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## SEVENTH SESSION

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## THIRD COMMITTEE, 453rd

## MEETING

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Headquarters, New York

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Chairman: Mr. S. Amjad ALI (Pakistan).

*In the absence of the Chairman, Mr. Lezama (Uruguay), Vice-Chairman, took the Chair.*

**Human rights: Recommendations concerning international respect for the self-determination of peoples (E/2256, annex V, A/2165, A/2172, chapter V, section I, A/C.3/L.293/Rev.1) (*continued*)**

[Item 30]\*

GENERAL DEBATE (*continued*)

1. Mrs. AFNAN (Iraq) said that the two draft resolutions (E/2256, annex V) before the Committee derived from the United Nations Charter itself, formed an intrinsic part of the Committee's work and were by no means a reflection of the views of only a few delegations. The Commission on Human Rights, instructed to draft an international bill of human rights, had already produced one document of transcendental importance, the Universal Declaration of Human Rights, which had enlarged the realm of human rights from a handful of political freedoms reserved for the chosen few to political, economic, cultural and social rights for all. The General Assembly, at its sixth session, had decided not only that an article on the right of self-determination of peoples should be included in the covenants on human rights, but also that direct and positive international action should be taken to implement that right. In its recommendations, contained in the two draft resolutions before the Committee, the Commission on Human Rights proposed the direction such action should take.

2. Every legal argument advanced against the recommendations contained in the draft resolutions during the debate had been refuted by a better legal argument; obviously, those who opposed the recommendations were in reality opposed to any positive action by the General Assembly in that field. Representatives of

colonial Powers had said that the recommendations were discriminatory because they imposed greater obligations on some States than on others. The colonial Powers had, however, willingly accepted special obligations under the Charter of the United Nations, and if they truly found their responsibility too great a burden they could share it by placing some of their colonies under the Trusteeship System.

3. The very delegations which insisted most on the definition of each term knew best what a compromise the Charter represented and why it was that Chapter XI, while establishing the principle of international accountability, provided no machinery for international supervision. Because the intentions of those who had drafted the Charter had not all been identical, its articles were open to different interpretations. But any interpretation should be based on the purposes and principles of the Charter, which indicated the direction the activities of the United Nations should take. The recommendations of the Commission on Human Rights were among the "appropriate measures to strengthen universal peace" which were one of the avowed purposes of the United Nations. Member States which had accepted the moral responsibility for the welfare of Non-Self-Governing Territories should, in the fulfilment of their task, follow not only the letter, but the spirit of the law.

4. Her delegation took exception to the French representative's statement that the two recommendations in question violated Article 2, paragraph 7, of the Charter of the United Nations. No legal argument could give validity to the claim that the destiny of alien populations of forcibly occupied overseas territories was a matter within the "domestic jurisdiction" of the metropolitan Power. The fact alone that whole chapters of the Charter were devoted to the status of colonial peoples sufficed to refute that contention.

5. Complaints had been heard that an attempt was being made to amend the Charter of the United Nations. No such attempt was being made; but the

\* Indicates the item number on the agenda of the General Assembly.

Charter, like every legal instrument, had a life of its own, more or less independent of the wishes and expectations of its authors. That vital quality gave reason to hope that the United Nations, drawing on the collective experience of its Members, would be able to formulate and implement the right of peoples to self-determination. Certainly the legal and technical difficulties were great; but they would be easier to surmount than the stubborn resistance of die-hard colonialism.

6. The peoples of Libya and Eritrea had exercised their right of self-determination only because Italy had been on the losing side in the Second World War. Colonialism had overcome the moral qualms which had assailed it between the two world wars and had found a new justification to replace the theory of the white man's burden: the colonial Powers had become the defenders of stability. They were prepared to grant the right of self-determination, provided that it was exercised under rigid control, so as not to disturb external security. They should remember that a denial of the right had resulted and still resulted in wars and bloodshed. Stability which meant the perpetuation of existing injustices and security which was maintained by a precarious balance of power, bore within them the seeds of their own violent destruction.

7. She shared the view expressed by many delegations that the economic relationship between non-self-governing peoples and the metropolitan Powers was the most vicious aspect of colonialism. Private capital, having no competition to face in the colonies, operated free from any control and solely in its own interests, which were neither those of the indigenous population nor those of the people in the metropolitan country. Consequently, such capital not infrequently influenced national policy to the detriment of the national interest. Thus the United Kingdom was compelled to support the Anglo-Iranian Oil Company, and France to protect the great companies which ruled North Africa. Private capital had exploited cheap labour in the colonies until it had made the economy of the metropolitan Powers dependent on cheap labour. A vicious circle had thus been created which could be broken only by giving the populations of the colonies the right of self-determination and enabling them to enter into mutually beneficial agreements with the metropolitan Powers.

8. Economic colonialism not only perpetuated all the old elements of discord but introduced new ones. Thus, the Strasbourg plan for pooling colonial resources would reinforce the economic structure of Europe at the expense of the colonial peoples. If the colonial peoples were indefinitely to be denied the right to self-determination, the prospects for friendly international relations were bleak indeed.

9. The United Nations, as an organization dedicated to the maintenance of peace, must therefore take positive measures to promote the realization of the right of self-determination through orderly international channels. Such action, even if the administering Powers were not yet prepared to co-operate in it, would have great moral weight, would encourage the oppressed to be patient a little longer, and would give the world as a whole more time to salvage the peace.

10. Under the Charter of the United Nations, the human person had acquired international status; his rights were no longer subject exclusively to domestic legislation. Both his individual and his collective rights must therefore be given international recognition.

11. Ato Haddis ALEMAYEHOU (Ethiopia) pointed out that, although the many and various elements of the problem of self-determination naturally gave rise to differences of opinion, it was the duty of the United Nations to find a just solution, since all considerations had to be subordinated to the maintenance of peace and security. It was clear from the provisions of Article 1 of the Charter that the question of self-determination was closely connected with that of international peace, since the development of friendly relations among nations was based on respect for the principles of equal rights and self-determination of peoples. Any relations among nations which failed to take those principles into account could lead only to an imposed peace, tantamount to an armed truce.

12. Although draft resolutions A and B were generally acceptable, the Ethiopian delegation considered that if the references to slavery and enslavement in draft resolution A were retained, it would be more difficult to reconcile divergent views and would add nothing to the substance of the text; it would be better either to delete the paragraphs concerned or to improve their wording.

13. The remaining part of draft resolution A restated principles already enshrined in the Charter of the United Nations, which could not be refuted without giving rise to a basic contradiction. Some representatives had affirmed that the right of self-determination should be applied universally, but at the same time had contended that its practical application would result in the fragmentation of existing States. That argument led to the unacceptable conclusion that no possible application of the principle had been envisaged when it had been included in the Charter. The Ethiopian delegation believed that the right could and must apply to peoples which had their own defined territories, were bound together by historical, racial, ethnic, economic and other ties and could exist as independent States if they had the opportunity, but which had lost their independence and wished to regain it.

14. There was a tendency to confuse peoples with national minorities in interpreting the principle of self-determination. That interpretation was illogical since the benefits arising out of the right to self-determination could not be conferred on minorities which already had that right on an equal footing with other component groups of a sovereign State. Moreover, the right of self-determination, which was an essential condition for the preservation of peace, could not be applied in such a destructive way as to become a possible source of disruption and conflict.

15. The Ethiopian delegation could not agree with the argument that draft resolutions A and B were contrary to the Charter because they discriminated between the administering and non-administering Powers. The administering Powers were given a privileged position in the Charter and had accepted the corresponding obligations towards the inhabitants of the

territories for which they were responsible; the resolutions merely restated those obligations and suggested methods for their fulfilment.

16. Mr. TASWELL (Union of South Africa) said that the statements made by the representative of Egypt (443rd meeting) and the United Kingdom (444th meeting) at the beginning of the debate had provided a starting-point for a sound and dispassionate consideration of the problem of self-determination.

17. His delegation agreed with representatives who had pointed out that the reference to slavery in draft resolution A was undesirable, owing to its implication that conditions of slavery existed in the Non-Self-Governing and Trust Territories. On the basis of the definition of slavery used in the International Slavery Convention of 1926, the word could not be used to describe conditions prevailing in those territories. As the Ethiopian representative had said, the retention of the reference could only create difficulties without adding anything to the substance of the resolution. Moreover, few countries were in a position to accuse others on that score, if all the historical facts were taken into consideration. He was pleased to note that the reference to slavery was omitted from the United States amendments (A/C.3/L.294).

18. The first part of paragraph 2 of the operative part of draft resolution A seemed to be redundant, since it merely restated the obligations contained in Article 73 of the Charter of the United Nations. A General Assembly resolution obviously could not give more weight to any matter than the United Nations Charter itself. The second part of the paragraph however, gave rise to the suspicion that an attempt was being made to impose on the administering Powers new obligations which they had not accepted under the Charter. The Charter did not make the administering Powers accountable to the United Nations or give the Organization the responsibility of supervising the administration of Non-Self-Governing Territories. The Charter set forth the unilateral declaration of policy of the administering Powers and also their undertakings in respect of the United Nations, which amounted to transmitting information on the economic, social and educational conditions in the territories.

19. Furthermore, the Charter drew a clear distinction between Trust Territories and Non-Self-Governing Territories, and the two could not, therefore, be dealt with in the same category. In the case of the Trust Territories, the Charter had set up special machinery for the supervision of their administration. In so far as those territories were concerned, the provisions of draft resolution A should therefore be dealt with by the Trusteeship Council and the Fourth Committee. Although human rights fell within the competence of the Third Committee, it should be borne in mind that the aspect concerned was dealt with at length in the Charter. The recommendations thus constituted an attempt to change the provisions of the Charter by means of a General Assembly resolution.

20. Although the United States amendment (A/C.3/L.294) improved draft resolution A, paragraph 2 of the operative part did not meet all the South African delegation's objections.

21. The provision of draft resolution B was open to the same criticism as had been made against draft resolution A, since it represented an attempt to persuade the administering Powers to undertake obligations which they had not assumed under the Charter. Article 73 provided for the transmission of information on economic, social and educational conditions, and did not mention political information, which might be supplied by the administering Powers on a purely voluntary basis, but not as a binding obligation.

22. The Lebanese draft resolution (A/C.3/L.293/Rev.1) was open to the same objections as draft resolution B.

23. The Charter of the United Nations had been adopted unanimously by all the Member States, and not by a majority. The procedure for its amendment was laid down in Chapter XVIII and it was therefore wrong to try to amend it simply by majority decisions of the General Assembly. The greatest care should be exercised in dealing with proposals for action imposing obligations on a certain group of States, unless that group fully agreed to undertake such obligations.

24. Mr. REYES (Philippines) said that, although the two draft resolutions prepared by the Commission on Human Rights dealt with only one aspect of the problem of self-determination, that relating to Non-Self-Governing and Trust Territories, their implications went very much further.

25. The discussion had made it abundantly clear that new elements in the concept of self-determination were emerging. One of the most important was the economic aspect expressed in paragraph 3 of the article on self-determination (E/2256, paragraph 91) drafted for inclusion in the draft covenants on human rights. It was to be regretted that the Third Committee had been unable to consider it at the current session. The economic aspect supplied the link between the aspirations of the Non-Self-Governing Territories to political independence and the desire of former colonies and dependencies, which had been politically emancipated, for economic independence and undisputed control over their natural resources. Recently, the two movements had converged, and together were assuming the proportions of what had been described as a veritable world revolution.

26. The so-called cold war had somewhat obscured the real magnitude and significance of that revolution. He agreed with the view expressed by the Secretary-General in the introduction (A/2141/Add.1) to his seventh annual report that the political problems created by the new national aspirations in Asia and Africa and the economic and social problems of the under-developed countries were of equal gravity with the conflict between the East and the West. Thus, the effect of applying the two draft resolutions could not be dissociated from the larger movement among the under-developed countries to secure the economic and social substance of their political liberties and thus to achieve full self-determination.

27. Another important aspect of the problem of self-determination was an increasing consciousness of the plight of formerly sovereign peoples, which had lost everything as a result of the Second World War save the outward trappings of independence. The United

Nations could not yet take any effective action on their behalf; but that fact and the fact that the draft resolutions dealt concretely only with the Non-Self-Governing Territories should not be made a pretext for failing to take action where action could be taken and thus for rejecting the draft resolutions.

28. The concept of self-determination was so broad that obviously all aspects could not be covered in one set of resolutions. There was no doubt that the United Nations would in the future have to concern itself with others, dealing with the application of the economic clauses of the article on self-determination (E/2256, paragraph 91) to be embodied in the draft covenants on human rights, if, as seemed possible, it was adopted. Furthermore, the United Nations might eventually be able to deal constructively with peoples which might be described as captive, since they might well be harbouring hopes similar to those of millions living in the so-called free world.

29. The concept of the free world would be a goal rather than a reality so long as millions had not achieved full self-government and a thousand million more lived in utter poverty. The opponents of the draft resolutions had repeatedly adduced the interests of the peoples of the free world to justify their stand; but the challenge of hostile forces or ideologies could be confronted without fear only when real liberty and equality had been achieved.

30. It was significant that problems concerned with one or another aspect of self-determination ranked second only to the Korean question on the agenda of the seventh session of the General Assembly. The reason was that the movement towards self-determination could not be ignored; and indeed to resist it would be futile and perhaps dangerous. Already it had caused violent conflicts in some places, with world-wide repercussions. Certain peoples, unwilling to await precise legal definitions, were actually fighting to obtain the right to self-determination. They seemed to know, without legal counsel, that they were, in fact, nations and thus entitled to have a say in their own destiny.

31. The Committee had been warned of the possible consequences of the adoption of the draft resolutions; but, in view of the situation in Asia and Africa, it might well consider what the consequences might be should it fail to take action. The Secretary-General had stated in the introduction (A/2141/Add.1) to his report that the strength necessary for peace would be found, not in arms alone, but in the recognition of national aspirations for freedom and equality and human rights and in providing genuine hope of progress to the two-thirds of humanity who still lived in

poverty but who had learned that that need no longer be their lot and were resolved to put an end to it. The Committee should reflect, too, on a statement made to the General Assembly by Mr. Santa Cruz, a former President of the Economic and Social Council, to the effect that if the United Nations did not take a definite, clear, active and bold stand to promote the self-determination of peoples, the respect for human rights and the economic progress of under-developed countries, other forces and other principles than those of the United Nations Charter would give direction to mankind's yearnings for justice, liberty and progress.<sup>1</sup>

32. Many delegations of countries with first-hand experience of the deprivation of the right to self-determination had spoken in favour of the draft resolutions. Experience had shown that the interests of ruler and subject had rarely coincided, particularly in such vital matters as the rate and direction of economic and social development, and that ruling Powers had always shown a natural reluctance to part with their colonies or dependencies. Before the Second World War, a colony had never been emancipated as a result of the deliberate and consistent policy of the ruling Power; the sole exception had been the Philippines, to which the United States of America had granted independence on a fixed date. The upheavals of the Second World War had disrupted empires, and after it, some, but not all, Asian nations had obtained their freedom. As late as 1949, however, Asian States had had to meet in New Delhi because a great nation's right to self-determination was still being contested by force. The Latin-American countries, too, had won their freedom only after considerable bloodshed, a struggle in which precious lives had been lost.

33. Neither of the draft resolutions could be implemented unless the Powers to which they were addressed could be persuaded to co-operate. Those Powers should heed the appeal for a constructive response made recently by the Norwegian representative (450th meeting). If they did not do so, the whole debate would have been held in vain.

34. In its anxiety to secure such co-operation, the Philippine delegation, although committed to support of the principles embodied in the draft resolutions, would consider favourably any constructive amendments. Admittedly it would be difficult to apply the resolutions, but the United Nations would have to expect and overcome such difficulties.

The meeting rose at 12.5 p.m.

<sup>1</sup> See *Official Records of the General Assembly, Seventh Session, Plenary Meetings*, 379th meeting.