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Chairman: Mrs. Lina P. TSALDARIS (Greece).

## AGENDA ITEM 33

## Recommendations concerning international respect for the right of peoples and nations to self-determination (A/3829, A/3775) (continued)

1. Mr. BARODY (Saudi Arabia) said that consideration of the item under discussion had been deferred several times, and that at the twelfth session the Committee had been able to take it up only very briefly. At the current session the Committee would be able to devote no more than eight meetings to it. It was particularly regrettable, therefore, that representatives showed little desire to speak, and especially that the sponsors of the three draft resolutions transmitted in Economic and Social Council resolution 586 D (XX) were not introducing their texts before the Committee.

2. In any event, there was one procedural point which should be settled, namely, whether it was to be assumed that the three draft resolutions in question were actually before the Committee, or whether they should be reintroduced by the delegations which had initially sponsored them or by any other delegation.

3. If the Committee was not prepared to begin the debate on the three draft resolutions, or if it decided to defer the item again, there should be a substantive general debate on the right of peoples to self-determination. The Committee could study all the aspects of the question, both economic and political, and seek means for the peaceful settlement of the disputes now setting a number of peoples at odds with the Powers administering them. It would thus demonstrate to the world its devotion to one of the fundamental rights and to the cause of all those who were fighting for their freedom.

4. Miss MacENTEE (Ireland) recalled that her country had not been a Member of the United Nations at the time of the debate leading to the inclusion of the item in the agenda. Having studied the record, she was disheartened to find that one of the most clear-cut principles enshrined in the United Nations Charter appeared to be clouded by misunderstanding and mistrust.

5. In the view of her delegation, the application of that principle entailed for all peoples the right freely to determine their political, economic, and social and cultural status and ultimately the right of a nation to

constitute itself an independent State and to determine its own government. Those rights derived inevitably from the exercise of the fundamental personal freedoms, and were the logical corollary of the democratic principle. It was primarily the concern of the governed to determine how they should be governed. The fact that the right of peoples to self-determination was unassailable did not however mean that it was always easy to apply; if it were, the issue would never have come up before the Committee.

6. The subject was one entirely within the province of the Third Committee. It was a matter of experience that the denial of a people's claim to self-determination progressively and inevitably involved the violation of all the human rights and fundamental freedoms with the guardianship of which the Committee was charged. World opinion had accepted self-determination as the moral foundation for world peace. It was the function of the Committee to survey its workings in so far as they impinged on the rights of the individual.

7. There had been many attempts through the ages to define the concept of nationhood and to isolate the factors which constituted a nation—language, culture, traditions, territorial contiguity and so forth. In the last analysis, the only valid standard was the subjective one, in the sense that any group of people living in a determinate territory constituted a nation if it was conscious of itself as a national entity and asserted itself as such. That did not cover the right of strictly local groups to secession, which would, in effect, shatter the right to self-determination. In that respect, the Western ideal combined free individual choice with the collective consciousness of common traditions and values. A nation was the product of a common consciousness of common ideals, reinforced often but not necessarily always by racial, linguistic and cultural ties. A great many problems naturally arose in the process: as was known, the affirmation of national identity only too often began as a defensive movement.

8. It would perhaps not be beside the point to recall that national sovereignty had its limitations, chief among which was the duty to respect the rights of the individual, including his right to national liberty. Accordingly, a world order founded only on the maintenance of existing sovereignties was inconceivable. It was impossible not to condemn a State which did not protect the rights of all its citizens, including their right to belong to a distinct national community. Where political, economic, national or cultural rights were not secured, the principle of self-determination might fairly be invoked. There were even cases where the removal of the grievances from which an independence movement had sprung did not satisfy that movement.

9. That did not mean that anarchy should be substituted for the existing order. Attempts had been made to define the conditions—apart, of course, from its desire

for independence—under which a nation might aspire to become a State. It had been said that certain prerequisites were called for, such as a distinct territory, a settled government and an administration capable of maintaining the essential services, a satisfactory judicial organization, adequate financial and natural resources and so forth. The criteria, in a word, were analogous to those which determined the time when Trust Territories attained self-government. However, in the current era of international interdependence and solidarity it might be asked whether the traditional fears regarding the creation of States which were not viable could still be justified. The new States could count on international assistance; in the circumstances, the desire for independence was *prima facie* evidence that the people concerned were ready for self-government. It was a truism that self-determination implied duties: to safeguard the rights of minorities and not to pervert nationalism into imperialism. It was the paramount concern of the United Nations to ensure the peaceful evolution of peoples towards their rightful place in the concert of nations.

10. Her delegation had very carefully studied the proposals contained in Economic and Social Council resolution 586 D (XX), all of which had excellent points in them. For example, the idea of an *ad hoc* commission to examine the whole concept of self-determination and of a good offices commission to examine violations of that right appeared to hold out very promising prospects. The two proposals had aroused certain misgivings, but it should be possible for the Third Committee so to frame them that there could be no grounds for such mistrust.

11. The fact remained, however, that on a subject such as that before the Committee a resolution which was not backed by a substantial majority would not only be useless but even harmful, in that it would engender cynicism and depression. For that reason, her delegation would refrain for the time being from supporting any of the draft resolutions, which had been drawn up at a time when Ireland had not been a Member of the United Nations.

12. Mr. ELMANDJRA (Morocco) observed that apparently only those delegations which were most active in the defence of the right of peoples to self-determination had so far taken part in the discussion; he regretted that those who had other views were not explaining their reasons.

13. In any event, he would like to ask whether or not the Committee officially had before it the three draft resolutions contained in Economic and Social Council resolution 586 D (XX). In other words, he wished to raise again a question which had been asked by the Saudi Arabian representative, namely whether the Committee should enter into a general discussion on item 33 of the General Assembly's agenda, or whether it should proceed to the direct consideration of the three draft resolutions and take a vote on them.

14. He thought it important to settle that question without further delay, to avoid any risk that the Committee, which had only eight meetings available for the discussion of item 33, might be told at the fifth or sixth meeting that it was too late to hold a discussion on the substance of the question and that it should beware of taking any hasty decisions on such an important problem.

15. Mr. BRILLANTES (Philippines) agreed that it would be desirable to clear up the point of procedure, and hoped that the Secretariat would reply to the question put by the representative of Saudi Arabia. If the Committee officially had before it the three draft resolutions, it would be useful for delegations also to keep before them the text of article 1 of the draft International Covenants on Human Rights (A/3077, para. 77). In adopting that article at the tenth session of the General Assembly the Committee had decided that self-determination was a right and not a principle; therefore, unless it reversed its decision, that fact was established. Subsequently the Commission on Human Rights had adopted two draft resolutions, reproduced in operative paragraph 1 of Economic and Social Council resolution 586 D (XX) (resolutions I and II), which were in conformity with article 1 of the draft Covenants. On the other hand, the Economic and Social Council had on its own initiative adopted another draft resolution, reproduced in operative paragraph 2 of the resolution he had referred to, which used language different from that of article 1 of the draft Covenants and spoke of the principle of self-determination. That difference should be noted, for it might well be that the adoption of the Council's draft resolution, which it should be noted used the terminology of the United Nations Charter, would reopen the whole question whether self-determination should be considered as a principle or as a right.

16. Mr. VAKIL (Secretary of the Committee), replying to questions, referred representatives to the last part of the last sentence of paragraph 4 of the Secretary-General's note concerning item 33 of the agenda (A/3829). The passage in question, which began with the words: "the Assembly also decided to consider further at its thirteenth session..." made it clear that the three draft resolutions were in fact before the Committee.

17. Mr. ELMANDJRA (Morocco) said that he wished, in order to avoid any confusion, to indicate his understanding of the position in the light of the explanation given by the Secretariat, namely, that the three draft resolutions in Economic and Social Council resolution 586 D (XX) were officially before the Committee. If that was in fact the case, the Committee should examine the draft resolutions and reach a decision on them; which meant that a vote should be taken on them. He was anxious to ensure that there should be no misunderstanding on that point.

18. Mr. VAKIL (Secretary of the Committee) thought that if further explanation was needed the Office of Legal Affairs of the Secretariat might be asked for advice. However, according to the Secretary-General's note (A/3829), the position was the following: the Assembly had decided to continue the examination of the question at its thirteenth session; the draft resolutions of the Commission on Human Rights were before it at its own request; those draft resolutions had been considered by the Economic and Social Council because the Commission on Human Rights was a functional commission of the Council, which in transmitting them to the Assembly had added its own proposal. It now rested with the Assembly to decide what action to take on the draft resolutions.

19. Mr. SIMPSON (Liberia) asked what, in the circumstances, should be the scope of the Third Committee's consideration of item 33 of the agenda.

20. Mr. VAKIL (Secretary of the Committee) said that he could do no more than once again draw attention to the end of paragraph 4 of the Secretary-General's note (A/3829), which repeated the terms of paragraph 2 of the operative part of General Assembly resolution 1188 (XII). It was for the Committee alone to determine the implications and to decide how far it wished to consider item 33 of the agenda.

21. Mr. CHENG Paonan (China) observed that the first two texts were draft resolutions of the Commission on Human Rights which had been adopted by the Council; the third was a draft resolution of the Council itself. Thus the Third Committee in point of fact officially had before it three draft resolutions of the Economic and Social Council. The original sponsors of the proposals in question were under no obligation to present them again; the draft Covenants could be cited as precedents in that connexion. If a delegation was dissatisfied with any article in the drafts it could propose amendments. The same applied in the case in point; delegations were at liberty to express whatever views they wished on the draft resolutions and to amend them as much as they wished.

22. Mr. ROSSIDES (Greece) said his own understanding of the position was that the Third Committee definitely had before it the three draft resolutions, to which it could make all the amendments it desired; delegations could also, if they thought fit, submit new draft resolutions, but it was clear that in any event the Committee would have to take a vote on the three draft resolutions before it.

23. Mr. SHARAF (United Arab Republic) considered that the Committee's report on the corresponding item of the agenda of the twelfth session (A/3775) explained the position very clearly.

24. Mr. BOULOS (Lebanon) pointed out that when draft resolutions were placed before the Committee, the text of each proposal was normally submitted in a separate document with its own symbol number. If the Secretariat could submit the three draft resolutions in that form, it would be easier for delegations to consult the texts and refer to them.

25. Mr. HOOD (Australia) supported that view.

26. Mr. ELMANDJRA (Morocco) remarked that a document bearing an A/C.3/L.— symbol would be more clearly identifiable as a Third Committee document for the current session. The discussion would be simplified if the draft was presented in that form.

27. Mr. KETRZYNSKI (Poland) formally proposed that in order to remove any doubt in the matter, the Committee should include in its report a sentence stating that after a discussion the Third Committee agreed that it had before it for discussion Council resolution 586 D (XX).

28. Mr. BRILLANTES (Philippines) supported that proposal.

29. Mr. CALDERON PUIG (Mexico) agreed that the discussion would be simplified if each draft resolution was presented separately. In particular, if the question of priority arose, it would make it easier to decide on the order in which the drafts were to be taken up.

30. Mr. BARRATT (Union of South Africa) remarked that the submission of the draft resolutions as separate documents—which seemed entirely unnecessary—would entail additional expense which should be avoided.

31. Mr. BAROODY (Saudi Arabia) considered that the text of Council resolution 586 D (XX) should not lead to any confusion. The Committee had before it three draft resolutions and would be able to decide on the order in which the proposals were to be put to the vote when the time came. His own view was that priority should be given to the two texts adopted by the Commission on Human Rights because they had been adopted before the Council's text.

32. His delegation would vote against the Council's draft resolution because it called into question a decision taken by the Third Committee. It referred to the "principle" of self-determination, whereas in adopting article 1 of the draft International Covenants on Human Rights (A/3077, para. 77) at the tenth session of the General Assembly the Third Committee had recognized that self-determination was a "right". If the Council's draft resolution was adopted, he was afraid that in a few years' time—perhaps when the proposed *ad hoc* commission had completed its study—the opponents of article 1 of the draft Covenants might insist on reopening the discussion on that text. They might argue that in view of the difficulty of obtaining agreement on the right of self-determination of peoples, no reference to that right should be made in the Covenants, in order to avoid difficulties in their implementation, and suggest that a separate instrument should be drafted on the subject. His delegation could not agree to the deletion of any part of article 1 of the draft Covenants or to its modification in any way. If the Council's draft resolution was adopted, his delegation proposed to take various steps and in particular would formally submit a proposal it had made at an earlier session designed to ensure that the position of article 1 should not be jeopardized. He hoped it would be unnecessary to do so and urged the Committee to reject the draft, which, however good the intentions of its sponsors might have been, would nevertheless have the most undesirable consequences.

33. Mr. HOOD (Australia) said that he did not believe that anyone could regard his Government as an opponent of the principle of self-determination. The principle was stated and expressly recognized in a joint statement by the Governments of the Netherlands and Australia concerning the Territory of New Guinea.

34. He regretted that the Committee had decided to interrupt its consideration of the draft Covenants, as it was obviously not ready seriously to take up the new item on its agenda.

35. Mr. BAROODY (Saudi Arabia) was afraid that the Australian representative had misunderstood him. He realized, as his statement at the preceding meeting had shown, that no delegation was opposed to self-determination. It was nevertheless a fact that there were differences of opinion in the Committee concerning the question under discussion, namely "Recommendations concerning international respect for the right of peoples and nations to self-determination".

36. Mr. MAHMUD (Ceylon) said that when the Saudi Arabian representative had used the word "opponents" he had understood him to be referring to the differences of opinion usually expressed in the Committee.

37. Mr. KETRZYNSKI (Poland) announced that he would withdraw the proposal he had made earlier, as all representatives appeared to agree that the Committee had in fact before it the three draft resolutions

transmitted by the Economic and Social Council. The form in which the three drafts had been submitted might result in confusion. For example, if amendments were submitted, the Committee might have some difficulty in deciding which proposal they referred to. His delegation was anxious to avoid any unnecessary expense, but felt that the distribution of the three draft resolutions as three separate documents would cost less than a long and complicated discussion.

38. After an exchange of views in which Mr. VAKIL (Secretary of the Committee), Mr. ROSSIDES (Greece), Mr. BOULOS (Lebanon), Mr. BRILLANTES (Philippines) and Mr. ELMANDJRA (Morocco) took part, Mr. BARRATT (Union of South Africa) suggested that sponsors of amendments should discuss with the Secretariat the way in which reference should be made to the three texts transmitted by the Economic and Social Council in resolution 586 D (XX).

It was so decided.

39. In reply to a question by Mr. BOULOS (Greece), the CHAIRMAN pointed out that document A/3775 contained a summary of the Third Committee's discussions on the corresponding item of the agenda of the twelfth session and the text of the resolution in which

the General Assembly had decided to consider the matter further at its thirteenth session.

40. Mr. BRILLANTES (Philippines) noted that in the Council's draft resolution the ad hoc commission was requested to transmit its report to the Economic and Social Council at its twenty-third session and to the General Assembly at its twelfth session. That minor problem could easily be solved, for example, by substituting the word "next" for the words "twenty-third" and "twelfth".

41. Mr. ELMANDJRA (Morocco) wondered whether it might not be desirable to set a time limit for the submission of amendments to the draft resolutions transmitted by the Economic and Social Council.

42. The CHAIRMAN suggested that the Committee might consider that question at its meeting on the morning of Friday, 21 November.

43. Mr. BARRATT (Union of South Africa) considered that little purpose was being served by the procedural debate in which the Commission had become involved. He formally moved the adjournment of the meeting.

The motion was adopted.

The meeting rose at 5.40 p.m.