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Chairman : Mrs. Ana FIGUEROA (Chile).

Draft international covenant on human rights and measures of implementation (A/1883, A/1884 (chapter V, section I), E/1992, E/2057 and Add.1 to 5, E/2059 and Add.1 to 8, E/2085 and Add.1, A/C.3/559, A/C.3/L.88, A/C.3/L.191/Rev.2, A/C.3/L.191/Rev.3, A/C.3/L.193, A/C.3/L.195, A/C.3/L.195/Rev.2, A/C.3/L.196/Rev.2, A/C.3/L.229) (continued)

[Item 29]*

DRAFT RESOLUTIONS CONCERNING MEASURES OF IMPLEMENTATION OF THE COVENANT (continued).

1. Mrs. DE RIEMAECKER (Belgium) recalled that in the general debate her delegation had expressed the view that no proposals on measures of implementation could be dealt with adequately during the current session of the General Assembly. She would therefore abstain from voting on the joint draft procedural resolution (A/C.3/L.229).

2. Mrs. DOMANSKA (Poland) said that, although her delegation wanted measures of implementation to be inserted in the covenant as soon as possible, she could not support the substantive draft resolutions that had been submitted on the matter. The constitutional and political systems of Member States varied widely and the obligations undertaken with regard to implementation would therefore be different in the case of each State. Nevertheless, legislation for the implementation of the covenant would constitute an integral part of the legal system of each signatory. Her delegation considered that the application of such legislation was an internal matter on which each State had to decide, whereas the draft resolutions before the Committee seemed to provide for international implementation, which was unacceptable.

* Indicates the item number on the General Assembly agenda.

3. The reclassification of rights proposed in the Israel draft resolution (A/C.3/L.193) seemed to prejudice the decision as to which organs of the signatory States would deal with certain measures of implementation ; the Committee as an organ of the United Nations had to abide by the provisions of the Charter, which prohibited such interference in the internal affairs of States. The same considerations applied to the draft resolutions on the right of petition. The adoption of such recommendations could only lead to discord and threats to peace. She would therefore vote for the USSR amendment (A/C.3/L.230) to the joint draft procedural resolution.

4. Mr. MUFTI (Syria), speaking in accordance with rule 114 of the rules of procedure, replied to the Guatemalan representative (407th meeting) who had asked whether the Syrian delegation would agree to its draft resolution (A/C.3/L.191/Rev.2) being referred to the Commission on Human Rights.

5. His delegation had wanted its draft resolution to be discussed during the current session, but since certain delegations had objected to it on the grounds that it was premature and others had opposed it because they considered that it constituted interference in the internal affairs of States, he would withdraw that draft and replace it by a revised text (A/C.3/L.191/Rev.3), which he was submitting for the consideration of the sponsors of the joint draft procedural resolution (A/C.3/L.229). The revised text contained a new formula of the essential types of measures of implementation, since it confined the concept of missions of enquiry to the Non-Self-Governing and Trust Territories, where human rights were most liable to be violated.

6. The French representative had given the impression (407th meeting) that he opposed universal measures of implementation and that the European States alone were capable of taking proper measures ; the influence

of those States on other countries, however, made universal measures essential.

7. In conclusion, he did not consider that the joint draft procedural resolution should have priority in the vote and appealed to the sponsors of that draft to withdraw it under rule 121.

8. Mr. DAVIN (New Zealand) regretted that the Syrian representative had withdrawn his original text and stated that he could not support the revised draft resolution (A/C.3/L.191/Rev.3). He pointed out that, under General Assembly resolution 422 (V), an article extending the provisions of the covenants to all territories was mandatory and already existed as article 72 of the draft covenant prepared by the Commission on Human Rights (E/1992). The new Syrian text was unfortunately discriminatory; the danger of the violation of human rights prevailed everywhere, and any missions of enquiry which might be established should be universal. Moreover, it was dangerous to attempt to settle in the Third Committee matters which were the special concern of trusteeship organs.

9. Mr. VALENZUELA (Chile), introducing his amendment (A/C.3/L.231) to the joint draft procedural resolution (A/C.3/L.229), recalled that the Commission on Human Rights at its seventh session had dealt with only one of the fourteen items on its agenda. Although the Commission's eighth session would be longer than the seventh, it was faced with a formidable task; nevertheless it was proposed to add three more items to that agenda. His delegation had therefore submitted its proposal to delete the joint draft resolutions submitted by Guatemala, Haiti and Uruguay (A/C.3/L.195 and A/C.3/L.195/Rev.2) from the list of documents to be referred to the Commission.

10. Mr. NAJAR (Israel) wished to know whether the sponsors of the joint draft procedural resolution would agree to include his delegation's draft resolution (A/C.3/L.193) in the list of documents to be transmitted to the Commission on Human Rights.

11. Mr. ROY (Haiti), speaking on a point of order, recalled that the inclusion of the Israel draft resolution in the list was proposed in point 3 of the USSR amendment (A/C.3/L.230) to the joint draft procedural resolution.

12. Mr. NAJAR (Israel) stated that the question of measures of implementation gave rise to new juridical and executive problems which were highly important in drafting the covenants. Although he agreed with the Chilean representative that the Commission on Human Rights had a heavy agenda, he did not consider that the Third Committee either had the time or was in a suitable frame of mind to consider the substance of the draft resolutions. For example, he had not received complete replies to the many questions concerning the joint draft resolution submitted by Guatemala, Haiti and Uruguay (A/C.3/L.195/Rev.2), on which his Government could not commit itself without further explanations. The various suggestions on measures of implementation should be considered together; he would therefore prefer his draft resolution to be examined within the framework

of the general debate on that subject either in the Commission on Human Rights or in the Third Committee.

13. The draft resolution submitted by his delegation (A/C.3/L.193) proposed a classification independent of the traditional concept of the division between civil and political rights and economic, social and cultural rights. It was not concerned with the division of the covenant into chapters. The proposed reclassification applied only in so far as implementation was concerned and would be equally applicable to one or more covenants. Moreover, the new classification was applicable only to new measures of implementation other than the system of reports which had already been approved by the Third Committee when it had approved (395th meeting) the French amendment (A/C.3/L.192/Rev.2). It was necessary to study the Israel draft resolution (A/C.3/L.193) in the framework of a general study of implementation measures.

14. The Israel delegation considered international implementation as indispensable. The USSR delegation saw in such an implementation a breach of national sovereignty (407th meeting). That was not the case since States would sign any covenant on human rights of their own free will.

15. In conclusion, he stated that, although the inclusion of his draft resolution in the list contained in the joint draft procedural resolution (A/C.3/L.229) was proposed in the USSR amendment (A/C.3/L.230, point 3), he would prefer the sponsors of the draft procedural resolution to accept its inclusion.

16. Mrs. ROOSEVELT (United States of America), speaking in accordance with rule 114 of the rules of procedure, took exception to the arguments put forward at the 407th meeting to the effect that anyone who called for international implementation was acting in bad faith, by doubting the adequacy of national implementation. She was fully aware of the inevitability of national implementation, but considered that international control would serve to strengthen any national action in the matter.

17. It had also been stated that the United States of America was leading other countries into war; all kinds of measures to prevent war were being taken in other organs of the United Nations and she objected to the use of the Third Committee as a platform for propaganda purposes.

18. Allegations had also been made to the effect that majority votes in the Third Committee had been dictated by the United States of America. She thought that such assertions were insulting to sovereign States, which were free to take independent action. The people of the United States had no aggressive intentions and wished to work with the United Nations for world peace. Her delegation would not, however, accept any measures which might endanger the peace and freedom of all the peoples of the world.

19. Mr. CASSIN (France) said, in reply to the Syrian representative, that he had meant that the European countries might be more likely than others to be able to extend their legislation to cover the exercise of

human rights other than those currently protected by law. He had explicitly stated that he would be willing to examine the Syrian draft resolution if it was not discriminatory; but the newly revised version (A/C.3/L.191/Rev.3) was discriminatory.

20. Mr. PAVLOV (Union of Soviet Socialist Republics) asked for the right, under rule 114 of the rules of procedure, to reply to the remarks of the United States representative.

21. The CHAIRMAN thought that the United States representative had introduced no new matter into her remarks and that no reply was therefore necessary. The French representative had been permitted to reply because he had asked to exercise his right at the previous meeting. No further replies would be permitted.

22. Mr. PAVLOV (Union of Soviet Socialist Republics) appealed against the Chairman's ruling.

The Chairman's ruling was upheld by 12 votes to 5, with 30 abstentions.

23. Mr. BAROODY (Saudi Arabia) and Mrs. COELHO LISBOA DE LARRAGOITI (Brazil) had abstained because they had not wished to take sides on a matter involving denial of the right to reply. To vote on such a question set a bad precedent, as the large number of abstentions showed.

24. The CHAIRMAN observed that the Chair had had no alternative but to put the ruling to the vote since it had been challenged by the USSR representative.

25. Mr. LANNUNG (Denmark) said on behalf of the sponsors of the joint draft procedural resolution (A/C.3/L.229), that he was willing, after having heard the statement of the representative of Israel, to include the reference to the Israel draft resolution (A/C.3/L.193), to simplify matters.

26. The CHAIRMAN observed that points 2 and 3 of the USSR amendment (A/C.3/L.230) had thus become unnecessary.

27. Mr. PAVLOV (Union of Soviet Socialist Republics) amended point 3 of his amendment to include a reference to the third revised text of the Syrian draft resolution (A/C.3/L.191/Rev.3). It included one paragraph which he could not accept, but he did not wish to vote against it as a whole; but it could be thoroughly discussed at the seventh session of the General Assembly.

28. Mr. MENEMENCIOLU (Turkey) observed that the Syrian representative had withdrawn the second revised text of his draft resolution (A/C.3/L.191/Rev.2) and had substituted a third revision. One of the sponsors of the joint draft procedural resolution (A/C.3/L.229) had said that the third revision was not acceptable. He wondered, therefore, what precisely was the standing of the second revised text (A/C.3/L.191/Rev.2).

29. The CHAIRMAN thought that the Syrian representative had been within his rights in withdrawing his second revised text as no amendment to it had been submitted.

30. Mr. DAVIN (New Zealand) thought that the reference to document A/C.3/L.191/Rev.2 would be automatically deleted from the text of the joint draft procedural resolution (A/C.3/L.229) as it had been withdrawn by its sponsor, and thus no longer existed.

31. Mr. ROY (Haiti) observed that the joint procedural proposal referred to other revised texts, for example document A/C.3/L.195/Rev.2. As one of its sponsors, he had not asked, for the inclusion of a reference to the original text (A/C.3/L.195), but had acceded to the wishes of the Lebanese delegation (407th meeting). He saw no reason why there should be no reference to all the Syrian revisions.

32. If the Syrian representative persisted in withdrawing his second revision the Haitian delegation would be ready to sponsor it.

33. Mr. MUFTI (Syria) maintained he had a perfect right to withdraw his own second revised text.

34. Mr. PAVLOV (Union of Soviet Socialist Republics) did not see why any discrimination should be made between the various documents that had been before the Third Committee; they should all go to the seventh session of the General Assembly or to the Commission on Human Rights, as the case might be.

35. Mr. DAVIN (New Zealand), Mr. LANNUNG (Denmark), Mr. SMITT INGEBRETSEN (Norway) and Mr. WAHLUND (Sweden), the sponsors of the joint draft procedural resolution (A/C.3/L.229) accepted the inclusion of the reference to document A/C.3/L.191/Rev.2.

36. The CHAIRMAN, replying to a question by Mr. PAZHAWAK (Afghanistan), observed that that document did not formally exist as a Syrian draft resolution, but it was still a document, and the Third Committee could transmit to the Commission on Human Rights whatever working papers it deemed fit.

37. Mr. MUFTI (Syria) expostulated against that view.

38. Mr. AZKOUL (Lebanon) suggested that if the Syrian representative did not wish his delegation's name to appear as sponsor of document A/C.3/L.191/Rev.2, the reference should be to the document symbol only, at the end of the list in document A/C.3/L.229. Whether the Syrian representative liked it or not, the text had become the property of the Third Committee, which could certainly transmit any paper it pleased to the Commission on Human Rights.

39. Mr. GARCIA BAUER (Guatemala) proposed that, to clear up any ambiguity in the description of document A/C.3/L.191/Rev.2, the word "documents" should be substituted for the words "draft resolutions" wherever they appeared in the joint draft procedural resolution.

40. The CHAIRMAN put to the vote the proposals made by the representatives of Guatemala and Lebanon.

The proposals were adopted.

41. Mr. GARIBALDI (Uruguay) proposed that a reference to document A/C.3/L.196/Rev.2 should be inserted.

42. The CHAIRMAN said that the vote would be taken first on the USSR amendment (A/C.3/L.230), which was the one furthest removed from the joint draft procedural resolution (A/C.3/L.229).
43. Mr. PAZHAWAK (Afghanistan) proposed that a separate vote should be taken on each of the document symbols listed in the draft procedural resolution; thereby the need for a vote on the Chilean amendment (A/C.3/L.231) would be eliminated.
44. Mr. ROY (Haiti) and Mr. MUFTI (Syria) contended that the draft resolutions should be voted in the order in which they had been submitted; under no rule of procedure could there be a justification for voting on the joint draft procedural resolution first.
45. The CHAIRMAN observed that both logic and precedent dictated the voting of a procedural motion before a draft resolution dealing with substance.
46. Mr. AZKOUL (Lebanon), supported the Chairman's views; there was no need for a formal ruling.
47. Mr. GARCIA BAUER (Guatemala) suggested that the Chilean amendment (A/C.3/L.231) should be voted first, as the result might influence the subsequent voting.
48. The CHAIRMAN agreed, provided that there were no objections.
49. Mr. PAVLOV (Union of Soviet Socialist Republics) objected that the USSR amendment was the furthest removed and must be voted on first.
50. Mr. VALENZUELA (Chile) said that his only objection to the Afghan representative's proposal for a vote by parts was that he wished for a roll-call vote on the proposal for the deletion of the reference to documents A/C.3/L.195 and A/C.3/L.195/Rev.2. The USSR amendment should of course be voted on first.
51. Mr. ROY (Haiti) and Mr. GARCIA BAUER (Guatemala) insisted that the vote should be taken on the Chilean amendment (A/C.3/L.231) before that on the relevant document symbols in the joint procedural resolution.
52. The CHAIRMAN agreed to that request.
53. Mr. HAJEK (Czechoslovakia) requested, for reasons he had already explained (407th meeting) that the vote on the joint draft procedural resolution (A/C.3/L.229) should be taken by parts. His proposal went beyond that of the Afghan representative, which, was that the vote should be taken as follows: first on the phrase "Decides... to the Commission on Human Rights"; second, on the phrase "as additional... they deal"; third, the phrase "for its consideration"; fourth, the phrase "in connexion with... recommendations"; fifth, the final phrase.
54. Mr. PAZHAWAK (Afghanistan) moved the closure of the debate on procedure.
55. Mr. AZKOUL (Lebanon) and Mr. ROY (Haiti) opposed that motion.
- The Afghan motion was adopted by 28 votes to 2, with 16 abstentions.*
56. Mr. CORLEY SMITH (United Kingdom) requested that a roll-call vote should be taken on point 1 of the USSR amendment (A/C.3/L.230).
57. Mr. ALBORNOZ (Ecuador), explaining his vote, said he would have supported the second revised text of the Syrian draft resolution (A/C.3/L.191/Rev.2), had it not been withdrawn, because it extended the enforcement of the protection of human rights to countries both large and small. It could not be regarded as infringing the sovereignty of States, as all States would remain at liberty to accept the visits of the proposed missions or not, as they deemed fit. The third revised text of the Syrian draft resolution was unfortunately more restrictive.
58. The debate had been useful if only because it had shown that countries had expressed great enthusiasm in stating and defining human rights but considerably more caution in accepting measures of implementation; there was thus still a gap between words and deeds.
59. The Israel proposal (A/C.3/L.193) was important, but the objection to a static classification was that some countries were continuously extending their protection of human rights; thus the classification would require constant revision. The proposal needed further consideration.
60. The proposals made in the Guatemalan, Uruguayan and Haitian joint draft resolution (A/C.3/L.195/Rev.2) were excellent; but it would be easier to decide about them after the Commission on Human Rights had examined them in the light of the discussion in the Third Committee.
61. Mrs. AFNAN (Iraq), explaining her vote, said that she would oppose the joint draft procedural resolution (A/C.3/L.229) and any other procedural measures the effect of which would be to prevent the Third Committee from expressing its views or giving directives to the Commission on Human Rights in connexion with the vital principles underlying the draft resolutions before it.
62. Her delegation would abstain on the joint draft resolution of Guatemala, Haiti and Uruguay (A/C.3/L.195/Rev.2), since it was impossible for it to recognize the competence of a body whose nature and composition were not properly defined.
63. Although she was in favour of the principle of individual and group petition, the Iraqi delegation could not support the Guatemalan and Uruguayan joint draft resolution (A/C.3/L.196/Rev.2), since it involved a proposal to establish the post of a United Nations attorney-general for human rights, an office which could not adequately be filled by any one individual. On the other hand, delegation of a part of the authority of such an official could not take place without the delegation of a part of his responsibility.
64. Finally, her delegation would vote against point 1 of the USSR amendment (A/C.3/L.230), in which it was proposed that consideration of measures of implementation should be deferred, since it did not believe that early acceptance by a given State of an internatio-

nal system of implementation need involve surrender by that State of any part of its sovereignty.

65. Mr. REYES (Philippines), also explaining his vote, said that his delegation would vote for the amended joint draft procedural resolution (A/C.3/L.229). The Third Committee's failure to devote sufficient time to the study of measures of implementation left no practicable alternative but to adopt the procedure outlined in the draft resolution.

66. Since his delegation had no objection to granting the right of petition to individuals and groups or associations of individuals, as long as the conditions enunciated by his delegation during the general debate (366th meeting) were observed, it would have been prepared to vote for the joint Guatemalan, Haitian and Uruguayan draft resolution (A/C.3/L.195/Rev.2), provided that there had been time to remove the imperfections in its drafting and to bring it into line with the conditions to which he had referred, and also with the other useful observations on the subject which had been presented. The fact that there had been insufficient time to do so, however, would oblige his delegation to abstain on the joint draft resolution.

67. With regard to the proposal contained in the joint Guatemalan and Uruguayan draft resolution (A/C.3/L.196/Rev.2), the Philippines delegation entirely agreed that it would require further study by the Commission on Human Rights. His delegation considered it useful that the Israel draft resolution (A/C.3/L.193), to which the Lebanese draft resolution (A/C.3/L.198/Rev.1) to some extent formed a natural complement, should be included among the documents to be forwarded to the Commission on Human Rights for study.

68. In conclusion, his delegation would vote against the USSR amendment (A/C.3/L.230), since it was opposed to any decision which would lead to unwarranted delay in drafting the covenant and its measures of implementation.

69. The CHAIRMAN put to the vote point 1 of the USSR amendment (A/C.3/L.230) to the joint draft procedural resolution (A/C.3/L.229).

A vote was taken by roll-call.

El Salvador, having been drawn by lot by the Chairman, was called upon to vote first.

In favour : Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Byelorussian Soviet Socialist Republic, Czechoslovakia.

Against : Ethiopia, France, Greece, Guatemala, Haiti, Indonesia, Iraq, Israel, Lebanon, Netherlands, New Zealand, Norway, Pakistan, Peru, Philippines, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yugoslavia, Afghanistan, Australia, Belgium, Brazil, Canada, Chile, China, Cuba, Denmark, Dominican Republic, Egypt.

Abstaining : India, Iran, Liberia, Mexico, Saudi Arabia, Syria, Thailand, Yemen, Argentina, Burma, Ecuador.

Point 1 of the amendment was rejected by 33 votes to 5, with 11 abstentions.

70. The CHAIRMAN noted that, as a result of the vote, point 4 of the USSR amendment automatically fell.

71. The CHAIRMAN put to the vote the Chilean amendment (A/C.3/L.231) to the joint draft resolution.

A vote was taken by roll-call.

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

In favour : Uruguay, Chile, Cuba, Egypt, France, Guatemala, Haiti, India, Iraq, Liberia, Mexico, Peru.

Against : Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Argentina, Australia, Brazil, Byelorussian Soviet Socialist Republic, Canada, China, Czechoslovakia, Denmark, Dominican Republic, Ethiopia, Greece, Iran, Israel, Netherlands, New Zealand, Norway, Poland, Sweden.

Abstaining : Yemen, Yugoslavia, Afghanistan, Belgium, Burma, Ecuador, Indonesia, Lebanon, Pakistan, Philippines, Saudi Arabia, Syria, Thailand.

The amendment was rejected by 24 votes to 12, with 13 abstentions.

72. The CHAIRMAN called for a vote on point 3 of the USSR amendment (A/C.3/L.230), as amended orally by the sponsor to include the reference to document A/C.3/L.191/Rev.3.

Point 3 of the amendment, as amended, was adopted by 17 votes to 13, with 18 abstentions.

73. The CHAIRMAN then put to the vote Uruguayan oral proposal that a reference to document A/C.3/L.196/Rev.2 should be included in the joint draft procedural resolution (A/C.3/L.229).

The proposal was adopted by 29 votes to none, with 17 abstentions.

It was decided by 37 votes to none, with 12 abstentions, to include also a reference to document A/C.3/L.196/Rev.2.

It was decided, by 27 votes to 7, with 16 abstentions, to include a reference to document A/C.3/L.191/Rev.2.

It was decided, by 34 votes to none, with 12 abstentions, to include a reference to document A/C.3/L.193.

74. In accordance with the request of the representative of Czechoslovakia, the Chairman called upon the Committee to vote on the joint draft procedural resolution (A/C.3/L.229) in five parts.

75. She put to the vote the first phrase : "The General Assembly... to the Commission on Human Rights".

The first phrase was adopted by 31 votes to 1, with 14 abstentions.

76. The CHAIRMAN put to the vote the second phrase : "as additional... they deal".

The second phrase was adopted by 26 votes to 6, with 15 abstentions.

77. The CHAIRMAN put to the vote the third phrase: "for its consideration".

The third phrase was adopted by 27 votes to none, with 21 abstentions.

78. The CHAIRMAN put to the vote the fourth phrase: "in connexion with... recommendations".

The fourth phrase was adopted by 31 votes to none, with 17 abstentions.

79. The CHAIRMAN put to the vote the fifth, and final, phrase.

The fifth phrase was adopted by 29 votes to none, with 17 abstentions.

80. The CHAIRMAN then called for a vote on the joint draft procedural resolution (A/C.3/L.229), as a whole, as amended.

The draft resolution, as a whole, as amended, was approved by 28 votes to none, with 22 abstentions.

81. Mrs. COELHO LISBOA DE LARRAGOITI (Brazil) stated that her delegation had serious misgivings regarding the inclusion in the joint draft procedural resolution of a reference to documents A/C.3/L.193 and A/C.3/L.195/Rev.2.

The meeting rose at 7 p.m.