



Tuesday, 2 December 1952, at 3 p.m.

Headquarters, New York

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

In the absence of the Chairman and of the Vice-Chairman, Miss Bernardino (Dominican Republic) took the Chair.

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

[Item 30]*

CONSIDERATION OF DRAFT RESOLUTION B (E/2256, annex V) AND OF THE DRAFT RESOLUTION SUBMITTED BY LEBANON (A/C.3/L.293/Rev.1) (*continued*)

1. Mrs. EMMET (United Kingdom) said that she could not do better than repeat what had been said by Sir Gladwyn Jebb, the United Kingdom representative in the Economic and Social Council, at its meeting on 30 July 1952.¹ Draft resolution B (E/2256, annex V) suffered from two major defects.

2. First, it discriminated against Member States responsible for administering Non-Self-Governing Territories by calling for information from them without calling for similar information about forms of government in other territories. On any definition of the word "peoples" it could be demonstrated that non-self-governing peoples were also to be found outside Trust Territories and territories to which Chapter XI of the United Nations Charter applied.

3. Secondly, and more seriously, draft resolution B represented yet another attempt to amend the Charter by backdoor methods. Article 73 e was quite precise: it called for the regular transmission of statistical and other information of a technical nature relating to economic, social and educational conditions. It specifically avoided mention of political information. That was no

accident. The contention that the spirit of the Charter required the voluntary transmission of political information on non-self-governing territories had no warrant in the text of the Charter or in the history of its framing. The General Assembly resolutions referred to in draft resolution B had been opposed by the United Kingdom delegation on similar grounds as going beyond the provisions of the Charter.

4. A further strong objection in addition to the technical one had been raised by the United Kingdom representative in the Economic and Social Council. The United Kingdom Government fully and freely published information about the progress towards self-government achieved in the territories for which it was responsible, and the matter was discussed in Parliament. That information was available to all interested enough to acquaint themselves with it. The United Kingdom Government was not, however, obliged to submit that information for scrutiny and discussion in the United Nations, and nothing would induce it to do so. Such action could only impede and confuse the orderly constitutional progress of the colonial territories by admitting that others not associated with it were entitled to interfere in a delicate relationship. The administering Powers had the responsibility and could not discharge their duties effectively if they had to share it with others.

5. For those reasons the Committee should refrain from accepting from the Commission on Human Rights a resolution which not only ran counter to the provisions of the Charter but would also clearly be quite ineffective.

6. Mr. CORDOVA (El Salvador) did not share the view of those representatives who had said that the Third Committee should not discuss the substance of the Lebanese draft resolution (A/C.3/L.293/Rev.1).

7. That proposal merely indicated the Committee's interest in obtaining information on the political advancement of non-self-governing peoples, without

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

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

going into details which were properly the concern of the Fourth Committee.

8. Moreover, he could not agree with the representative of Afghanistan concerning the inadequacy of the word "voluntarily" in the operative paragraph of draft resolution B. If that word were omitted, the Third Committee could not hope to obtain the information it desired concerning the manner in which the administering Powers were fulfilling their obligations and promoting the advancement of the non-self-governing peoples in the political field. Moreover, in his opinion the spirit of Article 73 a and b of the Charter of the United Nations more than justified the Committee's request for such information. His delegation would support the draft resolution if the word "voluntarily" were not deleted.

9. Mr. TSAO (China) endorsed the fundamental idea behind draft resolution B and the Lebanese draft resolution. He pointed out that several administering Powers had already voluntarily submitted information on the political advancement of the peoples of the territories under their administration. His delegation had always warmly welcomed such information, which was most useful to the United Nations as a whole.

10. At the preceding meeting the Indian representative had put forward a wise and logical proposal (A/C.3/L.315) that the question should be referred to the Committee on Information from Non-Self-Governing Territories, which was the proper body to deal with the draft resolutions. The representative of China suggested, however, that the question should properly be referred to the Fourth Committee, which could then decide on its final disposition. He would support the Indian proposal if modified in that way.

11. Mr. PAZHWAK (Afghanistan) said that the Committee should limit its debate to one subject at a time. Either it should discuss the substance of the draft resolutions before it, leaving the Indian proposal aside; or it should vote on the Indian amendment at once and thereby decide whether or not it wished to refer the draft resolutions to another body. His delegation favoured the latter procedure.

12. Mr. BARODY (Saudi Arabia) agreed with the representative of Afghanistan. If the question should properly be dealt with by the Fourth Committee, the Third Committee should not waste time discussing it.

13. Mr. AZKOUL (Lebanon) pointed out that the sphere of activity of the Commission on Human Rights was far more restricted than that of the Third Committee. Therefore, if that Commission was competent to prepare recommendations concerning respect for human rights in the Non-Self-Governing Territories, the Third Committee must be competent to deal with the same question.

14. Moreover, he considered it inappropriate to refer a question of principle to a subordinate technical body which had been set up to deal with the application of that principle. The Committee on Information from Non-Self-Governing Territories was not competent to take a decision in principle on the issue; the General Assembly alone could decide whether the administering Powers had a moral duty to transmit information on the political advancement of the non-self-governing peoples.

15. He therefore urged the Indian representative to reconsider his proposal and not attempt to prevent the Committee from discussing the substance of the Lebanese draft resolution.

16. Mr. SOBOLEV (Union of Soviet Socialist Republics) pointed out that the question of the Third Committee's competence had not been formally raised. The Indian proposal was not merely a procedural motion; it was clearly a substantive amendment to the Lebanese draft resolution, and as such should be discussed and voted on first.

17. Mrs. AFNAN (Iraq) said she would support the Lebanese draft resolution.

18. Draft resolution B, on which it was based, was part of the action taken by the Commission on Human Rights on the instructions given it by the General Assembly in resolution 545 (VI). Governments transmitting the information requested would do so voluntarily; clearly, therefore, the value of a resolution would depend on the moral pressure it was able to exert. The General Assembly had to take full responsibility for such a resolution, and the Indian amendment was therefore not acceptable.

19. She suggested, however, that the first paragraph of the preamble to draft resolution B should be retained in the Lebanese draft resolution.

20. Mr. PAZHWAK (Afghanistan) was unable to agree with the USSR representative that the Indian proposal was an amendment to the Lebanese draft resolution. True, it was so entitled; but the title of a document did not determine its nature. The Indian proposal would not delete anything from or add anything to the substance of the Lebanese draft resolution; its purpose was to refer the entire question to a subsidiary organ, thereby postponing action by the United Nations. It was therefore purely a procedural motion. He hoped that it would be treated as such, and he would vote against it. The Third Committee was entirely competent to deal with the subject matter of the Lebanese draft resolution from the humanitarian point of view and should be permitted to do so.

21. Mr. T. HUNEIDI (Syria) thought that some delegations had failed to grasp the purpose of the Lebanese draft resolution, which was to give effect to paragraph 3 of the operative part of the draft resolution on the right of self-determination adopted at the 460th meeting. In that paragraph administering Powers were requested to promote the political development of the populations of Non-Self-Governing Territories, it was only logical to ask, as did the Lebanese draft resolution, that they should supply information on the success of their endeavours.

22. He regarded the Indian proposal as an amendment to the Lebanese draft resolution, and might later propose amendments to it.

23. Mr. NAJAR (Israel) declared that the Indian amendment was not merely a procedural motion. The Committee on Information from Non-Self-Governing Territories, to which the Indian delegation wished to refer the question, was composed, like the Trusteeship Council, of an equal number of administering and non-administering Powers which, as in the Trusteeship Council, were engaged in continuous negotiation. Many

more concessions on practical matters had been won in that process than the administering Powers were willing to make on points of law. Those Powers, for example, continued to maintain that they were not required under the Charter of the United Nations to furnish political information on the Non-Self-Governing Territories under their administration, but some of them had done so of their own free will. Those who really had the interests of the peoples of those territories at heart should realize that more could be gained by friendly negotiation than by adopting resolutions of principle. If the Indian amendment was, as he took it to be, a way of informing the Committee on Information from Non-Self-Governing Territories that the Third Committee attached great importance to receiving political information, the Indian delegation was advocating a very wise and practical course.

24. Mr. RIVAS (Venezuela) did not wish to move a formal amendment, but hoped that the Indian and Lebanese representatives might accept the suggestion that the operative paragraph of the Lebanese draft resolution should begin with some such phrase as "Reiterates the need for States Members of the United Nations . . .", and that a clause should be added at the end to provide that the information in question should be examined by the Committee on Information from Non-Self-Governing Territories in the light of the resolution under consideration.

25. That suggestion might reconcile the opposing points of view. It would also be more logical to reiterate the need for the voluntary submission of political information than to recommend that it should be voluntarily submitted.

26. Mr. PAZHWAK (Afghanistan) said that, inasmuch as the purpose of the Indian proposal was to prevent any substantive consideration by the Third Committee of the question before it and to place that question on the agenda of another body, he failed to see how

the proposal could be regarded as anything other than a procedural motion. Perhaps the Indian representative would care to explain the matter.

27. Mr. AZKOUL (Lebanon) remarked that for practical purposes it was immaterial whether the Indian proposal was an amendment or a procedural motion, since in either case it would have to be put to the vote before the Lebanese draft resolution. He was more concerned with its real scope.

28. It would not merely postpone any possible action by the General Assembly for at least a year, but would undo the work of the Commission on Human Rights and also of the General Assembly by reopening a question on which the General Assembly had taken firm decisions. In fact, to ask a subordinate body, which incidentally was not competent to take a decision in the matter, to consider whether or not political information on Non-Self-Governing Territories should be requested would be a complete reversal of the General Assembly's previous position. Whatever the Indian delegation's intention, those would certainly be the consequences of its amendment.

29. He would therefore vote against that amendment as a step backward, and urged all other delegations to do the same.

30. The General Assembly ought, without delay, to lend the full weight of its prestige to a recommendation asking administering Powers to submit political information on the territories under their administration.

31. Mr. MANI (India) said that his delegation was taking note of the various criticisms of the Indian amendment and that Mr. Shiva Rao, who would be present at the following meeting, would explain the purpose of the amendment at that time.

The meeting rose at 4.40 p.m.