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Tenth Session

SUMMARY RECORD OF THE FOUR HUNDRED AND SEVENTY-SIXTH MEETING

Held at Headquarters, New York,
on Wednesday, 14 April 1954, at 3.10 p.m.

CONTENTS

Recommendations concerning international respect for the right of peoples and nations to self-determination (E/CN.4/697; E/CN.4/L.381 and Add.1) (concluded)

Development of the work of the United Nations for wider observance of, and respect for, human rights and fundamental freedoms throughout the world (E/CN.4/690 and Add.1 - 12, 691 and Add.1; 698; E/CN.4/L.266/Rev.3, 267/Rev.2, 268/Rev.1);

Report of the tenth session of the Commission on Human Rights to the Economic and Social Council (E/CN.4/L.366 and Add.1 - 13, E/CN.4/L.379, 384) (continued)

PRESENT:

<u>Chairman:</u>	Mr. AZMI	(Egypt)
<u>Rapporteur:</u>	Mr. INGLES	Philippines
<u>Members:</u>	Mr. WHITLAM	Australia
	Mr. NISOT	Belgium
	Mr. ORTEGA	Chile
	Mr. CHENG PAONAN	China
	Mr. GHORBAL	Egypt
	Mr. CASSIN	France
	Mr. ROUSSOS	Greece
	Mr. RAJAN	India
	Mr. PIRACHA	Pakistan
	Mr. BIRECKI	Poland
	Mr. ASIROGLU	Turkey
	Mr. SAPOZHNIKOV	Ukrainian Soviet Socialist Republic
	Mr. MOROZOV	Union of Soviet Socialist Republics
	Mr. HOARE	United Kingdom of Great Britain and Northern Ireland
	Mrs. LORD	United States of America
	Mr. RODRIGUEZ FABREGAT	Uruguay

Representative of a specialized agency:

Mr. MANNING	International Labour Organisation
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Representatives of non-governmental organizations:

Category A:

Miss DESSAU	World Federation of Trade Unions
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Representatives of non-governmental organizations (continued):

Category B and Register:

Mr. LEWIN	Agudas Israel World Organization
Mr. CRUICKSHANK	Inter-American Council of Commerce and Production
Miss RANDALL	International Federation of Business and Professional Women
Miss ROBB	International Federation of University Women
Miss MCGILLICUDDY	Liaison Committee of Women's International Organizations
Mr. JACOBY	World Jewish Congress
Mrs. POLSTEIN) Mr. RONALDS)	World Union for Progressive Judaism
Mr. PENCE	World's Alliance of Young Men's Christian Associations

Secretariat:

Mr. SCHWELB	Deputy Director of the Division of Human Rights
Mrs. BRUCE) Mr. DAS)	Secretaries of the Commission

RECOMMENDATIONS CONCERNING INTERNATIONAL RESPECT FOR THE RIGHT OF PEOPLES AND NATIONS TO SELF-DETERMINATION (E/CN.4/L.381 and Add.1)(concluded)

Mrs. LORD (United States of America) said that her delegation sincerely believed in the principle of the right of peoples and nations to self-determination and had long been a staunch defender of it in various United Nations organs. It therefore appreciated the effort of the six delegations which had presented the proposals before the Commission (E/CN.4/L.381) to work out some kind of recommendations on the subject in obedience to the General Assembly's instructions. The fact remained, however, that the problem was too complex to be dealt with summarily. Any recommendations on the subject should be global, encompassing not only dependent territories but peoples which had recently lost their independence or were in danger of losing it. Furthermore, independence was not the only possible solution; the form of government finally chosen by a people was less important than its freedom to choose it. Lastly, the size and cultural development of the population and the economic and social problems it faced were also to be taken into account.

As the joint proposals had just been placed before the Commission, she did not think a decision could be taken on them. They were both complicated and not worked out in sufficient detail, and thought would have to be given to the question of co-ordinating the new machinery proposed with the existing United Nations organs. She would have preferred the Commission to content itself at the present session with a simple recommendation to the effect that United Nations bodies and the specialized agencies should be requested to give particular attention in their regular work to the right of peoples to self-determination. She was reluctantly compelled to agree with the Turkish representative that it would be unwise to adopt the joint proposals without giving them much more thought than was at present possible.

Mr. ORTEGA (Chile) recalled that in the past many countries now Members of the United Nations had had to resort to warfare to exercise their right of self-determination. It was essential to safeguard that right, if only to prevent

further bloodshed, and it was in that spirit that the General Assembly had requested the Commission to prepare recommendations to that end. The Commission would fail in its duty if it were to adopt no recommendations at the present session, on the thin pretext that the problem was too complex. Those who felt that the joint proposals were inadequate were free to suggest something better; but the Commission could not afford to postpone its task indefinitely.

He was pleased that the French representative, at an earlier meeting (E/CN.4/SR.474), had recognized that the joint proposals were animated by a spirit of conciliation. He hoped that the French representative and those who held similar views were prepared to act in the same spirit. The peoples of the world would not wait forever for the hour of justice to strike; it was the duty of the United Nations, under the Charter, to satisfy their legitimate aspirations.

Mr. BIRECKI (Poland) said that his country was proud to belong to the family of countries together with the Soviet Union, Czechoslovakia, the Chinese People's Republic and other countries whose ideology rendered possible the most logical realization of the principle of self-determination. It found its expression in the attitude of his country to other countries' independence. His country did not threaten the independence of the Philippines whose only common frontier with Poland was around the Committee's table.

He said that his country, which had experienced foreign domination in the past and had at last attained a greater degree of freedom than it had ever known, was in full sympathy with other peoples that wished to exercise their right to self-determination. The Polish delegation was proud of its contribution to the work done on the subject by United Nations organs. He recalled the part played by the delegation of Poland in drafting the article in the Covenant on Human Rights on self-determination. The Polish delegation had also taken an active part in the drafting of the first two recommendations on self-determination elaborated by the eighth session of the Human Rights Commission. During the fourteenth session of the Economic and Social Council, the Polish delegation had presented a resolution to refer those recommendations of the eighth session of the

Human Rights Commission to the seventh session of the General Assembly. The adoption of the Polish resolution by the fourteenth session of the Economic and Social Council had made it possible for the General Assembly during its seventh session to study fully the question of recommendations. The present debate of the Human Rights Commission was a consequence of the resolution adopted during the seventh session of the General Assembly.

He had been surprised to hear again the old argument that the question was too important for the Commission to take a hasty decision on it. As the Commission well knew, the question had been debated again and again in the Commission itself, in the Economic and Social Council, and in the General Assembly and all delegations could therefore be expected to have reached definite views on it and to be able to vote on proposals relating to it. The General Assembly had taken a very definite position on the whole matter in its resolutions 545 (VI) and 637 (VII), and had expressly instructed the Commission to prepare recommendations. That was the background against which the joint proposals must be seen.

Turning to those proposals, he said that the covering draft resolution was on the whole acceptable. By retaining the subject on its agenda, the Commission indicated that the joint proposals did not exhaust the subject and at the same time it gave a year's notice to its members, which should enable them to come to the following session prepared to engage in a fruitful exchange of views and perhaps to reach decisions on still other aspects of the problem.

The question of sovereignty over natural wealth and resources was not new; it had been discussed by both the Economic and Social Council and the General Assembly, and each had taken some action on it. The measures proposed in draft resolution I constituted a step in the same direction. He therefore found the draft resolution generally acceptable. Since there could be no doubt that respect for the right of self-determination had a direct bearing on international peace and security, he was prepared to accept draft resolution II also. By adopting the joint proposals, the Commission would be faithfully carrying out the task entrusted to it by the General Assembly.

Mr. HOARE (United Kingdom) wished to make it clear that his remarks on nationalism, to which the Indian representative had taken exception (E/CN.4/SR.475), had represented his own personal views. He agreed that there was an upsurge of

nationalism in many parts of the world, and if - perhaps precisely because he belonged to a country which had gone through that phase - he could not help seeing some of the attendant disadvantages of nationalism, that did not in any way imply a lack of sympathy, or any denial that the phase of nationalism was necessary and indeed unsuitable.

It was true that the provision for complaint included in draft resolution II was based on article 48 of the draft covenants and, if anything, was an improvement on it; but as his delegation had objected to that article in principle, it was not prepared to accept the present provision.

Mr. SAPOZHNIKOV (Ukrainian Soviet Socialist Republic) stressed the importance of the right of self-determination. All peace-loving peoples adhered to the principle that only the nation concerned could decide whether it should become autonomous, whether it should join a federation, or whether it should set up an altogether new State. That principle provided a solid basis for mutual understanding and co-operation, real peace and security and the growth of material and spiritual well-being throughout the world.

The experience of the peoples of the USSR showed how social liberation and the principle of self-determination could be translated into practical reality to the great advantage of all concerned. When the Ukrainian people had been freed by the October Revolution, it had been given wide opportunities for development and advance from its former backward conditions. In the past thirty-seven years, the Ukrainian SSR had transformed itself into a thriving and progressive industrial republic. He cited some figures to show the significant effect of liberation on the advance of industry and culture in his country.

His delegation's position in the matter was based on the provisions of Article 1, paragraph 2, and Article 55 of the Charter, where the great importance of the right of self-determination was emphasized. His delegation also approved, generally speaking, of the joint draft proposals, which constituted an important step towards the achievement of the right, although they by no means exhausted all the possibilities in that connexion.

The CHAIRMAN announced the closure of the debate and put draft resolution I of the joint draft proposals (E/CN.4/L.381) to the vote.

At the request of the representative of Poland, a vote was taken by roll-call.

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

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

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

Draft resolution I was adopted by 11 votes to 6.

The CHAIRMAN put draft resolution II of the joint draft proposals to the vote.

At the request of the representative of Poland, a vote was taken by roll-call.

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

In favour: Uruguay, Chile, China, Egypt, Greece, India, Pakistan, Philippines, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics

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

Draft resolution II was adopted by 11 votes to 6.

The joint draft proposals as a whole were adopted by 11 votes to 6.

Mr. ROUSSOS (Greece) explained that he had voted in favour of the joint draft proposals because they represented a step towards the implementation of the right of self-determination. It was true that the Commission had not had enough time to consider the text in detail; he therefore reserved his delegation's right to submit proposals on the resolutions when the question was taken up by the General Assembly. The sponsors had laid no claim to perfection and had expressed their willingness to consider suggestions for the improvement of their text. No

constructive criticism had, however, emanated from those who had opposed the proposals; it was to be hoped that the atmosphere in the Assembly would be more propitious in that regard.

Mr. ASIROGLU (Turkey) explained that he had voted against the joint draft proposals because, in his delegation's opinion, a principle of such great and far-reaching significance as that of the right of self-determination and proposals with political implications should have been studied in much more detail. The implementation of the right could be achieved only by means of equitable application of the provisions of the Charter.

His delegation shared the sponsors' attachment to freedom and independence but considered it essential to eschew hasty decisions which would be incompatible with the spirit of the Charter. His Government did not in the least object to the prospect of all peoples and nations without distinction being able one day to enjoy the same liberties as the free nations happily enjoyed. The Turkish delegation had been compelled to vote against the joint draft resolution only because it had believed that a discussion lasting only one or two meetings would not be sufficient to settle so important a matter. As a right, the right of peoples to self-determination was a legitimate defensive weapon for peoples and nations. His delegation had urged that a more thorough examination should be undertaken only because it had wished all requisite steps to be taken so that that noble and humanitarian principle should not be used by agitators and political opportunists to foment discord and disintegration.

DEVELOPMENT OF THE WORK OF THE UNITED NATIONS FOR WIDER OBSERVANCE OF, AND RESPECT FOR, HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS THROUGHOUT THE WORLD (E/CN.4/690 and Add.1 to 12, 691 and Add.1, 698, E/CN.4/L.266/Rev.3, 267/Rev.2, 268/Rev.1)

Mrs. LORD (United States of America) said that she was naturally disappointed that the Commission would not have time to consider the United States proposals (E/CN.4/L.266/Rev.3, 267/Rev.2, 268/Rev.1) in detail. During the

session she had, however, taken the opportunity to consult delegations privately, with encouraging results. Some of their suggestions had been incorporated in the revised proposals but some delegations had told her that they preferred to submit their suggestions in the form of amendments at the appropriate time. She had been encouraged, too, by the fact that the essence of the proposed programme was already under way and that reports, although of a kind somewhat different from those proposed, were already published in the Yearbook on Human Rights. An appreciable part of the Commission's work at the current session had been along the lines suggested in the United States proposals. The Sub-Commission on Prevention of Discrimination and Protection of Minorities had initiated studies along those lines. Although several of them were too ambitious, she welcomed the intention to consider discrimination in the fields of political rights and religious rights. Freedom of worship deserved urgent attention by the Commission as well as by the Sub-Commission. It was to be hoped that the Commission itself would undertake some studies which were outside the scope of the Sub-Commission and the specialized agencies, now that it had completed the drafting of the covenants.

The General Assembly at its eighth session had authorized technical assistance in respect of the status of women and the prevention of discrimination and protection of minorities. Technical assistance relating to freedom of information was at present under consideration by the Economic and Social Council.

She recognized that the Commission's tenth session had had to be devoted to completing the draft covenants and to reviewing the Sub-Commission's report. Its eleventh session could be devoted to reviewing the work of the Sub-Commission, to full consideration of the United States and all other proposals for practical action in the field of human rights and to disposing once and for all of the dozen or more minor items which had long been on the agenda.

Turning to the United States proposals, she said that in their revised form they combined the best features of many proposals for action and incorporated many suggestions from Governments, specialized agencies and non-governmental organizations. They were, however, merely an outline for a programme, subject to continuing improvement and development. If adopted, they would enable the

Commission to move forward towards the promotion of human rights and fundamental freedoms, in the manner in which it had originally been intended to do so.

Outlining the new features in the revised proposals, she pointed out that in the draft resolution on biennial reports on human rights (E/CN.4/L.266/Rev.2) the words "international conventions" had been substituted for "international covenants" in preambular paragraph 2, since the former expression was broader, including as it did treaties other than covenants. In preambular paragraph 4 the word "progress" had been substituted for "achievements" in order to give countries an opportunity to draw attention to the advances they had made, and the words "its metropolitan area and Non-Self-Governing Territories" had replaced "its country" in order to make the reference more specific. In operative paragraph 1 (a) the word "biennially" had been substituted for "each year", since some delegations had felt that to submit yearly reports would be too difficult. The substitution of the words "developments and progress achieved and measures taken to safeguard human liberty" for "results achieved and difficulties encountered in the promotion and development of human rights" had been due to several suggestions that the emphasis should be placed on the positive rather than the negative aspects. In paragraph 1 (b) the words "on a topical basis" had been inserted in order to make the kind of report requested more specific. The words "together with an analysis of this information" had been substituted for "together with any comments they deem appropriate" because it was more important to obtain an analysis of the facts; comments could always be added if the specialized agencies so desired. Operative paragraph 1 (c) was new; it was intended to clarify procedure, but it would have to be worked out in detail after the programme was approved. In operative paragraph 4 the words "and the reports of the specialized agencies" had been added, as had the words "and the subject or subjects under study", in order to tie all the material together, with one set of comments and conclusions. Operative paragraph 6 was new; suggestions had been made that the original draft had been incomplete and that both the General Assembly and the specialized agencies should be kept informed of the results of the project.

Turning to the second draft resolution (E/CN.4/L.267/Rev.2), she explained that preambular paragraphs 4 and 5 had been added in order to take into account the Assembly's action at its eighth session. In operative paragraph E, subparagraphs (a), (c) and (e) had been simplified as the result of several suggestions and (b) had been deleted, since technical assistance with regard to freedom of information was at present under discussion by the Economic and Social Council.

In the draft resolution on studies of specific aspects of human rights (E/CN.4/L.268/Rev.1) the opening part of operative paragraph 1 was new; originally action had been left to the Commission, but now the Council was asked to take the decision. Since all three proposals were closely related, she had accepted suggestions that they should all go to the Council. In operative paragraph 1 (a) the phrase "and stress" had been inserted in order to tie the proposals together. In paragraph 1 (b) "subject to the approval of the Economic and Social Council" had been added in order to bring out the Council's co-ordinating role. In paragraph 3 the original text had been simplified. Paragraph 4 (b) had also been simplified by specifying that the expert advisers might have exactly the same privileges as members of the Commission regarding communications received by the United Nations.

If there was not enough time for comments from members of the Commission, she would look forward to a thorough consideration of the revised proposals at the next session. In any case, she hoped that they would be included in the Commission's report.

The CHAIRMAN said that the proposals would be in the report and would serve as working papers at the next session. He drew attention to the fact that the word "conventions" in document E/CN.4/L.266/Rev.3, preambular paragraph 2, had been translated as "pactes" in the French text.

Mr. RODRIGUEZ FABREGAT (Uruguay) supported the suggestion that the United States proposals should be included in the Commission's report. His delegation had always strongly favoured the drafting of the covenants on human rights in order to give legal force to the Universal Declaration. The United States

proposals should be regarded as supplementing rather than replacing the covenants. Some of the provisions were excellent, especially those which would permit Governments unable to ratify the covenants to submit reports on the progress they made in the observance of, and respect for, human rights. It was particularly gratifying that such constructive proposals had been put forward by a country which, as was well known, did not favour the adoption of the covenants.

The CHAIRMAN assured the Uruguayan representative that the Secretary-General would, under rules 5 and 6 of the rules of procedure, pay heed to the Chairman's statement that the United States proposals would be placed on the agenda of the eleventh session.

Mr. MOROZOV (Union of Soviet Socialist Republics) said that he had no objection to the deferment of the discussion of the United States proposals, but he must take exception to the United States representative's statement that a number of the decisions taken by the Commission at the current session had been along the lines advocated in the proposals. She was entitled to her own interpretation, but he did not concur in it. He would develop his view in detail at the appropriate time. Meanwhile, he requested that his view and that of the United States representative should be included in the report. He maintained the appraisal of the United States proposals which he had expounded at the previous session. Regarded objectively in the light of all that had been done in the preparation of the draft covenants, they were intended to divert the Commission from the functions it was intended to perform and many of their provisions conflicted directly with Article 2, paragraph 7, and other Articles of the Charter.

Mr. CASSIN (France) agreed that the item should remain on the Commission's agenda. It was greatly to be hoped that the Commission would give priority to the item on the Yearbook on Human Rights at its eleventh session. The Yearbook exerted a very considerable influence outside the United Nations in universities and learned bodies and was an excellent example of effective international legal co-operation. The Commission should give every encouragement to the Section of the Division of Human Rights responsible for its publication.

The CHAIRMAN concurred in the French representative's commendation of the Yearbook.

Mr. ROUSSOS (Greece) asked whether it might not be advisable for the Secretary-General to ask all Member States for comments on the revised version of the United States proposals.

Mr. CHENG PAONAN (China) suggested that it might be better to bring them to the attention of Member States by a reference in the Commission's report.

The CHAIRMAN pointed out that the Commission's entire documentation was automatically sent to all Member States.

Mr. ROUSSOS (Greece) said that he would be content with a reference in the report but still felt that the distribution of documentation alone would not elicit comments.

Mrs. LORD (United States of America) said that her Government would be glad to communicate the three draft resolutions with an explanation of the changes in the text to the Members of the United Nations.

REPORT OF THE TENTH SESSION OF THE COMMISSION ON HUMAN RIGHTS TO THE ECONOMIC AND SOCIAL COUNCIL (E/CN.4/L.366 and Add.1 to 13, 379, 384) (continued)

The CHAIRMAN observed that four delegations had submitted a passage (E/CN.4/L.384) for insertion in the report, in addition to that (E/CN.4/L.379) already submitted by the Belgian expert. The Soviet Union and other representatives had taken exception to the second paragraph of the latter document.

Mr. NISOT (Belgium) said that he maintained his original text but not for insertion in the report. It should simply appear among the Commission's documentation.

The meeting rose at 5.50 p.m.