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Chairman: Mrs. Aase LIONAES (Norway).

AGENDA ITEM 33

Draft International Covenants on Human Rights (E/2573, annexes I, II and III, A/2907 and Add.1-2, A/2910 and Add.1-6, A/2929, A/3077, A/C.3/L.460, A/3525, A/3588, A/3621, A/C.3/L.632/Rev.2) (continued)

PROPOSALS CONCERNING THE REGROUPING OF THE PROVISIONS OF ARTICLES 14 AND 15 OF THE DRAFT COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (E/2573, ANNEX I A) (concluded)

1. The CHAIRMAN said that since the text of article 14 of the draft Covenant (E/2573, annex I A) had been adopted without any opposition and since only three delegations had voted against article 15, it was not necessary to discuss the actual substance of the articles further. She feared, however, that there had been some confusion over the vote on the amendments submitted by Iraq and Ireland (A/C.3/L.632/Rev.1). She had therefore asked the representatives of those two countries to submit a revised version of their amendments (A/C.3/L.632/Rev.2) and suggested reopening the debate on the question whether the Committee preferred to retain articles 14 and 15 as they had been adopted or to transfer some of the provisions of article 14 to article 15.

2. Mr. ROY (Haiti) felt sure that no representative would wish a decision to be based on a misunderstanding. Accordingly, on behalf of several delegations he formally proposed that, in virtue of rule 124 of the rules of procedure of the General Assembly, which required a two-thirds majority, the decision taken by the Committee at its preceding meeting should be reconsidered.

The proposal was adopted by 63 votes to none, with 2 abstentions.

3. Mr. DI BERNARDO (Italy) considered that the amendments of Iraq and Ireland (A/C.3/L.632/Rev.2) adversely affected the substance of article 15 as drawn up by the Commission on Human Rights. Whereas the object of the original article was to oblige States to apply the principle of free and compulsory primary education for all, in accordance with a specific procedure, the amendments of Iraq and Ireland sought to extend that obligation to the development of education in general.

4. He objected to article 15 as amended by Iraq and Ireland also on the grounds that it was heterogenous; it dealt with a general principle as well as with principles of application. The Committee should not forget that it was drafting a juridical text of considerable importance.

5. The best solution would be to incorporate article 15 in article 14, with the necessary changes, on the understanding that the procedure for implementation called for in paragraph 2 of article 15 as amended by Iraq and Ireland should apply only to primary education. If it were to apply also to secondary and higher education, fundamental education and the establishment of a fellowship system, the result would be to overburden States with obligations.

6. Mr. ROSSIDES (Greece) observed that eighteen meetings had already been devoted to articles 14 and 15 and that at that rate it would take twenty years to complete the Covenants. The discussion on the revised version of the Iraqi and Irish amendments (A/C.3/L.632/Rev.2) threatened to become a very long drawn out. It was quite likely that a majority of delegations would wish articles 14 and 15 to remain as they stood. Therefore, in order to save time, he proposed that a vote should first be taken on the question whether the Committee preferred to leave articles 14 and 15 in the form in which they had been adopted.

7. Miss MacENTEE (Ireland) said that she saw no reason why the revised version of the amendments she had submitted jointly with the representative of Iraq should give rise to a protracted discussion. Those delegations preferring to leave the articles as they stood had only to vote against those amendments. She asked that the amendments should be put to the vote without further delay.

8. Mr. ROJAS (Venezuela) and Mr. MAHMUD (Ceylon) supported the proposal of the Greek representative.

9. The CHAIRMAN suggested that the Greek proposal should be put to the vote.

10. Mr. BRILLANTES (Philippines) asked whether a simple majority would suffice or whether the decision had to be taken by a majority of two-thirds.

11. The CHAIRMAN replied that a simple majority would be sufficient.

12. Mrs. SHOHAM-SHARON (Israel) withdrew her proposal that article 14 and 15 should be combined.

13. Mr. MOROZOV (Union of Soviet Socialist Republics) asked the representative of Greece not to insist on his proposal as it would mean reconsidering a decision that had already been taken, in which case a two-thirds majority would be required. He suggested suspending the meeting for a few minutes.

14. Mr. ROSSIDES (Greece) pointed out that his proposal was by no means incompatible with the decision

to reopen the debate on the question whether articles 14 and 15 should remain as they stood or whether the provisions should be regrouped. His object was merely to save the Committee time. Members who preferred to regroup the provisions of the articles had only to vote against the Greek proposal.

15. Mr. MOROZOV (Union of Soviet Socialist Republics) thought that by voting on the Greek proposal the Committee would annul the vote taken at the beginning of the meeting. Moreover, if the proposal were adopted, the Committee would no longer be able to regroup the provisions of articles 14 and 15 and would have to submit to the General Assembly two texts, one of which restricted the rights set forth in the other.

16. The CHAIRMAN considered that the proposal of the Greek representative did not conflict with the decision taken by the Committee at the beginning of the meeting.

17. Mr. Francisco LIMA (El Salvador) endorsed that opinion and called for an immediate vote on the Greek proposal.

18. Mr. TEJERA (Uruguay) recalled that he had proposed (792nd meeting) the establishment of a working party. If his suggestion had been acted on, that lengthy discussion would not have taken place.

19. The Committee was perfectly entitled to decide whether or not it wished to keep articles 14 and 15 as they had been adopted, without alteration or rearrangement. In order to clarify the situation and expedite the Committee's work, the Committee should vote on the Greek proposal without further delay. Rule 124 of the rules of procedure of the General Assembly could not be applied in the case in point and therefore the proposal could be adopted even if it failed to obtain a two-thirds majority.

20. The delegation of Uruguay did not consider that the amendments proposed by Iraq and Ireland (A/C.3/L.632/Rev.2) would improve articles 14 and 15 in the least; it would vote in favour of maintaining the two texts adopted at the preceding meeting without alteration.

21. Mr. ROY (Haiti) stated that the text of article 15 adopted at the preceding meeting was that submitted by the Commission on Human Rights. He, too, was of the opinion that by voting on the proposal of Greece, the Committee would emerge from the impasse in which it found itself.

22. Mr. MOROZOV (Union of Soviet Socialist Republics) maintained that since the vote on the Iraqi and Irish amendments (A/C.3/L.632/Rev.1) had been annulled, the Committee should first decide on the new text submitted by those two Powers (A/C.3/L.632/Rev.2) and examine the Greek proposal later if the necessity arose.

23. Mrs. AFNAN (Iraq) considered that a vote against the amendments submitted by Iraq and Ireland would be tantamount to a vote in favour of the proposal of the Greek representative.

24. The CHAIRMAN proposed that the meeting should be suspended in order that representatives might have time to consult each other.

The proposal was adopted by 40 votes to 8, with 13 abstentions.

The meeting was suspended at 12 noon and resumed at 12.30 p.m.

25. Mr. ROSSIDES (Greece) reiterated that his proposal had been intended merely to save time and to enable the Committee to continue its work. Since, on the contrary, it had apparently had the effect of further complicating matters, he withdrew it and suggested that the amendments submitted by Iraq and Ireland (A/C.3/L.632/Rev.2) should be put to the vote immediately.

26. In answer to a question from Mr. ROY (Haiti), Mr. VAKIL (Secretary of the Committee) confirmed that the Committee had in fact, at its preceding meeting, adopted article 15 as drafted by the Commission on Human Rights (E/2573, annex I A) by 60 votes to 3, with 8 abstentions.

27. Mr. MASSOUD-ANSARI (Iran) pointed out that in those circumstances it would be difficult to retain the amendments of Iraq and Ireland since they explicitly referred to a text already adopted.

28. Miss BERNARDINO (Dominican Republic) agreed with the representative of Iran that the amendments in question were not in order. It was deplorable that the work of the Committee should be conducted in such a disorderly fashion. She asked that the meeting should be adjourned so that the representatives of Ireland and Iraq might consult together and agree to submit their proposals in a different form and not as amendments to a text already adopted.

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

The motion for adjournment was rejected by 27 votes to 19, with 19 abstentions.

30. The CHAIRMAN recalled that, as she had stated at the beginning of the meeting, it was not a question of reopening the debate on the substance of the two articles but of deciding whether certain provisions of article 14 should be withdrawn from that article and incorporated in the text of article 15.

31. Mr. ROY (Haiti) objected that the amendments proposed by Iraq and Ireland were unacceptable since they concerned not only the form but also the substance of article 15, as the representative of France and he himself had pointed out at the preceding meeting. It would be unthinkable for the Committee to follow a procedure which might lead to exactly the same point as the Committee had reached at the end of that meeting.

32. Mr. Francisco LIMA (El Salvador) said that by deciding to regroup provisions or to rearrange a text already adopted, the Committee might establish a dangerous precedent. If so, there would no longer be anything to prevent any delegation at any time from challenging a text that had already been adopted on the pretext of improving its drafting. To allow it would be manifestly contrary to the rules of procedure unless a decision for reconsideration of the question were taken by a two-thirds majority, in accordance with rule 124.

33. Mrs. AFNAN (Iraq) felt that it was a pity that those objections had not been made earlier since her delegation and the Irish delegation had asked some time previously that their amendments should only be voted on after a vote had been taken on article 15. She left it to the Chairman to find a solution.

34. Mr. JUVIGNY (France) proposed that since the Committee, despite all its efforts, seemed unable to emerge from the impasse in which it found itself, the debate on the question at issue should be adjourned sine die and that the Committee should proceed to the examination of article 16 at the next meeting, as provided in rule 117 of the rules of procedure of the General Assembly. His proposal would not affect the texts already adopted—namely article 14 as adopted on the basis of the text prepared by the Working Party (A/C.3/L.625) and article 15 as drafted by the Commission on Human Rights (E/2573, annex IA); it would

merely postpone further discussion until further action and consultations had removed the current difficulties. In any case such a decision was not without precedent in the Third Committee.

35. The CHAIRMAN put the French proposal for the adjournment of the debate sine die to the vote.

The proposal was adopted by 37 votes to 4, with 27 abstentions.

The meeting rose at 1 p.m.