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COMMISSION ON HUMAN RIGHTS

Sixth Session

SUMMARY RECORD OF THE HUNDRED AND THIRTY-SIXTH MEETING

Held at Lake Success, New York  
on Monday, 27 March 1950, at 11 a.m.

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Order of the examination of items on the agenda

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Chairman:

Mrs. ROOSEVELT

United States of America

(11 p.)

Members:

Mr. WHITLAM	Australia
Mr. STEYAERT	Belgium
Mr. SANTA CRUZ	Chile
Mr. CHANG	China
Mrs. WRIGHT	Denmark
Mr. RAMADAN	Egypt
Mr. ORDONNEAU	France
Mr. KYROU	Greece
Mrs. MEHTA	India
Mr. MALIK	Lebanon
Mr. MENDEZ	Philippines
Mr. TSARAPKIN	Union of Soviet Socialist Republics
Mr. HOARE	United Kingdom of Great Britain and Northern Ireland
Mr. RODRIGUEZ FABREGAT	Uruguay
Mr. JEVREMOVIC	Yugoslavia

Representatives of specialized agencies:

Mr. EVANS	International Labour Organisation (ILO)
Mr. ARNALDO	United Nations Educational, Scientific and Cultural Organization (UNESCO)
Mr. KAUL	World Health Organization (WHO)

Representative of a non-governmental organization in Category A:

Miss SENDER	International Confederation of Free Trade Unions (ICFTU)
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Representatives of non-governmental organizations in Category B:

Miss NOLDE	Commission of the Churches on International Affairs (CCIA)
Mr. BERNSTEIN	Co-ordinating Board of Jewish Organizations for consultation with the Economic and Social Council of the United Nations
Mr. HUNTINGTON	Friends' World Committee for Consultation

Representatives of non-governmental organizations in Category B: (continued)

Mrs. PARSONS	International Council of Women (ICW)
Miss HYMER	International Federation of Business and Professional Women
Mr. BEER	International League for the Rights of Man
Miss SCHAEFER	International Union of Catholic Women's Leagues (ICUWL)
Miss CARTER	Liaison Committee of Women's International Organizations
Mr. PERLZWEIG	World Jewish Congress

Secretariat:

Mr. LAUGIER	Assistant Secretary-General for the Department of Social Affairs
Mr. HUMPHREY	Director, Division of Human Rights
Mr. LIN )	Secretaries of the Commission
Mr. DAS )	

DRAFT RESOLUTION SUBMITTED BY THE USSR CONCERNING THE REPRESENTATION OF CHINA ON THE COMMISSION (E/CN.4/369)

1. Mr. TSARAPKIN (Union of Soviet Socialist Republics) recalled the events which had recently taken place in China and which had culminated in the establishment of the People's Republic of China. Corrupt and demoralized, the reactionary clique of the Kuomintang had suffered political, economic and military defeat and been driven from the mainland of China, and had taken refuge with what was left of its armed bands on the island of Formosa.
2. The Central Government of the People's Republic of China was currently exercising all the functions of government over the territory of China and its 450 million inhabitants. That Government had officially informed the United Nations that it did not recognize the representatives of the Kuomintang as representing the Chinese people. It had stated that their presence was illegal and asked that they should be excluded. At the same time, exercising its legitimate rights as a State Member of the organization, the Central People's Government had appointed its own representatives to the Security Council and the Economic and Social Council.

/3. The USSR

3. The USSR delegation had repeatedly affirmed that it supported the legitimate request of the Central People's Government of China and that it did not recognize the agents of the Kuomintang as representatives of China. It too thought that their presence was illegal and asked that they should be excluded.
4. Yet the right of the Chinese people to be represented in the United Nations and to take part in its work had been usurped by a small number of representatives of the Kuomintang group, who could speak only in their own name. That was an unprecedented situation which had already lasted for over four months and which must be brought to an end without delay. For that purpose the representatives of the Kuomintang should be excluded from all United Nations organs and the true representatives of China permitted to occupy the places to which they were entitled. That being so, the USSR delegation was submitting a draft resolution (E/CN.4/369) according to which the Commission on Human Rights would decide to exclude the representative of the Kuomintang group from membership of the Commission.
5. In conclusion, he said that his delegation would not take part in the work of the Commission so long as the representative of the Kuomintang continued to sit on that body.
6. The CHAIRMAN read rule 44 of the rules of procedure, and ruled that the USSR draft resolution was out of order.
7. At its second session, the Economic and Social Council had decided that after the Governments elected to the Commission on Human Rights had nominated their representatives, those representatives should be confirmed by the Council itself. The Government of China had nominated Mr. Chang and the Economic and Social Council had confirmed him as a member of the Commission on Human Rights.
8. Accordingly, if the representative of the USSR wished to challenge the right of Mr. Chang to sit on the Commission on Human Rights, he should raise the matter in the Economic and Social Council and not in the Commission.
9. Mr. TSARAPKIN (Union of Soviet Socialist Republics) stated that the question which he had raised could not be evaded by procedural arguments. It was a question of considerable political importance which affected all the activities of the United Nations.

10. In the interests of the organizations itself, Mr. Tsarapkin urged that his draft resolution should be discussed and voted upon. It was true that certain States -- particularly the United States of America -- followed a different policy from the USSR on the Chinese question, but merely to state that the USSR draft resolution was out of order was an arbitrary and unjust procedure.

11. The CHAIRMAN noted that her ruling had been challenged and called for a vote, in accordance with the rules of procedure.

The ruling of the Chairman was upheld by 13 votes to 2.

12. Mr. CHANG (China) remarked that the proposal which had been laid before the Commission had not been unexpected. He considered it impossible to tolerate statements such as those which had been made, and which, moreover, had become hackneyed through stereotyped repetition.

13. The question of the recognition or non-recognition of Governments was outside the scope and competence of the Commission. The Chinese delegation to the United Nations represented the National Government of China. Notwithstanding the conflict which was raging in China, it was the only legal Government.

14. The Chinese delegation had always defended the interests of the Chinese people and voiced their aspirations. A great human tragedy was taking place on Chinese territory; during that time the representative of the USSR was seeking to lead the Commission on Human Rights into an unworthy political manoeuvre. The tension which prevailed in the United Nations was caused by the withdrawal of the representatives of the USSR from its various organs rather than by the Chinese conflict. That refusal provided material for newspaper headlines; it did not contribute to the progress of the United Nations.

15. He appealed to the Commission not to allow itself to be diverted from its purposes but to continue its work.

16. Mr. TSARAPKIN (Union of Soviet Socialist Republics) maintained that the USSR proposal had been just and necessary. The Chairman's ruling had created a situation which made it impossible for the work of the Commission to follow its normal course.

/17. The Chairman

17. The Chairman was also the representative of the United States of America; her objections to the USSR proposal were merely a continuation of the attempts of the United States Government to use the United Nations to further its own ends, which were contrary to the interests of the Organization and to the maintenance of peace. Those ends were well known: the detested Kuomintang clique, which had been driven from Chinese territory, was seeking to wreak vengeance on the Chinese people. It was savagely bombing Chinese cities and massacring thousand of innocent women, children and aged persons. American aeroplanes were used to carry out those bombings. The United States Government was sending arms, including tanks, to Formosa, in order to enable the Kuomintang clique to entrench itself in that last refuge.

18. The CHAIRMAN reminded the USSR representative that the Commission on Human Rights was not the appropriate place for propaganda speeches. She asked him to conclude his remarks.

19. Mr. TSARAPKIN (Union of Soviet Socialist Republics) recalled that on 23 March 1950, a 10,000-ton ship belonging to the Canada Argonaut Shipping Company had left Vancouver for Formosa with a cargo of tanks.

20. More than that, the policy of the United States, a policy of hatred for the People's Republic of China, was being reflected in the United Nations, to the detriment of the work of the Organization.

21. All those attempts to sustain a corrupt regime were doomed to failure. The course of history could not be turned back; a militarist clique could not once again be forced upon the Chinese people.

22. The delegation of the USSR would not take part in the work of the Commission so long as the Kuomintang representative had not been excluded from it. Moreover, it would not recognize the validity of decisions taken by the Commission with the participation of the Kuomintang representative.

The USSR representative left the conference room.

23. Mr. SANTA CRUZ (Chile) deplored the discourteous behaviour of the USSR representative. In his view, the Chairman had taken the only possible decision. No member of the Commission had the right to challenge the

validity of decisions taken by the Economic and Social Council regarding the membership of the Commission on Human Rights. The USSR proposal was manifestly contrary to the spirit of the Charter and to the rules of procedure.

24. The main task of the sixth session of the Commission on Human Rights would be to complete the examination of the Covenant on Human Rights. In that connection he remarked that the USSR delegation had consistently opposed the idea of a Covenant on Human Rights. Everyone who was aware of the conditions which prevailed in the USSR regarding the guarantee of individual rights knew that that country could never sign a covenant such as that which was to be drafted by the Commission. Thus its absence would not prevent the Commission from accomplishing constructive work in that field.

25. Mr. RODRIGUEZ FABREGAT (Uruguay) said that he had voted to uphold the Chairman's ruling because in his view it was impossible to consider a proposal such as that made by the USSR delegation. The proposal did not relate to any item of the agenda and it was not important enough to warrant an interruption in the normal course of the Commission's work. Finally, he considered that to issue what amounted to an ultimatum to the Commission was an intolerable proceeding.

26. The problem had been stated in perfectly clear terms: the Chairman had proceeded in a manner which was entirely in accordance with the rules of procedure.

27. The withdrawal of the USSR representative signified that the incident was closed, and he hoped that the Commission would be able to resume consideration of the practical application of human rights which was so important for the United Nations in the light of the principles laid down in the Charter.

28. The CHAIRMAN, speaking as the representative of the United States, said that the withdrawal of the USSR and probably the Ukrainian representatives from the Commission on Human Rights, solely because the Commission had not sustained a point of order raised by the USSR representative, was unfortunate and unjustified.

29. Rule 55 of the rules of procedure provided that decisions of the Commission should be made by a majority of the members present and voting; the Commission would be unable to proceed if the provisions of that rule were not applied. Obviously, the position of each member of the Commission on every issue could not prevail whenever a vote was taken; the Commission would soon find it impossible to function if its members were to withdraw whenever a majority decided not to adopt their views, and international co-operation <sup>would</sup> become impossible.

The United States Government felt that every Member of the United Nations should be prepared to accept the parliamentary decisions of the organs of the United Nations.

30. The withdrawal of the USSR and Ukrainian representatives from the Commission was a clear violation of the obligations implicit in the Charter. The USSR and the Ukraine had been elected members of the Commission on Human Rights by the Economic and Social Council and it was their duty to take part in the Commission's work. Their views on the nature of the representation enjoyed by China had no bearing on their responsibility and obligation under the Charter to serve in the United Nations organs to which they had been elected.

31. It was obvious that no Member State of the United Nations could by wilful absence impair the normal functioning of the Commission or the validity of the decisions which it might take. The work of the Commission on Human Rights was of fundamental importance in the United Nations and it must be carried forward. The members of the Commission had a serious responsibility, particularly during the current session, at which they expected to complete the drafting of the International Covenant on Human Rights and the measures of implementation, and to forward their recommendations to the Economic and Social Council, which would examine them at its eleventh session and subsequently transmit them to the fifth session of the General Assembly.

32. In her opinion, the withdrawal of the USSR and the Ukraine from the Commission and from other organs of the United Nations was evidence that the USSR and the Ukraine were interested primarily in propaganda tactics rather than in efforts to solve the fundamental international problems existing in the field of human rights. Their actions contradicted their claim that they were seriously concerned with the promotion of human rights.

33. In conclusion, she recalled that the USSR had not taken part in the work of the Trusteeship Council during the first year of the existence of that organ. The members of the Trusteeship Council had expressed their regret at that time and the members of the Commission on Human Rights now did the same. As in the case of the Trusteeship Council, however, the work of the Commission must proceed on its normal course.

34. Mr. CHANG (China) recalled that the Chinese people made it clear that they would never renounce their independence and sovereign rights. They would never submit to foreign domination from any quarter. They wholeheartedly supported

supported the Chairman's decision. The problem had been stated in perfectly clear terms: the representative of the USSR had not been concerned with the question of who was to represent China in the United Nations, but with imposing a specific policy on the Commission.

#### ELECTION OF OFFICERS

35. The CHAIRMAN requested the Commission to proceed to the election of its officers.

36. Mr. SANTA CRUZ (Chile) said that as a rule his delegation preferred to see the honour of directing the work of organs of the United Nations bestowed on the various delegations in turn, but in view of the fact that during its current session the Commission on Human Rights was called upon to bring to a successful conclusion the task entrusted to it more than three years previously, namely the completion of the Bill of Human Rights, it would be logical to retain the former officers, whose competence had greatly assisted the Commission in carrying out the first stage of that task, i.e., the preparation of the Universal Declaration of Human Rights.

37. He therefore proposed that Mrs. Roosevelt, representative of the United States of America, Mr. Chang, representative of China, Mr. Cassin, representative of France, and Mr. Malik, representative of Lebanon, should be appointed Chairman, Vice-Chairmen and Rapporteur of the Commission respectively.

38. Mr. WHITLAM (Australia) supported the proposal.

39. Mr. RODRIGUEZ FABREGAT (Uruguay) associated himself with the comments of the Chilean representative; he also considered that in the case in point the principle of the automatic non-re-election of officers should be disregarded in the interest of continuity in the Commission's work.

40. Mr. JEVREMOVIC (Yugoslavia) asked that the various officers should be elected separately. It was the intention of the Yugoslavian delegation to vote against the appointment of the Chinese representative as Vice-Chairman.

Election of the Chairman

At the invitation of the Chairman, Mr. Laugier (Assistant Secretary-General) took the Chair.

41. Mr. LAUGIER (Assistant Secretary-General) asked the Commission to vote on the proposal that Mrs. Roosevelt, representative of the United States of America, should be elected Chairman of the Commission.

Mrs. Roosevelt (United States of America) was elected Chairman by acclamation.

Mrs. Roosevelt (United States of America) resumed the Chair.

Election of Vice-Chairmen

42. The CHAIRMAN asked the Commission to vote on the proposal that Mr. Chang, representative of China, should be elected first Vice-Chairman.

43. Mr. JEVREMOVIC (Yugoslavia) reiterated that his delegation opposed the election of the representative of China as Vice-Chairman of the Commission.

44. The CHAIRMAN said that in the circumstances a vote would be taken by secret ballot in accordance with rule 62 of the rules of procedure.

A vote was taken by secret ballot.

At the request of the Chairman, Mr. Malik (Lebanon) and Mr. Santa Cruz (Chile) acted as tellers.

Mr. Chang (China) was elected first Vice-Chairman by 12 votes to none, with 2 abstentions.

45. The CHAIRMAN then requested the Commission to vote on the proposal that Mr. Cassin, representative of France, should be elected second Vice-Chairman.

Mr. Cassin (France) was unanimously elected second Vice-Chairman.

Election of the Rapporteur

46. The CHAIRMAN requested the Commission to vote on the proposal that Mr. Malik, representative of Lebanon, should be elected Rapporteur.

Mr. Malik (Lebanon) was unanimously elected Rapporteur.

## ADOPTION OF THE AGENDA

The agenda (E/CN.4/356/Rev.1) was adopted unanimously.

## ORDER OF THE EXAMINATION OF ITEMS ON THE AGENDA

47. Mr. SANTA CRUZ (Chile) and Mr. WHITLAM (Australia) proposed that the Commission should postpone the examination of item 3 of the agenda to a later date.

The proposal was adopted by 11 votes to none, with 3 abstentions.

48. Mr. KYROU (Greece) suggested that the Commission should examine item 3 at the same time as item 8, since the two questions were related.

It was so decided.

49. Mr. SANTA CRUZ (Chile) proposed that item 4 (Draft International Covenant on Human Rights and measures of implementation), which was the most important item on the agenda, should be broached immediately. The order in which the other items were to be considered could be decided later by the Chairman in consultation with the Secretary-General.

50. The CHAIRMAN put the proposal of the Chilean representative to the vote.  
The proposal was adopted unanimously.

## TIME-TABLE OF MEETINGS

After a short discussion, it was decided by a unanimous vote that the Commission should meet in the mornings from 11 a.m. to 1 p.m., and in the afternoons from 2.30 to 5.30 p.m.

51. The CHAIRMAN asked members of the Commission who intended to make statements of a general character before beginning the detailed examination of the Draft Covenant to inform the Chair immediately of the fact.

52. Mr. CHANG (China) pointed out that the various delegations had had more than three years in which to state their positions. The Commission would no doubt desire to start drafting the final text of the draft covenant at its next meeting.

It was so decided.

3/4 a.m.

The meeting rose at 12.45 p.m.