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Chairman: Mr. G. J. VAN HEUVEN GOEDHART (Netherlands).

Comments on the disposal by the General Assembly, at its 314th meeting, of reports of the Third Committee

1. The CHAIRMAN called upon the representative of Pakistan to speak on a point of order.

2. Mr. BOKHARI (Pakistan) said that he had read in the *Journal of the General Assembly* that the Assembly had, at its 314th plenary meeting, held on the previous day at Flushing Meadow, considered a number of matters of concern to the Third Committee, when the latter had been meeting at Lake Success.

3. Such a proceeding was, in his opinion, contrary to the established usage. It was customary for a Committee not to meet when the General Assembly was examining, at a plenary meeting, a matter within that Committee's competence. It was also customary for the Rapporteur of the Committee concerned to speak before the General Assembly began considering the matters dealt with by that Committee.

4. At its 314th plenary meeting the General Assembly had disregarded those two principles. Possibly its President had had good reasons for such a proceeding but Mr. Bokhari would reserve his opinion until he had heard those reasons. The General Assembly's attitude towards the Third Committee seemed all the more incomprehensible inasmuch as the President had, at that very meeting, decided that certain matters of concern to the *Ad Hoc* Political Committee and the Fourth Committee would not be considered as those Committees were in session.

5. The General Assembly had not only considered several draft resolutions submitted by the Third Committee but had adopted two amendments to one of them, namely, the draft resolution on long-range activities for children (A/1455). The record of the 314th plenary meeting showed that those amendments had been adopted unopposed. The situation would have been entirely different had the members of the Third Committee been able to attend that meeting and take part in the debate.

6. He asked the Chairman to ascertain why the President of the General Assembly had adopted such an unusual procedure and to take steps to prevent a repetition of the incident.

7. The procedure adopted by the General Assembly on 1 December presented serious difficulties for the smaller delegations, which, lacking the requisite staff, would be forced constantly to call upon the Secretariat to keep themselves informed about the progress of the Assembly's work.

8. Mrs. MENON (India) agreed with the representative of Pakistan. She reminded the Committee that the Chairman had assured the members that the General Assembly would not consider any matter of concern to them in their absence. When she had seen the agenda of the 314th plenary meeting in the *Journal of the General Assembly*, she had thought that a mistake had been made and that the Assembly would postpone consideration of the matters of concern to the Third Committee. The Chairman had also said that if the General Assembly was going to consider those matters on 2 December, the Committee would not meet. But the Assembly had already taken action on a number of those questions and it might quite possibly consider the report on the draft covenant on human rights that very afternoon. There was a danger that that report too might be considered in the absence of the members of the Third Committee if the meeting did not adjourn in time.

9. She protested against the attitude which the General Assembly and the Secretary-General had adopted towards the Third Committee in failing to inform it concerning the agenda of the 314th plenary meeting and she blamed the Chairman for having failed to adjourn the meeting to enable the members of the Committee to attend the plenary meeting of the General Assembly.

10. Mr. BAROODY (Saudi Arabia) added his protest to those raised by the previous speakers. The method followed by the General Assembly at its 314th meeting was a dangerous precedent; the agenda of the

315th and 316th plenary meetings also carried an item of concern to the Third Committee.

11. The Committee should, therefore, immediately adjourn both as a protest and also to enable its members to attend the plenary meeting.

12. He did not think that the President of the General Assembly was to blame for what had occurred. It was for the Secretary-General to inform the President of the Assembly that the members of the Third Committee were not present at the plenary meeting.

13. The Pakistan representative had quite rightly drawn the Committee's attention to the fact that two amendments to the draft resolution on long-range activities for children (A/1455) had been adopted unopposed by the General Assembly. He believed that any decision taken in the absence of the members of the Committee concerned should be regarded as null and void.

14. He formally moved the adjournment of the meeting.

15. Mr. PAZHAWAK (Afghanistan) asked the representative of Saudi Arabia to withdraw his motion for adjournment provisionally to enable the other members of the Committee to express their views.

16. Mr. BAROODY (Saudi Arabia) acceded to that request.

17. Mr. ROCHEFORT (France) also wished to move the adjournment of the meeting, but for reasons other than those given by the Saudi Arabian representative.

18. At its previous meeting the Committee had lost itself in the maze of procedure and thus the result of the voting on the definition of the term "refugee" had been most remarkable. The Committee had decided, by 14 votes to 6, with 18 abstentions, to delete from the text of the definition the restrictions set forth in chapter III, section C, paragraph 2 of the draft statute (A/C.3/L.131/Rev.1) with respect to persons who had close ties of ethnic kinship with the nationals of the country they had entered. The definition as a whole had been adopted by 12 votes to 6, with 21 abstentions. In the face of those votes, it must be asked what was the value of the text which the Third Committee was going to recommend to the conference of plenipotentiaries. By conduct of that kind the Committee was jeopardizing the prestige of the General Assembly.

19. By deciding to delete that paragraph the Committee had decided in fact to broaden the scope of the convention to cover tens of thousands of persons and even to entrust the High Commissioner for Refugees with their care. But that had not been the Committee's original intention at all.

20. In order to correct the extraordinary situation which had thus arisen, he proposed that the meeting should be adjourned and that a conciliation committee should be asked to draft a more acceptable text.

21. Mr. NORIEGA (Mexico) said that the report on the first international covenant on human rights had been circulated in the morning and he doubted that members of the Committee had been able to study such a long document in the short interval.

22. When, at the 332nd meeting, he had raised the question of the General Assembly's treatment of the Third Committee, he had not known in what circumstances the Assembly had decided to discuss reports of the Third Committee in the absence of that Committee's members.

23. He was now in a position to state that the President of the General Assembly had taken that decision himself, and that the Assembly had not expressed its opinion. Recalling that the President had decided to postpone items 11 and 12 and items 7, 8 and 9 of the agenda of the 314th plenary meeting—items which concerned the Fourth Committee and the *Ad Hoc* Political Committee respectively—he said that the President's decision with respect to the Third Committee's items had certainly been based on a misunderstanding.

24. In any case, the validity of the votes taken by the Assembly on the report of the Third Committee (A/1455) and its amendments thereto was doubtful, a fact which should be noted in the Assembly's records.

25. He further recalled that he had asked the Chairman of the Third Committee to consult either with the President of the General Assembly or with his secretary as to whether it would be desirable to arrange for the items of the agenda of concern to the Joint Second and Third Committee and to the Joint Second and Third Committee meeting with the Fifth Committee to be considered after the Third Committee items, so that members of the Third Committee might be present when items in which they were personally interested were being considered. That suggestion had not, however, been acted upon.

26. He requested the Chairman to consult directly with the President of the General Assembly with regard to the consideration at a plenary meeting of all the items prepared by the Third Committee.

27. He was, moreover, opposed to consideration by the General Assembly, at its 316th plenary meeting, of the international covenant on human rights and requested the Chairman to take the necessary steps to postpone discussion of that item.

28. Lastly, in view of what had happened in the General Assembly at its 314th plenary meeting, he thought he was under no obligation to introduce the report on the international covenant on human rights, but asked his colleagues to read that important document with care.

29. The CHAIRMAN stated that the Mexican representative had proposed that the General Assembly should be asked to take up item 4 of its agenda at the end of its 314th meeting, so as to enable the Committee's members to be present while all the items with which they were concerned were discussed at a single meeting. The Chairman had transmitted that request to the Secretariat.

30. He had also raised the subject with the President of the General Assembly and had requested him not to have items which concerned the Third Committee taken up at a plenary meeting when that Committee was in session at Lake Success.

31. The Secretariat had informed him the previous day at noon that the General Assembly had decided not to discuss the reports of the Committees, in

particular those of the Third Committee, which were on its agenda, with the exception of item 3 (admission of new members).

32. He had known that various amendments would be submitted to the draft resolution in document A/1455 and had mentioned the matter to members of the Secretary-General's office, who had said that it was not certain that the General Assembly would debate the question. He had then requested to be kept informed. At 5.45 p.m. the previous day, while the 314th plenary meeting was in progress, the Secretariat had told him that the items with which the Third Committee was concerned would not be considered before Saturday afternoon, at the 316th plenary meeting. A few moments later, however, he had been informed that the General Assembly was even then considering the question of long-range activities for children, and at 6 p.m. that the Assembly had finished with the items prepared by the Third Committee, with the exception of the draft international covenant on human rights.

33. It was true that that item appeared on the agenda of the 315th and 316th plenary meetings; he was, however, unable to say when it would be considered, since the Secretariat had informed him that the General Assembly would begin the discussion on Saturday at 5 p.m. while the representative of Iran, whom he had asked to consult Mr. Entezam on the subject, had said that the Assembly would not deal with any of the Third Committee's items during its 315th and 316th meetings.

34. Mr. PAZHWAQ (Afghanistan) shared the opinion of the representatives of Pakistan and Saudi Arabia, as well as that expressed by the Mexican representative at the 332nd meeting. It was for that very reason that his delegation had not participated in the votes taken at the 314th plenary meeting on the amendments to the draft resolution on long-range activities for children (A/1455).

35. He did not, however, feel that the General Assembly had really infringed the rights of the Committee's members. The record of the 314th plenary meeting showed that the President of the General Assembly had decided to postpone the debate on certain items prepared by the *Ad Hoc* Political Committee and the Fourth Committee because the members of those Committees were not present. There was no reason why the President should deny the same right to members of the Third Committee. The Assembly had probably examined that Committee's items because the President had been informed that the members of that Committee were present. Consequently, not the President but the Secretariat should be held responsible for what had occurred. The Chairman of the Third Committee was certainly not responsible, as he had done all in his power to prevent such a misunderstanding.

36. In conclusion, he urged the Committee not to interrupt its work in protest, but merely to ask its Chairman to take steps to ensure that such incidents were not repeated.

37. Mr. DAVIN (New Zealand) also wished to protest strongly on behalf of his delegation against the General Assembly's action with respect to the Committee and its Rapporteur. The documents on which

the General Assembly had based its decision had not even been distributed to the members of the Third Committee sitting at Lake Success.

38. He did not think it necessary to adjourn the meeting at once, but wished to know at precisely what time the General Assembly intended to debate the question of the draft international covenant on human rights.

39. Mr. VALENZUELA (Chile) felt, like most of the preceding speakers, that what had occurred was irregular. He did not think, however, that the Committee should interrupt its work in protest. The same States were represented on the Committee and at the plenary meetings; a Committee of the General Assembly could not shirk its responsibilities in order to protest against an unfortunate incident.

40. He urged the Committee to remember that the United Nations was in an extraordinary position and pointed out that the President of the General Assembly and the Secretary-General were busy preparing the United Nations for a most important debate on which it had to embark soon. He further recalled that the General Assembly had decided to vote on the items in question without debate, permitting only explanations of votes.

41. He was therefore opposed to the motion for adjournment made early in the meeting by the Saudi Arabian representative.

42. With regard to the French motion for adjournment, he thought that it would set a dangerous precedent if the Committee were to interrupt its work and to set up a conciliation committee because one or several delegations were not satisfied with the result of a vote. If Mr. Rochefort wished to amend the definition of the term "refugee", he was free to submit amendments at the plenary meeting reintroducing paragraphs rejected by the Committee.

43. He was therefore equally opposed to the French representative's motion for adjournment.

44. Mr. BAROODY (Saudi Arabia) said that regrets and recriminations with regard to what had occurred were useless. In his view, neither the Chairman of the Third Committee nor the President of the General Assembly should be held responsible. Nevertheless, in order to avoid a repetition of such cases, the Saudi Arabian delegation formally proposed that the Committee should invite the Secretary-General or a representative of the Secretary-General to state the reasons why the General Assembly had, in the absence of the members of the Third Committee, considered in plenary meetings some of the items entrusted to that Committee.

45. Mr. PACHECO (Bolivia) said he had been present at the 314th plenary meeting of the General Assembly and was therefore in a position to state briefly what had happened there.

46. At the beginning of the meeting, the Assembly had unanimously decided not to have any discussions on the items on its agenda in order to gain time. Delegations wishing to do so had of course been free to explain their votes. The debates had therefore taken very little time and the Assembly had quite naturally been led to consideration of item 13 of its agenda, the question of long-range activities for children, on which

the Third Committee had submitted a report (A/1455). The two amendments and the draft resolution concerning the question had been adopted unanimously, with a few abstentions.

47. There had thus been no premeditation on the part of the President of the General Assembly or of the Assembly itself, and he agreed with the Chilean representative that the Committee should not indicate its disapproval by deciding to adjourn the meeting forthwith but that it should instead pursue the important tasks which it still had to carry out.

48. Mrs. AFNAN (Iraq) paid a tribute to the efforts of the Chairman to protect the interests of the Committee. She desired however to associate herself with the protests already voiced about the procedure followed by the General Assembly during its 314th plenary meeting. Some representatives had argued that the fact that members of the Committee had not personally taken part in the plenary meeting concerned was not of major significance since their delegations had been represented at the meeting.

49. She felt that that argument could not justify the action of the General Assembly in dealing with so important a question as long-range activities for children in the absence of the very representatives whom it had particularly instructed to study that question.

50. Mr. MENDEZ (Philippines) associated himself with the members who had protested. It had been said that the procedure adopted had been justified to a certain extent inasmuch as the General Assembly had decided to limit the debate to explanations of the vote. The fact remained that it had been impossible for the members of his delegation who had not followed the debates of the Third Committee to explain their vote on a question with which only the Philippine representative in that Committee had been familiar. He hoped that the Committee would soon be informed of the exact time at which the General Assembly would consider the question of the draft international covenant on human rights.

51. Mr. AZKOUL (Lebanon) remarked that in deciding to consider items on the agenda of the Third Committee in the absence of the Committee members, the General Assembly had shown a lack of courtesy to the Committee. It might be concluded that it either was not interested in humanitarian, social and cultural questions or—and that would be even more serious—that its anxiety concerning the political situation prevented it from granting such humanitarian, social and cultural questions the importance they deserved. If the latter interpretation were correct, it could not fail to disturb all those who, the world over, followed the work of the United Nations and the debates of the General Assembly most attentively. Accordingly, all possible precautions must be taken to prevent a recurrence of the situation which, in his opinion, had not been due to the inadvertence of the President of the General Assembly, nor to an oversight by the Chairman of the Committee, nor yet to negligence on the part of the Secretariat, but must have been the result of a misunderstanding or a fortuitous concatenation of circumstances.

52. He would therefore vote for the Saudi Arabian representative's motion.

53. He emphasized that every effort must be made to prevent the social, humanitarian and cultural work of the United Nations, which was of overriding importance for mankind, from being denied the attention which it deserved.

54. Mr. BOKHARI (Pakistan) praised the efforts made by the Chairman but was astonished that at the very moment when, on the previous afternoon, the Chairman had been informed that the General Assembly would not consider items referred to it by the Committee, the same Assembly was examining one of the reports of the Committee. His delegation regarded that procedure as a slight inflicted upon the Chairman, the Rapporteur and the members of the Committee. It believed that measures should be taken immediately to raise the "iron curtain" which appeared to separate the General Assembly from its Committees.

55. The Chilean delegation had invited the Committee to pursue its task. It was, however, necessary to decide whether that task should be carried out in the Committee or at plenary meetings of the General Assembly. It was not realistic to hope that all the members of a delegation should be abreast of questions considered by Committees to which they did not belong. He remarked that if the arguments presented by those who wished to excuse the attitude of the Assembly were pursued to the extreme, any discussion, whether in the Committee or at plenary meetings of the General Assembly would be useless, for it would suffice for the governments to send, in writing, such observations as they desired to make on items which the General Assembly had decided to consider.

56. He suggested that, when he next met the other Committee Chairmen, the Chairman of the Third Committee should raise the question of the validity of a decision on an item covered in a Committee report, if the Rapporteur of the Committee concerned had not had an opportunity to present the report. In his own opinion such a decision was incompatible with the rules of procedure of the Assembly.

57. He added that he supported unreservedly the motion of the Saudi Arabian representative inviting the Secretary-General to state the reasons for the decision taken by the General Assembly at its 314th plenary meeting.

58. Mr. NORIEGA (Mexico) said he was in complete agreement with the motion made by the Saudi Arabian representative.

59. He further believed that the Third Committee might also express a wish that the General Assembly should not immediately deal with the draft international covenant on human rights, since the report on that question had only just been distributed.

60. Miss BERNARDINO (Dominican Republic), while deploring what had happened, did not think that any blame attached to the President of the Assembly, the Secretary-General or the Chairman of the Committee. She would, however, request the Chairman to take steps to prevent a recurrence of the situation.

61. Mr. ZELLEKE (Ethiopia) associated himself with the protests voiced by other representatives against the procedure adopted by the General Assembly at its 314th plenary meeting. His delegation had assigned him to a different task and had been most embarrassed

when the plenary meeting had voted on the question of long-range activities for children. He regarded what had happened as an undesirable precedent showing lack of consideration for delegations, particularly for those whose numbers were not very numerous.

62. He therefore supported the Saudi Arabian motion.

63. Mr. CABADA (Peru) did not deny the fact that his delegation would have liked to attend the plenary meeting at which the General Assembly had considered items reported on by the Third Committee. He did, however, appreciate the pressure of circumstances under which the General Assembly had taken its decision.

64. His delegation could therefore not associate itself with any motion which would be an expression of censure directed at the President of the General Assembly.

65. The CHAIRMAN put to the vote the Saudi Arabian motion inviting the Secretary-General or one of his representatives to explain the reason why the General Assembly had disposed of items reported on by the Third Committee at a time when the latter was in session discussing other items on its agenda.

The motion was adopted by 33 votes to none, with 12 abstentions.

66. Mr. NORIEGA (Mexico) formally moved that the Committee should invite its Chairman to enter into communication with the President of the General Assembly with a view to agreeing that the draft international covenant on human rights should not be considered by the General Assembly at its 316th plenary meeting in the afternoon, but at a meeting held during the following week, since the report dealing with the item had been circulated in Spanish only that very morning.

67. The CHAIRMAN put the Mexican motion to the vote.

The motion was adopted by 29 votes to 1, with 16 abstentions.

68. The CHAIRMAN opened the debate on the motion submitted by the representative of France.

69. Mr. ROCHEFORT (France) replied to the objections raised by the Chilean representative that it was not his purpose to reconsider what had been done on the preceding day but rather to reconstruct what had been destroyed by a chain of circumstances. He had, for that purpose, assured himself of the agreement of the proponents of a contrary view on the question of definitions, before submitting his proposal.

70. He therefore requested the Committee to consider the French motion to the effect that the Committee, expressing confidence in its Chairman's ability to safeguard the rights of the Committee, decided to adjourn and to request a conciliation group to meet before the next meeting in order to consider joint amendments.

71. The motion had the advantage of recording what had happened in the General Assembly on the preceding day, of specifying that if there had been any derogation from the rights of the Committee, it had not been the Chairman's fault, without formally indicating whose fault it had been, and of not embarrassing the Committee, which was not due to meet in the afternoon.

72. Mr. VALENZUELA (Chile) requested that the first part of the motion, which reaffirmed the Committee's confidence in its Chairman, and the second part, which proposed the adjournment and called for the meeting of a conciliation group, should be put to the vote separately.

73. Mr. NORIEGA (Mexico), with whom Mrs. AFNAN (Iraq) associated herself, supported the Chilean representative's request, but remarked that if it were the purpose of the French motion to reconsider the decision taken by the Committee at its 332nd meeting, that motion would require a two-thirds majority for adoption.

74. Mr. CHA (China) said he was in complete agreement with the Chilean and Mexican representatives.

75. Regarding the second part of the French motion, he stated that all the Committee had to do was to recommend a text for submission to a conference of plenipotentiaries; that text would not at all commit the conference, which would be free to adopt a different definition. He therefore could not see any need for reopening the matter and did not support the French motion.

76. Mr. MENDEZ (Philippines) feared that the tenor of the French motion, which did not specify why the Committee reaffirmed confidence in its Chairman, might create the impression that the Committee was passing through a crisis and must therefore appeal to a conciliation group.

77. Mr. DAVIN (New Zealand) agreed with the Philippine representative and associated himself with the statements made by the Mexican and Chinese representatives. In his opinion, the best thing for the conciliation group to do, if it were to meet at all, would be to devote its efforts to improving the definition of the term "refugee" to be applied by the High Commissioner.

78. The CHAIRMAN pointed out that the group mentioned in the French motion was not an official organ of the Committee, had no terms of reference and was, therefore, free to meet without any action by the Committee.

79. Mr. ROCHEFORT (France) took note of the observation made by the Chairman and withdrew the second part of his proposal.

80. Since he had foreseen the arguments advanced by the Philippine representative, his first intention had been to call the group by its real name, that is, "working group", but that point had been obscured in the course of the debate. He wished to make it clear that the working group would not seek to reconsider the vote taken at the 332nd meeting but rather to draw the inferences from that vote, because the texts of the two drafts and therefore of the two definitions were linked and the mutilation of one might cause the mutilation of the other. It would therefore be the task of the working group to study the text of the second definition in the light of the observations made at the preceding meeting and any further deliberations before the text would be considered by the Committee.

81. Mr. VALENZUELA (Chile) said it was impossible to vote on the motion as it stood, because the

paradoxical conclusion might be drawn from it that the Committee should adjourn whenever it had confidence in its Chairman.

82. Mr. ROCHEFORT (France) stated that the course of the debate sufficiently explained the form of his motion but, at the request of the Chairman, he would transform it into a simple motion for adjournment.

83. The CHAIRMAN put to the vote the motion for adjournment.

The motion was adopted by 28 votes to 7, with 5 abstentions.

The meeting rose at 1.15 p.m.