



CONTENTS

	Page
<i>Agenda item 62:</i>	
<i>Draft International Covenants on Human Rights (continued)</i>	
<i>Articles on measures of implementation of the draft Covenant on Civil and Political Rights (continued)</i>	353
<i>Final clauses of the draft Covenant on Civil and Political Rights</i>	353
<i>Articles on measures of implementation of the draft Covenant on Civil and Political Rights (continued)</i>	355
<i>Organization of work</i>	355

Chairman: Mrs. Halima EMBAREK WARZAZI (Morocco).

AGENDA ITEM 62

Draft International Covenants on Human Rights (continued)

ARTICLES ON MEASURES OF IMPLEMENTATION OF THE DRAFT COVENANT ON CIVIL AND POLITICAL RIGHTS (continued) (A/2929, CHAP. VII; A/5411 AND ADD.1-2, A/5702 AND ADD.1, A/6342, ANNEX II.B, PARTS IV AND V; A/C.3/L.1356/REV.1/CORR.1, A/C.3/L.1366/ADD.3-6 AND ADD.6/CORR.1, A/C.3/L.1402/REV.1 AND REV.1/ADD.1)

1. The CHAIRMAN invited the Committee to vote on the revised text of article 41 *ter* proposed by the United Kingdom (A/C.3/L.1356/Rev.1/Corr.1); that revised text took account of the suggestions made at the preceding meeting by a number of delegations.
2. She requested the United Kingdom representative to inform the Committee why the words "in the exercise of their functions" were enclosed in brackets.
3. Lady GAITSKELL (United Kingdom) explained that the phrase in question, which reflected a suggestion made by the representative of Tunisia, had been enclosed in brackets because her delegation considered it redundant. She hoped that the Tunisian delegation would withdraw the suggestion which had led the United Kingdom to insert that phrase.
4. Mr. HANABLIA (Tunisia) withdrew the suggestion which he had made and which found expression in the bracketed phrase of the draft article proposed by the United Kingdom delegation (A/C.3/L.1356/Rev.1/Corr.1). From the information given by the Legal Counsel at the preceding meeting, he was

satisfied that the members of the committee would enjoy the facilities, privileges and immunities granted to experts on mission for the United Nations only in the performance of their functions, or in other words, when they themselves were on mission. He would like that point to be made clear in the record of the debate and in the report of the Third Committee.

Article 41 ter proposed by the United Kingdom was adopted by 77 votes to none, with 2 abstentions.

FINAL CLAUSES OF THE DRAFT COVENANT ON CIVIL AND POLITICAL RIGHTS (A/2929, CHAP. X; A/5702 AND ADD.1, A/6342, ANNEX II.B, PART VI; A/C.3/L.1353/REV.3, A/C.3/L.1366/ADD.2)

5. The Chairman requested the Committee, pending circulation of the revised text of the amendment relating to article 41 *bis*, to take up the final clauses of the draft Covenant on Civil and Political Rights, which were identical with the final clauses adopted by the Committee in the case of the draft Covenant on Economic, Social and Cultural Rights. She therefore suggested that the Committee should take the text of those articles, which appeared in document A/C.3/L.1366/Add.2, as its basis for the purpose of voting.

6. She reminded the Committee, in connexion with the final clauses, that there was an amendment by the United Kingdom delegation (A/C.3/L.1353/Rev.3) along the same lines as the amendment which that delegation had submitted with regard to the final clauses of the draft Covenant on Economic, Social and Cultural Rights and which it had withdrawn after the United States amendments had been adopted. She suggested that the Committee should vote first on articles 26 and 26 *bis*, which corresponded to articles 51 and 51 *bis* and to which there were no amendments, then on the United Kingdom amendment, and finally on the subsequent articles.

7. Mr. KORNENKO (Ukrainian Soviet Socialist Republics) formally proposed that the Committee should vote on the final clauses of the Covenant under discussion as a whole, or if necessary article by article, without debate, since, as has been stated, they were identical with the final clauses of the Covenant on Economic, Social and Cultural Rights.

8. He appealed to the United Kingdom representative not to press her amendment to a vote and to withdraw her text, as she had done when the final clauses of the first Covenant had been under discussion. The question of reservations to which the amendment related was governed by the principles of international law and by the law of treaties, and it

was therefore unnecessary to refer to it in the body of the Covenant itself.

9. If the United Kingdom delegation persisted in its intention of having its amendment (A/C./L.1353/Rev.3) put to the vote, the Ukrainian delegation would also request a vote on the amendment to article 51, paragraph 1, which it had itself submitted in connexion with article 26 of the earlier Covenant (A/C.3/L.1359) and which, in a spirit of compromise, and with a view to saving time, it had been willing to relinquish; the purpose of that amendment had been to reaffirm the principle of universality, which his delegation considered vital.

10. The CHAIRMAN suggested that the Committee should vote on the text, article by article, without debate. It should vote in a similar manner on the United Kingdom amendment (A/C.3/L.1353/Rev.3), and on the Ukrainian amendment (A/C.3/L.1359), if it was submitted.

11. Mrs. DAES (Greece) supported that suggestion. Her delegation was ready to vote on the final clauses as they appeared in document A/C.3/L.1366/Add.2, taking into account that those provisions were amendments to the final clauses in the basic text before the Committee proposed by the Commission on Human Rights (A/6342, annex II.B, part VI).

12. Her delegation also agreed that there was no need for a further discussion of the draft article proposed by the United Kingdom delegation (A/C.3/L.1353/Rev.3), since the Committee had expressed its views on the question of reservations, to which the amendment related, when considering the final clauses of the draft Covenant on Economic, Social and Cultural Rights.

13. Mr. PAOLINI (France) supported the Chairman's suggestion that the Committee should vote on the text article by article. Once the Committee had voted on articles 51 and 51 *bis* (articles 26 and 26 *bis* in document A/C.3/L.1366/Add.2), the United Kingdom delegation could introduce its amendment (A/C.3/L.1353/Rev.3) and the Committee would have to vote on it in accordance with its decision to revert to that text when considering the final clauses of the draft Covenant on Civil and Political Rights.

14. Mr. KORNYENKO (Ukrainian Soviet Socialist Republic) pointed out that he had formally proposed that the Committee should proceed to vote on the final clauses without considering itself seized of any amendments; otherwise, his delegation would request that a vote should be taken on the Ukrainian amendment to article 51, paragraph 1 (A/C.3/L.1359).

15. Mrs. HARRIS (United States of America) agreed with the Ukrainian representative that the Committee should first vote on the text of the final articles contained in document A/C.3/L.1366/Add.2, as a whole, and not article by article. Technically, the Committee had never been seized of the United Kingdom delegation's amendment (A/C.3/L.1353/Rev.3), as that text had been withdrawn and the Committee had not had the opportunity to express its views concerning it; thus, the amendment was additional to the articles already adopted in the case of the other Covenant.

16. After voting on the final clauses, the Committee could take up the United Kingdom amendment (A/C.3/L.1353/Rev.3).

17. Mr. KORNYENKO (Ukrainian Soviet Socialist Republic) explained that his position was not exactly that of the United States delegation; the Ukrainian delegation had proposed that the Committee should vote only on the text of the final clauses, which was the same for both Covenants. It would not vote on any subsequent amendment, as the United States delegation was proposing.

18. Lady GAITSKELL (United Kingdom) said that her delegation could hardly withdraw its amendment at the present stage. When, during the discussion of the final clauses of the Covenant on Economic, Social and Cultural Rights, her delegation had agreed that its amendment should not be put to the vote, it had announced that it would bring it before the Committee when the latter took up the final clauses of the Covenant on Civil and Political Rights, the question of reservations dealt with in the amendment being a matter of principle to which it attached great importance.

19. Mr. KORNYENKO (Ukrainian Soviet Socialist Republic) said that, in that case, he would request that the vote be taken article by article, beginning with the amendment to article 51, paragraph 1, which his delegation had submitted (A/C.3/L.1359), reading as follows: "This Covenant shall be open for signature and ratification or accession on behalf of any State."

20. Mr. SAKSENA (India) pointed out that the Committee was seized of document A/6342, and not document A/C.3/L.1366/Add.2.

21. The CHAIRMAN said that, since the final clauses were the same for both the Covenants, she had suggested, with a view to facilitating the Committee's work, that the vote should be taken on the final clauses already adopted in the case of the Covenant on Economic, Social and Cultural Rights, which appeared in document A/C.3/L.1366/Add.2. No objection had been raised to her suggestion.

22. Mrs. HARRIS (United States of America) formally proposed that the Committee should consider itself seized of document A/C.3/L.1366/Add.2.

23. Mr. KORNYENKO (Ukrainian Soviet Socialist Republic) explained that his amendment now related to document A/C.3/L.1366/Add.2, since that was the text on which the Committee would be voting.

24. Mr. SANON (Upper Volta) remarked that no amendment could be proposed to a text which had already been adopted.

25. Mr. KORNYENKO (Ukrainian Soviet Socialist Republic) said that document A/C.3/L.1366/Add.2 was now the basic text for the Committee's work. It was therefore in order to submit an amendment to that text.

26. Mr. ABOUL NASR (United Arab Republic) said that the amendment submitted by the United Kingdom in document A/C.3/L.1353/Rev.3 had already been considered by the Committee and rejected. Thus, it seemed pointless to reintroduce it.

27. Lady GAITSKELL (United Kingdom) explained that her amendment had been revised since the earlier discussion and was therefore different from the one her delegation had submitted in connexion with the first Covenant. She also pointed out that she had clearly announced her intention of reintroducing it in connexion with the second Covenant, for which instrument a reservations article was even more desirable than in the first Covenant.

28. Mr. GUEYE (Senegal) said the point was not that the articles contained in document A/C.3/L.1366/Add.2 were to be voted on again but simply that, since the final clauses should be the same in both Covenants, the clauses adopted in the case of the first Covenant could be used, in order to save time, and could be regarded as an amendment. Consequently, there was no reason why the amendments to those clauses should not be taken up again and submitted as sub-amendments.

29. The CHAIRMAN suggested that the Committee should decide whether the articles contained in document A/C.3/L.1366/Add.2 were to be voted on without amendment.

30. Lady GAITSKELL (United Kingdom) requested a suspension of the meeting to enable her delegation to take a decision.

The meeting was suspended at 4.45 p.m. and resumed at 4.50 p.m.

31. Lady GAITSKELL (United Kingdom) announced that, in order to facilitate the Committee's work, her delegation had decided to withdraw its amendment (A/C.3/L.1353/Rev.3).

32. Mr. KORNENKO (Ukrainian Soviet Socialist Republic) said that, in a spirit of conciliation, he too would refrain from pressing his amendment in document A/C.3/L.1359 to a vote.

33. The CHAIRMAN invited the Committee to vote on the whole of the articles contained in document A/C.3/L.1366/Add.2, which would become the final clauses of the draft Covenant on Civil and Political Rights.

The final clauses of the draft Covenant on Civil and Political Rights, as they appeared in document A/C.3/L.1366/ADD.2, were adopted unanimously.

34. Mrs. BULTRIKOVA (Union of Soviet Socialist Republics), Mrs. MALECELA (United Republic of Tanzania), Mr. GLAZER (Romania), Mr. ABOUL NASR (United Arab Republic), Mrs. KOVANTSEVA (Byelorussian Soviet Socialist Republic), Mrs. SEKANINOVA-CAKARTOVA (Czechoslovakia), Mr. ALLAOUI (Algeria), Mrs. SOUMAH (Guinea), speaking also in the name of the delegations of Bulgaria and Hungary, Mr. ATASSI (Syria), Mr. N'GALLI-MARSALA (Congo, Brazzaville), Mrs. POCEK-MATIC (Yugoslavia), Mr. FERNANDEZ de COSSIO RODRIGUEZ (Cuba), Mr. TEKLE (Ethiopia), Mr. SAMMAH (Afghanistan), Mr. ALLAGANY (Saudi Arabia), Mr. SANON (Upper Volta) and Mr. KOITE (Mali) said that they had voted in favour of the articles appearing in document A/C.3/L.1366/Add.2 but they maintained, with respect to article 51, paragraph 1, of the draft Covenant on Civil and Political Rights, the reservations they

had previously expressed with respect to article 26, paragraph 1, of the draft Covenant on Economic, Social and Cultural Rights, because of their continued support for the principle of universality and their continued belief that both Covenants should have been open for signature on behalf of all States, without restriction.

35. Mr. OSBORN (Australia) recalled that he had abstained from voting on article 27 of the draft Covenant on Economic, Social and Cultural Rights because Australia had a federal constitution and would find it more difficult, with that clause, to ratify the Covenants.

36. Mr. Ronald MACDONALD (Canada) expressed regret that the United Kingdom amendment, with which he had fully agreed, had not been adopted.

ARTICLES ON MEASURES OF IMPLEMENTATION OF THE DRAFT COVENANT ON CIVIL AND POLITICAL RIGHTS (continued) (A/2929, CHAP. VII; A/5411 AND ADD.1-2, A/5702 AND ADD.1, A/6342, ANNEX II.B, PARTS IV AND V; A/C.3/L.1366/ADD.3-6 AND ADD.6/CORR.1, A/C.3/L.1402/REV.1 AND REV.1/ADD.1)

37. Mr. A. A. MOHAMMED (Nigeria) announced that unfortunately he was not yet able formally to introduce article 41 bis, of which he was a co-sponsor, owing to the many changes that had been made in the article, whose final text it had not yet been possible to circulate. The new text would include, in particular, a new paragraph 8 concerning the granting of the right of petition to colonial countries. The form which article 41 bis was to take might also cause some controversy, since the Committee would have to decide whether the article should be included among the implementation clauses of the Covenant or whether it should be the subject of a separate protocol. Thus, the article was an extremely important one which the Committee should not consider in haste, and he would prefer not to introduce it until the following meeting, when the members of the Committee would have the final text before them.

38. Mr. ABOUL NASR (United Arab Republic) felt it would indeed be difficult to study an article without having the written text, and he therefore suggested that the Committee should agree to postpone its discussion on article 41 bis until the revised text was available.

Organization of work

39. Mrs. AFNAN (Iraq) reminded the Committee that it had decided, when establishing its programme of work, to take up agenda item 56 (Draft Declaration on the Elimination of Discrimination against Women) immediately after considering the draft International Covenants on Human Rights. Agenda item 55 (Report of the United Nations High Commissioner for Refugees) was to have been considered later. Furthermore, the original text of the Covenant had not included any article concerning complaints from individuals, and the proposed new article 41 bis therefore introduced a completely new idea, the presentation and subsequent discussion of which would take some

time. In addition, as the representative of Nigeria had pointed out, it was not even known as yet whether the article would be included in the Covenant proper or whether it would be the subject of a separate protocol. In any event, the new text which was to be circulated would require careful study, and members of the Committee should be able to propose sub-amendments.

40. The CHAIRMAN said that it was customary for the Third Committee to suspend its debate in order to make place for the report of the United Nations High Commissioner for Refugees; in view of the importance of the Covenants, however, the High Commissioner had not wished to interrupt the debate. Before taking up the draft Declaration on the Elimination of Discrimination against Women, the Committee could perhaps hear the High Commissioner, who would be leaving New York for Canada on Friday. She also pointed out that article 41 bis, in its original version, had been circulated some time previously, and the various delegations had therefore had an opportunity to study the question of petitions. Delegations were still free to propose sub-amendments to that text.

41. Mrs. SIPILA (Finland) said that she would be compelled to leave at the end of the week, as she had to attend a seminar on the status of women in the Philippines. As a member of the Commission on the Status of Women, she would have liked to be present when the draft Declaration was discussed, or at least at the beginning of the debate, which would no doubt be quite lengthy. The United Nations High Commissioner for Refugees, to whom she had explained the problem, was awaiting the decision of the Third Committee.

42. Mr. NANAGAS (Philippines) said that he was willing to agree to the Finnish delegation's suggestion and to begin consideration of the draft Declaration immediately.

43. Mrs. BULTRIKOVA (Union of Soviet Socialist Republics) said that the question of petitions was something entirely new, and she did not consider it possible to limit the time allowed for discussion of so important a point. She would also like the Committee to adhere to the decision it had taken when organizing its work, and she thought that the comments made by the representatives of Iraq and Finland must be taken into consideration. In her delegation's view, the Committee should therefore proceed immediately to the consideration of the draft Declaration.

44. Mr. A. A. MOHAMMED (Nigeria) recalled that the Committee usually devoted a few meetings in about the middle of November to the report of the High Commissioner. The question of refugees could not give rise to very lengthy discussions, but surely the same could not be said of the question of the elimination of discrimination against women. Accordingly, he did not think that the Committee should keep the High Commissioner waiting any longer.

45. Mr. MIRZA (Pakistan) feared that the discussions on discrimination against women might continue well beyond the time allotted. At the same time, the High Commissioner, who had important

functions to perform elsewhere, could hardly be kept waiting. A possible solution might be to decide to begin by hearing the High Commissioner, whose statement would then be available to Committee members. The Committee would next take up the draft Declaration and would revert to the High Commissioner's report later.

46. Mrs. HENRION (Belgium) endorsed the comments made by the representative of Finland, who was particularly well informed on the question of discrimination against women. Courtesy must, of course, be shown to the High Commissioner, but if the Committee adopted the Chairman's suggestion there might be few women still present in the Committee when the draft Declaration was taken up. She hoped, therefore, that it would be possible to find another solution.

47. The CHAIRMAN recalled that three meetings had been allotted to the report of the High Commissioner. If the co-sponsors of the new article 41 bis agreed, the Committee could perhaps hear the High Commissioner on the following day, Tuesday. It would next begin the consideration of the draft Declaration, which would take slightly less than seven meetings; lastly, two meetings would be devoted to the new article 41 bis.

48. Mr. PAOLINI (France) agreed with the Chairman's suggestion. Both the High Commissioner and the women representatives who had come to express their views on discrimination against women should be heard during the current week. Moreover, the co-sponsors of article 41 bis were apparently not quite ready to introduce their proposal, and consideration of it might therefore be postponed until later.

49. Mrs. HARRIS (United States of America) endorsed the Chairman's suggestion and thought, at the same time, that advantage should be taken of the momentum achieved to complete consideration of the draft Covenants.

50. Mr. A. A. MOHAMMED (Nigeria) said that he was quite prepared to introduce the new article 41 bis immediately but that he thought it better to wait until the following day, when the text would have been circulated. He would like the report of the High Commissioner to be deferred until Wednesday.

51. Mr. RIOS (Panama) supported the Nigerian representative's suggestion; he also hoped that the consideration of article 41 bis of the draft Covenant would be completed on the morrow. The Committee would then decide in what order to consider the report of the High Commissioner and the question of discrimination against women.

52. Mr. OLCAY (Turkey) said he feared that two meetings might not be enough to complete the consideration of the very controversial question raised by article 41 bis. On the other hand, the three meetings allotted to the High Commissioner's report should be sufficient.

53. The CHAIRMAN asked delegations to do their utmost to complete the discussion of article 41 bis within the allotted time. Delegations taking the same

position on that article could perhaps designate a joint spokesman, thus saving some time.

54. Mr. MIRZA (Pakistan) considered that it would be wisest and most practical to adopt the Chairman's suggestion. As the representative of Turkey had said, it was to be feared that the discussions would take more than the two meetings that had been allotted. Since the text of the new amendment was to be circulated on the following day, delegations could be given time to reflect on it and to hold private consultations. In the meantime, the Committee could hear the High Commissioner and spend two or three meetings on his report. It would then take up the new article 41 bis. If, however, it proved impossible to settle the question of petitions from individuals speedily, it would be better, despite the desirability of completing the examination of the Covenants, to go on to consider the draft Declaration.

55. Mrs. HENRION (Belgium) joined the representative of Pakistan in supporting the Chairman's suggestion and appealed to the representative of Nigeria to agree.

56. The CHAIRMAN suggested that, if the representative of Nigeria had no objection, the various delegations might meet on the following morning, since no meeting was scheduled, with a view to reaching agreement on the new article 41 bis. The Committee would hear the High Commissioner in the afternoon, and on Wednesday it could consider his report. The four meetings on Thursday and Friday would be devoted to the draft Declaration, discussion of which would be interrupted on Monday for the purpose of completing consideration of article 41 bis.

57. Mr. A. A. MOHAMMED (Nigeria) regretted that he was unable to accept the Chairman's suggestion. He would prefer to finish the examination of the draft Covenants at once, and he could not agree to a postponement of the discussion of the new amendment.

58. Mr. EGAS (Chile) also stressed the need for a degree of continuity in the proceedings and said that he considered it essential to finish the examination of article 41 bis.

59. The CHAIRMAN announced that the High Commissioner had sent word, through his representative, that he would be able to introduce his report on Monday. The Committee could therefore finish its

consideration of article 41 bis first and then devote the Thursday and Friday meetings to the draft Declaration.

60. Miss TABBARA (Lebanon) thought it would be best not to set any date for the consideration of the draft Declaration. The question of petitions from individuals was very controversial, and it might be necessary to set up a working group to study it. The Committee would then be able to take up the question of discrimination against women while the group was at work.

61. The CHAIRMAN said she thought that a time-schedule must be set, in order to speed up the Committee's discussions.

62. Mr. MOMMERSTEEG (Netherlands) agreed that the Committee should proceed to consider article 41 bis immediately.

63. Mr. BAHNEV (Bulgaria) said that the question raised by article 41 bis was completely new. It was not certain that it could be settled by a vote. It was possible that delegations would wish to reflect on it or would have to obtain instructions from their Governments. He therefore shared the fears expressed by the Turkish delegation.

64. Mr. SAKSENA (India) endorsed the remarks of the Turkish and Bulgarian representatives. Article 41 bis was very important, but there was at present no consensus on the subject-matter. The text must be so drafted that it would gain a majority of the votes. The Committee might take up that question on the following day, and if delegations could not reach an agreement further discussions might be put off until the following week. In the meantime, the Committee would hear representatives who wished to speak on the question of discrimination against women.

65. The CHAIRMAN announced that the Committee would take up on the following day, Tuesday, the new article 41 bis, which would be introduced by its co-sponsors. Even if the question had not been settled by Wednesday evening, the meetings on Thursday and Friday would be devoted to the draft Declaration on the Elimination of Discrimination against Women. On Monday, the Committee would hear the High Commissioner.

The meeting rose at 6.10 p.m.