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Chairman : Mrs. Ana FIGUEROA (Chile).

**Communication from the representative of Israel**

1. Mr. STEINIG (Secretary of the Committee) read a communication to the Chairman from the representative of Israel, explaining why he had decided to waive his right of reply to the statement made by the representative of Iraq (401st meeting). In his statement of 22 January (398th meeting), the Israel representative had set out specific facts and anyone who wished to obtain further details might find them in the documents of the Baghdad court and in the Iraqi Press. Certain statements in the Iraqi representative's reply would involve the Israel representative in a debate which he had not intended to impose on the Third Committee and, out of consideration for the Chairman and the Committee and in view of the serious nature of the question, which should not be discussed incompletely, he had decided to refrain from replying.

2. The CHAIRMAN stated that, in view of the Israel representative's communication, the debate on the subject was closed.

**Draft international covenant on human rights and measures of implementation (A/1883, A/1884 (chapter V, section I), E/1992, E/2057 and Add.1 to 5, E/2059 and Add.1 to 8, E/2085 and Add.1, A/C.3/559, A/C.3/L.88, A/C.3/L.186 and Add.1) (*continued*)**

[Item 29]\*

JOINT DRAFT RESOLUTION SUBMITTED BY AFGHANISTAN, BURMA, EGYPT, INDIA, INDONESIA, IRAN, IRAQ, LEBANON, PAKISTAN, THE PHILIPPINES, SAUDI ARABIA, SYRIA AND YEMEN (A/C.3/L.186 and Add.1) (*continued*).

3. The CHAIRMAN called upon representatives to resume the explanations of their votes on the joint

draft resolution submitted by Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Pakistan, The Philippines, Saudi Arabia, Syria and Yemen (A/C.3/L.186 and Add.1).

4. Mr. DE ALBA (Mexico) stated that he would vote for the thirteen-Power draft resolution (A/C.3/L.186 and Add.1) and the amendments thereto. He had agreed with most of the views expressed in the Committee, but did not hold with the representatives who asserted that only individual rights, and not those which concerned communities and groups, could be included in the covenant. The majority of the rights stated in the Universal Declaration of Human Rights referred to such collective groups as the family, trade unions, governments and public administrations. Although the right to self-determination was not expressly included in the Declaration, its insertion in the covenant would remedy an omission.

5. It was essential to take the aspirations of vast populations into account and to promote, as far as possible, the provisions of the United Nations Charter which referred to the eventual self-determination of the peoples of the Non-Self-Governing Territories. That end could be achieved only through the goodwill of the Administering Powers. He would vote for the joint Byelorussian and USSR amendment (A/C.3/L.225) to the United States amendment (A/C.3/L.224), since both the theory of the special responsibility of Administering Powers and the theory of equal responsibility of all Member States in the matter were mentioned in the Charter. All Member States had to contribute to the attainment of that important purpose and it was therefore possible to be impartial and vote for all the amendments. The Greek amendment (A/C.3/L.205/Rev.1) which left it to the Commission on Human Rights to decide on the *modus operandi* and the Syrian (A/C.3/L.221) and USSR (A/C.3/L.206) amendments also deserved support.

\* Indicates the item number on the General Assembly agenda.

6. Mrs. COELHO LISBOA DE LARRAGOITI (Brazil) considered that the statement of a principle implied the recognition of an unquestionable right and that anyone who defended a principle must be prepared to apply it realistically. The basic law of the Charter should be applied to individuals, peoples and States; her delegation would therefore vote in favour of reaffirming those principles by supporting the joint draft resolution (A/C.3/L.186 and Add.1) as a whole and the amendments which correspond to those considerations.

7. Mr. ALBORNOZ (Ecuador) said that he would vote for the thirteen-Power draft resolution as a whole, although he would abstain from voting on the first paragraph of the preamble because it did not correspond with the provisions of General Assembly resolution 421 (V), section D.

8. He regretted that the United States delegation had withdrawn its amendment (A/C.3/L.204/Rev.1) (399th meeting) in favour of the Afghan amendment (A/C.3/L.209); he would abstain from voting on the latter.

9. His delegation would not object to the inclusion of an article on the right to self-determination in both of the proposed covenants, since the enunciation of that right would have both political and economic and social repercussions. Self-determination should not be regarded merely as an aspiration towards political independence, but also as a movement against economic coercion.

10. He would support the Greek amendment (A/C.3/L.205/Rev.1), which expressed the need for caution in implementing the joint draft resolution (A/C.3/L.186 and Add.1), but would abstain from voting on the Syrian amendment (A/C.3/L.221), which seemed to prejudge the results of the Commission's work. He would also abstain from voting on the USSR amendment (A/C.3/L.206) and the United States amendment thereto (A/C.3/L.222), because he considered that any such fundamental interpretation of the Charter should be preceded by careful study.

11. Mr. SMITT INGEBRETSEN (Norway) stated that his delegation was in favour of granting the right to self-determination. Since the inclusion of an article to that effect in the covenants would raise some difficult questions, it was the duty of the Commission on Human Rights to find ways and means of implementing that right in the draft covenant.

12. Mr. ASTROM (Sweden) said that, since the principle of the self-determination of all peoples was stated in the Charter, it was incumbent on all Member States to study the question. Nevertheless, he doubted whether it was desirable to include an article to that effect in the covenant, since such a step would give rise to serious problems and might entail further delay in drawing up that instrument. He appreciated the arguments advanced for such inclusion, and hoped that, if it were adopted, the wording of the article would be such as to create the smallest number of problems for the implementation of the covenant.

13. Mr. PLEIC (Yugoslavia) would vote for the inclusion of an article on the right of self-determination

in the covenant. He considered that the right was of special importance to colonial peoples who were seeking freedom and independence and to peoples who had achieved their independence, but whose freedom was threatened. It was therefore essential for all Member States to respect the right to self-determination on an equal basis.

14. Mr. CASSIN (France) stated, with reference to a remark made by the Saudi Arabian representative (400th meeting), that he had not fundamentally altered the views he had expressed in the Commission on Human Rights at its seventh session. He had no objection to the Greek amendment (A/C.3/L.205/Rev.1), which proposed that the Commission should submit its recommendations on self-determination to the General Assembly at its seventh session. His view that a provision of the Charter should be reaffirmed in the preamble to the covenants did not constitute a departure from his previous attitude; nevertheless, a close study of Article 55 of the Charter had led him to believe that it would be dangerous for several organs of the United Nations to deal with one problem. Moreover, that would delay the signing of the covenants. If it were decided that the Commission on Human Rights should study the problem, France would abide by the wishes of the majority.

15. Mr. PAVLOV (Union of Soviet Socialist Republics), replying to the United Kingdom representative (401st meeting), asserted that that representative had misquoted and distorted the documents to which he had referred, in an attempt to discredit the successful nationalities system of the Soviet Union. He quoted articles from the Constitution of the Ukrainian SSR to refute the United Kingdom allegation that certain Soviet republics did not exercise full control over their educational and juridical system. Moreover, the United Kingdom representative had passed over the provisions in the Constitution of the USSR which laid down respect for the sovereign rights of all republics, even in such questions as that of the organization of defence.

16. The United Kingdom representative's statement was a repetition of an old manoeuvre used by all those who had tried to drive a wedge between the peoples of the Soviet Union. That manoeuvre had never been successful; there were many historical examples of the fate of aggressors who had attempted such machinations in the past. British forces had made that attempt in 1919, but had met with failure.

17. The nations of the USSR were free to decide their own fate in accordance with the wishes of the majority. They also had the right to secede from the Union, but that did not mean that they would all willingly do so. The United Kingdom representative had taken the example of Poland's liberation from the Czarist yoke as an example of such secession; that argument, taken out of its historical context, served as a proof of the United Kingdom's anachronistic views on the matter. That representative had had the temerity to quote British rule over India as an example of the timely granting of autonomy; it was well known, however, that the United Kingdom had split up the nations of India for its own purposes and that India had been

reduced to its condition of poverty, starvation and disease by centuries of subjection. The free peoples of the USSR needed no such lessons.

18. Hitlerite Germany had been quoted as an example of the abuse of the right to self-determination. Nevertheless the annihilation and enslavement of so-called inferior races had sprung from a total denial of self-determination, and not from any abuse of an existing human right. The position of the USSR in that connexion had been amply proved by its successful fight to liberate Europe from the Hitlerite yoke; the United Kingdom representative was clearly alarmed by the clamour for self-determination throughout the world and could think of no better stand to take than to attack the Soviet Union.

19. Mr. PAZHWAK (Afghanistan) proposed that the members of the Committee should be limited to five minutes for the exercise of the right of reply under rule 114 of the rules of procedure and that the Chairman should not accord any further right of reply to such speakers in use of the discretionary powers given to the Chair under that rule.

*It was so agreed.*

20. Mr. BAROODY (Saudi Arabia) was afraid that the representative of France had misunderstood his meaning: he had said (400th meeting), not that he condoned throat-cutting, but that even if, as the colonial Powers contended, the peoples of the Non-Self-Governing Territories, on being freed, did cut one another's throats, that would be preferable to shedding blood in fighting alien troops sent to stifle their national aspirations. It was because he was convinced that the absence of self-determination was responsible for much bloodshed that Mr. Baroody would vote for the thirteen-Power draft resolution.

21. With regard to the competence of the Third Committee, he was satisfied with the French representative's reply, provided no attempt was made to deviate from the General Assembly's directive of the previous year on the inclusion of the right to self-determination in the covenant (resolution 421 (V), section D).

22. Mrs. DOMANSKA (Poland) thought the United Kingdom representative's assertion that a part of Poland had suffered from Soviet annexation showed an insufficient acquaintance with the facts of history. Poland had, in fact, been freed by the Soviet Union in 1917, after a century of subjection to Czarist rule. The United Kingdom representative was ill-advised to talk of annexation (401st meeting), more particularly in view of his own country's record.

23. Mr. HAJEK (Czechoslovakia) was bound to reply to the United Kingdom representative's references to Transcarpathian Ukraine, which, like Ruthenia, had been provisionally attached to Czechoslovakia after 1918, until, by a plebiscite held in 1945, the people had declared themselves in favour of union with the Ukrainian Soviet Socialist Republic. Contrary to what the United Kingdom representative had said, that was a clear example of the application of the principle of self-determination. It was for the United Kingdom representative, whose country had betrayed Czecho-

slovakia at the Four-Power Conference at Munich in 1938, to talk of abuse of that principle. Then as now, the United Kingdom had advocated self-determination for the so-called superior races only; that was why that country was opposing the thirteen-Power draft resolution, which would extend that principle also to the subject races of Africa and Asia.

24. Mr. KUSOV (Byelorussian Soviet Socialist Republic) said that a study of the relevant articles of the Byelorussian Constitution showed the inaccuracy of the United Kingdom representative's assertion (401st meeting) that the rights enjoyed by the autonomous republics of the Soviet Union were less than those enjoyed by the colonies of the British Empire. Article 15 of the Constitution, for instance, proclaimed the right of the Republic to secede from the Soviet Union; that was an affirmation of the principle of self-determination, though the Byelorussian SSR would not make use of that right in order to split and so weaken the Soviet Union, as its enemies wished it would. Article 16 of the Constitution stated that the territory of the Republic could not be altered without the agreement of its people, and proclaimed its right to keep its own armed forces and control its own economic affairs; article 16 (a) stated that the Republic had the right to conclude agreements and establish diplomatic relations with foreign Powers. Article 13, quoted by the United Kingdom representative, in fact meant that the Byelorussian Soviet Socialist Republic might of its own free will be united with the other republics of the Soviet Union; article 2, that the political foundation of the Republic was the soviet of deputies and workers. The United Kingdom representative might not like those facts, but he could not ignore them.

25. Mr. DEMCHENKO (Ukrainian Soviet Socialist Republic) said that the United Kingdom representative invariably contrived to misinterpret Soviet domestic policy and Soviet theories on nationality; in the case in point he appeared to have expatiated on the Soviet Union in order to divert attention from the contradictions of his own position, which was that, while subscribing to the principle of self-determination, he intended to vote against the thirteen-Power draft resolution. Moreover, as a representative of a nation which had always applied the principle "divide to rule", he was genuinely unable to understand how the sixteen republics of the Soviet Union could live together on friendly terms.

26. Mrs. ROOSEVELT (United States of America) urged the members of the Committee to return to the work before them. They needed no lessons in history, but if such lessons were necessary, they should be complete: whilst full credit must be given to the magnificent part played by the Russian people in the Second World War, the help it had received from the Allies must not be underestimated.

27. Mr. CORLEY SMITH (United Kingdom) would combine his reply to the representatives of the Byelorussian and Ukrainian Soviet Socialist Republics with his reply to the representative of the Soviet Union.

28. Regarding the difference of view between those delegations and his own with respect to the degree of

autonomy accorded to individual republics in the Soviet Union, he would confine himself to inviting members of the Committee to read the parts of the Soviet Constitution for themselves. In any case, the fact that the autonomous republics and regions of the Soviet Union had certain theoretical constitutional rights meant less than nothing when those republics and regions could be abolished overnight, and their entire populations deported, simply by decree of the Supreme Soviet, as in the case of the Chechen-Ingush Autonomous Soviet Socialist Republic.

29. He had been accused of passing over many allegations in silence; but he had noticed that the Soviet Union representative had also had little to say about the passages he had quoted from the writings of Stalin, to the effect that self-determination must give way to dictatorship; the USSR representative had merely replied that those statements were out of date, which presumably meant they were no longer valid—a surprising admission from a Soviet representative. The United Kingdom representative had been surprised to hear the Byelorussian representative describe his speech as slander, though the bulk of the passage he objected to consisted of quotations from Stalin. It seemed that statements made some years back were out of date, and no longer applicable.

30. The CHAIRMAN interrupted the United Kingdom representative, who had exceeded the time accorded to speakers by decision of the Committee.

31. Mrs. COELHO LISBOA DE LARRAGOITI (Brazil) proposed that the United Kingdom representative should be accorded as much time as he found necessary to reply to the four speakers who alluded to him.

*The proposal was adopted by 29 votes to none, with 18 abstentions.*

32. The CHAIRMAN asked the United Kingdom representative not to introduce any new topics into his reply; if he did so, other representatives might ask for the right of reply and the discussion might thus be unduly protracted.

33. Mr. CORLEY SMITH (United Kingdom) resumed his reply. Since it was alleged that the documents he had quoted were out of date, he would quote more recent instances of the Soviet Union's application of the principle of self-determination. The Nazi-Soviet frontier and friendship treaty of August 1939 had included a secret additional protocol containing a political arrangement stipulating the Soviet and German spheres of influence in the three Baltic States; and an amendment, signed a month later, handed Lithuania over to the Soviet Union. The people of the Baltic States themselves were never consulted. Nor was that the only such case occurring between the years 1939 and 1946; Bessarabia and Königsberg came into the same category.

34. The stand which the Soviet Union was taking for absolute application of the principle of self-determination must be viewed in the light of instances such as those he had quoted; it might deceive the general

public, but not the Third Committee, which was too well acquainted with the facts. The purpose of the USSR amendment (A/C.3/L.206) to the thirteen-Power draft resolution (A/C.3/L.186 and Add.1) was to divert attention from its own all too vulnerable position.

35. Mr. PAVLOV (Union of Soviet Socialist Republics), speaking on a point of order, asked permission to reply to the remarks of the United Kingdom representative, who had, in his opinion, introduced new matters and distorted quotations.

36. The CHAIRMAN observed that she had discretionary powers with regard to granting the right to reply, under rule 114, but preferred that the Committee should decide. She asked the Committee to vote on the USSR request.

*It was decided, by 13 votes to 9, with 26 abstentions, not to permit the USSR delegation further to exercise the right of reply.*

37. The CHAIRMAN suggested an order of voting on the amendments to the joint draft resolution (A/C.3/L.186 and Add.1), beginning with the vote on the joint Byelorussian and USSR amendment (A/C.3/L.225) to United States amendment (A/C.3/L.224).

38. Mrs. ROOSEVELT (United States of America) contended that the joint Byelorussian and USSR amendment (A/C.3/L.225) was not a genuine one, because it replaced, with very few changes, the USSR amendment (A/C.3/L.216), whereas the United States amendment was a genuine amendment to the latter.

39. The CHAIRMAN said that the joint Byelorussian and USSR amendment (A/C.3/L.225) could not be regarded as anything but a genuine amendment and, under rule 129 of the rules of procedure, must be voted on first.

40. Mr. PAVLOV (Union of Soviet Socialist Republics) observed that no amendments had been submitted to the preamble of the joint draft resolution (A/C.3/L.186 and Add.1); it could thus be voted on first, in accordance with the last sentence of rule 128 of the rules of procedure. The United States amendment (A/C.3/L.224) was not properly an amendment, but a new proposal, because it was actually a substitution for a USSR amendment (A/C.3/L.216). It had also been submitted later than the USSR amendment. Thus, it might be logical to vote on the original USSR amendment after the vote on the preamble of the joint draft resolution.

41. Mrs. ROOSEVELT (United States of America) contended that the preamble could not be put to the vote before the amendments.

42. The CHAIRMAN said that under rule 129 the vote could not be taken first on the preamble. The last sentence of rule 128 made it perfectly clear that a proposal could not be regarded as having been rejected until a vote had been taken. Furthermore, the amendments must, under that rule, be voted on before any part of the basic draft resolution. The amendments to the United States amendment (A/C.3/L.204/Rev.1) as merged with the Afghan amendment (A/C.3/L.209) at the 399th meeting must be voted on first.

43. Mrs. ROOSEVELT (United States of America) conceded that the joint Byelorussian and USSR amendment (A/C.3/L.225) might be regarded as a genuine amendment, but requested that the Committee should be asked to decide that the United States amendment (A/C.3/L.224) should be voted on first, as being the furthest removed from the USSR amendment (A/C.3/L.216).

44. Mr. LANNUNG (Denmark) proposed that the Committee should vote on the question whether the United States amendment (A/C.3/L.224) should be taken first. The Committee was, in his opinion in that case in view of the circumstances, free to decide on the order in which it would vote.

45. Mr. CASSIN (France) supported the Danish proposal. In case of doubt as to which amendment was furthest removed the Committee must decide. There could be no doubt that the joint Byelorussian and USSR amendment (A/C.3/L.225) was, in substance, a repetition of the original USSR amendment (A/C.3/L.216). If the vote was taken first on that amendment, it would encourage delegations in the future to try to have their amendments voted first by submitting sub-amendments hardly differing even in wording from their original amendments.

46. Mr. BAROODY (Saudi Arabia), supported by Mr. MUFTI (Syria), believed that the Danish proposal, if adopted, would set a very dangerous precedent whereby the Committee would substitute its own decisions for the accepted rules of procedure.

47. The CHAIRMAN said that the question of the amendment furthest removed did not arise, as the various amendments were amendments to various other amendments, not to the same document. There could be no mistake about the interpretation of rule 129 of the rules of procedure. If the Committee decided to upset that rule by its vote, the Chairman could not and would not take the responsibility for that action.

48. She would accordingly rule that the Committee could not alter the rules of procedure by a vote, and invited any challenge of that ruling.

49. Mr. VALENZUELA (Chile) and Mr. MUFTI (Syria) whole-heartedly supported the Chairman's ruling.

50. The CHAIRMAN observed that her ruling had not been challenged. She ruled that the various documents before the Committee should be voted on in the following order: the joint Byelorussian and USSR amendment (A/C.3/L.225), the United States amendment (A/C.3/L.224), the USSR amendment (A/C.3/L.216), the Iraqi amendment (A/C.3/L.217/Rev.1), the Syrian amendment (A/C.3/L.221), the Greek amendment (A/C.3/L.205/Rev.1), the Afghan amendment (A/C.3/L.209), the United States amendment (A/C.3/L.222), the USSR amendment (A/C.3/L.206) and the joint draft resolution (A/C.3/L.186 and Add.1). If the USSR (A/C.3/L.216) and the Afghan amendment (A/C.3/L.209) were adopted, the United States amendment (A/C.3/L.222) and the USSR amendment (A/C.3/L.206) would naturally fall.

51. She asked the representative of Afghanistan whether he wished to make any change in his original amendment (A/C.3/L.209) in order to make it concord with the Committee's decision that two draft international covenants on human rights should be drafted.

52. Mr. PAZHWAK (Afghanistan) said that he regarded his amendment (A/C.3/L.209) as no longer sponsored by his delegation but as belonging to the United States delegation, which had accepted it as a substitute for its own amendment (A/C.3/L.204/Rev.1) (399th meeting).

53. The CHAIRMAN asked whether the United States delegation could accept a drafting change in document A/C.3/L.209, to read: "to include in both international covenants".

54. Mrs. ROOSEVELT (United States of America) said that she preferred not to accept that change.

55. Mr. MUFTI (Syria) felt that the Committee should decide as soon as possible in which draft covenant the right to self-determination should be included or whether it should appear in both; he favoured the latter.

56. Mr. PAZHWAK (Afghanistan) thought that such a discussion might be deferred until the Committee came to vote on the amendment (A/C.3/L.209).

57. Mrs. ROOSEVELT (United States of America) thought that the Rapporteur might include in his report a reference to the fact that the question had been raised and the Committee had thought that the Commission on Human Rights should pay particular attention to it.

58. Mr. PAZHWAK (Afghanistan) suggested that the word "covenant", where it appeared in the amendment (A/C.3/L.209) should be amended to read "covenant or covenants"; he regarded that as a drafting change.

59. Mrs. ROOSEVELT (United States of America) reminded the Afghan representative that he had said that the amendment in document A/C.3/L.209 had become the property of the United States delegation. She preferred not to accept his amendment.

60. Mr. AZKOUL (Lebanon) failed to see why the United States representative could not accept the Afghan representative's drafting change if it implied that the Commission on Human Rights would still be free to recommend in which draft covenant the right would be included.

61. The CHAIRMAN observed that, as the United States representative refused to accept the change proposed by the Afghan representative, the words proposed for insertion would have to be voted on separately when the vote was taken on the amendment (A/C.3/L.209).

62. Mr. PAVLOV (Union of Soviet Socialist Republics) observed that the change proposed by the Afghan representative prejudged the General Assembly's decision whether one or two covenants were to be drafted. The Committee was not yet ready to discuss the important matter of principle that had emerged.

63. Mrs. ROOSEVELT (United States of America) proposed, as a compromise, the wording: "one or both international covenants".

64. Mr. PAZHWAQ (Afghanistan) firmly believed that the right to self-determination should be included in both covenants. At first sight, the United States wording did not appear to differ very greatly from his own, but the Committee needed time for reflection. He appreciated the United States representative's attempts to find a compromise formula.

65. He asked that the vote should be taken by roll-call on the joint Byelorussian and USSR amendment (A/C.3/L.225), the United States amendment (A/C.3/L.224), the USSR amendment (A/C.3/L.216), the Iraqi amendment (A/C.3/L.217/Rev.1), the United States amendment (A/C.3/L.209), the USSR amendment (A/C.3/L.206) and on the joint draft resolution (A/C.3/L.186 and Add.1) as a whole.

66. Mr. PAVLOV (Union of Soviet Socialist Republics) observed that the form of words suggested by the United States representative prejudged the General Assembly's decision even more than that suggested by the Afghan representative. It might be that the two representatives could agree on a compromise text. In any case, such a text, involving as it did a matter of principle, ought to be duly circulated in the official languages.

67. Accordingly, he moved the adjournment of the meeting.

*The motion was adopted by 18 votes to 9, with 19 abstentions.*

The meeting rose at 6.40 p.m.