

United Nations

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UNRESTRICTED

**ECONOMIC
AND
SOCIAL COUNCIL**

**CONSEIL
ECONOMIQUE
ET SOCIAL**

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ORIGINAL: ENGLISH

COMMISSION ON HUMAN RIGHTS

THIRD SESSION

SUMMARY RECORD OF THE FORTY-SIXTH MEETING

Lake Success, New York
Monday, 24 May 1948, at 11.00 a.m.

Present:

Chairman: Mrs. Franklin D. ROOSEVELT United States of America

Rapporteur: Mr. MALIK Lebanon

Members:

Mr. HOOD	Australia
Mr. LEHEAU	Belgium
Mr. SANTA CRUZ	Chile
Mr. WU	China
Mr. CASSIN	France
Mrs. MEHTA	India
Mr. QUIJANO	Panama
Mr. LOPEZ	Philippines
Mr. PAVLOV	Union of Soviet Socialist Republics
Mr. WILSON	United Kingdom
Mr. MORA	Uruguay
Mr. VILFAN	Yugoslavia

Specialized Agencies:

Mr. LEBAR	United Nations Educational, Scientific and Cultural Organization
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Inter-governmental organizations:

Mr. STONE	Preparatory Commission of the International Refugee Organization
Mr. HOWELL	World Health Organization

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Non-governmental organizations:

Miss SENDER	American Federation of Labor
Mr. van ISTENDAHL	International Federation of Christian Trade Unions
Miss STUART	World Federation of United Nations Associations
Mr. GOLDSMITH	Agudas Israel World Organization
Mr. BROTMAN	Co-ordinating Board of Jewish Organizations
Miss STRAHLER	International Committee of the Red Cross
Miss BURGESS	International Federation of Business and Professional Women
Miss ROEB	Liaison Committee of Women's International Organizations
Mr. BIENENFELD	World Jewish Congress

Secretariat:

Mr. LAUGIER	Assistant Secretary-General in charge of Social Affairs
Professor HUMPHREY	Director, Human Rights Division

The agenda was adopted by 9 votes to none, with no abstentions.

ELECTION OF OFFICERS

Mr. WILSON (United Kingdom) proposed the re-election of the representatives who had served as officers of the Commission during the first year. He suggested that the office of Second Vice-Chairman might be created.

Mr. WU (China) proposed the election of Professor Cassin (France) as Second Vice-Chairman.

Mr. MALIK (Lebanon) seconded Mr. Wu's proposal.

Mrs. Roosevelt (United States of America) was re-elected Chairman by ten votes to none, with no abstentions.

Mr. WU (China) was re-elected First Vice-Chairman by nine votes to none, with no abstentions.

Professor Cassin (France) was elected Second Vice-Chairman by nine votes to none, with no abstentions.

Mr. Malik (Lebanon) was re-elected Rapporteur by nine votes to none, with no abstentions.

The CHAIRMAN read a telegram which had been received from the President of a Conference of a hundred international non-governmental organizations being held in Geneva, wishing the Commission success in its work, and requested the Secretariat to send a message of thanks on behalf of the Commission.

She pointed out that the Commission had only one more month in which to finish the initial stage of its work - the preparation of an International Bill of Human Rights. It had been decided that both a Declaration and a Covenant should be drafted, and it was hoped that agreement would be reached on the question of implementation. The Commission had a mandate from the Economic and Social

Council which it could, and should, carry out. Good progress had been made at the second session of the Commission at Geneva. Some of the articles of the Declaration and the Covenant had been criticized as too long, but they might be compared to architects' drawings from which the building could be constructed.

With regard to the method of work, she did not advocate the system which had been successfully followed at Geneva of splitting into three working groups. She thought it would be preferable to discuss the Declaration, Covenant and Implementation in plenary meeting, in whatever order the Commission might decide, and suggested allotting one week to each subject. She warned the Commission that that procedure would allow little time for the discussion of each individual article, and expressed the view that there should be full discussion of the question of implementation, which had hitherto been somewhat neglected. If necessary, small sub-committees could be appointed to consider individual articles, but that had not proved very successful in the Drafting Committee. She asked the members of the Commission to submit in writing before the end of the day any amendments to the first ten articles of whichever part of the Bill of Rights it was decided to discuss first.

She suggested that, as the Commission would not have time to consider drafting points in detail, a small committee should be established, consisting of Professor Cassin (France), who would have responsibility for the French text, and Mr. Wilson (United Kingdom) who would have responsibility for the English.

Mr. PAVLOV (Union of Soviet Socialist Republics) wished to make a special statement before the Commission discussed its method of work. The Governments of the Byelorussian Soviet Socialist Republic and the Ukrainian Soviet Socialist Republic had

/requested

requested him to inform the Commission on Human Rights that on 8 May 1948, the United States Embassy in Moscow had notified the Government of the USSR of its refusal to issue visas for entry into the United States to the representatives of these Governments on the Commission, unless they completed a special type of questionnaire. This questionnaire was discriminatory in character, as it was required only of nationals of the USSR, the Ukrainian SSR, the Byelorussian SSR and certain countries of Eastern Europe. The action of the United States Embassy violated articles 11, 12 and 13 of the agreement between the United Nations and the United States Government. The provisions of that agreement applied irrespective of the relations existing between the United States of America and other States Members of the United Nations. The regulations concerning the entry of foreigners into the United States should not apply to representatives attending United Nations meetings.

Only two days before the beginning of the session, after repeated requests by the USSR Ministry of Foreign Affairs and a protest from the Secretary-General of the United Nations, the United States Embassy in Moscow had stated that visas would be issued to the two representatives, as an exception. That qualification presumably meant that the Embassy reserved the right to continue such discriminatory practices in the future.

The Governments of the Byelorussian SSR and the Ukrainian SSR had instructed him to make a formal protest to the Commission on Human Rights against the violation by the United States Government of its treaty obligations towards the United Nations. The Government of the USSR associated itself with that protest and called the attention of the Commission on Human Rights to the situation.

In view of the fact that the two representatives could not reach New York before Wednesday, 26 May at the earliest, he proposed that the Commission should postpone its work until their arrival.

The CHAIRMAN, speaking as representative of the United States of America, expressed regret that the two representatives had been delayed and said that arrangements had been made that United Nations officials would receive visas without delay. She explained that United States officials in the USSR were required to fill up forms discriminatory in character and requesting information concerning their political affiliations and various other matters. This had caused considerable delay in granting visas. Accordingly, the United States Embassy in Moscow had applied the same treatment to persons entering the United States. The State Department had however informed the Embassy that United Nations representatives were in a special category, and the visas had then been issued immediately.

She suggested that the Commission should not begin its work by consideration of the Report of the Drafting Committee, but should take up other items on its Agenda.

Mr. VILFAN (Yugoslavia) associated himself with the remarks of the USSR representative. He added that a Yugoslav representative had been asked to follow the same procedure; a protest had been addressed to the Secretary-General and he had promised that such an incident would not occur again.

The point at issue was not the relations between the United States and the USSR, but the relations between the United States and

/the United Nations.

the United Nations. It would be highly detrimental to the work of the United Nations if a representative could be prevented from attending a meeting merely because he was persona non grata with the United States Government.

He supported the proposal that the meeting should be adjourned until the arrival of the Byelorussian and Ukrainian representatives.

Mr. PAVLOV (Union of Soviet Socialist Republics) took note of the statement of the United States representative that such incidents would not be repeated in the future.

He objected categorically to any attempt to put the matter on a basis of retaliation. Had the persons involved been Embassy officials, the action of the United States Embassy in Moscow would have been correct, but discrimination against the Byelorussian and Ukrainian representatives to the Commission was contrary to the principles of the United Nations.

Questions of a technical nature concerning questionnaires etc. need not be discussed; on the other hand, the Commission should consider what action should be taken when United Nations representatives were prevented from attending a session of a United Nations organ owing to arbitrary action by the United States authorities. The fundamental consideration was the need to promote respect for the United Nations throughout the world.

The CHAIRMAN agreed with the USSR and Yugoslav representatives that United Nations representatives should never be delayed in attending sessions of United Nations organs. Her remarks had merely been an attempt to explain how the situation had come about. The incident was regrettable and she hoped it would never recur.

/Mr. LEBEAU

Mr. LEBEAU (Belgium) asked in what way the Commission's work would be affected by a few days' delay.

The CHAIRMAN stated that Mr. Cassin (France) would be obliged to leave on 14 June; she hoped to accomplish as much as possible before that date in order to have the benefit of his valuable knowledge and experience.

Mr. CASSIN (France) had understood the USSR representative's proposal to be that the Commission should postpone consideration of the most important questions on its agenda, not that it should suspend the session entirely. He hoped there would be no objection to discussing, for example, the general plan of work, while awaiting the arrival of the Byelorussian and Ukrainian representatives.

Mr. WU (China) did not consider that it was for the Commission to decide to postpone the session until the two representatives arrived. He would, however, suggest that the next meeting should not be held until the afternoon of 26 May, on the grounds that members would thus have ample time to examine the various documents.

Mr. PAVLOV (Union of Soviet Socialist Republics), replying to the French proposal, stressed that it was not within the power of the Commission to deprive the representatives of any States of the possibility of participating in any decisions taken. While, therefore, he agreed that the Commission could begin the discussion of items of secondary importance on the agenda, he would consider any decision taken in the absence of the two representatives illegal. It would be preferable to follow the suggestion of the Chinese representative, and adjourn until the afternoon of 26 May.

Furthermore, he wished to emphasize that the Commission could not pass over his protest in silence, but was morally obliged to express an opinion on the matter.

/Mrs. MEETA

Mrs. MEHTA (India) thought that the important issue raised by the USSR representative should be decided forthwith, so that there would be no reason to reopen the discussion at the next meeting.

Mr. PAVLOV (Union of Soviet Socialist Republics) suggested that the representatives of the Ukrainian and the Byelorussian Soviet Socialist Republics should be temporarily replaced by alternates, with the right to vote, so that the Commission could proceed with its work on 26 May, even if the representatives had not arrived.

Mr. HUMPHREY (Secretariat) pointed out that rule 11 of the rules of procedure of functional commissions of the Economic and Social Council allowed an alternate to serve in place of a member throughout any given session, with the right to vote. There was no rule which would apply to a provisional alternate. According to rule 61, however, the rules of procedure could be temporarily suspended by the Commission provided it was not inconsistent with any applicable decisions of the Economic and Social Council.

Mr. WILSON (United Kingdom) thought the Chinese proposal should be adopted by the Commission, on the understanding that if the two representatives had still not arrived on the afternoon of 26 May, their alternates would, by virtue of rule 61, be allowed to vote.

There being no objection, the CHAIRMAN put the Chinese proposal to the vote on that understanding.

The Commission adopted the Chinese proposal by ten votes to one, with one abstention.

Mr. PAVLOV (Union of Soviet Socialist Republics) drew attention to the fact that the adoption of the Chinese proposal did not dispose of the request he had made for an expression of opinion by the Commission with regard to his protest. So far only the United States representative had spoken on the subject, and he must urge other members to give their views.

/ Mr. HOOD

Mr. HOOD (Australia) stated that he had not spoken on the substance of the USSR protest, as he had considered that, in view of the circumstances and of the explanation given by the United States representative, there would be no advantage in having a debate on the subject in the Commission. There were two aspects to the matter: the actual circumstances by which the representatives had been delayed, and the reason for those circumstances. While the Commission could not and should not concern itself with the question of differences between two Member States represented on the Commission, it should concern itself with the reasons for the non-arrival of two of its members. He had thought, therefore, that in supporting the proposal to postpone its work, the Commission was expressing a de facto opinion on the circumstances of the case. He himself had voted for the proposal in that sense.

Mr. WILSON (United Kingdom) expressed full agreement with the representative of Australia. The matter had been brought unexpectedly to the notice of the Commission, which had had no opportunity to ascertain the full facts of the case. The Commission had only to decide on the conduct of its own work; if a discussion of the USSR protest was necessary, there were other channels through which it could be more appropriately carried out.

Mr. PAVLOV (Union of Soviet Socialist Republics) urged that the question was one of principle, and was not confined to the one concrete case to which he had drawn attention. If representatives of United Nations organs were to be refused admission to the United States because of differences between their Governments, and the United States Government, such a case might recur again and again. He would therefore like the Commission to state that it was postponing the meeting, not for any technical reasons, but because certain representatives had been prevented from attending, and that it considered that the refusal to grant visas to those representatives constituted a violation of the agreement between the United States and the United Nations.

The CHAIRMAN pointed out that it was usual, when members of a Commission arrived late, to consider that a quorum was sufficient to start work. The fact, therefore, that it had been decided by a vote to postpone meeting until the members in question arrived was enough to show the opinion of the Commission. Members had all agreed that representatives of United Nations organs should not be delayed in any way; that fact was understood and accepted.

Mr. VILFAN (Yugoslavia) could not agree with the Chairman that the question was already settled. He had voted against the Chinese proposal, as he considered an important question of principle was involved. Only two months previously the Yugoslav representative on the Social Commission had had similar treatment from the United States authorities, and it had then been stated that such a thing would not happen again. Members were already in possession of all the facts concerning the case in question, and it was essential that the Commission should state its views by a special vote.

The matter could not be regarded as a simple case of retaliation; it was a question of the treatment given to Members of the United Nations, and there was a danger that that organization was being considered as a dependent of the United States. He therefore wholeheartedly supported the proposal of the USSR representative, and urged that the Commission must face the question.

Mr. LEBEAU (Belgium) associated himself with the statements of the Chairman and the representatives of the United Kingdom and Australia. The practical question of procedure had been settled by the decision to postpone meeting until 26 May, when the alternates would be allowed to vote if the absent members had not arrived. The question of the implementation of certain agreements was not within the terms of reference of the Commission.

/At the same

At the same time, he agreed that the facts were serious, as they indicated that the statutes of the United Nations were not being fully applied. Such cases might recur. He would suggest, therefore, that, if the USSR representative agreed, the Chairman might act as spokesman of the Commission in drawing the attention of the United States authorities to the incident, and suggesting that specific instructions should be sent to United States embassies with regard to the right of entry of United Nations representatives.

Mr. CASSIN (France) declared that the question of principle had been clearly settled by the vote, since postponement would not have been decided upon had it not been agreed that the two representatives had been delayed by abnormal circumstances.

He agreed to a certain extent with the suggestion of the Belgian representative, but he did not think the Commission had any right to ask the Chairman to make representations to the United States Government. The Chairman should discuss the matter with the Secretary-General of the United Nations, who could approach the right authorities in the name of the United Nations.

Mrs. MEHTA (India), while deploring the unfortunate incident, thought that in view of the explanation and assurances given by the Chairman there was no need to discuss it further. If the USSR representative was not satisfied, he should raise the question in the General Assembly rather than the Commission.

The CHAIRMAN expressed her willingness that the Secretary-General should be informed of the sense of the meeting and the substance of the discussion.

/Mr. MORA

Mr. MORA (Uruguay) wished to associate his delegation with the expressions of regret that the two representatives had been delayed.

He considered, however, that in referring the matter to the Secretary-General, the Commission should not limit itself to the case of representatives proceeding to the United Nations; the Secretary-General should be asked to consider the question of all Governments which placed obstacles in the way of the free movement of people all over the world. That involved the question of human rights, and as such was the task of the Commission.

Mr. PAVLOV (Union of Soviet Socialist Republics) proposed as a compromise the adoption of the following proposal:

"The Commission on Human Rights asks the Chairman to draw the attention of the Secretary-General of the United Nations to the fact that the representatives of the Ukrainian and Byelorussian Soviet Socialist Republics could not arrive in time for the third session of the Commission on Human Rights, for reasons independent of their will and in violation of the agreement adopted by the General Assembly on 31 October 1947, and calls the attention of the Secretary-General to the necessity of taking measures to prevent a repetition of such incidents in the future."

Such a formula could have a general meaning, as it would be applicable in whatever State a session might take place.

The CHAIRMAN stated that she would gladly convey the sense of the meeting to the Director of the Division of Human Rights, and ask him to refer the matter to the Secretary-General. She asked whether the USSR representative would draft his proposal in that sense, since it would be better if the case were reported by a person who had no immediate interest in the matter.

/Mr. PAVLOV

Mr. PAVLOV (Union of Soviet Socialist Republics) agreed to amend his proposal so that it began: "The Commission draws the attention of the Secretary-General...."

In the absence of any objections, the CHAIRMAN declared the USSR proposal adopted as amended.

The meeting rose at 1 p.m.