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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.3-4, 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.1394-1399, A/C.3/L.1402, A/C.3/L.1404)

1. Miss CAO-PINNA (Italy) noted that the representative of Iran had commented, at the preceding meeting, on the amendment to article 17 which the Italian delegation had submitted in connexion with the draft Covenant on Economic, Social and Cultural Rights, in document A/C.3/L.1358. The purpose of that amendment had been to provide an effective system of implementation through the establishment of a committee of experts linked with the Economic and Social Council and through the submission by the States parties of detailed reports on the measures adopted for the fulfilment of their obligations under the Covenant. As the Committee knew, her delegation had not withdrawn the part of its amendment which related to the content of the reports. Their content had been spelt out, and the final text of article 17 (A/C.3/L.1366) indicated that they would relate to the measures adopted by the States parties, without, however, specifying the kind of measures. The same problem now arose in connexion with the draft Covenant on Civil and Political Rights. It was not without reason that the Commission on Human Rights had specified the content of the reports in more detail in article 49 of the present Covenant than it had done in article 17 of the Covenant on Economic, Social and Cultural Rights; for the committee could not evaluate the progress made in the field of civil and political rights without being informed in detail of the specific measures adopted by the States parties. In the absence of such par-

ticulars, there would be no difference between the reports on human rights which the Economic and Social Council already received from the States Members of the United Nations and the reports which the States parties to the Covenant on Civil and Political Rights would be submitting to the human rights committee, and if that was so it was not very clear what the functions of the committee would be with regard to the reports of the States parties. In the view of her delegation, those questions found a reply in the sub-amendment to article 39 *bis* proposed by the United States in document A/C.3/L.1391, and it would vote for that sub-amendment and for the sub-amendment proposed by the United Kingdom in document A/C.3/L.1404. It also agreed with the comments made by the representative of Canada at the preceding meeting.

2. Miss O'LEARY (Ireland) said that she agreed with the principle enunciated in article 39 *bis*, namely, that the reports of the States parties to the Covenant on Civil and Political Rights should be submitted to the human rights committee which the Third Committee had decided should be set up under article 27. If the State-to-State communications system for which the Commission on Human Rights had provided had been adopted, article 39 *bis* would not have been necessary and the Committee could have retained the system provided for in article 49, under which the reports were to be submitted to the Economic and Social Council. Her delegation continued to believe that effective implementation would best have been served by a State-to-State communications system which was an integral part of the Covenant, but the Committee, in adopting at the 1420th meeting the introductory part of paragraph 1 of article 40, had made that system optional. Although she had abstained from voting on that clause because of the optional principle, it was in the light of its adoption by the Third Committee as a whole that she must now consider article 39 *bis*. She agreed with those delegations which had pointed out some weaknesses in the text proposed in document A/C.3/L.1379/Rev.1. In particular, she would have preferred the term "recommendations" which appeared in paragraph 3 of article 49 of the Commission on Human Rights text with reference to the action to be taken by the body examining the reports to the term "comments" which was substituted for it in the same paragraph of article 39 *bis*, as proposed in document A/C.3/L.1379/Rev.1. Paragraph 1 of the proposed article seemed to imply that civil and political rights might be implemented on a progressive basis. That concept was juridically unsound, since the practice, well established in international law, of many countries, including Ireland, was not to ratify an international agreement until their domestic law was brought into harmony

with the provisions of that agreement. Moreover, as pointed out by the representative of New Zealand, acceptance of the principle of progressive implementation would nullify the proposed conciliation system, since a State complained against could always invoke the progressive implementation clause. The sub-amendment submitted by the United States in document A/C.3/L.1391 would remove to some extent that juridical anomaly, and she would vote in favour of it. With respect to the United Kingdom sub-amendment (A/C.3/L.1404), she believed that the specialized agencies should have a place in the reporting system, and she found the remarks of the representatives of the ILO and UNESCO extremely helpful in that regard. The United Kingdom amendment would not put the specialized agencies in a privileged position vis-à-vis the Economic and Social Council, as the representative of Iran had suggested, since the Economic and Social Council would receive not only the reports of States parties in their entirety but also the comments of the committee. The United Kingdom amendment simply specified that the specialized agencies should receive copies of such parts of the reports concerning the rights as fell within their respective fields of activity. Her delegation considered, however, that the purpose of the transmission to the specialized agencies of those extracts from the reports should be specified, and it suggested that the words "for information" should be inserted after the word "Secretary-General".

3. Mrs. AFNAN (Iraq) said she thought that the United States sub-amendment presented some difficulties because of the restrictions it introduced. While it was true that some countries could not ratify an agreement until their laws were brought fully into harmony with it, it was equally true that ratification, in the case of other countries, was accompanied by a process of progressive adaptation of domestic law. Moreover, it was impossible for any State to claim that its legislation fully conformed to all the provisions of a Covenant which covered so enormous a field as that of civil and political rights. The notion of "progress made" in the implementation of the Covenant, which had been excised in the United States sub-amendment, must therefore be retained.

4. Where the United Kingdom sub-amendment was concerned, it was very difficult, in the first place, to define the respective fields of activity of the specialized agencies. Moreover, a State which was already a member of a specialized agency, in ratifying the Covenant, would assume a dual obligation towards the agency concerned, since in addition to its ordinary obligations as a member it would have to submit reports under the Covenant. It should be borne in mind that the reports submitted to the human rights committee by the States parties would relate to all aspects of the implementation of civil and political rights and that those rights could not be studied separately but were interlinked, whereas the field of activity of the specialized agencies was circumscribed. The ILO Conventions, for instance, each related to a well-defined sphere. It should also be borne in mind that, in the case of the ILO, decisions were taken by a tripartite body representing Governments, workers and employers. All those considera-

tions would create serious difficulties, and she would vote against the United Kingdom sub-amendment.

5. Mr. PAOLINI (France) said, with reference to the United States sub-amendment to article 39 *bis*, paragraph 1, that the Committee should adhere to the wording proposed in document A/C.3/L.1379/Rev.1, because it covered all eventualities. Moreover, as the representative of Iran had pointed out, the Committee had already discussed that wording at length in connexion with article 17 of the Covenant on Economic, Social and Cultural Rights, and its attitude towards the United States sub-amendment should be similar to that which it had taken towards the Italian amendment concerning the implementation clauses of the first Covenant.

6. With respect to the sub-amendment submitted by the United Kingdom (A/C.3/L.1404), he believed that it would be very useful to provide for the possibility of communicating to the competent specialized agencies certain relevant extracts from the reports. However, the Committee should take into account the comments made by the representative of Iran and should maintain the balance between the competence of the Economic and Social Council and that of the specialized agencies. Since the text in document A/C.3/L.1379/Rev.1 stated that the Economic and Social Council might receive copies of the report, it could perhaps be similarly stated that the specialized agencies might also receive copies of the reports. He considered the phrase "... concerning the rights as fall within their respective fields of activity" unacceptable because it was too specific and, at the same time, too vague. It was too specific because no specialized agency had a field of activity corresponding to a particular civil or political right, the specialized agencies being concerned only with economic, social and cultural rights. It would nevertheless be useful if certain parts of reports concerning civil and political rights were communicated to the specialized agencies. Thus, questions such as equality of rights of men and women to employment, the arrest of trade union representatives and compulsory labour concerned the ILO and there were other civil and political rights with whose implementation UNESCO was concerned. However, as the representative of the Soviet Union had very rightly observed, the Covenant should not provide for transmission by the human rights committee to a specialized agency of reports of States parties not members of that agency. It was from that standpoint that the phrase proposed by the United Kingdom was too vague. The wording proposed at the previous meeting by the representative of Panama better met the point raised by the representative of the Soviet Union. Taking up the Panamanian representative's suggestion, he therefore proposed that the text should provide that the specialized agencies could receive copies of reports which might relate to matters within their competence. That formula would eliminate any legal difficulties since there would then be an assurance that only reports from States members of a specialized agency could be communicated to that agency.

7. Mr. GROS ESPIELL (Uruguay) said that, in article 39 *bis*, the Committee was taking up one of the

most important passages of the measures of implementation of the draft Covenant on Civil and Political Rights. Since the Committee had decided on an optional clause, the primary function of the human rights committee would be to receive and examine reports from the States parties. The States parties did not have to recognize explicitly the competence of the human rights committee in that regard. There was nothing to prevent a committee established under an international convention subject to ratification by States from examining reports communicated by the States parties: there were precedents for that. The Constitution of the ILO and the European Convention for the Protection of Human Rights and Fundamental Freedoms had established similar systems. With regard to the Inter-American system, to which one delegation had referred at an earlier meeting, he observed that the Inter-American Council of Jurists had adopted in 1959 a draft single convention recognizing the compulsory competence of a commission to receive and examine complaints made by one State against another State and, in addition, to receive petitions from individuals or groups of individuals, the latter clause being optional. That instrument therefore established a much more far-reaching system than the draft Covenant under consideration. Article 82 of the inter-American convention imposed on the States parties the obligation to furnish the committee with information and reports on the manner in which they were fulfilling their obligations.

8. The text of article 39 *bis* in document A/C.3/L.1379/Rev.1 was a considerable improvement on the original text as far as the location of the provision in the instrument was concerned. However, he regretted the fact that that amendment appeared to provide for a progressive implementation of the clauses of the Covenant and he endorsed the Irish representative's remarks in that connexion.

9. In his view the sub-amendment submitted by the United States in document A/C.3/L.1391 improved the text of article 39 *bis* in document A/C.3/L.1379/Rev.1 by indicating more clearly the type of information which the reports were to contain.

10. The United Kingdom sub-amendment (A/C.3/L.1404) was similar to the provisions of article 49, paragraph 4 of the draft submitted by the Commission on Human Rights. The suggestion made by the representative of France improved the wording considerably; his delegation hoped that it would be adopted.

11. Lady GAITSKELL (United Kingdom) said she wished to make it clear that her delegation's amendment did not mean that the Secretary-General would transmit to a specialized agency copies of a report sent in by a State which was not a member of that specialized agency. She was confident that the Secretary-General would not make such an error in implementing the provision. However, she was prepared to improve the language of the proposal in order to make it absolutely clear and would accept the Panamanian representative's suggestion (1426th meeting). She would also agree to adopt the formulation used in article 17 of the draft Covenant on Economic, Social and Cultural Rights, which was longer but had the merit of being open to no misinterpretation. She also had no objection to adopting the Iranian repre-

sentative's suggestion that the sub-amendment in document A/C.3/L.1404 should be incorporated in paragraph 3 of article 39 *bis*, instead of being made a separate paragraph (*ibid.*). For purely practical reasons, she was far less inclined to agree to the suggestion that the new committee, rather than the Secretary-General, should be asked to transmit copies of the reports to the specialized agencies. The human rights committee would meet only at intervals and it could not be asked to devote precious time to discussing which reports or parts of reports should be transmitted to the specialized agencies. The Secretariat could perform that task without difficulty since it was similar to the task already entrusted to it under the Covenant on Economic, Social and Cultural Rights.

12. Mr. ANDRE (Dahomey) noted the resemblance between article 39 *bis* and article 17 of the draft Covenant on Economic, Social and Cultural Rights and said that, in his view, the two articles should correspond. The text submitted by the United States was not similar to article 17, however, since it introduced certain restrictions which had been proposed previously by the Italian delegation in connexion with article 17 and had subsequently been rejected by the Committee. He would therefore vote against the United States sub-amendment. He accepted the principle of the United Kingdom sub-amendment, but considered it only proper that reports of countries which were not members of a specialized agency should not be sent to that agency. He therefore endorsed the proposals of the French and Panamanian delegations and would vote in favour of the amendment in document A/C.3/L.1404 only if those proposals were accepted, that was to say, if only reports of States members of a specialized agency could be sent to that agency. He would abstain in the vote on that amendment if it did not make that point clear.

13. Mr. HANABLIA (Tunisia) said that he was not opposed, in principle, to a system of compulsory reports, but believed that the reports should be addressed to the Economic and Social Council and not to the human rights committee. The committee for whose establishment the Third Committee was providing could not be compared with the ILO which was a specialized agency in relationship with the United Nations. His delegation could not agree that a committee composed of independent members serving in their personal capacity, which was responsible neither to the Economic and Social Council nor to the General Assembly, should have the right to require that a State submit reports to it.

14. Moreover, it had been implied that in his statement at the 1426th meeting of the Committee, the Tunisian representative had made "erroneous affirmations". If there were any such "erroneous affirmations", they were to be found in documents A/5411 and Add.1-2, an explanatory paper on measures of implementation prepared by the Secretary-General and observations from Governments. He quoted paragraph 14 of document A/5411:

"There are no comparable reporting systems for civil and political rights prescribed by the European Convention or the Inter-American draft Convention. Nevertheless, under the former, reports may be asked for by the Secretary-General of the Council

of Europe and, under the latter, reports may be asked for by the commission to be established under that convention. The purpose of these reports is to obtain an explanation of the manner in which the internal law of a State Party ensures the effective implementation of any or all of the provisions of the convention."

As the quotation was from an official document of the General Assembly, there could be no "erroneous affirmations".

15. Mr. HELDAL (Norway) stressed the importance of the reporting procedure provided for in the article 39 bis proposed in document A/C.3/L.1379/Rev.1 and in the amendment submitted by the United States in document A/C.3/L.1391. The experience which United Nations bodies, and the ILO in particular, had gained in that field had shown the value of such a procedure.

16. Under article 22 of the Constitution of the ILO, member States agreed to make annual reports to a committee of experts on the measures they had taken to give effect to the rights recognized in ILO conventions. After it had examined the reports from the States parties, the committee of experts could request additional information and make observations. That procedure had made it possible to eliminate a number of conflicts between the legislation of the States parties and the obligations arising from ILO conventions and it had helped the States parties to carry out more faithfully the commitments they had undertaken.

17. He drew attention to the fact that the obligations which the Constitution of the ILO imposed on the States parties were more far-reaching than the reporting system described in article 39 bis.

18. The amendment to the new article 39 bis proposed in document A/C.3/L.1391 would give the human rights committee more clearly defined powers than did the text in document A/C.3/L.1379/Rev.1 and would enable that committee to perform its functions more efficiently. The amendment in document A/C.3/L.1404 deserved consideration, for it would improve co-ordination between the various bodies of the United Nations.

19. Mrs. OULD DADDAH (Mauritania) said that she understood the spirit in which the United States had submitted its amendment, but she felt that specifying the type of action which was to constitute the subject-matter of the reports might limit the scope of such reports. The Covenant would be implemented along different lines in different countries, in view of their different forms of government. States sometimes enacted bold legislation, which they were not able to put fully into effect. The United States was a case in point; it had adopted courageous laws condemning segregation without, however, managing to eliminate the practices in question.

20. She endorsed the comments of the Iranian and French delegations and said that the texts of the two Covenants must be concorded.

21. Lady GAITSKELL (United Kingdom) said that her delegation would support the very important amendment to article 39 bis, paragraph 1 proposed

by the United States in document A/C.3/L.1391. It had the merit of reintroducing some of the provisions which the Commission on Human Rights had included in article 49, paragraph 1. The authors of the draft Covenant had intentionally used the phrase "legislative or other measures, including judicial remedies". That formula had been chosen because it was designed to refer back to article 2, paragraph 2, under which States parties were to adopt such "legislative or other measures" as might be necessary to give effect to the rights recognized in the Covenant. The Commission on Human Rights had thus implicitly recognized that legal measures and judicial remedies were paramount in the protection of civil and political rights. It might, however, be necessary to take other action as well, and both article 49, paragraph 1, and the United States amendment provided for that eventuality. Her delegation believed that the wording of article 49 was much more satisfactory than that proposed by the sponsors of document A/C.3/L.1379/Rev.1 for article 39 bis. The new formula was the same as that adopted by the Committee for article 17 of the draft Covenant on Economic, Social and Cultural Rights, where it was entirely appropriate. When the Committee had been considering article 17, her delegation had opposed an amendment to insert the words "legislative and administrative" before "other measures", because it believed that legislative and administrative measures would be less significant in the progressive promotion of economic, social and cultural rights than the activities undertaken under economic and social development programmes.

22. On the other hand, civil and political rights could be accorded much more rapidly, and every State would undertake to recognize and protect those rights from the very moment of becoming a party to the Covenant. In her delegation's opinion, the purpose behind article 49 was to prompt the States parties to adopt such further legislative or administrative measures as might be necessary to ensure that civil and political rights were accorded in practice as well as in law. Wording more similar to that used in article 49, paragraph 1, should therefore be used in article 39 bis, as for example, was proposed in the United States amendment.

23. Miss TABBARA (Lebanon) thought the text proposed for the new article 39 bis in document A/C.3/L.1379/Rev.1 was excellent; the wording was clear, and all the terms had been carefully considered. The United States sub-amendment added little to that text; it even had the drawback of specifying the measures which were to form the subject-matter of the reports and consequently limiting the scope of such reports.

24. She would vote for the new article 39 bis as proposed in document A/C.3/L.1379/Rev.1, but would be unable to support the United States sub-amendment thereto in document A/C.3/L.1391. She hoped that the United Kingdom delegation would be able to accept the suggestions made by the Iranian and French representatives with regard to its sub-amendment (A/C.3/L.1404).

25. Mrs. HARRIS (United States of America) said that the wording used in the Covenant on Economic, Social and Cultural Rights was not necessarily appropriate for the Covenant on Civil and Political Rights,

and it was for that very reason that it had been decided to draw up two separate Covenants.

26. She feared that the word "measures" in paragraph 1 of article 39 bis, as proposed in document A/C.3/L.1379/Rev.1, might be interpreted as meaning only legislative measures. The reports should in fact supply much fuller information, such as reference to administrative action and court decisions, and in particular might include initiatives taken by private organizations or individuals. That had been the reason for the addition of the words "or other" in the United States sub-amendment.

27. All the delegations recognized that States would, from the moment of their ratification of, or accession to, the Covenant, take such legislative measures as might be necessary to guarantee the rights specified therein; however, the measures might not be taken at once. The two amendments had therefore rightly asked that reports should be submitted to the committee within one year of the Covenant's entry into force for the State concerned, and thereafter whenever the committee so requested.

28. Mrs. RAMAHOLIMIHASO (Madagascar) said that article 39 bis was extremely important because it specified how the Covenant was to be implemented. Her delegation would support the United States sub-amendment in document A/C.3/L.1391 because it thought that while the wording of the two draft Covenants should be made consistent, especially in regard to measures of implementation, there was nevertheless a difference between the two Covenants. One could scarcely speak of legislative measures in connexion with the Covenant on Economic, Social and Cultural Rights, but it was appropriate to do so in connexion with the Covenant on Civil and Political Rights. The United States sub-amendment laid down guidelines for the kind of information which the States parties should include in the reports, but it was not restrictive.

29. Her delegation preferred the wording in the United States sub-amendment to the text proposed in document A/C.3/L.1379/Rev.1, which asked the States parties to include in their reports information on "the progress made" in giving effect to the rights recognized in the Covenant. She felt that a State should not ratify the Covenant until it had taken such legislative, judicial or other action as might be necessary to ensure the full application of those rights.

30. If the United States sub-amendment were rejected, she would ask for a separate vote on the words "the progress made" in paragraph 1 of article 39 bis as proposed in document A/C.3/L.1379/Rev.1. If those words were retained, she would abstain in the vote on the paragraph as a whole.

31. With regard to the United Kingdom sub-amendment, she felt that it was important for the specialized agencies to have access to those parts of the reports which dealt with questions within their competence, but she shared the misgivings of the Iranian and USSR delegations. She hoped that the United Kingdom representative would accept the French delegation's suggestion, which would make the meaning of her text much clearer.

32. Mrs. HENRION (Belgium) said that the arguments put forward in defence of the different texts were not

mutually contradictory. Several speakers had thought that the United States sub-amendment was restrictive; but that was not so, for it obviously covered all action taken with a view to giving effect to the rights guaranteed by the Covenant. Her delegation felt that an express mention of legislative and judicial action was not without value. In ascertaining the extent to which civil and political rights were guaranteed in a country, the first thing to consider were the laws in force, then the legal practice, which showed how those laws were interpreted by the courts. The wording proposed by the United States delegation should therefore be retained; it was actually much broader than that proposed in document A/C.3/L.1379/Rev.1.

33. She approved unreservedly of the changes in the United Kingdom sub-amendment suggested by the French delegation; the proposed wording should receive general support.

34. Lady GAITSKELL (United Kingdom) accepted the French proposal relating to her delegation's sub-amendment (A/C.3/L.1404). To take account of that proposal, and of the wishes expressed by other delegations, she proposed the following text in place of the paragraph given in document A/C.3/L.1404: "The Secretary-General of the United Nations may, after consultation with the Committee, transmit to the specialized agencies concerned copies of such parts of the reports as may fall within their competence". It was to be understood that only reports of those States parties to the Covenant which were also members of the specialized agency concerned would be considered for transmittal to that agency.

35. Mr. SANON (Upper Volta), referring to the introductory part of paragraph 1 of article 39 bis as proposed in document A/C.3/L.1379/Rev.1, pointed out that the English version differed from the French which, he thought, made it clearer that what was meant was the progress made as a result of the measures adopted.

36. Mr. A. A. MOHAMMED (Nigeria) said that the sponsors were aware of the ambiguousness of the English text, had discussed it, and had decided to replace the introductory part of paragraph 1 by the following text: "The States Parties to the present Covenant undertake to submit reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made in the enjoyment of those rights."

37. Miss HART (New Zealand) welcomed that change. She hoped that the paragraph, as amended, would be taken as the basic text.

38. Miss O'LEARY (Ireland) also approved of the change.

39. Mrs. HARRIS (United States of America) said that she would be satisfied with the new wording if she were sure that the sponsors intended the word "measures" to cover legislative, judicial or other actions.

40. Mr. SANON (Upper Volta) replied that the word "measures" was meant to have very broad connotations and to comprise all spheres of activity.

41. Mrs. HARRIS (United States of America) said that in view of that explanation, her delegation with-

drew its sub-amendment (A/C.3/L.1391, first amendment).

42. Mrs. AFNAN (Iraq) remarked that the French text would now have to be brought into line with the English text.

43. The CHAIRMAN stated that the French and Spanish texts would be adjusted to the English text.

44. Mrs. RAMAHOLIMIHASO (Madagascar) thought that the French version might read: "progrès réalisés dans la jouissance de ces droits"; that wording would be better than the expression "à cet égard", which was misleading.

45. She would not press her earlier request for a separate vote on the words "the progress made" if it was clearly understood that they meant the progress which had been made as a result of the measures adopted by States and which was to be recorded in their reports.

46. Mr. A. A. MOHAMMED (Nigeria) confirmed that interpretation.

47. The CHAIRMAN invited the Committee to vote on the text of article 39 *bis* proposed in document A/C.3/L.1379/Rev.1.

48. Mr. HANABLIA (Tunisia) requested a separate vote on sub-paragraph 1 (b).

*Article 39 bis, sub-paragraph 1 (b), was adopted by 78 votes to 3, with 10 abstentions.*

*Article 39 bis, paragraph 1, as orally amended, was adopted by 91 votes to none, with 2 abstentions.*

49. Mr. HANABLIA (Tunisia) asked for a separate vote on the words: "who shall transmit them to the Committee for consideration", in paragraph 2.

*The words were retained by 87 votes to 1, with 2 abstentions.*

50. Mr. BAZAN (Chile) asked for a separate vote to be taken on the second sentence of paragraph 2 which, he felt, weakened the only binding clause in the Covenant. By foreseeing, from the outset, that there might be difficulties affecting the implementation of the Covenant, it gave States an excuse for shirking their obligations.

*The second sentence of paragraph 2 was retained by 75 votes to 10, with 4 abstentions.*

*Article 39 bis, paragraph 2, was adopted by 89 votes to none, with 2 abstentions.*

51. The CHAIRMAN invited the Committee to take a decision on the text of the new paragraph 3 that had been read out by the United Kingdom representative as a replacement for the text appearing in the sub-amendment (A/C.3/L.1404).

52. Mr. SAKSENA (India) said he wished to suggest a minor drafting change.

53. The CHAIRMAN, referring to rule 129 of the rules of procedure, stated that the voting could not be interrupted.

54. Mr. SAKSENA (India) observed that, in practice, the Committee had usually considered mere drafting changes admissible. There was a technical defect in

the text on which the Committee was required to vote. To speak of reports that might fall within the competence of specialized agencies might give the impression that the agencies were competent in matters relating to the Covenant. It would surely be better to speak of reports that might fall within their respective fields of activity.

55. Lady GAITSKELL (United Kingdom) said that she was quite ready to accept the Indian representative's wording which, in any case, appeared in the original text of her sub-amendment (A/C.3/L.1404).

56. Mr. SAKSENA (India) said that he would also like to add the words "and as appropriate" at the end of the last sentence. He was suggesting the insertion of that phrase after consultations with several delegations and that with that change the United Kingdom proposal would get almost unanimous support. Since the voting had not actually begun, it should be possible to make alternations to the text under consideration.

57. The CHAIRMAN felt that the Indian representative's second proposal should not be allowed. Since the first merely reverted to the original United Kingdom text and since the United Kingdom delegation had agreed to it, she would ask the Committee to vote on the text thus amended.

58. Mr. SAKSENA (India), speaking on a point of order, inquired whether the Chairman considered that each paragraph in article 39 *bis* constituted a separate proposal or whether the whole article should be considered a single proposal; in his opinion, that was not warranted by either rule 121, 129 or 132 of the rules of procedure, therefore an interpretation to that effect should be made in the context of a particular situation. In the present case, the United Kingdom amendment seeking the insertion of a paragraph in article 29 *bis* contained a new idea and was a distinct proposal in itself and on which voting had not yet begun.

59. The CHAIRMAN replied that article 39 *bis* constituted a single proposal and that rule 132 of the rules of procedure did not apply.

*Article 39 bis, new paragraph 3 proposed by the United Kingdom, as orally revised, was adopted by 70 votes to 9, with 8 abstentions.*

60. The CHAIRMAN recalled that at the previous meeting the original paragraph 3 had been orally amended by the sponsors. The amendments entailed deleting the word "concerned" in the second sentence of the paragraph, inserting the word "general" before the word "comments" in that sentence and replacing the word "its" by "these" in the third sentence.

61. Mr. Ronald MACDONALD (Canada) asked for a separate vote on the word "general", which in his opinion constituted a substantive, rather than a purely drafting, amendment.

*The word "general" in the second sentence of the original paragraph 3 was adopted by 44 votes to 29, with 12 abstentions.*

*Article 39 bis, new paragraph 4, as orally amended, was adopted by 86 votes to none, with 2 abstentions.*

62. The CHAIRMAN recalled that at the previous meeting the original paragraph 4 had also been orally

amended by the sponsors, to replace the word "recommendation" by "comments".

*Article 39 bis, new paragraph 5, as orally amended, was adopted by 79 votes to none, with 6 abstentions.*

*Article 39 bis as a whole, as amended, was adopted by 82 votes to none, with 2 abstentions.*

*The meeting rose at 1.30 p.m.*