

2089th meeting

Wednesday, 13 November 1974, at 10.35 a.m.

Chairman: Mrs. Aminata MARICO (Mali).

A/C.3/SR.2089

AGENDA ITEM 55

Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights: report of the Secretary-General (*continued*) (A/9638 and Add.1, Add.1/Corr.1 and Add.2-5, A/9667 and Add.1, A/9830, A/C.3/L.2128/Rev.1)

1. The CHAIRMAN suggested that, as delegations would wish to attend the plenary meeting of the General Assembly (2282nd plenary meeting) in order to hear the statement by the leader of the Palestine Liberation Organization, the vote on the draft resolution (A/C.3/L.2128/Rev.1) before the Committee should be postponed, since the present meeting of the Committee would be very short. Representatives who wished to explain their votes before the vote might do so.

It was so decided.

2. Mrs. RAKOTOFIRINGA (Madagascar) said that she had received instructions from her Government with regard to the oral amendment to operative paragraph 6 of the draft resolution proposed by the representative of the United Kingdom at the previous meeting. The original wording of the paragraph had been accepted by all the sponsoring delegations until one delegation had said that since it was unable to accept it, it must request a separate vote and abstain on that paragraph. To make the wording acceptable

to that delegation, the representative of the United Kingdom had proposed the deletion of the word "*instamment*". according to the French interpretation. In the view of the Malagasy delegation and that of Guinea, the deletion of that word from the original text would detract from the purport of the paragraph, the wording of which had been carefully drafted in order to be both as moderate as possible and in line with reality. She therefore wished to retain the original wording.

3. The CHAIRMAN suggested that the meeting might be suspended until the leader of the Palestine Liberation Organization had made his statement in the plenary meeting of the General Assembly.

4. After some discussion, in which Lady GAITSKELL (United Kingdom), Mr. GHAUSSY (Afghanistan), Mrs. HEANEY (Ireland), Mr. RAZA (Pakistan), Mr. CHEOK (Singapore) and Mr. EVANS (Australia) took part, Mrs. WARZAZI (Morocco) proposed the adjournment of the meeting.

5. Under rule 76 of the rules of procedure of the General Assembly, the CHAIRMAN put the motion of adjournment to the vote.

The motion of adjournment was adopted by 56 votes to none, with 2 abstentions.

The meeting rose at 10.50 a.m.

2090th meeting

Thursday, 14 November 1974, at 3.25 p.m.

Chairman: Mrs. Aminata MARICO (Mali).

A/C.3/SR.2090

AGENDA ITEM 55

Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights: report of the Secretary-General (*concluded*) (A/9638 and Add.1, Add.1/Corr.1 and Add.2-5, A/9667 and Add.1, A/9830, A/C.3/L.2128/Rev.1)

1. The CHAIRMAN announced that Bangladesh, Liberia and Congo had joined in sponsoring draft resolution A/C.3/L.2128/Rev.1. At the request of one delegation, a

separate vote would first be taken on operative paragraphs 3, 8 and 9 of that text.

2. Mr. BADAWI (Egypt) said that it would be wiser to defer the vote since the sponsors were still engaged in consultations on possible changes to be made in the draft.

3. Mr. MACRAE (United Kingdom) reminded the Committee that a separate vote had also been requested on operative paragraph 6. He understood that the sponsors had produced results in their consultations, and those results should be communicated to the Committee.

4. Miss NURU (United Republic of Tanzania) suggested that the Committee proceed immediately to consider the question of the protection of journalists engaged in dangerous missions in areas of armed conflict while waiting for the sponsors to terminate their consultations.

5. Mrs. WARZAZI (Morocco) did not think it advisable to go from one item to another in that way and moved that the meeting be suspended to enable the sponsors to complete their consultations.

The meeting was suspended at 3.35 p.m. and resumed at 3.45 p.m.

6. Miss NURU (United Republic of Tanzania) said that as a result of their consultations, the sponsors had decided to amend operative paragraph 6 to read as follows:

“6. *Urges* the Government of Portugal to continue to ensure that the process of decolonization which will enable peoples still under its colonial administration to achieve self-determination and independence be accomplished without delay;”.

7. The CHAIRMAN requested the members of the Committee to vote on operative paragraphs 3, 8 and 9 of draft resolution A/C.3/L.2128/Rev.1.

Paragraph 3 was adopted by 73 votes to 10, with 18 abstentions.

Paragraph 8 was adopted by 73 votes to 9, with 20 abstentions.

Paragraph 9 was adopted by 76 votes to 8, with 21 abstentions.

At the request of the representative of Cuba, a vote was taken by roll-call on draft resolution A/C.3/L.2128/Rev.1 as a whole as orally amended.

The German Democratic Republic, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, India, Indonesia, Iran, Iraq, Jamaica, Jordan, Kenya, Khmer Republic, Kuwait, Laos, Lebanon, Lesotho, Liberia, Libyan Arab Republic, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, New Zealand, Nicaragua, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia, Afghanistan, Albania, Algeria, Argentina, Australia, Bahrain, Bangladesh, Barbados, Bhutan, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Gabon, Gambia.

Against: Israel.

Abstaining: Germany (Federal Republic of), Iceland, Ireland, Italy, Japan, Malawi, Netherlands, Norway, Swaziland, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America, Austria, Belgium, Canada, Denmark, El Salvador, Finland, France.

Draft resolution A/C.3/L.2128/Rev.1 as a whole, as orally amended, was adopted by 104 votes to 1, with 19 abstentions.

8. Mr. BADAWI (Egypt) said that if he had been present during the separate votes on paragraphs 3, 8 and 9 of the draft resolution he would have voted for them.

9. Mr. DURAN (Chile) said that his votes in favour of the draft resolution reflected the desire of his Government and people to align themselves with the peoples fighting for their freedom and independence. It seemed incredible that there were still countries today subjected to colonial and foreign domination. National independence and sovereignty were essential prerequisites for the exercise of human rights. The countries which had voted for the draft resolution had obviously not all been motivated by the same considerations, but their objective was the same, namely, to condemn the inhuman and degrading treatment inflicted on peoples still under colonial and foreign domination and alien subjugation, because of their struggle for self-determination and independence, and to reaffirm the legitimacy of their struggle to liberate themselves from that domination and subjugation. Many oppressed peoples, for instance those of Hungary, Czechoslovakia and the Baltic countries had often raised their voices in the United Nations, and the Organization, despite the opposition of certain Powers, had taken steps to remedy the situation of a number of countries under foreign domination. Chile would continue to assist all those struggling to regain their sovereignty. That was why he had voted for the draft resolution as a whole. However, he had abstained on operative paragraphs 8 and 9 because he considered that they jeopardized the principle of national sovereignty guaranteed to all States under the Charter.

10. Mr. SUNDBERG (Sweden), explaining the votes of Sweden, Norway, Denmark, Iceland and Finland, said that although some of the questions dealt with in the draft resolution were primarily covered by other committees and would shortly be considered by the General Assembly in the plenary, they had become so urgent that the Nordic countries had not wished to refrain from dealing with their substance in the Third Committee as well. The Nordic countries had always had a keen interest in the realization of the right of peoples to self-determination and independence and agreed with the aspirations expressed in the draft resolution. However, they had certain reservations on some of its provisions. With regard to the sixth preambular paragraph, they considered it important to leave open all possibilities which might lead to a formula which would be acceptable to the majority of the people of Southern Rhodesia. They further considered that the United Nations should not legitimize the use of violence, which was advocated in operative paragraph 3 and was contrary to the provisions and spirit of the Charter.

11. If a separate vote had been taken on operative paragraph 7, the Nordic delegations—with the exception of Finland, which would have voted for the paragraph—would have abstained, because the question of Palestine was currently being discussed by the General Assembly. They had abstained on operative paragraph 8 for the same reason, and on operative paragraph 9 because they considered its provisions to go beyond the competence of the Third Committee. The delegations of the Nordic countries had therefore abstained on the resolution as a whole, but that in no way altered their policy with regard to the granting of self-determination and independence to colonial countries and peoples, as repeatedly expressed by the Foreign Ministers of the Nordic countries, and most recently at their meeting in Reykjavik in August 1974.
12. Mr. FIRN (New Zealand) said that his delegation had voted in favour of draft resolution A/C.3/L.2128/Rev.1 although it had strong reservations concerning some sections of the text, particularly operative paragraph 3. His country had consistently opposed resort to violence and armed force for the purposes outlined in the resolution. By referring to the complex problem of Palestine in operative paragraph 7, the Committee was prejudging the result of the discussions on the question of Palestine which were currently taking place in the General Assembly. His Government also had reservations about operative paragraphs 8 and 9 for reasons that were well known. With regard to the sixth preambular paragraph, his Government believed that as matters stood, the possibility of the Smith régime participating in a constitutional conference of the kind regularly recommended by the General Assembly should not be altogether excluded. Furthermore, with regard to operative paragraph 4, it supported the call for the release of persons detained as a result of their struggle for self-determination and independence only inasmuch as it applied to persons detained solely for such reasons.
13. Mr. MACRAE (United Kingdom) said that his country's position on the question of self-determination had been clearly explained in his delegation's statement at the 2088th meeting. His delegation had abstained on the draft resolution because it entertained serious reservations about it, including the sixth preambular paragraph: the illegal régime should participate in the negotiations on the independence of Southern Rhodesia. His delegation had voted against paragraph 3 and against paragraph 8 because it considered that the activities of the North Atlantic Treaty Organization (NATO) were not within the competence of the Committee. It had voted against paragraph 9 because it did not believe isolation and boycott would achieve the desired results, and would have abstained on paragraph 7 had a separate vote been taken, because the matter to which it referred was currently under consideration by the General Assembly in plenary meetings.
14. Mr. SIGWANE (Swaziland) said that his delegation had abstained in the vote on the draft resolution as a whole, but wished to change its vote in order to express its sympathy with peoples subjected to colonial domination. His delegation therefore voted for the draft resolution as a whole, although it had serious reservations regarding operative paragraph 3, since it had always been opposed to violence.
15. Miss CAO-PINNA (Italy) said that the draft resolution which had just been approved (A/C.3/L.2128/Rev.1) gave her an opportunity to reiterate her country's firm attachment to the principle of the right of peoples to self-determination, as set forth in Article 1 of the Charter. She hoped that the adoption of the resolution would help to accelerate the process of decolonization. However, her delegation had been unable to vote in favour of operative paragraph 3, which, in its view, departed from the fundamental principle on which the Organization was based, namely, the rejection of the use of force. It had voted against operative paragraph 8 because it felt bound to reject, as it had often done in the past, the accusations made against members of NATO, a defensive organization the aims of which had no connexion with the struggle that colonial peoples were waging in their territories. Her delegation had been unable to vote in favour of operative paragraph 9 because it referred to action which clearly fell under Chapter VII of the Charter.
16. In view of its reservations concerning those paragraphs, her delegation had abstained in the vote on the draft resolution as a whole.
17. Mr. EVANS (Australia) said that his delegation had voted in favour of the draft resolution as a whole because his country attached great importance to the granting of independence to colonial countries and peoples. It had abstained, however, on operative paragraph 3 because, while understanding that peoples struggling for freedom were sometimes tempted to resort to violence, it could not agree that the United Nations should encourage them to do so. It had also abstained on operative paragraphs 8 and 9 in the belief that the NATO countries should not be singled out for condemnation and that the measures which were advocated did not fall within the competence of the Committee. If a separate vote had been taken on operative paragraph 7, his delegation would have abstained, since the question of Palestine was currently under consideration in other bodies, namely, in the Security Council and in plenary meetings of the General Assembly, and it was not the business of the Committee to prejudge the result of those discussions.
18. Mrs. DE BARISH (Costa Rica) observed that her delegation had voted for draft resolution A/C.3/L.2128/Rev.1 as a whole, despite a number of reservations, in order to express its support for the right of all peoples still subjected to colonial domination to self-determination and sovereignty. In conformity with operative paragraph 2 of the draft resolution, her country would offer such peoples food and medical, technical and cultural assistance, but not military aid, thus acting in the spirit of the purposes of the Charter. Her delegation had been unable to vote in favour of operative paragraph 3, because of the reservations it had earlier expressed concerning the words "by all available means, including armed struggle". If a separate vote had been taken on operative paragraph 7, her delegation would have abstained, because that paragraph was selective, whereas General Assembly resolution 1514 (XV) applied to all colonial peoples. Furthermore, that paragraph raised a question which did not fall within the competence of the Committee and was currently being considered by the General Assembly in plenary meetings. Her delegation had abstained in the vote on operative paragraphs 8 and 9 for reasons which it had already explained.

19. Mr. VELA (Guatemala) said that he had voted in favour of the draft resolution because he supported its spirit. He had none the less abstained in the vote on operative paragraph 3 because he would have preferred to delete from it the phrase "including armed struggle", since the United Nations should not directly or indirectly encourage actions which were contrary to the spirit of the Charter. He had also been obliged to abstain on operative paragraphs 8 and 9, because they condemned activities, particularly sporting activities, which in his opinion contributed to understanding and solidarity among peoples. His delegation would have abstained, for the same reasons as other delegations, if a separate vote had been taken on operative paragraph 7. Those reservations, however, in no way altered his Government's deep convictions.

20. Mr. TRAVERT (France) said that his delegation had abstained on the draft resolution as a whole, which did not mean that it disapproved of all its parts. It had voted against operative paragraph 3, the wording of which seemed to condone, if not to sanction, actions which it could not support, since the end did not justify all means. His delegation could likewise not support operative paragraph 8, which contained tendentious judgements on certain NATO countries and took no account of their total opposition to the policy of *apartheid*. Operative paragraph 9 manifestly constituted interference in the conduct of States' internal affairs. His delegation was of the opinion that to ostracize South Africa would be a spectacular gesture, but one of questionable value from the point of view of the interests of the population subject to *apartheid*, and could only serve to strengthen the supporters of *apartheid*.

21. Mrs. HEANEY (Ireland) said that her country, itself a historic victim of colonialism, had always supported the inalienable right of all peoples to self-determination and full independence for their national territories. She therefore fully understood the concern of the sponsors of draft resolution A/C.3/L.2128/Rev.1, which contained many constructive elements. She had, however, found it necessary to abstain in the vote on operative paragraphs 3, 8 and 9, and since those paragraphs dealt with questions of fundamental importance, she had abstained on the draft resolution as a whole. Her delegation would have preferred the words "by all available means, including armed struggle" in paragraph 3 to have been deleted, since they were incompatible with the principles of the Charter of the United Nations which advocated the use of "peaceful means". Paragraphs 8 and 9 seemed to call for the total isolation of South Africa and Southern Rhodesia, without taking into account the differences which existed between the two régimes on the juridical plane and within the United Nations system, and to prejudice the results of such action. Ireland was not a member of NATO nor did it have diplomatic relations with South Africa; it strictly observed the sanctions against Southern Rhodesia and had even made its official disapproval felt in certain spheres usually reserved to private groups in a free society, in the interest, for example, of upholding the Olympic principle in sport. In any event, her delegation considered that the issues raised in paragraphs 8 and 9 did not fall within the competence of the Committee.

22. Miss VOLLMAR (Federal Republic of Germany) said that if a separate vote had been taken on operative paragraph 2 of the draft resolution, her delegation would have abstained: that paragraph should have indicated that the moral, material and other forms of assistance to be offered to peoples still subject to foreign domination should be granted in conformity with the provisions of the Charter of the United Nations. In accordance with the principles of the Charter, the Federal Republic of Germany had renounced the use of force, and could therefore not lend its support to it; for that reason it had voted against operative paragraph 3. It supported operative paragraph 4, and moreover had publicly urged the South African Government to free all political prisoners, but that paragraph should not be construed as calling for the release of persons who had committed acts of violence against innocent people. If a separate vote had been taken on operative paragraph 7, her delegation would have abstained since it endorsed the right to self-determination and independence of all peoples without distinction. It had voted against operative paragraph 8 for the reasons adduced at the 2071st meeting during the explanation of vote on the draft resolution entitled "Human rights and fundamental freedoms", later adopted by the General Assembly as resolution 3222 (XXIX). It had also voted against operative paragraph 9, since the proposals it contained might have adverse consequences for the South African people as a whole.

23. In spite of those reservations, her delegation was in agreement with the aims of the draft resolution, which were to assist peoples who were struggling for independence and self-determination, but it did not believe that any and every means could be used to that end. It had therefore abstained on the draft resolution as a whole.

24. Miss HARELI (Israel) pointed out that, in its statement at the 2087th meeting, her delegation had clearly expressed its support for the right of peoples to self-determination. It had voted against the draft resolution because operative paragraph 7 and some other phrases referred to problems which had no place in a draft resolution dealing, as its title indicated, with "colonial countries and peoples".

25. Mr. NOTHOMB (Belgium) said that his country fully appreciated the aspirations of peoples who were struggling against foreign domination, but categorically rejected the use of force, which was contrary to the Charter. It was therefore unable to accept operative paragraph 3 and had reservations regarding operative paragraph 2, in so far as it did not exclude military assistance. Moreover, it had reservations with respect to operative paragraph 7 which made mention of the Palestinian people. His delegation could not express a political opinion in a Committee which dealt with social and humanitarian questions and could not prejudice the outcome of the discussions which had just opened in the General Assembly. It objected to the reference to NATO in operative paragraph 8, since that organization had nothing to do with the tragic situation in southern Africa. Despite its utter abhorrence of *apartheid*, his delegation had voted against operative paragraph 9, since the complete severance of relations with South Africa would not induce it to change its policy. His delegation had abstained in the vote on the draft resolution as a whole; it would have voted against operative paragraphs 3 and 8 had

it been present when they were put to the vote and would have abstained if separate votes had been taken on operative paragraphs 2 and 7.

26. Miss DUBRA (Uruguay) said that she subscribed to operative paragraph 2 of the draft resolution on the understanding that the assistance to which it referred would be granted in conformity with the Charter. She had abstained in the vote on operative paragraph 3, because armed struggle was unacceptable to Uruguay with its long tradition of pacifism. Moreover, operative paragraphs 8 and 9 were incompatible with the principles of non-intervention in the domestic affairs of States.

27. Mr. CEDE (Austria) said that his Government had consistently supported the right of peoples to self-determination and subscribed to the objectives of the draft resolution. However, it had been obliged to abstain in the vote on the resolution as a whole, since it had reservations on it. For reasons of principle, it could not endorse operative paragraph 3 and had therefore abstained on it; with regard to operative paragraphs 8 and 9, his Government did not believe that a complete break with South Africa was the best way of achieving the goals sought.

28. Mrs. MASSON (Canada) said that she appreciated and supported the spirit of the draft resolution, namely, the idea of the attainment of the right of all peoples to self-determination and independence. She had, however, abstained in the vote because she had serious reservations about the text. Operative paragraph 3, which mentioned armed struggle, ran counter to the spirit of the Charter. As it had already done at the 2070th meeting in the vote on the draft resolution which was later adopted by the General Assembly as resolution 3222 (XXIX) and which had contained a similar paragraph, her delegation had voted against operative paragraph 8, which it considered inappropriate; it objected to the reference to NATO, a defensive organization in no way connected with South Africa. It had abstained on operative paragraph 9, since it did not believe that severing all relations with South Africa would lead the Government of that country to abandon its policy of *apartheid* and oppression; continued contacts, on the other hand, would allow pressure to be exerted on it. If a separate vote had been taken on operative paragraph 7, she would have been unable to vote in favour of it, since it prejudged the outcome of the deliberations taking place in the General Assembly.

29. Mr. KANKA (Czechoslovakia) said that he had voted in favour of draft resolution A/C.3/L.2128/Rev.1 because Czechoslovakia always stood with oppressed peoples and gave active support to the struggle of peoples for independence.

30. Exercising his right of reply, he rejected the slanderous allegations of the representative of the Chilean régime; bearing in mind the resolution relating to violations of human rights in Chile recently adopted by the General Assembly (resolution 3219 (XXIX)), the representative in question would do better to consider the situation in his own country.

31. Mr. SMIRNOV (Union of Soviet Socialist Republics) said that he had voted without reservation in favour of the

draft resolution as a whole and of all the paragraphs on which a separate vote had been taken. The document which had just been approved confirmed the inalienable right of all peoples still under the colonial yoke to self-determination and independence, in accordance with the Declaration in General Assembly resolution 1514 (XV). His delegation gave its full support to those peoples in all areas. It had voted in favour of operative paragraphs 8 and 9 which condemned the policies of the members of NATO which encouraged racist régimes and called upon them to sever all links with South Africa and Southern Rhodesia.

32. His delegation considered itself in duty bound to reject categorically the slanderous attacks by the agent of the Chilean *junta*, who had abstained in the vote on the main paragraphs of the draft resolution. It denounced the hypocrisy of those attacks, made as they were at a time when in Chile itself the *junta* was depriving the Chilean people of the right to have the government of their choice.

33. Mr. IGUCHI (Japan) said that he had abstained in the vote. He could have subscribed to some of the paragraphs, since Japan favoured the speedy granting of independence to colonial countries and peoples, but on condition that it was achieved through peaceful means, in accordance with the Charter. Having said that, the Fourth Committee would be a more appropriate body than the Third Committee to decide on the methods to be used. His delegation had abstained in the vote on operative paragraphs 3, 8 and 9, which contained elements which did not fall within the competence of the Committee.

34. Miss DIAROU MEYE (Niger) said that if it had been present when the vote was taken, her delegation, which was one of the sponsors of draft resolution A/C.3/L.2128/Rev.1, would have voted in favour of the draft resolution as a whole and of all the paragraphs on which a separate vote had been taken.

35. The CHAIRMAN announced that the Committee had completed its consideration of item 55.

36. Mr. VARGA (Hungary), speaking in exercise of the right of reply, categorically rejected the statements of the representative of the Chilean *junta* who had attacked Hungary with an animosity which was deplorably reminiscent of the practices of the cold war.

37. Mr. DURAN (Chile) said that the members of the Committee had been subjected, during the explanations of vote on a draft resolution which sought to ensure effective guarantees and respect for human rights, to vehement and offensive invective and insulting allusions on the part of the representative of those hypocritical iconoclasts who set themselves up in the United Nations as teachers and tried to give lessons to others. He failed to see what cause the representative of Hungary had to be so bold and to interfere in such a manner in the affairs of others. The Chilean delegation had voted for the draft resolution which had just been adopted and at the same time had pointed out that it was general in scope and that therefore the delegations which had voted in its favour could, while expressing their commitment to a fundamental principle, have been motivated by different considerations. Chile, for its part, had expressed reservations with regard to operative

paragraphs 8 and 9 in its desire to protect the sovereignty of States against any attack. It had welcomed the adoption of a resolution which reaffirmed the legitimate right of colonized peoples to self-determination and independence. It would be interesting to hear the representative of Hungary explain the fate of the Czech, Baltic and Hungarian populations, considering that General Assembly resolutions 1004 (ES-II), 1005 (ES-II), 1006 (ES-II) and 1007 (ES-II), adopted in November 1956, condemning the foreign intervention in Hungary, had been deliberately trampled underfoot. Whatever slanderous remarks the lackeys of the USSR might contrive to spread about his country, he was proud to belong to a nation which had been able, without the help of anyone, to free itself from the totalitarian threat.

AGENDA ITEM 52

Human rights in armed conflicts: protection of journalists engaged in dangerous missions in areas of armed conflict (A/9643, A/C.3/L.2129)

38. Mr. SCHREIBER (Director, Division of Human Rights) gave a brief chronological account of the General Assembly's consideration of the question of the protection of journalists engaged in dangerous missions in areas of armed conflict. The Committee had before it a note by the Secretary-General (A/9643) which contained, in annex I, the text of the revised draft articles submitted at the twenty-seventh session, which the Committee had amended after considering it article by article, and, in annex II, the amendments to the text.

39. In resolution 3058 (XXVIII), the General Assembly had expressed the opinion that it would be desirable to adopt a convention ensuring the protection of journalists engaged in dangerous missions in areas of armed conflict. As he had been requested to do in that resolution, the Secretary-General had transmitted the draft articles and amendments, together with the observations and suggestions made on them, to the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, which had been held in Geneva from 20 February to 29 March 1974, and had invited it to submit its comments and advice on those texts. Unfortunately, the Conference had had to report that the progress in its work had not permitted it to give proper consideration at its first session to the question submitted to it by the General Assembly. It had asked to be given more time for that purpose and had decided to make the question a priority item in the agenda for its second session, to be held in 1975.

40. Mr. FEIT (France) said that he wondered why the draft convention proposed to the Third Committee for the fifth consecutive year had not yet been adopted even though there seemed to be agreement on the desirability and importance of protecting journalists and on the type of action required to achieve that purpose.

41. Recalling the circumstances in which his delegation had proposed that the United Nations should take action to ensure that journalists engaged in dangerous missions enjoyed appropriate legal protection, he noted that as far

back as May 1968 the International Congress of Journalists held at Montecatini had expressed the wish that the United Nations should devote attention to their protection when they were engaged in dangerous missions, and had unanimously adopted a preliminary draft convention providing for the establishment of an international office under United Nations auspices. The draft articles before the Committee had many points in common with that preliminary draft. Secretary-General U Thant had also expressed his deep concern about the disappearance of journalists, and noted that it was in the interest of the world community to ensure that press correspondents could perform their sometimes dangerous tasks in complete freedom, since that would contribute directly to the exercise of the right of freedom of information. The right "to seek, receive and impart information and ideas through any media and regardless of frontiers", as set forth in article 19 of the Universal Declaration of Human Rights, could hardly be exercised if journalists were not granted special protection in those situations in which ascertaining the facts was most difficult and involved the greatest dangers. He stressed the special nature of the situation of journalists: placed in the same category as other civilians, they were not regarded as duly accredited war correspondents attached to armies, and were therefore not protected as such by the relevant provisions of the Geneva Conventions of 1949;¹ however, having special responsibilities, they must often, in order to perform their professional duties normally, expose themselves to dangers which other civilians could avoid or attempt to avoid.

42. Although of late there had not been as many tragic deaths as in 1970, journalists had nevertheless continued to pay a heavy toll to the hazards of war and the dangers of their profession, particularly in the eastern Mediterranean and the Indo-Chinese peninsula. Following appeals by the International Committee for the Protection of Journalists and the International Press Institute, the French Government was more determined than ever to achieve results. In any case, the importance of a humanitarian problem could not be measured by the number of victims. The urgency of the question was as great as ever. Hence the progress achieved since the twenty-fifth session should be commended; that progress had been made possible, in particular, thanks to the work carried out by the Commission on Human Rights at its twenty-eighth session, which had been able to work out a difficult compromise between the texts submitted for its consideration. The text drawn up by the Commission on that occasion had since then served as a basis for further work. At the twenty-eighth session of the General Assembly the draft had been considered article by article and it appeared that most delegations had a clear understanding of the reasons for and purposes of the proposed convention and no longer had any misgivings in that connexion. Moreover, in order to make the situation perfectly clear and to maintain a unified approach to humanitarian law, the authors of the text, which included France, had agreed that the draft and the amendments not incorporated in the text, as well as the observations and suggestions made during that session, should be referred for comment to the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts; resolution 3058 (XXVIII),

¹ United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

which contained that decision, gave high priority to the consideration of that question at the current session.

43. The text of the draft convention now under consideration, the result of a long process of reflection and negotiation, was delicately balanced and met the four following guiding principles: respect for the competence of the Red Cross, provision for the support and participation of the profession, realistic character of the protection envisaged and respect for State sovereignty. With reference to the Red Cross, the draft convention provided in article 3 that it should be associated with the operation of the system, since the International Committee of the Red Cross (ICRC) would be invited to participate as an observer in the work of the international professional committee established in that article. Moreover, article 10 proposed that the information communicated concerning journalists who were killed, wounded, ill, arrested or missing should preferably be sent through ICRC or the United Nations. It also proposed that in case of internment, journalists should be granted identical treatment to that provided for in articles 79 to 135 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949.²

44. With reference to the second principle, it seemed essential that journalists should participate in the implementation of a convention which chiefly concerned them. The establishment of an international professional committee met that purpose. That group would be responsible for establishing a code of ethics for journalists, and the sponsors of the draft convention would have preferred it to have the additional role of issuing cards, but, in a spirit of compromise, they had agreed that the competent authorities of the States parties should assume that responsibility.

45. On the subject of the third principle, it should be noted that the measures of protection envisaged did not exceed what a country could or should normally grant out of humanitarian considerations and did not impose any exceptional obligation on States. In the case of parties to a conflict which did not have the status of a State, although they could not be required to undertake legal commitments in the strict sense of the term, they could be requested to conduct themselves in accordance with the draft convention, which referred to "all the parties" and armed conflicts "whether or not international".

46. Precise suggestions from the profession on the choice of measures to secure effective protection had been taken into account. The purpose of the card was to provide true journalists, who were by definition non-combatant civilians, with a unanimously recognized and guaranteed identification document. A number of procedures had also been suggested with respect to the communication of information should difficulties arise during the mission of the bearer of a card, but no measures had been ruled out *a priori*.

47. The fourth and last principle, that of State sovereignty, was clearly reaffirmed in the new version of article 1, according to which "... This Convention shall not affect the sovereignty of States". It provided that possession of the card did not confer any new right on journalists; in particular, it imposed no obligation on States to grant them

visas. The requirement printed on the back of the card (art. 5, para. 2) that journalists should not interfere in the domestic affairs of the receiving country was also designed to protect State sovereignty.

48. The question which had to be decided at that point was whether the Committee was now prepared to adopt the draft convention. In that connexion his delegation wished to stress that the text before the Committee had been carefully studied, that it was consistent with the humanitarian concerns of the United Nations, and that it could be incorporated harmoniously into international positive law. Its very imperfections reflected the spirit of compromise in which it had been drawn up. Furthermore, most delegations seemed to recognize the progress made and the fact that the main ideas and principles governing the convention enjoyed wide support. His delegation wished to draw attention to the vital importance of unanimity among Member States in the adoption of international conventions in the field of humanitarian law: a convention relating to journalists which was ratified by only a few dozen States would have limited effectiveness and would therefore not serve the purposes which the sponsors had had in mind.

49. Invoking the legitimate concern not to undertake anything which might be prejudicial to the principles of unity and universality of humanitarian law, some delegations had proposed that the question should be referred to the Sixth Committee, while others had proposed that it should be submitted to the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts.

50. His delegation naturally considered that the Sixth Committee had competence to deal with legal matters; it thought, however, that questions already studied in detail by another Committee which was itself competent in so far as the substance was concerned need not be referred to it. That would be tantamount to a repudiation of the Commission on Human Rights, the Economic and Social Council and the Third Committee itself, whose competence to prepare international instruments was, after all, demonstrated by the number of conventions and agreements which had emerged from it. On the other hand, it seemed desirable for the text to be examined by the Geneva Diplomatic Conference; that proposal had, moreover, been the subject of a consensus at the twenty-eighth session of the General Assembly. It was to be regretted that the Conference had not been able to study the draft convention; it had decided, by a resolution adopted by consensus, to include the examination of the question as a matter of priority in the agenda of its next session.³ While many delegations thought that nothing would be lost by waiting one year to obtain the undoubtedly valuable observations and suggestions of the Diplomatic Conference, his delegation, in spite of its desire to see the Convention quickly adopted, would limit itself at the current stage of the debate to expressing the wish that all delegations should make their views known, reserving its right to speak at a subsequent stage in order to draw the conclusions which in its opinion had emerged from the exchanges of views.

51. The Uruguayan delegation had just submitted, in document A/C.3/L.2129, a draft resolution which sought,

² *Ibid.*, No. 973.

³ See A/9669, chap. VIII, sect. B.

on the one hand, to renew the request already made to the Diplomatic Conference to submit its observations and suggestions on the text of the draft convention and, on the other, to provide for the inclusion of the question in the agenda of the thirtieth session of the General Assembly. It was, of course, too early to take a position on that proposal. His delegation would reserve the right to suggest a few minor modifications to the text later, if the solution put forward in that proposal proved to be that which was most in keeping with the wishes of the Committee.

52. Mr. SÖYLEMEZ (Turkey) recalled that the General Assembly had been considering the question of the protection of journalists engaged in dangerous missions in areas of armed conflict since its twenty-fifth session, in 1970. The previous year, the Committee had examined the draft convention article by article and, in its resolution 3058 (XXVIII), the General Assembly had expressed the opinion that it would be desirable to adopt a convention ensuring the protection of journalists engaged in dangerous missions in areas of armed conflict. The revised form of the draft convention was sponsored by Australia, Austria, Denmark, Ecuador, Finland, France, Iran, Lebanon, Morocco and Turkey.

53. The protection of journalists engaged in dangerous missions was only part of the wider problem of the development of humanitarian international law. The Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, which had held its first session at Geneva from 20 February to 29 March 1974, had been unable to examine the question and had decided to include it in the agenda of its next session, at which its discussion would undoubtedly benefit from the work done by the United Nations. His delegation considered that the draft convention was practical in its approach and established a balance between the rights of States and the interests of journalists. It also believed that the draft convention was juridically compatible with the Fourth Geneva Convention of 1949 and did not pose any political problems. The draft convention was perhaps not perfect and could be improved in certain respects. However, much progress had been made the previous year during the first reading of the draft and it should be possible to adopt a number of articles at the current session.

54. The question of the protection of journalists engaged in dangerous missions was an urgent problem, since wars could not always be prevented, as evidenced by the events now taking place in the Middle East and Cyprus.

55. Quite recently, a 29-year-old Turkish journalist had died in Cyprus. The group of correspondents with which he was travelling to Nicosia had mistakenly entered the Greek lines; the young journalist had been fired upon twice by Greek soldiers with machine-guns, the second time after he had been taken prisoner and identified himself as a war correspondent. He had not been taken to hospital until three days later and had died of his wounds in Turkey,

where he had been repatriated at the request of the Turkish Government and with the help of the Secretary-General of the United Nations. Adem Yavuz had not been the first war correspondent to die while performing his duty, but he had been the first journalist to be killed after being taken prisoner. All civilized countries had denounced that barbaric act, which the International Press Institute had strongly condemned. The Cypriot Government had been requested by that Institute to issue an official statement describing the circumstances in which the journalist had been wounded, but it had not responded to that request. That sad story was a reminder of the need to ensure the protection of journalists engaged in dangerous missions.

56. Mr. IPSARIDES (Cyprus), speaking in exercise of the right of reply, said that the representative of Turkey had seen fit, during the introduction of the question of the protection of journalists engaged in dangerous missions in areas of armed conflict, to attack Cyprus with the utmost vehemence. He himself would point out that previously, during his own statements on the question of decolonization, he had described the hardships which his own country had suffered under foreign domination, without mentioning Turkey in any way whatever. However, the representative of that country had felt himself to be the target and had proved it at the current meeting by such violent attacks that Mr. Ipsarides considered it his duty to make a reply. With regard to the Adem Yavuz case, he reserved the right to revert to the question once all aspects of the affair had been brought out. He expressed the regrets of the Cypriot Government with regard to that unfortunate incident. It seemed to him, however, that the representative of Turkey had taken advantage of the occasion to cause confusion in order to make members forget the acts of his compatriots who were using napalm in Cyprus, plundering, raping and murdering, and shamelessly trampling fundamental human rights underfoot.

57. Mr. SÖYLEMEZ (Turkey), speaking on a point of order, pointed out that the statement of the representative of Greece had nothing to do with the question under consideration, which was the protection of journalists engaged in dangerous missions in areas of armed conflict.

58. Mr. THEODORACOPOULOS (Greece) wished to make it clear that Mr. Ipsarides was the representative of Cyprus and that he himself was the representative of Greece.

59. Mrs. WARZAZI (Morocco), speaking on a point of order, moved that, in view of the lateness of the hour, the Chairman should adjourn the meeting.

60. The CHAIRMAN put the Moroccan representative's motion to the vote.

The motion was adopted by 48 votes to 11, with 20 abstentions.

The meeting rose at 6.10 p.m.