



CONTENTS

	Page
<i>Agenda item 62:</i>	
<i>Draft International Covenants on Human Rights</i>	
<i>(continued)</i>	
<i>Articles on measures of implementation of</i>	
<i>the draft Covenant on Civil and Political</i>	
<i>Rights (continued)</i>	293

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.3-4, A/C.3/L.1379/REV.1 AND REV.1/CORR.1, A/C.3/L.1381, A/C.3/L.1389, A/C.3/L.1391, A/C.3/L.1394-1396, A/C.3/L.1397 AND CORR.1, A/C.3/L.1398, A/C.3/L.1399, A/C.3/L.1402)

1. Mr. ABDELRAHMAN (International Labour Organisation), speaking on behalf of both the ILO and UNESCO, expressed appreciation of the Committee's comprehension of the specialized agencies' concern that a co-ordinated and effective reporting procedure should be devised for the implementation of the civil and political rights set out in the Covenant. He wished in particular to thank the United Kingdom delegation for the initiative it had taken in the matter, as well as the representatives who had spoken with appreciation of the agencies' work for the protection of human rights. As the French representative had rightly pointed out, the language of the substantive articles of the Covenant was directly related to the substance of a number of ILO conventions. The Committee's attitude towards the specialized agencies would encourage them to intensify their efforts in the international endeavour to promote the protection of civil and political rights. His organization looked forward to the successful completion of the Covenant and pledged its support to the future human rights committee.
2. The CHAIRMAN invited those delegations which wished to explain their vote on article 39 bis at the preceding meeting to do so.
3. Mrs. RAMAHOLIMIHASO (Madagascar) said that she wished to correct her delegation's vote on para-

graph 2 of the new article 39 bis which had been adopted. In the separate vote on the second sentence of the paragraph, her delegation had voted in favour of the retention of the sentence, being under the misapprehension that the wording was identical with that of article 49, paragraph 2, of the draft Covenant as submitted by the Commission on Human Rights (A/6342, annex II.B, parts IV and V). In reality, her delegation would in fact have wished to vote for the deletion of the sentence. Since the sentence had been retained, her delegation would have abstained in the vote on paragraph 2 as a whole.

4. Mrs. AFNAN (Iraq) said that, although article 39 bis, new paragraph 3, as amended by the United Kingdom was an improvement on the original text submitted by that delegation, her delegation had voted against it. That vote should not be construed as an aspersion on the work of the International Labour Organisation or the other specialized agencies. Her delegation's position stemmed from the view that the human rights committee should consider the reports from States parties as a whole; the extraction of parts of those reports was a fragmentation of human rights which her delegation could not accept.

5. Mr. GESTRIN (Finland) said that his delegation had abstained in the vote on article 39 bis, new paragraph 5, because the word "comments" had been substituted in the original paragraph 4 for the word "recommendation", which was clearer and more meaningful.

6. Mr. Ronald MACDONALD (Canada) said that his delegation had abstained in the vote on article 39 bis, new paragraph 5, for the reason given by the delegation of Finland. That abstention was consistent with her delegation's general position that the powers of the human rights committee should be broad enough to enable it to make analyses and recommendations.

7. Mr. AMIRMOKRI (Iran) said that his delegation had voted in favour of article 39 bis, new paragraph 3 proposed by the United Kingdom, as orally revised, since it took account of a sub-amendment proposed by his delegation.

8. The CHAIRMAN invited the Committee to resume its consideration of article 40 of the draft Covenant as proposed in document A/C.3/L.1379/Rev.1/Corr.1, to which there was an amendment submitted by Chile and Ghana (A/C.3/L.1397/Corr.1).

9. Mrs. ZEYDNER-REMPT (Netherlands) drew attention to the fact that her delegation had submitted an amendment (A/C.3/L.1355, second amendment) to article 41 of the draft Covenant drawn up by the Commission on Human Rights. The substance of that amendment was now dealt with in article 40,

sub-paragraph 1 (c) as proposed in document A/C.3/L.1379/Rev.1/Corr.1. That amendment had had a twofold objective: to introduce the concept of the "generally recognized principles of international law" and, secondly, to set a time-limit so that the human rights committee would not have to deal with matters upon which the final decision of the domestic authorities had been taken a considerable time before. The first objective appeared to be realized in sub-paragraph 1 (c) of the proposed new draft article 40 (A/C.3/L.1379/Rev.1/Corr.1). With regard to the second objective, her delegation had come to the conclusion that the setting of a time-limit might prevent the human rights committee from examining bona fide communications; in most cases, pursuant to the preceding sub-paragraph 1 (b), a communication could be submitted to the committee much later than during the six-month period envisaged. Her delegation therefore wished to withdraw the second of its amendments in document A/C.3/L.1355.

10. Mr. SAKSENA (India) referring to article 40 as submitted in document A/C.3/L.1379/Rev.1/Corr.1, explained that under the provisions of the new article the human rights committee would assume the functions of "good offices" in the case of complaint of one State party against another State party. He drew attention to the "optional aspect" of those provisions and the non-judicial character of the committee. While considering a complaint, the committee was authorized to request the State parties concerned to supply relevant information and likewise the parties concerned had the right to submit any information they chose and to be represented in the committee.

11. Elaborating on paragraph 1, sub-paragraph (g) (ii), he said that in case the matter was solved, the committee's report, of course, should be brief. However, if a solution was not reached, the committee should confine its report to the presentation of facts of the matter: facts as ascertained by the committee, facts as presented by one party, and facts as presented by the other party.

12. He drew attention to the fact that no functions of the kind of adjudication or arbitration were envisaged for the committee.

13. Referring to the provisions contained in the last two sentences of paragraph 2, he pointed out that a State against which a complaint had been lodged was not free to withdraw its declaration of recognition of the human rights committee's competence until the consideration of that complaint had been completed. On the other hand, the State complained against was protected against the institution of a fresh complaint before the first one had been dealt with and would thus be free to withdraw its declaration as provided earlier in the paragraph. He emphasized that the restriction on withdrawal applied only to the first communication.

14. Mr. DOMBO (Ghana) introduced, on behalf of his own delegation and the delegation of Chile, an amendment (A/C.3/L.1397/Corr.1) to the text of article 40 as contained in document A/C.3/L.1379/Rev.1/Corr.1.

15. Mr. OZGUR (Cyprus), referring to article 40, paragraph 2, as proposed in document A/C.3/L.1379/Rev.1/Corr.1, said that the meaning of the words

"no further communication by any State Party shall be received" was not clear; he asked whether the intention was to say "received by a State Party" or "received by the Committee".

16. He wished to know, further, to what extent the declaration of recognition of the human rights committee's competence affected the sending of communications from one State to the other; whether a State party might forward a written communication to a State which had not made such a declaration; and whether a complaining State might forward a written communication to a State which had withdrawn its declaration.

17. Mr. SAKSENA (India), replying to the representative of Cyprus, said that, under customary practice, any State was free to send communications to another State. That right was not restricted by the provisions of the article under discussion.

18. Mr. PAOLINI (France) proposed that a new sub-paragraph should be inserted between sub-paragraphs (c) and (d) of article 40, paragraph 1, providing that "The Committee shall hold closed meetings when examining communications under this article". He recalled that during the discussions which had preceded the vote on article 39 a similar provision had been approved by several delegations. If that proposal was not accepted by the sponsors of document A/C.3/L.1379/Rev.1/Corr.1, his delegation and some others would submit it as a sub-amendment. The object of such a provision was to ensure that the procedure of international control of the implementation of the Covenant would not be exploited for propaganda purposes and that the committee would not be transformed into an instrument of intervention in the internal affairs of States.

19. Mr. GOONERATNE (Ceylon) suggested that paragraph 1, sub-paragraph (g) (ii), should be clarified by the insertion of the words "ascertained by the committee" after the words "brief statement of the facts".

20. Miss CAO-PINNA (Italy) supported the French oral sub-amendment.

21. Mrs. AFNAN (Iraq), Mr. ABOUL-NASR (United Arab Republic), Mr. SANON (Upper Volta), Mr. MIRZA (Pakistan) and Mr. BABAA (Libya) also supported the French representative's proposal.

22. Mr. NAÑAGAS (Philippines) suggested that the words "under paragraph 1, sub-paragraph (a), of this article" might be inserted after the words "shall be received" in the fourth sentence of article 40, paragraph 2 (A/C.3/L.1379/Rev.1/Corr.1).

23. Mr. DOMBO (Ghana) supported the French oral sub-amendment.

24. The words "the generally recognized principles of international law" in sub-paragraph 1 (c), of the proposed article 40 (A/C.3/L.1379/Rev.1/Corr.1), in so far as they were applicable to individuals, applied only to aliens residing in a State, for the nationals of the State had no recourse to an international tribunal against their own State. That right might, however, be conferred by a treaty, as had already been done under, for example, the European Convention for the Protection of Human Rights and

Fundamental Freedoms. The right could be extended to nationals of a State by inserting, after the words "principles of international law", the words "and the principles and purposes of this Covenant", as the Chilean and Ghanaian delegations had proposed in document A/C.3/L.1397/Corr.1.

25. The suggestion had been made that the words "the generally recognized principles of international law" could be interpreted as including also the rights conferred under an international convention. Article 38 of the Statute of the International Court of Justice was an example of such an interpretation. His delegation could therefore support article 40, sub-paragraph 1 (c) as proposed in document A/C.3/L.1379/Rev.1/Corr.1 if those words were interpreted as meaning that the articles of the Covenant imposed binding obligations on States so that the rights given to individuals therein would be enforceable in accordance with the principle pacta sunt servanda.

26. The Chilean and Ghanaian delegations had also proposed that the words "or appear to be insufficient, illusory or ineffective in securing adequate redress" should be added to the end of the last sentence of sub-paragraph 1 (c) because that phrase would facilitate a judicial decision by the committee that local remedies had been exhausted without satisfaction and that the committee now had the competence to take up the matter at the international level. However, in a spirit of compromise, his delegation would agree to the deletion of those words.

27. Mrs. RAMAHOLIMIHASO (Madagascar) said that her delegation, like the delegation of Cyprus, failed to see how the withdrawal of the declaration referred to in the proposed article 40, paragraph 2, would prejudice efforts to settle disputes through direct diplomatic negotiations. The action provided for in sub-paragraph 1 (a) would take place prior to the human rights committee's taking cognizance of a dispute and hence was a prior step before the international complaints procedure could come into operation. Accordingly, the withdrawal by one State of its recognition of the competence of the committee could not affect the rights of the other State party to submit a communication. Her delegation had misgivings about the present wording of sub-paragraph 1 (a) since it did not provide that the human rights committee should be informed that the necessary first step provided for in sub-paragraph 1 (a) had been taken; that would affect the interpretation of paragraph 2.

28. Mr. OZGUR (Cyprus) said that since 1962 his delegation had expressed itself in favour of strong measures of implementation for the Covenants. During the discussion of the measures of implementation of the present Covenant, his delegation had noted that some concern had been expressed at the possibility of intervention in the domestic affairs of States parties. That fear related mainly to the small States and derived from two sources: the human rights committee and the State-to-State communications system. His delegation saw no reason to fear intervention in so far as the human rights committee was concerned and it had therefore voted in favour of the introductory part of article 40, paragraph 1. However, with regard to sub-paragraph 1 (a), his delegation shared the fears that had been expressed. What was called a "com-

munication" or a "complaint" might in reality be an "ultimatum" with undesirable consequences and the Covenant would give a State the right to send a communication, or an ultimatum, to another State without imposing upon the complaining State the obligation to refer the matter ultimately to the human rights committee. A State might therefore send communications as often as it pleased and without any supporting evidence for the purpose of intimidating another smaller State, and might never refer the matter to the human rights committee at all. The argument that either State might refer the matter to the committee under sub-paragraph 1 (b), was merely wishful thinking. Consequently his delegation would not be surprised if the procedure of direct State-to-State communications would be abused and would impose a strain on international relations in the future.

29. His delegation understood the reasoning of the sponsors of the amendments in wishing to keep the door open between the States concerned in the hope that they would do their best to find a solution before referring their dispute to the human rights committee. But one door was always open: namely, normal diplomatic channels. His delegation saw no reason why a State should not first make use of those channels before submitting a matter directly to the human rights committee. If the States did not have sufficient good will to settle the matter through normal diplomatic channels, they would not be likely to settle it through the communications procedure either. It would be more advantageous if the complaining State were to refer the matter directly to the human rights committee because in that case it would have to submit full evidence after very careful study; it was all too easy for a State to submit a communication to another State on some pretext and without any supporting evidence whatsoever. Such a procedure would diminish the fears of some States concerning the possibility of intervention in their domestic affairs and would prevent abuses.

30. It had been argued that paragraph 2 of the proposed article 40 was so constructed as to diminish to some extent the possibility that the State-to-State communication procedure might be abused. However, as his delegation understood it, the withdrawal of its declaration would not prevent a State from sending a communication to another State under the Covenant, a different matter from a communication sent through normal diplomatic channels. Furthermore, if a State were to withdraw its declaration every time it anticipated the receipt of a communication or any abuse of that procedure, his delegation doubted whether the Covenant could be effective.

31. Mr. CARPIO (Guatemala) pointed out that, under the procedure envisaged in sub-paragraphs 1 (a) and 1 (b), as much as six months might elapse in State-to-State negotiations before a matter was referred to the human rights committee; that would give the State against which a complaint was made ample opportunity to withdraw its declaration recognizing the committee's competence to take cognizance of the matter. In his view, that loop-hole deprived the committee of any value.

32. Mr. CAINE (Liberia) did not support the explanation which the Indian representative had given in

reply to the representative of Cyprus. Article 40 was self-contradictory because the right to send communications was qualified by the third sentence in paragraph 1 of article 40 as proposed in document A/C.3/L.1379/Rev.1/Corr.1, but there was no such qualification in sub-paragraph 1 (b). He appealed to the sponsors to overcome that contradiction before the vote was taken by rewording sub-paragraph 1 (b) to correspond to the optional provision contained in the introductory part of paragraph 1 of the article.

33. Mr. MIRZA (Pakistan) expressed surprise at the submission of the Chilean and Ghanaian amendment (A/C.3/L.1397/Corr.1) because the substance of that proposal had been thoroughly discussed during the long and intensive consultations that had led to the submission of the text in document A/C.3/L.1379/Rev.1/Corr.1, in which the sponsors thought they had satisfied those delegations.

34. The sponsors of document A/C.3/L.1379/Rev.1/Corr.1 had used the phrase "in conformity with the generally recognized principles of international law" in sub-paragraph 1 (c) to refer to the well-known principle of exhaustion of local remedies. Any national of a State could complain to his own State if another State had deprived him of his rights, and his State could approach the second State to try to solve the problem under whatever treaty might be in force with regard to their respective nationals. Accordingly, when one State considered a complaint by an individual, that complaint must have been made by one State against another State. If that principle was not limited by the phrase he had mentioned, it would mean that any State could take up any complaint. For that reason, he could not see the relevance of the words "and the principles and purposes of this Covenant" in the Chilean and Ghanaian amendment (A/C.3/L.1397/Corr.1) since the Covenant said nothing whatever about the rule of local remedies or the principle of the denial of justice. In his view, those words were unnecessary and might create confusion.

35. Mrs. AFNAN (Iraq) said that, while her delegation approved of the provision in article 40, sub-paragraph 1 (a) (A/C.3/L.1379/Rev.1/Corr.1), that, before submitting a dispute to the human rights committee, a State should bring a complaint directly to the other State concerned, she wondered how that committee could know when or if the complaining State had applied directly to the State complained against, especially since the declaration withdrawing recognition of the committee's competence might be made at any time. For example, State X might apply directly to State Y, but State Y might refuse to answer, and the committee would be unaware even that State Y had been approached. She therefore suggested that sub-paragraph 1 (a) should be amended to provide that the human rights committee should be informed when a complaint had been made.

36. Mr. BAZAN (Chile) said that, in the light of the explanation given by the Pakistan representative, the sponsors of the sub-amendment in document A/C.3/L.1397/Corr.1 withdraw that part of their proposal which called for the insertion of the words "and the principles and purposes of this Covenant,". His delegation could agree also to the elimination of the words "or appear to be insufficient, illusory or inef-

fective in securing the adequate redress" provided that the Spanish text of the first sentence of sub-paragraph 1 (c) was aligned with the English version, which contained the word "available".

37. Mr. GOONERATNE (Ceylon) said that, in view of the history of the words "brief statement of the facts" in paragraph 1, sub-paragraph (g) (ii) of the proposed article 40, his delegation would not press for the inclusion of the phrase "ascertained by the Committee" as it had proposed, but would interpret those words in that sense.

38. Mrs. SOUMAH (Guinea) said that her delegation had serious reservations concerning article 40 in general and the second sentence of sub-paragraph 1 (c) in particular, since there was no criterion for determining whether the application of the remedies was unreasonably prolonged. The vagueness of that sentence might cause confusion and give rise to litigation. Moreover, the sentence added little to the paragraph. She requested that a separate vote should be taken on that sentence. Her delegation would vote against its retention.

39. Mr. HANABLIA (Tunisia) said that the wording employed in referring to a matter to be brought before the human rights committee should be consistent in order to indicate that a consecutive procedure was involved. His delegation would prefer an eighteen-month period to the twelve-month period provided in sub-paragraph 1 (g), in order to allow a margin for time lost, for example, in correspondence. That paragraph should not imply that the human rights committee must wait at least twelve months before submitting a report.

40. Mrs. DMITRUK (Ukrainian Soviet Socialist Republic) said that her delegation had voted in favour of article 27 on the assumption that article 40 as proposed in document A/C.3/L.1379 would not be changed significantly. However, the new text of that article in document A/C.3/L.1379/Rev.1/Corr.1 not only was a substantive departure from the original version but also provided for a complex and contradictory system. While a State would be free to accept the human rights committee's competence or not, the right to withdraw its acceptance was being circumscribed, since a complaint which had not already reached that committee might, under paragraph 2, have to be referred to it in any case. The proposed new version of article 40 would also make it possible for complaints to be prolonged indefinitely through the interlinking of their various aspects, and that again made the article inconsistent with the optional clause. For those reasons she would vote against the proposed new text for article 40, paragraph 2.

41. Mr. VANDERPUYE (Ghana) said that his delegation was not satisfied by the explanation of article 40, sub-paragraph 1 (c), given by the sponsors of document A/C.3/L.1379/Rev.1/Corr.1. The principle concerning the exhaustion of local remedies could not be taken in isolation from the principle of the denial of justice: no State could take up a complaint by an individual unless a case of denial of justice was involved, in other words, unless local remedies had been exhausted. His delegation was concerned that

some of the articles of the Covenant might prove unworkable or have serious implications with regard to such principles of international law as the principle of nationality, State responsibility, the jurisdiction of a State and State sovereignty. In the form now proposed article 40 was highly reactionary. The main problem posed by the present Covenant was the question whether communications by nationals of a State should be permitted to be sent to international tribunals when they were concerned with the same State. That question should not be the subject of a vote.

42. His delegation would not press for a vote on the amendment it had sponsored in document A/C.3/L.1397/Corr.1.

43. Mr. BAZAN (Chile) said that the proposed article 40 had a number of serious defects. Sub-paragraph 1 (a) came as a complete surprise to the reader because it dealt, not with communications of States to the human rights committee as would be expected from the introductory part of the paragraph, but with communications between States. In his view sub-paragraph 1 (a) should be placed in another article dealing with the specific question of inter-State communications. Another source of confusion was the use of the same word for communications between States and communications to the committee, so that the expression "a communication already transmitted" in the last sentence of paragraph 2 was ambiguous. Furthermore, the provisions of the article were not arranged in logical order. The proper way to set out those provisions would be to indicate that for a State party to be able to submit a communication to the human rights committee; first, both it and the other State concerned must have made the necessary declaration recognizing the Committee's competence; secondly, all available domestic remedies must have been exhausted; and thirdly, the matter must first have been dealt with between the two States through State-to-State communications. Then the article could go on to describe the action to be taken by the committee once it received a communication.

44. Another failing of the article was that, in discussing the actions of the committee, it used language which strongly implied that the committee's final act would be in the nature of a judgement. He would like that to be so, but if all the committee could really do was to make available its good offices, the provisions concerning its activities should not be couched in language normally used in connexion with the rendering of judgements.

45. The parties did not have to accept the committee's offer of good offices, even though good offices were the weakest method of conciliation consisting simply in an attempt by a third party to have the parties concerned resume negotiations which had been broken off. The Covenant thus would contain an optional clause within an optional clause, for States would not have to file the declaration provided for, and even if they did they would not be bound to accept the one means of conciliation the committee could offer. Considering also that the declaration could be withdrawn at any time, it was clear that the article contained virtually no implementation measure. Moreover, with the acceptance of the French representative's proposal concerning closed meetings, the human rights com-

mittee's activities connected with communications would not even have the benefit of publicity. He did not agree that publicity would encourage use of the system for propaganda purposes; on the contrary, a State would hesitate to make a weak or unfounded charge against another State if it was to be discussed in open meetings.

46. His delegation considered that the least that should be done to strengthen the article was to make acceptance of the human rights committee's good offices mandatory and to eliminate the provision which permitted withdrawal of declarations. The United Nations was supposed to further the observance of human rights. It would be failing in its duty if it allowed a backward step to be taken in that regard. It should seek to promote the enjoyment of those rights and not sanction evasive action by States.

47. Mr. MIRZA (Pakistan) assured the Ghanaian delegation that any misunderstanding which might have arisen in connexion with the submission of document A/C.3/L.1397/Corr.1 had been entirely unintentional. He fully respected the right of every delegation to submit proposals and hoped that a spirit of harmony and co-operation would continue to prevail.

48. Mr. DOMBO (Ghana) thanked the Pakistan representative for his statement and announced that the sponsors of the sub-amendment in document A/C.3/L.1397/Corr.1 withdrew that sub-amendment.

49. The CHAIRMAN invited members of the Committee to vote on the text of article 40 as proposed in document A/C.3/L.1379/Rev.1/Corr.1. She recalled that the introductory part of paragraph 1 had been adopted by the Committee at its 1420th meeting.

50. Mr. NGYESSE (Democratic Republic of the Congo) withdrew his earlier request for a separate vote on the first sentence of paragraph 1, sub-paragraph (a).

Paragraph 1, sub-paragraph (a), was adopted by 78 votes to none, with 4 abstentions.

Paragraph 1, sub-paragraph (b), was adopted by 79 votes to none, with 4 abstentions.

51. The CHAIRMAN pointed out that the Guinean representative had asked for a separate vote on the second sentence of paragraph 1, sub-paragraph (c).

The second sentence of paragraph 1, sub-paragraph (c), was adopted by 64 votes to 9 with 7 abstentions.

Paragraph 1, sub-paragraph (c), as a whole, was adopted by 76 votes to none, with 5 abstentions.

The new sub-paragraph orally proposed by France and accepted by the sponsors was adopted by 71 votes to 2 with 6 abstentions.

52. Mr. BAZAN (Chile) proposed that in paragraph 1, sub-paragraph (d), the words "shall make available its good offices" should be replaced by a stronger phrase, such as "shall provide its good offices".

53. Mr. A. A. MOHAMMED (Nigeria) suggested that that issue was one of translation and should be left to the Secretariat.

Paragraph 1, sub-paragraph (d), was adopted by 76 votes to none, with 5 abstentions.

Paragraph 1, sub-paragraph (e), was adopted by 80 votes to none, with 2 abstentions.

Paragraph 1, sub-paragraph (f) was adopted unanimously.

54. Miss CAO-PINNA (Italy) requested a separate vote on paragraph 1, sub-paragraph (g) (ii).

Paragraph 1, sub-paragraph (g) up to (ii), was adopted by 77 votes to none, with 4 abstentions.

Paragraph 1, sub-paragraph (g) (ii), was adopted by 58 votes to none, with 24 abstentions.

Paragraph 1, sub-paragraph (g), as a whole, was adopted by 75 votes to none, with 5 abstentions.

Paragraph 1, as a whole, as amended, was adopted by 77 votes to none, with 3 abstentions.

55. Mr. BAZAN (Chile) requested a separate vote by roll-call on the last two sentences of paragraph 2.

56. Mrs. DMITRUK (Ukrainian Soviet Socialist Republic) requested a separate vote on the last sentence of paragraph 2.

57. Mr. SAKSENA (India) observed that article 40 set forth a single system each part of which was necessary to the whole. He therefore proposed, under rule 130 of the rules of procedure, that the motion for division as represented by the Chilean and Ukrainian requests for separate votes should be voted upon.

58. Mr. PAOLINI (France) supported the motion for division, which would permit clearer voting on paragraph 2.

59. Mr. MULLER (Finland) supported the motion for division because in his view delegations were entitled to obtain separate votes on parts of proposals.

60. Mr. MIRZA (Pakistan) opposed the motion because deletion would affect the substance of the article.

61. Mrs. HARRIS (United States of America) opposed the motion because the text under consideration deserved to be voted on as a whole and deletions would create problems of drafting. Any delegation was entitled to ask for a vote on a motion for division.

The motion for division was carried by 38 votes to 31, with 9 abstentions.

62. Following a discussion of how the separate voting should be conducted, the CHAIRMAN ruled that the Committee should vote first on the penultimate sentence and then on the last sentence of paragraph 2.

At the request of the Chilean representative, the vote on the penultimate sentence was taken by roll-call.

New Zealand, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: New Zealand, Nigeria, Norway, Pakistan, Panama, Peru, Poland, Portugal, Romania, Rwanda, Senegal, Sudan, Sweden, Thailand, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia, Afghanistan, Algeria, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Ceylon, Cuba, Czechoslovakia, Denmark, Ethiopia, Finland, Ghana, Greece, Guinea, Hungary, Iceland, India, Iran, Iraq, Ireland, Israel, Ivory Coast, Jamaica, Japan, Lebanon, Liberia, Libya, Malaysia, Mexico, Mongolia, Morocco, Nepal, Netherlands.

Against: Uruguay, Venezuela, Chile, China, Costa Rica.

Abstaining: Philippines, Saudi Arabia, Spain, Chad, Colombia, Congo (Democratic Republic of), Cyprus, Dominican Republic, Ecuador, France, Guatemala, Italy, Luxembourg, Madagascar.

The penultimate sentence of paragraph 2 was adopted by 61 votes to 5 with 14 abstentions.

The last sentence of paragraph 2 was adopted by 57 votes to 9, with 13 abstentions.

The last two sentences of paragraph 2, together, were adopted by 53 votes to 4, with 20 abstentions.

Paragraph 2, as a whole, was adopted by 62 votes to 2, with 13 abstentions.

Article 40 as a whole, as amended, was adopted by 72 votes to none, with 3 abstentions.

The meeting rose at 7.50 p.m.