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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, A/C.3/L.299) (*continued*)

[Item 30]*

CONSIDERATION OF DRAFT RESOLUTION A (E/2256, annex V) AND AMENDMENTS THERETO

1. The CHAIRMAN asked the Committee to consider draft resolution A (E/2256, annex V), which had been adopted by the Commission on Human Rights and transmitted to the General Assembly through the Economic and Social Council, and the amendments to the draft resolution.

2. Mr. PAZHWAQ (Afghanistan) said that the protracted general debate had shown how seriously all members of the Committee took the problem of the right of peoples and nations to self-determination. Although full agreement had not been reached, there was some hope that a solution might be found in a spirit of mutual understanding.

3. Point 1 of the United States amendment (A/C.3/L.294) called for the deletion of the first two paragraphs of the preamble of draft resolution A, on the ground that the reference to the inhabitants of the Non-Self-Governing Territories as slaves seemed derogatory. Those paragraphs should, in his opinion, be considered from the point of view of the principle embodied in them, respect for human dignity, rather than from that of their wording. Deletion of them would entail the deletion of all reference to that principle; the United States representative and those who had supported her argument were surely not opposed to it. In the interests of reaching agreement alone, some solution might be found taking into account the dignity of the peoples concerned, their situation and the pres-

tige of the administering Powers. A word such as "subjugation" might be used to obviate the technical objections to the word "slavery". For the same reason, a similar change might be made in the second paragraph; deletion of it would imply that the Committee did not wish any reference to be made to the existing situation.

4. The first of the two new preambular paragraphs proposed in the United States amendment seemed harmless enough if taken out of its context. Yet, if the first two paragraphs of the original text were deleted and the new paragraphs (A/C.3/L.294, point 2) substituted, the Committee would give the impression, perhaps unwittingly, that it not only refused to recognize the existing situation as a violation of human rights, but also recognized the right of alien peoples to hold power over the destiny of other peoples.

5. The existing text, like the agenda item, referred to peoples, whereas the United States amendment to paragraph 1 of the operative part referred to States. States would certainly be averse from discussion of their right to self-determination and from any questioning of their independence. The reference in the United States amendments to "all States", which was intended to stress the universal application of the draft resolution, was fully covered in the second paragraph of the preamble proposed in the United States amendment, and a reference to an accepted principle would be better placed there than in the operative part.

6. He had already drawn attention to the weakness of the phrase "to promote the realization of the right of self-determination" in paragraph 2 of the original operative part. In the United States amendment to that paragraph the phrase "through United Nations or other plebiscites or other democratic means" was vague and could be interpreted in various ways. It failed to specify who would decide whether the means were really democratic. It weakened the original idea, the plebiscites held under United Nations auspices might

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

eventually become an established method of solving such problems. Introduced into a General Assembly resolution, it weakened the exercise of direct and effective control by the United Nations. It lost sight of the fact that the most effective means of peacefully settling such problems was the use of international organizations, in which members parties to such disputes would be better able to preserve their prestige and to which the inhabitants of Non-Self-Governing Territories could appeal in the hope of obtaining moral support and international co-operation in the peaceful solution of their problems. The reference to other forms of plebiscite might deter them from appealing to the United Nations. Experience had shown that plebiscites, unless held under international auspices, were sometimes unfair. The United States text failed to specify that plebiscites not held under United Nations auspices would be held under those of other international bodies. Since the governors and the governed were in most cases different peoples, the weaker would be left at the mercy of the stronger unless the plebiscite was held under international auspices.

7. He could not, therefore, vote for the United States amendments as they stood.

8. Mr. MANI (India) remarked that his delegation had taken an active part in the debates of the Commission on Human Rights on the right of peoples to self-determination. India was, in general, greatly interested in the subject, having itself benefited by the exercise of that right.

9. His delegation fully approved of draft resolution A as it stood, but had noted the various objections raised in the general debate, and had been particularly impressed by the Norwegian representative's remark that the value of the resolution adopted by the Committee would depend on how widely it was accepted. It was in the interest of gaining the greatest possible measure of support that his delegation had introduced amendments (A/C.3/L.297) to the United States amendments (A/C.3/L.294) to draft resolution A, feeling that a resolution for which the colonial Powers were also able to vote would be more effective than a more strongly worded draft which they opposed.

10. In a spirit of concession, his delegation had accepted the deletion of the first two paragraphs of the preamble, although it was convinced that to dependent peoples political subjection was no better than slavery. It had accepted the first paragraph of the preamble proposed by the United States as being a statement of fact, and the second paragraph as strengthening the existing text.

11. The United States amendment to paragraph 1 of the operative part consisted in replacing the reference to the independence of peoples and nations by the words "the independence of all States". He could not agree that Member States should be urged to respect the independence of all States, since States did not always represent peoples, and might in some instances be despotic. Furthermore, independence was not an exclusively political concept, and was not an integral part of the right of self-determination. Consequently, while his delegation would have preferred the original text, in a spirit of compromise it proposed the deletion of any reference to independence, and the insertion of the word "all" before "peoples and nations" to meet

the point that the resolution should deal not only with colonial peoples but also with nations which had lost their independence. He remarked in passing that in the general debate only veiled hints concerning such nations had been made; he would have preferred a frank and open statement of the situation.

12. The United States amendment to paragraph 2 of the operative part attempted to ensure universal applicability of the resolution; but it was futile to promise the same treatment to Non-Self-Governing and Trust Territories on the one hand and to recently enslaved nations on the other. Under the Charter, the United Nations had a direct moral responsibility for the first group; its responsibility to the second group was much more tenuous. Furthermore, a plebiscite could not be held in an enslaved State until the United Nations had first liberated it by armed action—an unlikely prospect. He would, however, be willing to broaden the scope of the passage by inserting in his amendment, after the words "self-determination of the peoples" the words "of all territories, including those". The emphasis would still be on Non-Self-Governing and Trust Territories. At a time when the colonial issue was being so seriously debated in other committees, the Third Committee should make a bold statement on the right of colonial peoples to self-determination.

13. The United States amendment to paragraph 2 of draft resolution A spoke of "United Nations or other plebiscites or other democratic means". The words "other democratic means" were far too vague and open to too many interpretations. Plebiscites were, of course, not the only democratic method possible; elections to a legislature, to give but one example, were another. The Indian amendment would therefore change that passage to read: "a plebiscite under the auspices of the United Nations or other recognized democratic means".

14. The Indian amendment would also replace the phrase "as may be appropriate to the particular circumstances of each territory" in the United States amendment by the words "according to the particular circumstances of each territory". Those words, having been taken from Article 73 b of the United Nations Charter, were not open to the objection that they went beyond the Charter, and had the further advantage of covering the concept, enunciated in draft resolution A, that the right of self-determination should be granted on demand. It went without saying that a conscious demand, backed up by public opinion, would be required.

15. If the Indian delegation had drawn up a resolution to please itself alone, it would have used much stronger language; but since the effectiveness of the resolution depended on its being acceptable to the greatest possible number of States, the Indian delegation had sought the middle course, and hoped that its amendments would meet with the approval of the United States delegation and of the Committee as a whole.

16. Mr. T. HUNEIDI (Syria) introduced his delegation's amendment (A/C.3/L.298) to draft resolution A, the purpose of which was to provide for additional measures to ensure the participation of dependent peoples in the government of their territories. The text of the amendment was an adaptation of the last and most important paragraph of a resolution on non-self-governing peoples adopted by the Conference of the

Inter-Parliamentary Union at Dublin in 1950. The Syrian delegation thought that the measures adopted by that conference, which represented world public opinion, should also be accepted by the governments of the world, which were represented in the United Nations, since closer co-operation between peoples and governments was extremely important.

17. A mere declaration of the right of self-determination was not enough. As the United States representative had said, the task of the United Nations was that of moulding a principle of international conduct for future generations; nevertheless, some measures had to be taken in the transition period before the right could be fully and universally implemented. The Syrian amendment provided for such measures, which the administering Powers would be recommended to carry out.

18. He drew attention to the words "participation of the indigenous populations in the legislative organs and the government of those territories" and "complete self-government or independence", in his amendment, which might seem ambiguous at first sight. That wording had been the result of long discussions on the question whether dependent peoples should participate in legislative or only in administrative action and represented a compromise between the concepts of self-government and independence.

19. Mr. BAROODY (Saudi Arabia) introduced his delegation's amendment (A/C.3/L.296) to draft resolution A and amended it by inserting the word "full" before the word "enjoyment".

20. In view of objections that had been raised to proclaiming the right of self-determination on the ground that it was a collective right which should not be included in an instrument on individual rights, his delegation had proposed the insertion of a paragraph in the preamble to make it clear that no individual as a member of a community could fully enjoy his rights unless that community was free to decide on its government, institutions and customs. The inclusion of such a paragraph at the beginning of the preamble served to show that it was a simple statement of truth and was not connected with the future covenants.

21. Commenting on the United States amendment (A/C.3/L.294), he said he disagreed with the Indian representative's view that a concession should be made to delegations which objected to references to slavery and enslavement. Too many concessions would make it more difficult to reach agreement, especially if there were no guarantee that such concessions would not be misinterpreted as a sign of weakness by the administering Powers. The proposed reference to the independence of all States in point 3 of the United States amendment was undesirable, since it broadened the issue unnecessarily and opened the way to the argument of the inequality of rights in connexion with self-

determination. The French representative had already said that States which were not administering Powers were in a fortunate position; the inclusion of a reference to States would lay undue emphasis on the plight of countries which had lost their independence, at the expense of the Non-Self-Governing and Trust Territories. His delegation also could not agree with the inclusion, in paragraph 2 of the operative part, of the phrase "as may be appropriate to the particular circumstances of each territory or nation", since the appropriate circumstances would be decided by the administering Powers only.

22. He considered that the draft resolution in its existing form, with or without the United States amendment, was lacking in reference to measures of implementation, and therefore welcomed the Syrian amendment (A/C.3/L.298), which partially remedied that defect. Without such an amendment, the adoption of the resolution by a majority would be useless, since the co-operation of the administering Powers was a *sine qua non* of the efficacy of any decision taken on the matter.

23. He agreed with point 1 of the Indian amendment (A/C.3/L.297) to the United States amendment, but considered that the phrase "according to the particular circumstances of each territory" was almost as dangerous as the similar term in the United States text. The ambiguity of the expression might be abused by any administering Power which saw fit to invoke the special circumstances of a territory as a reason for hindering the granting of self-determination.

24. The same considerations applied to the words "if it is necessary" in point 2 of the five-Power amendment (A/C.3/L.295), which gave the administering Powers latitude to decide on the necessity of ascertaining the popular wish. He appealed to the five delegations concerned to revise their amendment in the light of that danger.

25. Mr. MANI (India) wished to dispel some misconceptions of his views that were apparent from the Saudi Arabian representative's statement.

26. In the first place, concessions could not be interpreted as a sign of weakness, since they were always made by the party in the strongest position; the case for self-determination was so strong that it did not have to be stated in strong language.

27. Secondly, the reference to "particular circumstances" in the Indian amendment was taken from Article 73 b of the Charter and was weaker than the similar reference in the United States amendment, which was taken from Article 76 b. Exception could not be taken to those terms, since the limitations imposed by the Charter had been accepted unanimously.

The meeting rose at 12.55 p.m.