

UNITED NATIONS
ECONOMIC AND
SOCIAL COUNCIL
OFFICIAL RECORDS



ELEVENTH SESSION, **404th**
MEETING
WEDNESDAY 9 AUGUST 1950, AT 3 P.M.
PALAIS DES NATIONS, GENEVA

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Report of the Commission on Human Rights (sixth session) (E/1681/Add.1) (*concluded*): report of the Social Committee (E/1808) 257

President: Mr. Hernán SANTA CRUZ (Chile).

Present: Representatives of the following countries:

Australia, Belgium, Brazil, Canada, Chile, China, Denmark, France, India, Iran, Mexico, Pakistan, Peru, United Kingdom of Great Britain and Northern Ireland, United States of America.

Representatives of the following specialized agencies:

International Labour Organisation, United Nations Educational, Scientific and Cultural Organization, World Health Organization.

Report of the Commission on Human Rights (sixth session) (E/1681/Add.1) (*concluded*)¹: report of the Social Committee (E/1808)

1. The PRESIDENT invited representatives to consider the report (E/1808) of the Social Committee, which included a series of resolutions relating to the report of the sixth session of the Commission on Human Rights. The financial implications arising from those resolutions were summarized in the Secretary-General's note (E/1681/Add.1).

2. He proposed, in accordance with precedent, to call upon the Vice-Chairman of the Social Committee to present the report.

3. Mr. DAVIDSON (Canada) said that the report spoke for itself and called for little comment. All the draft resolutions had been approved by the Committee. The only one to which he wished to draw attention was included in paragraph 4 and dealt with the draft covenant on human rights. After thorough debate at the 379th meeting, the Council had decided by a narrow majority that consideration of the draft covenant should be referred to the Social Committee. The latter had dealt with the task as described in section 4 of its report. Representatives had first made general statements on the draft covenant and had then proceeded to discuss the broad aspects of the problem under the headings listed in paragraph 4. No specific decisions had been taken on any of the points enumerated. At the conclusion of the debate, the Social Committee had adopted, by a substantial majority, the draft resolution in section 4.

4. The PRESIDENT ruled that the Council would examine the draft resolutions *seriatim*, starting with draft resolution A.

5. He put to the vote draft resolution A.

The resolution was adopted.

6. The PRESIDENT put to the vote draft resolution B.

The resolution was adopted.

7. The PRESIDENT drew attention to the fact that draft resolution C referred to the elaboration by the General Assembly of a special convention on freedom of information.

8. Mr. KOTSCHNIG (United States of America) said that draft resolution C was the only one on which his delegation wished to comment. It was neither necessary nor desirable because, whatever the decision taken by the Council, the question of elaborating a convention on freedom of information would be included in the agenda of the General Assembly at its fifth session in accordance with the terms of General Assembly resolution 313 (IV). The Assembly would then have before it the draft international covenant on human rights, including an article on freedom of information, and would consider what should be done regarding the special convention on freedom of information. No action on the part of the Council was therefore required.

9. Far too many resolutions were adopted by the various organs of the United Nations and he would advocate that the draft resolution now under consideration should be dropped.

10. The resolution was, moreover, undesirable, because its adoption would signify the complete reversal of the position taken by the Council at its tenth session,² when a recommendation drafted in similar terms had been rejected by 8 votes to 3, with 4 abstentions. A similar kind of resolution had been rejected by the General Assembly just before it had adopted resolution 313(IV) because the Assembly had not then wished to bind itself to any definite procedure. Finally, still another

¹ See 379th meeting.

² See *Official Records of the Economic and Social Council*, tenth session, 348th meeting.

resolution of the same kind had been rejected by the Sub-Commission on Freedom of Information and of the Press for the very reasons which he had just put before the Council. Obviously, as in the case of private individuals, official bodies could occasionally change their minds, but they should not do so without good reason, and his examination of the records had not shown that any substantial new factor had arisen since the Council's tenth session. Moreover, the Commission on Human Rights had not considered the subject-matter of the draft resolution in any detail.

11. Further, the draft resolution erred in that it attempted to prejudge the action of the General Assembly. Ultimately, the competent body was the Third Committee of the General Assembly which, in full knowledge of the issues involved, would have to decide whether to proceed with the drafting of a convention or what procedure should be adopted for the completion of the existing draft convention on freedom of information. The Third Committee might, for instance, decide that a special conference should be convened for that and related purposes. Its agenda at the fifth session would be exceedingly heavy, since it would have to deal with such important problems as the continuing needs of children, the draft covenant on human rights, as well as the problem of stateless persons and refugees. For all those reasons, it would be wrong for the Council to attempt to impose a particular course of action on the Third Committee. He would therefore vote against draft resolution C.

12. Mr. KAYSER (France) said that he would take up the United States representative's argument point by point, in order to show that resolution C, far from being superfluous and undesirable, was both useful and desirable.

13. It was true that the question of a convention on freedom of information would be on the Assembly's agenda—a fact which, according to the United States representative, made resolution C superfluous. Perhaps that was the reason why the Council, following the Commission on Human Rights, should state its views: that would facilitate discussion of the convention by the Assembly.

14. The United States representative had referred to the excessive number of resolutions on the subject, the reason was that the question had been postponed too often. The French delegation was not to blame for that, as it had constantly urged that a full debate should be held on freedom of information, so that the discussion could then be closed. But the question had remained unsettled.

15. Another reason in favour of the draft resolution was that the question had been referred directly to the Commission on Human Rights whereas the Council was the normal intermediary between the Commission and the General Assembly. Since the Commission on Human Rights had defined its attitude, the Council should not disown it without good reasons, and, in his opinion, there were none.

16. Unlike the United States representative, he was convinced that draft resolution C was necessary. It was

true that the Council had adopted a different attitude at previous sessions, but it had one good reason to change its mind at the present time because the Commission on Human Rights, at its 171st meeting, held on 26 April 1950 under the chairmanship of Mrs. Roosevelt, had adopted by a substantial majority a resolution sponsored by the delegations of Egypt, France, India and the Lebanon. The United States representative had stated during the discussions on that resolution that the Commission on Human Rights was not called upon to give its opinion on the convention, and had voted against the draft resolution.

17. In deciding to take a vote on the draft resolution, the Commission on Human Rights had based its action on a resolution of the Assembly itself, calling on the Commission on Human Rights to insert into the draft international covenant on human rights adequate provisions to safeguard freedom of information. The Commission had clearly indicated its views, and it was those views which the Council was transmitting to the Assembly.

18. In the light of the discussions in the General Assembly, the Commission had proposed inserting into the draft covenant on human rights an article (article 17) on freedom of information, warning the Assembly at the same time that the article was not adequate to cover all questions relating to freedom of information, and that a convention was necessary. The resolution adopted by the Commission on Human Rights had been taken over by the Social Committee, and was reproduced in the third paragraph of resolution C:

"The Economic and Social Council . . .

"Recommends to the General Assembly to proceed at its fifth session with the elaboration of a special convention on freedom of information as a means of ensuring adequately this freedom throughout the world."

19. The Commission had based its resolution in the main on a document prepared by the United Nations Educational, Scientific and Cultural Organization, urging the necessity for three instruments in the sphere of freedom of the Press—namely, a declaration, a covenant and a convention. The declaration had been adopted; the covenant was in preparation; and studies would be continued in connexion with a convention.

20. There was no question of putting pressure on the Assembly, as the United States representative feared. It was merely a question of enlightening the Assembly by giving technical advice.

21. Replying to the United States representative's final argument—the unduly heavy agenda of the Assembly—he pointed out that the Assembly alone could decide priorities. The Council's task was merely to provide it with data on which to make its decision.

22. Mr. NORIEGA (Mexico) said that the question of freedom of information no longer seemed to be a living issue within the United Nations. In his delegation's view, draft resolution C indicated that the General Assembly would, at its next session, proceed to deal with the question of a special convention on freedom of

information. He believed that it was highly desirable that that should be done in order that all the underlying issues might be clarified. The position of the United States representative seemed to him far too radical: the rejection of the draft resolution would be tantamount to shelving the subject. The General Assembly would not know what further action it should take and the link between it and the Commission on Human Rights would have been severed. According to normal procedure, a recommendation was addressed by the General Assembly to the Council and the Commission; the latter in turn reported back to the General Assembly through the Economic and Social Council. The United Nations was passing through a critical period during which a special effort should be made to safeguard the principle of the freedom of information. He did not think that the General Assembly would meet with any technical difficulties in dealing with the matter. It might prefer to set up an *ad hoc* committee, or convene a special conference. Although his delegation would favour the second alternative, it would not be opposed to the first. It would, in any case, vote in favour of draft resolution C.

23. Mr. ENTEZAM (Iran) suggested a compromise with a view to reconciling the two points of view. The Assembly had already placed the question of a convention on freedom of information on the agenda of its fifth session, and the difficulty was merely on the question whether the Council should forward a recommendation to the Assembly or not. He therefore suggested that the first two paragraphs of the resolution should be adopted as they stood, and that the third paragraph should be replaced by the following text:

"Notes with satisfaction that the General Assembly has retained on its agenda for the fifth session the elaboration of a special convention on freedom of information . . ."

24. If the two parties were willing to accept that proposal, he would submit a formal amendment to that effect.

25. Mr. KOTSCHNIG (United States of America) said that he feared that the French and Mexican representatives had to some extent misunderstood his position. It was very far from being the intention of his Government to have action on the convention on freedom of information deferred from session to session. On the contrary, his Government was most anxious that the General Assembly should take action on the matter. The fundamental difference between his attitude and that of the French representative was that he considered that the General Assembly itself should decide what kind of action was desirable. The elaboration of a convention within the General Assembly might not be the best method of dealing with the problem, and the Mexican representative had indeed himself drawn attention to the possibility of a special conference being convened thereon. Such a possibility would, however, be precluded by the terms of the last paragraph of draft resolution C, which read:

"Recommends to the General Assembly to proceed at its fifth session with the elaboration of a special convention on freedom of information . . ."

In the light of that recommendation, the arguments of the Mexican representative were somewhat inconsistent.

26. The French representative had held that the proposed recommendation implied no pressure on the General Assembly, maintaining the while that the Council should take over—lock, stock and barrel—the decisions and recommendations of the Commission on Human Rights, since anything else would show a disregard for the work of the Commission. That was tantamount to arguing that the Commission did, in fact, exercise a certain pressure on the Council, the Council itself exercising pressure on the General Assembly.

27. He would, however, be prepared to accept the Iranian representative's suggestion as far as it simply reaffirmed the decision taken by the General Assembly at its last session.

28. Mr. VALENZUELA (Chile) said that the point at issue was substantive rather than procedural. Considerable time had elapsed since the United Nations Conference on Freedom of Information had been held in Geneva in 1948, and experience seemed to indicate that a convention might perhaps not be the best means of securing freedom of information. Some delegations—and he did not exclude his own—might have changed their minds since 1948. It was consequently best to face facts as they were. In the course of the discussions held in the Social Committee on the draft first international covenant on human rights, fears had been expressed that the General Assembly, at its fifth session, would not have time enough to discuss in detail the draft covenant and all the controversial issues involved. Such a thorough examination by the Third Committee of the General Assembly was, however, very necessary. Consequently, his delegation would support the United States representative and vote against draft resolution C. The doubts and misgivings that were entertained with regard to the desirability of a convention on freedom of information in no way betokened his Government's opposition to the principle itself.

29. Mr. DAVIDSON (Canada) recalled that his delegation had voted against draft resolution C in the Social Committee for the very reasons which had been advanced by the United States representative. The Canadian delegation would maintain its attitude and would vote against draft resolution C because, in its view, it in no way furthered the aim of ensuring freedom of information.

30. Mr. PENTEADO (Brazil), recalling the statements made by his delegation in the past to the effect that his Government was in favour of a convention on freedom of information, said that he would vote in favour of draft resolution C.

31. Mr. SEN (India) drew attention to the fact that draft resolution C had been adopted in the Social Committee by a substantial majority. He was unable to accept as wholly correct the statement that, in the past, similar resolutions had been rejected for the reasons mentioned by the United States representative. Draft resolution C had been adopted in the light of the decision taken by the Commission on Human Rights, which had given the matter full and careful consideration. It

would be taken up by the General Assembly at its fifth session, and it was surely for the Council to pronounce itself on a subject which was within its competence.

32. He pointed out to the United States representative that, although he had argued that the draft resolution was superfluous, he had nevertheless expressed his willingness to accept the Iranian representative's suggestion, thus, by implication, admitting that the resolution could and should be transmitted to the General Assembly. Certainly many unnecessary resolutions were passed. He included in that category draft resolutions A and B, both of which had just been approved by the Council without comment. It would have sufficed to record those resolutions as decisions. But draft resolution C dealt with a very important issue. He failed to see how it could be assumed that the General Assembly would examine the draft first international covenant on human rights in detail. Such an assumption was equivalent to prejudging the General Assembly's action, but it was perfectly normal procedure for the Council to make a recommendation which the General Assembly might choose to adopt or reject—and it had in the past rejected recommendations emanating from the Council.

33. For his part, he held that it would be morally wrong for the Council to reject draft resolution C, since that rejection might, by implication, be interpreted as an attempt to burke the whole issue, which had been under discussion for the last three years.

34. Mr. FEARNLEY (United Kingdom) said that his delegation had voted against draft resolution C in the Social Committee and would do so again. He did not consider that the arguments of the United States representative had been convincingly answered by those representatives who supported the draft resolution. Nor could he agree with the Indian representative that the acceptance by the United States representative of the Iranian suggestion represented a reversal of that representative's position. The United States representative's objections to the draft resolution remained valid.

35. He (Mr. Fearnley) had no objections to raise against the Iranian representative's suggestion, which offered a compromise solution and should enable the Council to reach, if not a unanimous decision, one at least acceptable to a substantial majority of the members of the Council.

36. Mr. KAYSER (France) said that the French delegation appreciated the Iranian representative's appeal for a compromise. The discussions both in the Social Committee and in the Council had dealt with a question of principle—namely, whether the Council should adopt a resolution on the subject or not. The French delegation had urged the necessity for the resolution. The fact that the Social Committee had not voted paragraph by paragraph, but had decided by 8 votes to 5, with one abstention, in favour of draft resolution C, proved conclusively that the very principle of the necessity for a resolution was involved. The fact that the United States had accepted the Iranian suggestion also indicated the desirability of a resolution.

37. There was little difference between the text of draft resolution C and the text suggested by the Iranian,

furthermore, Article 62 of the Charter authorized the Economic and Social Council to make recommendations to the Assembly. The very purpose of the Council could be called in question if recommendations it submitted were to be interpreted as putting pressure on the Assembly.

38. If draft resolution C were voted on paragraph by paragraph, he would support the first two paragraphs; if the Iranian representative's suggestion were put to the vote first, he would have no objection; or if the Council were to vote first of all on the original text of the draft resolution, the French delegation would support that text. What it desired was that the Assembly should have before it a resolution indicating the Council's preferences.

39. Mr. YU (China) stated that the problem was the more important in that the General Assembly was to consider the draft first international covenant on human rights at its next session. That was the point upon which attention should be concentrated. In his view, the Iranian representative's suggestion was acceptable. The different organs of the United Nations should not attempt to do too much, but should deal thoroughly with the tasks in hand. He was in no way opposed to drawing up a special convention on freedom of information, but believed that, for the time being, all energy and attention should be concentrated on the draft first international covenant on human rights, which would place all the issues of the convention on freedom of information in a better perspective.

40. The PRESIDENT pointed out that a technical difficulty was involved in the Iranian representative's suggestion, in accordance with which the Council would note with satisfaction that the General Assembly had included the item to proceed at its fifth session with the elaboration of a special convention on freedom of information on its agenda. The difficulty was that the agenda of the General Assembly had not yet been approved; at present the agenda was merely a provisional one proposed by the Secretary-General. The text suggested by the Iranian representative would consequently have to be altered in order to take that factor into account.

41. Mr. NORIEGA (Mexico) said that those delegations which were opposed to draft resolution C should most carefully consider their attitude, because it had a close bearing on the attitude of Member States of the United Nations to the Convention on International Transmission of News and the Right of Correction. It was well known from the views expressed in the General Assembly that the majority of governments did not wish to ratify the first convention if the second were not adopted. The Council should weigh the consequences of its actions, for, were the General Assembly to defer consideration of the special convention, the Convention on International Transmission of News and the Right of Correction would remain ineffective.

42. He did not interpret the Iranian proposal as a compromise. It simply meant that the Council would note that the General Assembly had retained that particular item on its agenda, whereas draft resolution C formulated a specific recommendation which in no way

prevented the General Assembly from choosing appropriate ways and means of proceeding with the matter.

43. Mr. SEN (India) said that he was reluctant to disagree with the Iranian representative, but felt that it would be improper for the Council to express its satisfaction with the work and procedures of a superior organ such as the General Assembly. That was not the proper function of a subordinate body, and it might create a dangerous precedent. He wholly concurred with the comment made on the Iranian representative's suggestion by the President. He did not doubt that those who were opposed to draft resolution C would endeavour to secure in the General Committee of the General Assembly the exclusion of that item. Although fully aware of the fact that the procedure would be exceptional, he suggested that the draft resolution be put to the vote first, the Iranian representative's text being put to the vote if the draft resolution were rejected.

44. Mr. ENTEZAM (Iran) explained for the benefit of the Mexican representative that his object was to persuade those representatives who even before the meeting had declared that they would vote against draft resolution C to reconsider their decision.

45. In regard to the point of order raised by the President on the subject of the Assembly provisional agenda, he pointed out that, to avoid any misunderstanding, it would be sufficient to alter the beginning of the second paragraph of draft resolution C, substituting "Having noted" for "Notes", and to alter the third paragraph to read: "Would be gratified if the General Assembly would retain on the agenda for its fifth session the elaboration of a special convention . . .". In that way, the Council would avoid prejudging the Assembly's decision.

46. He thanked the delegations which had supported his suggestion, which he now moved as a formal amendment.

47. The PRESIDENT stated that the Iranian amendment would be put to the vote first, in accordance with the rules of procedure. Unless there were any further comments, he would rule that the discussion was closed.

48. Mr. FEARNLEY (United Kingdom) said that he had assumed that the General Assembly would, at its fifth session, consider the question of the elaboration of a special convention on freedom of information and not that it would proceed to the elaboration of such a convention.

49. Mr. KOTSCHNIG (United States of America) agreed with the United Kingdom representative in his interpretation and recalled that he had accepted the first text suggested by the Iranian representative because he had understood it to mean that the Council would note with satisfaction the intention of the General Assembly to retain the question of the elaboration of a special convention on the agenda of its fifth session. Unless the word "question" were included in the text, he would find difficulty in accepting it.

50. The PRESIDENT said that there could be no possible confusion, since neither text put forward by

the Iranian representative affected the text of the last two lines of the paragraph. The amendment to the third and last paragraph therefore read: "Would be gratified if the General Assembly would retain on its agenda for its fifth session the elaboration of a special convention . . ."

51. The PRESIDENT put to the vote the Iranian representative's amendment to the second and third paragraphs of draft resolution C.

The amendment was rejected by 8 votes to 5, with 2 abstentions.

52. Mr. FEARNLEY (United Kingdom) said that he was bound, out of courtesy to the Iranian representative, to explain his adverse vote. He had assumed that the original wording suggested by the Iranian representative referred to the question of the elaboration of a convention; that formula would not prejudice the General Assembly's action. Since the word "question" had not been included, with the consequence that the General Assembly's action was in fact prejudged, he had been obliged to vote against the amendment.

53. The PRESIDENT put to the vote draft resolution C as a whole.

The resolution was rejected by 7 votes to 6, with 2 abstentions.

54. The PRESIDENT put to the vote draft resolution D.

The resolution was adopted by 14 votes to none, with 1 abstention.

55. The PRESIDENT put to the vote draft resolution E.

The resolution was adopted unanimously.

56. The PRESIDENT put to the vote draft resolution F.

The resolution was adopted unanimously.

57. The PRESIDENT put to the vote draft resolution G.

The resolution was adopted unanimously.

58. The PRESIDENT invited comments on draft resolution H, and on the amendment thereto submitted jointly by the delegations of Belgium, China and France (E/L.87).

59. Mr. YU (China) said that, although the Social Committee had discussed the draft resolution at length, it had adopted it without realizing that the final paragraph was defective. The Chinese delegation had repeatedly urged the Committee to stress the importance of moral principles; the work which, under the draft resolution, the Council would request UNESCO to perform would not be successful unless that organization paid attention to moral principles. The Chinese delegation did not agree with the argument put forward in committee that the term "moral principles" did not denote anything definite; all the civilized world surely recognized democracy, equality and fraternity as moral principles. However, the Chinese delegation, in order to meet the objection that the amendment it had proposed to the draft resolution in committee was not sufficiently specific, had agreed with the Belgium and French delegations to propose

jointly the insertion in the last paragraph of the resolution, after the words "scientific knowledge", of the words "as well as general moral principles such as those contained in the Charter of the United Nations and the Universal Declaration of Human Rights". Without the addition of some such words as those, the paragraph would be pointless because, whereas "books and pamphlets based on scientific knowledge" could help to eliminate the fallacies of racial theories, they alone could not eliminate those fallacies and the other forms of religious and racial prejudice which led to discrimination.

60. Mr. DE ALBA (Mexico) said that the Commission on Human Rights deserved to be congratulated on the draft resolutions which it had submitted for adoption by the Council; even if there was delay in the work on the draft covenant on human rights, the adoption by the Council of the Commission's draft resolutions on other subjects would constitute progress in the field of human rights.

61. He warmly supported the amendment to draft resolution H proposed jointly by the delegations of Belgium, China and France, since science was a cold thing, and his delegation believed that the addition to the draft resolution of a reference to moral principles such as those in the United Nations Charter and the Universal Declaration of Human Rights was highly desirable.

62. Mr. BROHI (Pakistan) said that he was opposed to unnecessary verbiage; but apart from that there were three substantial reasons why he was opposed to the amendment. First, there were many different concepts of moral principles, which varied as between believers in slave, aristocratic or other types of morality and according to time and place. Secondly, although the representative of China was of the opinion that the last paragraph of the draft resolution would be illogical unless the amendment were adopted, he himself considered that the adoption of the amendment would render the paragraph illogical, because morality was itself a kind of prejudice which gave rise to discrimination and which had complicated every effort which had been made to reduce racial and other forms of discrimination. The Council should discard the concept of morality in favour of science, which was objective. Thirdly, if, as would probably occur, UNESCO was faced with what it considered to be a conflict between science and generally accepted morality, the paragraph, if it were amended, would contain no indication of how UNESCO should deal with such a conflict. He intended to vote against the amendment.

63. Mr. DE RAEYMAEKER (Belgium) explained that the Belgian delegation had abstained on the amendment moved by the Chinese delegation in the Social Committee for the inclusion of wording concerning "moral principles" on the grounds that the amendment was imprecise. As, in the meantime, a satisfactory text had been found, his delegation had supported the proposed formula and had decided to join with the delegations of China and France in presenting the amendment contained in document E/L.87. There could be no doubt that publications to combat discrimination should be based not only on scientific knowledge, but also on moral principles. That applied all the more to works of an educational

nature. No one could impugn the moral heritage embodied in the Charter of the United Nations and the Universal Declaration of Human Rights. The Belgian delegation hoped that the joint amendment would be supported by a large majority, if not adopted unanimously.

64. Mr. FEARNLEY (United Kingdom) said that he was grateful to the representative of Pakistan for exposing the fallacies of the amendment far better than he himself could have done. He wished to associate himself with all the representative of Pakistan had said on the subject. He would vote against the adoption of the amendment, since its adoption would only confuse the issue. But, as in the case of the representative of Pakistan, that did not mean that he was opposed to the moral principles of the United Nations Charter or of the Universal Declaration of Human Rights.

65. When the draft resolution as a whole was put to the vote, he would abstain for the following reasons: although it had been evident in committee that there was almost unanimous agreement on the principle of the original draft resolution submitted by the Commission on Human Rights, objections to the form in which it had been drafted had resulted in the Committee, after a lengthy debate, submitting to the Council a draft resolution which was not as good as the draft resolution of the Commission. For example, the original draft resolution had contained the words "recommends that UNESCO proceed as soon as practicable with the preparation, publication and dissemination of simple and readable books or pamphlets, based on scientific facts, explaining the fallacies of mistaken race theories and religious and other prejudices". Following comments in the Committee that all race theories were mistaken, the word "mistaken" had been deleted from the draft resolution, with the result that, if it were adopted in its existing form, the Council would be recommending that UNESCO, which had recently issued a publication containing a race theory, should explain the fallacies of presumably all race theories. The United Kingdom delegation was of the opinion that UNESCO should be asked to explore only the fallacies of those race theories which were erroneous. There were in the text many other peculiarities which made his delegation doubt its value. In addition, his delegation hesitated to vote in favour of the draft resolution, because the United Kingdom Government did not possess the authority to determine what should be taught in schools or other educational institutions.

66. Mr. BORBERG (Denmark) said that, like the representatives of Pakistan and the United Kingdom, he was opposed to the amendment. Although, of course, he was not opposed to the principles of the United Nations Charter and the Universal Declaration of Human Rights, he was of the firm opinion that the Council should not tie the hands of the UNESCO experts, who would be responsible for implementing the last paragraph of the draft resolution, by adopting the amendment and making it obligatory for them to disseminate information based on moral principles as well as on scientific knowledge. It might well be that, if moral principles were introduced

into the publications containing the information, those moral principles might conflict with other moral principles in the minds of readers, and consequently resistance to the elimination of racial discrimination would be engendered. The text proposed by the three delegations would be improved by the deletion of the words "such as those", thereby making the amendment refer to the moral principles only of the United Nations Charter and the Universal Declaration of Human Rights, but he did not intend to propose their deletion formally, since, even if they were deleted, he would still be opposed to the adoption of the amendment. He was surprised that no reference had been made to the moral principles enunciated in the Constitution of UNESCO.

67. Mr. YU (China) said that he had frequently pointed out that language was an inadequate medium to convey all ideas. The Council had been urged to reject the amendment because the term "moral principles" was not precise; but even the term "scientific knowledge", which appeared in the last paragraph of the draft resolution, was not precise; there were numerous contradictions among scientific text-books. The expression "general moral principles such as those contained in the Charter of the United Nations and the Universal Declaration of Human Rights" was admittedly also not precise, but it was UNESCO's duty to spread information about the principles of the United Nations Charter and the Universal Declaration of Human Rights, and most people understood much the same by the expression "moral standards". It was impossible to eradicate social prejudice by means of scientific knowledge alone. Consequently, the last paragraph of the draft resolution would not be consistent, nor could it be implemented, unless it were amended in some such way as that proposed by the delegations of France, Belgium and his own country.

68. Mr. DAVIDSON (Canada) said that the draft resolution was admittedly not perfect, nor was it an improvement on the original draft resolution submitted by the Commission on Human Rights. His delegation had doubts as to whether the amendment would have any practical effect, and he would therefore abstain when it was put to the vote, even if the words "such as those" were deleted, although he considered that the deletion of those words would improve the amendment and that it was preferable to the amendment submitted in the Social Committee by the Chinese delegation.

69. He would also abstain from voting when the draft resolution was put to a vote as a whole, because the Canadian Constitution did not vest the central government with any authority to deal with exclusively educational matters, and also because the third and fourth paragraphs did not seem to him to be satisfactory. The third paragraph was somewhat irrelevant, in view of the fact that the Commission had intended that the draft resolution should concern only the subject of activities relating to human rights in educational establishments. He had doubts as to the advisability of the Council's adopting the fourth paragraph, because he believed that the initiative taken by UNESCO "in the improvement of text-books and teaching materials, in the conduct of educational seminars" and "in the training

of teaching personnel" was not related to efforts to eliminate racial and other forms of discrimination.

70. Mr. SEN (India) said that, for the reasons his delegation had given in the Social Committee and those just advanced by the representative of Pakistan, he was opposed to the adoption of the amendment submitted jointly by the three delegations. Prejudice could not be eliminated by disseminating moral principles such as those enunciated in the United Nations Charter and the Universal Declaration of Human Rights, because those prejudices were based not on moral principles, but on certain basic assumptions of faith, and there was no mention in either of those instruments of such assumptions of faith or of social snobbery of the kind referred to by the Chinese representative.

71. He could not understand why the United Kingdom representative objected to the deletion of the word "mistaken" from the phrase "fallacies of mistaken race theories", because, whether the word were deleted or not, only fallacies were in question. In any event, he believed that UNESCO had recently declared that the whole concept of race was a myth. In reply to the Canadian representative, he said that he believed that UNESCO considered that all its activities mentioned in the fourth paragraph of the draft resolution would help to eliminate racial discrimination, as was indicated in the draft resolution of the Commission on Human Rights. He proposed to vote in favour of the draft resolution in its present form.

72. Mr. TEREZIO (United Nations Educational, Scientific and Cultural Organization), in reply to the Canadian representative, pointed out that prevention of discrimination was closely linked to UNESCO's educational activities mentioned in the draft resolution, although not their main object.

73. Mr. PENTEADO (Brazil) said that he could accept the amendment if the words "such as those" were deleted.

74. Mr. DE RAEYMAEKER (Belgium), on behalf of the sponsors of the amendment, accepted the deletion of the words "such as those". The amendment thus read: "as well as general moral principles contained in the Charter of the United Nations and the Universal Declaration of Human Rights . . .".

75. Mr. KAYSER (France) pointed out that, to combat prejudice which encouraged discrimination, recourse could be had to scientific knowledge as well as to moral principles, and that in any case the respective spheres of the latter were not very clearly defined.

76. As in the case of the Belgian representative, he felt that scientific method should be applied as much as possible, and he supported the proposal to delete the words "such as those" as being a vague expression calculated to admit of principles far removed from the United Nations Charter and the Universal Declaration of Human Rights.

77. Mr. CABADA (Peru) said that there was no valid justification for opposing the adoption of the amendment merely because the term "moral principles" was not precise enough. There were, indeed, different schools of thought about morality, but adherents of all the great

religions of the world recognized the same basic moral principles, and he believed that it was those basic moral principles which those who had proposed the amendment had in mind. He would vote in favour of its adoption.

78. The text of the draft resolution would be greatly improved by inserting the words "intolerance and" before the word "prejudices" in the last paragraph; for throughout the course of history there had been no greater obstacle to progress than intolerance. There had been periods of intolerance in the history of all the great religions of the world, including Christianity. There was still in the world much religious intolerance which the Council should endeavour to do away with.

79. Mr. BROHI (Pakistan) said that, if the amendment were put to the vote with the words "such as those" deleted, he would merely abstain, since without those words the amendment would be useless but no longer dangerous.

80. Mr. KOTSCHNIG (United States of America) said that, because his Government considered that education was a most important means of fighting discrimination, the United States delegation would vote in favour of the draft resolution, despite the imperfections of its drafting and despite serious doubts as to whether the United States Government, as the government of a federal State where educational matters did not fall within federal jurisdiction, could do much to implement the recommendation that Member States "adopt measures to be applied in educational establishments designed to eliminate discrimination". Although the Supreme Court of his country had declared as unconstitutional any discrimination in the provision of educational facilities, he was not certain whether that sort of action was contemplated in the draft resolution. He would vote in favour of the adoption of the amendment submitted jointly by the three delegations, because moral arguments helped to shape history, and moral values were essential to give meaning to scientific discovery. They might not be effective in demonstrating the fallacies of racial theories, but they were essential in combating prejudice.

81. Mr. YU (China) said the deletion of the words "such as those" was acceptable. There was no ground for the fears expressed by the Danish representative, for the Council could be certain that UNESCO would wisely implement the recommendations made in the draft resolution and would not take any action which would defeat the purpose of those recommendations.

82. The PRESIDENT put to the vote the joint Belgian-Chinese-French amendment (E/L.87) to the draft resolution H as amended by the deletion of the words "such as those".

The amendment was adopted by 10 votes to 3, with 2 abstentions.

83. The PRESIDENT put to the vote draft resolution H as amended.

The resolution as amended was adopted by 12 votes to none, with 3 abstentions.

84. The PRESIDENT put to the vote draft resolution I.

The resolution was adopted unanimously.

85. The PRESIDENT invited comments on section 4 of the Social Committee's report (E/1808) and on the draft resolution contained therein.

86. Mr. DE ALBA (Mexico) said that he supported in principle some of the arguments advanced by the Danish representative in the Social Committee,³ especially those concerning the difficulties which might arise in the implementation of the covenant on human rights and those relating to the functions of the committee of seven experts entrusted with the enforcement of the convention, the action of which might result in misunderstandings. He wished to make clear, however, that he could not agree with the Danish representative concerning the right of petition before an international body. Article 8 of the Universal Declaration of Human Rights embodied a principle of Mexican legislation known as the "right of protection" (*amparo*); that principle had been inserted on the suggestion of his Government. He considered that that principle should be incorporated in the draft covenant, but at the same time he reaffirmed his Government's opposition, already expressed on many occasions, to the institution of the right of petition on an international level.

87. Mr. VALENZUELA (Chile) said that, when the draft resolution was put to the vote, he would abstain, because, despite arguments to the contrary, his delegation was convinced that the draft first covenant on human rights could and should be adopted in its existing form, with perhaps some amendments at the fifth session of the General Assembly, to serve as a binding international instrument.

88. He also wished to correct a misunderstanding about his statements in the Social Committee covering the colonial clause. He had not meant to cast any reflections on the colonial Powers, but had wished only to emphasize his delegation's opposition to the inclusion of a colonial clause in any convention.

89. Mr. CABADA (Peru) requested that paragraphs 8 and 9 of the draft resolution be put to the vote separately, in order that delegations which were opposed to those paragraphs might indicate their approval of the rest of the draft resolution.

90. The PRESIDENT put to the vote paragraph 8 of the draft resolution set out in section 4 of the Social Committee's report (E/1808).

That paragraph was adopted by 9 votes to 3, with 3 abstentions.

91. The PRESIDENT put to the vote paragraph 9 of the draft resolution.

That paragraph was adopted by 9 votes to 4, with 2 abstentions.

92. The PRESIDENT put to the vote the draft resolution as a whole.

The resolution was adopted by 11 votes to none, with 4 abstentions.

The meeting rose at 1.5 p.m.

³ See document E/AC.7/SR.149.