

GENERAL ASSEMBLY

SIXTH SESSION

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THIRD COMMITTEE 412th
MEETING

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Palais de Chaillot, Paris

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Chairman : Mrs. Ana FIGUEROA (Chile).

Report of the Economic and Social Council (chapter V) (A/1884, A/C.3/L.234/Rev.1, A/C.3/L.227/Rev.1) (continued)

[Item 11]*

JOINT DRAFT RESOLUTION SUBMITTED BY CHILE, CHINA, COLOMBIA AND FRANCE (A/C.3/L.234/ Rev.1) (concluded)

1. The CHAIRMAN asked the Committee to resume consideration of the revised joint draft resolution submitted by Chile, China, Colombia and France (A/C.3/L.234/Rev.1) and the Saudi Arabian amendment (A/C.3/L.235) thereto.

2. Mr. PAVLOV (Union of Soviet Socialist Republics), speaking on a point of order, submitted an amendment to point 2 of the Saudi Arabian amendment (A/C.3/L.235), consisting in the addition of the words "in their own territories as well as in Non-Self-Governing and Trust Territories", at the end of the paragraph. Such a clause would prevent interference in the domestic affairs of States masked by disinterested motives, as the draft resolution (A/C.3/L.186 and Add.1) approved by the Committee at its 403rd meeting so well put it. That amendment would complete the Saudi Arabian amendment, and should be voted on first.

3. He requested that in the voting on the joint draft resolution (A/C.3/L.234/Rev.1), a separate vote should be taken on the words "individually and collectively" in the second paragraph of the preamble; he would vote against that phrase because the reference to individual responsibility to see that human rights and freedoms were enhanced might furnish a pretext for some country to interfere in the domestic affairs of another, and also because one country could not possibly assume the responsibility for the denial of human rights in another.

4. He would also like a separate vote on the words "throughout the world"; innocent though they might seem, they might also be used as a pretext for similar interference.

5. The final paragraph should be voted on separately, because it might be used for a similar purpose.

6. If point 1 of the Saudi Arabian amendment (A/C.3/L.235) should be rejected, the first paragraph of the preamble to the joint draft resolution should also be put to the vote separately, since it alluded to documents which had never been properly examined and ones which the Third Committee could certainly not endorse as United Nations documents without the fullest discussion.

7. The CHAIRMAN thought that the Committee had not understood that the general debate had been closed at the end of the previous meeting and that new amendments were out of order. If representatives asked for a vote by parts they could not be permitted to explain their reasons, as that would be tantamount to reopening the debate.

8. Mr. YU Tsune-Chi (China) protested that he had understood at the end of the previous meeting that the vote was to be taken immediately at the opening of the current meeting. Delegations could of course explain their votes before the voting, but they could not explain their reasons for requesting a vote by parts, much less introduce new amendments.

9. Mrs. ROOSEVELT (United States of America) agreed with the Chinese representative.

10. She requested that a separate vote should be taken on the last phrase in the operative part of the joint draft resolution (A/C.3/L.234/Rev.1), beginning with the words "without waiting for..."

11. The CHAIRMAN said that it had become clear that the Committee had understood that the general debate had been closed at the end of the previous meeting. The USSR amendment was therefore out of order

* Indicates the item number on the General Assembly agenda.

12. Mr. PAVLOV (Union of Soviet Socialist Republics) said that it had been physically impossible for him to submit his amendment earlier. He had seen the revised joint draft resolution for the first time only at the end of the previous meeting and had not known whether the Saudi Arabian amendment would be maintained. The Chair could not, unless she lacked impartiality, refuse to admit the USSR amendment; if any influential delegation did not find it to its taste, it could simply vote against it. To try to impose a gag on any delegation was contrary to the principles of the Charter of the United Nations and to elementary justice.

13. The CHAIRMAN reminded the Committee that the Saudi Arabian amendment had been before it even before the suspension of the previous meeting, and the Saudi Arabian representative had maintained it unchanged after the meeting was resumed. Any amendment to that amendment could have been submitted then. She ruled that the USSR oral amendment was out of order as it had been submitted after the closure of the debate.

14. Mr. DEMCHENKO (Ukrainian Soviet Socialist Republic) observed that the Chairman was violating a precedent recently set by herself. Although a time limit had been laid down as 5 January (372nd meeting) for the submission of amendments to draft resolutions concerning the draft international covenant on human rights, amendments to those amendments had been admitted, discussed and put to the vote, although they had been submitted as late as 24 January, with the Chairman's complete acquiescence. The USSR oral amendment was an amendment to an amendment, and, if the Chairman was fair and consistent, must be put to the vote, with or without discussion. Probably the Chairman's ruling would be upheld, but that vote would not lessen the injustice done to the USSR representative.

15. The CHAIRMAN took the Ukrainian representative's remarks to be tantamount to an appeal against her ruling and called for the vote on the question whether the USSR oral amendment was in order.

It was decided, by 20 votes to 6, with 23 abstentions, that the USSR amendment was out of order.

16. Mr. PAVLOV (Union of Soviet Socialist Republics), explaining his vote, said that that vote had shown that the rules of procedure had once again been flagrantly violated in the interests of certain delegations. Those delegations appeared to be afraid to discuss and openly vote on any amendment submitted by his delegation. It had been impossible to submit an amendment to the Saudi Arabian amendment before it had been made clear whether it would be maintained. The practice of discarding amendments without discussion or a vote, despite the fact that they were intended merely to improve the drafts before the Committee, could hardly enhance the prestige of the Third Committee or of its presiding officers.

17. The CHAIRMAN said that she had done her utmost to remain absolutely impartial, but she was bound by the rules of procedure.

18. Mrs. COELHO LISBOA DE LARRAGOITI (Brazil) supported the Chairman's observations.

19. Mr. LESAGE (Canada) asked that a separate vote should be taken on the phrase "and other documents of the United Nations" in the first paragraph of the preamble of the joint draft resolution (A/C.3/L.234/Rev.1).

20. Mr. PAZHAWAK (Afghanistan) asked that the vote should be taken separately on the words "the report of the Economic and Social Council", the phrases: "since the proclamation of the Universal Declaration of Human Rights"; "particularly the right to life"; and "too often" in the first paragraph of the preamble of the joint draft resolution.

21. He also asked that the vote should be taken by roll-call on each of the two points of the Saudi Arabian amendment (A/C.3/L.235).

22. The CHAIRMAN called for a vote on point 1 of the Saudi Arabian amendment, in which it was proposed that the first paragraph of the preamble to the joint draft resolution submitted by Chile, China, Colombia and France (A/C.3/L.234/Rev.1) should be deleted.

A vote was taken by roll-call.

Bolivia, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Burma, Byelorussian Soviet Socialist Republic, Czechoslovakia, Denmark, Egypt, India, Indonesia, Iran, Iraq, Pakistan, Poland, Saudi Arabia, Sweden, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Venezuela, Yemen, Afghanistan, Argentina, Australia.

Against: Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, France, Haiti, Honduras, Liberia, Netherlands, New Zealand, Norway, Panama, Philippines, United States of America, Uruguay, Belgium.

Abstaining: Ethiopia, Greece, Israel, Lebanon, Mexico, Thailand, Turkey, Yugoslavia.

Point 1 of the amendment was not adopted, 22 votes being cast in favour and 22 against, with 8 abstentions.

23. Mr. PAVLOV (Union of Soviet Socialist Republics) asked that point 2 of the Saudi Arabian amendment should be voted on at once.

24. The CHAIRMAN acceded to that request and called for a vote on point 2 of the Saudi Arabian amendment (A/C.3/L.235).

A vote was taken by roll-call.

Haiti, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Haiti, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Pakistan, Poland, Saudi Arabia, Sweden, Syria, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia, Afghanistan, Australia, Burma, Byelorussian Soviet Socialist Republic, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, Ethiopia, Greece.

Against : Netherlands, New Zealand, Norway, Belgium, Bolivia, Brazil, Chile, China, Colombia, Costa Rica, Cuba, France.

Abstaining : Honduras, Israel, Panama, Philippines, Thailand, Argentina, Canada.

Point 2 of the amendment was adopted by 33 votes to 12, with 7 abstentions.

25. The CHAIRMAN called for a vote on the phrase "and other documents of the United Nations" in the first paragraph of the preamble of the joint draft resolution (A/C.3/L.234/Rev.1).

The vote was taken by roll-call.

Poland, having been drawn by lot by the Chairman, was called upon to vote first.

In favour : Chile, China, Colombia, Cuba, France, Panama.

Against : Poland, Saudi Arabia, Sweden, Syria, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Afghanistan, Argentina, Australia, Belgium, Burma, Byelorussian Soviet Socialist Republic, Canada, Czechoslovakia, Denmark, Ecuador, Egypt, Ethiopia, Greece, Haiti, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, Netherlands, Norway, Pakistan.

Abstaining : Thailand, Yugoslavia, Bolivia, Brazil, Costa Rica, Dominican Republic, Honduras, India, New Zealand, Philippines.

The phrase was rejected by 36 votes to 6, with 10 abstentions.

26. The CHAIRMAN put to the vote the phrase "since the proclamation of the Universal Declaration of Human Rights" in the first paragraph of the preamble of the joint draft resolution (A/C.3/L.234/Rev.1).

The phrase was adopted by 23 votes to 6, with 23 abstentions.

27. The CHAIRMAN put to the vote the phrase "too often" in the first paragraph of the preamble of the joint draft resolution (A/C.3/L.234/Rev.1).

The phrase was rejected by 18 votes to 13, with 19 abstentions.

28. The CHAIRMAN put to the vote the phrase "the report of the Economic and Social Council indicates that" in the first paragraph of the preamble of the joint draft resolution (A/C.3/L.234/Rev.1).

The phrase was adopted by 26 votes to 9, with 16 abstentions.

29. Mr. ALFONZO RAVARD (Venezuela) observed that the joint draft resolution, as amended at that point, was rather misleading; there was no specific reference to the denial of the right to life in the report of the Economic and Social Council (A/1884) or even in the introduction thereto by the President of the Council.

30. Mr. BAROODY (Saudi Arabia) and Mrs. AFNAN (Iraq) supported the Venezuelan representative's objec-

tion. The whole draft resolution would be unacceptable if it contained a mis-statement of fact.

31. Mr. YU Tsune-Chi (China) maintained that the right to life was the most fundamental of all human rights; the President of the Economic and Social Council had made a general reference to fundamental human rights in the introduction to the Council's report upon which that paragraph of the joint draft resolution had been based.

32. Mr. PAZHAWAK (Afghanistan) proposed that a separate vote should be taken on the words "particularly the right to life".

The phrase was rejected by 25 votes to 4, with 22 abstentions.

33. The CHAIRMAN put to the vote the whole of the first paragraph of the preamble of the joint draft resolution (A/C.3/L.234/Rev.1), as amended.

The paragraph, as amended, was adopted by 36 votes to 8, with 7 abstentions.

34. The CHAIRMAN put to the vote the phrase "individually and collectively" in the second paragraph of the preamble of the joint draft resolution (A/C.3/L.234/Rev.1).

The phrase was adopted by 25 votes to 9, with 14 abstentions.

35. The CHAIRMAN put to the vote the phrase "throughout the world" in the second paragraph of the preamble of the joint draft resolution (A/C.3/L.234/Rev.1).

The phrase was adopted by 29 votes to 6, with 15 abstentions.

36. The CHAIRMAN put to the vote the second paragraph of the preamble of the joint draft resolution (A/C.3/L.234/Rev.1), as a whole.

The paragraph, as a whole, was adopted by 37 votes to 5, with 9 abstentions.

37. The CHAIRMAN put to the vote the joint draft resolution (A/C.3/L.234/Rev.1), as a whole, as amended.

The joint draft resolution (A/C.3/L.234/Rev.1), as a whole, as amended, was approved by 38 votes to 5, with 9 abstentions.

38. Mr. LANNUNG (Denmark) said that his delegation had voted for the joint draft resolution because of the improvements which the amendments had made to the draft resolution, in particular the amendment to the first paragraph of the preamble.

39. Mrs. AFNAN (Iraq), explaining her vote, said that her delegation had voted for the joint draft resolution because it had served as a timely reminder that States had a duty under the United Nations Charter alone, irrespective of any other instrument, to ensure the observance of human rights.

40. Although it was true in one sense that the six years following the signing of the Charter had seen little progress in that respect, progress had none the less

been achieved in that, at the current time, violations of human rights, which formerly would not have been regarded as such, were subjected to the full glare of publicity and were condemned in an appropriate manner.

41. Mr. D'SOUZA (India) wished to explain his vote on the Chairman's ruling concerning the rejection of the USSR amendment as well as on the joint draft resolution (A/C.3/L.234/Rev.1) itself.

42. He could assure the USSR representative that in upholding the Chairman's ruling, his delegation had acted with complete impartiality, and merely as a consequence of the fact that the debate had been closed at the end of the previous meeting. That representative would also remember that the Indian delegation had always voted for any measures calculated to defend freedom from the dangers threatening it in non-autonomous regions.

43. With regard to the joint draft resolution itself, the elimination of the major points of disagreement had left a text with which his delegation believed the Committee had a right to feel satisfied. He had voted for the retention of the phrase "individually and collectively" because responsibility for the defence of human rights was a collective responsibility, and need not involve interference in the domestic affairs of Member States.

44. Mr. LESAGE (Canada) said that his vote in support of the Chairman's ruling on the submission of the USSR amendment had been determined by the same considerations as had that of the Indian representative.

45. Mr. AZKOUL (Lebanon) said that he had voted for the joint draft resolution in the full knowledge that, in its amended form, it contained serious imperfections. The impression gained from the text as it stood was that human rights had been violated since the promulgation of the Universal Declaration of Human Rights rather than before it, and that those violations were a constantly recurring phenomenon.

46. He agreed with the Indian representative that the resolution was not intended as a means for interfering in the domestic affairs of Member States, but indicated a genuine desire on the part of the United Nations to ensure the maximum observance of human rights.

47. Mr. MUFTI (Syria), agreeing that the text of the joint draft resolution was not perfect, observed that it would still be possible to rectify the defects.

48. He had voted for both points of the Saudi Arabian amendment (A/L.3/L.235) and thought that point 2 in particular was felicitous in that it introduced a necessary simplification: pending the promulgation of a covenant, efforts for the observance of human rights and freedoms should be based on the provisions of the Charter, and the general terms of the amendment left that to be understood. His delegation had abstained from voting on the first paragraph of the preamble because it disliked the vague reference to "other documents", and on the second paragraph of the preamble because of the dangerous implications of the words "individually and collectively".

49. Finally, he would point out that his delegation doubted the utility of the resolution as a whole, because it had little faith in the efficacy of abstract appeals and declarations.

50. Mr. DE ALBA (Mexico) said that his delegation had abstained from voting on most of the amendments to the draft resolution, since their effect, particularly in the first paragraph of the preamble, had largely detracted from its value. The first paragraph would, indeed, require correction when the draft resolution came before the plenary meeting of the General Assembly. He was prepared to take upon himself the task of making the necessary proposals to that end.

51. Mr. DAZA ONDARZA (Bolivia) thought that the general effect of the resolution would be for the good, and his delegation had therefore voted for it.

52. Mrs. DOMANSKA (Poland) stated that she had voted against the draft resolution, as its terms were too vague for it to have any practical significance.

53. In that respect the Polish delegation's earlier draft resolution (A/C.3/L.203/Rev.1), recommending that the President of the General Assembly should take action in defence of the Spanish patriots whose lives and liberty were threatened, had stood out in sharp contrast and had been a concrete effort to secure the observance of human rights and freedoms. It was clear however, that the majority of the members of the Committee preferred to shirk their responsibilities by taking refuge in more or less meaningless procedural measures.

54. Mr. PAVLOV (Union of Soviet Socialist Republics) particularly requested that mention should be made, in the Committee report to the General Assembly, of his amendment, of the Chairman's ruling on its inadmissibility, and of his protest against that decision. He could say that the current meeting would go down in the history of the United Nations as furnishing an unparalleled example of the flagrant violation of the rules of procedure of the General Assembly.

55. The ambiguity of the draft resolution in its original form would have been removed by acceptance of the USSR delegation's amendment. Failure to adopt that amendment, however, had resulted in a text according to which the report of the Economic and Social Council furnished proofs of violation of the right to life, and the adoption of the Universal Declaration of Human Rights had actually led to increased violations of those rights. Both of those propositions were manifestly incorrect; but because certain delegations seemed to prefer inaccuracy to accuracy, in their own selfish interests, right-thinking delegations were not permitted to rectify the error.

56. The rejection of the Polish draft resolution to which reference had just been made was, incidentally, also symptomatic of the attitude of the former category of delegations, which preferred illegal procedural action to concrete and effective action.

57. With regard to the draft resolution (A/C.3/L.234/Rev.1) just approved, the result had been that

the Soviet Union delegation had of course been obliged to vote against it.

58. The CHAIRMAN said that both of the statements made by the Soviet Union representative would appear in the record.

59. With regard to her ruling, she would only repeat that the Saudi Arabian amendment (A/C.3/L.235) had been placed before the Committee well before the close of the preceding meeting, and that it had been presented orally at an even earlier point in the proceedings (410th meeting). There should thus have been sufficient time for the USSR delegation to submit its modification of the amendment within the prescribed time limit.

60. Mr. DEMCHENKO (Ukrainian Soviet Socialist Republic) said that his delegation had voted against the draft resolution owing to the defects it contained, defects which bordered on the absurd, and which had been pointed out as such by the Mexican, Soviet Union and other representatives. It was clear that such a resolution would not lead to enhanced protection of human rights, and through its ambiguity and unsatisfactory phraseology would serve as an excuse for interference in the domestic affairs of Member States.

GENERAL DEBATE

61. The CHAIRMAN stated that the general debate on chapter V of the report of the Economic and Social Council (A/1884), covering the period from 16 August 1950 to 21 September 1951, would deal with every section of part A with the exception of section I, the discussion of which had been concluded at the previous meeting.

62. Mr. STEINIG (Secretary of the Committee) wished, on behalf of the Secretary-General, to draw the Committee's attention to a resolution adopted unanimously by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which requested the Secretary-General to convey directly to the General Assembly, in connexion with its discussion during its sixth session of the report of the Economic and Social Council, the deep regret of the Sub-Commission that it would not be able to continue its work on the study called for in General Assembly resolution 217 C (III), at least until 31 December 1954. In adopting the resolution the Sub-Commission had recalled that it had been requested by the Economic and Social Council (resolution 191 (VIII)) and by the Commission on Human Rights, in addition to the General Assembly itself, to "make a thorough study of the problem of minorities, in order that the United Nations may be able to take effective measures for the protection of racial, national, religious or linguistic minori-

63. The Sub-Commission had also considered that the prevention of discrimination and the protection of minorities were among the most important and constructive items of work undertaken by the United Nations, and that the Commission on Human Rights, whose agenda was overloaded, would be assisted in

its work in the field of prevention of discrimination and protection of minorities if precise proposals and recommendations were formulated for its consideration by a subsidiary and expert body.

64. The full text of the resolution setting forth those considerations and the request could be found in paragraph 64 of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (fourth session).¹

65. Mr. ALFONZO RAVARD (Venezuela), speaking on a point of order, asked whether there would be a limit on the length and number of speeches on item 11, as there had been in the discussion of item 29 of the agenda of the General Assembly.

66. The CHAIRMAN said that the feeling of the Committee appeared to be that there should first be a full general debate; and that the time limit should apply subsequently for discussion of specific draft resolutions.

67. Mr. KAYSER (France), introducing the revised joint draft resolution submitted by Chile, Egypt, France, India, Lebanon, Mexico, the Philippines and Yugoslavia (A/C.3/L.227/Rev.1), deplored the fact that all efforts made to improve the position as regards freedom of information, particularly the work of the United Nations Conference on Freedom of Information held at Geneva in 1948 had had no tangible result, although all countries agreed in acknowledging the importance and urgencies of the matter.

68. France had already proposed a procedure for implementation of the right of reply and correction at the international level; that procedure had not yet been enforced, and the French delegation, which had not been able to bring up the subject again for lack of time at the sixth session of the General Assembly, would make new proposals in that connexion during the seventh session. It would also suggest appropriate measures to prevent the unwarranted use of the title and emblems of the United Nations. A Committee, elected by the General Assembly and presided over by Mr. Noriega of Mexico, had drafted at Lake Success in 1951 a draft convention on freedom of information comprising a preamble and nineteen articles;² that Committee had recommended that the Economic and Social Council should convene a conference of plenipotentiaries to examine that draft, to amend it, if necessary, and to open it for signature. The Economic and Social Council had, however, decided not to convene such a conference (Council resolution 387 A (XIII)).

69. Thus, no tangible result with regard to freedom of information had been achieved. The French delegation wished that the General Assembly had made a thorough examination of those matters.

70. As, however, the sixth session of the General Assembly was drawing to a close the French delegation preferred a really thorough study of that question at the

¹ Document E/CN.4/641.

² See the report of the Committee on the Draft Convention on Freedom of Information to the Economic and Social Council (A/AC.42/7).

seventh session to a cursory discussion which might result in untimely decisions. The importance and urgency of the problem nevertheless justified the granting of priority to it at the seventh session of the General Assembly.

71. In its revised form the joint draft resolution (A/C.3/L.227/Rev.1) refrained from stating, as the original text (A/C.3/L.227) had, that no positive results had been achieved in the field of freedom of information since the United Nations Conference on Freedom of Information held at Geneva; a judgment of that kind on the substance of the problem had not in fact added anything to the purpose of the joint draft resolution and might have been likely to prevent broad agreement on that joint proposal.

72. The French delegation believed that the General Assembly could make appreciable progress at its seventh session if it studied the question in the light of the work of the Committee on the draft Convention on Freedom of Information convened at Lake Success, of the discussions to be held in the Economic and Social Council on the problem of freedom of information and of the replies of governments to the questionnaires which the Secretariat had sent them regarding other important problems closely connected with freedom of information.

73. As a Council resolution appended to the report of the Committee on the Draft Convention on Freedom of Information so rightly stated, problems connected with freedom of information were unfortunately becoming more acute. It might therefore be worth while to see whether an international group of highly qualified persons might not usefully investigate the questions of freedom of information and of the expression of opinion throughout the world and to suggest practical measures to solve the existing difficulties.

74. The French delegation attached particular importance to the technical, economic and financial aspects of freedom of information, as was shown in the working plan it had submitted to the Council.^a

75. Conscious of the dangers threatening the freedom of expression of opinion throughout the world, the French delegation believed that it was the duty of the United Nations, which had proclaimed the Universal Declaration of Human Rights (General Assembly resolution 217 A (III)), to ensure that freedom of information and expression was protected and respected everywhere.

The meeting rose at 6 p.m.

^a See document E/AC.7/L.104.