



# United Nations, General Assembly: Observance in Bulgaria, Hungary and Romania of Human Rights and Fundamental Freedom.

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# United Nations

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## GENERAL ASSEMBLY

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Fourth session

AD HOC POLITICAL COMMITTEE

Item 27

### OBSERVANCE IN BULGARIA, HUNGARY AND ROUMANIA OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

#### Bolivia, the United States and Canada: Draft Resolution

Whereas the General Assembly at the Second Part of its Third Session considered the question of the observance in Bulgaria and Hungary of human rights and fundamental freedoms,

Whereas the General Assembly adopted on 30 April 1949 Resolution 272 (III) concerning this question in which it expressed its deep concern at the grave accusations made against the Governments of Bulgaria and Hungary regarding the suppression of human rights and fundamental freedoms in those countries; noted with satisfaction that steps had been taken by several States signatory to the Peace Treaties with Bulgaria and Hungary regarding these accusations; expressed the hope that measures would be diligently applied in accordance with the Treaties in order to ensure respect for human rights and fundamental freedoms; and most urgently drew the attention of the Governments of Bulgaria and Hungary to their obligations under the Peace Treaties, including the obligation to co-operate in the settlement of the question,

Whereas the General Assembly has resolved to include in its consideration at the Fourth Session the question of the observance in Rumania of human rights and fundamental freedoms,

Whereas certain of the Allied and Associated Powers signatory to the Treaties of Peace with Bulgaria, Hungary and Rumania have charged the Governments of those countries with violations of the Treaties of Peace and have called upon those Governments to take remedial measures,

Whereas the Governments of Bulgaria, Hungary and Rumania have rejected the charges of Treaty violation,

Whereas the Governments of the Allied and Associated Powers concerned have sought unsuccessfully to refer the question of Treaty violations to the Heads of Mission in Sofia, Budapest, and Bucharest in pursuance of certain provisions in the Treaties of Peace,

Whereas the

Whereas the Governments of these Allied and Associated Powers have called upon the Governments of Bulgaria, Hungary and Rumania to join in appointing Commissions pursuant to the provisions of the respective Treaties of Peace for the settlement of disputes concerning the interpretation or execution of these Treaties,

Whereas the Governments of Bulgaria, Hungary and Rumania have refused to appoint their representatives to the Treaty Commissions, maintaining that they were under no legal obligation to do so,

Whereas the Secretary-General of the United Nations is authorized by the Treaties of Peace, upon request by either party to a dispute, to appoint the third member of a Treaty Commission if the parties fail to agree upon the appointment of the third member, and

Whereas it is important for the Secretary-General to be advised authoritatively concerning the scope of his authority under the Treaties of Peace,

The General Assembly

Affirms its continuing interest in and deep concern at the grave accusations made against Bulgaria, Hungary and Rumania,

Decides to submit the following questions to the International Court of Justice with a request for an advisory opinion:

I. Do the diplomatic exchanges between Bulgaria, Hungary and Rumania on the one hand and certain Allied and Associated Powers signatory to the Treaties of Peace on the other, concerning the implementation of Article 2 in the Treaties with Bulgaria and Hungary and Article 3 in the Treaty with Rumania, reveal the existence of disputes subject to the provisions for settlement of disputes contained in Article 36 of the Treaty of Peace with Bulgaria, Article 40 of the Treaty of Peace with Hungary, and Article 38 of the Treaty of Peace with Rumania?

II. In the event of an affirmative reply to I above, are the Governments of Bulgaria, Hungary and Rumania obligated to carry out the provisions of the Articles referred to in I above, including the provisions for the appointment of their representatives to the Treaty Commissions?

Decides that, if the above questions are answered in the affirmative and if within thirty days from the date when the Court delivers its opinion the Governments concerned have not notified the Secretary-General that they have appointed their representatives to the Treaty Commissions, the following further questions shall be transmitted to the International Court of Justice, with a request for an advisory opinion:

/III. In the event

III. In the event of failure by one party to appoint a representative to a Treaty Commission under the Treaties of Peace with Bulgaria, Hungary and Rumania where that party is obligated to appoint a representative to the Treaty Commission, is the Secretary-General of the United Nations authorized to appoint the third member of the Commission upon the request of the other party to the dispute according to the provisions of the respective Treaties?

IV. In the event of an affirmative reply to III above, would a Treaty Commission composed of a representative of one party and a third member appointed by the Secretary-General of the United Nations constitute a Commission within the meaning of the relevant Treaty articles, competent to make a definitive and binding decision in settlement of a dispute?

Requests the Secretary-General to make available to the International Court of Justice the relevant exchanges of diplomatic correspondence communicated to the Secretary-General for circulation to the members of the United Nations and the records of the General Assembly proceedings in this question,

Decides to retain on the agenda of the Fifth Session of the General Assembly the question of the observance of human rights and fundamental freedoms in Bulgaria, Hungary and Rumania, with a view to ensuring that the charges are appropriately examined and dealt with.



United Nations

GENERAL

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GENERAL ASSEMBLY

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ENGLISH ONLY

Fourth session

Item 27 of the agenda

OBSERVANCE IN BULGARIA, HUNGARY AND RUMANIA OF  
HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Letter from the United States representative to the United Nations,  
addressed to the Secretary-General

CORRIGENDUM

Annex 25, page 60 of document A/985:

The last sentence of the last paragraph should read as follows:

"Accordingly, the Legation of the United States has been  
instructed to ask the Rumanian Government to join the United States  
Government in appointing such a commission."

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