



Chairman: Miss Maria GROZA (Romania).

*Tribute to the memory of General Charles de Gaulle,
former President of the French Republic*

1. The CHAIRMAN informed the members of the Committee with deep feeling of the death of General Charles de Gaulle, that great French statesman whose personality had left an indelible imprint on the contemporary history of Europe and of mankind. His name, intimately linked with the victory over nazism, was identified with a long period of French history, since de Gaulle had led his country with skill and energy along the path of independent development and had caused it to play an active part on the European and world scenes in the service of peace and collaboration among peoples. She expressed to the French delegation, for transmittal to its Government, the condolences of the Bureau and of the Committee, as well as her personal condolences, on the loss that had afflicted the French people and the world.
2. Mr. MOELLER (Denmark), on behalf of the Western European group and other States, presented condolences to the French delegation on the death of former President Charles de Gaulle. With his passing perished a Frenchman who had left the imprint of his valour and integrity on an important period in the history of his country and the world. Inspired by the unshakeable purpose of restoring to France its independence and prestige, he had brought his country victory in war and later had taken the helm to guide it through stormy times, thus winning a place in the hearts of all French people. He had had friends and allies, and enemies too, but all had recognized and admired his great qualities of statesmanship.
3. Mr. GOUAMBA (People's Republic of the Congo), speaking on behalf of the African group, expressed to the delegation of France his profound condolences on the death of a great man, whose outstanding achievements included the Conference of Brazzaville, held in 1944, at which the foundations had been laid for the decolonization of a large part of Africa and the Africans had been called upon for the first time to participate in the shaping of their destinies. General de Gaulle had realized the significance and the scope of that work, and was therefore remembered as the great architect of emancipation.
4. Mrs. RAKOTOFIRINGA (Madagascar) endorsed the sentiments expressed by the representative of the People's Republic of the Congo and also expressed her sincere condolences to the French delegation.
5. Mrs. DINÇMEN (Turkey), speaking on behalf of her delegation and those of the Asian countries, expressed deep

grief at the death of General de Gaulle, a great statesman and patriot whose influence had transcended the frontiers of France and reached the whole world. With his untiring efforts on behalf of peace, co-operation and the right of self-determination he had earned the admiration of the world, and his death was a great loss for the international community.

6. Lord ST. OSWALD (United Kingdom) said that the death of a man of the stature of General de Gaulle was a grave loss to mankind, and one which had deeply saddened him. In the United Kingdom de Gaulle's memory would always endure, for he had come to that country at a time of misfortune and had made common cause with the nation in its aspirations, bringing encouragement when it was most necessary. Just as Churchill, with his promise of blood, sweat and tears, had inspired courage in the British people, so had de Gaulle succeeded in awakening the same spirit in the French people, encouraging them to overcome desperate circumstances in both war and peace. He had also realized that the glory of France required the dissolution of an empire and had showed no hesitation in giving effect to that conviction. The United Kingdom had followed a parallel course and now shared the satisfaction of having successfully completed its task. General de Gaulle was already part of the history not only of France, but also of the United Kingdom and the world.
7. Miss LAPOINTE (Canada) said that the emotion felt in the world at the death of Charles de Gaulle was particularly deep in Canada, because of the close ties which united that country to France. Through the dark days when his courage had maintained the hopes of his people, de Gaulle had devoted his great talent and energy to enhancing the prestige of his country, marking with his personality a whole epoch in the history of mankind. Her delegation presented its sincere condolences on the death of the former President to the French Government and people.
8. Mr. MOUSSA (United Arab Republic), speaking on behalf of the Arab States, expressed his profound regret at the death of Charles de Gaulle, a personality of world stature who had defended with integrity and vision the most valued rights of all the peoples of the world. The role he had played during the Second World War in the vanguard of his country's resistance to foreign oppression was a shining example for those who had to fight against aggression and occupation. His energetic opposition to the forces of evil had been inscribed for ever in the annals of civilization. The Arab world knew, respected and remembered the man who had supported its right to live in freedom and justice, and expressed its condolences to the Government and people of France.
9. Miss EDMONDS (United States of America) expressed her condolences to the Government and people of France

and to the bereaved family of General de Gaulle. The former President of the French Republic had been a soldier of democracy and had symbolized resistance against oppression; he had devoted all his efforts to restoring his country to its rightful place among the great Powers of the world. The United States had had close links with the French people since its war of independence and, in addition to the admiration which it had always felt for the grace, the beauty and the culture of France, it had a sense of profound gratitude towards General de Gaulle and his country for their untiring dedication to liberty, equality and fraternity.

10. Miss SACI (Algeria) said that the news of the death of General de Gaulle had caused consternation in her country, because with the death of the former French President the world had lost a statesman of exceptional genius. In presenting its condolences to the Government of France, Algeria paid a heartfelt tribute to the man who had been the champion of decolonization and of international collaboration.

11. Mr. RYBAKOV (Union of Soviet Socialist Republics) said that, with the death of General de Gaulle, France had lost one of its most illustrious sons and patriots, the Soviet people had lost a noble friend and the world an eminent statesman, an anti-Fascist soldier and a guardian of peace and friendship. The name of the General was linked with the most important events of the twentieth century, particularly for his action as leader of Free France during the Second World War. Realizing that only the combined forces of the free peoples could hold back Hitler's armies, and recognizing the importance to all mankind of the immense effort of the Soviet people in the fight against nazism, he had endeavoured from the beginning of the war to strengthen the relations between France and the USSR. Because he understood the significance of Franco-Soviet co-operation for European security and world peace, he had strengthened the ties of friendship and understanding between the two countries by official visits and the signing of treaties. The recent visit of Mr. Pompidou to the USSR was a continuation of that policy, which corresponded to the convergence of the fundamental interests of the two States. In tribute to the memory of de Gaulle, whom the Soviet people would always remember as a hero of the Second World War, the USSR would continue its collaboration with France in the interests of peace and security.

12. Mr. TSURUOKA (Japan) expressed his grief at the death of General de Gaulle, who had won deep admiration in Japan and whose death was an irreparable loss not only for France but for mankind. His delegation expressed its sincere condolences to the French Government and to the family of the most respected soldier and statesman of the century.

13. Miss ABAYI (Gabon) said that she had been deeply grieved to hear of the death of General de Gaulle, who had fought for the rehabilitation of her country and for the decolonization of Africa. She assured the French delegation that the Government and people of Gabon were united with the people of France in their hour of sorrow.

14. Mr. DE BARROS (Brazil) said that the death of General de Gaulle had plunged the world into mourning.

The former President of the French Republic, an outstanding personality, had fought fascism with resolution and fearlessness and later had shown himself to be a great statesman. On his own country's behalf and on behalf of the other Latin American countries, he expressed heartfelt sympathy to the French delegation and to the Government and people of France.

15. Mr. OYARZÚN (Chile) said that the world owed a debt of gratitude to General de Gaulle, who had symbolized the fine qualities of his country in the most difficult moments of its history. He had been a great soldier and a great statesman and it could be said of him that he had been an embodiment of the words of his compatriot, Henri Bergson, in that he had thought as a man of action and acted as a man of thought.

16. Mr. DĄBROWA (Poland) said that he was profoundly conscious of the irreparable loss that France had suffered in the death of General de Gaulle, a sincere friend of Poland, where he had always received a warm welcome. The General had been admired by all for his valour and his clearheadedness. In that hour of mourning Poland was united with the Government and people of France in their grief.

17. Mr. NAYERI (Iran) expressed his most sincere sympathy to the Government and people of France on the death of General de Gaulle.

18. Mr. GIAMBRUNO (Uruguay) said that he had been deeply moved by the death of General de Gaulle, who had been one of the great personalities of the century. He would always be remembered as a defender of freedom and democracy against despotism and aggression. His delegation asked the French delegation to convey to the Government and people of France its most heartfelt sympathy.

19. Mr. PENTCHEV (Bulgaria) said that it was with deep affliction that he had heard of the death of General de Gaulle. In that hour of sorrow, he remembered with emotion the words that General de Gaulle had addressed to the French people, and perhaps to all the victims of nazi aggression, in 1940, rallying them to battle against oppression. His name would be forever linked with the struggle of the peoples against fascism and with the victory of the democratic peoples. On behalf of the socialist countries and of his own delegation, he offered the Government and people of France the most sincere condolences on the loss that they had suffered.

20. Mr. ČALOVSKI (Yugoslavia) expressed his delegation's sorrow at the death of General de Gaulle. The Yugoslav people, who had shared with France the sufferings of the war and who had later, in times of peace, maintained cordial relations with France, were today united with the people of France in their grief.

21. Mr. MAHMASSANI (Lebanon) said that the world community had been plunged into mourning by the death of General de Gaulle, who would always be remembered as a heroic figure who had fought against aggression and for the freedom and rights of peoples. He asked the French delegation to convey to the Government and people of France the most sincere condolences of the Lebanese delegation.

22. Mr. CHTIOUI (Tunisia) expressed his most profound grief at the irreparable loss of General de Gaulle, a great patriot and statesman, who had been identified with France and had symbolized the resistance and the struggle for independence and freedom. The General had maintained close links of co-operation with the third world, and above all with Africa, and the Tunisian Government and people were united with the French people in their hour of mourning.

23. Miss TEDAM (Ghana) spoke of the invaluable contribution that General de Gaulle had made to the decolonization of Africa and expressed her condolences to the Government and people of France.

24. Mr. COVACI (Romania) said that he was deeply afflicted by the passing of General de Gaulle, a fervent patriot and a prudent statesman, whose death was a loss not only to France but to the entire world. The Romanian people had lost a friend, who had made the amicable relations between Romania and France more cordial than ever. He asked the French representative to convey to the Government and people of France, as also to the family of General de Gaulle, his most sincere condolences.

25. Begum HAMIDULLAH (Pakistan) expressed to the French delegation the sincere condolences of the Government and people of Pakistan on the death of General de Gaulle.

26. Mr. NASSER-ZIAYEE (Afghanistan) asked the French delegation to convey his condolences to the family of General de Gaulle and to the Government and people of France.

27. Mr. SATHE (India) said that the death of General de Gaulle was a great grief to him personally. The world had lost in him a champion of freedom, who would be remembered also as a great statesman. The Government of India expressed its most heartfelt sympathy to the Government and people of France and to the family of General de Gaulle.

28. Mr. GORSE (France) thanked the members of the Committee for their condolences, which he would convey to the French Government and to the family of General de Gaulle.

On the proposal of the Chairman, the members of the Committee observed a minute's silence in tribute to the memory of General Charles de Gaulle, former President of the French Republic.

AGENDA ITEM 47

Respect for human rights in armed conflicts: report of the Secretary-General (continued) (A/7720, A/8003, chap. IX, sect. E; A/8052, A/C.3/L.1797/Rev.1, A/C.3/L.1798, A/C.3/L.1806, A/C.3/L.1807)

GENERAL DEBATE (continued)

29. Mr. GORSE (France) said that the fundamental purpose of the United Nations, as defined in Article 1 of

the Charter, was to maintain international peace and security, to prevent and remove threats to peace and to suppress acts of aggression or other breaches of the peace—in other words, to avoid war. There was no doubt that the Organization would be unable to survive another large-scale conflict, but it was equally true that the fact that it had been possible to avoid such a conflict so far was due to the balance of terror, which had brought mankind to an era of local conflicts in which the use of force was reappearing in unprecedented or forgotten forms. The armed conflicts were limited in scope, but local wars broke out and ideological confrontations which, developing into internal conflicts, resulted in military operations. That was the context in which the problem of human rights in armed conflicts arose and in that problem there was a question which the French delegation considered particularly important, namely, the question of journalists on dangerous missions.

30. The report of the Secretary-General on the item under consideration (A/8052) drew attention to the difficulty to which that question gave rise and to its somewhat contradictory nature, in that the aim of the United Nations should be to prevent armed conflicts but, once a conflict had broken out, to make all possible efforts to limit unnecessary sufferings. It had been stated at the International Conference on Human Rights, held at Teheran in 1968, that peace was the underlying condition for the full observance of human rights and that war was the negation of those rights.¹ The grandeur of the human spirit, however, lay in ensuring respect for human rights in war itself. Humanitarian international law implied the existence of armed conflict and from that arose its two essential characteristics: political neutrality and constant development.

31. Humanitarian norms were applicable no matter what the cause of the conflict, as was clearly established in article 2 of the 1949 Geneva Conventions.² The autonomy of international law, however, was a consequence of its contractual character. Its strength lay in its political neutrality, which enabled it to be imposed on all.

32. The second feature of humanitarian norms was their tendency to evolve because they were closely related to the conditions of modern warfare, weapons development and new kinds of wars of liberation or guerrilla operations with ever increasing participation by the civil population. Humanitarian norms should be reviewed and perfected periodically; as the Teheran Conference had recognized, the time had come to bring up to date the international norms for the protection of human rights in armed conflicts. To that end, the report of the Secretary-General (A/8052) would be extremely useful. It established a principle which it was important to recognize forthwith, namely, that the text of the four Geneva Conventions of 1949 should, as far as possible, remain untouched and that they should simply be better applied and adapted to the developments in the methods used in armed conflict since 1949.

¹ See *Final Act of the International Conference on Human Rights* (United Nations publication, Sales No. E.68.XIV.2), resolution XXIII.

² United Nations, *Treaty Series*, vol. 75, 1950, Nos. 970-973.

33. In that connexion, it was encouraging to note that, at the XXIst International Conference of the Red Cross at Istanbul in 1969, the International Committee of the Red Cross had been asked to prepare, with all dispatch, specific proposals for norms designed to supplement the existing humanitarian law. A group of experts appointed by forty Governments at the request of the International Committee of the Red Cross was to study those proposals in May 1971. The United Nations General Assembly, for its part, should keep abreast of the work of the International Red Cross and, at the same time, strengthen the impact of the Geneva Conventions, as the Secretary-General had indicated, encouraging their application and assisting in making their provisions better known, so that they might afford more effective protection to those whom they were designed to benefit. The first duty of the United Nations was to call for the application of the humanitarian Conventions in all armed conflicts and the first duty of the signatory States was to respect those Conventions and ensure their application in the territories in which they intervened militarily.

34. He then introduced a draft resolution on the protection of journalists engaged on dangerous missions (A/C.3/L.1797/Rev.1), sponsored by his own delegation and those of Argentina, Austria, Colombia, Finland, Iran, Japan, Madagascar, and Senegal, which had been joined by the delegation of Belgium. The problem was not a theoretical one, as was clear from the long list of journalists who had paid with their liberty and at times with their lives for their concept of professional duty. He emphasized that neither the text nor the underlying intention of the draft resolution was related to any specific situation or to any given area. The action of the sponsors was devoid of any polemical or political motives and its sole purpose was to make the United Nations aware of a problem which was relevant in all cases of armed conflict.

35. Admittedly, the Geneva Conventions contained provisions applicable to journalists and the draft resolution invited all States and all authorities parties to an armed conflict to respect and apply them in all circumstances, but such general protection was insufficient because it did not cover all classes of journalists or all cases of armed conflict. It was also inadequate because journalists on dangerous missions could not be classified either as combatants or with other civilians, particularly in undeclared wars and unsettled situations. The aim was not to claim exaggerated privileges for journalists or to protect them against risks which were, in any case, inherent in their profession, but simply to promote full awareness of the nature of their work and of the value of all of the availability of complete information, in order that the representatives of written, spoken, filmed or televised journalism should not be used as targets and that, if they were taken prisoner, their status should be duly recognized and their protection ensured. It would be difficult to extend the Conventions to states of undeclared war or to make them formally binding on States which had not ratified them or even on *de facto* authorities. The professional organizations concerned were therefore endeavouring to secure the recognition by *de jure* and *de facto* authorities of the validity of a "safe conduct" which they themselves would issue. The successful outcome of those efforts would be greatly facilitated by the climate of world opinion which the debates in the United Nations must create.

36. The United Nations should take a direct interest in the problem, as the Secretary-General had indicated in his appeal on behalf of missing journalists, which was issued in a press release dated 30 September 1970. At issue was respect for a fundamental human right, that of freedom of opinion and expression, which was embodied in article 19 of the Universal Declaration of Human Rights. Consequently, the United Nations should take the corresponding measures and that was the reason for the submission of draft resolution A/C.3/L.1797/Rev.1, whose main provision was an invitation to the Commission on Human Rights to consider the question as a matter of priority in order that the General Assembly might adopt an international agreement ensuring the protection of journalists engaged on dangerous missions and providing for the creation of a universally recognized and guaranteed identity document. The sponsors would give careful consideration to the observations and suggestions of other delegations and would endeavour to take them into account so that the draft resolution could command the unanimous support which it deserved.

37. Mr. ALLAGANY (Saudi Arabia) said that the roots of the item under discussion went back to resolution XXIII of the International Conference on Human Rights, whose adoption had been prompted by the horrors and miseries experienced by the civilian population in the territories of three Member States which had been victims of the aggressive war unleashed by Israel in 1967. The question of the so-called prisoners of war in Indo-China was therefore totally alien to the subject under discussion, particularly since the war in Indo-China had been going on for a number of years before the Teheran Conference.

38. Turning to the situation of the civilian population in the occupied territories in the Middle East, he said that the Israeli forces had not spared even their religious susceptibilities and had gone so far as to print a new text of the Koran to suit their own purposes and to desecrate holy places, including the Church of the Holy Sepulchre. In addition, the destruction of houses and buildings, the expropriation and confiscation of property and collective punishment were a deliberate policy of the Israeli authorities, designed to horrify and demoralize the inhabitants of the occupied territories so as to force them to abandon their homes and property. It was noteworthy that the destruction of property was prohibited by article 53 of the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War, to which Israel was a party. Particularly relevant in that connexion was the destruction of three villages in the Latrun area which had been completely razed and which the Israelis had no intention of reconstructing. The total number of houses demolished in that fashion, excluding those demolished on the Golan heights, had risen by 15 November 1969 to more than 7,500—in other words, more than those destroyed by the atomic bombs dropped on Hiroshima and Nagasaki in the final stages of the Second World War.

39. Referring to the methods of torture used against the civilian population by the Israelis, he first mentioned moral tortures, which consisted primarily of threats, including threats to arrest the families of prisoners, to destroy their homes or to rape their female relatives. Prisoners were also subjected to various kinds of psychological torture, one of

which was to oblige them to witness the torture of their friends or acquaintances. Physical torture—beatings, burning, alternate douching with freezing and hot water, electric shocks and various other forms of maltreatment—were particularly cruel and practised with great skill to avoid permanent damage. Nevertheless, such tortures sometimes produced partial paralysis, stomach perforations, the loss of an eye or nervous breakdowns. It was therefore not surprising that Israel refused to allow the United Nations or the International Red Cross to send representatives to watch such horrors. He appealed to all delegations to intercede and to prevail upon Israel to stop those practices.

40. Referring to the launching of the 1967 war, he quoted a statement by the Chief of the Israeli Air Force that the Israelis had carefully planned the attack on the three Arab States for fourteen years. The Israeli representative had stated that his Government had not requested the Secretary-General to remove the United Nations Emergency Force. That was true, but it had done something much worse; it had refused to have the Force on the Israeli side of the armistice line. Instead of being criticized, the Government of the United Arab Republic should be thanked for having agreed as long as it had done to the presence of the Force which, according to the then Secretary-General, Dag Hammarskjöld, was not meant to be permanent.

41. Mr. TSURUOKA (Japan) said that, since the inception of the United Nations, Governments and peoples had been aware that peace was the underlying condition for the full observance of human rights and that war was their negation; at the same time, the exercise of human rights helped to prevent war. As a result of its unprecedented tragic experiences during the last war, the Japanese people was firmly resolved never again to be involved in armed conflict. The Japanese Constitution promulgated after the war reflected his country's profound aspirations to peace and the keen sensitivity to violations of human rights which inevitably developed from its desire for peace. The Japanese Government and people could not therefore remain indifferent to allegations of violations of human rights in various parts of the world as a direct or indirect consequence of armed conflicts.

42. His delegation was convinced that all Member States and parties to disputes should fully observe the provisions of the four Geneva Conventions of 1949 and other laws of war concerning protection of civilians, prisoners and combatants in all armed conflicts. It was deeply to be deplored that some parties to the Geneva Conventions had not honoured their commitment in that regard. As a direct consequence, there had been a sharp increase in the casualty rate of civilians and prisoners. His delegation appealed to Governments which had not yet signed the Geneva Conventions of 1949 to do so, and to those which were already parties to honour their commitment. At the same time it fully concurred with the observations of the Secretary-General that one of the basic aims of the United Nations should be to strengthen the effectiveness of the existing Geneva Conventions with a view to affording better protection to those whom they were designed to benefit.

43. With regard to draft resolution A/C.3/L.1797/Rev.1, of which the Japanese delegation was a sponsor, he recalled the appeal issued by the Secretary-General in a press release

dated 30 September 1970 concerning the heavy death toll among foreign journalists in the armed conflict in Cambodia—an appeal based on a message dispatched through the Japanese Ministry for Foreign Affairs and the Japanese delegation by foreign correspondents in Cambodia. He expressed his appreciation of the Secretary-General's prompt and positive response. According to the message, five foreign correspondents had died, while seventeen others had been missing for five months. Of the journalists seven were Japanese, four French, three American, one West German, one Swiss and one Austrian; they had all disappeared while engaged on their professional missions. The message from the correspondents contended that the practice of holding incommunicado such a large number of journalists from so many countries seemed to be without precedent in the history of international relations. *Bona fide* journalists were civilians and non-combatants and should not be held prisoner by any party to a conflict.

44. However, the question did not only concern human rights: the protection of journalists in armed conflicts should be viewed also from the point of view of freedom of the press. The world owed a great deal to the reporters and cameramen who, by demonstrating the horrors of war, aroused world public opinion to protest against the infringement of human rights. In view of the tremendously important mission of the journalists, his delegation joined with the Secretary-General in endorsing the view expressed by the French Foreign Minister, Mr. Maurice Schumann, before the General Assembly at its 1842nd plenary meeting on 18 September 1970 to the effect that those indispensable witnesses should enjoy the legal protection they required in order to perform their mission.

45. With regard to the legal aspect of the question, while there was a need for better implementation of existing humanitarian international conventions such as the Geneva Conventions of 1949, it could be argued that the scope of the Geneva Conventions was not sufficiently broad to cover all categories of journalists who deserved protection, and did not meet the present need for protection of human rights of journalists engaged on dangerous missions. From the legal point of view, the Conventions were only applicable to "war correspondents" as defined in them. Because of the imperfections of the Conventions, it would be useful to consider the preparation of a draft international agreement concerning the protection of journalists engaged on dangerous missions. It was obvious that the preparation of new humanitarian conventions or the revision of existing conventions would be a very difficult and lengthy task. Yet the problem was an urgent and immediate one and his delegation believed that priority should be given the suggestion that a universally recognized and guaranteed identification document should be created as soon as possible, as set forth in operative paragraph 4 of draft resolution A/C.3/L.1797/Rev.1.

46. Experience showed that the use of appropriate identity papers or clearly visible and recognizable insignia, as employed by the Red Cross, was extremely useful for the purpose of identifying specific persons on specific missions; no doubt some such method could be used to identify journalists.