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COMMISSION ON HUMAN RIGHTS

Eighth Session

SUMMARY RECORD OF THE TWO HUNDRED AND SIXTY-FIRST MEETING

Held at Headquarters, New York,
on Monday, 21 April 1952, at 2.30 p.m.

CONTENTS: Recommendations concerning international respect for the self-determination of peoples (A/L.102, A/L.106, A/2112; E/CN.4/657, E/CN.4/516, E/CN.4/649, E/CN.4/662; E/CN.4/L.20, E/CN.4/L.21, E/CN.4/L.22/Rev.1, E/CN.4/L.23/Rev.2, E/CN.4/L.24, E/CN.4/L.25, E/CN.4/L.26, E/CN.4/L.27, E/CN.4/L.28/Rev.2, E/CN.4/L.29, E/CN.4/L.30, E/CN.4/L.31 and E/CN.4/L.32) (continued)

<u>Chairman:</u>	Mr. CASSIN	(France)
<u>Rapporteur:</u>	Mr. WHITLAM	Australia
<u>Members:</u>	Mr. NISOT	Belgium
	Mr. VALENZUELA	Chile
	Mr. CHENG PAONAN	China
	AZMI Bey	Egypt
	Mr. JUVIGNY	France

Members: (continued)

Mr. KYRCU	Greece
Mrs. MEHTA	India
Mr. AZKOUL	Lebanon
Mr. WAHEED	Pakistan
Mr. BORATYNSKI	Poland
Mrs. ROSSEL	Sweden
Mr. KOVALENKO	Ukrainian Soviet Socialist Republic
Mr. MOROZOV	Union of Soviet Socialist Republics
Mr. HOARE	United Kingdom of Great Britain and Northern Ireland
Mrs. ROOSEVELT	United States of America
Mr. BRACCO	Uruguay
Mr. JEVREMOVIC	Yugoslavia

Representative of a specialized agency:

Mr. PICKFORD	International Labour Organisation (ILO)
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Representatives of non-governmental organizations:Category A:

Miss SENDER } Mr. LEARY }	International Confederation of Free Trade Unions (ICFTU)
Miss KAHN	World Federation of Trade Unions (WFTU)

Category B
and Register:

Mr. AVRAM	International Association of Penal Law
Mrs. PARSONS } Mrs. CARTER }	International Council of Women
Mrs. ROEB	International Federation of University Women
Mr. BEER	International League for the Rights of Man
Miss SCHAEFER	International Union of Catholic Women's Leagues
Mrs. CARTER	Liaison Committee of Women's International Organizations
Mr. RONALDS	World Union for Progressive Judaism

/Secretariat:

Secretariat:

Mr. HUMPHREY

Director of the Division of
Human Rights

Mr. DAS)
Miss KITCHEN)

Secretaries of the Commission

RECOMMENDATIONS CONCERNING INTERNATIONAL RESPECT FOR THE SELF-DETERMINATION OF PEOPLES (A/L.102, A/L.106, A/2112; E/CN.4/657, E/CN.4/516, E/CN.4/649, E/CN.4/662; E/CN.4/L.20, E/CN.4/L.21, E/CN.4/L.22/Rev.1, E/CN.4/L.23/Rev.2, E/CN.4/L.24, E/CN.4/L.25, E/CN.4/L.26, E/CN.4/L.27, E/CN.4/L.28/Rev.2, E/CN.4/L.29, E/CN.4/L.30, E/CN.4/L.31 and E/CN.4/L.32)(continued)

The CHAIRMAN invited the Commission to continue discussion of the Chilean draft resolution (E/CN.4/L.24).

Mr. JEVREMOVIC (Yugoslavia) stated that his delegation had already spoken in favour of the Chilean proposal and that it agreed with every word of the text, since the right of peoples to sovereignty over their natural resources constituted the practical basis of their political independence. The Chilean draft complemented the text that the Commission had accepted at its 260th meeting and there was certainly nothing superfluous in stating that right in specific terms at a time when violations of the right of peoples in the economic sphere were a frequent occurrence.

Mr. VALENZUELA (Chile) asked for a roll-call vote on his draft resolution.

/The CHAIRMAN

The CHAIRMAN put the first sentence of the Chilean draft resolution to the vote.

A vote was taken by roll-call.

In favour: Chile, Egypt, India, Lebanon, Pakistan, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yugoslavia.

Against: Australia, Belgium, France, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: China, Greece.

The first sentence of the Chilean draft resolution was adopted by 10 votes to 6, with 2 abstentions.

The CHAIRMAN put the second sentence of the Chilean draft resolution to the vote.

In favour: Chile, Egypt, India, Pakistan, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yugoslavia.

Against: Australia, Belgium, China, France, Greece, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Lebanon.

The second sentence of the Chilean draft resolution was adopted by 9 votes to 8, with 1 abstention.

/The CHAIRMAN

The CHAIRMAN put the Chilean draft resolution to the vote as a whole.

In favour: Chile, Egypt, India, Lebanon, Pakistan, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yugoslavia.

Against: Australia, Belgium, France, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: China, Greece.

The Chilean draft resolution was adopted by 10 votes to 6, with 2 abstentions.

Mrs. ROSSEL (Sweden) said she had voted against the Chilean draft resolution because her delegation did not believe that the complex economic question which it raised could be expressed in such general terms. It was doubtful too whether the Commission was competent to tackle what could hardly be regarded as a problem of human rights. She asked to have those reasons recorded in the official summary record.

Mr. CHENG PAONAN (China) explained that, while in sympathy with the spirit of the Chilean draft resolution, he had abstained in the vote on the first sentence because he did not like its wording; he had voted against the second sentence because of its vagueness; and he had abstained in the vote on the whole proposal because he would have preferred its provisions to appear in the covenant on economic rights.

The CHAIRMAN said the Commission must now decide whether the Chilean text was to form an additional article or be incorporated in the text that the Commission had adopted at its 260th meeting.

AZMI Bey (Egypt) favoured a single article of three paragraphs, the first two of which would be the text the Commission had adopted at its 260th meeting, while the Chilean text it had just adopted would appear as the third paragraph.

/ Mrs. ROOSEVELT

Mrs. ROOSEVELT (United States of America) thought that, since the Chilean text concerned the right of peoples in the specific field of economics, it should appear as a separate article in the covenant on economic rights.

Mr. VALENZUELA (Chile) reminded the Commission that it had decided that the article on the right of peoples to self-determination should be the same in both covenants; there should therefore be no technical difficulty in adding it to the paragraphs adopted by the Commission at its 260th meeting. The Chilean text should not be left out of the covenant on civil and political rights.

Mr. MOROZOV (Union of Soviet Socialist Republics) agreed with the Chilean representative.

The CHAIRMAN stated that the Commission must decide whether the Chilean text should be added, as a third paragraph, to the resolution it had adopted at its morning meeting or appear only in the covenant on economic, social and cultural rights.

Mrs. MEHTA (India) considered that if the Chilean text was to appear in both covenants it would be better to make it a separate article. The best course, however, would be to include it only in the covenant on economic rights.

Mr. KYROU (Greece) thought the Commission should leave the decision on that point to the General Assembly.

Mr. BRACCO (Uruguay) agreed with the Chilean representative. The right of peoples to sovereignty over their natural resources might well be weakened in scope if it were stated only in the covenant on economic rights.

Mr. JEVREMOVIC (Yugoslavia) pointed out that the resolution adopted at the 260th meeting of the Commission and the Chilean resolution formed an indivisible whole, since economic independence was indispensable to the full exercise of the right of peoples to self-determination.

/The CHAIRMAN

The CHAIRMAN put to the vote the proposal that the Chilean resolution should become the third paragraph of the text the Commission had adopted at its 260th meeting.

The proposal was adopted by 9 votes to 4, with 5 abstentions.

The CHAIRMAN asked the Commission to consider the Yugoslav draft resolution (E/CN.4/L.22/Rev.1).

Mr. JEVREMOVIC (Yugoslavia) ~~urged~~ the Commission not to lose sight of the fact that the point of primary ~~importance~~ in drawing up the covenants was human rights. The right of peoples to self-determination was not a purely theoretical matter: there was ~~in fact~~, no nation in the world that did not have to fight for its independence.

Mr. CHENG PAONAN (China) said he would not vote for the revised Yugoslav draft resolution unless it was to appear in the covenant on civil and political rights.

Mr. AZKOUL (Lebanon) thought the Yugoslav draft resolution not only acceptable but necessary. It had been objected to on the pretext that the Commission had been instructed to draw up a covenant on the rights of peoples and not on the rights of the individual. It was clear, however, from the Yugoslav text that the right of peoples and the right of each individual were one and the same thing. He asked the Yugoslav representative if he would agree to amend his draft resolution by replacing the words "to participate in action to establish the independence..." by the words "to participate in action to ensure and maintain the independence...".

He assured Mr. Jevremovic that, even if that suggestion was not accepted, he would support the Yugoslav draft resolution.

Mr. KYROU (Greece) asked the representative of Yugoslavia what was meant by "action" and whether it might not be broadly interpreted to include subversive activities. It would be dangerous to have such wording in an article on the right of peoples to self-determination.

/Mrs. ROOSEVELT

Mrs. ROOSEVELT (United States of America) found the Yugoslav draft too vague. She wondered what kind of action was referred to, whether the draft was applicable to a whole people and whether it did not cover subversive activities and treason. Because of the questions in her mind, she would vote against the Yugoslav draft.

Mr. HOARE (United Kingdom) disagreed with the Lebanese representative's view that the Yugoslav text asserted the right as an individual right. It merely provided, quite unnecessarily, for the individual to act as part of a collectivity in the exercise of what remained a collective right. Certainly the action mentioned in the Yugoslav draft would have to be defined. That it was intended to legalize any act of violence aimed at establishing a people's independence was inconceivable. Other human rights, such as the right to life, had to be respected.

Mr. NISOT (Belgium) agreed with the United Kingdom and United States representatives.

Mr. JUVIGNY (France) said that a people could express its right to self-determination by asking to become part of a State. He therefore suggested the substitution of the words "to exercise the right of self-determination" for the words "to establish the independence". France would support the principle put forward by Yugoslavia, provided that the will to acquire the right of self-determination was expressed in democratic form. The idea was one that required more intensive study and formed a part rather of the recommendations which the Commission had to draw up. Therefore, although not indifferent to the reason for the Yugoslav proposal, the French delegation would vote against it.

Mr. BRACCO (Uruguay) agreed with the United States delegation that there were certain dangers in the Yugoslav draft. It would be odd if the United Nations were to sanction any kind of action, including subversive activities. If, however, the text were amended as suggested by Lebanon, it would be clear that the right applied to peoples already independent and could not be invoked to justify subversive movements. If the draft were amended to that effect, the Uruguayan delegation could support it.

/Mr. JEVREMOVIC

Mr. JEVREMOVIC (Yugoslavia) said he was prepared to accept the suggestions of the representative of Lebanon.

Mr. WAHEED (Pakistan) observed that his delegation was prepared to vote for the Yugoslav draft but would prefer the wording "to promote and ensure" to the wording "to participate in action to establish".

Mr. KYROU (Greece) wondered whether the right demanded by the Yugoslav draft would apply to a small minority of a few individuals in a population of three or four millions.

Mr. JEVREMOVIC (Yugoslavia), in reply to the Pakistan representative, said that it was not merely a question of a person promoting a fight for independence but of taking an active part in it. There could, he added, be no question of sanctioning subversive activities if his draft resolution was considered from the viewpoint of the Charter and other instruments adopted by the United Nations.

Replying to the objection that the rights of individuals should not be cited in a covenant dealing with the rights of peoples, he emphasized that a people could not establish or retain its independence unless the individuals composing it took part in the fight.

Mrs. MEHTA (India) remarked that the right of peoples to self-determination included the right envisaged in the Yugoslav draft, which thus became unnecessary.

Mr. AZKOUL (Lebanon) pointed out that the right of peoples, stated as such, did not necessarily include the right of individuals. A minority within a sovereign State might wish to oppose its government's policy if that policy tended to subject the State to a foreign Power. Such a minority must have the right of free expression and action, as expressly provided for in the Yugoslav draft resolution. It was true, as the representative of France had said, that the right of peoples to self-determination did not necessarily mean the right of secession. He agreed that the latter's suggestion would improve the Yugoslav draft.

/As for

As for the objection that it would be dangerous for the United Nations to sanction subversive activities, he did not see how a text adopted by the United Nations could be interpreted as inciting to violence. In a people's fight for independence, the end aimed at determined and justified the means, and the question of subversive activities or treason would not arise.

Mr. KYROU (Greece) disagreed with the representative of Lebanon. The Greek delegation favoured recognition of the right of peoples to self-determination but care should be taken in drafting an article proclaiming that right. The representative of Lebanon had cited the case of a State the government of which obeyed the orders of a foreign government. If all or most of the population was hostile to the latter government it would normally exercise the right of self-determination, but that situation was already provided for in paragraph 1 of the article. If, on the other hand, only a very small minority of a few persons were involved, it was difficult to see how it could be accorded the right of self-determination. That, however, was what the Yugoslav draft resolution proposed.

Mr. AZKOUL (Lebanon) said that even in such a case the rights of members of that minority must be respected. They should be able to form a party and win support for their views. After all, that was what freedom of speech meant.

Mr. JEVREMOVIC (Yugoslavia) fully understood the objections of the representatives of France and Lebanon. He had used the term "independence" because in practice only the desire for independence could be taken into consideration. However, in order to facilitate the discussion, he was prepared to accept the French representative's suggestion and replace the word "independence" with the phrase "the right of self-determination". On the other hand, it was not correct to claim that there was no need to affirm that right as a personal right, inasmuch as recognition of the right of peoples to

/self-determination

self-determination was tantamount to recognition of the exercise of that right by individuals. It need only be recalled that Hitler had proclaimed the right of peoples to self-determination but had ordered the execution -- in France, Belgium, Greece and Yugoslavia -- of persons who opposed the occupation of their countries by German troops. It was necessary therefore to stipulate expressly the right of an individual to participate in action aimed at establishing or maintaining the free exercise of the right of peoples to self-determination.

Mr. WHITLAM (Australia) said the wording proposed by the representative of Yugoslavia was open to different interpretations. That representative considered his proposal to include the right of secession; and he had admitted that the exercise of such a right in those terms might imply the use of violence and recourse to subversive action. Such an article could hardly be inserted in a covenant which was intended to have the force of law if the article itself authorized action that was unlawful. As a matter of historical necessity many peoples had achieved their independence by revolutionary or subversive means and it might be that historical necessity would dictate the employment of similar means in some extreme cases in the future, but such a course of action could not be the subject of legal prescription. The representative of Lebanon had argued that the Yugoslav proposal was required to protect freedom of speech in favour of self-determination, but if that was its purpose then it should be realized that the covenant already provided for freedom of speech. The Australian delegation would have to vote against the Yugoslav draft resolution.

Mrs. ROOSEVELT (United States of America) fully agreed with the Australian representative. She repeated that she too would have to vote against the draft on account of its vagueness.

Mr. KYROU (Greece) thought that the Nazi occupations, referred to by the Yugoslav representative, were excellent examples of the need for a large majority. In France, Yugoslavia and other countries the whole population, except for a very small minority, wanted the German troops to leave.

/Mr. JUVIGNY

Mr. JUVIGNY (France) thanked the Yugoslav representative for accepting the change he had suggested but, he would still have to abstain in the vote on the draft resolution.

Mr. AZKOUL (Lebanon) noted that the term "free determination" was not used in the text the Commission had adopted. It would be better, therefore, to use the phrase "free exercise of that right" which referred to the "right of peoples to self-determination" at the beginning of the sentence.

AZMI Bey (Egypt) pointed out that the definition of the right of peoples to self-determination contained the concept of free determination for it read as follows: "right freely to determine their political, economic, social and cultural status". The point to be decided was whether that phrase corresponded to the English term "self-determination" or to "free determination". In any case, the wording suggested by the representative of Lebanon appeared preferable.

Mr. JEVREMOVIC (Yugoslavia) had no objection to the Lebanese representative's suggestion seeing that the idea expressed in his own draft resolution was retained.

Mr. VALENZUELA (Chile) asked for a separate vote on the last part of the draft resolution reading "of the people to which he belongs". If adopted those words would mean generally a limitation of the right of peoples to self-determination and a negation of the principle of international solidarity. More concretely, account must be taken of the actual situation in many countries where governments sought to deprive of their rights certain hostile elements of the population, for example, by taking away their civic rights or by declaring that they had lost their nationality. Such persons, under the Yugoslav draft resolution, would find themselves denied the right of self-determination.

Mr. CHENG PONGNAN (China) asked whether the Yugoslav draft resolution if adopted, would form a fourth paragraph to be added to the three paragraphs already adopted or a separate article.

/ Mr. JEVREMOVIC

Mr. JEVREMOVIC (Yugoslavia) suggested that, as it had done in the case of the Chilean draft resolution, the Commission should first decide whether to adopt the text and then where to insert it.

The CHAIRMAN put to the vote the first part of the Yugoslav proposal: "The right of peoples to self-determination includes the right of every person to participate in any action intended to ensure or maintain the free exercise of that right".

A vote was taken by roll-call.

In favour: Chile, Egypt, Lebanon, Pakistan, Uruguay, Yugoslavia.

Against: Australia, Belgium, Greece, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: China, France, India, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

The Yugoslav draft resolution was not adopted, 6 votes being cast in favour and 6 against, with 6 abstentions.

Mr. JEVREMOVIC (Yugoslavia) keenly regretted the position taken by the Commission. He did not believe that the exercise of the right of peoples to self-determination could be ensured unless every individual was entitled to exercise it. Recent historical events proved that. Those nations which had come under the yoke of Hitler knew how important it was to recognize every person's right to participate in action to liberate the country. Yugoslavia had paid for the exercise of that right by the sacrifice of 1,700,000 human lives.

AZMI Bey (Egypt) asked the Chairman whether the Commission had to decide on the whole of the article to be included in the draft covenants before going on to consider the drafting of recommendations concerning international respect of the right of peoples to self-determination.

Mr. MOROZOV (Union of Soviet Socialist Republics) observed that the question was settled, as the USSR and Chilean draft resolutions had been adopted

/in turn

in turn and the Commission had then decided to combine them to form a single article. As the Chilean draft resolution was not an amendment to the USSR draft resolution, there was no point in voting on the article as a whole.

Mr. CHENG PAONAN (China) said that, though his delegation had voted for the USSR draft resolution and against the Chilean draft resolution, it would like an opportunity of voting on the article as a whole.

Mr. NISOT (Belgium) also wanted a vote taken on the article as a whole.

Mr. BORATINSKI (Poland) thought the discussion was unnecessary and asked the Chairman to close the debate on the question.

Mrs. ROOSEVELT (United States of America) felt that, as the two draft resolutions had been combined in a single text, the Commission had before it a new text which it should vote on as a whole.

Mr. MOROZOV (Union of Soviet Socialist Republics) objected to any attempt to distort the meaning of the rules of procedure. The new article consisted of two parts on which the Commission had voted in turn and had then decided to unite them in one. Had the Commission decided against that unification, the two texts would still have retained their importance. In voting on the article as a whole, therefore, the Commission could not now decide to reject it and the question of the relative position of the two texts had already been settled by the Commission.

Mr. AZKOUL (Lebanon) pointed out that the rules of procedure of the functional commissions of the Economic and Social Council referred only to proposals and amendments. There was no provision compelling the Commission to vote on the article as a whole, but in the case of documents such as conventions and covenants, the normal practice was to vote on each of the articles as a whole. The Commission might decide in the present case to proceed in that manner.

/Mrs. ROOSEVELT

Mrs. ROOSEVELT (United States of America) urged the Commission to decide to vote on the article as a whole because in her view the inclusion of the Chilean resolution might alter the position of some delegations which had voted for the USSR resolution.

Mr. NISOT (Belgium) formally moved that the Commission decide to vote on the article to be included in the covenant as a whole.

Mr. MOROZOV (Union of Soviet Socialist Republics) asked the Chairman to rule the Belgian representative's proposal out of order. Some representatives were obviously seeking to force another vote on a question which had already been settled; that was an irregular procedure and he asked the Commission not to follow such a course.

Mr. AZKOUL (Lebanon) suggested that the Commission decide whether or not it was necessary to vote on the article as a whole.

The CHAIRMAN said the Commission first had to decide whether the Belgian representative's motion was in order. Consequently, he would put to the vote the Lebanese and then the USSR proposal.

Mr. MOROZOV (Union of Soviet Socialist Republics) asked that his motion be given priority over that of Lebanon.

Mr. AZKOUL (Lebanon) withdrew his proposal.

The CHAIRMAN put to the vote the Soviet proposal to the effect that the Belgian representative's motion was out of order.

The USSR proposal was adopted by 9 votes to 8, with 1 abstention.

Mr. AZKOUL (Lebanon) moved that the meeting be adjourned when the Commission had decided on the deadline for the submission of draft resolutions on the recommendations concerning international respect of the right of peoples to self-determination.

/The CHAIRMAN

The CHAIRMAN, after consulting the members of the Commission, asked it to vote for Wednesday, 23 April at 12.30 p.m. as a deadline for the submission of draft resolutions.

The proposal was rejected by 4 votes to 2, with 9 abstentions.

The CHAIRMAN called for a vote to fix 22 April at 5.30 p.m. as the deadline.

The proposal was adopted by 8 votes to 2, with 7 abstentions.

The CHAIRMAN made it clear that amendments to draft resolutions could be submitted even after that date.

The meeting rose at 5.20 p.m.