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COMMISSION ON HUMAN RIGHTS

Eighth Session

SUMMARY RECORD OF THE TWO HUNDRED AND FIFTY-NINTH MEETING

Held at Headquarters, New York,  
on Friday, 18 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.21, E/CN.4/L.22, E/CN.4/L.23/Rev.1, E/CN.4/L.24, E/CN.4/L.25/Rev.1, 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)  
(continued)

<u>Chairman:</u>	Mr. MALIK	(Lebanon)
<u>Rapporteur:</u>	Mr. WHITLAM	(Australia)
<u>Members:</u>	Mr. NISOT	Belgium
	Mr. VALENZUELA	Chile
	Mr. CHENG PAKHAN	China
	AZMI Bey	Egypt
	Mr. CASPIN	France
	Mr. KEROY	Greece

Members: (continued)

Mrs. HESTA	India
Mr. AHMED	Lebanon
Mr. WAHED	Takistan
Mr. BURATSKYI	Poland
Mrs. ROSEL	Sweden
Mr. KWALLENKO	Ukrainian Soviet Socialist Republic
Mr. MATSOZOV	Union of Soviet Socialist Republics
Mr. EWADE	United Kingdom of Great Britain and Northern Ireland
Mrs. ROSEVELT	United States of America
Mr. BRACCO	Uruguay
Mr. JIVRANOVIC	Yugoslavia

Representative of a specialized agency:

Mr. MREHET	International Labour Organisation (ILO)
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Representatives of non-governmental organizations:

<u>Category A:</u> Miss KAEN	World Federation of Trade Unions (WFTU)
Mr. LEWRY	International Confederation of Free Trade Unions (ICFTU)
<u>Category B:</u> Mr. NOKOWICZ	Consultative Council of Jewish Organizations
Mr. BENJAMIN	Co-ordinating Board of Jewish Organizations
Mr. AVRAM	International Association of Penal Law
Mrs. CARTER	International Council of Women
Miss ROSS	International Federation of University Women
Miss PHILLIPS	Liaison Committee of Women's International Organizations
Mr. JACOBY	World Jewish Congress
Mr. RONALDS ) Mrs. POLSTEIN )	World Union for Progressive Judaism

Secretariat:

Mr. BUMPERLY	Director, Human Rights Division
Mr. PAS ) Miss KITCHEN )	Secretaries of the Commission

/RECOMMENDATIONS

RECOMMENDATIONS CONCERNING INTERNATIONAL RESPECT FOR THE SELF-DETERMINATION OF PEOPLES (A/L.102, A/L.106, A/2112, E/CN.4/557, E/CN.4/316, E/CN.4/545, E/CN.4/L.2, E/CN.4/L.21, E/CN.4/L.22, E/CN.4/L.23/Rev.1, E/CN.4/L.24, E/CN.4/L.25/Rev.1, 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) (continued)

The CHAIRMAN stated that the Commission should make up its mind whether it wished to decide at the present meeting to include the same texts of articles on self-determination in both covenants.

MR. VILFIZUELA (Chile) pointed out that his draft resolution (E/CN.4/L.24) dealt with economic matters only and therefore that it seemed properly to belong to the covenant on economic, social and cultural rights. He wondered whether the Chilean draft would be out of order if it were decided to adopt an identical text for both covenants.

The CHAIRMAN stated that when the Commission made a decision to include identical texts in both covenants the point raised by the Chilean representative would be one of the considerations that it would have in mind.

MR. CHEUK P. CHAI (China) stated that his delegation would prefer a simple article common to both covenants. The Chilean representative's wishes might be met by including his views in the discussion of any action taken on the recommendations concerning international respect for the self-determination of peoples, because the Chilean draft resolution was restrictive and somewhat negative.

MR. MOPOVGV (Union of Soviet Socialist Republics) did not understand the Chilean representative's doubts, since the text of the Chilean draft resolution contained a reference to the inclusion of an article in the "draft covenants". Moreover, that text did not run counter to any other proposal. There were no grounds for narrowing the principle contained in the draft by including it only in a covenant on economic, social and cultural rights, since

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it also had important political implications. Furthermore, the present case was one where the directive of the General Assembly in resolution 543 (VI) to have as many similar provisions as possible in both covenants was particularly pertinent.

MRS. MELTA (India) pointed out that some of the articles that had already been drafted would have to be included in both covenants in view of their general wording. The Chilean draft resolution might be included in the recommendations which would subsequently be made with regard to the covenant on economic, social and cultural rights.

MR. AZKOUZ (Lebanon) did not consider that it was necessary to take a decision on whether the text of the article should be identical in both covenants and proposed that a decision should first be taken on the article to be included in the covenant on civil and political rights and then on the article to be included in the second covenant. The texts might well be the same, but there seemed to be no necessity to take an a priori decision on the matter.

MR. VALENZUELA (Chile) stated that his question had been answered by the USSR representative's views on the inclusion of his draft resolution in both covenants.

MR. KOVALENKO (Ukrainian Soviet Socialist Republic) considered that a decision should be taken whether the texts should be the same for both covenants, since, unless that was decided, representatives would be obliged to vote with a different text in mind for the covenant on economic, social and cultural rights. The Chilean draft resolution should be included in both covenants, since it could only improve the article on self-determination.

MR. KYROU (Greece) considered that the Commission should decide whether a vote should be taken now on the question of identical texts for both covenants.

The CHAIRMAN put to the vote the question whether a decision should be taken immediately on the inclusion of identical texts of the article in both covenants.

The proposal was adopted by 11 votes to 3, with 4 abstentions.

/ The CHAIRMAN

The CHAIRMAN put to the vote the following proposal:

"The Commission decides to include the same and identical text on the right of all peoples and nations to self-determination in the covenants on human rights which it is preparing under General Assembly resolution 545 (VI)".

The proposal was adopted by 14 votes to 2, with 2 abstentions.

Mrs. HÄSSEL (Sweden) stated that, although the debate on the article had helped to clarify the issue, no acceptable definition had so far been submitted either of the word "self-determination" or "people". Her delegation was very sceptical as to the wisdom of including an article on the self-determination of peoples in the Covenants. Since, however, the majority of the Commission was apparently in favour of such an article, a determined effort should be made to arrive at clear definitions. A group of experts might, for instance, be instructed to work out the definitions. In view of these considerations, she would abstain from voting on the article as a whole but would take part in the voting on the various draft resolutions and amendments so as to contribute to the drafting of a text which would cause the fewest possible difficulties from the point of view of implementation.

Mr. BRACCO (Uruguay) explained his delegation's vote. He would vote for the Egyptian amendments (E/CH.4/L.23/Rev.1) and for the second paragraph of the U.S.S.R. draft resolution (L/CH.4/L.21), because these texts restated the General Assembly resolution. He would abstain from voting on the last paragraph of the U.S.S.R. draft, because it did not seem to be appropriate to deal with the question of minorities in connexion with self-determination. Although he approved of the principles contained in the United States amendments (E/CH.4/L.26/Rev.2) and the Yugoslav draft resolution (E/CH.4/L.22), he would vote against them, because the U.S.S.R. draft as amended by the Egyptian delegation seemed to be clearer. Lastly, he was in favour of the principle and terms of the Chilean draft resolution (E/CH.4/L.24).

Mrs. ROOSEVELT (United States of America) stated that as a result of the Commission's decision to include identical texts in both covenants certain consequential amendments to her draft resolution (E/CH.4/L.26/Rev.2) were  
/necessary.

necessary. The title of Part A and the whole of Part B should be deleted and the first sentence should read simply "All peoples shall have the right of self-determination".

The CHAIRMAN explained that the basic document before the Commission was the USSR draft resolution (E/CN.4/L.21) to which there were two principal amendments: the Egyptian proposal (E/CN.4/L.23/Rev.1) and the United States proposal (E/CN.4/L.20/Rev.2). If the amendments were considered as a whole, the United States proposal should be voted upon first as it was farther removed from the original text than the Egyptian proposal.

In order to facilitate the procedure, however, he proposed that the Commission should deal first with amendments to the first paragraph of the USSR proposal. In considering the two amendments to that section, the Egyptian, the farther removed, should be voted first. Subsequently in dealing with amendments to the second paragraph of the USSR proposal, the United States proposal would be voted upon first because it was farther removed.

Mrs. ROOSEVELT (United States of America) stated that, although the United States proposal as a whole was farther removed than the Egyptian proposal, she was prepared to accept the procedure suggested by the Chairman in order to expedite the Commission's work. She requested that point 1 of the Egyptian amendment should be voted in parts.

Mr. MOPOZOV (Union of Soviet Socialist Republics) supported by Mr. BORATINSKI (Poland), agreed with the first part of the procedure suggested by the Chairman but felt that point 2 of the Egyptian amendment logically and procedurally should be put to the vote immediately after point 1. The Egyptian amendment should be given priority over the United States amendment because it was farther removed and had been submitted earlier.

After a further discussion regarding the voting procedure, the CHAIRMAN ruled that point 1 of the Egyptian amendment was farther removed and must be acted upon first; but that the second sentence of the United States amendment was farther removed than point 2 of the Egyptian amendment and therefore must be put to the vote first.

/s/ Mr. MOPOZOV

Mr. MOROZOV (Union of Soviet Socialist Republics) challenged the second part of the Chairman's ruling and urged that both parts of the Egyptian amendment should be voted upon before the United States amendment.

The CHAIRMAN put to the vote the second part of his ruling.

The Chairman's ruling was upheld by 7 votes to 4, with 7 abstentions.

The CHAIRMAN accordingly put the various documents to the vote in the order decided upon.

The Polish amendment (E/CH.4/L.27) to the Egyptian amendment (E/CH.4/L.23/Rev.1) to the USSR draft resolution (E/CH.4/L.21) was adopted by 8 votes to 7, with 3 abstentions.

The first part of the Egyptian amendment (E/CH.4/L.23/Rev.1) as thus amended, was orally amended by the Chairman with the consent of the Egyptian representative, to conform to the wording of the General Assembly resolution 545 (VI). The Egyptian amendment, reading as follows: "All peoples and all nations shall have the right of self-determination" was then adopted by 12 votes to none, with 6 abstentions.

The second part of the Egyptian amendment, reading "freely the right freely to determine their political, economic, social and cultural status" was adopted by 9 votes to 7, with 2 abstentions.

The Egyptian amendment as a whole, as amended, was adopted by 12 votes to none, with 6 abstentions.

Mr. CASSIN (France) drew attention to the fact that the French text of the Egyptian amendment should be made to conform to the language of General Assembly resolution 545 (VI), on which it was based.

The CHAIRMAN said that that would be done. He noted that, as a result of the vote, the first sentence of the United States amendment had fallen. He then drew attention to that amendment and to the amendments to it.

The Belgian verbal amendment to replace "another" by "a" in the United States amendment (E/CH.4/L.28/Rev.2) was rejected by 6 votes to 5, with 7 abstentions.

/The CHAIRMAN

The CHAIRMAN noted that point 1 of the Egyptian amendment (E/CN.4/L.31) to the United States amendment had been accepted by the United States representative. He therefore put to the vote point 2 of the Egyptian amendment, which was a proposal to delete the words "within the limits of their respective responsibilities".

The proposal to delete these words was adopted by 13 votes to 2, with 2 abstentions.

The second sentence of point 1 of the United States amendment (E/CN.4/L.28/Rev.2), as amended, was adopted by 12 votes to 3, with 3 abstentions.

AZMI BOY (Egypt) remarked that the sentence just adopted embodied point 2 of his amendment (E/CN.4/L.23/Rev.1) to the USSR draft resolution. He therefore withdrew that amendment.

The CHAIRMAN said that the United States amendment adopted by the Commission had replaced the second paragraph of the USSR draft resolution. He therefore put to the vote the third paragraph of that draft resolution.

The third paragraph of the USSR draft resolution (E/CN.4/L.21) was rejected by 9 votes to 5, with 4 abstentions.

Mr. HESOT (Belgium) said that, since the United States representative had satisfactorily explained at the 257th meeting the meaning of "constitutional processes" in point 2 of the United States amendment, he withdrew the Belgian amendment (E/CN.4/L.25) bearing on that point.

The CHAIRMAN recalled that a vote by parts had been requested on point 2 of the United States amendment.

After a brief procedural discussion Mrs. ROOSEVELT (United States of America) said that point 2 of her amendment referred to the realization of the right of self-determination by peoples, whereas the part already adopted dealt with the realization of that right by states. Point 2 was therefore relevant, and she wished to maintain it.

/Mr. CASSEN



Mr. CASSIN (France) thought the amendment very important. Countries like his, which had been invaded three times by the same neighbouring State, were anxious to make it clear that the right of self-determination did not mean the right to dispose of the destinies of others.

The words in point 2 of the United States amendment (E/CH.4/L.25/Rev.2), "The right referred to above shall be promoted and realized as provided in the Charter of the United Nations", were rejected by 7 votes to 3, with 8 abstentions.

The words, "The right referred to above shall be promoted and realized in accordance with constitutional processes", were rejected by 10 votes to 3, with 5 abstentions.

The words "The right referred to above shall be promoted and realized with proper regard for the rights of other States and peoples" were rejected by 11 votes to 4, with 3 abstentions.

The CHAIRMAN noted that the entire point 2 of the United States amendment had been rejected, and that there were no further amendments to the USSR draft resolution. As the Chilean proposal (E/CH.4/L.24) would be treated as a separate draft resolution, the Commission was now in a position to take a vote on the whole of the various passages it had adopted.

Mr. KAPOZOV (Union of Soviet Socialist Republics) said that it would be easier for the Commission to vote on the whole at the following meeting, when it had a written text before it. He therefore moved the adjournment of the meeting.

The motion for adjournment was adopted by 8 votes to 1, with 5 abstentions.

The meeting rose at 5.30 p.m.