

United Nations
**GENERAL
ASSEMBLY**

FIFTEENTH SESSION

Official Records



**THIRD COMMITTEE, 1058th
MEETING**

(Closing meeting)

Friday, 16 December 1960,
at 3.35 p.m.

NEW YORK

CONTENTS

	Page
<i>Procedural proposals concerning agenda item 82 (Draft Declaration on the Right of Asylum) and agenda item 36 (Draft Declaration on Freedom of Information)</i>	389
<i>Conclusion of the Committee's work.</i>	391

Chairman: Mr. Eduard MEZINCESCU (Romania).

Procedural proposals concerning agenda item 82 (Draft Declaration on the Right of Asylum) (A/4452 and Add.1 and Add.1/Corr.1, A/C.3/L.900) and agenda item 36 (Draft Declaration on Freedom of Information) (A/4437, A/C.3/L.901)

1. Mr. EL-ERIAN (United Arab Republic) proposed that the discussion should be confined to procedural matters, since there was not time at the current session to give due consideration to the substance of the two items, which should be deferred to the sixteenth session.

It was so decided.

2. The CHAIRMAN, in reply to a question by Mr. REGO MONTEIRO (Brazil), said that the Committee's report would mention the unanimous decision to defer consideration of the two items to the sixteenth session.

3. Mr. BOUQUIN (France) doubted whether a mere reference to the decision in the report would be sufficient. His delegation attached great importance to the substance of the two items and was anxious to ensure that they would be given due consideration at the sixteenth session. He recalled that, at the previous session, the General Assembly had adopted resolutions 1458 (XIV) and 1459 (XIV) deferring consideration of two similar items and giving them priority at the fifteenth session. He therefore introduced a similarly-worded draft resolution (A/C.3/L.900) in respect of the draft Declaration on the Right of Asylum. Although his delegation would prefer the General Assembly to give priority to that item, it had refrained from referring specifically to priority and had used the words "as soon as possible" in the hope that the draft resolution would then be generally acceptable.

4. Mr. YASSEEN (Iraq) fully supported the decision to postpone consideration of the two items until the following session. However, the draft Declaration on the Right of Asylum dealt with an essentially legal matter and could more appropriately be considered in the Sixth Committee. His delegation therefore believed that the item should be referred to that Committee, which had discussed at length the question of the right of asylum. Furthermore, the item was already on the agenda of the International Law Commission. He would not make a formal proposal, but

felt that if the Third Committee did consider the item at the next session, it should do so in close collaboration with the Sixth Committee.

5. Mr. COX (Peru) said that his delegation attached great importance to the question of the right of asylum and would support the French draft resolution, which proposed the correct procedure. He also agreed with the representative of Iraq that when items before the Third Committee had legal implications the Sixth Committee should be consulted, in accordance with the General Assembly's recommendation with regard to legal and drafting questions (rules of procedure of the General Assembly, annex II, part 1 d).

6. Mr. FARHADI (Afghanistan) remarked that, although the draft Declaration involved complex legal issues, its purpose was humanitarian and it was therefore within the Committee's competence. It was true that the subject was already being considered by the International Law Commission, with which the Sixth Committee maintained close contact, and his delegation would raise no objection if the Third Committee examined the item in collaboration with the Sixth Committee.

7. Mr. EL-ERIAN (United Arab Republic) agreed that the subject required careful study; he would therefore support the first part of the French draft resolution. He felt, however, that the Committee should not make rigid arrangements for the consideration of the item at the next session, since the General Assembly might decide to submit it to both the Third and the Sixth Committee. The Third Committee was competent to deal with the item although, as the Peruvian representative had indicated, it might consult the Sixth Committee on the legal aspects.

8. Mr. SAPOZHNIKOV (Union of Soviet Socialist Republics) doubted whether it was desirable to consider the draft Declaration at the same time as the draft International Covenants on Human Rights, which could appropriately include an article dealing with the right of asylum. His delegation had in fact proposed an amendment to that effect at the fourteenth session (A/C.3/L.814). Furthermore, as had been pointed out, the subject was already on the agenda of the International Law Commission. He did not therefore believe that specific provisions for the item's consideration at the following session should be made in the French draft resolution. The words "as many meetings as possible" would in fact imply a request for priority, since draft resolutions had not been adopted on other postponed items. There were many other problems with an equal claim to priority treatment. He would therefore prefer a resolution which merely postponed the consideration of the item. He also felt that the first paragraph in its present form might create the erroneous impression that the Committee had already begun consideration of the item.

9. Mr. BAROODY (Saudi Arabia) said that postponement of the item's consideration warranted a resolution and the French draft (A/C.3/L.900) seemed entirely acceptable. Similar resolutions had been adopted in the past and had in fact requested priority for certain items. Although it was more appropriate to leave the question of priority to the following session when it would be known what items were before the Assembly, the words "as many meetings as possible" would indicate concern that the item should not be treated as summarily as had been intended at the current session.

10. Mrs. MANTZOULINOS (Greece) supported the French draft resolution. The item in question was closely linked with the refugee problem and had rightly been allocated to the Third Committee. It was therefore appropriate to seek its reallocation to that Committee.

11. Mr. BOUQUIN (France) did not agree with the USSR representative's suggestion that it might be undesirable to consider the draft Declaration because the draft International Covenants on Human Rights were under discussion and the subject of the right of asylum was already on the agenda of another United Nations body. The USSR amendment in question had not been submitted at the proper time and had not been incorporated in the draft Covenants. The draft Declaration was intended to fill that gap and had accordingly been placed on the Committee's agenda. It therefore warranted full consideration.

12. He could not agree with the representative of Iraq that the draft Declaration was more properly the province of the Sixth Committee; unlike a convention, it was not essentially a legal document. Its humanitarian aspect was paramount and the Committee would fail in its duty if it referred the item to the Sixth Committee. Such a procedure would moreover create a dangerous precedent. There was no reason, however, why the Committee should not invite jurists from the Sixth Committee to take part in its consideration of the item. In order to avoid prejudging the General Committee's allocation of the item, he was prepared to replace the words "Third Committee" by "Committee concerned" in his draft resolution (A/C.3/L.900).

13. Mr. FARHADI (Afghanistan) thought it would be far better not to mention any Committee in the operative paragraph and accordingly proposed that the words "the Committee concerned" should be deleted.

14. Mr. BOUQUIN (France) accepted the amendment.

15. Miss PELT (Netherlands) supported the French draft resolution as now amended.

16. Mr. SAMUEL (India) said his delegation had no objection to the postponement of consideration of both draft Declarations until the sixteenth session.

17. Mr. KUNTOH (Ghana) supported the French draft resolution and remarked that the word "consider" should be substituted for the word "conclude" in the preambular paragraph, and the words "the consideration of" should be deleted.

18. Mr. SAPOZHNIKOV (Union of Soviet Socialist Republics) endorsed that amendment. He also proposed that the words "question of the" should be inserted before the words "draft Declaration on the Right of Asylum" in the preambular paragraph and that the

operative paragraph should read: "Decides to take up this item at its sixteenth session".

19. Mr. BOUQUIN (France) said that he could not accept the USSR representative's first amendment. The Third Committee had not been asked to discuss the question of the draft Declaration on the Right of Asylum but the draft Declaration itself. Nor could he accept the USSR amendment to the operative paragraph because it changed the whole meaning of the draft resolution. What the French delegation sought above all was to avoid a repetition of what had happened at the current session and to ensure a full discussion of the draft Declaration on the Right of Asylum. On the other hand, he accepted the Ghanaian amendment.

20. Mr. FARHADI (Afghanistan) wished to make it clear that his support for the French draft resolution in no way prejudiced the position of his delegation regarding the inclusion of an article on the right of asylum in the draft International Covenants on Human Rights.

21. Mr. SAPOZHNIKOV (Union of Soviet Socialist Republics) asked if the French representative could agree to the following wording:

"The General Assembly,

"Not having been able to consider the item on the agenda entitled 'draft Declaration on the Right of Asylum' at its fifteenth session,

"Decides to take up this item as soon as possible at its sixteenth session and to devote to it as many meetings as possible."

22. Mr. BOUQUIN (France) regretted that he was unable to accept that proposal. For reasons already explained, he wished to maintain his draft resolution as it stood with the amendments which he had already accepted.

23. Mr. RUDA (Argentina) said that the Latin American countries attached particular importance to the right of asylum; he therefore fully supported the French draft resolution in its present form.

24. Mrs. DE GROTEWOLD (Guatemala) said that her delegation would vote in favour of the French draft resolution, although, because of the great importance it attached to the question, it regretted that the Third Committee had been unable to discuss the draft Declaration on the Right of Asylum at its current session. It considered that the Iraqi representative's remarks on the role the Sixth Committee might play in the consideration of the item should be borne in mind at the following session.

The French draft resolution (A/C.3/L.900), as amended, was adopted unanimously.

25. Mr. ORTIZ MARTIN (Costa Rica) introduced the three-Power draft resolution on the draft Declaration on Freedom of Information (A/C.3/L.901).

26. Mr. RUDA (Argentina) supported the draft resolution, but hoped that when the draft Declaration on Freedom of Information was examined by the Committee at the sixteenth session, consideration would be given to the possibility of inserting in that text an article concerning the right to seek information.

27. Mr. BAROODY (Saudi Arabia) felt that the three-Power draft resolution (A/C.3/L.901) would be both more accurate and more acceptable to many delega-

tions if the preambular paragraph were revised to read:

"Not having been able to consider at its fifteenth session the draft Declaration on Freedom of Information submitted by the Economic and Social Council in resolution 756 (XXIX)".

28. Mr. ORTIZ MARTIN (Costa Rica), speaking for the sponsors of the draft resolution, accepted the amendment.

The three-Power draft resolution (A/C.3/L.901), as amended, was adopted unanimously.

Conclusion of the Committee's work

29. Mr. NAIR (Federation of Malaya), on behalf of the Commonwealth delegations, Miss MacENTEE (Ireland), on behalf of her delegation and the delegations of Austria, Belgium, Denmark, Finland, France, Iceland, Italy, the Netherlands, Norway, Sweden and Yugoslavia, Mr. MALYALI (Cyprus), on behalf of his delegation and the delegations of Greece and Turkey,

Miss ARNAO MACHADO (Venezuela), on behalf of her delegation and those of Argentina, Bolivia, Brazil, Chile, Costa Rica, Cuba, Mexico and Peru, Mrs. ANEGAY (Morocco), on behalf of the delegations of Arab countries, Mr. SAPOZHNIKOV (Union of Soviet Socialist Republics), Mr. LAMEY (United States of America), Daw MYA SEIN (Burma), on behalf of the South-East Asian delegations, Mr. PEAL (Liberia), Mrs. DEMBINSKA (Poland), on behalf of the socialist countries, and Mr. KANO (Nigeria) paid tributes to the Chairman for his conduct of the Committee's proceedings, and to the Vice-Chairman, the Rapporteur, and all members of the Secretariat for their contribution to the success of the Committee's work.

30. Miss HAMPTON (New Zealand), Rapporteur, and Mr. FARHADI (Afghanistan), Vice-Chairman, thanked the Committee for the kind words addressed to them and paid tributes to the Secretariat.

31. The CHAIRMAN thanked the Committee and the Secretariat for their co-operation, and declared that the Committee had completed its work.

The meeting rose at 7.40 p.m.