

GENERAL ASSEMBLY

SIXTH SESSION

Official Records



Tuesday, 22 January 1952, at 10.30 a.m.

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Chairman : Mrs. Ana FIGUEROA (Chile).

Statement by the representative of Israel

1. Mr. NAJAR (Israel), speaking on a point of order, said he wished to explain why the Israel delegation would take no part in any meeting on 22 January 1952.

2. The CHAIRMAN said she would grant that request, on the distinct understanding that the Israel representative's statement would be confined strictly to such an explanation. Any allusion to the substance of the matter would be out of order, for the Committee had decided at its 392nd meeting, in connexion with the joint procedural motion (A/C.3/L.220) concerning the Polish draft resolution on the defence of twenty-four inhabitants of Barcelona threatened with capital punishment (A/C.3/L.203/Rev.1), that it would not discuss matters not on its agenda.

3. Mr. NAJAR (Israel) said that a week earlier the Israel Government had urgently appealed to the President of the General Assembly to make representations to the Iraqi Government, on humanitarian grounds and in order to maintain peace in the area concerned, to save the lives of two Jews who had been sentenced to death. The President of the General Assembly had answered that appeal and had asked the head of the Iraqi delegation to transmit the Israel Government's request to the Government of Iraq. On several subsequent occasions the President of the General Assembly had informed the head of the Israel delegation that the head of the Iraqi delegation had promised to transmit his Government's reply. On the previous day the United Nations had received that reply : the two young Jews had been hanged in public at Baghdad. It seemed that they had been brutally tortured for weeks beforehand. News agency despatches reported that they had died bravely. The Committee would see how the mediation of the President of the General Assembly had been treated. It could also observe that the executions had been carried out in circumstances that were degrading to the dignity of the human person.

4. In token of grief and protest against that outrageous action, the Israel delegation would withdraw from the committee room, and take no part in any United Nations meeting that day.

Mr. Najjar (Israel) withdrew.

5. The CHAIRMAN said that the Committee was barred by its previous decision from dealing with the substance of the Israel representative's statement. She called upon the Iraqi representative to reply to it if she so desired.

6. Mrs. AFNAN (Iraq) complained that the Israel representative's attack had been wholly unexpected and unwarranted. No part of it had been explained or proved. She did not see how it could properly be included in the official records of the meetings of the Third Committee.

7. Mr. AZKOUL (Lebanon) vehemently protested against the setting of a dangerous precedent. It was intolerable that a delegation should deem itself empowered to assail another delegation on the pretext of explaining its withdrawal, and then withdraw without supplying any information and without giving the Committee any opportunity to learn the facts by discussing the matter. As the subject was not on the Committee's agenda, the Israel representative's statement should not appear in the Committee's records.

8. The CHAIRMAN asked the Iraqi delegation to reply when it was ready to do so.

9. Under rule 60 of the rules of procedure the decision whether those statements should appear in the official records rested with the Committee.

10. Mr. BAROODY (Saudi Arabia) reminded the Chairman that he had made a statement at a previous meeting concerning the arrest of 6,000 Arabs in Paris but had been ruled out of order. He doubted whether that statement had appeared in the official records, and

he therefore saw no reason why the statement of the representative of "the Jewish territory of Palestine" should be recorded.

11. Mr. Altaf HUSAIN (Pakistan) deprecated any attempt to open a debate on the matter. The Iraqi representative would be able to reply to the Israel representative's allegation. The Committee's records should simply embody a statement that the Israel representative had explained that he was unable to participate in the meeting and that the Iraqi delegation had subsequently replied, without any details of either speech.

12. Mr. CASSIN (France) felt strongly that the Committee's records should not be thus falsified or made unintelligible. No one had suggested anything of the kind with regard to the Polish draft resolution, which had been cited as an analogy. Once the Chairman had ruled that a representative's remarks were in order, they must appear in the summary record.

13. Mr. AZKOUL (Lebanon) disagreed with the French representative's observation. The analogy with the Polish draft resolution would, he said, not hold water. The Polish delegation had submitted its proposal to the Third Committee for adoption, and the proposal had thereby become the property of the Committee and not of the Polish delegation. The records had therefore duly reproduced the discussion. He would not, of course, advocate that any remarks made in order should be expunged from the record. The matter of the Israel representative's accusation and the method by which it had been introduced had been unprecedented, and not only to condone but to record such an incident would set a deplorable precedent.

14. Mr. GARCIA BAUER (Guatemala) said that the Israel representative's explanation was not unprecedented. The South African delegation had similarly explained its withdrawal from the Fourth Committee at the current session.<sup>1</sup>

15. What was really at stake was the principle that nothing which occurred at a meeting should be expunged from the official records. In the United Nations Commission for Eritrea the Guatemalan representative had been compelled to insist, despite the objections of the other members, that his observations should be recorded in full.

16. Mr. DE ALBA (Mexico) believed that the Committee, if it were to live up to its title of the Social, Cultural and Humanitarian Committee, was morally bound to ask for all the information it required on any matter affecting human lives. That was the reason why his delegation had asked for further information in connexion with the Polish draft resolution. There had been some hope that the allegations would turn out to be exaggerated or that some guarantees would be given at the last minute. The case under discussion differed; the Committee had been told of an accomplished fact. It could not, however, refuse to examine that fact;

the accusation must at least be categorically refuted by the Iraqi delegation.

17. That was all that the Committee could do. The Guatemalan representative had, however, been quite right in stating that no incident that had occurred could be expunged from the Committee's records.

18. The CHAIRMAN said that she had endeavoured to discover a precedent for expunging a statement from the official records of the United Nations, but had failed to find one. Accordingly she must rule that both the statement made by the Israel representative and the reply to be made by the Iraqi delegation should appear in the official record of the meeting.

19. Mrs. AFNAN (Iraq) said she had proposed that the Israel delegation's accusations should not appear in the official records in the interest of the Committee rather than of her own delegation. Those unfair allegations had been made; the Committee had heard them and many other people would learn of them through the Press. The harm to her country had been done, but her Government would answer the accusations. The Iraqi Government was not always blameless, of course; but in the instance cited by the Israel delegation it had a very clear and just case, which it would willingly bring before the Committee. It would even be willing, if the Committee believed that there was an analogy with the subject of the Polish draft resolution, to permit the Committee to discuss it fully. Some delegations felt as a matter of principle that even an unproven accusation of such gravity brought by one country against another should be a matter of record. If they really wished to set such a precedent, the Iraqi delegation would acquiesce. The Iraqi delegation had, however, been taken unawares by a monstrous accusation and must ask for time to obtain the facts. It objected strongly to the inclusion of such accusations in the guise of an explanation of absence. It could not see how an accusation against another country so grave as that brought by the Israel delegation could properly appear in the Committee's official records.

20. Mr. AZKOUL (Lebanon) did not wish to challenge the Chairman's ruling but disagreed with her finding that there was no precedent for expunging a statement from the record. The President of the Trusteeship Council had on one occasion ruled, and the Council had upheld him, that parts of a statement embodying a virulent and irrelevant attack upon a Member State should be expunged from the record. The analogy with the South African delegation's explanation of its withdrawal was incorrect; that delegation had withdrawn as a result of the Fourth Committee's decision on an item of its agenda concerning the Union of South Africa. The explanation had thus been directly connected with an item on the agenda; it had not brought up a new subject, nor had it accused another government. The example given by the Guatemalan representative was also irrelevant. The real point at issue was not the inclusion of a statement in the official records but the very dangerous precedent that would be set if a delegation were allowed to bring unproven accusations disguised as explanations. The practice, if permitted, would enable all Members at any time to

<sup>1</sup> See *Official Records of the General Assembly, Sixth Session, Fourth Committee, 219th meeting, and Annexes, agenda item 38, document A/C.4/196.*

ventilate in the General Assembly any of the thousands of individual complaints they received, regardless of the agenda.

21. The CHAIRMAN explained that the instance in the Trusteeship Council had affected only certain words and phrases which the President had ruled as being couched in unparliamentary language; but she knew of no precedent for the expunging of whole statements and the replies thereto.

22. Mr. PAVLOV (Union of Soviet Socialist Republics) supported the Chairman's ruling. The official records should reproduce accurately, truly and impartially all that occurred at meetings. The record could not be arbitrarily distorted at the request of any delegation; that would amount to falsification. He enquired whether the Israel and Iraqi representatives' statements would be recorded in full.

23. The CHAIRMAN replied that they would be recorded in summary form, like all statements made to the Committee.

24. She noted that her ruling had not been challenged.

25. Mr. AZKOUL (Lebanon) interpreted the ruling to mean that the entire discussion, not merely the Israel and Iraqi statements, would appear in the official records.

26. The CHAIRMAN concurred.

27. Mr. BAROODY (Saudi Arabia) enquired, for his future guidance, whether his statement concerning the Arabs arrested in Paris, which had been ruled out of order, had appeared in the relevant summary record.

28. The CHAIRMAN said that the Secretariat would ascertain the answer as soon as possible.

**Draft international covenant on human rights and measures of implementation (A/1883, A/1884 (chapter V, section I), E/1992, E/2057 and Add.1 to 5, E/2059 and Add.1 to 8, E/2085 and Add.1, A/C.3/559, A/C.3/L.88, A/C.3/L.186 and Add.1) (continued)**

[Item 29]\*

**JOINT DRAFT RESOLUTION SUBMITTED BY AFGHANISTAN, BURMA, EGYPT, INDIA, INDONESIA, IRAN, IRAQ, LEBANON, PAKISTAN, THE PHILIPPINES, SAUDI ARABIA, SYRIA AND YEMEN (A/C.3/L.186 and Add. 1) (continued).**

29. Mr. BAROODY (Saudi Arabia) stated that, although it might seem superfluous to repeat arguments advanced in the general debate, he felt obliged to do so owing to the adamant stand taken by certain delegations against his views. Besides alluding to the factors that had influenced the Saudi Arabian and Afghan delegations to make statements on self-determination, he would point to features of the existing situation which, if not promptly considered, might make the world crisis even more acute.

30. It hardly seemed necessary to refute again the argument alleging the technical difficulties of including an article on self-determination, since those technicalities were artificial. The argument that the right to self-determination was already clearly enunciated in the Charter of the United Nations was also invalid, since, if the spirit and letter of the Charter were strictly observed, there would be no need for a covenant. In practice, however, human groups had to be bound by laws, covenants and treaties and could not be expected to abide by declarations. Furthermore, the argument that only individual rights could be dealt with in the covenant and that the rights of peoples therefore fell outside its scope was also artificial, since some of the rights in the Universal Declaration of Human Rights referred to the family and to groups of individuals.

31. The thirteen sponsors of the joint draft resolution (A/C.3/L.186 and Add.1) had submitted their proposal for the inclusion in the covenant of an article on the right to self-determination because they believed that, if nothing of the kind were done at the current stage of political history, the outcome could only be further unnecessary wars and revolutions.

32. The Powers which held authority over Non-Self-Governing Territories had established their positions during the age of expansion and consolidated them under the colonial system. They seemed to have forgotten the origin of their rule and had come to regard it as a God-given right. Whenever the question was mentioned, those Powers invoked political arrangements and technical difficulties and asserted that the question should not be dealt with urgently because they intended to grant self-determination in good time.

33. There could be no question that the economy of the administering Powers was closely linked with that of the territories under their control, and it was obviously difficult for the metropolitan Powers to alter their economy radically and to abandon a situation that had been created many years before. Nevertheless experience had shown that, whenever a metropolitan country had granted autonomy to a non-self-governing area, the results had been favourable to both parties. Trade had flourished owing to improved relations between the countries concerned, and the former metropolitan States profited by no longer being obliged to maintain troops abroad.

34. Another argument frequently adduced in favour of metropolitan domination was that of strategy. Metropolitan States proclaimed to the world that they were obliged to exercise authority in order to safeguard democracy or some other ideology. History had shown, however, that a new threat could always be alleged. It was for the United Nations, and not for any single State, to establish law and order on an international plane. Opposition to self-determination also grew from the wish of metropolitan States to maintain their prestige. Certain States were deterred from taking measures to grant self-determination by the fear that their prestige in relation to other metropolitan Powers would suffer if they did.

35. The words in the third paragraph of the preamble of the thirteen-Power draft resolution (A/C.3/L.186

\* Indicates the item number on the General Assembly agenda.

and Add.1) "the violation of this right has resulted in bloodshed and war in the past" should also refer to the present, since reports of bloodshed caused by such violation could be read daily in the Press. The metropolitan States alleged that they maintained their authority in non-autonomous areas for the good of the populations of those areas. Although it was true that some individual administrators had done useful work, it could not be denied that the reason for their presence in the non-self-governing areas was to protect the interests of the metropolitan States, which sent troops from their own countries to maintain the *status quo* if the need arose.

36. He believed that all representatives were fundamentally convinced that it was wrong for one people to rule another against its will. No political consideration should override principles; the Committee had to deal with human rights, not with political arrangements or strategic arguments, which merely served as excuses for the maintenance of unwarranted authority. Moreover, the position was also unfavourable to the peoples of the metropolitan States, who were enlisted in the troops which maintained that authority where it was not wanted.

37. It had frequently been stated in the Committee that the right to self-determination would come in good time. The question, however, was whether the peoples concerned would agree to wait. They wanted to secure the right to self-determination in their lifetime, since there was no guarantee that new political considerations would not arise in the future. There was ample evidence from the daily reports of conflicts and from innumerable complaints and petitions that those peoples had reached the end of their tether and could no longer be appeased by arguments for patience. The metropolitan States averred that, if they were to withdraw from the territories under their control, the peoples of those territories would cut one another's throats; the fallacy of that argument had been proved by experience but even if it were true, that risk was preferable to their position of subjection.

38. He considered that the United States amendment (A/C.3/L.204/Rev. 1) would weaken the thirteen-Power draft resolution, since it merely proposed the inclusion of a provision reaffirming the principle enunciated in the Charter. The main purpose of the draft resolution was to include a definite article in the

covenant; the amendment implied, however, that a reaffirmation of the Charter should be included in the operative part. The amendment submitted by Iraq (A/C.3/L.217) and Afghanistan (A/C.3/L.209) to the United States amendment were more constructive, since they provided for the inclusion of an article and did not therefore vitiate the joint draft resolution.

39. The adoption of the joint draft resolution would constitute the first step towards freeing peoples who did not yet enjoy the fundamental right of governing themselves and managing their own affairs. That right could not be made conditional on the "maturity" of the peoples. Any division of opinion on the matter, and even an abstention from voting, would indicate the prevalence of political considerations. The Third Committee should forget all personal differences and extend to mankind the hope that everyone in the world would eventually be given the right to self-determination.

40. Mr. BEAUFORT (Netherlands) regretted that his delegation would be unable to support the joint draft resolution, not because it was opposed to the principle of the right to self-determination — no member of the United Nations could take that stand — but for methodological and scientific reasons. The chief purpose of the covenant on human rights was to safeguard the rights and dignities of the individual, which included, as a direct and immediate consequence, the rights of the family. Those should be stated in comprehensive, undogmatic terms. The right of the individual to self-determination was already covered in an article of the draft covenant on human rights; the rights of groups and nations would have their place in another document, the draft convention on the rights and duties of States. Peoples and groups were entitled, when they had reached a sufficiently high stage of development, to claim the right to self-determination, but such rights could be enforced only by governments, which must be placed under a moral obligation to do so.

41. Similarly, the Netherlands representative would vote against the United States amendment (A/C.3/L.204/Rev. 1), though it constituted an improvement to the joint draft resolution. The covenant on human rights, he reiterated, was not the place for proclamation of that principle. The attitude of the Netherlands delegation to the other amendments to the joint draft resolution would be governed by the same consideration.

The meeting rose at 1.15 p.m.