



CONTENTS

	Page
Economic development of under-developed countries: (c) Land reform: report of the Secretary-General (A/2194 and Add.1, A/C.2/L.158/Rev.1, A/C.2/L.160/Rev.1, A/C.2/L.186 and A/C.2/L.187) (continued)	219

Chairman: Mr. Jiří NOSEK (Czechoslovakia).

Economic development of under-developed countries: (c) Land reform: report of the Secretary-General (A/2194 and Add.1, A/C.2/L.158/Rev.1, A/C.2/L.160/Rev.1, A/C.2/L.186 and A/C.2/L.187) (continued)

[Item 25 (c)]*

1. Mr. BETETA (Mexico) said that his Government was keenly interested in land reform. Although Mexico was at present engaged in the development of its industry, the greater part of the active population was still employed in agriculture.

2. As he had pointed out in a general statement on land reform at the sixth session of the General Assembly¹ the Mexican Government had, as early as 1910, taken steps to abolish the feudal system which dated from the colonial period. In 1915 those measures had been given force of law. The Mexican Government had from the beginning based its land reform policy on social justice. It also recognized that land reform must be accompanied by measures to develop irrigation, facilitate agricultural credit and ensure the technical progress of agriculture. At the time of the adoption of resolution 524 (VI) he had also underlined the fact that in many countries defects in agrarian structure were obstacles to both agricultural and general economic development and that it was therefore essential that steps should be taken to ensure a better distribution of land in accordance with the principles of social justice.

3. He felt that his delegation's position had been adequately explained in the statement made at the sixth session of the General Assembly and required no further amplification. Resolution 524 (VI) to a large extent met the wishes of the Mexican delegation. Although Mexico had made progress in land reform, its

agricultural and economic system were still insufficiently developed, and in some areas the land was not in the hands of those who should possess it and was still not distributed in a wholly equitable manner. The Mexican Government was accordingly redoubling its efforts to solve the problem and so to increase agricultural productivity and the purchasing power of the rural population, which would contribute to industrial development and general economic advancement.

4. The Mexican Government was endeavouring to equip farmers with the technical knowledge required to enable them to use their land to the best advantage and to apply modern methods properly. It did not, however, consider that the mechanization of agriculture was universally desirable and thought that, in some cases, attention should be given to the development of rural handicrafts. The Mexican rural schools had, from the outset, provided fundamental education in accordance with the principles laid down by UNESCO and outlined in the Secretary-General's report on land reform that school activities should be adopted to the needs of the rural population, both cultural and practical.

5. Mexico was aware of the difficulties caused by the inequitable distribution of land, and accordingly supported the joint draft resolution submitted by Egypt, India and Indonesia (A/C.2/L.160/Rev.1) and the draft resolution submitted by Pakistan (A/C.2/L.158/Rev.1). In particular, he endorsed the first operative paragraph of the joint draft resolution; the Mexican Government was in fact taking administrative action to give effect to its land-reform legislation. The Mexican delegation also fully supported sub-paragraph 3 (a) and sub-paragraph 4 (c), of the preamble of the joint draft resolution because it believed that land reform was one means of expanding the world's production of foodstuffs. It would also vote for the United States amendment (A/C.2/L.187), because it believed that the wide circulation of General Assembly resolu-

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

¹ See *Official Records of the General Assembly, Sixth Session, Second Committee, 176th meeting.*

tions on land reform among interested persons and groups would facilitate their implementation.

6. Mr. BELKODJA (France) recalled that the French delegation had on a previous occasion outlined what France had done in agrarian matters and indicated the type of assistance French technicians could furnish to any Member State that might request it. His delegation had also stated that it would support the draft resolution submitted by Pakistan and the joint draft submitted by the Egyptian, Indian and Indonesian delegations. He would refer later to the latter.

7. He had had an opportunity of making a first-hand study of the agrarian problem in Tunisia, where, as in all predominantly agricultural countries with a growing population, it was particularly acute. His study had convinced him that the adjustment of the legal status of land in conformity with the requirements of economic laws and with the social objectives aimed at was a prerequisite of land reform. That fact had been recognized in the report submitted to the thirteenth session of the Economic and Social Council (E/2003/Rev.1) which contained a detailed study of the legal aspect of the agrarian problem in various countries of the world, especially in Asia and Central and South America. He congratulated the Secretariat on the quality of the report entitled *Land Reform: Defects in Agrarian Structure as Obstacles to Economic Development* and said that it was for delegations to complete the Secretariat's work by making their contribution to the study of a vital problem which affected the welfare of millions of men and women. Every country had its own experience and in taking part in the discussion could make its contribution to mankind's store of technical knowledge.

8. Land reform was particularly desirable in the Islamic countries because of the special features of the system of land tenure. Almost all those countries suffered in varying degrees from the precariousness of property titles, and all or almost all had special institutions. Those were the systems of land tenure: the freehold system, the *habous* property system, and systems of collective tenure. He would deal briefly with each of those systems as they existed in Moslem law.

9. Under the freehold system, which corresponded to *melk* property in Moslem law, the title to ownership was subject to the rules governing ownership in the western countries which were derived from Roman law and conferred the right to use, enjoy and misuse. The imperfections observable in titles of that kind related only to form and were due to insufficient publicity and unsatisfactory demarcation which resulted in an element of uncertainty in transactions. That uncertainty could, he thought, be removed through the adoption of a land-registration system adapting to the Islamic countries the system applied in Australia since the Torrens Act. That system was expensive because it required well-trained staff, but it had the advantage of giving landowners absolute security. It increased property values and made credit easier to obtain, which led eventually to a general increase in wealth. As a transitional measure, a cadastral survey might be undertaken in order to define property boundaries and prevent disputes concerning ownership. He was convinced that a combination of the Torrens system and a system of cadastral registration would represent real progress and would be

likely to benefit the agricultural economy of the countries concerned.

10. Turning to the system of *habous* property, he said that the *habous* was a creation of early Islamic jurists. Under it movable or immovable property could be set aside in perpetuity for some pious, social or cultural purpose by its owner. The owner did not ordinarily relinquish ownership but retained income from the property for himself and his descendants. That income did not revert to the *habous* foundation until the beneficiaries designated in the instrument establishing the *habous* became extinct. The foundation was therefore called a reversionary foundation. The *habous* had been of great value from the religious, cultural and social point of view. A strict interpretation of the *habous* was, however, an obstacle to economic development, because it ran counter to the needs of modern economic life which required the transfer of property and the extension of credit. Under the pressure of economic needs and in order to offset the rigidity of the *habous*, Moslem jurists had introduced various systems, the most ingenious of which was the *mogharsa* contract. Under such a contract the beneficiary of a *habous* property transferred his bare land to a third party who had to plant it with trees; once the estate began to yield produce, unless the parties agreed otherwise, the property was divided equally between the beneficiary and the tenant under the contract of *mogharsa*, the beneficiary's share remaining a *habous* property and the tenant's share under the contract of *mogharsa* achieving the status of a freehold or *melk* property.

11. The transaction could be compared to a barter contract; it could be regarded as the exchange of a piece of bare land or another piece of land which although smaller in size was more valuable because it was planted with trees. The *mogharsa* system made it possible to mobilize half of the rural *habous* properties which were then added to the *melk* properties, without in any way impairing the *habous* foundations, which in many cases gained substantially from such contracts. The problem created by rural *habous* properties was not completely solved by the *mogharsa* contract. The *mogharsa* system was a big step forward and made it possible to bring half of the *habous* properties into general economic circulation, but the other half of the *habous* properties retained its original status. The co-operative association offered a remedy for that situation. If the co-operative formula was adopted, the *habous* could be provided with the credit that every economic undertaking needed by virtue of the joint security of the co-operative members. The beneficiaries would then enjoy the material advantages resulting from improved means of cultivation and the possibility of obtaining credit of which they would inevitably be deprived if they were isolated and unable to furnish collateral security. In view of the fact that most Islamic countries were faced by the necessity of modernizing their legal systems and adapting them to the needs of economic life, he felt that the *habous* system should be interpreted more liberally and developed along the lines of the co-operative association.

12. Turning to the system of collective tenure which was found in most countries governed by Moslem law, he said that the collective land system had its roots in sociological factors. In Tunisia, for example, the collective lands, which were situated in the central and southern

part of the country, had been occupied by Arab tribes, the *hilali* tribes, which had come from Egypt in the eleventh century and had occupied the interior of the country. As population had increased and social conditions became more advanced, the nomadic tribes had adopted a sedentary form of life, and the authorities had had to consider the problem of settling the rural population on the land. In regard to that process there were two schools of legal thought. One school considered that the land in question was state property; the other school held that the land, although it had not been the subject of exclusive appropriation, was tribal property, the enjoyment of which was vested collectively in the members of the tribe. The latter view had prevailed and in 1935 legislation governing the administration and enjoyment of collective lands had been passed. That legislation embodied the principle of the administration of the community property by the members of the tribe; the only function of the authorities was to ensure that the operations of the governing councils were in order. The 1935 law had thus settled the dispute between the advocates of state property and the advocates of collective property. It had also defined the conditions under which the members of the tribe could acquire rights of exclusive ownership. Recent laws had supplemented the decree of 1935 so as to make it easier for the members of the tribe to advance towards exclusive appropriation, subject to the sole condition that the land should be developed. The new laws were also intended to protect the members of the tribe from speculation by persons outside the tribe. The legislation, which was based on realistic considerations, was a definite advance.

13. He hoped that he had helped to clarify certain aspects of the land problem in one type of under-developed country. He congratulated the sponsors of the joint draft resolution who had drawn the Committee's attention to the need for improving the agrarian structure and systems of land tenure in various parts of the world.

14. Mr. BURR (Chile) said that his delegation attached great importance to land reform and had intended to submit a draft resolution on the subject, but had refrained from doing so, after examining the joint draft resolution and the Pakistani draft resolution, which it found satisfactory.

15. The Chilean delegation had in the past emphasized that the defects in agrarian structure in the under-developed countries were a direct consequence of economic under-development. Land reform should be designed to ensure that land was employed fairly from the social point of view and advantageously from the economic point of view and must not be limited to redistribution of land. Land reform was considered by the under-developed countries as an integral part of their plans for economic development. The solution must vary from one country to another, and to achieve the desired objectives there was need in most of the under-developed countries for special financial resources which were either lacking or available in insufficient quantity.

16. The discussions in the Committee showed what great importance the States Members of the United Nations attached to the solution of the financial problem. Only if that problem were solved would it be possible to carry out world programmes of land re-

form in the shortest possible period. It was legitimate to hope that international financing agencies, and in particular the Bank for Reconstruction and Development, would redouble their efforts to permit the implementation of schemes in agriculture.

17. He pointed out that the expansion of agricultural production and the better distribution of foodstuffs could not be achieved without the development of means of transport. An International Bank mission in Chile had reported that the improvement of the country's road system would facilitate the development of its agricultural resources. In many countries there was a similar link between the transport problem and that of increasing agricultural productivity. He felt that that point might be mentioned in sub-paragraph 3 (b) of the preamble of the joint draft resolution, although the Egyptian representative intended to limit the scope of the draft. He also thought that the inadequacy of credit facilities might be mentioned among the factors preventing a rapid increase in agricultural production in a number of countries.

18. The Chilean delegation would vote for the joint draft resolution and the United States amendment. It approved the draft resolution submitted by Pakistan in principle and its misgivings with regard to the provisions of the last paragraph of the draft resolution would be dispelled if the Pakistani delegation accepted the suggestion made by the Egyptian representative at the previous meeting.

19. Mr. BAKR (Iraq) said that, since the establishment of Iraq as an independent State, the Government of that predominantly agricultural country had directed its attention mainly towards agricultural development. Unfortunately, a lack of funds and technical skill and the absence of a comprehensive plan for economic development had greatly hindered the Government in its task.

20. From the first, the Iraqi Government had sought to increase the area of land under cultivation. It had thought that the best way of achieving an equitable distribution of land was to entrust the task to the tribal chiefs; that initial mistake had given rise to a new problem which the Government now had to face. However, the abundance of government-owned cultivable land, due to irrigation and the introduction of modern methods, made it possible to distribute land on the basis of small property ownership directly without the intermediary of tribal chiefs. The Government had created an agricultural bank, which granted loans to the new land owners. He hoped that, through the action of economic forces, the requisite equilibrium would be reached without any need for drastic legislation which might not be feasible for various reasons.

21. In a country where agricultural land was mostly owned by the Government, the evolution of a system of small property ownership, bolstered by sound co-operative systems, was feasible and did not raise new social or economic difficulties. The Dujaila pilot project was a prominent example of equitable land distribution and had enabled the Government to gain invaluable experience, not only in the agricultural, but also in the economic, social and educational fields. Similar projects were under way in different parts of Iraq.

22. His Government attached the highest importance to land reform and he would vote for the joint draft

resolution submitted by the Egyptian, Indian and Indonesian delegations (A/C.2/L.160/Rev.1) and for the draft resolution submitted by Pakistan (A/C.2/L.158/Rev.1).

23. He wished to reply to the members of the French delegation who had described at length the land reform measures adopted in the French Union. They had referred in particular to the situation in the North African territories and his delegation felt that their statements required some correction. He proceeded to read out extracts from three works on Morocco: *Some guiding facts on the problem of Morocco* (a study published in London in 1951); *Morocco* by Rom Landau (published under the auspices of the Carnegie Endowment for Peace); and *Morocco, before the Protectorate, under the Protectorate, and failure of the Protectorate* (published in London by the World Moslem Conference in 1951).

24. Those extracts brought out the following facts: during a thousand years of independence, Morocco had enjoyed a high degree of prosperity, which it had owed mainly to the flourishing state of its agriculture. Today, out of 11 million hectares of cultivated land, one and a half million belonged to 8,500 Frenchmen and the rest to 850,000 Arabs. The cultivated area represented only one-third of the total area of arable land. In 39 years of French administration, only 50,000 hectares had been brought into cultivation. The French authorities had always opposed, either directly or by delaying tactics, the financing of agricultural schemes by foreign investors. It was therefore not surprising that Morocco, which had formerly been an exporter of cereals, was now obliged to import them. The plight of the agricultural labourers was desperate; they received starvation wages and enjoyed no social security. It was not until September 1951 that the French Administration had thought of setting up a committee for fixing minimum wages for agricultural labourers and that committee was merely advisory. There was complete inequality between the European and the Arab inhabitants; during the war that inequality had been extended to the rationing of essential articles. In certain areas the system of forced labour still existed. Expropriations, which had been so numerous in 1927, when thousands of Arabs had been dispossessed in favour of French colonists or firms, were still of frequent occurrence.

25. The facts he had cited would give the Committee an accurate idea of the agricultural situation in North Africa. He hoped that the great French people, which had been in the forefront of the struggle for liberty, equality and fraternity, would not hesitate to apply those exalted principles in its relations with other peoples.

26. Mr. DE SEYNES (France) reserved his delegation's right to reply in a subsequent meeting to the accusations that had been made against the French authorities administering the territories of North Africa.

27. Mr. BAKR (Iraq) also announced that he would avail himself of the right of reply.

28. The CHAIRMAN enumerated the delegations which had asked to take part in the debate on land reform and announced that the list of speakers was now closed.

29. Mr. HALIQ (Saudi Arabia) said that Saudi Arabia, which had joined the other Arab Members of the United Nations in bringing the questions of Morocco and Tunisia before the General Assembly, also felt that it was its duty to correct the picture of the situation in North Africa that had been painted by the French representative in the Second Committee. Mr. Belkoudja had hinted that that picture contained some shadows, but had ascribed them to the very structure of Moslem society. That was an old dispute, into which he did not wish to enter; he could not, however, refrain from pointing out that the real causes were very different.

30. The information on Morocco which the representative of Iraq had laid before the Committee came from Arab sources in North Africa. They proved irrefutably that the difficult situation of the indigenous inhabitants was the result of the economic policy pursued by France in North Africa since 1912. That policy has the following features:

31. First, metropolitan France sought to keep the Protectorate in a state of economic dependence: for France, Morocco was no more than a reservoir of raw materials and cheap labour. Morocco possessed no national industry. There was no satisfactory system of land tenure to protect the interests of the indigenous population, which none the less made up 92 per cent of the total population. In the financial field, there was severe inflation, which both of the French representatives had taken care not to mention. The recent monetary difficulties between France and the United States, however, clearly showed that France was opposed to freedom of trade in Morocco and that it jealously defended the economic supremacy it had gained in North Africa.

32. Secondly, the main sectors of Morocco's economy were monopolized by French capital. As a result of that domination the Arab workers, in particular the peasants and small craftsmen, were reduced to desperate straits.

33. Thirdly, there was no plan for ensuring the integrated development of the economy of the North African territories, having regard to their present and their future needs. In that connexion, the Arab peoples of North Africa had a legitimate grievance: since 1948 France had been using the funds allocated to the territories of North Africa under the Marshall Plan and the Mutual Security Act for the purpose of extending its economic and political domination and its cultural influence in North Africa. Those funds had helped many Frenchmen and even foreigners to settle in the three territories and to add to the number of French undertakings exploiting local resources and labour.

34. Details of the expropriations of land in Morocco could be found in the Shereefian official journal. For example, a single expropriation decree relating to the Rabat area affected 5,000 hectares; another decree concerned more than 3,000 hectares in the Meknès area.

35. In the light of those facts his delegation was bound to conclude that the complaints of the Arabs in North Africa were justified, despite French assertions regarding the satisfactory development of the economy of the territories under French administration. In any case, the progress achieved ought not to be assessed on the

economic plane alone, since national aspirations rose far above purely material considerations.

36. Mr. ELAHI (Pakistan) wholeheartedly supported the joint draft resolution. He also considered that the United States amendment would increase its scope. The United States representative at the previous meeting had criticized the second operative paragraph of the Pakistani draft resolution. In reply, he read out the fourth paragraph of the preamble to General Assembly resolution 524 (VI) and drew the Committee's attention to the first operative paragraph of the joint draft resolution. It was clear from those texts that the General Assembly recognized that agrarian reform was not an isolated problem but affected every aspect of economic development. The second paragraph of the operative part of the Pakistani draft resolution merely requested the Committee of experts to consider the financing of land reform as one of the possible fields of activity for the special fund.

37. He did not agree with the United States representative's view that it would be premature to invite the Committee of experts to consider that question which should not be studied until after the special fund was established. On the contrary, it would be difficult to raise such a question of principle after the fund had been established. The United States representative had acknowledged that land reform was bound up with various problems, including such problems as irrigation, the development of crafts and the dissemination of technical knowledge. The second operative paragraph of the Pakistani draft resolution in no way prejudged any eventual conclusions of the Committee of experts. That Committee must consider the various fields of activity of the special fund. The Pakistani delegation's request that the Committee of experts should also consider the possibility of using the funds to raise the standards of living of rural populations by means of land reform did not commit the United Nations in any way.

38. Mr. DOMINGUEZ COMPANY (Cuba) said that, having heard the remarks of the representative of Pakistan, he was prepared to vote for the Pakistani draft resolution (A/C.2/L.158/Rev.1). He would also vote for the Chinese delegation's amendments (A/C.2/L.186); for the joint draft resolution submitted by the Egyptian, Indian and Indonesian delegations (A/C.2/L.160/Rev.1) and for the amendment proposed by the United States delegation (A/C.2/L.187).

39. Mr. McDOUGALL (Food and Agriculture Organization) recalled the FAO's interest in the subject of land reform which had formed part of its programme since the Hot Springs Conference in May 1943. The FAO welcomed the fact that the General Assembly and, subsequently, the Economic and Social Council had taken up that important question.

40. Land reform involved political, economic and technical problems. The political aspect turned on the thorny problem of the ownership of land, a matter strictly confined to national governments; it was, however, of the utmost importance that the cultivator of the soil should have real security of tenure. Without such security, the cultivator would be deprived of any incentive to increase production by improving or fertilizing his land and would not take the necessary precautions to maintain its fertility. That was a most

important point since the world population was currently expanding at a faster rate than food production.

41. FAO had drawn the attention of governments to the need to increase their food production by as much as 3-4 per cent in some cases. There could be no doubt that land reform would facilitate the achievement of that objective, but if it were ill-considered or badly co-ordinated with technical assistance, it could result in decreased production. The question of land reform therefore needed to be linked with the provision of rural credit; a credit system designed to help small cultivators improve their farms would bring about a substantial improvement in rural economic and social conditions, as would the establishment of co-operatives for the marketing of agricultural produce.

42. FAO had invited the United Nations Secretariat, the International Labour Organisation and UNESCO to a meeting at Rome to draw up a questionnaire (A/2194/Add.1) which had subsequently been circulated to governments and which the Secretary-General had submitted to the Committee. The United States representative had said that FAO should assume special leadership among the specialized agencies in defining the problems involved and directing their work towards productive action. FAO had accepted that challenge. FAO was not confining itself to the preparation of monographs and studies, but was also giving emphasis to the preparation and implementation of action programmes; it was devoting only part of its limited resources to the monographs, which in many cases universities or experts were asked to prepare, FAO itself producing the detailed outlines. It regarded the monographs it was having prepared in that way as sources of valuable information which enabled it to appraise the various types of land tenure and exploitation.

43. FAO attached the greatest importance to the work it could perform in the technical sphere at the request of governments. It had, for example, organized regional seminars on land reform questions. Since the sixth session of the General Assembly, six governments had asked FAO for experts to assist them on land reform problems. He hoped that FAO would be able to meet other requests from governments in the future.

44. As regards the United States representative's proposal that the decisions of the General Assembly and the Economic and Social Council concerning land reform should be widely publicized, FAO would do everything possible to give the widest possible circulation to all documentary material on land reform.

45. Mr. JOCKEL (Australia) thanked the Pakistani representative for clarifying his draft resolution. He was glad to learn that in the Pakistani representative's view, the Committee of experts would be able to study the desirability of making land reform one of the fields of activity of the special international fund. He suggested that the Pakistani representative might amend the text of the draft resolution in accordance with that interpretation.

46. Mr. ELAHI (Pakistan) was prepared to amend his delegation's draft resolution along the lines indicated by the Australian representative. When submitting that text, his delegation had intended that it should be left to the experts to study the possibility of financing land reform. He also accepted the Chinese

amendments (A/C.2/L.186) to the two operative paragraphs of that draft resolution.

47. The CHAIRMAN asked the Indian representative who had associated himself with the Egyptian and Indonesian delegations in submitting the joint draft resolution (A/C.2/L.160/Rev.1), whether he joined with

them in accepting the draft amendment submitted by the United States delegation (A/C.2/L.187).

48. Mr. JUNG (India) said that he accepted the amendment proposed by the United States delegation.

The meeting rose at 12.50 p.m.