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SUMMARY RECORD OF THE TWO HUNDRED AND NINETY-THIRD MEETING

Held at Headquarters, New York,
on Wednesday, 14 May 1952, at 10.40 a.m.

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Draft international covenants on human rights and measures of implementation (E/1992; E/CN.4/655/Add.4, E/CN.4/667, E/CN.4/L.52; E/CN.4/L.75, E/CN.4/L.81, E/CN.4/L.104, E/CN.4/L.105/Rev.1, E/CN.4/L.106/Rev.1, E/CN.4/L.107, E/CN.4/L.108) (continued)

<u>Chairman:</u>	Mr. MALIK	(Lebanon)
<u>Rapporteur:</u>	Mr. WHITLAM	Australia
<u>Members:</u>	Mr. NISOT	Belgium
	Mr. VALENZUELA	Chile
	Mr. CHENG PAONAN	China
	AZMI Bey	Egypt
	Mr. JUVIGNY	France
	Mr. KAPSAMBELLIS	Greece
	Mrs. MEERA	India

<u>Members (continued):</u>	Mr. AZKOUL	Lebanon
	Mr. WAEED	Pakistan
	Mr. BCHATYNSKI	Poland
	Mrs. ROSSEL	Sweden
	Mr. KOVALENKO	Ukrainian Soviet Socialist Republic
	Mr. MOROZOV	Union of Soviet Socialist Republics
	Mr. HOARE	United Kingdom of Great Britain and Northern Ireland
	Mrs. ROOSEVELT	United States of America
	Mr. BRACCO	Uruguay
	Mr. JEVREMOVIC	Yugoslavia

Representatives of specialized agencies:

Mr. MOFELLET)	International Labour Organisation (ILO)
Mr. PICKFORD)	
Mr. SABA	United Nations Educational, Scientific and Cultural Organization (UNESCO)

Representatives of non-governmental organizations:

<u>Category B:</u>	Mrs. AIETA)	Catholic International Union for Social Service
	Mrs. VERGARA)	
	Mr. MOSKOWITZ	Consultative Council of Jewish Organizations
	Mrs. SOUDAN	International Federation of Business and Professional Women
	Mrs. ROBB	International Federation of University Women
	Miss DINGMAN	International Union for Child Welfare
	Miss ZIZZAMIA	International Union of Catholic Women's Leagues
	Mrs. PHILLIPS	Liaison Committee of Women's International Organizations

Category B (continued):

Mr. JACOBY	World Jewish Congress
Mrs. POLSTEIN)	World Union for Progressive Judaism
Mrs. FARBBER)	
Mr. FENCE	World's Alliance of Young Men's Christian Associations

Secretariat:

Mr. HUMPHREY	Director, Division of Human Rights
Mr. LIN	Division of Human Rights
Mr. DAS)	Secretaries of the Commission
Miss KITCHEN)	

DRAFT INTERNATIONAL COVENANTS ON HUMAN RIGHTS AND MEASURES OF IMPLEMENTATION
(E/1992; E/CN.4/655/Add.4, E/CN.4/667, E/CN.4/L.52, E/CN.4/L.75, E/CN.4/L.81,
E/CN.4/L.104, E/CN.4/L.105/Rev.1, E/CN.4/L.106/Rev.1, E/CN.4/L.107,
E/CN.4/L.108) (continued)

The CHAIRMAN invited the Commission to continue its examination
of article 30.

Mrs. ROOSEVELT (United States of America), speaking on a point of
order, suggested that the Commission should set 15 May at 10.30 a.m. as the
time limit for the submission of sub-amendments to amendments to the articles
of the covenants on economic, social and cultural rights which had not yet been
considered.

Mr. MOROZOV (Union of Soviet Socialist Republics) proposed that the
time limit should be 16 May at 10.30 p.m.

It was so decided.

/The CHAIRMAN

The CHAIRMAN indicated that that decision was not applicable to amendments to sub-amendments. It related to amendments to additional articles which had been proposed.

Mr. AZKOUL (Lebanon) said that the revised text of his delegation's sub-amendment (E/CN.4/L.105/Rev.1) contained a new paragraph 3 to be added to article 30 to replace sub-paragraph (b). That new paragraph would provide that States Parties to the covenant undertake to respect the freedom indispensable for research and scientific invention. At present sub-paragraph (b) appeared in paragraph 2 merely recognizing a right which necessarily was subject to the limitations set forth in article 1. The Lebanese amendment was intended to exempt that provision from those limitations and to make it a straightforward obligation.

Mr. JEVREMOVIC (Yugoslavia) considered that most of the criticism of the USSR amendment (E/CN.4/L.52) was well-founded. It was important for States to undertake to ensure the free development of science but it was obvious that such development could not run counter to progress, democracy, maintenance of peace and international co-operation. On the contrary such development was essential to progress and could be achieved only in an atmosphere of democracy, peace and international co-operation. The statement of those aims, as in the USSR amendment, was therefore pointless. It might even prove dangerous by giving the State an opportunity to interpret the words "progress" and "democracy" arbitrarily. The meaning of those words was sufficiently clear but States might impose on science the objectives of their day-to-day policies as scientific truths. That was not an abstract hypothesis but a real danger. Science could not remain neutral in contemporary social life; that however did not mean that governments could direct science and determine the objectives science should seek. Those objectives were determined by science itself and by the social environment in which it developed. Allowing governments to set themselves up as judges in the evaluation of scientific truth would be tantamount to permitting the establishment of the worst type of State control. The formula proposed in the USSR amendment opened the door to such abuse.

/As the

As the representative of Lebanon had said, abuses could occur in the field of science and could represent a serious danger to mankind. Mr. Jevremovic referred to certain pseudo-scientific racial theories, which science had condemned and which had led to the perpetration of criminal acts.

He was therefore prepared to accept a formula prohibiting any use of science inconsistent with the principles of democracy and the maintenance of peace and international co-operation, without giving governments the right to impose the aims which science must pursue. Governments should be able to oppose only activities contrary to science itself, to progress and democracy, in other words activities contrary to the purposes of the United Nations.

Turning next to the French amendment (E/CN.4/L.104) he said that authors were entitled to protection of the moral and material rights deriving from their work but that there was no reason to include such a right in the covenant where it could appear only in very concise form, with consequent disadvantages. Moreover the right was limited in the sense that it concerned only a few individuals. The majority of the Commission had refused to formulate in detail so important a right as the right to social security which concerned millions of persons on the ground that it was an appropriate subject for special conventions. The same argument could apply even more forcefully in the matter of authors' rights, particularly in view of the existence of an international organization to protect those rights, The International Union for the Protection of Literary and Artistic Works, to which Yugoslavia belonged. He was therefore unable to support the French amendment.

Sub-paragraph (b) of the United States amendment (E/CN.4/L.81) should be retained but he preferred the present version of the rest of article 30.

He was prepared to support the Uruguayan sub-amendment (E/CN.4/L.106/Rev.1) with the changes contained in the Yugoslav sub-amendment (E/CN.4/L.108). He also asked the Uruguayan representative to change the word "ensure" in his amendment to "enjoy the benefits of".

Mr. BRACCO (Uruguay) accepted that change.

Mr. KAPSAMBELIS (Greece) considered that the rights of authors, referred to in the French amendment (E/CN.4/L.104) should not appear in article 30. The USSR amendment (E/CN.4/L.52) would enable States to interfere in scientific research, thus prejudicing individual initiative. The word "culture" would be preferable to the word "education".

/Generally

Generally speaking, the present text of article 30 seemed satisfactory. Nevertheless he approved the United States amendment with the Lebanese sub-amendment (E/CN.4/L.105/Rev.1).

Mr. MOROZOV (Union of Soviet Socialist Republics) objected to the attempt of certain representatives to make crude distortions in the meaning of the USSR amendment (E/CN.4/L.52). He fully understood that the ideas expressed in that amendment were not approved of but he considered as intolerable the attitude of the United States representative who, instead of discussing the substance of the amendment, completely misinterpreted it and then refuted her own interpretation.

The United States representative had said that the USSR proposal prohibited purely scientific research and restricted scientific freedom. The USSR proposal stated clearly that States undertook to ensure the development of science and education in the interest of progress. That did not mean that States should seek to hinder scientific development; on the contrary it meant that they should contribute to such development and encourage scientific research. The word "progress" was perfectly clear. It was therefore impossible in good faith to arrive at the unacceptable conclusion formulated by the United States representative. The object of the proposal was solely to ensure the development of science in the interest of progress, that is of the general advance of mankind towards a better civilization. Progress and the maintenance of peace were inseparable concepts. Mankind could not develop and overcome new difficulties it encountered if peace and international co-operation were not ensured.

He preferred not to stress the untoward remarks of some representatives particularly the comments of the representative of Lebanon which seemed to him to savour of fascism.

In the opinion of the USSR delegation it was essential for States to take the steps necessary to prohibit scientific activity designed to destroy mankind. Atom-splitting was one of the most important modern discoveries; since then science had progressed in two different directions: use of that discovery for peaceful purposes and use of that discovery for mass destruction of human beings. What was involved was a development of science and not, as some claimed, of applied science outside the field of pure science. The same was true of the

/discoveries

discoveries of eminent biologists; the development of science after those discoveries had been, on the one hand, towards the struggle against germ diseases and, on the other, towards perfecting bacterial warfare. Scientific development could therefore represent a threat to mankind and it was for States to obviate that possibility. That was the only purpose of the USSR amendment. A refusal to recognize the principles it enunciated would be tantamount to a denial of human rights and a misconception of the interests of humanity.

In reply to the Indian representative, who had asked him to define the meaning of the word "education" as used in the USSR amendment, he explained that the Russian word was used rather like the English word "education", and had a more general meaning than the French word "instruction" and covered everything which contributed to raising the cultural level of a population.

He proposed that after paragraph 4 of the Polish amendment (E/CN.4/L.107) to the United States amendment (E/CN.4/L.81) a new paragraph on the lines of the USSR amendment (E/CN.4/L.52) should be added.

Mr. BORATYNSKI (Poland) supported the USSR amendment, the object of which was that scientific and cultural development should be in the direction of progress and democracy. History showed that science could be either a blessing or a curse according to whether or not its aim was to promote human progress, the triumph of democracy and the maintenance of peace.

He gave examples of scientific institutions in his country, established in co-operation with the Soviet Union for the purpose of creating the closest possible links, not only in theory but in everyday practice, between the development of science and culture on the one hand and of progress, democracy, the maintenance of peace and international co-operation on the other.

He agreed to the addition to his amendment of the paragraph proposed by the USSR delegation. Moreover, he suggested the addition to paragraph 2 of the Lebanese amendment (E/CN.4/L.105/Rev.1) of the text of the USSR amendment (E/CN.4/L.52). He also suggested adding the words "progress and" before the word "democracy" in paragraph 1 of the amendment submitted by Uruguay (E/CN.4/L.106/Rev.1) and, at the end of the paragraph, the words "and undertake to guarantee that right".

The Polish delegation would do its utmost to have the original text of article 30 maintained, with the sole addition of the text proposed in the USSR amendment.

Mrs. ROOSEVELT (United States of America) said that her delegation was prepared to agree to the Lebanese amendment (E/CN.4/L.105/Rev.1) subject to a few minor changes. She would accept the clause relating to the right of everyone to enjoy the benefits of scientific progress and its applications, on condition that it should not be interpreted as infringing recognized rights such as literary, artistic, scientific and commercial rights.

Mr. HOARE (United Kingdom) agreed with the interpretation given by the United States delegation to the USSR amendment (E/CN.4/L.52). Referring to the USSR representative's allegation that the United States representative had distorted the meaning of his text, Mr. Hoare pointed out that any text could be interpreted in different ways, despite its author's intentions. The Committee was not discussing the intentions of the USSR representative, but the meaning of his text as it appeared to the various delegations.

In his view science, whether pure or applied, existed in and for itself, independent of any use to which it might be put. Science could therefore progress only towards its own ends, irrespective of results, good, bad or indifferent. The USSR amendment appeared to mean that the State should make science and culture develop in a given direction in the interests of progress and democracy.

Even if it were admitted that scientific development should be governed by certain ideas, they should not be vague and ill-defined notions such as progress and democracy. Those words had been abused to such an extent that they had lost any definite meaning. If scientific development were to be subordinated to them, certain States might interpret them in a highly dangerous manner.

The USSR representative had attempted to draw a specious and artificial distinction between pure science and applied science. Researches in pure science were bound to influence every branch of applied science and applied science also had reactions on pure science. The Commission was not called upon to decide whether the development of science in a given direction would have good or bad results, or whether its use for destructive purposes, of which atomic energy was an example, should be prohibited. Those were moral problems, and the covenant was not designed to limit or prevent certain applications of science. The modern development of science certainly raised important problems for mankind, particularly in the field of atomic energy, but it was not the business of the Commission to attempt to solve those problems, which were under consideration by other organs of the United Nations: in the last analysis they seemed to him to be moral problems, /but in

but in any event they could not be solved by a few lines in an article in a covenant on human rights. The USSR delegation's conception of the role of science, as shown in its amendment, should have no place in the covenant.

Referring to the Lebanese amendment (E/CN.4/L.105/Rev.1), he observed that certain difficulties, especially those in connexion with the freedom of scientific research, had happily been solved. He would, however, prefer the use of the word "creation" rather than "invention" in paragraph 3 of the revised text. He agreed with the United States delegation that sub-paragraph 1 (b) should be interpreted in a limitative sense.

With reference to the French amendment (E/CN.4/L.104), he agreed with the Yugoslav representative that it would be a mistake to refer in the covenant to so complex a right, which, moreover, was safeguarded by many international conventions.

AZMI Bey (Egypt) asked whether the expression "scientific research" in the Lebanese amendment was meant to apply to the social sciences as well as to science properly speaking.

The CHAIRMAN confirmed that the term applied to every possible branch of research.

Mr. KOVALENKO (Ukrainian Soviet Socialist Republic) wished to reply to the United Kingdom representative, who had claimed that the word "science" should be used only to mean pure science. The USSR amendment (E/CN.4/L.52) linked science with education, i.e. the dissemination of scientific knowledge for the good of humanity, whereas the expression "pure science" went too far and might leave room for mischievous propaganda. There were those, for example, who tried to establish a scientific basis for racial hatred and discrimination and claimed to have proved that differences in the moral worth of peoples were the result of differences in the composition of their blood. The legislation of some States was founded on those theories and they were sometimes used to justify a proposal that certain classes of persons should be sterilized. It was hard to see how such theories could promote the maintenance of peace or international co-operation.

/The United Kingdom

The United Kingdom representative had attacked democracy and peace by opposing the inclusion of those words in article 30. That was tantamount to attacking the covenant and the Universal Declaration of Human Rights, in which those words appeared in a number of articles. Peace was generally admitted to be mankind's most vital need; unless peace were preserved the covenant that the Commission was trying to draw up could never be put into practice.

The United States amendment (E/CN.4/L.81/Rev.1) not only changed the order of the paragraphs in article 30, but omitted the undertaking by States in paragraph 1, so that in that respect the original text was preferable; moreover it made the right in question conditional on the development and diffusion of science. That provision was too restrictive and he could not accept it.

The CHAIRMAN announced that the general debate on article 30 was closed.

Mr. SABA (United Nations Educational, Scientific and Cultural Organization) supported the Lebanese amendment (E/CN.4/L.105/Rev.1) to the United States amendment (E/CN.4/L.81) relating to the words "scientific research and creation", which might be misinterpreted.

Mr. HOARE (United Kingdom) pointed out that, contrary to the allegations of the Ukrainian representative, he had said in his earlier statement that the word "democracy" would be out of place in article 30 because, owing to excessive use, it had become a worn coin. While it was still necessary to use it as part of our intellectual currency, he objected to its use in a place where its exact value would be of crucial importance.

Mr. AZKOUL (Lebanon) agreed to the substitution of the word "creation" for "invention" in paragraph 3 of his amendment.

In reply to the USSR representative, he explained that he had criticized the USSR amendment (E/CN.4/L.52) because, firstly, it made the development of science subject to certain conditions, whereas it should depend only on scientific considerations and seek only truth, and secondly, the terms

"progress" and "democracy" as applied to those conditions should be rejected because they were differently understood in different countries. The bitter attack made on him by the USSR representative was a proof of that. In reply to the Ukrainian representative's definition of the expression "pseudo-scientific", he said that the USSR amendment would enable a State which had adopted pseudo-scientific theories to put them into practice. He therefore considered the text of that amendment to be dangerous and out of place in an international instrument.

The CHAIRMAN said that he would first put to the vote the United States amendment (E/CN.4/L.81) as amended by the Lebanese delegation (E/CN.4/L.105/Rev.1).

Mr. MCROZOV (Union of Soviet Socialist Republics) asked that the vote should be taken at the afternoon meeting, when the Russian translation of the text had been distributed.

The meeting rose at 1 p.m.