in a spirit of co-operation. That tendency had been reflected in the Committee's decision, taken at its first session, whereby members would, before voting, attempt to reach decisions by consensus, provided that the Covenant and the rules of procedure were observed. It was to be noted that voting had not been resorted to at any time during the first two sessions of the Committee despite the differences of opinion which had inevitably marked the discussion.

40. Mr. NOTHOMB (Belgium) said he was pleased to be able to report that his Government had submitted a bill to the Belgian legislature providing for ratification of the two Covenants and hoped that ratification would take place in the near future.

41. His delegation was in full agreement with the rules of procedure adopted on the question of voting (articles 50 and 61). The discussion on those articles had produced an interesting debate on the practice of consensus. The Committee had decided, however, as indicated in paragraph 29 of its report, that consensus should be regarded merely as a working principle and not as a rule of procedure; consensus could mean more than a spirit of co-operation, implying rather the idea of compromise, which would, in turn, be incompatible with the independence and impartiality to which the members of the Committee were committed. His delegation was in entire agreement with that opinion and the conclusions drawn from it. He also believed that rule 64 of the rules of procedure dealt with the question of the distribution of reports and other official documents of the Committee in an entirely satisfactory manner.

42. His delegation supported the draft resolution in document A/C.3/32/L.7.

43. Mr. KEILAU (German Democratic Republic) stated that the entry into force of the Covenants marked the first time in history that binding treaties of a universal character on matters concerning co-operation in promoting human rights had become effective. That was a significant step in international co-operation among sovereign States with differing social systems. Every effort should be made to ensure that that process of co-operation in implementing the Covenants on the basis of the principles of the United Nations Charter would be developed. Those instruments must not be devalued by the institution of a High Commissioner or similar organs or be abused by the foes of détente as a means of reviving the cold

(Mr. Keilau, German Democratic Republic)

war. He considered that the Committee, during its first two sessions, had achieved remarkable success in that it had already elaborated its rules of procedure, considered the first reports, worked out guidelines for future reports, and started its consideration of communications.

44. He welcomed the decision of the Human Rights Committee to rely on the experience of the Committee on the Elimination of Racial Discrimination. Equally significant for the realization of the aims of the Covenants was the emphasis placed by the Committee on consensus and on the need for a constructive attitude during debates on reports. His delegation was in agreement with the emphasis placed by the Committee on its status as a body existing in its own right, functioning as an organ of the States parties to the Covenant on Civil and Political Rights; while it would be closely associated with the activities of the United Nations, it was not to receive requests or recommendations either from the Secretary-General, the General Assembly or the Economic and Social Council. Recommendations for the Committee's work from sources other than the States parties could raise serious obstacles to the process of ratification of the Covenant. No State could be expected to adhere to an international instrument if an organ established under its provisions was placed under the supervision of States not parties to it. The procedure outlined in draft resolution A/C.3/32/L.7, under paragraphs 2 and 3 of which recommendations and requests would be addressed to the Committee, was not conducive to the success of the Committee's endeavours; the General Assembly should avoid that situation under any circumstances. It could not possibly be the task of the General Assembly to tell the Committee what it must seek to accomplish; its functions were clearly defined in the Covenant. Neither was it encumbent on the Committee to develop standards of implementation other than those agreed upon by States parties to the Covenant.

45. Paragraph 3 of draft resolution A/C.3/32/L.7 was superfluous since the reports and other important documents of the bodies mentioned, including the summaries of their open meetings, were classified for general distribution and were therefore available at any time. The overriding consideration, however, was that the practice called for in that paragraph would establish a dangerous precedent in accordance with which the General Assembly would place the Human Rights Committee and the Committee on the Elimination of Racial Discrimination on a level with organs of the United Nations and would treat them as such. His delegation would therefore be obliged to vote against draft resolution A/C.3/32/L.7.

46. His delegation had co-sponsored draft resolution A/C.3/32/L.9, which clearly was not aimed at interfering in the vork of the Human Rights Committee and which was worded in such a way as to promote the Committee's future work and to allow for decisions to be taken by consensus.

47. Mr. PEDERSEN (Denmark), introducing draft resolution A/C.3/32/L.7, said that the text reflected the importance which its sponsors attached to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the latter, all of which gave substance to the Universal Declaration of Human Rights. If those human rights

(Mr. Pedersen, Denmark)

instruments were to fulfil the important role intended for them they would have to be universally applied, and the sponsors accordingly appealed to Member States which had not done so to ratify or accede to the two Covenants and the Optional Protocol. The sponsors had also wished to stress the important role of the Human Rights Committee and of the Economic and Social Council in the implementation of the Covenants and the Optional Protocol. Without effective implementation machinery those instruments would be of little or no value. Concern for uniform standards of implementation was also reflected in the work accomplished by the Human Rights Committee in its two sessions held so far. The report of that Committee (A/32/44) had rightly noted the importance of providing the Secretariat with adequate resources for servicing it and its subsidiary bodies.

48. Those considerations were reflected in the draft resolution. He noted in particular that paragraph 5 reflected the fact that only seven States had made the declaration provided for in article 41 of the International Covenant on Civil and Political Rights; it was desired that other States should do likewise in the near future so that article 41 might become operational and prove its worth. Paragraph 7 reflected the conviction that it was imperative for the Secretariat to be provided with adequate resources for the servicing of the Covenants and Optional Protocol if the protection of human rights was to be more than a mere facade. The staff of the Human Rights Division had remained virtually unchanged for a very long time. The entry into force of the human rights instruments imposed such heavy burdens on the Human Rights Committee and on Member States that with the existing staff it would be impossible to carry out even the minimal supervision provided for in the Covenants, or to give even adequate consideration to reports submitted by States parties or to communications received from individuals within the time envisaged.

49. The sponsors hoped that the draft resolution would be adopted by consensus. They were aware that the Committee had before it another draft resolution (A/C.3/32/L.9) on the same subject, but they felt that theirs was more comprehensive and contained some very valuable proposals aimed at promoting the exercise of human rights.

50. Miss RICHTER (Argentina) said that her delegation had participated actively in the entire process of formulating the International Covenants on Human Rights, which had been drafted with maximum care to provide a legal model for all Member States to follow, with due allowance for the specific requirements of their individual circumstances.

51. Her own country's legislation embodied the rights and guarantees mentioned in the Covenants and in some cases carried them even further. For example, the nullum crimen sine lege principle, set forth in article 15, paragraph 1, of the Covenant on Civil and Political Rights, was embodied in Argentina's Constitution without allowing for any exceptions, whereas paragraph 2 of article 15, which would seem to apply to war crimes, imposed a restriction on the application of that principle. Also, the legislation of her country recognized that the right to life and to the protection thereof existed from the moment of conception.

(Miss Richter, Argentina)

52. Argentina was a signatory to both Covenants and it was carefully studying their provisions and the reservations of countries that had ratified or acceded to them, which might in some cases be incompatible with the objects and purposes of the respective Covenants in which case, under article 19 (c) of the Vienna Convention on the Law of Treaties, they would be unacceptable. Although that Convention had not yet entered into force, the rules which it codified were for the most part rules of customary international law. Under article 20 of the Vienna Convention, a State must object to a reservation by the end of a period of 12 months after it was notified of the reservation or by the date on which it expressed its consent to be bound by the instrument, whichever was later, if it did not wish to be deemed to have accepted such reservation.

53. The International Covenants on Human Rights offered an unprecedented opportunity to make significant progress in the implementation of economic, social and cultural rights on the one hand and civil and political rights on the other - two categories of rights which were interdependent and indivisible.

54. Her delegation welcomed draft resolution A/C.3/32/L.9 but felt that in order to reflect accurately article 45 of the International Covenant on Civil and Political Rights, the following words should be added to the fourth preambular paragraph: 'and its responsibility with respect to the International Covenant on Civil and Political Rights". The Economic and Social Council was the major link between the Covenants and had a special role to play in co-ordinating their implementation.

55. Turning to the report of the Human Rights Committee (A/32/44), she congratulated the Committee on its efforts to formulate rules of procedure which would adequately protect the interests of States and said she had a number of suggestions which she felt would be helpful in achieving that aim.

56. Firstly, for purposes of greater clarity, the last sentence of rule 35 should be amended to read: "Any disagreement concerning such corrections shall be settled by the Chairman of the Committee or the Chairman of the subsidiary body to which the record relates, without prejudice to the right of appeal referred to in rule 39." That right of appeal was provided for in rule 39 and rule 35 as it stood seemed to be self-contradictory in that it first stated that any disagreement concerning such corrections should be settled by the Chairman of the Committee or the subsidiary body and then referred to the possibility that the disagreement which had already been settled might still exist.

57. Secondly, her delegation welcomed the Committee's concern for keeping public opinion informed but felt that it would be advisable to add a foot-note to rule 83 recapitulating the first part of paragraph 170 of the report, a device which had already been used in rule 51.

58. Thirdly, her delegation agreed with the view reflected in paragraph 55 of the report that the principle embodied in rule 86 went beyond the power conferred on the Committee under article 5, paragraph 4, of the Optional Protocol.

(Miss Richter, Argentina)

59. Fourthly, her delegation was giving careful study to the summary records referring to paragraphs 63 to 67 of the report and had doubts on legal grounds with respect to the last sentence of paragraph 1 (b) of rule 90 because it failed to take into account article 1 of the Optional Protocol.

60. Fifthly, her delegation felt that it was essential to recapitulate the sense of rule 90 in paragraph 2 of rule 92, after the words "or on behalf of the individual concerned," by adding the words "when it is evident that the alleged victim is incapable of doing so".

61. Finally, she suggested minor drafting changes in the Spanish text.

62. With respect to draft resolution A/C.3/32/L.7, she said that her delegation, in accordance with its position with respect to other Covenants, would abstain if paragraph 5 was put to a separate vote. Paragraph 3 of the resolution clearly reflected the concern of delegations for the need to co-ordinate the activities of all bodies concerned with human rights so as to avoid duplication and waste. A complex bureaucracy would not help international public opinion to understand how the United Nations functioned in matters of human rights.

63. Mr. SALAZAR (Costa Rica) said that none of the legal instruments so far devised provided the international community with effective machinery for implementing human rights everywhere, but the International Covenants on Human Rights were a step forward. They developed the principles laid down in the Universal Declaration of Human Rights and gave a new dimension to the rights set forth in it by specifying the obligations of the States parties, which expressly undertook to guarantee the enjoyment of the rights recognized in the Covenants, without precluding further action on the part of the international community to guarantee stricter observance of those rights. In that connexion it was essential that a large number of States should accept the principle embodied in article 41 of the International Covenant on Civil and Political Rights, and it was to be regretted that only six States had made the declarations referred to in that article. His own country was in the process of doing so and hoped that a growing number of States would follow its example.

64. Equally innovative was the contribution made by the Optional Protocol to the International Covenant on Civil and Political Rights, which his country had ratified, because it recognized the competence of the Human Rights Committee to receive and consider communications from individuals claiming to be victims of violations of any of the rights set forth in the Covenant. The Optional Protocol provided essential guarantees without it the rights recognized in the Covenant would remain mere rhetoric. As long as it was not ratified by those States which were parties to the relevant Covenant, the latter would be merely a legal instrument enumerating rights whose guarantee would be left to the discretion of the State party, with the result that the individual would have no recourse when internal remedies had been denied him. It was therefore regrettable that the record of ratifications and accessions had showed little progress in the past year. It was essential to press forward until every State Member of the United Nations had become a party to the Covenants.

65. The CHAIRMAN said that Canada, Colombia, the Netherlands and Peru had become sponsors of draft resolution A/C.3/32/L.7.

The meeting rose at 1.10 p.m.