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AGENDA ITEM 62

International Year for Human Rights (concluded) (A/7194, A/7195, A/7195/Add.1 and Add.3-9, A/CONF.32/41, A/C.3/L.1641/Rev.1, A/C.3/L.1642/Rev.3, A/C.3/L.1654):

- (a) Measures and activities undertaken in connexion with the International Year for Human Rights: report of the Secretary-General;
- (b) International Conference on Human Rights

CONSIDERATION OF DRAFT RESOLUTION A/C.3/L.1641/REV.1 (concluded)

1. Mr. SQUIRE (United States of America) explained that his delegation had voted in favour of draft resolution A/C.3/L.1641/Rev.1, since his country's delegation had earlier voted in favour of resolution XIX of the Teheran Conference on the same subject. Nevertheless, he would have preferred the original wording of operative paragraph 1 (a) because, in his country, some forms of legal aid were guaranteed by the Government, whereas others were provided in conjunction with the Government, by non-governmental organizations and by individual lawyers. The Constitution laid down that in criminal proceedings indigent persons were entitled to free legal aid. In the case of non-criminal proceedings, the Federal Government and Congress had recognized the need to supplement private efforts by the use of public funds in order to provide adequate legal aid to indigent persons. Although progress had been made in that respect, much still remained to be done and the draft resolution approved by the Committee would serve to awaken interest in an important aspect of effective

protection of human rights and fundamental freedoms for all persons, whatever their status.

CONSIDERATION OF DRAFT RESOLUTION A/C.3/L.1642/REV.3

2. Mr. PAOLINI (France), introducing draft resolution A/C.3/L.1642/Rev.3, said that its purpose was clearly stated in the second preambular paragraph. That statement was not intended to minimize the advantages which scientific discoveries and technological advances contributed to economic, social and cultural progress, but merely to draw attention to the fact that such progress was not necessarily dependent upon scientific achievements. Not only did technological advances help to increase the gap between developing and developed countries but some aspects of scientific development involved real dangers to the well-being of mankind. Operative paragraph 1 gave a list of examples, a necessarily incomplete one, of dangers of that type. He quoted Rabelais' dictum that science, without conscience, served only to destroy the soul and referred to the damaging effects of nineteenth-century industrialization on large sectors of the population, which had subsequently given rise to the social revolution and the agitation for free trade unions and the right to work. The sponsors of the draft resolution were convinced that problems of the same kind were again confronting mankind and that they should be studied; for that reason, the Secretary-General was requested in operative paragraph 2 to prepare a report on the subject. In conclusion, he appealed for unanimous approval of the draft resolution.

3. Mr. SCHREIBER (Director, Division of Human Rights) drew attention to the statement in document A/C.3/L.1654 of the financial implications of draft resolution A/C.3/L.1642/Rev.3, which represented the minimum estimated expenditures. The secretariat of the Advisory Committee on the Application of Science and Technology to Development believed that that Committee would be prepared to offer its co-operation in connexion with the report which the Secretary-General was requested to prepare in operative paragraph 2 of the draft resolution, but since the terms of reference of that Committee did not cover the whole of the subject of the proposed report, it would have to be prepared within the Division of Human Rights. The Controller had informed him that the financial implications could be absorbed in the 1969 expenditure, authorized by the General Assembly.

4. Mrs. OGATA (Japan) said that draft resolution A/C.3/L.1642/Rev.3, of which her delegation was a sponsor, was one of the most far-reaching efforts the international community could undertake. The Committee had long been discussing the more flagrant violations of human rights, but the time had come to

show its awareness of the existence of other less obvious but, in some cases, more dangerous features of contemporary life which could undermine the very essence of the individual. Threats to privacy were apparent everywhere and it was technologically feasible for the Big Brother imagined by Orwell to seize control of mankind, unless bold efforts were made to prevent that from happening. Similar dangers were threatening the personality of individuals, because of the advances made in biology, medicine and biochemistry. Moreover, it was impossible to speak of the dignity of human labour when developments in electronics made it feasible for industries and organizations to be administered by advanced cybernetics.

5. Her delegation believed it was desirable that the international community should try to understand the magnitude of the problems raised by modern science and seek ways in which human beings could retain and strengthen their moral integrity.

Mrs. Ould Daddah (Mauritania), Vice-Chairman, took the Chair.

6. Lady GAITSKELL (United Kingdom) said that the inherent dangers arising from the communications revolution should be recognized and examined. Man's ingenuity had initiated what had been called the "bio-engineering age". A time was approaching when man could manipulate mind and alter human nature.

7. It was already possible for people to be watched, heard and photographed in darkness from far away without being aware of it. There was a wide range of tiny electronic devices which were very difficult to detect. In that way an individual's privacy could be invaded insidiously and his personality degraded and destroyed until he became mere computer fodder.

8. One of the newest and most sinister developments was the subliminal message which could be incorporated in cinema or television film and so penetrate the subconscious. Furthermore, a person's powers of concentration could be destroyed by chemical products which had no colour, smell or taste.

9. Those considerations were among the reasons why her delegation regarded the six-Power draft resolution (A/C.3/L.1642/Rev.3) as welcome and would vote in favour of it.

10. Mr. MOUSSA (United Arab Republic) proposed that the words "and peoples" should be added after the word "individuals" in the second preambular paragraph of draft resolution A/C.3/L.1642/Rev.3. He proposed that the phrase "should the need arise" in the third preambular paragraph should be replaced by "to protect human rights and fundamental freedoms".

11. In operative paragraph 1 he proposed that the words "in particular" should be added after the word "technology" and that "the Advisory Committee on the Application of Science and Technology to Development" should be replaced by "the appropriate organs of the United Nations". He further proposed that the words "and nuclear science" should be added at the end of sub-paragraph (b) of that paragraph.

Mr. Nettel (Austria) resumed the Chair.

12. Mrs. RUSSOMANO (Brazil) expressed her full support for draft resolution A/C.3/L.1642/Rev.3. Although prodigious scientific discoveries and technological advances opened up prospects for developing all spheres of human activity, some action had to be taken to deal with the dangers which those discoveries and advances implied for human rights. The first and final guiding principle of scientific development should be the protection of human beings and the preservation of their fundamental rights and freedoms.

13. Mrs. OULD DADDAH (Mauritania) said that her delegation, which was a sponsor of draft resolution A/C.3/L.1642/Rev.3, was conscious of the growing importance of technology and development but was also committed to the moral values affecting human beings. Mankind might find itself in great danger if science and technology overlooked man and pursued only their own ends. Accordingly, it was the Committee's duty to urge that such scientific progress should not be made at the expense of the human person. Young nations recognized the dangers to which contemporary science could expose their culture and they wanted to retain their traditional values. Their contribution to the modern world could thus be the precious one of supplying the necessary balance at the spiritual level.

14. The draft resolution under discussion represented a response to a current problem and should be approved unanimously.

15. Mrs. BARISH (Costa Rica) said that, in view of the pace of mankind's scientific and technological progress, it was a matter of greatest urgency to establish principles which would guarantee respect for those human rights which were endangered by the experiments and research such progress demanded. For that reason, her delegation warmly supported the measures proposed in the operative part of draft resolution A/C.3/L.1642/Rev.3, which was based on the Teheran resolution XI on human rights and scientific and technological developments.

16. Mr. EL SHEIKH (Sudan) endorsed the observations made by the United Kingdom representative. It was significant that the delegation of a highly developed country should have expressed concern about the dangers which progress in certain fields of science and technology might involve for human rights. In his opinion, the uncontrolled use of the new devices and techniques to which such progress gave rise was a specially serious threat for developing countries, which were defenceless against them. He therefore supported the amendments proposed by the United Arab Republic and in particular, the addition of the words "and peoples" in the second preambular paragraph of draft resolution A/C.3/L.1642/Rev.3.

17. Mrs. STEVENSON (Liberia) said that science and technology offered seemingly unlimited prospects to man, as recent advances in surgery, space exploration and communications showed. The marvellous achievements of science and technology had subjected mankind to changes as deep as they were far-reaching. Recent discoveries and inventions had opened up enormous resources of power and wealth, but had also given rise to problems which society would have

to solve if the privacy and dignity of the individual were to be preserved. The revolutionary change implied in the possibility of appreciably improving the living standards of all mankind demanded a continuous development of the individual. Her delegation, recognizing the vital role of science and technology in preserving peace and stimulating economic, social and cultural progress, welcomed the proposals outline in operative paragraph 1 of the draft resolution (A/C.3/L.1642/Rev.3), since the pace of progress made it essential to take into account not only the benefits of science and technology, but their effects on the individual and on society. For those reasons, her delegation would vote in favour of the draft resolution.

18. Mr. PAOLINI (France) said that the majority of the amendments to the draft resolution sponsored by his delegation (A/C.3/L.1642/Rev.3) were of considerable value. The co-sponsors were thus prepared to accept the amendments to the second and third preambular paragraph in the form proposed by the delegation of the United Arab Republic, since they were in keeping with the spirit of the text. As for operative paragraph 1, the cases which had been quoted were simply various examples and the co-sponsors had no objection to inserting the words "in particular" at the end of the introductory sentence. On the other hand, he preferred to keep the reference to the Advisory Committee on the Application of Science and Technology to Development which had not been included in the original formulation but had been introduced into the text at the express request of the Secretariat. As for the proposal to add "and nuclear science" to the end of sub-paragraph (b) of the same paragraph, he thought that that discipline was already included in the over-all concept by the insertion of the expression "in particular" in the introductory sentence; moreover, an explicit reference to nuclear science would make it necessary to consider vast areas which were already being dealt with by IAEA. He therefore preferred to avoid mentioning that discipline and to limit the sub-paragraph to less well-known problems.

19. Mrs. OGATA (Japan) said her country was very concerned at the effects of nuclear science on human beings; nevertheless, she thought that that topic was comprised in the subjects of biology, medicine and biochemistry so that the proposed text (A/C.3/L.1642/Rev.3) already covered it.

20. Mr. MOUSSA (United Arab Republic) said his delegation would not press for the omission of the reference to the Advisory Committee on the Application of Science and Technology to Development or on the reference to nuclear science. On the other hand, he proposed that, in operative paragraph 1 (a) the words "on both the individual and national levels" should be inserted between "privacy" and "in" and that the words "and other" should be added before the word "recording". Those changes would ensure respect for the privacy of both individuals and nations which, as a result of scientific and technological developments, were currently exposed to outside interference made possible by the technique of special photography.

21. Mr. JHA (India) said it was necessary for a draft resolution concerning respect for individual privacy to concern itself equally with national privacy. He therefore endorsed the proposal of the representative of the United Arab Republic.

22. Miss MARTINEZ (Jamaica) supported the amendment by the United Arab Republic but suggested that it should be limited to inserting the words "both individual and national" in the sub-paragraph in question.

23. Mr. SANON (Upper Volta) said his delegation supported the amendment proposed by the representative of the United Arab Republic.

24. Mr. RIOS (Panama) said that the concept of respect for privacy referred to in the proposed text (A/C.3/L.1642/Rev.3), was universal in nature and thus included the national aspect as the individual. Consequently, the current general formulation met the concern behind the United Arab Republic amendment and made any change unnecessary.

25. Mr. PAOLINI (France) said that there was no disagreement concerning the proposed change but simply a question of finding the most adequate wording. He proposed, therefore, that the expression "and national independence" should be inserted after the word "privacy" in operative paragraph 1 (a).

26. Mr. MOUSSA (United Arab Republic) accepted the suggestion of the French delegation.

27. Mr. VALDIVIESO (Peru) wondered whether the proposed reference to national independence was not an intrusion into a field which was not connected with the subject of human rights or within the competence of the Third Committee, but rather a subject for the Fourth Committee. In his view, the existing wording of the draft resolution under consideration was more in keeping with the purposes of the text.

28. Mr. NAÑAGAS (Philippines) agreed with the representative of Peru. Since the task of the Committee was the protection of individual rights, it would appear that the inclusion of a reference to national independence in the draft resolution under discussion was an interference in questions, such as national independent sovereignty, which were within the competence of political organs, and would unduly extend the content and significance of the proposed text. Although the principle referred to was undoubtedly important, it did not seem to be pertinent to the topic being debated.

29. Mr. JHA (India) said he could not agree with the Panamanian delegation that the draft resolution before the Committee was of universal scope. The text dealt with respect for individual privacy, while the amendment proposed by the United Arab Republic referred to the right of a nation not to be subjected to espionage, whether on a national level or as far as the activities of its more prominent citizens were concerned.

30. Mr. MEHIRI (Tunisia) shared the concern which had induced the representative of the United Arab Republic to suggest that operative paragraph 1 (a) of the draft resolution under consideration should be modified so as to increase its scope. He nevertheless, thought it better, instead of referring to "respect for privacy

and national independence" to say "respect for the privacy of individuals and the integrity and sovereignty of nations". Consequently, he formally proposed that sub-paragraph (a) should be so amended.

31. Mr. ARTAZA (Chile) said that the amendment under discussion did not take into account the fact that the sole subject of human rights was man. The curious concept of "national privacy", which was being introduced into the draft resolution under consideration, had no connexion whatever with individual privacy and was totally alien to the subject being considered. Photographic or any other type of espionage between nations had nothing to do with human rights.

32. Mr. SCOLAMIERO (Italy) agreed with the Chilean representative that human rights concerned the individual. Reference to the position of the State in draft resolution A/C.3/L.1642/Rev.3 would produce confusion which would impede its implementation. In his view, it was inadvisable to deal simultaneously with individual and national rights.

33. Mr. RIOS (Panama) said it was redundant to speak of "individual privacy" since there was no privacy other than that of the individual. He suggested that the reference to national independence originally proposed by the delegation of the United Arab Republic should be included in a separate paragraph so as not to overload or confuse operative paragraph 1 (a) of draft resolution A/C.3/L.1642/Rev.3.

34. Mrs. WARZAZI (Morocco) supported the Tunisian amendment whereby operative paragraph 1 (a) would cover not only the privacy of the individual but also the protection of the State against foreign interference of a technical kind, a subject which, she thought, was directly related to human rights.

35. Mr. KALANGALI (Uganda) supported the proposal of the Tunisian delegation since it would be difficult to safeguard the human rights of a people if they were not protected from external interference.

36. Mrs. CONDE (Guinea) and Mr. EL-FATTAL (Syria) supported the Tunisian amendment.

37. The CHAIRMAN put to the vote draft resolution A/C.3/L.1642/Rev.3, with the changes introduced orally by its sponsors, together with the Tunisian oral amendment. He called on the Committee to vote first on the Tunisian amendment which would replace, in operative paragraph 1 (a), as revised by the sponsors, the words "and national independence" by the words "of individuals and the integrity and sovereignty of nations".

At the request of the Moroccan representative, the vote on the Tunisian amendment was taken by roll-call.

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

In favour: Guyana, Hungary, India, Indonesia, Iran, Iraq, Jamaica, Jordan, Lebanon, Liberia, Libya, Mauritania, Mexico, Mongolia, Morocco, Pakistan, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Singapore, Somalia, Sudan, Syria, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics,

United Arab Republic, United Republic of Tanzania, Venezuela, Yugoslavia, Zambia, Algeria, Burma, Byelorussian Soviet Socialist Republic, Cyprus, Czechoslovakia, Ethiopia, Ghana, Guinea.

Against: Ireland, Israel, Japan, Netherlands, New Zealand, Norway, Peru, South Africa, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America, Australia, Austria, Belgium, Brazil, Canada, Ceylon, Chile, China, Denmark, Finland.

Abstaining: Honduras, Italy, Ivory Coast, Madagascar, Maldive Islands, Panama, Philippines, Portugal, Sierra Leone, Thailand, Togo, Upper Volta, Uruguay, Afghanistan, Argentina, Cameroon, Congo (Democratic Republic of), Costa Rica, France, Gabon, Greece.

The Tunisian oral amendment was adopted by 44 votes to 21, with 21 abstentions.

Operative paragraph 1 (a) of draft resolution A/C.3/L.1642/Rev.3, as amended, was adopted by 60 votes to 1, with 23 abstentions.

Draft resolution A/C.3/L.1642/Rev.3 as a whole, as orally revised and as amended, was adopted unanimously.

38. Mr. SANON (Upper Volta) explained that he had voted for the draft resolution as a whole, but that he had abstained in the vote on the Tunisian amendment because, although he recognized its good intentions, he did not approve of the text. He preferred the wording suggested by the United Arab Republic, since at the present time flagrant violations of national sovereignty were being committed.

39. Mr. VALDIVIESO (Peru) said he had voted against the Tunisian amendment because, as the Chilean representative had pointed out, it introduced the concept of national sovereignty in a resolution which was dealing exclusively with human rights. In any case, he would have preferred the concept to be the subject of a separate sub-paragraph, as the representative of Panama had suggested. In his view, the resolution was now incomplete, since it should also state in operative paragraph 1 (c) that uses of electronics could affect the rights of nations, and the second preambular paragraph should refer to the defence of national independence as well as to the protection of fundamental human rights and freedoms.

40. Mr. RIOS (Panama) said that he had abstained in the vote on the Tunisian amendment and wished to reaffirm that the new phrase "privacy of individuals" was redundant and made the text too cumbersome; moreover, the combination of the concepts of national sovereignty and privacy in a single sub-paragraph was ill-advised. It would have been more correct to insert a new sub-paragraph in operative paragraph 1. Generally speaking, his delegation was opposed to amendments submitted in the course of the debate, because they tended to create confusion and the texts eventually adopted were inconsistent. Nevertheless, he had voted for the draft resolution as a whole because he considered it to be of great importance.

41. Mr. ARTAZA (Chile) said he had voted against the Tunisian amendment because the concepts which it introduced in the text were more suitable for a

convention on the rights and duties of States than for a draft resolution of that kind. The lamentable situation at present prevailing in respect of human rights was due precisely to the overemphasis given to the importance of the State and the consequent general disregard for the individual.

42. Mr. KALPAGE (Ceylon) said that he had voted against the Tunisian amendment because the subject of human rights was the individual and not a nation or a State.

AGENDA ITEM 56

Creation of the post of United Nations High Commissioner for Human Rights (A/7170, E/4322 and Corr.1, A/C.3/L.1620, A/C.3/L.1652)

43. Mrs. BARISH (Costa Rica) introduced draft resolution A/C.3/L.1652, whose formulation was almost identical to that of General Assembly resolution 2333 (XXII) adopted in 1967. In 1968 the Committee had reached the point of beginning its consideration of the item, and that did at least represent a small step forward. Once again, it was important that the question of the creation of the post of United Nations High Commissioner for Human Rights should be transmitted to the twenty-fourth session of the General Assembly by means of a resolution. The present draft, which dealt with a simple question of procedure, referred to past resolutions on the item in the order in which they were adopted, regretted the fact that consideration of the question had not been possible owing to the heavy programme of work at the twenty-third session and decided to give it high priority at the next session.

44. Mr. JHA (India) said that he did not consider that draft resolution A/C.3/L.1652 dealt with a question of procedure and that he would be unable to support the draft in its present form, unless the co-sponsors would accept the proposal that, at the end of the second preambular paragraph, the words "same subject" should be replaced by the phrase "question concerning the implementation of human rights through a United Nations Commissioner for Human Rights or some other appropriate international machinery". The two resolutions mentioned in the paragraph bore that title, and it should, therefore, be mentioned in the draft. He would also propose that the third preambular paragraph should be deleted completely and that, in the fourth preambular paragraph, the word "Regretting" should be replaced by the word "Noting": expressions of regret were superfluous in the resolution, since there were good reasons why the item had not yet been considered. In the fourth preambular paragraph, the words "despite that decision" should also be deleted. With regard to operative paragraph 1, he proposed that the words "Again", "high" and "in accordance with the aforementioned resolutions and decisions" should be deleted. If the co-sponsors were prepared to accept those amendments, his delegation would then vote in favour of the draft.

45. Mr. ABOUL-NASR (United Arab Republic) said that there was no reason why the item on the creation of the post of United Nations High Commissioner for Human Rights should be the subject of a separate

resolution. The correct procedure would be to refer to the item in a general resolution or in the Rapporteur's report to the General Assembly. If the co-sponsors were unwilling to accept such a procedure, his delegation would support the amendments proposed by India. He pointed out, in addition, that General Assembly resolution 2062 (XX) mentioned in the first preambular paragraph did not refer to the creation of the post of United Nations High Commissioner for Human Rights, but to the consideration of that question; he therefore proposed the insertion in that paragraph of the words "consideration of the" before the word "creation".

46. Mr. RIBEIRO (Uruguay) said that the draft resolution before the Committee (A/C.3/L.1652) had been submitted because it had not proved possible to undertake a detailed study of the item. There was no question, in the present case, of determining the advantages or disadvantages of creating the post of United Nations High Commissioner for Human Rights, but simply of seeking a new opportunity to consider the item in detail and to adopt a decision on it. He was, therefore, unable to understand the hesitations and doubts of certain delegations in respect of the draft resolution, which was purely procedural.

47. The Committee would be inconsistent with its previous decisions if it did not give its unanimous support to the draft resolution. For example, in a draft resolution adopted by the Committee at the 1632nd meeting, the General Assembly would decide to establish a special committee for investigating certain complaints concerning violations of human rights; he could not understand, therefore, why there should be any opposition to the creation of a post such as the one proposed. Similarly, at the 1611th to 1613th meetings, the report of the United Nations High Commissioner for Refugees had commanded general support; a draft designed to find a formula to ensure that all human rights were properly protected and safeguarded deserved the same treatment.

48. Mr. NASINOVSKY (Union of Soviet Socialist Republics) was opposed to the draft resolution because, in his view, there should be a single resolution covering all the items which the Committee had been unable to deal with at the present session. Nevertheless, he would have no objections, provided that the important amendments proposed by the representatives of India and the United Arab Republic were incorporated. His delegation would give its views on the substance of the question at the appropriate time.

49. Mrs. RAOELINA (Madagascar) supported the creation of the post of United Nations High Commissioner for Human Rights, which was in keeping with the objectives of the United Nations in that field, but she nevertheless had reservations concerning the financial implications of such a move, particularly for the smaller countries.

50. Mrs. ROQUET (Canada) said that the tone of the draft resolution should not be weakened and that it should, on the contrary, be given the same force and conviction as the similar resolution adopted at the previous session.

The meeting rose at 1.15 p.m.