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

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) (*continued*)

[Item 30]*

GENERAL DEBATE (*continued*)

1. Mrs. DOMANSKA (Poland) said that colonial Powers had always tried to justify their exploitation of dependent territories by theories of racial superiority or a civilizing mission, very much in the same way as Hitler had justified his aggression during the Second World War. The Polish people had a particularly intimate understanding of the colonial peoples' struggle for liberation inasmuch as it had been under nazi occupation longer than any other. The Second World War had become a war of the peoples against fascism; victory had shown the enormous moral superiority of peoples fighting for peace and freedom and for their national sovereignty and democratic liberties. That example had acted as a potent stimulus to the movement for national liberation in all the colonial countries. They had become increasingly aware of their right to self-determination and had seen through the myth of the innate superiority of those exercising dominion over them. That awareness and that movement had found expression in the United Nations Charter. In demanding their right to independence, the colonial peoples were demanding only what was guaranteed to them in the Charter.

2. The United States had replaced Germany, Italy and Japan and was preaching the superiority of another *Herrenvolk*, the so-called Anglo-Saxon race. That claim was increasingly challenged by the colonial and dependent peoples. The fact that no fewer than seven items related in one way or another to self-determination were on the agenda of the General Assembly's current session—items 22, 32, 38, 60, 65 and 66, and

item 30 currently before the Third Committee—showed how widespread and urgent the clamour for national liberation had become.

3. Draft resolutions A and B (E/2256, annex V) before the Committee had been transmitted to the General Assembly by the Economic and Social Council on the motion of the Polish delegation. That delegation would always support any measure to abolish discrimination of any kind, believing as it did that respect for national independence and friendship and co-operation among nations were essential for the maintenance of peace. The great new movement in political, social and cultural life in Poland and the other peoples' democracies was mainly due to mutual assistance, the disinterested aid of the USSR, mutual respect for sovereignty and the recognition by the USSR of the sovereignty and equality of smaller countries. It was proof that there could be relations of a new sort among nations.

4. The Polish delegation had supported the draft resolutions in the Commission on Human Rights and in the Council not only as a result of its own experience, but also because it had been actuated by the wish to apply the principles laid down in the Charter. The colonial Powers had voted against the Polish proposal that the draft resolutions should be transmitted to the General Assembly, although they had covered up their basic opposition with professions of humanitarian care for the dependent peoples.

5. The United Kingdom delegation had claimed that its Government had benevolently granted their independence to many former colonies. Never in history had a colonial Power resigned itself purely from humanitarian motives to giving up its grasp on other peoples; those peoples had won their independence by long and arduous struggle. Whenever the metropolitan country had finally been forced by popular pressure to yield, it had always endeavoured to replace its direct domination by some other form of domination.

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

6. The stale argument that the colonial peoples were not ripe for self-determination had been adduced repeatedly. It was sheer hypocrisy. The colonial Powers kept their possessions at the lowest possible level of development and then used that as a pretext for claiming that they were not fit for independence.

7. The delegations of the colonial Powers, in particular that of France, had attempted to bandy the question of self-determination from one United Nations organ to another in order to defer it indefinitely. Other delegations, particularly that of Belgium, had raised purely legal arguments about the substance and intentions of the United Nations Charter. They had contended that the draft resolutions went beyond the Charter provisions on the administration of Trust and Non-Self-Governing Territories. Yet self-determination was a basic concept in the Charter and the provisions dealing with those Territories should be interpreted in the light of Article 1, paragraph 2; indeed, Article 76 referred specifically to Article 1.

8. The colonial Powers' practice was inconsistent with those principles. The inhabitants were discriminated against, *inter alia* with regard to wages. In Kenya, Rhodesia, Morocco and Puerto Rico, not only were the inhabitants paid far less than workers from the metropolitan countries working beside them, but there was discrimination between men and women as regards wages. Working conditions akin to slavery had been cited by the Polish delegation in the Fourth Committee. The United States representative in the Economic and Social Council had opposed the use of the word "slavery" in draft resolution A, because he felt that it was likely to offend the dignity of the colonial people; it was the conditions meted out to them that were an offence to human dignity. Actual instances of slavery had been cited in the report of the *Ad Hoc* Committee on Slavery and elsewhere. In the dependent territories there was almost no right of association, labour legislation, social security or maternal and child welfare. Illiteracy was almost total, as official United Nations documents showed. The colonial Powers kept their dependent peoples in ignorance so that they could allege that they were lazy, ignorant, primitive and thus incapable of governing themselves.

9. The dependent peoples themselves were rapidly becoming aware of their situation and seeking to change it, as the events in Tunisia, Morocco and Kenya showed. The Asian peoples, inspired by the heroic and victorious struggle of the Chinese people, were demanding their liberation with equal vigour.

10. The United States asserted that it was not a colonial Power. It not only possessed colonies itself, but it had become the bulwark of the tottering colonial system. It vigorously opposed all colonial liberation movements everywhere, even supplanting the original masters in so doing. The United States was pouring investments into the older colonial Powers' colonies and spheres of influence and exploiting them for its own profit. Furthermore, it was militarizing its own colonies and those of other Powers and preparing the inhabitants for use as cannon-fodder.

11. The colonial peoples would never cease their fight for liberation. Articles 1, 55 and 76 of the Charter guaranteed the principle of self-determination and non-

discrimination. In compliance with those Articles, the Polish delegation would support the draft resolutions.

12. Mr. PAZHAWAK (Afghanistan) thanked those who had supported his efforts since 1950 to place before the General Assembly draft resolutions such as those currently under consideration. He whole-heartedly supported them in principle, but believed that the wording might be changed and strengthened.

13. Paragraph 2 of the operative part of draft resolution A did not carry out the purpose that the General Assembly had intended to achieve by the inclusion of an article on self-determination of peoples and nations in the draft covenants on human rights. The principle had been set forth clearly in the Charter of the United Nations; the Committee should go further, since the mere repetition of the relevant passage of the Charter would be superfluous. If the provision in the Charter had been considered sufficient, the General Assembly would not have included the article in the draft covenants. The preamble to the draft resolution referred to the principle and to the Charter. Paragraph 2 of the operative part should therefore be amended so that Member States—and the draft resolution might advisedly not confine the recommendation to Member States—would be urged to enforce the right to self-determination as effectively as possible. The impression should not be given that the General Assembly favoured the gradual application of the right. Progressive application might be permissible and even necessary in the case of some human rights, but the Assembly should not imply that there were many parts of the world in which the people were not ready to exercise their recognized right to self-determination. The initiative in promoting the realization of the right of self-determination appeared to be left to States administering Non-Self-Governing and Trust Territories, whereas the intention had been that the peoples administered should themselves take that initiative. The draft resolution was self-contradictory: whereas in the preamble the existence of the slavery defined in the first paragraph as a violation of fundamental human rights was admitted, the alien people holding power over the destiny of a people were, in the operative part, permitted to continue to hold such power as long as they deemed fit. The time when they would realize their territories' right to self-determination was left to their discretion. Furthermore, the importance of the subject warranted a resolution or decision rather than a mere recommendation by the General Assembly.

14. The Lebanese draft resolution (A/C.3/L.293) in a certain sense duplicated draft resolution A, since both dealt with the situation in the Non-Self-Governing Territories. Moreover, neither dealt concisely with a single objective. With respect to the operative part of the Lebanese draft resolution, he feared that its purpose would never be achieved if the submission of the information referred to were left to the administering Powers on a voluntary basis. Such information could be submitted voluntarily at any time, without the adoption of a resolution; and there was nothing in the draft resolution which constituted a binding obligation upon those Member States which might not be prepared to submit information voluntarily. The text should therefore include some provision which could ensure the submission of the desired information. Moreover,

the terms of the draft resolution were vague as regards the nature and scope of the information requested. It would be exceedingly difficult to assess the "extent to which the right of self-determination of peoples [was] exercised" by the peoples of the Non-Self-Governing Territories. Nor was it clear who was to establish criteria for judging those peoples' "capacity to administer their own affairs"; if that task were to be left to the administering Powers, he doubted whether the information submitted would be satisfactory. Finally, the only way of satisfying the political aspirations of the peoples of the Non-Self-Governing Territories was to allow them fully to exercise the right of self-determination which was their birthright.

15. In its resolution 440 B (XIV), the Economic and Social Council had transmitted a draft resolution of the Commission on Human Rights (E/2256, annex V, draft resolution A) to the General Assembly without comment. But the General Assembly should know on what basis the Council had arrived at its decision and what difficulties might have arisen in the course of its debate on the question.

16. He regretted that representatives who had championed the right of the non-self-governing peoples to self-determination had often aroused the resentment of the administering Powers. He had no desire to foster hostility among nations; his only purpose was to defend the right of peoples to determine their own future. He did not maintain that an administering Power should withdraw from a Non-Self-Governing Territory if it was the clearly expressed wish of the people of that territory that it should remain. Similarly, if the people of a territory wished to leave the control of their natural resources in the hands of an alien Power, they had the right to do so. Powers which had proved themselves the servants of humanity by their benevolent activities in many parts of the world should be the first to respect the universal right of self-determination and to recognize that it was to their own advantage to assist the peoples whose territories they administered to attain their independence. Fear and suspicion could be eliminated only through absolute sincerity both on the part of the administering Powers and on the part of the peoples of the Non-Self-Governing Territories. The right of self-determination demanded respect for the expressed will of the majority, which was the very basis of democracy.

17. Despite his criticism of the two draft resolutions, his delegation appreciated the constructive work done by the Commission on Human Rights in connexion with the right of self-determination.

18. As regards the proposed article to be included in the draft covenant on human rights, his delegation would reserve comment until it had heard a detailed discussion of the matter. He would wish to express his delegation's views in detail on any text which might be submitted.

19. He agreed with the United Kingdom representative that the principle of self-determination should be approached from a practical point of view. But the world had undergone great changes in the course of a few years, and many attitudes which had previously been thought impractical had been proven the reverse. New methods had been established for the promotion

of human rights in general. Those methods had already been applied in the political field by the United Kingdom itself, as was evidenced by the presence in the General Assembly of the representatives of several new free and sovereign nations. There was no reason why the same methods could not be applied to safeguard the right of self-determination.

20. The United Kingdom representative had said that, although the principle of the right of self-determination of peoples was laid down in the Charter of the United Nations, no attempt was made in that instrument to provide in detail for its implementation. But the purpose of the Charter was to establish clear guiding principles; other instruments were clearly needed to lay down procedures and methods. Thus, the principles enunciated in the Charter had given rise to the idea of a covenant on human rights and had served as a basis for the text drawn up by the Commission on Human Rights. Moreover the General Assembly had decided, by a substantial majority, to include in that covenant an article on the specific right of self-determination.

21. The United Kingdom representative had objected to the use of the word "slavery", in draft resolution A, and had urged co-operation and calm discussion rather than the use of harsh and bitter words. He was quite prepared to discuss the problem calmly, in a spirit of friendly co-operation, but until slavery was finally abolished, the General Assembly should not hesitate to use the word which correctly described the situation.

22. The United Kingdom representative had said that recognition of the right of self-determination would be a potent cause of friction in politically under-developed countries. However, responsibility for the lack of political development of the peoples of those countries lay with the administering Powers concerned. Furthermore, violation of the right of self-determination was potentially far more dangerous to the administering Powers than recognition of it.

23. With regard to the United Kingdom representative's question concerning the definition of "peoples" and "nations", Mr. Pazhwak pointed out that while the rights of nations, and any violation of those rights, were clearly recognized as such, the rights of "peoples" were less clearly recognized and were often violated under the guise of "education" or "service to humanity."

24. The United Kingdom representative had expressed doubt about the stage of a people's development at which the right of self-determination should be granted. The Afghan delegation believed it should be granted as soon as the political consciousness of a people had been fully awakened and they had expressed a desire to be free of the presence of the alien Power.

25. The ultimate goal was to enable the peoples of the Non-Self-Governing Territories to manage their affairs for themselves. That goal could not be achieved by the out-dated colonial methods. The peoples in question could learn to administer their own affairs only when they were given an opportunity to do so.

26. Mr. PERNOT (France) recalled that the French representative in the Economic and Social Council had clearly expressed his Government's arguments against the transmission of draft resolutions A and B to the

General Assembly;¹ that attitude seemed to have influenced the Council, which had referred the resolutions to the Assembly without comment. The Council's scruples were justified, since the question was juridical and political rather than economic and social. Nevertheless, the French delegation did not wish to regard the problem purely from the procedural point of view.

27. From the practical viewpoint, it had to be recalled that the General Assembly at its sixth session had decided (Assembly resolution 545 (VI)) to include an article on self-determination in both covenants on human rights and had requested the Commission on Human Rights to prepare recommendations to ensure international respect of the right of peoples to self-determination. It was therefore obvious that the purpose of the two resolutions was to implement an article of the covenant: the covenants, however, had not yet been drafted in their final form, and it therefore seemed to be useless to consider the application of a non-existent text. No vote on draft resolutions A and B could be effective and the texts should be referred to the competent body for further consideration. The General Assembly's intention had obviously been to consider the article on self-determination within the general framework of the completed covenants and measures of implementation.

28. The juridical aspect of the problem, on which the Egyptian representative had dwelt at length, was extremely important. In the opinion of the French delegation, the resolutions were contrary to the provisions of the Charter. Paragraph 1 of draft resolution A merely restated the terms of the proposed article, whereas paragraph 2 contained two provisions which were incompatible with those of the Charter. In the first place, it established discrimination between Member States which administered Non-Self-Governing Territories and States which did not assume such responsibilities; only the former were called upon to recognize and promote the realization of the right of self-determination. That constituted a fundamental violation of the principle of the equality of all Member States, which was proclaimed in Articles 1 and 2 of the United Nations Charter. Furthermore, those obligations did not arise out of Articles 73 and 74 or Chapter XII of the Charter.

29. The application of the provisions in the paragraph concerning the determination of a people's will to administer itself by means of a United Nations plebiscite might result in a situation where a sovereign State would be obliged to hold a plebiscite at the request of a turbulent minority. That would be contrary to Article 2, paragraph 7, of the Charter, which formally prohibited any United Nations interference in the domestic affairs of a sovereign State. The internal administration of a territory clearly fell within the national competence of the State which was responsible for such administration.

30. The same consideration applied to draft resolution B, which called for specifically political information from Administering Authorities, in addition to the information which they were already transmitting under Article 73 e of the Charter. In that article, the

information to be transmitted was specifically stated to be economic, social and educational; political information was deliberately excluded. Moreover, it was clearly stated in the Charter that the only data to be provided for information purposes was statistical and other information of a technical nature. Draft resolution B, however, related to political information only.

31. Thus, the provisions of both draft resolutions were either directly contrary to certain articles of the Charter or represented amendments to them. Although the French delegation did not claim that the Charter was sacrosanct, revision of it was subject to a prescribed procedure and, until that procedure had been complied with, it was essential to adhere strictly to its spirit and letter. No assembly liked to have its competence questioned, but the primary rule of democracy was respect for the law; the Charter was the fundamental law of the United Nations and it was extremely dangerous to disregard it.

32. He stressed the possible serious political consequences of the adoption of draft resolutions A and B. Before regulating the application of a political right, it was essential that that right should be legally defined and that the conditions of its exercise should be determined. For that reason, the French delegation had always considered that it was inopportune to include an article on the right of self-determination in the covenants on human rights. Human rights were essentially individual, pertaining either to physical persons or to collectivities under private law, such as associations and unions. The right of self-determination, however, was a general principle which could be included in a declaration, but which it was far more difficult to define in a legal covenant which would give rise to contractual obligations. Although France had always been in the vanguard of the struggle for political freedoms, and therefore whole-heartedly supported the right of peoples to self-determination, it was also aware that the progressive development of free political institutions was subject to special conditions in each territory and to the varying degrees of development of their populations.

33. Many Member States consisted of peoples which had gradually grouped themselves together to form either a single State, or a federal or confederated State. If the right of self-determination were proclaimed without any definition, or ethnic minority forming an integral part of those States could claim autonomy or independence. There was no criterion to determine whether or not such a minority should be regarded as a people. Moreover, even if such a minority seemed to be a real people, the question arose how its right of self-determination should be recognized. The Haitian representative had indicated in his speech that the method should be that of violence and insurrection, which was not compatible with friendly relations between nations; the Egyptian representative had quoted a passage from Professor Scelle's work *Précis de droit des gens*, to the effect that the collective will of individuals was the only condition of self-determination. He quoted from the same work to prove that its author went so far as to envisage the suspension of independence in the interests of international order.

34. It was essential to exercise prudence in proclaiming an undefined right which might easily be construed

¹ See *Official Records of the Economic and Social Council, Fourteenth Session, 666th meeting.*

as an appeal to secession. The main objective of the United Nations was to unite its forces for the maintenance of international peace and security and it would therefore be extremely dangerous to adopt texts which tended towards a disunity of which the champions of the resolutions might be the first victims. He urged the Committee not to undertake that heavy responsibility.

35. Sir Percy SPENDER (Australia) considered that the subject, as judged from the content of the draft resolution, seemed yet another facet of a campaign directed against certain countries which must be expected to be entitled to retaliate. Draft resolution A contained principles and statements which seemed to be sound at first sight, but showed a number of grave weaknesses on closer examination. It was implied in the preamble that the peoples of Non-Self-Governing and Trust Territories existed in a state of slavery. Slavery, however, had been defined in the International Slavery Convention of 1926 as "the status or condition of a person over whom any or all the powers attaching to the right of ownership are exercised". That definition could not possibly be applied to the peoples of Non-Self-Governing or Trust Territories. His delegation resented that implication of the resolution.

36. The draft resolution showed a misconception of the relationship between metropolitan Powers and dependent territories. In accordance with the Charter, that relationship was based on assistance, technical, moral and material, to dependent peoples, with a view to enabling them to decide on their own future. The concept was in no way connected with that of slavery and he formally refuted the gross and unwarranted charge contained in the draft resolution. Australia's treatment of its dependent territories was extremely liberal; those who identified the colonial relationship with slavery might find on reflection that the minority groups in their own countries were not treated nearly so well as the inhabitants of or least some Non-Self-Governing Territories.

37. The charges were a further manifestation of a tendency to interpret the general term "colonialism" as exploitation by a metropolitan Power of the resources and manpower of a colony. That interpretation was erroneous and malicious; the Administering Authority's aim, so far as Australia was concerned, was to help peoples to achieve self-government and to advance their standards. Australians themselves had been "colonials" until comparatively recently and had been fully conscious of the protection and assistance given to them by the metropolitan Power.

38. Paragraph 1 of the operative part of draft resolution A merely restated, unnecessarily, certain provisions of the Charter of the United Nations; paragraph 2, however, was in fact a misapplication of the Charter. It was very important to have a clear idea of the meaning of such an important principle as self-determination. The relevant provisions of the Charter recognized that peoples which were able, by reason of their development, to decide on their destiny and the type of government they desired, should be permitted to do so. The purpose of the Trusteeship System and of the declaration contained in Chapter XI of the Charter was to assist territories to reach a stage of development where they could decide for themselves and avail themselves of the right of self-determination with a full

realization of the position. There was no reason to alter or extend, much less distort, such provisions of the Charter, which had been freely accepted and were the basis of their policies.

39. The last part of paragraph 2 of draft resolution A was by no means clear, since it stated that the right of self-determination should be granted on a demand for self-government. The popular wish was to be ascertained by United Nations plebiscite, but it was not stated how, in what circumstances or when that was to be done or from whom the demand for the plebiscite was to come. If a plebiscite could be demanded by a subversive minority group, the results could only be lamentable, and might even, in a primitive country such as Papua or New Guinea, be dangerous and contrary to the interests of the people concerned. Moreover, even if it was agreed to hold a United Nations plebiscite, experience has shown that that did not mean that it would necessarily take place.

40. The phrase "self-determination of peoples" was confusing unless the word "peoples" was defined. If it meant ethnic or racial groups, a strict interpretation would imply a fragmentation of existing States, whereas it was often possible to arrange for the unity of an ethnic group within the framework of a sovereign State. The difficult question of minority groups could not be solved by a facile reference to the principle of self-determination. Every modern country had to have sufficiently large areas, populations and economic resources to permit it to survive. Although fragmentation would further the aggressive designs of a certain great Power, the principle of self-determination should not be used in the interests of world communism.

41. An attempt was being made in the draft resolution before the Committee to distort the principle of self-determination further, by confusing it with the relationship between territories, whether Trust Territories or Non-Self-Governing Territories, and the Powers administering them. That relationship was a distinct one, and indeed, the Charter has devoted three chapters (Chapters XI, XII and XIII) to principles and procedures applicable in such cases. Those chapters were carefully drafted, and represented a workable code for ensuring that territories developed and advanced towards a state in which they could govern themselves. To extend or alter that code was both dangerous and unwise. That was particularly so when it was done with disregard for the Charter. To endeavour to apply the principle of self-determination, which had nothing to do with the attainment of self-government by territories, or to extend or alter those provisions, would not serve the best interests of the territories, or of the United Nations.

42. The question of the provision of political information on Non-Self-Governing Territories, referred to in draft resolution B, had been dealt with by the General Assembly in its resolution 327 (IV), which expressed the hope that Administering Authorities would voluntarily include details on the government of Non-Self-Governing Territories in the information transmitted under Article 73 e of the Charter. Draft resolution B merely restated that General Assembly resolution, but substituted the word "recommends" for the words "expresses the hope". The General Assembly recommendation was incompatible with the term "vol-

untarily" used in the resolution. There was no obligation, expressed or implied, in Article 73: the administering Authorities were not in any way obliged to submit political information, although Australia had freely gone beyond its Charter obligations in that respect with, however, a reservation that that action was without prejudice to the interpretation of Article 73 e. The Australian delegation strongly objected to the assumption that General Assembly resolutions could alter the obligations imposed by the Charter.

43. The Australian people believed, from long experience, in the sensible process of democratic procedure. It was extremely unpleasant for his delegation to have its arguments ignored and its liberal and democratic record disregarded and to be accused of engaging in slavery. He urged the Committee to view the matter

in its proper perspective and not to take action which was intended to distort and extend the Charter by indirect methods, as that might prove a step along the road to its destruction.

44. Australia would reject both of the draft resolutions.

45. Mr. ZAMOR (Haiti) wished to reply to the French representative, who had questioned the friendly relations between Haiti and other countries. Haiti had wrested its independence from slavery by violence, but the friendly relations that had long existed between that country and France served as a shining example of the fruits of independence.

The meeting rose at 1.25 p.m.