



**Tuesday, 27 October 1953,
at 3.15 p.m.**

New York

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Chairman: Mr. G. F. DAVIDSON (Canada).

Report of the Economic and Social Council (chapters IV and V) (A/2430, E/2447, A/C.3/L.363/Rev.1) (*continued*)

[Item 12]*

GENERAL DEBATE (*continued*)

1. Mr. PAZHWAQ (Afghanistan) asked whether the Committee could properly comment on the report of Mr. López, the Rapporteur on Freedom of Information, (E/2426) and on his statement made at the 504th meeting and subsequently circulated in writing.
2. The CHAIRMAN said that the report was not formally before the Committee, as it was not listed in the Committee's agenda (A/C.3/L.338). The statement had been circulated for the information of the Committee; it had no standing as an official document. Any member could, however, refer to either in the course of the general debate, precisely as he could refer to extraneous but relevant material such as extracts from newspapers.
3. Mr. PAZHWAQ (Afghanistan) thought that the report on freedom of information might be regarded as coming within the scope of the general debate since it was explicitly referred to in chapter V, section VI, of the Economic and Social Council's report (A/2430). Unless the General Assembly dealt with the matter, the Council would find it hard to take further action under resolution 442 C (XIV); the overwhelming majority by which the Committee had decided to ask Mr. López to make his statement showed its great interest in the subject. Mr. López might well supply the Committee with further information if he were asked to do so, since the Committee had always asked for such information from persons who addressed it.
4. Mr. BARODY (Saudi Arabia) contended that the report need not be specifically mentioned in the list of documents given in the agenda. It had been decided at the sixth session (General Assembly resolution 541 B (VI)) that priority should be given to discussion of the draft convention on freedom of information and that decision still held good. At the seventh session discussion had been deferred only by a tie vote, but the Third Committee had endorsed the Council's decision to appoint a rapporteur on freedom of information and had again recommended priority for the sub-

ject. It might well have asked the Rapporteur to report direct to the General Assembly, but had not done so out of deference to Mr. López. The Council had, however, repeatedly delayed discussing the draft convention on one pretext or another, thus failing to comply with the General Assembly's instructions.

5. The suspicion that the delays had been due to the influence of the five major Powers on the Council over the comparatively small membership of that body could not be avoided, since a majority of the five Powers seemed to be reluctant to discuss the draft convention. At its sixteenth session, the Council had refused to discuss the Rapporteur's report solely on the technical ground that it had not been submitted six weeks before the opening of the session. The question was, therefore, whether the Third Committee was entitled to discuss the report before the Council did so at its seventeenth session; and there was no guarantee that the Council would in fact do so. Personally, he was convinced that the Assembly's own decision that priority should be given to the subject established such entitlement. The argument that a full debate on the Rapporteur's report would take up too much time would not hold water. The Committee had recently dealt rapidly with the far more copious documentation on the programme of concerted practical action in the social field.

6. Mr. P. CHENG (China) remarked that two of the five major Powers on the Council, China and the United States of America, had opposed the French delegation's proposal at the sixteenth session for the deferment of discussion of the Rapporteur's report.

7. Mr. BARODY (Saudi Arabia) replied that he had referred to a majority, not all, of the major Powers on the Council.

8. The CHAIRMAN said that the Committee would be able to decide in the course of the debate to what extent the report of the Rapporteur on Freedom of Information was relevant to the agenda item under discussion and whether Mr. López should be asked to provide additional information.

9. Mr. KOS (Yugoslavia) said that, although progress had been made in such matters as the status of women, some shortcomings in the Economic and Social Council's work were obvious from the resolutions transmitted to the Committee. It was clear that resolutions relating to human rights should be improved so as to extend the rights concerned, as in the case of the resolution on the political rights of women, or so as to achieve more practical results, as in the case of the resolutions on technical assistance. The speed and extent of the progress that could be achieved by the representatives of all the Member States working together in the General Assembly constituted a serious indictment of the Council's work.

10. It was very important for the Council to take action with regard to human rights, the right of peo-

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

ples to self-determination and freedom of information. Those questions were as important as political and economic problems and were related to basic provisions of the United Nations Charter. The work of preparing the covenants on human rights was undeniably difficult; nevertheless, it was inadmissible to allow the problem to develop in such a way that the United Nations would lose interest in it. The Commission on Human Rights at its ninth session had more or less completed its work on the covenants. The Council had taken note of that fact (resolution 501 B (XVI)) and had instructed the Commission to complete its work at its tenth session. Some members of the Council, however, had expressed doubt whether the Commission would be able to study the comments of Member States, of the specialized agencies and of the interested non-governmental organizations in time for its tenth session. That was a reasonable doubt, since the Commission would hardly be able to complete its study of such matters as the federal clause, reservations, the final clauses and measures of implementation. Moreover, it was improbable that the Council itself could deal with those questions, which were matters of principle rather than technical problems. Little could therefore be achieved by instructing the Commission to deal with the question. It would be better for the Third Committee to help the Commission by discussing it at its current session.

11. An article on minority rights had at last been included in one of the covenants, despite the fact that the term "minority" had not yet been defined. If it had been decided to wait for such a definition, the drafting of the covenants might have been held up further.

12. The Third Committee had adopted two draft resolutions on technical assistance at its current session (486th and 489th meetings), with a view to the practical implementation of certain human rights. His delegation believed that the United Nations would continue its practical work in that connexion after the covenants had been adopted. It was quite unnecessary to split up the Committee's work on human rights. Adoption of the covenants would provide a solid basis for any work on individual aspects of the subject.

13. Postponement of the question of freedom of information, on the ground that the Rapporteur's report had not been submitted in time for consideration by the Council, was further evidence of the inadequacy of the work done on the subject. The question was especially important to under-developed countries, which had inadequate means of transmitting information. For example, the publicity recently given to the question of Trieste clearly showed that the United States of America, with developed Press, radio and television media at its command, could depict the situation in that area in whatever light it wished, whereas Yugoslavia, with its limited means of information, could not even make clear to the world at large such a possibly insignificant detail as the fact that a United States citizen who had been injured in Trieste had struck the first blow.

14. The Council might have been right in its decision not to submit the Rapporteur's report to the Assembly if that decision had been made because the report was incomplete. Nevertheless, it was regrettable that the appointment of the Rapporteur had delayed the solution of many questions relating to freedom of information; further postponement of the solution could only be regarded as deplorable. Moreover, it was noteworthy that in 1951 the Council had disapproved of

the idea of calling a diplomatic conference on the basic principles of freedom of information and that the work of the Sub-Commission on Freedom of Information and of the Press had been brought to an end.

15. It was obvious that all questions relating to human rights should be considered also from the political point of view and his delegation had no intention of disregarding or evading the differences of opinion on various questions. Three courses of action had been suggested: to take a decisive lead in discussion of the problems at issue in the General Assembly; to postpone them for some time; or to attempt to find new methods of splitting them. Some of the differences there were due to doubt on the part of certain delegations whether the work on the covenants could be completed and their consequent tendency to seek new possibilities; that course could lead only to postponement of the drafting of the covenants and to partial solutions of the whole problem of human rights. No one dared, however, to state openly that the idea of the covenants should be abandoned completely. The Yugoslav delegation believed that further work on the covenants was the only way to a speedy solution.

16. His delegation would vote in favour of the report of the Economic and Social Council, with the reservation that all the recommendations relating to the covenants and to freedom of information should be discussed, without fail, at the ninth session of the General Assembly.

17. Mr. MUFTI (Syria), referring to chapter IV of the Economic and Social Council's report, said that the regional technical meetings of local experts aimed at the strengthening of national programmes for family and child welfare would have little chance of success if held on a purely regional basis. It was to be hoped that the experts of Middle Eastern countries would be drawn from countries of similar ethnic characteristics and have an opportunity to pool their knowledge and experience of their countries' common problems. The representative of Iraq on the Social Commission might make representations to that effect. The United Nations should bear a large part of the cost of participation in the meetings of regional consultative groups on social defence in order to ensure particularly the participation of the less-developed countries.

18. Syria attached particular importance to the two quadrennial reports which the General Assembly had recommended that the Secretariat should make (A/2430, para. 681), and hoped that they would be submitted in time for them to be studied in detail by the Social Commission.

19. With regard to international co-operation on cartography, it was to be hoped that the maps prepared by the former French High Commissioner's Office in Syria, and which had already been requested by the Syrian authorities through diplomatic channels, would be sent to Syria as soon as possible, and that the French representative would communicate with the competent French authorities to that end.

20. In the matter of respect for human rights and fundamental freedoms, the Committee should be made aware of the feelings of the Syrian people and of Arab refugees in Syria and of the sceptical tone of the Syrian Press on the anniversary of the Universal Declaration of Human Rights. The violation of the most basic human rights by certain States discredited the efforts of the United Nations in that field. Furthermore, the contradiction between the attitude taken towards human

rights by certain delegations in the Third and in other Committees, and the detached attitude of other delegations, threatened the very basis of the Committee's work.

21. The free countries could greatly contribute to the promotion of respect for human rights throughout the world by encouraging the less-developed countries, by their example, to sign and ratify the two covenants on human rights. Mr. López had rightly pointed out in his report that no country could afford to be indifferent to the cause of freedom in other countries, and that freedom was indivisible.

22. It appeared from chapter V of the Council's report that at its ninth session the Commission on Human Rights had not had time to complete the programme of work set for it by the Council. At its next session the Commission might again be unable to complete its task of preparing the two draft covenants. The General Assembly should instruct the Council as to the time and priority to be allotted by the Commission to those questions, and, if the Commission was unable to complete its work by December 1954, the holding of a special session should be considered.

23. A federal State article might introduce into the covenants an element of inequality as between federal and non-federal States; to exempt the former from obligations binding upon the latter ran counter to international law and to the basic principle of reciprocity in international relations. Therefore he did not support the proposal submitted by Australia, India and the United States of America (E/2447, annex II B, proposal III) in its existing form. The two covenants should not, however, be excessively rigid. Reservations should be permitted subject to two limitations, first, as to the articles to which they could apply and, secondly, as to the time during which they would hold good, and during which Syria and other States might amend their domestic legislation to conform with them.

24. It was essential that the provisions relating to the human rights committee should be inserted into the covenant on economic, social and cultural rights so that the two covenants would be identical in form. Civil and political rights, and economic, social and cultural rights were interdependent, and the two covenants should be regarded as inseparable parts of a single instrument.

25. With minor drafting changes, which could be made by the Commission on Human Rights at its tenth session, the proposals made by that body with regard to periodic reports were satisfactory.

26. With regard to the three United States draft resolutions (E/2447, paras. 263, 269 and 271), there were four comments to be made. First, unless they were intended as variants to the covenants, they should be considered together with the measures of implementation. Secondly, if they were provisional measures pending

the preparation of the covenants, they were redundant in view of the existence of the Charter and the Universal Declaration of Human Rights, and burdensome to the Commission on Human Rights, especially in view of the studies it had to carry out. Thirdly, they contained many technical and procedural questions which the Commission on Human Rights would have to discuss. Fourthly, the financial implications of the draft resolution on advisory services should be taken into account. He agreed with the Egyptian representative that the three draft resolutions should be transmitted to the Commission on Human Rights for reconsideration, with the records of the Committee's debates.

27. He welcomed the fact that the Commission on Human Rights had drafted an article on the implementation of the principle of self-determination of peoples, which was the corner-stone of the edifice of human rights. It was to be hoped that the Commission would be able to draft further recommendations pursuant to resolution 637 C (VII) of the General Assembly.

28. The clause on the territorial application of the international covenant on human rights, which had appeared as article 72 of the draft covenant in the Commission's report on its seventh session,¹ should be embodied in both covenants.

29. Further consideration should be given to the right of petition.

30. It was regrettable that the Council had not yet considered Mr. López's report on freedom of information. The item should be given a high priority at the Council's seventeenth session, and the proposed international professional conference should be convened without waiting for replies from all the five hundred information enterprises and professional associations, to which a new letter should be sent.

31. Lastly, the Secretariat study on ways and means of encouraging and developing independent domestic information enterprises should be prepared in time for consideration by the Council at its seventeenth session.

32. As Syria was not a member of the Council and had not, therefore, had a chance to make any comments with regard to the report on freedom of information, he wished to take that opportunity to point out that the observation "full and complete censorship" appearing against the name of Syria in the report (E/2426, chap. V, D) should be read in the light of Syria's struggle to preserve its security and domestic peace against past exploitation and oppression. Syria regarded information as a social function, and foreign influence was dominant in its information media. The Rapporteur should beware of deriving information from dubious sources.

The meeting rose at 4.45 p.m.

¹See *Official Records of the Economic and Social Council, Thirteenth Session, Supplement No. 9*, annex I.