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Eighth Session

SUMMARY RECORD OF THE THREE HUNDRED AND SEVENTEENTH MEETING

Held at Headquarters, New York,
on Monday, 2 June 1952, at 10 a.m.

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<u>Chairman:</u>	Mrs. MEHTA	India
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<u>Members:</u>	Mr. NISOT	Belgium
	Mr. SANTA CRUZ	Chile
	Mr. CHENG PAONAN	China
	AZMI Bey	Egypt
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	Mr. KYROU	Greece
	Mr. AZKOUL	Lebanon
	Mr. WAHEED	Pakistan
	Mr. BORATYNSKI	Poland

Members: (continued)

Mrs. RÖSSEL	Sweden
Mr. KOVALENKO	Ukrainian Soviet Socialist Republic
Mr. MOROZOV	Union of Soviet Socialist Republics
Mr. HOARE	United Kingdom of Great Britain and Northern Ireland
Mrs. ROOSEVELT	United States of America
Mr. BRACCO	Uruguay
Mr. JEVREMOVIC	Yugoslavia

Representatives of specialized agencies:

Mr. DOYLE	Office of the High Commissioner for Refugees
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Representatives of non-governmental organizations:

Category A:

Mr. LEARY	International Confederation of Free Trade Unions (ICFTU)
Mr. THORMANN	International Federation of Christian Trade Unions (ICTU)

Category B
and Register:

Mrs. de BROECK	Catholic International Union for Social Service
Mr. NOLDE	Commission of the Churches on International Affairs
Mr. MOSKOWITZ	Consultative Council of Jewish Organizations
Mrs. CARTER	International Council of Women
Mrs. ROBE	International Federation of University Women
Dr. SOUDAN	International Federation of Business and Professional Women
Miss SCHAEFER	International Union of Catholic Women's Leagues
Mrs. PHILLIPS	Liaison Committee of Women's International Organizations
Dr. de SFUR	St. Joan's International and Political Alliance
Mr. JACOBY	World Jewish Congress
Mr. RONALDS) Mrs. POLSTEIN)	World Union for Progressive Judaism
Mr. PENCE	World's Alliance of Young Men's Christian Associations

/Secretariat:

Secretariat:

Mr. HUMPHREY

Director, Division of Human Rights

Mr. DAS)

Secretaries of the Commission

Miss KITCHEN)

DRAFT INTERNATIONAL COVENANTS ON HUMAN RIGHTS AND MEASURES OF IMPLEMENTATION:
(E/1992, E/CN.4/659, E/CN.4/L.141, E/CN.4/L.150, E/CN.4/L.153, E/CN.4/L.184,
E/CN.4/L.190/Rev.1 E/CN.4/L.190/Rev.2, E/CN.4/NGO.39) (continued):

ARTICLE 9 (continued)

AZMI Bey (Egypt), speaking on a point of order, requested that the Commission should consider articles 13 and 14 of the draft covenant, to which his delegation had submitted amendments, immediately after article 9 in order to enable him to attend approaching meetings of the Economic and Social Council at which the report of the Sub-Commission on Freedom of Information would be discussed.

It was so decided, subject to the reservation that articles 13 and 14 would not be considered until the following day.

Mr. HOARE (United Kingdom) said that he warmly sympathized with the views on the right of asylum expressed by the Chilean and Uruguayan representatives whose countries had every reason to be proud of their generosity to the persecuted and oppressed. The same tradition of generosity had obtained in the United Kingdom for many centuries. Nevertheless, his country had always maintained its right to decide for itself in what cases that generosity should be extended; political views, incidentally, were not necessarily the determining factor and persons whose views were not in harmony with those of the Government in power had frequently been given shelter in the United Kingdom.

The right of asylum was a right of States rather than individuals: a State had the right to extend protection to oppressed individuals, to resist all attempts by other States to harm such individuals and all protests by them against its action. It followed that the final decision whether or not to extend protection must rest with the State itself. Consequently, while he sympathized with the representatives of Uruguay and Chile, he could not go so far as to support the conversion of a State's right to extend protection into a specific obligation on that State to guarantee the
/right of

right of asylum. The Egyptian representative had clearly pointed out the difficulties to which such an obligation would give rise. A very wide general category of persons eligible for asylum was defined in the joint Chilean-Uruguayan-Yugoslav amendment (E/CN.4/L.190/Rev.1) and the USSR amendment (E/CN.4/L.184) but the authors of those texts could not agree on their definitions. It would be both dangerous and procedurally unsatisfactory to establish a firm obligation to a vague class of persons on the part of States, while leaving each State to determine which individuals came within the category defined. Although it was generally agreed that all States should be generous to persecuted individuals whose actions had been directed at national liberation, it was quite another thing to translate that general principle into a positive obligation under international law.

The recent discussion of the Convention on the Status of Refugees, from which the wording of the United Kingdom amendment (E/CN.4/L.141) was taken, had shown that many States were not prepared to accept any firm obligation regarding future refugees or any obligations regarding the right of asylum. It would be too much to expect States to sign a blank cheque for the future, guaranteeing asylum in every case. It was not possible therefore to formulate a general obligation to States to grant asylum to a wide category of persons in terms acceptable to all States or which would effectively achieve the purposes that the Commission had in mind. Given the present state of the world and the United Kingdom Government's view that every State has always had and must have the right to refuse asylum, his delegation was unable to support either the joint amendment or the USSR amendment.

Mr. BRACCO (Uruguay) said that the reference to purely military offences in the earlier text of the joint draft amendment (E/CN.4/L.190/Rev.1) had been deleted from the revised version (E/CN.4/L.190/Rev.2) to meet the objections raised by certain representatives. That reference had originally been included because in a number of Latin American countries the majority of offences catalogued as military offences were in reality offences of a political nature and it seemed unfair that members of the armed forces should receive different treatment from civilians in respect of the same offences merely because they were in uniform. He wished to make it clear that his

/delegation

delegation intended the phrase "to all persons charged with political offences" to include military personnel charged with political offences but not military personnel charged with crimes under common law.

He was unable to agree with the United Kingdom representative that the right of asylum was a form of generosity on the part of the State. Individuals had a positive right of asylum in the embassies or territories of States, but it was for the States concerned to judge in each case, whether asylum was warranted.

The phrase "except where the alleged acts are contrary to the principles of the Charter of the United Nations or of the Universal Declaration of Human Rights" was very wide and not entirely satisfactory; it was intended, however, to exclude persons who had committed war crimes or crimes under international law.

Mr. JACOBY (World Jewish Congress) drew attention to his organization's memorandum to the Commission on Human Rights (E/CN.4/NGO.39), part I of which dealt with the omission of certain elementary rights from the draft convention and, in the first place, of the right of asylum.

The Jewish people had had their own experiences in seeking and being granted asylum and they would never forget help that they had received from civilized countries throughout the world.

The right of asylum had existed as an unwritten law for generations and it had been a great achievement on the part of the United Nations that article 14 on the right of asylum had been included in the Universal Declaration of Human Rights.

The first draft of the covenant contained no provision of that kind. That would constitute a great disappointment for all those who had expected the covenant to mark a step forward in the work of the United Nations.

/Some representatives

Some representatives had suggested that the right of asylum might more properly be dealt with in a separate international convention. He felt that that would be completely unnecessary if the objective could be reached through a single clear article in the covenant on human rights.

The amendments before the Commission appeared inadequate because they favoured the granting of asylum to political and military offenders and therefore perpetuated the division of humanity into hostile camps.

In his memorandum (E/CN.4/659) the High Commissioner for Refugees had stressed the necessity for including in the draft covenant an article on asylum and at the seventh session of the Commission the Yugoslav delegation had proposed an additional article 9 (a) on that question. That proposal had specifically been withdrawn but he felt that some provision along its lines and those of article 14 of the Declaration of Human Rights must be adopted by the Commission for inclusion in the draft covenant.

Mr. BORATYNSKI (Poland) said that the inclusion of the right to asylum in international conventions had been opposed on many earlier occasions; in September 1928, the United States delegation to the Sixth International Conference of American States had explained that it had refrained from discussing the draft convention on asylum adopted by that Conference because, in the opinion of the United States Government, asylum was not a part of general international law. The United States delegation had also placed it on record that the United States did "not recognize or subscribe to the so-called doctrine of asylum". The United States had made similar reservations regarding the convention on political asylum adopted by the Seventh International Conference of American States in 1933.

The 1928 and 1933 Conventions recognized that the right of asylum was a humanitarian act of toleration. If that act was to be given proper force, it must be incorporated and guaranteed in the draft international covenant on human rights. Merely to recognize the right of asylum as an act of humanitarian toleration and to place it on a voluntary basis, within the discretion of individual States, would not promote its realization in practice.

/The right

The right of asylum was respected in Poland and included in the Polish draft constitution of January 1952, whereby the Polish People's Republic agreed to grant asylum to citizens of foreign countries persecuted for defending the interests of the working people, for striving for social progress, for activities in the defence of peace, for fighting for national liberation, or for scientific activities. The first three categories were covered by the words "for their activities in the defence of democratic interests" in the USSR amendment and the last two were specifically enumerated in that amendment. The exclusion of persons who had committed war crimes or other criminal offences and of persons who had committed acts contrary to the purposes and principles of the United Nations was entirely justified.

The joint amendment was open to considerable criticism and could not be regarded as a proper solution of the problem. Firstly, the terms "political offences" and "political liberation" were not only ambiguous; they could be used for ends contrary to the purposes and principles of the United Nations: people who were really entitled to right of asylum might be excluded while that right might be secured for those who did not merit it by any moral standards. The USSR amendment, on the other hand, clearly defined the kind of political offences deserving asylum. Secondly, the joint amendment failed to mention persons persecuted for their scientific work. Lastly, it was difficult to see how someone persecuted for activities for the achievement of the purposes and principles of the United Nations and the Universal Declaration of Human Rights could have committed acts contrary to the said principles and purposes. He therefore considered that the joint amendment was unacceptable and that all those delegations which really favoured including the right of asylum in the draft international covenant should support the USSR amendment.

The Commission had approved the right of self-determination of peoples and the guaranteeing of asylum for those who participated in national liberation movements and were persecuted for such activities was an obvious necessity. The covenant must include a formal statement of the conditions in which the right of asylum would be guaranteed. It must not be used for purposes contrary to the Charter, for interference with the domestic affairs of other countries or for preparation for a new war. The Polish delegation would therefore support the USSR amendment.

/Mr. JEVREMOVIC

Mr. JEVREMOVIC (Yugoslavia) stated that a number of representatives had objected to the inclusion of the right of asylum in the draft covenant on the grounds that that right was not a fundamental human right. He could not agree with that point of view; the right of asylum was a vital right that had played a great part in the life of all peoples of the world. It was lacking in imagination to speak of freedom of opinion or to ask people to struggle for the purposes and principles of the United Nations without guaranteeing them the right of asylum if they were persecuted for their opinions or their political or scientific activity.

He admitted that the right of asylum might raise difficulties for States but wondered whether any really worthwhile right could be guaranteed without provoking difficulties.

The right of asylum was a human right and not a State right, as claimed by the United Kingdom representative. States, however, and indeed the United Nations as a whole, had an obligation to ensure the right of asylum to those who were fighting for the purposes of the United Nations.

He supported the observations of the Chilean and Uruguayan representatives concerning the criticism levelled by the USSR representative against the joint amendment (E/CN.4/L.190/Rev.1) which had been repeated by the Polish representative at the current meeting. He could not agree to the omission of the words "or purely military" because, as far as purely military offences were concerned, only a small number of people were involved, namely soldiers and other military personnel guilty of offences such as insubordination. He agreed with the Uruguayan representative that, even without that specific mention, the term "political offences" would also include purely military offences.

Nor could he accept the Polish representative's criticism that the joint amendment was restrictive in nature: the examples introduced by the words "in particular" were not exclusive and he would support the inclusion of further examples if his fellow sponsors agreed.

The objections to the final clause of the first paragraph were unjustified. Its main purpose was to avoid any misinterpretation which might lead to the granting of the right of asylum to common criminals and persons guilty of crimes against mankind.

The fact that a separate convention was contemplated did not relieve the Commission of its responsibility to include the right of asylum. He would prefer that right to appear in article 9. That did not mean that there would be no need for conventions on the question, but article 9 must lay down the principles on which they should be based.

/The CHAIRMAN,

The CHAIRMAN, speaking as representative of India, sympathized with the motives of the joint amendment (E/CN.4/L.190/Rev.1) but felt that the question was extremely complicated. The point at issue was not the right of the individual to asylum but the duty of the State to afford asylum. Article 14 of the Universal Declaration of Human Rights stated that everyone had the right to seek and to enjoy in other countries asylum from persecution, whereas the joint amendment proposed merely that the right of asylum should be guaranteed. If the right of asylum was a genuine right it must be guaranteed.

Mr. CASSIN (France) recalled that he had stated at a previous meeting that he would support the United Kingdom amendment with a textual modification accepted by the sponsor.

The initiative taken by the Chilean, Uruguayan and Yugoslav representatives was a necessary one. The question of human rights could not be approached without some reference to the right of asylum. The USSR representative had tried to define the right of asylum more closely, but the Commission could not break the present vicious circle if each representative adopted a unilateral position. On the other hand, it could not be proposed that all States should grant the right of asylum to every person seeking it. Throughout its history France had maintained the tradition of granting asylum to those fleeing from persecution. In 1938, 1939 and 1940 millions of refugees had been received in a relatively short period.

He felt that the Commission should not depart from the terms of the Universal Declaration of Human Rights except to fill the gaps in that document. Reference had been made to the Convention on the Status of Refugees, but that was a provisional instrument. The Commission should either abandon the idea of including the right of asylum in the draft international covenant or abide strictly by the text of the Universal Declaration. The French delegation had been grateful to the sponsors of the joint amendment (E/CN.4/L.190/Rev.1) and of the USSR amendment (E/CN.4/L.184), to which it had submitted further amendments (E/CN.4/L.191) stating that everyone had the right to seek asylum from persecution.

/The question

The question of asylum was one for agreement between States and could not commit the United Nations as such. The second sentence of his amendment was based on the wording of Article 56 of the Charter. If a country was sure of United Nations support it would in many cases be more inclined to grant the right of asylum.

The economic and political resources of a host country such as Switzerland, which had adopted a generous attitude towards refugees, would be taxed if the influx of refugees was too great, but the situation would be greatly alleviated if United Nations support were forthcoming.

There was also the question of determining who was not entitled to invoke the right of asylum and the answer was to be found in the second paragraph of the French amendment which was based on the corresponding text of the Universal Declaration of Human Rights. The State had the sovereign authority to judge whether a person seeking asylum was or was not guilty of non-political crimes or acts contrary to the purposes and principles of the United Nations. Crimes under ordinary law, such as arson and murder except in the course of war action, were covered by the term "non-political crimes" in the words of the Universal Declaration, and persons guilty of such crimes and of acts contrary to the aims of the United Nations did not have the right to seek asylum.

Mr. KYROU (Greece) remarked that two types of amendment had been submitted: those which sought to improve the text drafted at the 1950 session of the Commission and those proposing the inclusion of the right of asylum in article 9.

His view, which was apparently supported by the Indian representative, was that, in proclaiming the proposed right, the Commission would tend to detract from the traditional duty of civilized States to grant asylum, a fact which could be seen from the existing divergency of views. The sponsors of the joint amendment (E/CN.4/L.190/Rev.1) had tried to clarify the issue by specifying, among those to whom the right of asylum should be guaranteed, persons accused or persecuted because of their participation in the struggle for national or political liberation. Such attempts to elucidate the right of asylum proved that the concept was vague.

/On the other

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On the other hand, if the majority of the representatives felt that the right of asylum should be included in article 9, his delegation would favour the French amendment.

As far as improvements to the 1950 text were concerned, he supported the United Kingdom amendment (E/CN.4/L.141) with the modification requested by the French representative. It might have a greater psychological effect, however, to phrase the introductory clause of that amendment negatively.

Mr. SANTA CRUZ (Chile) pointed out that he had tried to embody some of the points mentioned in the objections to the original joint amendment (E/CN.4/L.190/Rev.1) in a revised text (E/CN.4/L.190/Rev.2). The reference to "purely military offences" had been deleted. He therefore wondered why the Polish representative had referred to the original text. He had stressed that the right as worded in the joint text could never be interpreted as countenancing acts of barbarism and similar crimes; that was guaranteed by the final part of the first paragraph. The most current cases of persecution were covered by the phrase beginning with the words "because of their activities for the achievement...".

In order to take account of the weighty argument that it was economically and materially impossible for States to accept an unduly large number of refugees, the revised amendment included the words "with the assistance of measures of international co-operation" which anticipated to some extent the French representative's observations.

He agreed that the right would be difficult to implement as the traditions and objections of States would have to be overcome. But the international solidarity of persons fighting for their political independence was a basic item in the Charter, covered also by article 14 of the Universal Declaration of Human Rights. As the French representative had emphasized, the draft covenant must fit into the framework of the Universal Declaration. It was essential for at least the initial elements of the right proclaimed in article 14 to be included in the draft covenant. Those fighting for the principles and purposes of the United Nations should be guaranteed right of asylum with international assistance. In so doing the Commission would be

/reminding States

reminding States of their obligations, including their international obligations rendered more cogent since the Universal Declaration was drafted.

The French amendment, which included the idea of international co-operation, was close to the revised text of the joint amendment (E/CN.4/L.190/Rev.2), and he was prepared to confer with the French representative with a view to producing a common version.

The Polish representative had repeated the arguments of the USSR delegation to the effect that persons accused or persecuted because of their activities for the achievement of the purposes and principles of the Charter could not be guilty of acts contrary to the same principles and that the joint amendment was therefore contradictory. But the interpretation of national liberation, for example, was not the same in every country and, in view of such differences, some guarantees had to be provided; in the present case the guarantee was a reference to the Universal Declaration of Human Rights.

Mr. DOYLE (Office of the High Commissioner for Refugees), speaking at the invitation of the Chairman, stated that, pursuant to the resolutions adopted by the General Assembly on 5 February 1952, the High Commissioner had commented that the right of asylum, mentioned in the Universal Declaration, which was of special interest to his Office, was not contained in the draft covenant.

An item on the right of asylum had long been on the agenda of the Commission, which had adopted a resolution in 1947 providing for the early examination of the question of including an article on that right in the International Bill of Human Rights and in a special convention. In view of the urgency of the question at the moment, the High Commissioner hoped that an article on asylum would be incorporated in the draft covenant by the Commission at its eighth session.

The right of asylum was the corollary to the right to life and the enjoyment of any other human rights by a refugee depended on his securing such asylum. If the international protection of refugees was to be effectively implemented, they must find opportunities for temporary asylum and eventually permanent establishment.

/The High Commissioner

The High Commissioner was mindful of the difficulties which some States might experience in undertaking an obligation to grant asylum and had therefore taken note of the necessity of not imposing a strict obligation on States if that would involve hardship. He therefore suggested that action might be taken in the Economic and Social Council, in consultation with his Office, to relieve Contracting States of such hardship in affording asylum.

The High Commissioner also hoped that the Commission would take into account the observations previously submitted by his Office and the observations of the Director-General of IRO.

Mr. AZKOUL (Lebanon) said that, in the case of all the other rights in the covenant, States assumed obligations towards persons legally residing in their territory -- who themselves had certain duties towards the States -- whereas in the case of the right of asylum States would be asked to assume such obligations towards aliens.

It was worthy of note that the Universal Declaration of Human Rights proclaimed the right of everyone "to seek and to enjoy" asylum from persecution, but deliberately refrained from proclaiming that everyone had the right to obtain asylum, precisely because no legal obligation could be imposed on States to grant it.

For that there were a number of practical reasons: a State could not be made to admit political refugees guilty of what that State itself regarded as a crime; a State might not be economically in a position to grant asylum to more than a limited number of persons; and it should always retain the right to grant priority to refugees of a religious persuasion or racial stock similar to that of its own citizens without laying itself open to a charge of practising discrimination. Consequently, the obligation to implement the right of asylum could not be laid on single States, but should be assumed by the United Nations or by a number of States on the basis of international co-operation.

While he thought that there should be a provision on the right of asylum in the covenant, he was unable to accept most of the amendments to article 9, because some of them would impose on States obligations which they could not reasonably assume while others so limited and qualified the right of asylum that large groups would be unable to enjoy it. The joint amendment (E/CN.4/L.190/Rev.2) would grant admission to persons persecuted for

/endeavouring to

endeavouring to achieve the purposes and principles set forth in the Charter and in the Declaration; by letting such persons find asylum within its borders, a State would be accusing the State which they had left of flouting those purposes and principles. Rather than appear to be making such an accusation, States might close their doors to refugees. The USSR amendment (E/CN.4/L.184) spoke of "defence of democratic interests"; but since Communist countries considered all non-communists undemocratic, and since the non-communistic world applied the opposite criterion, the USSR definition would exclude millions of persons. The latest French amendment (E/CN.4/L.191) was the only one which seemed acceptable, since it spoke of realization of the right of asylum by means of international co-operation and through the United Nations; it was certainly not far-reaching, but it would serve to record in the covenant a principle which might become the germ of a future convention. The only satisfactory way of dealing with that principle was undoubtedly by means of a separate convention.

Mr. CHENG PAONAN (China) stated that he would support the existing text of article 9 and the French amendment (E/CN.4/L.153) to it, which was a distinct improvement.

With regard to the right of asylum, he felt that while the practice of according asylum was generally recognized, it was a unilateral right which was granted by the State at its own discretion and could not be claimed by the individuals concerned. The subject might, perhaps, be dealt with in a separate convention, but certainly not in a single article of the covenant on civil and political rights; similarly, extradition was a complicated subject which could not be disposed of in a single sentence of such an article. He was therefore unable to support the joint amendment (E/CN.4/L.190/Rev.2).

The new French amendment (E/CN.4/L.191) neither strengthened nor weakened the existing practice with regard to asylum, but merely re-affirmed it. Since it was declaratory in form, the amendment represented no progress over the statement of the same principle in the Declaration; furthermore, it left out all mention of extradition, which was a corollary to the right of asylum.

/Mr. NISOT

Mr. NISOT (Belgium) recalled that his country had always given asylum to political refugees. Nevertheless, any State which granted such asylum was exercising a right. He would be unable to support any texts which would transform that right into a legal obligation.

Mr. MOROZOV (Union of Soviet Socialist Republics) said, in reply to those who thought a provision on the right of asylum was unnecessary in the covenant, that it must be included because the principle had been recognized in the Universal Declaration of Human Rights. He drew the Lebanese representative's attention to the fact that the covenant was an elaboration of the principles set forth in the Declaration in general terms; the provisions of the covenant must therefore represent an advance over those of the Declaration, with regard both to the right of asylum and to all other rights. The new French amendment (E/CN.4/L.191) was unacceptable because, far from being a step forward, it said less than the Declaration, granting only the right to seek asylum, and not the right to enjoy it. He urged the Commission to resist all attempts either to exclude a provision on the right of asylum entirely or to weaken and curtail the principle as stated in the Declaration.

The latest version of the joint amendment (E/CN.4/L.190/Rev.2) was better than the preceding texts in that the reference to purely military offences had been deleted, but it still suffered from a number of shortcomings which he had already indicated. He was glad that some of his remarks had been taken into account; but he was surprised that, with the exception of the Lebanese representative, no one had taken the trouble to comment on the USSR amendment (E/CN.4/L.184), since only through a broad discussion was it possible to evolve an agreed text.

He failed to understand what possible objection there could be to the first paragraph of that amendment. Surely all those who genuinely wanted an article on the right of asylum in the covenant would agree that the right should be guaranteed to all persons persecuted for their activities in defence of democratic interests -- a more precise wording than either "everyone" in the French amendment or "persons charged with political offences" in the joint amendment. Contrary to what the Lebanese representative had said, the USSR delegation did not consider that only communists worked in the interests of

democracy; it admitted into that category many millions of progressive persons in capitalist countries who were fighting fascist tendencies and doing their utmost to prevent a new war. The objection that someone would have to judge whether a person was working in defence of democratic interests applied to every law; in each case of violation of a law, a judge was required. No conceivable wording could obviate the necessity of judgment.

Surely no one could object to giving asylum to persons persecuted for scientific work, especially since the second paragraph of the USSR amendment made it clear that such work must not be contrary to the purposes and principles of the United Nations. That second paragraph, furthermore, stated definitely, as the Declaration had done, what categories of persons must not be granted the right of asylum. The USSR amendment would not, of course, preclude States from taking such further action, by means of treaties or conventions, as they wished, but it would at least state the principles which must be at the basis of such instruments. The Commission must adopt an article on the subject at the present session; and he thought that the USSR text would serve the purpose well. He had as yet heard no arguments against it; and if the text was not acceptable to representatives who were in favour of an article on the right of asylum, he wished to know their reasons.

Mrs. ROOSEVELT (United States of America) remarked that her delegation still preferred to maintain the text of article 9 as it stood.

The United States had always been a land of refuge for the oppressed, and for political refugees. The United States is opposed to diplomatic asylum, which is why it had not signed the Havana Convention of 1928 and the Montevideo Convention of 1933, both dealing generally with diplomatic asylum. She noted for the benefit of the Polish representative, that the two conventions were open to accession by non-signatory States, but that, to her knowledge, Poland was a party to neither.

She was unable to support the new French amendment (E/CN.4/L.191) because it was virtually in the form of a declaration; the right it granted was to be achieved progressively, and that was not the case for all the other rights in the covenant, which were to be implemented promptly. Furthermore,

/she did

she did not think it possible to deal with the complicated subject of asylum in a single article; rather than include in the covenant an article of no practical value, it was better to leave it out and to deal with the subject properly, in a separate convention. She would therefore vote against all the amendments to article 9 introducing provisions on the right of asylum.

Mr. WAHEED (Pakistan) associated himself with representatives who felt that the right of asylum was a basic human right which must be recognized and affirmed in the covenant. In an age of political ferment and conflicting ideologies, that right must be ensured, for the protection of all progressive-minded persons everywhere, of the right to self-determination, and of freedom of expression. In the past, the countries which had granted admission to political refugees had usually been great military Powers; the time had come to guarantee the right of asylum to all, thereby enabling the smaller States to offer hospitality to those fleeing persecution. He therefore supported the inclusion in the covenant of an article dealing with the right of asylum.

He was prepared to support the new French amendment, the USSR amendment, and the revised version of the joint amendment; if it came to a choice between them, he would vote for the joint amendment, as it was the most specific.

Mr. KOVALENKO (Ukrainian Soviet Socialist Republic) said that his delegation was in favour of including in the covenant an article on the right of asylum, and would vote for the USSR text, since it fully guaranteed that right and clearly specified which categories of persons were entitled to it and which were not. Furthermore, the second paragraph of that text was in conformity with resolutions of the General Assembly on war criminals and with generally recognized principles of international law relating to war crimes.

He was unable to support the new French amendment (E/CN.4/L.191) for reasons given by the USSR representative.

AZMI Bey (Egypt) approved of the changes in the revised version of the joint amendment (E/CN.4/L.190/Rev.2), but was still unable to vote for it, as he had explained at a previous meeting, because of the reference to extradition in the last sentence.

The USSR amendment might be more generally acceptable if the words "democratic interests" were replaced by "democratic principles" -- a concept less open to different interpretations. Both that amendment and the joint amendment, however, went too far in that they guaranteed the right of asylum and thereby imposed on States an obligation which was a derogation of their sovereignty. The right of asylum was for States alone to grant or refuse, at their discretion.

The new French amendment, which was based on the Declaration, seemed best to express the idea that the right of asylum should be recognized without, however, infringing State sovereignty, and he would therefore vote for it.

The meeting rose at 1 p.m.

17/6 a.m.