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CONTENTS

Agenda item 48:

*Draft International Covenants on Human Rights
(continued)*

*Proposal to include an article on the right to
freedom from hunger in the draft Covenant
on Economic, Social and Cultural Rights
(continued) 287*
Measures of implementation (continued) . . . 289

Chairman: Mr. Humberto DIAZ CASANUEVA
(Chile).

AGENDA ITEM 48

Draft International Covenants on Human Rights (A/2907 and Add.1-2, A/2910 and Add.1-6, A/2929, A/5411 and Add.1-2, A/5462, A/5503, chap. X, sect. VI; E/2573, annexes I-III; E/3743, paras. 157-179; A/C.3/L.1062, A/C.3/L.1177) (continued)

PROPOSAL TO INCLUDE AN ARTICLE ON THE RIGHT TO FREEDOM FROM HUNGER IN THE DRAFT COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (continued)

1. The CHAIRMAN drew attention to the new joint proposal on the right of everyone to be free from hunger (A/C.3/L.1177).

2. Mr. ATTLEE (United Kingdom) asked for a clarification of the term "agrarian systems" in subparagraph (a) of the proposal, which he took to mean methods of farming and not land reform.

3. Mr. ELUCHANS (Chile) explained that in subparagraph (a) the sponsors wished to point out suitable measures to be taken by States Parties in order to implement the right of everyone to be free from hunger. Among those measures was the development or reform of agrarian systems, with a view to improving the use of agricultural resources. States Parties were given an alternative: they could either develop or reform agrarian systems, depending on their needs. Moreover, "agrarian systems" implied both improved techniques of land exploitation and legal questions, such as those of ownership.

4. The Americas, under the Alliance for Progress, had recognized that reforms were indispensable for economic and social advancement. Particular emphasis was laid on land reform as a means of realizing economic potentials and achieving a fairer distribution of wealth. Nevertheless, the proposal would not oblige any country which had a just agrarian system to undertake land reform. In such cases only the aspect of improving farming methods would apply.

5. Mr. ATTLEE (United Kingdom) said that after that explanation, his delegation was fully prepared to

endorse the new proposal. Indeed, it was deeply moved by the motives inspiring the proposed addition to the draft Covenant. As he understood it, the expression "by developing or reforming agrarian systems" was an exhortation that, wherever necessary, desirable and acceptable to the majority of those to be affected, land reform should be carried out. That was a position which his delegation supported in another Main Committee.

6. Mr. QUIAMBAO (Philippines) said that he had co-sponsored the new joint proposal because of the urgent need to improve food production and distribution, to spread knowledge of nutrition and to expand the world economy, in order to ensure sufficient food for all. His Government had supported the establishment of the World Food Programme and had made a contribution to it.

7. Since millions of people in the world were still underfed, it was essential that freedom from want should be stressed in the draft Covenant. It was hard to predict what practical effect a provision of that kind would have, but it was bound at least to draw national attention to the problem and offer some hope of relief to the hungry of the world.

8. Mr. GILCHRIST (Australia), while recognizing the force of the arguments that the question of hunger would be more appropriately dealt with by the Second Committee and that provisions on the subject were not appropriate to a legal instrument such as the draft Covenant, nevertheless held that some clear and positive reference to the matter was essential; no human right was worth anything to a starving man. He supported the joint proposal, which would serve to remind Governments of the human rights aspect of the food problem. While it would have been unwise of the Third Committee to act as a body of economic experts or put forward detailed proposals on the economic means of achieving the realization of the right in question, it was quite fitting that it should indicate the general areas in which Governments must take action. The sponsors of the proposal had also done well to mention "the problems of both food importing and exporting countries", as such problems were very real and complex and required the closest attention.

9. The early history of his own country had been one of near starvation. It was only in the present century that, by applying the sort of methods recommended in the proposal, Australia had been able to satisfy its own needs and supply food to other countries, which it did, incidentally, without regard to ideology.

10. Mr. ZALAMEA (Colombia) remarked that hunger, together with disease and ignorance, was a basic cause of unhappiness and strife in the world. Indeed, it would be impossible to ensure world peace with over two-thirds of the world's people suffering from hunger and malnutrition. The draft Covenant could

not fail to refer directly and specifically to the right of everyone to be free from hunger, for man could not enjoy any of his other rights if his stomach was empty. His delegation had accordingly co-sponsored the joint proposal, which he believed to reflect the views of many countries and to deserve the Committee's unanimous support.

11. One of the chief causes of food shortage and wastage was the lack, particularly in developing countries, of adequate modern systems of marketing agricultural produce. Throughout Latin America there was a grave shortage of managerial and technical staff in the marketing field. Governments were giving increasing attention to the matter, in the hope of ensuring fair prices for producers, minimal losses in handling, storage, transport, packaging and distribution, control of speculation and adequate food supplies at prices within the reach of the poorer classes. Land reform projects were becoming more numerous, and they too required organization of marketing systems and assistance to marketing and consumer co-operatives and to transport services. The Colombian Government had accordingly fully collaborated in the establishment in 1962 at Bogota of the Institute for Training and Research in Agricultural Marketing, sponsored by the United Nations Special Fund and technically supervised by FAO. The aims of the Institute were to train marketing personnel and to carry out research, both for advisory purposes and to accumulate local knowledge, so as to make the training as effective as possible. The first training course had begun in August 1963, and a number of research projects were now under way. He took that opportunity to invite all countries concerned to make the fullest use of the Institute's services. In the context of the proposal now before the Committee, the Institute provided an excellent example of international co-operation in the campaign against hunger.

12. Mr. MENENDEZ (Guatemala) observed that his country was again engaged in land reform, after a disastrous experience under a demagogic Government which had disrupted the entire rural economy of the country by indiscriminately breaking up land holdings while failing completely to improve farming methods. Each country must find the approach to land reform which was best suited to its conditions. In Guatemala, for instance, there were large tracts of vacant land, which the Government was now endeavouring to put to productive use. His country was deeply interested in questions of nutrition and had an organization engaged in research on food products and nutrition in Latin America which had developed a milk substitute for use in areas where milk was costly or difficult to obtain; the substitute had been well received and its formula had been supplied to other countries. The Government was also promoting agricultural extension in order to encourage better farming, particularly by new landowners. Thus the joint proposal was of the highest interest to his Government.

13. Developing nations faced great difficulties in ensuring adequate food supplies to their people; that made the paradox of surpluses in some countries and shortages in others all the more disturbing. He firmly supported all measures to ensure a more even world distribution of food. The proposal before the Committee had been reworded in order to meet the different views on the question of freedom from hunger; he warmly commended it for unanimous adoption.

14. U MYAT TUN (Burma) said that his delegation was not convinced of the need to spell out the specific measures which States Parties to the Covenant should take to ensure freedom from hunger. Those measures were perfectly well known to even the most backward country; since 1946 they had been referred to again and again in FAO reports and elsewhere. In the interests of conciseness he would suggest the deletion of sub-paragraph (a) from the joint proposal.

15. His country depended very heavily on one crop and its international disposal. He was therefore happy that his suggestion concerning the problems of importing and exporting countries had been included in the proposed new article. His delegation was in complete sympathy with the humanitarian aims of the proposal and the general effort to ensure freedom from hunger, but it wished to sound a note of caution—freedom from hunger should not be interpreted as freedom to dispose of agricultural surpluses to the detriment of the economies of the less developed countries.

16. Mr. GRODSKY (Union of Soviet Socialist Republics) remarked that his delegation had hitherto doubted the necessity of including a clause on the right to freedom from hunger in the draft Covenant. Having heard the statements of several delegations, however, it felt that the proclamation of that right, along with the right to be free from other social, economic and political scourges which still afflicted some regions of the world, would be a positive step. The main problem was undoubtedly to increase the production of food, but sub-paragraph (a) of the joint proposal appeared to place the emphasis on technical, scientific and educational measures which, indeed, were necessary but were of secondary importance. He suggested, therefore, that the order of the two subsidiary parts of the sub-paragraph, beginning with the words "by making full use..." and "by developing or reforming..." respectively, should be reversed. His delegation understood sub-paragraph (a) in exactly the same sense as the sponsors, that was to say, that development and reform were necessary in the social and economic fields, but that changes in methods of farming, in line with the latest achievements of science, were not excluded.

17. Mr. AUJAY DE LA DURE (France) paid a tribute to the motives of the sponsors of the joint proposal, but felt that combined articles 11 and 12 in the form adopted during the eleventh session of the General Assembly (see A/3525, para. 144) adequately fulfilled their intentions.

18. Before taking a final position, he wished to know whether the sponsors would agree to insert the words "if necessary" before the word "reforming" in sub-paragraph (a). He also pointed out that the forthcoming United Nations Conference on Trade and Development would be taking up the very problem raised in sub-paragraph (b), and it might therefore be premature to take a decision on that point at the present stage. Last, he wondered whether it was procedurally admissible to submit what was, in effect, an amendment to an article already approved by the Committee.

19. Mr. ELUCHANS (Chile) replied that the sponsors would prefer to maintain their proposal in the form of a second paragraph to combined articles 11 and 12, if the rules of procedure permitted.

20. Mr. DAS (Secretary of the Committee) said that the rules did not appear to prohibit the recon-

sideration of a proposal adopted at a previous session. Under rule 124, a special two-thirds majority was required only for the reconsideration of a proposal adopted or rejected at the same session.

21. The CHAIRMAN suggested that the Committee should defer the vote on the joint proposal until the 1268th meeting.

It was so decided.

MEASURES OF IMPLEMENTATION (continued)

22. Mr. ATTLEE (United Kingdom) recalled that the membership of the General Assembly had vastly increased since the Committee's general debate on the draft Covenants during the ninth session. He therefore agreed whole-heartedly that there should be a general debate on implementation, but he hoped that it would be brief, in order that the Committee might proceed to its drafting work on the basis of the text prepared by the Commission on Human Rights (E/2573, annex I). Many years had passed since the Universal Declaration of Human Rights had set forth the ideals which all Member States were striving to attain, and the time had come to consider what undertakings should be included in the draft Covenants, to ensure that signatory States carried out their obligations in that respect. While it was desirable that the Covenants should be such that the largest possible number of States could subscribe to them, it would be a mistake either to sacrifice precision of drafting or to dispense with full and forceful measures of implementation in order to achieve that end.

23. Very few Governments had submitted comments (A/5411/Add.1-2) on the excellent explanatory paper on measures of implementation (A/5411) prepared by the Secretariat in compliance with General Assembly resolution 1843 B (XVII). In that connexion, assuming that the USSR and its allies were sincere when they accused anyone who abstained on a major declaration for technical reasons of being opposed to the principles involved, it followed that they themselves were opposed to human rights since they had not voted for the Universal Declaration of Human Rights.

24. He agreed with the USSR representative that the adoption of legislation was vital to the implementation of the Covenants, but it was equally important to ensure that the law was in fact effective; there were also other vital factors, among the most important of which were education in human rights and the consequent adoption of the right social attitudes.

25. His Government's views as regards the different nature of the rights set forth in the two draft Covenants were well known. It should be a matter of fact that a State becoming a Party to the Covenant on Civil and Political Rights adopted the necessary legislation and that such legislation was put into effect; the United Kingdom therefore believed that the proposal for the establishment and functioning of a Human Rights Committee was basically correct. However, while the right to vote, for instance, was finite, the limits of such economic, social and cultural rights as the right to healthy working conditions, to participation in cultural life and to general access to secondary education were less clearly defined, and in some cases the standards that might be laid down were capable of almost indefinite upward revision. Consequently, the correct method of implementation for the Covenant on those rights would be one under

which States Parties undertook to report progress to the international community, and in particular to the other States Parties. The reports should be examined in a spirit of amity and co-operation, so that difficulties encountered might be helpfully discussed and experience of achievements might be shared with others; that could be done through the United Nations and the specialized agencies, each of which should have its special role in the implementation of the rights falling within its purview. It followed that his Government was generally in favour of the procedure proposed in part IV of the draft Covenant on Economic, Social and Cultural Rights (E/2573, annex I A) and would support it, with the reservation that it would submit one amendment to article 21. The proposed implementation system seemed to involve little sacrifice of national sovereignty, some small part of which must inevitably be surrendered when a State subscribed to any international agreement.

26. Mr. MELOVSKY (Yugoslavia) emphasized the importance of the implementation clauses and the complexity of the task of drafting them in such a way that they would genuinely contribute to the realization of the aims for which they were intended. The international protection of human rights, which was the essence of the implementation clauses, largely depended on both the structure and the character of international relations. The lapse of almost ten years since the drafting of the texts contained in document E/2573, annex I, was too important a factor to be disregarded, for in that period of dynamic change new ideas had made their appearance and new experience of inestimable value had been gained. If the existing texts were taken as a basis, they would certainly require major adaptations to contemporary conditions and needs. The period of the cold war was giving way to a new climate of active and peaceful co-existence in international relations, as the principles of equality of rights and of co-operation among States as equals were becoming less theoretical and more real. In addition, rapid decolonization had resulted in the admission of many new Members to the United Nations, and the majority of the membership, not having had the opportunity to express their views at the time of drafting, could not be asked to subscribe to the Covenants without first being consulted on the implementation measures.

27. The most useful method of work, therefore, would be to begin by a general exchange of views, during which specific proposals might also be made in order to facilitate further work. The relatively small number of comments received from Governments in response to General Assembly resolution 1843 B (XVII) was another reason for adopting such a procedure.

28. The draft Covenants set forth certain categories of rights which should represent basic standards at the present level of social development. Those rights were not, of course, observed everywhere to the same extent, but many of them had achieved a very high measure of realization and, in that sense, they not only represented legal norms but provided a material basis for promoting social development. In Yugoslavia, for instance, possibilities for the enjoyment of economic rights by the citizen were constantly increasing, not only through new legislation, but through a process of development in which the people themselves played the major role. The workers, through their elected councils, not only managed enterprises and farms, but also participated directly

in the distribution of their products, and the broadest possible part was played by the citizens in the planning and management of the work of educational, health and social welfare institutions. Although, during the earlier post-war years, the dearth of resources had meant that such rights of the citizen were a proclamation of principle rather than a reality, the growth of material wealth had led to the increasing enjoyment of all democratic rights, the basis of which was the economic rights of the citizen.

29. For some countries, however, and especially for the developing countries, many of the economic and social rights proclaimed in the draft Covenants still represented an objective to be obtained, and they would need much time and effort, and the maximum mobilization of domestic resources as well as international aid, to overcome the general backwardness that was a heritage of colonialism and to ensure the full enjoyment of all rights for their citizens. Even in the developed countries, such rights as the right to work and to just and favourable conditions of work, to social insurance and to education were still unattainable objectives for many. His delegation therefore regarded the rights set forth in the draft Covenants not as static and immutable, but rather as constantly developing, both in quality and in quantity, according to conditions in the various countries. The implementation clauses must therefore encourage further development and progress in the field of human rights, beyond the strictly legalistic framework in which they were formulated in the draft Covenants.

30. His delegation also believed that efforts for the observance and advancement of human rights and the struggle for peace were interrelated and mutually complementary. Just as in times of war the happiness and dignity of man were subject to violations of all kinds, so peaceful international relations and co-operation had a very beneficial effect in the opposite direction. The Charter of the United Nations had rightly emphasized, among its purposes, that international co-operation could be achieved, not only by solving economic, social, cultural or humanitarian international problems, but also by promoting and encouraging respect for human rights and for fundamental freedoms. Thus, every United Nations action directed towards the realization of human rights was, in essence, an integral part of the struggle for peace. The Charter had laid down the basic principles for the international observance of fundamental human rights, and the Universal Declaration of Human Rights had represented a great step forward in the international codification of those rights. Many constitutions and legal systems reflected the spirit of the Universal Declaration and, on the basis of the individual categories of rights listed therein, a number of other highly significant international instruments had been adopted under the auspices of the United Nations and the specialized agencies.

31. It went without saying that the adoption of the Covenants as legally binding instruments would be a further important step forward, and his delegation's second basic conclusion was that the implementation clauses must be such that, by helping to achieve the observance of human rights, they would also encourage peaceful and friendly co-operation among States and help to remove distrust. That aspect of the problem was essential in an age when the only alternative to peace was atomic annihilation.

32. One question of principle with regard to the implementation clauses was the problem of the unity of the two draft Covenants. The view had been strongly expressed in the past that the division of human rights into two categories was erroneous and not conducive to the development and promotion of basic human rights. The formal division was merely the consequence of the different historical development of the rights in question, and his delegation had not ceased to consider that they were interrelated and that the full implementation of one set of rights was inconceivable without the full implementation of the other. A watertight division was an over-simplification, and there should therefore be uniform—or at least very similar—measures of implementation for both Covenants and for all the rights contained therein.

33. The solution to the problem of implementation proposed by the Commission on Human Rights clearly reflected the structure of the world community and the character of international relations at a specific time in the past. It might now be opportune to consider whether, instead of creating separate machinery, maximum use might not be made of the existing United Nations structure by defining the tasks of the various organs clearly and precisely. The system of reports should have a special place in such a procedure, provided that the reports were not relegated to the archives, but were studied and acted upon. It was essential to bear in mind that, if universal acceptance of the Covenants was to be achieved, the system adopted must not impose too stringent obligations and must take into account the variety of conditions and possibilities in individual countries. Agreement could easily be reached if the measures of implementation were viewed, not as an instrument for intervention, pressure, and fomentation of the cold war, but as a means for determining, studying and removing obstacles to the implementation of human rights and extending international aid, where needed, in order to further friendly relations and international co-operation.

Mr. Ghorbal (United Arab Republic), Vice-Chairman, took the Chair.

34. Mr. OSTROVSKY (Union of Soviet Socialist Republics) said he could not accept the statement that the delegation of the United Kingdom had abstained in the vote on important draft declarations for technical reasons. An examination of United Kingdom policy in colonial matters fully explained why that country's delegation had abstained in the vote on the Declaration on the granting of independence to colonial countries and peoples (General Assembly resolution 1514 (XV)) any why the United Kingdom Government had subsequently done all it could to avoid giving effect to the Declaration. Similarly, the attempts to weaken the text of the draft Declaration on the Elimination of All Forms of Racial Discrimination, which the Committee had adopted (1245th meeting), had been part of a deliberate policy, and it was not surprising that the United Kingdom delegation had abstained in the vote on that instrument, too.

35. The record showed that the abstention of the USSR delegation in the vote on the Universal Declaration of Human Rights had been due to entirely different motives. His delegation had made strenuous attempts to strengthen that text, advocating the inclusion of effective measures to ensure actual observance of human rights. Since at that time the majority of

Member States had not favoured such energetic action, the USSR delegation had decided to abstain in the vote on the Universal Declaration.

36. Mr. ATTLEE (United Kingdom) doubted whether the USSR delegation's abstention in that vote had really been due to the fact that the text had not been strong enough. Some of the rights in the Universal Declaration and in the draft Covenants now under discussion were clearly not to the USSR Government's liking. Thus, article 8 of the draft Covenant on Economic, Social and Cultural Rights proclaimed the right of everyone to form and to join trade unions for the protection of his economic and social interests. Soviet practice assigned a different role to the trade unions. According to Trud, the official trade union organ of the USSR, it was the essential duty of trade union executives to see that every worker and employee laboured all the 480 minutes of his working day and to teach the masses to abominate the slightest violation of the production schedule. Similarly, article 18 of the draft Covenant on Civil and Political Rights called for freedom of thought, conscience and religion and for freedom to manifest religion. Soviet practice could hardly be reconciled with the provisions of that article, since Moscow Radio and official newspapers such as Nauka i Religia were continually asking for religion to be stamped out and to be replaced by atheism.

37. The USSR delegation monotonously ascribed all the world's ills to colonialism in an effort to fan the flames of bitterness against former colonial Powers. He wholeheartedly agreed that the colonial system was an anachronism, and many delegations were well aware that it had been the policy of Governments in the United Kingdom, irrespective of party, to end that system in an orderly fashion as soon as possible. Many fundamental human rights, such as freedom of expression, peaceful assembly, religion, education and freedom of movement were enjoyed to a far greater extent in colonial territories of the United Kingdom than in communist States. Unlike the authorities of the Soviet occupation zone of Germany, his Government had never built a wall in any territory under its administration. As regards freedom of expression, the experience of Mr. Mahdi Ismail, a Somali student, was interesting. In a book, Mr. Ismail described the indignation which he and other African students at Prague University had felt when an old woman speaking to them in mildly critical terms of the Czechoslovak Government had been arrested; he also recalled that no such measures had been taken in Somaliland—which had then been under British administration—when the British had been denounced in the streets as colonialists and imperialists.

38. Mr. OSTROVSKY (Union of Soviet Socialist Republics) remarked that the United Kingdom delegation always emphasized the benefits which colonialism had brought to the territories under its administration. If the colonial system was now described as an anachronism, that change of attitude was probably not entirely spontaneous, but a belated acknowledgement of the fact that the colonial peoples were no longer prepared to accept dependence.

39. The United Kingdom representative misunderstood the position with regard to human rights in the

Soviet Union and other socialist countries. Human rights should be viewed in the light of the fact that there was no exploitation in the socialist world and that everything was being done by the people and for the people. Freedom of expression and freedom of association were fully exercised in the people's interests. In other countries the right to work was acknowledged in theory, but work could not always be found. In the socialist countries, unemployment was unknown. In many Western nations, human rights were in danger owing to the growth of reactionary forces. His Government's attitude to human rights was perhaps best illustrated by the fact that it was ready to complete consideration of the draft Covenants without delay and to ratify and carry out their provisions, while the United Kingdom delegation was raising many difficulties. In addition, his Government had ratified the Supplementary Convention of 1956 on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, as well as the Convention on the Prevention and Punishment of the Crime of Genocide, instruments on which many Western countries had so far failed to act.

40. The United Kingdom representative had referred to a measure adopted by the Government of the German Democratic Republic to protect its frontiers. The fact that the United Kingdom had so far not seen fit to recognize that Government hardly affected the principle that every Government was entitled to protect its territory. Hostility to the German Democratic Republic would prove as ineffective as past attempts to overthrow socialist Governments in other countries. Many peoples everywhere were now turning to socialism, and the socialist Governments had given solid support to human rights.

41. Mr. MOHAMED (Somalia) pointed out that the views expressed in Mr. Ismail's book should not be regarded as reflecting his Government's attitude. Numerous Somali students now in the Soviet Union were extremely satisfied and did not experience the difficulties confronting African students in other countries. He could not agree that it had always been the policy of the United Kingdom to end the colonial system in an orderly fashion and in the shortest possible time. Part of his country had been under British colonial rule and the achievement of independence had been marred by a dispute regarding the frontier with Kenya. The transfer of power to India and Pakistan had been anything but orderly. The situation in Southern Rhodesia, too, showed that the United Kingdom Government did not always take the freely-expressed views of the people into account.

42. Mr. BECK (Hungary) expressed surprise at the introduction of matters unrelated to the item now before the Committee and asked whether the United Kingdom representative had deliberately sought to complicate the discussion of the draft Covenants. Quotations from Moscow Radio could easily be matched by quotations from the British Broadcasting Corporation reflecting an attitude hostile to human rights. As regards freedom of movement, it was regrettable that the United Kingdom made it very difficult for Hungarians to visit relatives in that country.

The meeting rose at 6.5 p.m.