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Chairman: Mr. G. F. DAVIDSON (Canada).

Report of the Economic and Social Council (chapters IV and V) (A/2430, E/2447, A/C.3/L.367 and Add.1 and 2, A/C.3/L.371/Rev.1) (*continued*)

[Item 12]*

HUMAN RIGHTS (*continued*)

DRAFT RESOLUTION SUBMITTED BY TWENTY POWERS (A/C.3/L.371/Rev.1) (*continued*)

***Right of peoples and of nations to self-determination* (continued)**

1. Mr. ABDEL GHANI (Egypt) said that the twenty-Power draft resolution (A/C.3/L.371/Rev.1) was not a reiteration of the accepted principle that the right to self-determination was all-important, but an invitation to the Third Committee to make general or detailed recommendations to the Commission on Human Rights as a basis for the drafting of measures to implement that right.
2. It would have been natural and right for the representatives of the Powers administering Trust and Non-Self-Governing Territories to speak first on the draft resolution in order to state what action they were taking, or failing to take, to prepare the peoples of those territories for self-determination. Their silence left other countries free to regard them as colonial rather than as administering Powers, and to infer that they did not take the sacred trust placed in them under the Charter seriously.
3. As the General Assembly should give guidance to the Commission on Human Rights in its task of drafting measures of implementation, it would be useful to cite, as a good example, the action taken by Egypt to prepare the Anglo-Egyptian Sudan for self-determination. Egypt had been referred to in the General Assembly as the first country in the world to implement the right to self-determination of its own free will. At the suggestion of Egypt the leaders of all the political parties in the Anglo-Egyptian Sudan had met, and had jointly proposed that a plebiscite should be held to decide the future status of the territory. Egypt had concluded with all of them an agreement providing for Sudanese self-determination and, whether the Territory

should vote for complete independence or for unity with Egypt, had accepted the result in advance. It had proposed the withdrawal of all Egyptian and British troops one year before the plebiscite and the establishment of a transitional all-Sudanese administration. The United Kingdom, although hesitant and reluctant, had acceded to the Egyptian suggestion and on 10 February 1952 had concluded an agreement for the Sudanization of the administration and for the holding of elections for a national assembly to conduct the proposed plebiscite. Elections were currently in progress, and Egypt, which had taken the initiative in granting the Sudan its right of self-determination and in carrying out the elections under impartial international control, was doing its utmost to ensure to the Sudanese people full freedom to express their opinion in the current elections.

4. The example was encouraging; but a recent report in the United States Press, stating that the French in West Africa anticipated political difficulties as a result of granting the Sudan the right of self-determination, showed that the administering Powers held a different view. So far as self-determination was concerned, their action in the territories under their control were more expressive than their representatives' silence in the Committee. A British author's recent book on Kenya suggested the thought that it would be better for the United Nations to be asked to consider ways of restoring peace there and preparing the people for self-determination than for £4 million to be allocated from the territory's budget for the suppression of the liberating movement of the Mau Mau.

5. Further to the Yugoslav recommendations put forward (525th meeting) for the Commission's guidance, it would be of value to include in the draft resolution a reference to the two General Assembly resolutions (567 (VI) and 648 (VII)) dealing with the factors which should be taken into account in deciding whether a territory was or was not a territory whose people had not yet attained a full measure of self-government, and to the report of the *Ad Hoc* Committee on Factors (A/2428).

6. The CHAIRMAN said that, as Egypt was one of the sponsors of the draft resolution, it would be better, if the Egyptian representative's suggestion were to be introduced as an amendment, that it should be done in the name of a delegation which was not among the sponsors.

7. Mr. BAROODY (Saudi Arabia) stated that the silence of the administering Powers on the subject of the right of peoples to self-determination could be construed to mean only that their position was unchanged. The draft resolution had been submitted by twenty States, representing one-half of the world's population; the countries, including his own, which were not members of the Commission on Human Rights could only use the forum of the General Assembly to make their views known. That was why the sponsors had included in the draft resolution the provision that the records of

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

the debate in the Third Committee should be transmitted to the Commission.

8. Chapter V of the Council's report (A/2430) showed that the Commission spent much of its time discussing procedural questions. That was justifiable to some extent, because the subjects with which the Commission had to deal were complex. It did not seem excessive, however, to request the Commission to give the important question of the right to self-determination the priority it deserved. It was heartening to observe that the majority of the Members of the United Nations believed that no human right could be fully enjoyed unless it was accompanied by the right to self-determination. Nevertheless, it was surprising that the question of competence was still being raised when it had been settled long before. The argument of domestic jurisdiction was still being invoked on behalf of the colonial Powers. Thus, the Brazilian representative had asserted at a previous meeting that respect for the sovereignty of States was the keystone of peace; it was clear from the current world situation, however, that restrictive application of the principle led to uprisings and wars. In implementing the right of peoples to self-determination, the United Nations would not be arrogating to itself the power to interfere in the internal affairs of States, but would be taking a constructive step towards preserving peace and improving international relations.

9. Jurisdiction had been defined as the authority of a sovereign Power to govern or legislate; such authority could be conferred only by the will and consent of the people concerned. A distinction had to be drawn between the premises on which debates in the Third Committee, on the one hand, and in the First Committee and the Security Council, on the other hand, were based. The premise in the political organs, in cases such as those of Morocco and Tunis, was that international peace was not endangered if the metropolitan Power could cope with a national uprising. That principle was one of expediency. In the Third Committee, however, the main preoccupation was not with patching up differences, at any cost, but with establishing international law through a just multilateral instrument.

10. Anachronistic arguments were used to justify the right of a colonial Power to dominate a territory. Divine right of possession, right through conquest, diplomacy and imposed treaties, right by means of purchase and the right acquired by discharging an alleged civilizing duty were invoked. It had been proved long before, however, that those so-called rights were pretexts. The real reasons why the colonial Powers were occupying dependent territories were quite different. First, they needed the territories for raw materials, markets and cheap labour. Secondly, the inhabitants of dependent territories were recruited into the armies of the metropolitan Powers and fought their wars; the inhabitants of territories where bases were established were in danger of destruction if the bases were attacked. The third factor was that of prestige, for the major Powers vied with one another in self-aggrandizement. Lastly, the dependent territories were used as pawns in the game of balance of power; for example, it had been reported that the French authorities were intensifying the exploitation of the Sahara in order to compete with German production.

11. In the circumstances, it was absurd to allege that the colonial Powers were civilizing the peoples under their administration and that their departure would

bring anarchy. Some territories had expressed no aspirations towards self-government and were duly being prepared for independence under the Trusteeship System. Others had lost their former independence as the result of action by the colonial Powers but were fully prepared to assume responsibility for their own affairs. Libya had become independent because Italy had lost the Second World War, while Tunisia, Morocco and Algeria, which were more advanced countries in many respects, remained under French domination because France had been on the side of the Allies. The excuses adduced by the colonial Powers could not destroy the truth that human dignity had to be given expression, irrespective of the degree of so-called maturity attained by the peoples in question. Freedom was the birthright of all men and could not be denied to those who sought it in their own lifetime.

12. An American politician had alleged that premature independence could be dangerous, retrogressive and destructive and that the granting of full freedom to unprepared peoples would not serve the interests of the United States of America or of the free world. Freedom could not depend on the interests of certain States; moreover, it was paradoxical to speak of a free world in which millions of people were not free to determine their own destiny. The same politician had gone on to say that premature independence would not serve the interests of dependent peoples and that, although alien rule had to be replaced as soon as possible by self-government, evolution and not revolution was the means of achieving that end. That was an old argument, which provided an obstacle to independence, for it was impossible to draw a line of demarcation between evolution and revolution. Lastly, the American politician had said that a new colonialism, more subtle and poisonous than the old, was replacing the old type of Western colonialism, which had disappeared. The speaker at least conceded that the old colonialism was subtle and poisonous; it was not true, however, that it had disappeared. The dependent peoples were no longer intimidated by the bugbear of domination by the Soviet Union in the event of a war. It was useless to warn them of a danger which they did not know; they were only too well aware of their yoke.

13. For years representatives of the colonial Powers had urged the elimination of existing barriers among nations and peoples, but their words had not always been accompanied by deeds. The dependent peoples could not be deceived by the mere expression of noble sentiments. They had chosen their path and nothing could stand in the way of the national movements which they had begun.

14. After the First World War certain promises had been made to the Arab States, but they had been nullified by a secret agreement among the Allies on the division of the spoils. That attitude had led to great discontent and to bloodshed. The noble spirit of the Atlantic Charter and the agreements made after the Second World War had led to establishment of such free States as India, Pakistan and Indonesia. The United Kingdom and the Netherlands had been wise to take the course of complying with national aspirations; the United States of America had taken similarly wise action with regard to the Philippines. It would be sad indeed, however, if the peoples who were striving for self-determination had to wait for a third world war before their aims could be achieved. Sir Winston Churchill had stated in his memoirs that the causes for which the Allies had fought had to find recognition

at the peace table in facts as well as in words and that, above all, the United Nations should not become an idle name, a shield for the strong and a mockery for the weak. It was the victors who had to search their hearts and be worthy of the immense forces that they wielded.

15. Mr. REYES (Philippines) explained that the phrase "due priority" in paragraph 1 of the operative part of the draft resolution (A/C.3/L.371/Rev.1) meant without prejudice to the completion of the draft covenants on human rights, the most important item on the Commission's agenda. The value to the Commission of the summary records referred to in paragraph 2 would depend not so much on their rhetorical content as on the number of constructive suggestions recorded in them. It was to be hoped that especially those delegations which were not members of the Commission on Human Rights would indicate the kind of recommendations they wished the Commission to produce.

16. The concern expressed for the plight of the peoples not yet enjoying the right of self-determination was understandable; their greater need for international protection was recognized in the Charter itself. But resolution 637 C (VII) was not necessarily limited to the Non-Self-Governing Territories. The Commission's interest should not be limited to the political aspect; the economic and social aspects were equally important. Since the Second World War attempts had been made to perpetuate colonial domination by political, economic and social means. Experience in parts of Asia and Africa had shown how the form of power could be relinquished without the substance being diminished. History proved that such attempts were foredoomed to failure. Much future disturbance could be avoided if the major Powers heeded that lesson. If recognition of the right to self-determination was deferred too long, trouble would ensue. Countries remained under-developed not only because they needed increased production, but often because the distortion of their economy to serve other than indigenous interests had not been corrected. That was why the intercession of the United Nations was being solicited for an appeal to the major Powers. Much was at stake, perhaps even world peace. For that reason many delegations were persevering in an effort to obtain general international respect for the right of self-determination. They had no wish to harass or annoy any Power, but the force that drove peoples to struggle for self-determination would ultimately prevail.

17. Mr. ESTRADA DE LA HOZ (Guatemala) observed that the assertion that the joint draft resolution was merely procedural was not strictly true. There would be little point in transmitting the summary records of the debate to the Commission on Human Rights if all that was to be recorded was general agreement on procedure. There were in fact substantive differences of opinion. Yet it was satisfactory to find so many supporters of the principle of self-determination and no open opponents. Many delegations agreed that the principle was self-evident and legitimate, that high priority should be given to practical steps to ensure international respect for it, that it was regrettable that the Commission should not have given sufficient consideration to General Assembly resolution 637 C (VII) and that the matter should be fully debated again at the ninth session of the General Assembly. The joint draft resolution should accordingly be regarded as a motion for the ap-

plication of the principle rather than as a strictly procedural motion.

18. He had some misgivings lest the idea of self-determination might be taken as applying only to Non-Self-Governing Territories, disregarding countries which had formally achieved independence but which were not truly independent. Certainly the problem of the many millions who had not achieved independence was serious and urgent, as the Guatemalan delegation had repeatedly stressed in all the committees of the General Assembly concerned, not out of self-interest but because the principle was in some respects the same as that of the Guatemalan Revolution; but it was no less important to preserve the sovereignty of States. That distinction was well made in Assembly resolution 637 C (VII), especially in paragraph 1 of the operative part, and that was clearly the underlying intent of the entire resolution. That paragraph clearly showed the Commission on Human Rights what the Assembly intended, and the drafting of article 1 of the draft international covenants on human rights proved that the Commission was prepared to comply with the Assembly's wishes.

19. Accordingly, the Third Committee should suggest some practical steps which the Commission might wish to consider. They should be concentrated on the main causes of the failure to respect the right to self-determination. That could not be done in the course of a brief debate, but the Committee might think it wise to ask governments to submit in writing to the Secretary-General, the Council or the Commission their views on the main factors that prevented international respect for the right and what means might be used to deal with them, and to do so before the Commission's next session.

20. Self-determination was necessarily both political and economic. One of the foremost Latin-American principles, that of non-intervention, might well be embodied in the broadest possible multilateral treaty and be given constitutional validity, as the Charter of the United Nations had been. But such a treaty should not of course be used as a pretext to evade the application of other principles in the Charter, especially those concerning human rights.

21. Initial steps should also be taken to safeguard economic self-determination, particularly against the activities of international monopolies, and to secure the sovereignty of peoples over their natural wealth and resources.

22. The Commission on Human Rights might well consider those ideas, especially as excellent studies had already been prepared by other organs and by specialized agencies. It might also examine the possibility of new bases for economic co-operation.

23. He had deliberately refrained from referring to Guatemala's own experience as he believed that the discussion should be confined to general principles. It was interesting, however, that an unofficial meeting of Latin-American jurists in Guatemala in October 1953 had reached substantially the same conclusions with regard to self-determination as many governments were pressing on the United Nations.

24. He could accept the Egyptian suggestion that reference should be made in the joint draft resolution to other pertinent resolutions of the General Assembly, but, procedurally, it might be better to submit it as a formal amendment.

25. The CHAIRMAN said that the Argentine delegation had sponsored the Egyptian suggestion in the form of an amendment (A/C.3/L.393).
26. Mr. CAMPOS CATELIN (Argentina) explained that he had submitted his amendment in order to avoid procedural difficulties. The General Assembly had devoted a great deal of study to the list of factors; the Egyptian suggestion had been excellent.
27. Mr. PAZHAWAK (Afghanistan), speaking on a point of order, observed that there was no rule of procedure to prevent the Egyptian representative from submitting the amendment himself, even though he was one of the sponsors of the joint draft resolution.
28. Mr. P. CHENG (China) observed that China had been under foreign influence in the form of concessions and consular jurisdiction until 1943, and could thus fully appreciate the feelings of those countries which were still struggling for self-determination. In the United Nations China had been foremost in the work of drawing up the chapter of the Charter concerning the Trusteeship Council. Its position on Morocco, Tunisia and the Iranian oil question had been consistent.
29. It would accordingly support the joint draft resolution (A/C.3/L.371/Rev.1).
30. He suggested that the vote should be taken without too much debate on the question of the right of self-determination; all agreed that it was a fundamental

human right. The joint draft resolution was procedural in form, but embodied enough substance to satisfy the delegations contending for recognition of the right. He hoped that the joint draft resolution would be adopted unanimously, without even any abstentions.

31. He would therefore appeal to the Argentine representative to withdraw his amendment (A/C.3/L.393). He could not support it because it dealt only with one aspect of self-determination, self-government. In any case, General Assembly resolution 648 (VII) and the annexed list of factors were to be changed.

32. Mr. MELO LECAROS (Chile) said that the Fourth Committee had already approved a revised list of factors.¹

33. Mr. CAMPOS CATELIN (Argentina) replied that the new list had not yet been approved by the plenary meeting of the General Assembly; until it was, reference would have to be made to resolution 648 (VII). If the new list was approved, the reference could easily be altered.

34. Mr. MUFTI (Syria) and Mr. BAROODY (Saudi Arabia) disagreed with the Chinese representative's view that the debate should be curtailed.

The meeting rose at 1.10 p.m.

¹ See *Official Records of the General Assembly, Eighth Session, Fourth Committee*, 330th meeting.