



**CONTENTS**

	<i>Page</i>
Agenda item 58: Draft international covenants on human rights ( <i>concluded</i> )	221
Agenda item 12: Report of the Economic and Social Council (chapters IV and V) .....	223

*Chairman:* Mr. Jiří NOSEK (Czechoslovakia).

**AGENDA ITEM 58**

**Draft international covenants on human rights**  
(A/2714, A/2686, chapter V, section I, E/2573,  
A/C.3/574, A/C.3/L.410/Rev.4 and Corr.1 and  
2, A/C.3/L.412, A/C.3/L.413, A/C.3/L.414,  
A/C.3/L.418 and Add.1, A/C.3/L.421, A/C.3/L.  
422, A/C.3/L.424, A/C.3/L.427 and Add.1)  
(*concluded*)

PROCEDURAL PROPOSAL SUBMITTED BY COSTA RICA  
(A/C.3/L.410/REV.4 AND CORR.1 AND 2) (*concluded*)

1. The CHAIRMAN called upon members of the Committee to explain their votes on the draft resolution adopted at the preceding meeting.
2. Mrs. TOMSIC (Yugoslavia) said that she had voted for the draft resolution because the procedure it proposed would promote rapid adoption of the draft covenants on human rights (E/2573, annex I). The discussion in the Third Committee at the current session of the General Assembly had given a survey of different attitudes on the covenants and so the Member States, as well as the non-member States and organizations concerned, would be able to review their standpoints. Thus the whole world would participate in the final drafting of the covenants. It was good to stimulate public interest in the covenants, since that interest was an essential prerequisite for the effective implementation of human rights. The object of the resolution was not only to obtain new proposals for the wording of the drafts, but also to arouse world public opinion in their favour.
3. It was evident from the general discussion that the less-developed countries were more interested in the promotion of human rights than were the more advanced States; the reason for that might be that the less-developed countries relied on international co-operation in carrying out the changes required for their development. Work on the draft covenants had been disappointing in the past, but there seemed to be reason to hope that they would come into being and provide a means of settling some acute international problems. Yugoslavia would therefore examine carefully the attitudes taken at all stages of the work, taking into account

the fact that the covenants were designed not to sanction existing situations, but to promote better ones. In doing so, it would consider the difficulties of other countries as well as its own and hoped that other States would do the same.

4. Mrs. LORD (United States of America) explained that she had abstained from voting on the draft resolution because her Government did not intend to sign or ratify the covenants. She had not voted against the draft resolution because the United States of America had not wished to obstruct the Third Committee's procedural decision. There seemed to be no objection to most of the purely technical provisions of the draft resolution. In particular, she hoped that paragraph 4 of the operative part would be correctly interpreted as not precluding the discussion of important items other than the draft covenants at the tenth session of the General Assembly.

5. Mr. DE MEIRA PENNA (Brazil) said that he had voted against paragraph 1 (c) of the draft resolution for the reasons which had prompted the Egyptian and Lebanese representatives to propose substitution of a new text (A/C.3/L.429). The debate had shown that it was enough to propose a reference to Non-Self-Governing and Trust Territories in any text and ask for a roll-call vote on those words for them to acquire a symbolic meaning at variance with reality, logic and common sense. Some members of the Committee seemed to feel compelled to vote for such phrases in order to prove that they were liberal and progressive.

6. The Committee's reactions to the Brazilian delegation's conciliatory proposals (A/C.3/L.412) on the article on the right of self-determination had been another case in point. The Lebanese representative had rightly pointed out that the inclusion of provisions was useful only if they were acceptable to the States concerned. The Brazilian delegation unequivocally supported the right of all the peoples of the earth, including the peoples of Non-Self-Governing and Trust Territories, to self-determination; nevertheless, its votes would always be motivated by common sense.

7. Mr. NOON (Pakistan) said that he had voted for the draft resolution as a whole because the procedure proposed in it seemed to be satisfactory. He had voted against paragraph 1 (c), however, because it was open to several interpretations and would not best serve the purpose of stimulating public interest in the draft covenants. Moreover, the wording of the paragraph might lead to practical difficulties. Many non-governmental organizations were already actively stimulating public opinion and, if others were called upon to do so, duplication of effort might result.

8. Mrs. CISELET (Belgium) said that she had voted against the draft resolution as a whole because paragraph 1 (c) had been adopted. That paragraph was particularly unfortunate and ill-advised. Moreover, the reference to Non-Self-Governing and Trust Territories

made the whole draft resolution displeasing to Member States responsible for territories which were not yet fully self-governing.

9. Mr. DUNLOP (New Zealand) explained that he had voted against the draft resolution as a whole and against paragraph 1 (c) because of the implication that it might refer to non-governmental organizations other than those in consultative status. Although it was not impossible for the General Assembly to address itself to private citizens, it should not do so indiscriminately.

10. Mrs. HARMAN (Israel) said that, although she had voted for the draft resolution as a whole, she had abstained from voting on paragraph 1 (c), in the belief that specific reference should have been made only to non-governmental organizations in consultative and other status with the United Nations, the majority of which had closely followed the work on human rights in the United Nations and were therefore capable of interpreting the issues accurately and responsibly to the public.

11. A committee of sixty members was bound to experience difficulties in drafting legally binding instruments and Member States and the Secretariat should consider the possibility of constituting drafting sub-committees within the Committee at the next session of the General Assembly, to assist with the technical process of legal drafting.

12. Finally, the draft resolution contained no reference to the work of the Commission on Human Rights. The Commission should deal at its forthcoming session with all the outstanding items which had not been discussed owing to its preoccupation with the draft covenants.

13. Miss LIONAES (Norway) said that she had voted for paragraph 1 (c) because of the important part that would be played by public opinion in achieving the implementation of the covenants. It would have been contrary to the spirit of the covenants to restrict the invitation to non-governmental organizations in consultative status. Her delegation did not underestimate the work of those organizations and was aware that the procedure might raise difficulties for the Secretariat, but was sure that the Secretariat would make every effort to overcome the obstacles, in view of the importance of the principle of universality.

14. Mr. HOARE (United Kingdom) said that he had been obliged to vote against the draft resolution as a whole in order to mark his delegation's objection to the improper methods proposed in paragraph 1 (c). His delegation approved of the procedure proposed in the remainder of the draft resolution, but regretted that it had been decided, in a discussion which had been otherwise harmonious, to press for the inclusion of an otiose paragraph, in the face of strong opposition, and thus to prevent the possible unanimous adoption of a procedural draft resolution. It was also regrettable that the constructive proposal of the Egyptian and Lebanese delegations (A/C.3/L.429) had not been adopted in its entirety.

15. Mr. JUVIGNY (France) approved of most of the provisions of the draft resolution, which set forth precise terms of reference for the Third Committee's work at the tenth session of the General Assembly and would enable Member States to do sound work on the basis of extensive documentation. Nevertheless, he had been obliged to vote against the draft resolution as a whole because paragraph 1 (c) had been included. Extension of the General Assembly's invitation to all organizations would result in a welter of irrelevant communications

and implied disparagement of the non-governmental organizations in consultative status, apparently because some of them held views at variance with those of the majority of the Third Committee. Moreover, the Secretariat had no means of determining whether or not any given organization was concerned with the promotion of human rights. In the confusion of the debate on the paragraph, no mention had been made of Article 71 of the Charter, which dealt with the competence of the Economic and Social Council and the procedure of consultation. Those issues, as well as the issues raised by Article 2, paragraph 7, had been ignored.

16. The reference to organizations in Non-Self-Governing and Trust Territories was discriminatory and could serve no useful purpose. It was evident from the statements made in many United Nations organs by the representatives of non-governmental organizations in consultative status that they were perfectly capable of expressing public opinion on matters relating to human rights, and the figures given by the Secretariat (583rd meeting) on the branches of those organizations in Non-Self-Governing and Trust Territories amply proved that the Territories' views were not ignored. In many Territories where civic life was developed, opinion could be expressed at least as fully and freely as in some sovereign States.

17. Mr. HOOD (Australia) said that, although his delegation considered most of the provisions of the draft resolution to be useful and necessary, he had been obliged to vote against it in order to record disapproval of paragraph 1 (c), which distorted the functions of the United Nations with regard to the dissemination of information. The correct procedure, which the Egyptian and Lebanese representatives had had in mind when submitting their amendment, was well illustrated by the fact that over two hundred representatives of non-governmental organizations were attending a special conference on United Nations information convened by the Department of Public Information of the Secretariat.

18. The Australian delegation took exception to the gratuitous reference to Non-Self-Governing and Trust Territories, which introduced an inappropriate political flavour into the draft resolution. He hoped that delegations would reconsider the matter while there was still time.

19. Mr. TUNCEL (Turkey) explained that he had abstained from voting on the draft resolution as a whole and had voted against paragraph 1 (c) because, in the first place, Governments should now consider the draft covenants in the light of their national legislation. Secondly, the drafts as they stood constituted only a basis for United Nations work, and to stimulate public interest in them at that stage would lead to confusion. Finally, the reference to unspecified non-governmental organizations was dangerous; the provisions on consultation in Article 71 of the United Nations Charter should not be ignored. The Secretary-General had to abide by those provisions and could address his invitation only to the national organizations of the Member States which had voted for the draft resolution.

20. Mr. AZKOUL (Lebanon) said that he had voted against paragraph 1 (c), although he considered that public interest in the covenants should be stimulated at the current stage and that public opinion throughout the world, including the Non-Self-Governing and Trust Territories, should be informed on the subject. The best way of informing public opinion, however, was to follow

the normal procedure of appealing to the non-governmental organizations in consultative status and using the services of the Department of Public Information. An invitation to unidentified non-governmental organizations, irrespective of whether they were legally or illegally established, to stimulate public opinion by means which might even be illegal and contrary to the Charter of the United Nations was quite vain and could be dangerous. Nevertheless, the adoption of paragraph 1 (c) had not prevented him from voting for the draft resolution as a whole because its positive provisions were not nullified by that sub-paragraph.

21. Mr. PAZHAWAK (Afghanistan) took exception to the view that the majority of the Committee had voted for the draft resolution without realizing its implications. In the first place, the draft resolution reaffirmed the need to adopt the covenants in their final form as soon as possible. Secondly, the principle of universality was stressed by the fact that the observations to be submitted would not be limited to those of Member States. Thirdly, the principle that public opinion should continue to express itself freely on the subject was stressed. Fourthly, all non-governmental organizations concerned with the promotion of human rights were invited to stimulate public interest in the covenants. Fifthly, that provision was extended to non-governmental organizations throughout the world. Sixthly, the draft covenants were to be given the widest possible publicity through United Nations information media. Finally, a positive step forward had been taken by deciding that the Third Committee should devote itself mainly to the discussion of the draft covenants, with a view to their final adoption. He considered that those reasons more than justified his vote for the draft resolution.

22. Mrs. AFNAN (Iraq) said that she had voted for the draft resolution as a whole and for paragraph 1 (c) because her delegation considered that the effectiveness of the covenants would depend largely on their universality. Some of the peoples of the Non-Self-Governing and Trust Territories might be more advanced than those of countries which had lately acquired independence, but the fact remained that they were not represented in the United Nations. It was inconceivable that they should not have an opportunity of voicing their opinions on human rights.

23. Mr. BAROODY (Saudi Arabia) objected to the Committee's being told that it had voted for a politically-inspired draft resolution. The Charter showed unequivocally that the concept of the United Nations was universal, embracing both Member States and all peoples and nations, without any legal hair-splitting about their status. Paragraph 1 (c) seemed to have evoked the ire of the colonial Powers. He had voted for it, not with any evil intentions, but merely as an invitation to those Powers to popularize United Nations work on human rights among the peoples under their yoke, with whom the United Nations had no direct contact. He would have wished to support the Greek amendment (A/C.3/L.430 and Corr.1), as amended by the Afghan representative and others, but, since it had been rejected, he had had no choice but to vote for operative paragraph 1 (c).

24. Mr. RODRIGUEZ FABREGAT (Uruguay) explained that he had voted for the draft resolution as a whole despite his disagreement with some parts of it. The draft resolution had been essential once the Committee had decided to do its work on the draft covenants in two stages; it provided a necessary link between

them. The draft resolution set in motion Member States, non-member States, the specialized agencies and the non-governmental organizations, including those in Non-Self-Governing and Trust Territories, in a procedure designed to link together the two stages. He would have preferred the inclusion of a provision keeping the compilation and preparation of the comments in the hands of a sub-committee of the Third Committee, but, despite that omission, believed the resolution to be useful.

25. Mr. KING (Liberia) explained that he had voted for the draft resolution and did not think that a statement that the whole Committee had not known what it was doing when it had adopted the draft resolution would make for harmonious work. Any delegation could of course take issue with any other with which it disagreed; but to accuse the whole Committee was a direct reflection on it and betokened an undesirably doctrinaire spirit on the part of those who made such an accusation.

26. Mr. JUVIGNY (France) replied that he had simply analysed operative paragraph 1 (c), which, in his opinion, was sadly deficient in precision. He had questioned each of its objectionable clauses and had received no reply. Accordingly, the Committee did not in fact know precisely what it had voted for. That was a quite objective observation.

27. Mr. NUÑEZ (Costa Rica) said that many of those who had voted against the draft resolution had contributed effectively to its drafting. Despite that, they had tried to use their explanations of vote to reopen the debate when they knew perfectly well that others could not do so. The Costa Rican draft resolution had been the result of compromises; it had not been drafted irresponsibly. No one had cast doubt on the sincerity of those who had voted against the draft resolution, and he had never for a moment anticipated that a paragraph designed to express the Committee's confidence in the Powers responsible for Non-Self-Governing Territories would be regarded by them as offensive.

#### AGENDA ITEM 12

#### Report of the Economic and Social Council (chapters IV and V) (A/2686, A/C.3/573)

##### PROCEDURE FOR CONSIDERATION OF THE REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

28. The CHAIRMAN said that the Committee had dealt with chapter V, section I, and chapter IV, section V, of the report of the Economic and Social Council (A/2686).<sup>1</sup> The four agenda items still to be dealt with related to sections VI, VIII and XI of chapter V. It would therefore save time and eliminate double discussion if all those sections were omitted from the Committee's discussion of the report.

29. Mr. COATON (Union of South Africa) said that he had hoped to make a speech on the report which would refer to chapters IV and V as a whole. He could not agree that the discussion of the report should exclude the sections specified by the Chairman.

30. Mrs. LORD (United States of America) recalled that the Saudi Arabian representative had suggested (544th meeting) that there should be a general debate on chapters IV and V of the report. That seemed a useful idea, provided that discussion was limited to the draft resolutions to be proposed in the Committee.

<sup>1</sup> *Official Records of the General Assembly, Ninth Session, Supplement No. 3.*

31. Mr. SAKSIN (Union of Soviet Socialist Republics) hoped that there would not be a procedural discussion on every item of the agenda. The United States suggestion was not in line with the Committee's previous decision (A/C.3/L.401/Rev.1), which should be followed.

#### GENERAL DEBATE

32. Miss DE VINK (Netherlands) said that she would confine her statement on the report to the problem of social development. Economic development had to be accompanied by social and cultural development to ensure the social adaptation of its beneficiaries. Expansion of industry especially led to immense social problems entailing the danger of social disintegration. Not only was the individual often faced with problems of adaptation to industrial life, but his family and relatives, especially the invalid and the aged, might well be deprived of the protection afforded by the traditional family or tribal organization.

33. The problem of urbanization of the rural population as a result of industrialization was well known. The Netherlands had undergone a gradual process of industrialization, but experience there had shown that constant attention had to be given to the social problems arising out of economic development, and that it was better to prevent rather than to remedy their evil effects. Thus, it appeared that in many cases in the underdeveloped countries it would be necessary to begin the process of social development before introducing extensive measures of industrialization, assuming that the purpose of such industrialization was to benefit humanity as well as to secure reasonable returns.

34. It was clear from the Secretary-General's report (A/2663)<sup>2</sup> that those ideas had been taken into consideration. There was to be a special investigation of social obstacles to, and the social impact of, industrialization. The Netherlands delegation hoped that the survey, though mainly concerned with general problems, would point out the need for detailed study of particular problems. Living conditions were largely determined by religious, social and cultural factors, varying from country to country and from district to district, and no attempt should be made to lay down a general pattern for each individual case. The investigations would have to deal specifically with the problems of youth, the aged and the handicapped, with industrial organization and credit, and with crime.

35. In view of the limited means available for the social programme, it would be fortunate if the publication in 1955 of the international survey of programmes of social development made some of the detailed investigations unnecessary by supplying the required data.

36. The Secretary-General's idea of calling upon universities and non-governmental organizations to assist in research work was welcome. The idea might usefully be extended by enlisting the help of universities in the countries where there were special problems. Not only would their staffs and students have a more intimate knowledge of their own problems, but their interest in their country's progress would be stimulated. Additional help could be obtained from foreign universities and research institutions and from the non-governmental organizations.

37. The fusion of the Department of Economic Affairs and the Department of Social Affairs of the Secretariat into a single department would mean a gain in efficiency,

particularly by facilitating co-ordinated research, but there was a danger that social problems might be approached from an economic point of view. It should be remembered that social projects had an aim in themselves, that of assistance to people in distress, and they should continue even if they could not be linked to economic projects. The general policy should be flexible enough to permit that.

38. Although there had been steady progress in social development, there were still a number of problems to be solved. First, it appeared from the various reports and from General Assembly resolution 732 (VIII) that there was a serious shortage of auxiliary social workers, to the extent that some projects could not be carried through. It would be necessary to increase the number of local training courses, to improve the training programmes in the light of experience and to extend the period of training for auxiliary workers. Undue specialization should be avoided; workers who failed to cope with complex problems in the field because of inadequate or over-specialized training would become frustrated and inefficient. Workers skilled in a particular field should of course be employed in that field if local needs so required, but they should also have a general understanding of related problems, and to achieve that, their training should be on a broader basis. The status of the various categories of social workers should be defined by law.

39. Secondly, some thought should be devoted to the problem of ensuring that social work, once begun in a particular locality, would continue after the experts had departed by arranging for continued financial support from government and private sources and by organizing the work in such a way that it would not collapse for lack of leadership and talent. It might be useful to co-ordinate particular projects with other social activities at the local and national level.

40. Thirdly, there was the problem of social insurance, its nature and scope, its legal basis, its financial resources and administrative organization.

41. Finally, co-ordination of policies and programmes at the highest level, a problem that was being considered by the Administrative Committee on Co-ordination, was of the highest importance. There was an urgent need for greater integration of the activities of the specialized agencies and of the United Nations, subject to structural limitations.

42. Those problems were highly technical and seemed to call for study by *ad hoc* working groups of experts of the Social Commission. The question whether the composition and the number of the sessions of the Commission had to be changed had been discussed by the Committee at the eighth session of the General Assembly, but the Economic and Social Council had subsequently decided against changing the composition of the Social Commission. She was prepared to agree with that decision if *ad hoc* working groups were established. There was no need, however, for the working groups to be made up of members of that Commission, and they should still be established with a membership of technical experts.

43. It appeared from the statement of the Director-General of the Technical Assistance Administration at the 458th meeting of the Fifth Committee that funds for technical assistance were far from adequate to meet requests for assistance. It would be regrettable if the proportions of funds allotted to economic and to social projects were to be weighted still further on the side

<sup>2</sup> *Ibid.*, Supplement No. 1.

of economic assistance, so that only the funds made available by General Assembly resolution 418 (V) could, in practice, be used for social purposes. The funds available under resolution 418 (V) amounted in the regular budget to \$768,500, while the amount available for the Expanded Programme of Technical Assistance, which was mainly concerned with economic development, was about \$20 million. The Netherlands delegation would therefore be grateful if the Secretary-General's representative would say how much of the funds of the Expanded Programme had been devoted to social projects in recent years and how much would be available for such projects in the near future.

44. Mrs. FOMINA (Union of Soviet Socialist Republics) said that the Charter of the United Nations placed upon the Economic and Social Council special responsibilities for social matters. She would accordingly concentrate on that general responsibility and would deal with the specific subjects presented as separate items in due course.

45. At previous sessions of the General Assembly the USSR delegation had repeatedly pointed out that the Economic and Social Council, despite some meritorious action, had been remiss in dealing with such important subjects as social security, public health, equal access to medical services and the improvement of social conditions in Non-Self-Governing Territories. Some delegations had gone out of their way to divert attention from the problems before them by adducing unfounded allegations, as had occurred with the item on freedom of information at the Council's seventeenth session. The Council had shown a lack of purposefulness and had tended to deal only with secondary matters. During the past year, however, the Council had made some effort to remedy its omissions, especially with regard to its organization and operation, and, in particular, to the reduction of documentation and the discontinuation of the Fiscal Commission.

46. In connexion with the Council's report (A/2686) itself, she wished to remind the Committee that many delegations had pointed out during the general debate on the draft covenants on human rights how wrong the Council had been at its eighteenth session in returning to the Commission on Human Rights the recommendations concerning international respect for the right of peoples and nations to self-determination. The USSR delegation had opposed that action in the Council and had upheld the recommendations at the Commission's tenth session.

47. An essential point had arisen in connexion with chapter VIII of the report, concerning consultative arrangements with non-governmental organizations.

48. Mr. ATTLEE (United Kingdom), speaking on a point of order, observed that the Committee was dis-

cussing only chapters IV and V of the Council's report; the General Committee had allocated chapter VIII to the plenary meeting of the General Assembly.

49. The CHAIRMAN referred to the statement made by the USSR representative at the 544th meeting (para. 50). That representative had stipulated that, in connexion with chapters IV and V, the Committee might be called upon to consider questions which related more or less directly to the matter under discussion, but which were dealt with in other chapters of the report and were not expressly referred to in the agenda. For example, he had continued, that was the case with the question of the organization and operation of the Council and its commissions and the activities of non-governmental organizations. He had stated that it should be clearly understood that any representative would be free to speak on those problems in so far as they related to social matters or to human rights. No delegation had raised any objection to that statement.

50. Mrs. LORD (United States of America), speaking on a point of order, said that the General Committee had allocated chapters IV and V to the Third Committee, while chapters I, VI, VII and VIII had been allocated to the plenary meeting. Under rule 99 of the rules of procedure, Committees might not introduce new items on their own initiative. She could not accept the Chairman's interpretation and appealed against it under rule 114 of the rules of procedure.

51. After a procedural discussion in which Mr. RODRIGUEZ FABREGAT (Uruguay), Mr. AZKOUL (Lebanon), Mr. ATTLEE (United Kingdom), Mr. SAKSIN (Union of Soviet Socialist Republics), Mr. HOOD (Australia) and Mr. BAROODY (Saudi Arabia) took part, Mr. PAZHAWAK (Afghanistan) pointed out that the Chairman had not in fact made any ruling but had simply referred to a statement made at the 544th meeting. The Committee did not yet know what the USSR representative was going to say. She might be allowed to proceed, and then, if her statement was out of order, the Chairman could rule accordingly.

52. Mrs. LORD (United States of America) said that she had thought that the USSR representative was intending to deal with the substance of chapter VIII, which should properly be discussed in the plenary meeting. The Chairman had asked representatives not to discuss anything that would be discussed elsewhere. Chapter VIII was not on the Third Committee's agenda, so that any discussion of its substance would be out of order.

53. She moved for the adjournment of the meeting.

*The motion for adjournment was adopted by 13 votes to 5, with 23 abstentions.*

The meeting rose at 6.10 p.m.