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*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.1355, A/C.3/L.1356/REV.1, A/C.3/L.1366/ADD.3, A/C.3/L.1373 AND ADD.1 AND ADD.1/CORR.1, A/C.3/L.1379/REV.1 AND REV.1/CORR.1, A/C.3/L.1381, A/C.3/L.1387, A/C.3/L.1389-1391, A/C.3/L.1394/1399, A/C.3/L.1402, A/C.3/L.1404)

1. The CHAIRMAN invited the Committee to consider article 36 of the draft Covenant on Civil and Political Rights (A/6342, annex II.B, parts IV and V) to which there were three amendments in documents A/C.3/L.1373 and Add.1 and Add.1/Corr.1.
2. Mr. SANON (Upper Volta) explained that the purpose of the amendments of which he was a sponsor was to leave the Secretary-General entirely free to perform his functions under paragraph 3 of article 36, as it appeared in document A/6342, in whatever way he thought best.
3. The second amendment called for the deletion of paragraph 3 of the article. That paragraph was superfluous, since the election procedure had already been laid down in article 29, paragraph 4, which the Third Committee had adopted at its 1421st meeting.
4. With respect to the third amendment, he felt that the first part of the sentence in paragraph 3 of article 36 was not sufficiently concise; it was for that reason that the sponsors requested the deletion of the words "and its members". The second part of the sentence which it was proposed should be inserted made the duties of the Secretary-General clearer.
5. Thus, with the exception of the first amendment, which called for the deletion of paragraph 1, the sole

purpose of the proposed amendments was to improve the form.

6. Miss CAO-PINNA (Italy) said that, in her view, article 36 in document A/6342 contained two important elements; it specified that the secretary of the committee would be a high official of the United Nations and that he would be elected by the committee from a list of three names submitted by the Secretary-General. She considered that the first point was of great importance. Even if the committee was not to act as a judicial organ, its secretary would have to perform high-level functions, and the three amendments would have the effect of diminishing his role. Her delegation therefore considered them unacceptable.

7. Mr. SAKSENA (India) pointed out to the Italian delegation that the text of article 36 before the Committee (A/6342, annex II.B, parts IV and V) had been adopted by the Commission on Human Rights in 1951. The functions of the committee as envisaged now did not require any "high level functions" from its secretary. Moreover, it was not desirable that the committee should elect its secretary, since an elected secretary might feel personally obligated to some members of the committee, who would have installed him in his post. The secretary should stand above all political considerations, and there was no doubt that a person appointed by the Secretary-General would be in a much better position to perform the important functions entrusted to him in complete equanimity. Those were the considerations which had guided the sponsors in proposing the deletion of paragraphs 1 and 2 of article 36.

8. Mr. NASINOVSKY (Union of Soviet Socialist Republics) supported the amendments to article 36 in documents A/C.3/L.1373 and Add.1 and Add.1/Corr.1 and said that, in his view, there was nothing to justify the secretary's being elected by the members of the committee. Every United Nations organ had a secretary appointed by the Secretary-General and there was no reason, in the case of the human rights committee, to lay down a different procedure which, moreover, would have unwarranted financial implications. The secretary of the human rights committee would be performing the functions normally assigned to any secretary of a United Nations organ. If the Commission on Human Rights were now to review the text which it had drawn up, it would certainly not include any provisions like the one in question.

9. Mr. BAZAN (Chile) agreed that the choice of the secretary of the human rights committee should not be influenced by any political considerations but observed that the deletion of paragraphs 1 and 2 did not resolve the difficulty, since under article 39 the committee would establish its own rules of procedure and

would therefore be able, unless otherwise stated, to decide how its secretary was to be appointed. Consequently, he suggested that the first two paragraphs of article 36 should be replaced by a single paragraph specifying that the secretary of the committee would be appointed by the Secretary-General of the United Nations.

10. The CHAIRMAN pointed out that the time-limit for the submission of amendments had already expired.

11. Mr. BAZAN (Chile) said that the difficulty could be avoided by means of a request for a separate vote on the phrase "by the Committee from a list of three names submitted" in paragraph 1 and a separate vote on paragraph 2 of article 36, which should then be deleted.

12. The CHAIRMAN observed that the third amendment to article 36 in documents A/C.3/L.1373 and Add.1 and Add.1/Corr.1 would have to be put to the vote before the Chilean proposal.

13. Miss TABBARA (Lebanon) drew the attention of the representative of Chile to the fact that, under paragraph 3 of article 36, the Secretary-General of the United Nations was to provide the committee with the staff and facilities it would require for the performance of its functions. He would, therefore, automatically appoint the secretary of the committee in accordance with that provision, and there was no need to specify that further.

14. Mr. SANON (Upper Volta) agreed that it was of prime importance to prevent the appointment of the secretary of the committee from being subordinated to political considerations. He appreciated the concern of the Chilean delegation, but if the first two paragraphs were omitted the secretary of the committee would of necessity be appointed by the Secretary-General at the same time as the rest of the staff.

15. Mr. CAINE (Liberia) said that the arguments advanced by the representatives of the Upper Volta, India and the USSR were quite pertinent; however, he would like some clarification by the representative of the Secretary-General of how the amendment should be interpreted.

16. Mr. SCHREIBER (Secretariat) said that the text proposed by the Commission on Human Rights provided that the secretary should be elected by the committee from among candidates proposed by the Secretary-General, in order, no doubt, to enable the committee to express its preferences and to give the secretary a measure of independence; at the same time, the secretary would be a high official of the Secretariat and would therefore be subject to all the regulations which applied to United Nations staff. Thus, the system envisaged was somewhat complicated. Some clarification of the meaning of article 36, as drafted by the Commission on Human Rights, was given in document A/2929 (chap. VII, paras. 41-43).

17. In addition to the secretary of the committee, other Secretariat officials would also be assigned to the human rights committee by the Secretary-General.

18. The amendment provided for a simpler procedure. It would have the effect of applying to the human rights

committee the rules which governed most United Nations organs. The Secretary-General would, of course, ensure that, so far as budgetary resources permitted, the committee had all the staff it needed to perform its functions, and he would take account of the Committee's views in that connexion; such staff would form part of the Secretariat and would be subject to the obligations deriving from the Charter.

19. Mr. PAOLINI (France) said that the course of action laid down by the Commission on Human Rights was indeed somewhat complicated, in that the secretary elected by the committee, although an official of the Secretariat, would have a measure of autonomy vis-à-vis the Secretary-General. While he appreciated the concern of the sponsors and their desire to simplify the procedure for appointing the secretary, his delegation questioned the validity of their views. Even if the human rights committee was not to have any judicial powers, it would nevertheless have some freedom of action; it should be borne in mind that the members would be serving in their personal capacity, and it had been envisaged that the secretary should be elected by the committee in order that he, too, might enjoy a measure of independence.

20. Another point was that the committee would be composed of a larger number of members than had originally been laid down, thus reflecting the increase in the membership of the United Nations; owing to that increase, its work in examining the reports might be more time-consuming, and it would then have to have a larger secretariat. His delegation was therefore reluctant to agree to the formula proposed by the sponsors, which appeared to underrate the secretary's importance.

21. Mrs. AFNAN (Iraq) said that the adoption of article 35 reflected the desire of the Third Committee to maintain the closest possible links between the human rights committee and the United Nations.

22. The sponsors of documents A/C.3/L.1373 and Add.1 and Add.1/Corr.1 were well aware of the fact that the human rights committee, as at present envisaged by the Third Committee, was very different from the body whose establishment had been contemplated by the Commission on Human Rights. That was clear from the fact that the sponsors of those amendments proposed that the words "exercise his powers" in article 38 should be replaced by the words "perform his functions". That was a significant change. It was logical that the secretary of a committee such as the one envisaged by the Commission on Human Rights should be elected, but it was logical, now in view of all the changes agreed to by the Third Committee, that the secretary of the human rights committee should be appointed by the Secretary-General of the United Nations.

23. Mr. MIRZA (Pakistan) said that if the human rights committee was to perform judicial functions, a parallel could legitimately be drawn with the International Court of Justice. Under article 21 of its Statute, the Court elected its President and appointed its Registrar and could provide for the appointment of other officers as necessary. However, the human rights committee, the principle of which had been approved by the Third Committee was entirely dif-

ferent in nature from the committee whose establishment had been recommended by the Commission on Human Rights. The sponsors of the amendment felt that the human rights committee should confine its action to examining reports and making available its good offices. It was in that spirit that they had proposed that its Secretary should be appointed by the Secretary-General. The French representative's comments appeared to be based on a different conception.

24. Mr. BAZAN (Chile) said that it was not obvious that, if the first two paragraphs of article 36 were deleted, the secretary of the human rights committee would automatically be appointed by the Secretary-General because he was a member of the staff of the committee. The Charter did not place the Secretary-General of the United Nations in the same category as the other staff members and the Statute of the International Court of Justice also placed the Registrar of the Court in a separate category in order clearly to indicate the importance of the role of those high officials.

25. Paragraph 3 alone was not sufficiently explicit. It would be regrettable if the manner of appointing the secretary of the committee was not clearly indicated. In order to remedy that defect, the text should at least state that the secretary was regarded as a member of the human rights committee's "staff".

26. Mr. SAKSENA (India) said that a legal document such as the Covenant could not and should not describe in detail the method of functioning of the human rights committee. It was expedient that the new organ should be allowed to determine itself. The fears expressed by the Chilean representative were not well founded. The wording of the third amendment to article 36 in documents A/C.3/L.1373 and Add.1 and Add.1/Corr.1 envisaged a secretary forming part of the staff which the Secretary-General would be required to provide for the effective performance of that committee's function.

27. Furthermore, the secretary of the committee should not be placed in a separate category, as that would imply an autonomous distinct unit. In that connexion he recalled the observation of the Secretary-General that the creation of further, small, autonomous administrative organs was not consistent with the General Assembly's desire for a centralized Secretariat. It should be left to the Secretary-General who would have to determine the size of the staff to be provided for the human rights committee.

28. He urged the Chilean representative to support the amendments to article 36 in documents A/C.3/L.1373 and Add.1 and Add.1/Corr.1.

29. Mr. MIRZA (Pakistan) said that whenever a new body was established under a General Assembly resolution, the Secretary-General was naturally responsible for appointing its secretary. There was no case of any committee having functioned without a secretary having been appointed. There was therefore no doubt that the secretary formed part of the "staff" which would be assigned to the human rights committee.

30. Mr. SCHREIBER (Secretariat) referring to the point raised by the Chilean representative, said that there were two courses open to the Third Committee.

In the first place it could accept the original text which required the Secretary-General to submit the names of three candidates; the secretary whom the human rights committee elected would automatically become a member of the staff of the United Nations, to whom the rules governing members of the Secretariat would therefore apply. The system proposed by the Commission on Human Rights was somewhat hybrid and rather exceptional in United Nations practice; it was applied by certain bodies responsible for control of traffic in narcotic drugs.

31. The other course would be to request the Secretary-General to appoint the secretary and the other members of the staff of the human rights committee. Once that committee was organized, consultations would presumably take place between its members and the Secretary-General and the latter would be able to determine the Committee's requirements accurately only after it had begun to function.

32. The CHAIRMAN invited the Committee to vote on article 36 and the three amendments thereto.

*The first amendment to article 36 in documents A/C.3/L.1373 and Add.1 and Add.1/Corr.1, calling for the deletion of paragraph 1, was adopted by 88 votes to none, with 3 abstentions.*

*The second amendment to article 36 in documents A/C.3/L.1373 and Add.1 and Add.1/Corr.1, calling for the deletion of paragraph 2, was adopted by 91 votes to none, with 1 abstention.*

*The third amendment to article 36 in documents A/C.3/L.1373 and Add.1 and Add.1/Corr.1 was adopted unanimously.*

*Article 36, as a whole, as amended, was adopted unanimously.*

33. Mr. MIRZA (Pakistan), introducing the five amendments to article 37 in documents A/C.3/L.1373 and Add.1 and Add.1/Corr.1, said that the changes proposed did not affect the substance and were designed solely to simplify and clarify the text.

34. The sponsors proposed the deletion of paragraph 2, sub-paragraphs (a) and (b), which were superfluous since sub-paragraph (c) provided that the committee should meet when convened by its chairman or at the request of the majority of its members. Obviously, the chairman or the members could request that the committee be convened whenever they deemed that necessary and, in particular, when any matter was referred to it under article 40.

35. The change proposed in sub-paragraph 2 (c), which would increase from five to ten the number of members at whose request the convening of the human rights committee could be decided upon, was a natural consequence of the increase in the number of members of the committee itself.

36. The two additions to paragraph 3 were intended to make it clear that it was at the United Nations Office that meetings should be held when they were held at Geneva and that while "normally" they would take place at Headquarters or at that Office, there might be cases when they would be held elsewhere.

37. Mrs. HARRIS (United States of America) agreed with the Indian representative that the procedures

which would govern the functioning of the human rights committee should not be indicated in detail in the body of an instrument such as the Covenant. Experience over the years had shown the desirability of allowing United Nations organs to determine themselves, in their rules of procedure, the frequency and timing of their meetings and such other rules as they intended to apply. Her delegation therefore fully supported the deletion of paragraph 2, sub-paragraphs (a) and (b), as proposed by the sponsors of documents A/C.3/L.1373 and Add.1 and Add.1/Corr.1. It even considered that sub-paragraph 2 (c) should be deleted and that the formula proposed in the United States amendment (A/C.3/L.1390) should be adopted, with the deletion of the word "other". Article 37, paragraph 2 would then read: "After its initial meeting, the Committee shall meet at such time as shall be provided in its rules of procedure".

38. Mr. NASINOVSKY (Union of Soviet Socialist Republics) considered that article 37, paragraph 3, was too limited in scope. The paragraph should by no means exclude the possibility of the committee's meeting elsewhere than at Headquarters or at the United Nations Office at Geneva. Apart from the fact that circumstances might require it to meet elsewhere, the committee might receive invitations which it should be allowed to accept.

39. With regard to paragraph 2, he felt that the United States amendment (A/C.3/L.1390) was far too vague and placed the problem in a future of which nothing was as yet known. The committee did not yet have rules of procedure and it was not known whether it would provide for all of the possibilities desired as regards meetings. In his view, the provisions which the rules of procedure would contain under article 39 did not constitute an adequate safeguard on that point.

40. His delegation was therefore unable to support the United States amendment to article 37, paragraph 2. It would vote in favour of the other amendments to that paragraph, since it considered them useful and approved their democratic nature.

41. Mr. SAKSENA (India) drew the attention of the Soviet Union representative to the amendment to paragraph 3 contained in documents A/C.3/L.1373 and Add.1 and Add.1/Corr.1, which should satisfy the Soviet delegation, the purpose of the sponsors' proposal that the word "normally" should be inserted being precisely to leave open the possibility of the committee's meeting elsewhere than at Headquarters or at the United Nations Office at Geneva. However, he emphasized the desirability of holding the committee's meetings at United Nations Headquarters to conduct its work in a business-like manner. Publicity and dramatization of its activities should be avoided as that might prove detrimental to the committee's work.

42. The United States amendment (A/C.3/L.1390) was still the subject of consultations among the sponsors, but there was no basic contradiction between that amendment and sub-paragraph 2 (c), which the sponsors of documents A/C.3/L.1373 and Add.1 and Add.1/Corr.1 wished to retain with a slight modification. At all events, the provision contained in that sub-paragraph was broad enough for the United States

delegation to find the intention underlying its own amendment reflected in it. There was, moreover, no guarantee that the committee's rules of procedure would have been fully drawn up by the time of its initial meeting.

43. Mr. MIRZA (Pakistan) said that there was every advantage in the committee's meeting at Headquarters or at Geneva when carrying out its function of receiving and examining reports and preparing comments. Apart from the savings which would result, such a procedure would greatly simplify the organization of work.

44. When, on the other hand, the occasion arose for the committee to make its good offices available to States involved in a dispute, the committee could, of course, if it deemed it necessary, send some of its members to a given capital city; that was for it alone to decide. However, the plenary meetings devoted to the consideration of communications, in the case of States which had recognized the committee's competence, should preferably be held at Headquarters or at Geneva, so that the committee could work secure from publicity and tension.

45. His delegation endorsed the principle underlying the United States amendment, although it felt that the same result would be achieved by means of sub-paragraph 2 (c), as modified by the amendment thereto contained in documents A/C.3/L.1373 and Add.1 and Add.1/Corr.1.

46. Mrs. HARRIS (United States of America) observed, in connexion with the Indian representative's comment on the rules of procedure, that it was obviously not possible to include in the Covenant a provision specifying that the rules of procedure must be ready before the initial meeting; there would certainly be provisional rules of procedure, however, and that might well be the first question, after the election of the officers, to be considered at the committee's initial meeting.

47. Mr. ATASSI (Syria) referred to the schemes which had been mooted for holding meetings of United Nations bodies away from Headquarters, particularly at Geneva, and perhaps transferring the Headquarters, and said he thought that the possibility of convening the initial meeting of the committee at the United Nations Office at Geneva might also be provided for in paragraph 1 of article 37.

48. Mr. MIRZA (Pakistan) said that, following their consultations, the sponsors of the amendments contained in document A/C.3/L.1373 and Add.1 and Add.1/Corr.1 had decided, in a spirit of co-operation, not to press for the retention of sub-paragraph 2 (c) of article 37 and to accept the United States amendment (A/C.3/L.1390), as modified orally by its sponsor, as it entailed no change in the substance. They accordingly withdrew their three amendments to paragraph 2.

49. The CHAIRMAN invited the Committee to vote on article 37 and the remaining amendments thereto.

*Article 37, paragraph 1, was adopted unanimously.*

50. The CHAIRMAN invited the Committee to vote on paragraph 2, as modified by the United States

amendment which had itself been orally revised, reading as follows: "After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure."

*Article 37, paragraph 2, as amended, was adopted by 93 votes to none, with 2 abstentions.*

*The fourth amendment to article 37 in documents A/C.3/L.1373 and Add.1 and Add.1/Corr.1 was adopted unanimously.*

*The fifth amendment to article 37 in documents A/C.3/L.1373 and Add.1 and Add.1/Corr.1 was adopted by 97 votes to none, with 1 abstention.*

*Article 37, paragraph 3, as amended, was adopted unanimously.*

*Article 37 as a whole, as amended, was adopted unanimously.*

51. The CHAIRMAN invited the Committee to consider the amendment to article 38 in documents A/C.3/L.1373 and Add.1 and Add.1/Corr.1, whereby the words "exercise his powers" would be replaced by "perform his functions".

52. Mr. SAKSENA (India), speaking on behalf of the sponsors of the amendment, said that the original text of article 38 was based on Article 20 of the Statute of the International Court of Justice, and it emphasized the judicial character of the Committee's functions. The new wording proposed was more in keeping with the nature of the committee as now envisaged by the Third Committee.

53. Mr. NASINOVSKY (Union of Soviet Socialist Republics) agreed with the Indian representative's comments but said that he saw no need to retain article 38 in any form, as the committee was not a judicial body. Its retention would be an implicit acknowledgement that the committee had a judicial character. He therefore proposed that the article should be deleted, and he requested that his proposal should be put to the vote before the amendment in documents A/C.3/L.1373 and Add.1 and Add.1/Corr.1.

54. Mr. GROS ESPIELL (Uruguay) said that he was prepared to support the amendment to article 38 proposed in documents A/C.3/L.1373 and Add.1 and Add.1/Corr.1; he did not however, entirely agree with the representative of India, because the question whether or not the committee was a judicial body had not yet been settled and would not be settled until the Third Committee had voted on article 40. He also hoped that a formula would be found which would avoid the repetition of the word "funciones" in the Spanish text of the article if the amendment were adopted.

55. The CHAIRMAN invited the Committee, in accordance with rule 131 of the rules of procedure, to vote first on the Soviet Union's proposal that article 38 should be deleted.

*The proposal was rejected by 47 votes to 19, with 27 abstentions.*

56. The CHAIRMAN invited the Committee to vote on article 38 and the amendment thereto.

*The amendment to article 38 in documents A/C.3/L.1373 and Add.1 and Add.1/Corr.1 was adopted by 83 votes to none, with 12 abstentions.*

*Article 38, as amended, was adopted by 81 votes to 9, with 7 abstentions.*

57. Mr. EGAS (Chile), speaking in explanation of his vote, said that he had voted for the amendment but that, as his delegation understood it, the amendment did not exclude the possibility of the committee's exercising judicial functions.

58. Mr. GROS ESPIELL (Uruguay) endorsed the Chilean representative's remarks.

59. Mr. CAINE (Liberia) said that he had voted against the retention of article 38 because the amendment did not change the nature of the article and his delegation did not believe that the committee should exercise any judicial function.

60. The CHAIRMAN invited the Committee to consider the three amendments to article 39 submitted by the United States in document A/C.3/L.1390 and the four amendments to that article in documents A/C.3/L.1373 and Add.1 and Add.1/Corr.1.

61. Mrs. HARRIS (United States of America) said that the amendments submitted by her delegation took account of the desire, which had already been expressed in regard to article 37, not to define the committee's procedure in advance in too great detail. For instance, the third amendment would delete the third sentence of paragraph 1, because it was for the committee to decide when to elect its officers. She agreed with the amendments to article 39 contained in documents A/C.3/L.1373 and Add.1 and Add.1/Corr.1, and her own delegation had incorporated the amendment to increase the officers' term from one year to two years.

62. Mr. A. A. MOHAMMED (Nigeria) said that the amendments proposed in documents A/C.3/L.1373 and Add.1 and Add.1/Corr.1 were primarily a matter of logic. For instance, the first amendment which would set a two-year term for the officers, was aimed at facilitating the committee's task, since it would be difficult for it to elect new officers every year. The second amendment, which proposed that the quorum should be raised from seven members to twelve, was the logical consequence of the increase in the total membership of the committee.

63. Mr. MIRZA (Pakistan) said he wished to add that the third amendment which related to paragraph 2 (b) of the article called for the committee to follow the same procedure as other United Nations organs, under which only those proposals which received a majority of the votes were adopted. The Chairman should not have a casting vote, for that procedure had had unfortunate results in the past.

64. The CHAIRMAN, noting that both the first amendment to article 39 in documents A/C.3/L.1373 and Add.1 and Add.1/Corr.1 and the second amendment submitted by the United States would replace the words "one year" in article 39, paragraph 1, by the words "two years", suggested that the sponsors should agree on a single amendment.

65. Mr. SANON (Upper Volta) proposed, on behalf of the sponsors of the amendment in documents A/C.3/L.1373 and Add.1 and Add.1/Corr.1, that the two amendments should be put to the vote together.

66. Mrs. HARRIS (United States of America) said that she supported that proposal.

67. Mr. NASINOVSKY (Union of Soviet Socialist Republics) stressed the importance of the amendment deleting the provision giving the chairman a casting vote. Noting that the Commission on Human Rights, which had regarded the committee as a judicial body, had borrowed that provision from Article 55 of the Statute of the International Court of Justice, he recalled the shameful decision which the Court had been able to take earlier in the year as a result of the casting vote held by its President.

68. Mr. BAHNEV (Bulgaria) said he did not think that sub-paragraph 2 (d) should be deleted, since he was in favour of maintaining the principle that meetings should be held in closed session in considering the reports received from various countries and the communications submitted under article 40.

69. Mr. PAOLINI (France) said that while he endorsed the principle underlying the amendments to article 39 contained in documents A/C.3/L.1390 and A/C.3/L.1373 and Add.1 and Add.1/Corr.1, he shared the Bulgarian representative's view that sub-paragraph 2 (d) should be retained. The fact that it met in closed session would not confer any judicial powers on the committee, while, at the same time, it would enable the committee to give confidential consideration to communications from States or individual petitions and to prevent its activities from receiving undue publicity or taking on a political character. However, since the committee had no judicial functions, he proposed that the term "hearings" should be eliminated. Sub-paragraph 2 (d) would then read: "The Committee shall hold meetings in closed session."

70. Mr. BAHNEV (Bulgaria) said that he endorsed the French representative's suggestion.

71. Mr. EGAS (Chile) observed that there was some confusion and, in fact, certain contradictions between the various provisions contained in article 39, paragraph 2. It would be sufficient to say that the committee should establish its own rules of procedure, leaving it free to decide on its quorum and on other procedural matters.

72. Mr. NASINOVSKY (Union of Soviet Socialist Republics) said he agreed with the Chilean repre-

sentative that the question of procedure could be left entirely to the committee, which would establish its own rules of procedure. The committee could decide, depending on the particular case, whether to hold closed or open meetings. Thus, the periodic reports from States could be considered at open meetings, while disputes between States could be dealt with at closed meetings. However, it should be for the committee to decide the matter, and there should be no provision stipulating in advance that all meetings were to be held in closed session. It would thus be sufficient to say, as the Chilean representative had suggested, that the committee should establish its own rules of procedure.

73. Mr. SAKSENA (India) said he agreed with the Soviet representative that it should be left to the committee to decide whether to hold open or closed meetings. It was therefore proposed in the fourth amendment to article 39 in documents A/C.3/L.1373 and Add.1 and Add.1/Corr.1 that sub-paragraph 2 (d) should be deleted.

74. Mr. BAHNEV (Bulgaria) said he thought that the question whether meetings were to be open or closed should be decided after the provisions defining the committee's powers were adopted. For his part, he did not feel that the committee should hold open meetings even when it considered the periodic reports.

75. Mr. PAOLINI (France) said that it was essential to preserve the confidential nature of the procedure relating to communications. The question whether or not meetings were to be held in closed session was a basic one which the Third Committee should not leave to the discretion of the human rights committee. As several representatives had already observed, the procedure followed by the human rights committee should not permit interference of any kind in the internal affairs of States. The Third Committee should therefore decide whether meetings to consider communications from States were to be held in closed session.

76. Mrs. OULD DADDAH (Mauritania) proposed that the Committee should adjourn the meeting so that the sponsors of the amendments could hold consultations.

*The meeting rose at 1.15 p.m.*