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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/Rev.1) (*continued*)

[Item 30]*

1. Mr. PAZHAWAK (Afghanistan), speaking on a point of order, protested against the inadequate way in which his remarks at the preceding meeting had been reported in a United Nations Press release. He had made a number of points pertinent to the subject before the Committee and essential to the proper understanding of his delegation's position. The few lines devoted to the speech in the Press release, however, had failed to touch upon any of them.

2. In view of the fact that other members of the Third Committee had statements to make which would undoubtedly be of interest and importance, he asked the Chairman to take the necessary steps to ensure that in future, full and impartial coverage was given in Press releases to all speeches made in the Committee, regardless of which of the two opposing points of view they represented.

3. The CHAIRMAN said that the attention of the Department of Public Information would be drawn to the matter, and the summary record of the current meeting, recording the protest of the representative of Afghanistan, would be transmitted to it.

GENERAL DEBATE (*continued*)

4. Mr. YOACHAM (Chile) observed that his country's attitude on questions of human rights had always been perfectly clear. It had unwaveringly affirmed the importance of the recognition of fundamental human rights to the achievement of better understanding among the peoples of the world. The Chilean Minister

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

of External Affairs had confirmed that position a few days before. Speaking before the representatives of fifty nations, he had said that the principle of sovereignty of nations over their own natural resources should be the basis of a new international policy, which would gain for the continent of America not only political but also economic solidarity, and enable it to deal with problems which had to be solved if the misery which oppressed the masses and hindered their democratic development was to be eliminated.

5. But thus far, while the under-developed countries had poured all their resources, their production and their efforts into the struggle to survive the current crisis, those efforts and sacrifices had received little recognition from the more favoured nations. That lack of human solidarity had fostered the feeling that mankind was divided into two groups, the rich and the poor, and that the inequality and injustice which engendered class strife within a nation existed in even more aggravated form in international life.

6. Those remarks reflected the views not only of Chile, but of all the economically under-developed countries. If further barriers were placed in the way of the solution of that urgent problem, the confidence and respect of the under-developed for the industrially developed nations, and consequently for the United Nations itself, might well be lost forever.

7. Early in the history of the draft covenant on human rights, reason had repeatedly been found for omitting consideration of economic, social and cultural rights. Notwithstanding General Assembly resolution 421 (V), section E, which specifically called upon the Commission on Human Rights to include in the draft covenant a clear expression of economic, social and cultural rights, the Commission had persisted in its refusal to do so. Finally, at the sixth session of the General Assembly the Third Committee had submitted a report (A/2112) recommending the drafting of two separate covenants. The delegation of Chile, maintaining the

position it had taken in the Commission and the Council, had expressed the view that any covenant on human rights opened for signature under the auspices of the United Nations must reflect the spirit of the Charter and of the Universal Declaration of Human Rights. The articles on economic, social and cultural rights represented the minimum safeguard for a decent standard of living for the peoples of the world. There was nothing audacious or impractical in them; moreover, it was provided that they should be implemented progressively, through international co-operation.

8. Furthermore, it was meaningless to speak of opening the two covenants for signature simultaneously, since States would be free to subscribe to one and reject the other. It was even conceivable that a State might sign the covenant on economic, social and cultural rights and reject the instrument dealing with civil and political rights.

9. Delegations which had opposed the drafting of a single covenant on human rights had based their arguments on alleged difficulties of implementation. They had in particular opposed a Chilean proposal stating that the right of self-determination of peoples included the right to sovereignty over their own wealth and natural resources, and that the rights claimed by other States in no way justified depriving a people of its means of survival. The proposal had been adopted by a substantial majority.

10. The Chilean delegation respected the views expressed by the United Kingdom and French delegations in opposition to the draft resolutions before the Committee; it could not, however, look upon them as conclusive, and hoped that in the course of the debate a common ground could be found in order that an objective based upon the fundamental principles of the Charter could be attained.

11. As regards the juridical aspect of the matter, any doubts should have been dispelled by the Egyptian representative's clear and concise statement.

12. Moreover, in their own interests the major Powers should take careful note of the Haitian representative's statement that cordial relations had been cemented between his country and France after Haiti had achieved its independence.

13. The Chilean delegation considered it essential, for the prestige both of the United Nations and of the major Powers, that no further obstacles should be placed in the way of recognition of rights which the peoples of the world claimed as their birthright.

14. Mr. VAN LANGENHOVE (Belgium) noted that draft resolution A (E/2256, annex V) stated that it was essential to abolish slavery of peoples and, further, that such slavery existed where an alien people held power over the destiny of another people. Although the objective set forth was a noble one, the language used was somewhat romantic and required some clarification.

15. During the Second World War, a number of peoples had been the victims of armed aggression and had fallen under the rule of alien Powers. In his own country, as in others, thousands of patriots had suffered and died for the liberation of their homeland. But certain nations had not regained their freedom. In some

instances, the establishment of naval and air bases and the maintenance of armed forces by one great Power in the territory of small States, under the guise of mutual assistance, had been followed by demands for the institution of a new government, for radical legislative reforms, for the dissolution of the parliament, and for the holding of new elections in accordance with the one-party system; finally, integration with the great Power, requested by the newly elected parliament, had been graciously accorded by the great Power, although the small State remained nominally a sovereign State. He asked whether such a process was to be considered "self-determination", or whether it was not more truly what the resolution referred to as "slavery of peoples and nations".

16. There was also the case of minority groups, belonging to either old or new States, whose national aspirations had not been entirely satisfied. The draft resolution did not state what criteria should be used to judge whether or not such groups were under the rule of an alien nation.

17. The recommendation of the Commission on Human Rights contained in draft resolution A was general in character except for the last paragraph, which provided for realization of the right of self-determination but only for the peoples of the Non-Self-Governing and Trust Territories. It made no provision for the other peoples, far more numerous, referred to above.

18. The expression "Non-Self-Governing Territories" did not appear in the body of the Charter of the United Nations, but only in the title of Chapter XI. That chapter dealt, in its own words, with "territories whose peoples [had] not yet attained a full measure of self-government". The ambiguity of that definition had frequently been emphasized and the question what factors should be taken into consideration in determining the territories to be classed as "non-self-governing" had occupied the attention of the United Nations continuously since the first session of the General Assembly. The Fourth Committee was studying the report (A/2178) of a ten-member committee appointed by the General Assembly at its sixth session to study the question. The Member States had also been asked to communicate their views on the matter to the Secretary-General; and the opinions expressed varied widely.

19. For its part, the Belgian Government took the view that Chapter XI of the Charter had been interpreted in too restrictive a manner, and that many indigenous populations did not benefit by the international guarantees extended by the Charter because the States administering their territories did not admit that those territories fell within the scope of Chapter XI, and had failed to transmit, on their behalf, the information provided for in Chapter XI. It was inconceivable that Member States should refuse to many dependent territories the protection which had been granted to all such territories under Article 23 of the Covenant of the League of Nations.

20. If draft resolution A were adopted, the Belgian Government would interpret the last paragraph as referring to all backward indigenous populations whose development was the responsibility of the representatives of a more highly developed nation.

21. Under the terms of the draft resolution, a simple request from a non-self-governing people for independence would constitute an obligation upon the administering Power to organize a plebiscite under United Nations auspices. But no one could deny that some indigenous populations, such as those of Africa and New Guinea, had not yet reached a stage of development where they were capable of governing themselves according to the requirements of the modern world. It was difficult to see what value a plebiscite would have if it were the result of the activities of a few agitators instigated by an alien Power. If such a plebiscite resulted in a vote for independence, the administering Power would be forced to abandon the obligation it had accepted to promote to the utmost the well-being and the political, economic and social advancement of the inhabitants of the territory, and leave to its own devices a people manifestly unprepared for complete independence. In such circumstances, the territory would be in danger of anarchy, of economic bankruptcy, and of a return to the primitive state from which it had emerged at the cost of great sacrifice and patient effort.

22. It would be absurd to imagine that the authors of draft resolution A had intended their reference to "slavery" to apply to territories in which one people carried out, for the benefit of another, the sacred trust defined in Chapter XI of the Charter of the United Nations. On the other hand, there were many peoples, not until then regarded as non-self-governing, who were claiming independence and who, in many cases, were unquestionably capable of governing themselves. The provisions of the resolution should be made to apply to those peoples as well. In any case, the principle of the eventual attainment of self-government by the peoples of the Non-Self-Governing Territories was a foregone conclusion; the only point at issue was how quickly they could attain it.

23. Moreover, it had recently been pointed out that of the 800 million persons placed in the category of non-self-governing peoples ten years previously, 600 million had attained full independence; a dozen new States had come into being, and most of them were represented in the United Nations. On the other hand, independent nations numbering hundreds of millions had lost their independence either wholly or partly since the Second World War; several of them no longer existed, even in name, as independent States. Finally, within several of the new States which had recently come into being, separatist movements with nationalistic aspirations had arisen, owing to the complexity of the State's ethnic, religious or linguistic structure. Those groups too were ignored by the authors of draft resolution A.

24. The same discrimination was manifest in draft resolution B (E/2256, annex V). In spite of the provisions of Article 73 e of the United Nations Charter, under which Member States responsible for the administration of Non-Self-Governing Territories were not obliged to transmit political information, the draft resolution called upon such States to communicate voluntarily information for which no provision was made in the Charter. If such information was considered to be useful, there was no reason why it should not also be requested in respect of other populations which might

wish to exercise the right of self-determination. The universal character of the principle of self-determination as laid down in the Charter was seriously prejudiced thereby, as the French representative had pointed out.

25. The only condition in draft resolution A was that a non-self-governing people should request self-determination and that its will should be determined by means of a plebiscite. The capacity for full self-government was absolutely disregarded, contrary to the provisions of the Charter. The right of peoples to self-determination and their possible right of secession had never been stated in such absolute terms. As the United Kingdom representative had recalled (444th meeting), President Wilson had subjected that right to the condition of well-defined national aspirations and to the superior interests of peace. Marshal Stalin himself rendered the right to secede from the Soviet Union dependent on the geographical situation of the republic concerned, on the condition that the national group concerned should constitute a majority and on the capacity of such a group to set up an army which could defend it. It was obvious that all the populations of Non-Self-Governing and Trust Territories did not fulfill those conditions, since some of them did not constitute homogeneous nations and others had such small populations that they would be incapable of either defending themselves or leading an independent existence.

26. Moreover, the recommendation did not take into account the view expressed at the United Nations Conference on International Organizations, held at San Francisco, that the principle of self-determination was compatible with the purposes of the United Nations Charter only to the extent to which it implied the right of self-government, but not the right of secession. Some delegations at the San Francisco conference had proposed that independence should be the objective laid down for the populations of Non-Self-Governing Territories; the proposals had, however, been rejected, and independence had not even been retained as an alternative objective.

27. The recommendation by the Commission on Human Rights did not specify who should make the request for exercise of the right of self-determination or on what conditions a plebiscite should be held. Those were important questions, as had been proved by the experience of the United Nations in a case where the parties had been unable to agree on such conditions.

28. The Commission's recommendation was obscure and contradictory. Moreover, its very drafting showed haste and lack of mature reflection. The texts of the articles of the Charter to which it referred were incorrectly reproduced in the preamble and sections of the operative part described as recommendations were given a binding character.

29. Although as yet there was no covenant on human rights, the Commission's recommendation prescribed measures of implementation, and, ignoring the universal character the Charter attributed to the right of self-determination, it limited it to an ambiguously defined category of peoples. It disregarded the provisions of the Charter, which made it the duty of Member States exercising sovereignty over territories whose peoples

had not yet attained a full measure of self-government, to accept as a sacred trust the obligation to promote the well-being and political, economic and social advancement of those peoples. It also took no account of peoples which had aspired towards autonomy for a long time or of those which had recently been deprived of their independence.

30. The recommendation thus tended to differentiate arbitrarily between the small number of States with definite obligations, which they were carrying out in a liberal manner, and other States which took the liberty of dictating to the responsible States and comprised those which had reduced the principle of self-determination to a meaningless phrase. Soviet communism subjected the exercise of the right of self-determination, and especially the right of secession, to the alleged interests of the proletariat and to the triumph of communist revolution throughout the world. National aspirations in colonial and semi-colonial countries were being stimulated, but were being suppressed in the Soviet Union and the peoples' democracies. Marshal Stalin had stated that the Soviet Union was in favour of the secession of colonies, but against the secession of regions adjacent to Russia. One-third of the population of the world was in fact deprived of the benefits of self-determination.

31. The principle of self-determination was universal; to attempt to limit its application to an arbitrary defined category of population would be to distort a great principle and seriously weaken its value.

32. Mr. BAROODY (Saudi Arabia) said that he had listened with great attention to the representatives of colonial Powers and their supporters; not being, like them, a master of dialectics, he would not attempt to meet them on that ground.

33. While the colonial Powers were morally on the defensive, physically they were still on the offensive against the peoples whom they continued to hold in subjection. They claimed that they had a sacred mission to perform in their colonial empires. A number of delegations, including his own, had another sacred mission: that of seeking ways and means of liberating the colonial peoples. He had therefore been gratified to see that the Commission on Human Rights, in obedience to the General Assembly's instructions, had drafted an article on the right of peoples to self-determination (E/2256, para. 91), and had indeed gone further by adopting two draft resolutions on the subject (E/2256, annex V). The Economic and Social Council, no doubt aware of the controversial character of the question, had, by its resolution 415 (S-1), merely transmitted those draft resolutions to the General Assembly without comment. Having studied both the draft resolutions and the debates which had preceded their adoption, he was in full agreement with the resolutions. While the Commission might have recommended measures going beyond a plebiscite, it was important, in view of the existing opposition, to establish the right of plebiscite as a first step.

34. Delegations opposed to the effective exercise of the right of self-determination could be expected to protest that the holding of plebiscites was illegal because it constituted interference in matters within the domestic jurisdiction of States. The phrase "domestic

jurisdiction" had come to replace the term "internal affairs" because it was altogether too obvious that the fate of a people thousands of miles from the metropolitan country could hardly be called an internal matter; but domestic jurisdiction, too, meant the right of a sovereign State to govern and legislate at home—in other words, within its own borders. Yet the colonial Powers continued to claim that the Charter of the United Nations was on their side, no matter how often it was repeated to them that the right of self-determination was a prerequisite to the enjoyment of all other human rights, and that millions were clamouring for an opportunity to exercise it.

35. The French representative had said that nations, like individuals, had both a private and a public life and that the Charter, in Article 2, paragraph 7, expressly forbade all interference in the private life of a sovereign State. Tunisians and Moroccans were being killed by the hundreds, their leaders were being imprisoned or deported, their fundamental political freedoms had been suppressed; surely that could not be described as an episode in the private life of France. Quoting the Charter of the United Nations in support of that claim could not disguise the truth, which was that those populations were subjected to violence because they had sought to exercise the right of self-determination and that France did not think it would be in its interest or in the interest of its allies to permit them to exercise that right. That was but a single instance of many cases of ruthless subjugation of peoples in various parts of the world by governments which claimed that they were acting in the interests of law and order.

36. The United Kingdom representative at an earlier meeting (444th meeting) had asked a number of questions which sounded more difficult than they really were. He would endeavour to answer some of them. Thus, a people could be defined as a group of individuals with special ties which singled them out from the surrounding population. With the exception of a few minorities, that group included the entire population within the boundaries of a particular State. The size of the territory inhabited by a people could range from that of San Marino to that of India. To give but a few examples from a long list, the Saudi Arabians were a people, the inhabitants of India were a people, and so were the Tunisians, the Moroccans, the Cypriots, and the population of British Honduras. An equally unambiguous answer could be given to the question of what was meant by self-determination, since international law was clear on that point: self-determination was a decision by the people of a territorial unit regarding its political status.

37. Much had been made of the danger that, granted the right of self-determination, minorities within a national State would attempt to secede. The fact was that, when their interests were fully safeguarded, minorities had no reason and no desire to set up separate States; the United Kingdom, which embraced Wales and Scotland, was a perfect example. Furthermore, secession need not be a tragedy; Ireland had at long last severed the ties binding it to the United Kingdom, but the two countries continued to live side by side in perfect amity. When their interests so required, minorities should be allowed to secede; a

number of Member States of the United Nations had come into being through the exercise by minorities of their right to self-determination.

38. The technical objection was frequently made that the right to self-determination was a collective rather than an individual right. But the Universal Declaration on Human Rights contained several such collective rights, and quite properly so. The Third Committee was concerned with man not in relation to God or to himself, but in relation to his fellow-men, as a cell in the body social. Since man was viewed as a member of society, it was only natural that he should have some share in rights which were those of the society as a whole.

39. There were three reasons why colonial Powers continued to cling so tenaciously to their overseas territories. Economically speaking, the territories were a source of raw materials and a market for manufactured goods, both exploited for the profit of the metropolitan country. From the strategic point of view, scattered possessions were ideal for naval and air bases, to be used in defence against whoever was currently the enemy. Lastly, the people of the metropolitan country felt that their prestige was enhanced by the control of far-away lands, which most of them never saw. It was for those reasons that the colonial Powers would not permit the many inhabitants of their far-flung empires to exercise their right of self-determination. Many representatives had referred to the sanctity of treaties which had been signed many years previously and had been imposed on governments then weak, under conditions that had long since changed. Such arguments were no longer valid in the face of the strongly expressed aspirations of millions of people. In order to implement their designs, the metropolitan Powers often set up puppet régimes and, if their puppets showed any signs of life, replaced them by others more subservient to their will.

40. The theory of the vacuum which would be created on the withdrawal of the administering Powers was often invoked, but the indigenous peoples themselves would fill the vacuum, as had been done in the case of Libya, where, by all accounts, the new independent Government was operating effectively.

41. Mr. Schuman had said at the sixth session of the General Assembly that conditions in French overseas territories were better than those in certain sovereign States. That statement implied that some Member States were unworthy of their membership in the United Nations and would be better off under the authority of a colonial Power. The Belgian representative had made similar untoward assertions.

42. It was often averred that the colonial Powers had a civilizing mission in the Non-Self-Governing Territories. It was well known, however, that the purpose of their presence in the territories was to further their own interests. Moreover, civilizations were not created by colonizers, but by poets and artists who usually did not reap the material benefits of their activities.

43. The political and cultural maturity of peoples was often used as a yardstick of their capacity for self-determination. The simile of childhood and adulthood used in that connexion was dangerous and misleading, since it drew an analogy between a collectivity and an individual. The colonial Powers had exercised their authority over dependent territories for different periods of time, and the only real yardstick of maturity was the stage at which the people concerned expressed their desire for freedom. It was a deplorable historical fact that peoples nearly always had to resort to revolt and rebellion to achieve that freedom.

44. The recommendations made by the Commission on Human Rights in draft resolution A (E/2256, annex V) referred to a plebiscite whereby any politically mature people could achieve its self-determination. As regards the methods of such a plebiscite, any representative was free to submit detailed amendments to the draft resolution. There were many examples of nations which had seceded from each other and were pursuing a peaceful and independent course.

45. He appealed to France to follow the example the United Kingdom had given in conceding the legitimate aspirations of the peoples of India and Pakistan. Tunisia and Morocco were certainly no less advanced than India and Pakistan or than Libya, which had achieved its independence peacefully. Although certain Trust Territories had not attained the same degree of maturity as others, the populations of Tunisia and Morocco had certainly reached the required level.

46. The essential element for the solution of the problem was that of time. A specific period should be fixed for the trusteeship exercised by administering Powers, to whose representatives he wished to point out that he was not prejudiced against their peoples, but that he objected to their actions against the interests of dependent peoples.

47. Human problems could not be solved by purely juridical considerations; if the administering Powers had not sufficient courage to find a bold solution, the disturbances created by their indifference would engulf the whole world.

The meeting rose at 5.35 p.m.