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PLENARY MEETING**

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**CONTENTS**

Page

**Agenda item 26:**

- The Korean question: report of the United Nations Commission for the Unification and Rehabilitation of Korea (concluded)*  
*Report of the First Committee (concluded)* 709

**Agenda item 59:**

- Question of Algeria*  
*Report of the First Committee . . . . .* 709

**Agenda item 3:**

- Credentials of representatives to the fourteenth session of the General Assembly (concluded):*  
*(b) Report of the Credentials Committee . . .* 710

**Decision concerning the procedure of the meeting . . . . .** 714

**Agenda item 34:**

- Draft International Covenants on Human Rights*  
*Report of the Third Committee . . . . .* 714

**Agenda item 35:**

- Draft Convention on Freedom of Information: text of the draft Convention formulated by the Committee on the Draft Convention on Freedom of Information and report of the Secretary-General on the comments of Governments thereon*  
*Report of the Third Committee . . . . .* 714

**Agenda item 60:**

- Treatment of people of Indian origin in the Union of South Africa*  
*Report of the Special Political Committee . .* 715

**Agenda item 62:**

- Question of the consistent application of the principle of equitable geographical representation in the election of the President of the General Assembly*  
*Report of the Special Political Committee . .* 716

President: Mr. Víctor A. BELAUNDE (Peru).

**AGENDA ITEM 26**

**The Korean question: report of the United Nations Commission for the Unification and Rehabilitation of Korea (concluded)**  
**REPORT OF THE FIRST COMMITTEE (A/4307)**  
**(concluded)**

1. The PRESIDENT (translated from Spanish): I call on the representative of Ceylon, who wishes to make a brief statement regarding his vote on the Korean question.
2. Sir Claude COREA (Ceylon): I only wish to take this opportunity to express my regrets that in the

voting yesterday [851st meeting] on agenda item 26, the Korean question, my delegation, owing to a misunderstanding, voted incorrectly. It was in error that we voted in support of the resolution contained in the report of the First Committee [A/4307]. We had intended to abstain.

3. I make this statement for the record so that there may be no misapprehension that we had changed our mind between the statement made by my delegation in committee and the vote in the General Assembly.

**AGENDA ITEM 59**

**Question of Algeria**

**REPORT OF THE FIRST COMMITTEE (A/4339)**

4. U THANT (Burma): My delegation does not wish to prolong the deliberations of the General Assembly unnecessarily. We very keenly desire that our business should be concluded on 12 December 1959, as decided. But I should like to make an appeal to the Assembly. The African-Asian draft resolution on Algeria was, as is known to all delegations, passed by the First Committee, but as it stands, it is not likely to be adopted by the Assembly. We, the sponsors of this draft resolution, desire to conclude our deliberations on this item with a positive contribution by adopting a moderate, helpful and conciliatory resolution. Some delegations outside the African-Asian group have also expressed similar sentiments.

5. Just now, after lunch, the African-Asian group discussed the matter at great length, and it is likely that a new draft resolution, moderate both in tone and in content, which is likely to be adopted by the Assembly, will be tabled tomorrow.

6. Just to give time to those delegations to contribute positively to our discussions on this item, I would propose, under rule 76 of the rules of procedure, to adjourn the discussion of this item until tomorrow afternoon, 10 December. Such an adjournment, we are confident, will not prolong our business beyond the stipulated date, that is, 12 December 1959.

7. I would appeal to the Assembly to be good enough to endorse my proposal.

8. The PRESIDENT (translated from Spanish): The representative of Burma having asked for an adjournment of the debate on the item under discussion, this motion falls under rule 76 of the rules of procedure, which provides as follows:

"In addition to the proposer of the motion, two representatives may speak in favour of, and two against, the motion, after which the motion shall be immediately put to the vote."

9. Mr. ZEINEDDINE (United Arab Republic): It seems that this motion does not find any opposition in this Assembly. Yet, in order to avoid any confusion

on this matter, it might be fitting for my delegation to second this motion. At this stage, without committing ourselves—neither my delegation nor other delegations—as to the content of a draft resolution to come, it would be proper in our view that such a postponement of the debate, until tomorrow afternoon, as requested by the motion, would be accepted by the Assembly.

10. It is natural that under the circumstances of the development of the Algerian question, every effort should be made by many delegations who, moved by their international concern and their deep feeling of international responsibility would volunteer to try to do their utmost in order to arrive at some form of United Nations action which may help the parties concerned to solve their difficulties. Therefore, it would be judicious at this time to do as we have done on other occasions, to postpone the debate, since a postponement has taken place during this session, and since similar things have happened at past sessions. At no time, in my view, would a postponement, at this session, be more justified than at the present time.

11. We, therefore, are trying to remain open-minded on a proposal that we may expect; and such an occasion should not be foreclosed by any opposition to it. It would be greatly appreciated if no opposition were to come while such an effort is being made, as a result of giving time through a short postponement, especially as we still have time for dealing with various matters.

12. Therefore, I would greatly appreciate if the Chair would try to see whether there is any opposition to the motion, and then put it to a vote.

13. The PRESIDENT (translated from Spanish): I shall of course recognize any other speaker who wishes to speak in support of the motion and two speakers against it, if there are two. I shall, however, put the motion to the vote in strict compliance with the rules, if there are no more speakers. Since that is the case, we shall now vote on the motion of the representative of Burma to postpone the debate on this item until tomorrow afternoon 10 December.

*The motion was adopted by 45 votes to none, with 25 abstentions.*

### AGENDA ITEM 3

**Credentials of representatives to the fourteenth session of the General Assembly (concluded)\***

**(b) Report of the Credentials Committee**

14. Mr. CORREA (Ecuador), Chairman of the Credentials Committee (translated from Spanish): I have the honour to submit for the Assembly's consideration the report of the Credentials Committee [A/4346]. The Committee recommends that the Assembly should approve the credentials of all the representatives. However, it makes a reservation in that regard in paragraphs 9 to 11 of the report. The Committee's debate on the credentials of the delegation of China is recorded in paragraphs 5 to 8 of the report. Finally, the Committee recommends that the Assembly should adopt the usual resolution approving the report of the Credentials Committee.

15. Mr. USTOR (Hungary): This is the fourth occasion that the General Assembly has been presented with a report by the Credentials Committee asking that no decision be taken on the credentials of the Hungarian delegation. To call this systematic abuse of the rules of procedure and consistent discrimination against a Member State an anomaly is, I think, an understatement. And this anomaly has been going on for three years now. Unavoidably the words of the great German poet Goethe spoken by Mephistopheles come to mind when he said: "Es erben sich Gesetz und Rechte wie eine ewige Krankheit fort."—that is, there are laws that we inherit like an eternal malady. In the given situation, of course, the inheritance consists of an illegal action and not of laws. However, the malady is indicative of the situation. It hardly requires proof that the attitude adopted by the Credentials Committee for the fourth time is anything but normal and is diametrically opposed to law.

16. This attitude is illegal and discriminatory, because the credentials of the Hungarian delegation have all the criteria that make up their validity.

17. The position of the Credentials Committee is illegal and discriminatory because the credentials of the Hungarian delegation were issued by the Presidential Council in its function as Head of State of the Hungarian People's Republic and were issued in accordance with the constitutional rules.

18. It is illegal and discriminatory, because Hungary is a Member of the United Nations and the Hungarian Government is the legal Government and the only Government of Hungary.

19. This procedure is illegal because the United Nations and a fortiori the Credentials Committee must not interfere in Hungary's domestic affairs. Neither the Committee nor the United Nations has the right to examine the legality of the Hungarian Government. This would infringe the rights of a sovereign State and thereby the express provisions of the Charter. As the general elections of 1958 taken by secret ballot have demonstrated, the Hungarian Government enjoys the confidence of the overwhelming majority of the Hungarian people, whether the State Department likes it or not.

20. The procedure is particularly unlawful and offensive on the part of those Member States of the Credentials Committee which voted against Hungary although they maintain diplomatic relations with my country. They cannot even support their attitude on the unsubstantiable grounds that they do not recognize Hungary or the Hungarian Government.

21. The validity of the credentials can by no manner or means be associated with any other matter, nor can the decision of the Credentials Committee be employed as a kind of penalty against a Member State for not heeding a General Assembly recommendation.

22. The position taken on the Hungarian credentials, apart from being illegal, is also quite unreasonable. This in itself makes it untenable. "How long so ever it hath continued, if it be against reason, it is of no force of law", an old wise English saying has it.

23. It is evident that the United States is behind the actions against the full recognition of the Hungarian credentials. This creates the impression that the approval of the United States is needed before the

\* / Resumed from the 795th meeting.

General Assembly can accept the credentials of a Member State.

24. Firmly convinced of the justice of its cause, the Hungarian delegation protests against the report [A/4346] of the Credentials Committee. This brands not Hungary and the Hungarian Government, but those who, from year to year, continue the cold war with this illegal and discriminatory procedure and undermine the prestige of the General Assembly. However, the Hungarian delegation has not lost its faith in the eventual triumph of the ideals of international co-operation and peaceful coexistence and trusts that this whole discriminatory procedure will, before long, be discarded from United Nations practice and only taught in law seminars as a blatant example of the abuse of rights.

25. Mr. LODGE (United States of America): The United States supports the report [A/4346] of the Credentials Committee. This Committee has again recommended that the General Assembly take no decision on the credentials submitted on behalf of the Hungarian delegation. This recommendation goes back to the 1956 revolution when the first and second emergency special sessions of the General Assembly decided to place the representatives of the present Hungarian authorities in a provisional status by taking no decision on their credentials.

26. In view of the continuing occupation of Hungary by foreign armed forces and the unrelenting repression of the Hungarian people, all subsequent sessions of the General Assembly have likewise refused to accept the credentials of the Hungarian delegation.

27. Last year the General Assembly again condemned the defiance of the United Nations resolutions on Hungary and declared that it would continue to be seized of the situation in Hungary. Sir Leslie Munro was appointed as the United Nations Special Representative for the purpose of reporting on the implementation of the General Assembly resolutions. In his report, submitted on 25 November 1959, Sir Leslie Munro said: "In the course of the past year, no evidence has been forthcoming of any basic change in the Hungarian situation . . ." [A/4304, para. 19].

28. The Soviet Union is continuing its armed intervention in Hungary. The present Hungarian authorities are still persecuting the participants in the 1956 national uprising. The Soviet Union and the Hungarian authorities continue to defy the resolutions of the General Assembly.

29. In the light of these facts, the General Assembly has just voted [851st meeting] to renew Sir Leslie Munro's mandate.

30. The United States believes that, in the light of these facts, the General Assembly is now obliged to accept the recommendation of the Credentials Committee and, in doing so, to refuse to accept the credentials of the Hungarian delegation.

31. Mr. SHAHA (Nepal): I have asked for the floor merely to state our usual reservation with regard to approval of the Credentials Committee's report [A/4346]. My delegation will vote for the approval of the report, with the reservation that our acceptance of the report will not in any way modify my Government's policy with regard to recognition of the People's Republic of China.

32. The PRESIDENT (translated from Spanish): I now put to the vote the draft resolution recommended by the Credentials Committee, as it appears in its report [A/4346].

*The draft resolution was adopted by 72 votes to 1, with 1 abstention.*

33. Mr. VENKATARAMAN (India): Our vote in favour of the report of the Credentials Committee is without prejudice to the position of the Government of India regarding the proper representation of China by the People's Republic of China, which my Government has recognized, and our support for the credentials of the delegation of Hungary present in this General Assembly.

34. Mr. SOBOLEV (Union of Soviet Socialist Republics) (translated from Russian): The Soviet delegation voted in favour of approving the report of the Credentials Committee. That vote, however, does not imply any change in its attitude towards the problem of the representation of the People's Republic of China or towards the General Assembly's decision on the credentials of the delegation of the Hungarian People's Republic.

35. In the first place, the delegation of the Soviet Union considers it necessary to draw the attention of representatives to the matter of the credentials of the persons who describe themselves as the representatives of China in the United Nations but who in fact represent no one. The victory of the great revolution in China has stripped these impostors of the right to represent China. As everybody knows, ten years ago, the people's revolution overthrew the effete régime in China and the People's Republic of China was established.

36. The Government of the People's Republic of China enjoys greater authority and confidence in the country than any other Government in all the long centuries of China's history. And now that the People's Republic of China has entered the second decade of its existence, those who have heretofore prevented its reinstatement in its legitimate rights in the United Nations appear in a particularly unfavourable light.

37. In recent years the United Nations has made considerable progress towards becoming a universal international organization. By the fourteenth session of the General Assembly the number of States Members of the United Nations had increased, as you know, to eighty-two. We note this fact with pleasure. But can the United Nations be called genuinely universal when 650 million Chinese are not represented in it? Of course not!

38. To deny the largest State in the world its rightful place in the United Nations simply because the socialist system of the People's Republic of China is not to the liking of the United States and some of its allies is to commit a flagrant violation of the United Nations Charter and to undermine the principles on which the Organization rests.

39. No matter how persistently the West may deny the People's Republic of China access to the United Nations and invent all kinds of lies about it, the authority of that country will not be diminished. It will rise above all the obscurity in which some people would like to envelop it. But the authority and effectiveness of the United Nations will suffer through

the absence of the true representatives of China from this hall.

40. In fact, not a single important international problem can be profitably resolved at the present time without consideration of the opinion and interests of the People's Republic of China and without the participation of its representatives. Anyone who closes his eyes to this fact is trying to live in a world of make-believe and of out-moded ideas which were always dangerous and are now completely worthless.

41. Thus, if there is any important question which should have been settled long ago by the United Nations in the interests of strengthening confidence and improving the prospects of solving the international problems confronting the Organization, it is the question of the restoration of the legitimate rights of the People's Republic of China in the United Nations. In his address to the General Assembly on 18 September 1959, Mr. Khrushchev said:

"The restoration of the legitimate rights of People's China will not only greatly enhance the prestige and authority of the United Nations but will also be a significant contribution towards the promotion of an improved international climate in general."  
[799th meeting, para. 19.]

42. The Soviet delegation continues to demand that the supporters of Chang Kai-shek should be removed from the United Nations and that the representatives of the People's Republic of China should be invited to take their rightful place here.

43. I come now to the question of the credentials of the delegation of the Hungarian People's Republic. The Soviet delegation categorically objects to the decision casting doubt on the validity of the credentials issued to the Hungarian delegation by its Government, a decision which was imposed by the United States. There neither have been, nor are any grounds for questioning the credentials of the Hungarian delegation, which are entirely in order and have been submitted in strict compliance with established procedure in the United Nations. This delegation represents the only legitimate Government of the State of Hungary, with which the majority of States Members of the United Nations maintain diplomatic relations.

44. The Soviet delegation again draws the attention of the General Assembly to the hypocritical nature of United States policy in the so-called question of Hungary. On the one hand, the United States representatives in the United Nations try to give the impression that they do not recognize the Government of the Hungarian People's Republic and its representatives here, while on the other hand the United States representatives at Budapest, as you know, maintain diplomatic relations with the Government of the Republic. The same applies to the representatives of those countries that support the anti-Hungarian actions of the United States in the United Nations, while their Governments maintain normal diplomatic relations with the Government of the Hungarian People's Republic.

45. The entirely unwarranted raising of the question of the credentials of the delegation of the Hungarian People's Republic—indeed the issue made of the "Question of Hungary" in general—constitutes a flagrant violation of the United Nations Charter, is

damaging its authority and straining relations among States.

46. The Soviet delegation believes that the decision of the Credentials Committee to take no decision on the credentials of the delegation of the Hungarian People's Republic is an illegal decision, which is at variance with the Charter of the United Nations and the rules of procedure of the General Assembly.

47. Mr. DJIKIC (Yugoslavia): My delegation has voted for the report of the Credentials Committee. In doing so, I wish to place on record, firstly, that the position of the Yugoslav delegation on the question of Chinese representation remains unchanged, and secondly, that the affirmative vote of my delegation also should not be construed as an approval of the procedure adopted by the Committee with regard to the credentials of the representatives of Hungary.

48. Mr. KURKA (Czechoslovakia) (translated from Russian): The Czechoslovak delegation considers it necessary to make a number of reservations in connexion with the report of the Credentials Committee, which has just been approved. The Committee's report indicates that, just as in past years, the majority of the Committee quite unjustifiably challenged the validity of the credentials of the delegation of the Hungarian People's Republic. The decision of the majority of the Credentials Committee is illegal and constitutes an attempt to intervene in matters within the domestic jurisdiction of a State Member of the United Nations, the Hungarian People's Republic. The Czechoslovak delegation therefore regards this decision of the Credentials Committee as a flagrant violation of the provisions of the United Nations Charter and as one of those measures which are systematically weakening the authority and prestige of our Organization.

49. The Czechoslovak delegation has pointed out on many previous occasions that the only effect of this illegal decision regarding the credentials of the delegation of the Hungarian People's Republic is to preserve the legacy of the cold war in the United Nations.

50. The need to put an end to such a practice is particularly urgent now that the principles of peaceful coexistence are being increasingly applied widely in international relations and peoples throughout the world are demanding ever more insistently that a period of mutual confidence and international co-operation should supersede the cold war and mistrust in international relations.

51. The credentials of the delegation of the Hungarian People's Republic are legally valid, because they will be in complete accord with the constitutional provisions of the Hungarian People's Republic and were issued by its lawful Government, which enjoys the full support and confidence of the Hungarian people.

52. Lastly, I should like to make a brief statement of the Czechoslovak delegation's views on the decision of the Credentials Committee concerning the credentials of certain persons who have no right whatsoever to speak on behalf of the People's Republic of China at the fourteenth session of the General Assembly. As the Czechoslovak delegation, and the delegations of other countries, stated during the debate in the Assembly on the adoption of the agenda, when the General Committee's first report [A/4214] was



discussed, in no circumstances can these individuals, who have been illegally kept in the United Nations for many years, be recognized as the representatives of China; the only lawful representatives of China are the representatives of the Government of the People's Republic of China, which has so far been denied the restoration of its legitimate rights in the United Nations, to the detriment of the authority and prestige of the United Nations.

53. With these reservations, the Czechoslovak delegation voted in favour of approving the report of the Credentials Committee.

54. Mr. SASTROAMIDJOJO (Indonesia): There are two matters dealt with in the report of the Credentials Committee on which I feel it is necessary to make clear the position of my delegation.

55. First of all, the Indonesian Government recognizes the Central People's Government of the People's Republic of China as the only legitimate government of China. As we stated earlier in the session, we believe that the representatives of the People's Republic of China should take their rightful seat in the United Nations as the legitimate representatives of China.

56. Secondly, my Government recognizes the Government of the Hungarian People's Republic as the legitimate government of that country and therefore we cannot support the motion referred to in paragraph 9 of the report of the Credentials Committee. These are the two reservations to the Credentials Committee's report which my delegation would like to have placed on record.

57. It should be understood that our vote in favour of the draft resolution does not in any way change our position in respect of the credentials of China and Hungary to the fourteenth session of the United Nations General Assembly.

58. Mr. MALILE (Albania) (translated from French): Although it has voted in favour of the report of the Credentials Committee, the delegation of the People's Republic of Albania wishes to make the following reservations. My delegation does not recognize as valid the credentials submitted by the so-called representative of China. Everyone knows that the seat of China in this Assembly is occupied, not by the representatives of the Chinese people, but by the representative of a clique long since expelled from China by the Chinese people. The legitimate representative of the Chinese people is the Government of the People's Republic of China. Only that Government has the right to represent China in the United Nations and its organs.

59. According to international law and custom, a State may be represented in its international relations only by the Government actually exercising authority in the country, not by the remnants of a reactionary clique. The unjustified claims raised against the representation of the People's Republic of China in the United Nations are incompatible with the provisions of the Charter and contrary to the interests of international co-operation, peace and security.

60. With regard to the comments and reservations contained in paragraph 9 of the report, concerning the credentials of the delegation of the People's Republic of Hungary, my delegation considers them unjust and contrary to the provisions of the Charter. We feel

that such comments are quite unwarranted, since the credentials of the Hungarian delegation are in keeping with rule 27 of the rules of procedure of the General Assembly. The efforts made to cast doubt on the validity of the credentials of the Hungarian delegation have been made with a specific purpose in mind, which is part of the cold war, and only serve to revive international tension.

61. Mr. LOUTFI (United Arab Republic) (translated from French): We have voted in favour of the report of the Credentials Committee. However, this vote does not affect our position with regard to the representation of China in the United Nations, a position which we have defined on several occasions. We recognize, in fact, only the Government of the People's Republic of China.

62. Likewise, we wish to express reservations concerning the decision taken by the Committee with regard to the credentials presented by the Hungarian delegation.

63. Mr. TSIANG (China): Several delegations have taken advantage of the present occasion to cast doubts on the right of my Government to representation in the United Nations. These delegations would like to see the Communists take the seat of China here.

64. Communism is un-Chinese in origin, purpose and nature. The Communist régime on the mainland of China has not had, and does not have, the free consent of the Chinese people. On the other hand, the Government, which I have the honour to represent here, is based on a constitution. Its executive and legislature are both freely chosen by the votes of the people. It is the only such free Government among the people of China. My Government was one of the Charter Members of the United Nations. We have faithfully lived up to our obligations of membership. The right of my Government to representation here is based soundly both upon the letter and the spirit of the Charter of the United Nations.

65. Mr. PACHACHI (Iraq): My delegation's vote in favour of the report of the Credentials Committee does not in any way prejudice our position regarding the proper representation of China. We would like to take this opportunity to reaffirm our attitude that the Government of the People's Republic of China is the only Government entitled to represent China in the United Nations.

66. We would like to place on record a similar reservation in respect of the decision of the Credentials Committee regarding the representation of Hungary.

67. Mr. ADEEL (Sudan): I should like to put on record that our vote on the report of the Credentials Committee does not prejudice the position of my Government regarding the People's Republic of China or regarding the present Government of the Hungarian People's Republic. My Government recognizes the Central Government of the People's Republic of China as the only legitimate Government entitled to represent China. Likewise, we recognize the present Government of Hungary as the only legitimate Government of Hungary.

68. Mr. BENHIMA (Morocco) (translated from French): My delegation has approved the report of the Credentials Committee. This vote does not in any

way affect our attitude with regard to the Government of the People's Republic of China, which is recognized by the Moroccan Government and with which we maintain diplomatic relations.

#### Decision concerning the procedure of the meeting

*Pursuant to rule 68 of the rules of procedure, it was decided not to discuss the reports of the Third Committee and of the Special Political Committee.*

### AGENDA ITEM 34

#### Draft International Covenants on Human Rights

#### REPORT OF THE THIRD COMMITTEE (A/4299 AND CORR.1)

69. Mr. CUEVAS CANCINO (Mexico), Rapporteur of the Third Committee (translated from Spanish): I have the honour to present the report [A/4299 and Corr.1] of the Third Committee on its work on agenda item 34.

70. You all know the background of this question, which goes back to what we might call the origins of United Nations history. The Commission on Human Rights endeavoured to give impetus to the draft covenants in conjunction with its efforts on behalf of the Universal Declaration of Human Rights. The draft covenants were transmitted to the Assembly by the Economic and Social Council and have been on its agenda since 1954.

71. The work on this difficult item should not perhaps be judged by the same yardstick as we apply to other questions. In these matters relating to the assertion of the individual's rights under international law, the United Nations is doing pioneering work, and no advance scout has been able to penetrate into unknown or unmapped territory with the speed and sureness of those following a charted trail or those following in the footsteps of others who have gone before.

72. The Third Committee devoted sixteen meetings to a full debate on this item and, as a result, adopted articles 12 to 14 of the draft Covenant on Civil and Political Rights. The position to date is the following: the preamble and article 1 of both draft International Covenants on Human Rights have been adopted as have ten basic articles of the draft Covenant on Economic, Social and Cultural Rights and nine articles of the draft Covenant on Civil and Political Rights.

73. I should like to draw the Assembly's attention to the pivotal nature of article 14 of the draft Covenant on Civil and Political Rights adopted by the Third Committee. It is motivated by the highest ideals and by extreme prudence and represents an attempt to amalgamate all the safeguards which should be available to a person who appeals to or appears before the courts or is tried for an alleged criminal offence. The debate on this article reveals the profound moral and juridical concepts by which the Third Committee was guided in its work. This can probably be best described in the significant words spoken by Don Quixote to Sancho Panza when he was attempting to establish the rules which should apply in his fabulous island. The relevant passage reads as follows:

"Regard the sinner whom you are to judge as a wretched man, prey to the traits of our depraved nature, and in all your dealings with him, without

injury to the other party, show yourself full of pity and mercy; for although the attributes of God are all of equal worth, the quality of mercy is more splendid and excellent in our eyes than that of justice."

74. I should also like to draw your attention to the draft resolution contained in the Third Committee's report in which, in terms similar to those of last year's recommendation, the Assembly is requested to give priority to this item at its next session.

75. The PRESIDENT (translated from Spanish): I now put to the vote the draft resolution recommended by the Third Committee and contained in its report [A/4299 and Corr.1].

*The draft resolution was adopted by 70 votes to none, with 4 abstentions.*

76. Mrs. DE ARENAS (Guatemala) (translated from Spanish): I have asked for the floor in order to explain the vote of my delegation on article 12 of the draft Covenant on Civil and Political Rights. When this article was being discussed in the Third Committee, my delegation had some difficulty in supporting paragraph 4, which reads: "No one shall be arbitrarily deprived of the right to enter his own country". The Constitution of Guatemala prohibits exile even when it is not arbitrary, that is, when it is ordered in virtue of a legislative provision. I therefore requested a separate vote on the word "arbitrarily", with a view to its deletion so that the paragraph would express a general prohibition. Since, however, the majority in the Committee approved the inclusion of the word "arbitrarily", my delegation was compelled to register a negative vote.

77. Nevertheless, since the provision as adopted may give some protection to nationals of various States against arbitrary measures depriving them of the right to enter their own country, the Guatemalan delegation changed its position in the plenary meeting and abstained in the vote on the article. I repeat, however, that my delegation is against any legal provision authorizing exile and regrets that a more comprehensive prohibition was not adopted.

### AGENDA ITEM 35

#### Draft Convention on Freedom of Information: text of the draft Convention formulated by the Committee on the Draft Convention on Freedom of Information and report of the Secretary-General on the comments of Governments thereon REPORT OF THE THIRD COMMITTEE (A/4341)

78. Mr. CUEVAS CANCINO (Mexico), Rapporteur of the Third Committee (translated from Spanish): As the last item allocated to it by the General Assembly, the Third Committee discussed a draft Convention on Freedom of Information. I now have the honour to present the relevant report [A/4341] on agenda item 35.

79. Like other problems which still remain to be solved by the United Nations, this question has a long history. Since 1948, the question of freedom of information in all its aspects has occupied the continuous attention of the various organs of the United Nations, including some of the specialized agencies. At its thirteenth regular session, the Assembly debated whether or not to proceed immediately to consider the draft Convention. At that time, it did not

find it possible to decide in favour of that course, but I am pleased to state that it did take that decision at the current session and that, in fact, the Third Committee started work on the draft Convention and adopted both the preamble and article 1.

80. The approval of those provisions was preceded by an extensive debate on the various aspects of freedom of information and on the best means of ensuring its exercise in our complex international society. In several paragraphs of the report an effort has been made to define the main trends of opinion in the debate and to show how they gave rise to a very interesting and enlightening exchange of views.

81. The draft Convention on Freedom of Information consists of nineteen articles in addition to the preamble. Of those nineteen, twelve are substantive. That is why the Third Committee is desirous of resuming consideration of the draft Convention at the fifteenth session and consequently recommends a draft resolution to that effect. This draft resolution is found in paragraph 22 of the report which I have the honour to present.

82. The PRESIDENT (translated from Spanish): I now invite the Assembly to vote on the draft resolution recommended by the Third Committee and contained in its report [A/4341].

*The draft resolution was adopted by 57 votes to 2, with 17 abstentions.*

## AGENDA ITEM 60

Treatment of people of Indian origin in the Union of South Africa

REPORT OF THE SPECIAL POLITICAL COMMITTEE  
(A/4345)

83. Mr. TETTAMANTI (Argentina), Rapporteur of the Special Political Committee (translated from Spanish): On behalf of the Special Political Committee, I have the honour to present the report [A/4345] on agenda item 60 which was referred to the Committee for consideration by the General Assembly. This item has been considered by the General Assembly at every session since 1946, with one exception, and was included in the agenda of this session at the request of the Governments of India and Pakistan. The Union of South Africa once again refrained from taking part in the Committee's debate.

84. Ten delegations submitted a draft resolution which was adopted by 58 votes to none, with 10 abstentions. The draft resolution, *inter alia*, notes that the Governments of India and Pakistan have again reiterated their readiness to enter into negotiations with the Government of the Union of South Africa, and expresses regret that the Union Government has not replied to communications on this subject. I herewith formally submit this draft resolution to the General Assembly.

85. The PRESIDENT (translated from Spanish): We shall now vote on the draft resolution recommended by the Special Political Committee and contained in its report [A/4345]. A vote by roll-call has been requested.

*A vote was taken by roll-call.*

*Guinea, having been drawn by lot by the President, was called upon to vote first.*

**In favour:** Guinea, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Israel, Italy, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Mexico, Morocco, Nepal, New Zealand, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Romania, Saudi Arabia, Sudan, Sweden, Thailand, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia, Afghanistan, Albania, Argentina, Austria, Bolivia, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Chile, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Ghana, Greece, Guatemala.

**Against:** None.

**Abstaining:** Luxembourg, Netherlands, Portugal, Spain, United Kingdom of Great Britain and Northern Ireland, Australia, Belgium, Canada, China, Dominican Republic, Finland, France.

*The draft resolution was adopted by 66 votes to none, with 12 abstentions.*

86. Mr. REDDY (India): The delegation of India asked for the floor after the adoption by the General Assembly of the resolution regarding the treatment of people of Indian origin in the Union of South Africa in order to express its gratitude to the delegations of Ethiopia, Ghana, Iran, Mexico, Morocco, the Philippines, Saudi Arabia, Tunisia, the United Arab Republic and Yugoslavia, which were kind enough to take a great deal of interest in the matter and which proposed a draft resolution on the subject which, while extremely moderate, is completely acceptable to the Government of India. We would also like to thank all the representatives who have spoken in favour of this resolution and who voted in favour of it. We would like to assure them that the Government of India lays great stress on the nearly unanimous support which we have received from the General Assembly on this matter every year.

87. I would like to voice my delegation's deep regret that the one country whose participation in this debate we would have welcomed above all, the Government of the Union of South Africa, has still not found it possible to participate in these discussions, if for no other purpose than to explain their own position. As I said in the Committee during the debate on this question, the repeated resolutions of the General Assembly will certainly have some effect on the Union of South Africa. Despite this, on behalf of my delegation and my Government, may I assure the Assembly that we will do our utmost to follow the approach that has been indicated in the resolution which has just been adopted.

88. Mr. LIU (China): My delegation abstained from voting on this draft resolution not because we underestimate its importance in its relation to the question of human rights, but because we consider that the subject matter of this item lies exclusively within the scope of "apartheid". Only the other day the General Assembly adopted a resolution [1375 (XIV)] appealing to the Government of the Union of South Africa to reconsider its racial policy, and my delegation voted for that resolution. But we do not feel that it is proper to adopt another resolution in practically similar terms and, in our submission, on practically an identical subject matter.

89. We also feel that it is not advisable to bring this item back on the agenda for the fifteenth session of the General Assembly when it could and, in our view, should, be discussed as part of the general question of "apartheid".

## AGENDA ITEM 62

Question of the consistent application of the principle of equitable geographical representation in the election of the President of the General Assembly

### REPORT OF THE SPECIAL POLITICAL COMMITTEE (A/4340)

*Mr. Tettamanti (Argentina), Rapporteur of the Special Political Committee, presented the report of that Committee.*

90. Mr. MACOVESCU (Romania): Before voting on the report [A/4340] of the Special Political Committee, we believe it is necessary to stress once more the issue—the real issue—which is now before the plenary and which prompted the Romanian delegation to join with the delegation of Czechoslovakia in sponsoring the well-known draft resolution on this item.

91. The rather extensive debate which took place in the Committee was very helpful in this respect. In the first place, no one denied the importance of the principle of equitable geographic representation in the election of the President. Secondly, it appeared clearly that a pattern of geographical rotation has existed in the election of the successive Presidents of the General Assembly ever since the inception of the United Nations. The fact that so far, from the Presidency of the General Assembly, there have been excluded only the representatives of the East European States, does not mean that the criterion of rotation has not existed, but rather that this criterion was applied in a discriminatory way. Otherwise, how can one explain that never have there been two consecutive Presidents of the General Assembly from the same geographical region? No, rotation has existed, and it was not due to a Power outside the United Nations; in fact, it was the action of Member States inside the United Nations.

92. Taking into account all these indisputable facts, the one issue left is whether the wrongs of the past should be eliminated or not. One course of action is directed towards the improvement of the system of rotation in order to render it in keeping with the fundamental principles of the Charter, and the Romanian delegation has firmly advocated this first course of action. It was in this spirit that the Czechoslovak-Romanian joint draft resolution was conceived. In our view, a formal resolution on this question containing, at least, a straightforward affirmation of the principle of equitable geographic representation in the election of the President became imperative; and it became imperative when, after long years of unfortunate experiences, the verbal declarations or gentlemen's agreements on the implementation of this principle proved to be of no avail. The minority of the members of the Committee advocated another course of action, namely, the maintenance of the present imperfect system of rotation.

93. To make this issue even clearer, it might be useful to recall to the Assembly that the sponsors of the original draft agreed to drop any specific recommendation with respect to the system of geographical

rotation to be followed in the election of the President, although we had strong feelings on that subject.

94. We have accepted also the amendments meant to reaffirm the importance of the personal qualifications in the election of the President, although nobody had challenged this criterion and this was not at all the issue before the Committee. Actually, nobody has said that mistakes were made in the election of the President from the point of view of personal qualifications. Mistakes were made in the implementation of the principle of geographic representation, and this was the issue brought before the Assembly.

95. We therefore could not agree with limitations of the principle of equitable geographical distribution, which, as my delegation had already pointed out, would actually make the principle devoid of significance. Actually, no principles are applied in a vacuum of political realities. On the other hand, even if we assume that only the best intentions prevail, still there are imperfections in the practical activity of men. In other words, all principles are implemented to the fullest extent possible in the prevailing political circumstances. However, one cannot apply such qualifications in the formulation of any principle; and this is understandable, because the value of a principle, if it is to remain a principle worthy of this name, lies in its general application, lies in the fact that its substance is not at the mercy of passing accidental circumstances but remains basically valid in any circumstances, irrespective of the specific forms its implementation might take. What would it mean, for instance, to qualify the principle of sovereign equality among the Member States of the United Nations by stating that this principle should be observed to the fullest possible extent? Although, as we are well aware, certain quarters may consider that while we are all equal, some should be "more equal" than others, nobody has so far proposed such a formula.

96. Why then, under these circumstances, single out the principle of equitable geographical representation? What will be the effect of such an uncommon procedure? The result can be only one: to encourage the arbitrary exceptions which have occurred in the implementation of the principle, to legalize them, to transform the exception into the rule and the rule into the exception. This, I submit, means leaving the door wide open for arbitrary actions.

97. In short, the conclusion is that the only issue before us is the following: are we going to re-establish in its full rights the principle of equitable geographical representation in the election of the President, or are we going to continue the mutilation of this principle?

98. The Special Political Committee must be commended for having adopted an acceptable draft resolution on equitable geographical representation in the election of the President of the General Assembly. We express the hope that the General Assembly will go along the same way, endorsing the draft resolution of the Special Political Committee.

99. Mr. HANCHER (United States of America): As I explained in the Special Political Committee, the United States is opposed to the Czechoslovak-Romanian draft resolution, as amended, contained in that Committee's report [A/4340].



100. In our view this draft resolution places the question of geography on precisely the same level as personal qualifications in establishing criteria for the selection of the President of the General Assembly. My delegation believes that personal qualifications should have a clear priority over geographical distribution, although we acknowledge that the latter is an important and valid consideration in choosing the President. We consider that this is an extremely important matter when the General Assembly is asked to lay down for the first time in a resolution the criteria which shall be applied in electing an individual to the highest office in this Organization.

101. For these reasons, my delegation voted against this draft resolution in Committee, and will vote against it today.

102. The PRESIDENT (translated from Spanish): I now invite the Assembly to vote on the draft resolution recommended by the Special Political Committee and contained in its report [A/4340]. A roll-call vote has been requested.

*A vote was taken by roll-call.*

*Iraq, having been drawn by lot by the President, was called upon to vote first.*

In favour: Iraq, Jordan, Lebanon, Liberia, Libya, Mexico, Morocco, Nepal, Poland, Romania, Saudi Arabia, Sudan, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yemen, Yugoslavia, Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Cuba, Czechoslovakia, El Salvador, Ethiopia, Federation of Malaya, Ghana, Guinea, Hungary, India, Indonesia, Iran.

Against: Ireland, Israel, Italy, Japan, Laos, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Peru, Philippines, Portugal, Spain, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Argentina, Australia, Austria, Belgium, Brazil, Chile, China, Colombia, Costa Rica, Denmark, Dominican Republic, France, Greece, Guatemala, Haiti, Honduras, Iceland.

Abstaining: Pakistan, Panama, Bolivia, Canada, Ecuador, Finland.

*The draft resolution was rejected by 40 votes to 36, with 6 abstentions.*

103. Mr. GARCIA ROBLES (Mexico) (translated from Spanish): In the statements which I made in the course of the debate in the Special Political Committee on the agenda item which we have just been considering, I took the opportunity of clearly defining the position of the Mexican delegation with regard to the election of the President of the General Assembly.

104. In the light of that position, my delegation held that any resolution making recommendations on this subject should comply with the three following requirements: in the first place, it should give priority over all other factors to the President's personal qualifications; secondly, it should also provide for a suitable degree of regional rotation in accordance with the principle of equitable geographical representation, even though this must take second place; and thirdly, it should set forth those recommendations in terms sufficiently flexible to enable exceptions to be made in special circumstances.

105. The amendment submitted in the Special Political Committee by Mexico and ten other Latin American delegations complied fully with the three requirements which I have just set out. As you are aware, the original text of that amendment was modified by a sub-amendment submitted by the delegations of Guinea and the United Arab Republic; subject to these changes, it was incorporated in the original draft resolution sponsored by Czechoslovakia and Romania. Although my delegation would have preferred the Latin American text, since it was clearer and more precise, it nevertheless voted both in the Special Political Committee and just now in the plenary in favour of the draft resolution with those amendments, because it considered that the three essential requirements to which I have previously referred were met in the text submitted by the Special Political Committee.

106. That was because, in the matter of the priority to be given to the President's qualifications, the representatives of Guinea and the United Arab Republic—the co-sponsors of the sub-amendment approved by the Committee—gave an authoritative interpretation of their proposal in terms which seemed satisfactory to my delegation, and I hope that those terms will appear in the official records of this session.

107. On 4 December 1959, in the Special Political Committee, the representative of the United Arab Republic said, *inter alia*:

"The fact remains that we have put, as the first criterion, the qualifications of the President of the General Assembly. Having put the principle of equitable geographical representation as the second criterion, it goes without saying that it takes second place."<sup>1/</sup>

At the same meeting, the representative of Guinea said the following, amongst other things:

"With regard to the personal qualifications of the President and the other principle which has been mentioned here"—that is, the principle of equitable geographical representation—"the order in which the principles appear reflects the order of their importance, as far as we are concerned. Therefore, the first principle mentioned is the one concerning the personal qualifications of the President. To my mind, the order in which those principles or criteria are mentioned accurately reflects the priority of importance which should be given to them."<sup>2/</sup>

At the next meeting of the Special Political Committee, held on 7 December 1959, the representative of the United Arab Republic, when concluding his explanation of his vote, stressed the importance of the order of priority in the following words: "The two criteria are not on a par; the first is the criterion of the President's qualifications and the second is that of geographical representation."<sup>3/</sup>

108. Accordingly, in our opinion, the first requirement, that is, the priority to be given to the personal qualifications of the President, has been complied with.

<sup>1/</sup> This statement was made at the 168th meeting of the Special Political Committee, the official record of which is published only in summary form.

<sup>2/</sup> Idem.

<sup>3/</sup> This statement was made at the 169th meeting of the Special Political Committee, the official record of which is published only in summary form.

109. With regard to the argument that the application of the principle of equitable geographical distribution or representation cannot be of an absolute nature but must be considered subject both to the first criterion and to the requirements which may arise out of exceptional circumstances, here again we felt that the draft resolution approved by the Special Political Committee implicitly recognized those requirements, both by putting that principle intentionally in the second place and by using very general terms. For the draft resolution on which we have just voted merely recommended that "due regard be specially paid" to the President's qualifications which, as I have said, are mentioned first, and to the principle of equitable geographical representation which is mentioned in the second place. In our view, the use of such general terms as "due regard be specially paid" does not in any way exclude the possibility of taking into account other relevant factors of an exceptional nature, such as those which I have already mentioned. The affirmative vote cast by my delegation a few moments ago on the Special Political Committee's draft resolution must be viewed in the light of the interpretation which I have just given.

110. The fact that the General Assembly has not seen fit to adopt the draft resolution submitted by the Special Political Committee does not, as far as my delegation is concerned—and I venture to say, in the light of the debates in the Special Political Committee, that this point of view is probably shared by all or nearly all the States Members—in any way invalidate the basic conditions which in our belief must be met when the President is to be elected; namely, that, in the first place, the personal qualifications of the candidate must be taken into account and that an attempt should also be made, though not in an automatic and inflexible manner, to apply the principle of equitable geographical distribution or representation.

111. Mr. SMITH (Canada): The delegation of Canada abstained on the draft resolution upon which we have just voted. The Canadian view from the first has been that this subject, while a proper and useful one for discussion, could be resolved more satisfactorily through informal exploration and conversation in Committee than by legislation in the General Assembly. Had this occurred, we should have expected, as a result of such an informal even though inconclusive debate in Committee, at least the beginnings of an early approach to an agreement.

112. As events have turned out, the draft resolution which was put before us was, in our opinion, an ambiguous one and, in the future, might have been subject to various interpretations. The Canadian delegation has consistently maintained that the prime consideration in the selection of a President of the General Assembly must be his personal qualifications for the position. It would follow that geographical consideration must be of next importance. The draft resolution upon which we have just voted could have been interpreted in this sense and, indeed, some delegations have so construed it. Therefore, we felt that we ought not to oppose it.

113. However, the draft resolution, in its historical setting, was also capable of being interpreted in a different way. It could be read as assigning equal weight to these two factors—personal qualifications and geographical origin. As my delegation believes that these factors are not to be regarded as of equal

importance we could not support the draft resolution in its existing form.

114. In this difficulty the only resort open to us was to abstain, while reaffirming our conviction that the prime consideration in the election of the President of the General Assembly should, in the future as in the past, be the personal qualifications of the candidate.

115. Mr. KURKA (Czechoslovakia) (translated from Russian): The Czechoslovak delegation voted in favour of the resolution on the item under consideration because it dealt with a very important problem, namely, the question of the consistent application of the principle of equitable geographical representation in the election of the President of the General Assembly. During the fourteen years' existence of the United Nations, the principle of equitable geographical representation, which is one of the fundamental functional principles on which the structure and the activities of the United Nations are based, has not been applied in the elections of the President of the General Assembly in regard to one geographical area represented by States Members of the United Nations, that is, in regard to the countries of Eastern Europe.

116. There is no need to add that this inadmissible situation constitutes a violation of the principle of the sovereign equality of all States Members of the United Nations and of their right to be elected to all United Nations offices, and that it impedes the growth of collaboration among all States Members of the United Nations to achieve the purposes and principles of the Organization.

117. Even though the draft resolution on the question of the consistent application of the principle of equitable geographical representation in the election of the President of the General Assembly has just been rejected by the Assembly, the consideration of this question has served a useful purpose. During the general debate on the subject in the Special Political Committee, the majority of States Members of the United Nations expressed themselves clearly in favour of applying the principle of equitable geographical representation in the election of the President of the General Assembly in addition to the requirement of the highest personal qualifications. The representatives in the Special Political Committee, who spoke in favour of applying this principle included many who, for various reasons, found the final text of the resolution unacceptable. This fact was an important positive aspect of the debate.

118. I should like to stress one additional fact, namely, that during the debate on this question and in the course of the adoption of the resolution, the strongest opposition came from the United States and other Western Powers, which bear the principal responsibility for the discrimination applied against the Eastern European countries in the election of the President of the General Assembly.

119. The results of the debate in the Special Political Committee fully confirm that the inclusion in the agenda and the discussion of the question of equitable geographical representation in the election of the President of the United Nations General Assembly were completely justified. We appreciate the great efforts of the many delegations from different geographical regions that joined the delegations of Romania and Czechoslovakia in drafting the text of the

draft resolution adopted by the Special Political Committee on 4 December 1959.

120. While this draft resolution did not completely satisfy the Czechoslovak delegation, we still think that it is an important document which may help to eliminate the shortcomings that have previously oc-

curred in the consistent application of the principle of equitable geographical representation in the election of the President of the General Assembly. The Czechoslovak delegation accordingly voted for the adoption of the draft resolution.

*The meeting rose at 6.25 p.m.*

