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Held at Headquarters, New York,
on Thursday, 17 April 1952, at 10.30 a.m.

CONTENTS:

Recommendations concerning international respect for the self-determination of peoples (A/L.102, A/L.106, A/2112, E/CN.4/657, E/CN.4/516, E/CN.4/649, E/CN.4/662, E/CN.4/L.20, E/CN.4/L.21, E/CN.4/L.22, E/CN.4/L.23/Rev.1, E/CN.4/L.24, E/CN.4/L.25, E/CN.4/L.26, E/CN.4/L.27, E/CN.4/L.28 and E/CN.4/L.29) (continued)

Chairman:	Mr. MALIK	(Lebanon)
Rapporteur:	Mr. WHITLAM	(Anstralia)
Members:	Mr. NISOT	Belgium
	Mr. VALENZUELA	Chile
	Mr. CHENG PAONAN	China
	AZMI Bey	Egypt
	Mr. CASSIN	France
	Mr. KYROU	Greece
	Mrs. MEHTA	India
	Mr. AZKOUL	Lebanon

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Members: (cont'd)	Mr. WAHEED	Pakistan
	Mr. BORATYNSKI	Poland
	Mrs. ROSSEL	Sweden
	Mr. KOVALENKO	Ukrainian Soviet Socialist Republic
	Mr. MOROZOV	Union of Soviet Socialist Republics
	Mr. HOARE	United Kingdom of Great Britain and Northern Ireland
	Mrs. ROOSEVELT	United States of America
	Mr. BRACCO	Uruguay
	Mr. JEVREMOVIC	Yugoslavia

Representatives of specialized agencies:

Mr. MORELLET	International Labour Organisation (ILO)
Mr. ARNALDO	United Nations Educational, Scientific and Cultural Organization (UNESCO)

Representatives of non-governmental organizations:

Category A:

Miss SENDER	International Confederation of Free Trade Unions (ICFTU)
Miss KAHN	World Federation of Trade Unions (WFTU)

Category B and Register:

Mr. HALPERIN	Co-ordinating Board of Jewish Organizations for Consultation with the Economic and Social Council of the United Nations
Miss PHILLIPS	Liaison Committee of Women's International Organizations
Mr. JACOBY	World Jewish Congress
Mr. RONALDS, Mrs. POLSTEIN	World Union for Progressive Judaism

/Secretariat:

Secretariat:

Mr. HUMPHREY	Director, Human Rights Division
Mr. DAS) Miss KITCHEN)	Secretaries of the Commission

RECOMMENDATIONS CONCERNING INTERNATIONAL RESPECT FOR THE SELF-DETERMINATION OF PEOPLES (A/L.102, A/L.106, A/2112, E/CN.4/657, E/CN.4/516, E/CN.4/649, E/CN.4/662, E/CN.4/L.20, E/CN.4/L.21, E/CN.4/L.22, E/CN.4/L.23/Rev.1, E/CN.4/L.24, E/CN.4/L.25, E/CN.4/L.26, E/CN.4/L.27, E/CN.4/L.28 and E/CN.4/L.29) (continued)

The CHAIRMAN invited the Commission to continue its consideration of item 3 of the agenda. He enumerated the various draft resolutions and amendments that had been submitted and that were to be examined in chronological order, unless the Commission decided otherwise.

AZMI Bey (Egypt) said that in studying the various draft resolutions and amendments he had noted that they had many points in common. The differences between them were due not so much to any real divergence as to the need for co-ordination. The authors of the different texts should combine their efforts and try to agree upon a common text.

Mr. CHENG PAONAN (China) had listened with interest to the statements of the various representatives and had been surprised at times by their intricacy, for the question had already been the subject of such discussion and was, in his opinion, one of extreme simplicity. Generally speaking, the statements had been of a subjective character. The States that were exploiting the human and natural resources of dependent countries wanted to convince the Commission that they favoured the right of self-determination. In actual fact, their sole desire was to specify exactly what was to be understood by that right and the French representative had even declared that in no circumstances would he be able to advise his Government to agree to the insertion in the covenants of an article affirming that right, since that would be tantamount to adopting a hostile attitude towards the Administering

/Powers.

Powers. Mr. Cheng Paonan himself, however, was of the opinion that the sole purpose of the proposed article was to prevent the Administering Powers from enacting discriminatory measures against peoples who did not possess the right to self-determination.

It was impossible for anyone who did not wish to be taken for a reactionary or to be charged with lack of principle to object to the recognition of the right of self-determination; an article, however vague and imperfect, affirming that right would enable a recognized moral principle to be transformed into a legal obligation. The exact meaning of the terms in which the article was to be couched was not so important as the spirit in which it would be applied. Peoples who wished to exercise their right to self-determination would not be bound by the precise and restrictive interpretation that the Commission might give to each word of the article; on the other hand, there might well be peoples already enjoying that right who did not make use of it if they were content with their present situation. The right of self-determination should be interpreted in a much wider sense; the Commission's task was to prepare a legislative text based on the principles of the Charter, which it was not called upon to interpret.

Although he would prefer one specific draft resolution, he was willing to accept any of the drafts before the Commission, since they all affirmed the right of self-determination and since it would be better for the Commission to adopt a draft resolution unanimously. If that, however, proved to be impossible, he would give his support to the draft which was most in keeping with his own views.

Mrs. MEHTA (India) recalled that General Assembly resolution 545 (VI) stipulated that all States should promote the realization of the right of self-determination. If that right meant the right of peoples to decide for themselves in political, social, economic and cultural matters, it could be averred that such a right was recognized in every truly democratic State and that it was only in the totalitarian States and in countries subjected to a colonial regime that it did not exist. The totalitarian States would in any case be bound to recognize the right, in view of the provisions in the draft covenants. In the case of Non-Self-Governing Territories, [illegible] country [illegible] well-disposed, it would still be an authority foreign to

/the people

the people of the territory and its merits could never justify the existence of the colonial system. If the United Nations wished to ensure world peace and universal happiness, it must not allow a large proportion of mankind to be exploited and held in bondage.

The minorities problem had already been before the Commission. It was a question to be approached with great caution, in the knowledge that it was dealt with in the draft covenants. According to the Indian draft resolution (E/CN.4/L.25), the word "peoples" was to apply only to large compact national groups. In order to allow for the fact that all peoples had not reached the same stage of political development, the Indian draft resolution provided that the right of self-determination would be granted only to peoples who made a conscious demand for it. Peoples who were politically undeveloped would be placed under the protection of the Trusteeship Council, which would educate them so as to make them fit to exercise that right. Self-determination would not, of course, be confined to politics but would apply equally to social, economic and cultural matters. However, once it had been attained in the political sphere, it was easier to achieve in connexion with social, economic and cultural matters. Hence the Indian draft resolution stressed the political right of peoples to self-determination, with its logical concomitant of the right of secession, without making any explicit reference to the latter right.

Mr. MOROZOV (Union of Soviet Socialist Republics) considered that the Commission should follow the normal procedure of allowing the authors of the draft resolutions to explain their intentions. He did not think the procedure proposed by the Egyptian representative should be adopted, for although all the draft resolutions opened with the same formula, which had been established by the General Assembly, the provisions that followed varied considerably and were sometimes even antagonistic. In view of those divergencies, it would be better for the Commission to take a decision by voting.

/Mrs. ROOSEVELT

Mrs. ROOSEVELT (United States of America) submitted her delegation's amendments (E/CN.4/L.28) to the USSR draft resolution (E/CN.4/L.21). The first paragraph of those amendments recapitulated the terms of General Assembly resolution 545 (VI). The USSR draft resolution referred only to States which had responsibility for the administration of Non-Self-Governing Territories, whereas the General Assembly resolution referred to all States unreservedly. In the view of the United States delegation, the principle of self-determination applied not only to peoples which had not yet attained independence, but also to politically independent States which needed protection from external pressure, threats, the use of force and subversive activities.

The second paragraph of the amendments fell into three parts. The first part laid down that the right to self-determination should be promoted and realized as provided in the Charter. The object of that was to make it clear that the principle was already recognized in the Charter and was not a new principle to be applied only to countries which ratified the covenants on human rights. The second part stated that the right of self-determination should be exercised only in accordance with constitutional processes. The third part affirmed that that right, like all the other rights proclaimed in the covenants, was not unconditional but must be exercised with proper regard for the rights of other States and peoples. If that principle were included in the covenant on economic, social and cultural rights, any nation which wished to exploit its natural resources would thereby be compelled to respect the rights of other peoples and States, particularly when contractual obligations existed with regard to those resources. If so drafted, the article in question would give hope to the peoples which were trying to advance towards independence by methods consistent with the Charter and with legislation which already existed or might be legally promulgated, without infringing the rights of other States.

The United States delegation felt that the third paragraph of the Soviet draft, which dealt with the question of minorities, should be deleted. If the Commission were to decide to take up that question at once, it would not have time to study it thoroughly unless it postponed the drafting of a general article on the right of peoples to self-determination. Moreover, on the subject of minorities the USSR draft resolution was not clear. It left in doubt whether a State in which there were a number of minority groups would be compelled to establish and finance schools, libraries and museums for each group, and to what extent such a provision would harmonize with the policy of assimilation followed by States which were trying to forge national unity.

/Mr. JEVREMOVIC

Mr. JEVREMOVIC (Yugoslavia) regretted that he would be obliged to speak in general terms, as he had not spoken during the general debate. The right of peoples to self-determination was fundamental and upon it the exercise of the other human rights largely depended. Its observance was, moreover, an essential condition of the maintenance of peace and it should therefore be safeguarded by the United Nations. Current events clearly demonstrated that the right of both non-self-governing peoples and sovereign States to self-determination was threatened on every continent. Even in Europe small nations were the prey of other States' aggressive designs. It was common knowledge that although Yugoslavia had won its independence at the price of enormous sacrifices, today it had to defend itself against external pressure of all kinds.

The United Nations were pledged to promote and protect the right of self-determination and it was in pursuance of that obligation that the General Assembly had entrusted the Commission on Human Rights with its present task. It was true, as the Belgian representative had said, that technical difficulties arose when the Commission tried to define conceptions such as "peoples" or to frame concrete proposals. The Yugoslav delegation felt, however, that those difficulties were not insuperable, and it had submitted a draft article on the principle of the right of peoples to self-determination for inclusion in the covenant (E/CN.4/L.22).

In support of that draft, he said, firstly, that the right of peoples to self-determination could be exercised only by a group, like the right of assembly, the right to freedom of expression, and other rights of a similar nature which could not be exercised by one person alone.

Secondly, the Yugoslav draft used the word "peoples" in its widest meaning, as did General Assembly resolution A/L.102, in which it was used to mean all the peoples and other groups that could exercise the right of self-determination. The Yugoslav draft added as an essential prerequisite that such a group should inhabit a compact territory the members of which should be related ethnically or in some other way. If there was any doubt as to the nature of the relationship, the competent bodies of the United Nations could investigate the matter.

/Thirdly,

Thirdly, according to the Yugoslav proposal the right of peoples to self-determination belonged to both non-self-governing and sovereign peoples as long as their independence could be threatened by other States. The Yugoslav delegation would therefore like the United Nations to set up, in addition to the Trusteeship Council, whose duty was to supervise a limited number of dependent territories, a body to watch over all the peoples, independent or otherwise, whose right of self-determination was frequently threatened.

The Yugoslav delegation would welcome any proposed amendments to its text. In the opinion of Mr. Jevremovic, the Chilean representative's proposal was the only one which deserved consideration. The two main points of the USSR proposal appeared to him to be mutually contradictory. It first stated that every nation should have the right to national self-determination, and later limited that right to Non-Self-Governing Territories. That proposal would not meet the needs of sovereign peoples, such as Yugoslavia, whose independence was threatened. The third point of the Soviet proposal, touching on minorities, was also unsatisfactory. The cultural rights of peoples were quite distinct from their right to self-determination, and the former would not suffice to cover the latter. Advocates of progress were strongly opposed to that outworn and anti-democratic notion, and Lenin himself would undoubtedly have voted against the USSR proposal. The Yugoslav delegation realized the importance of the question of the right of minorities to cultural self-determination, and intended to re-submit its additional draft article on that subject, but it rejected the narrow conception embodied in the USSR draft resolution and would vote against it.

Mr. KYROU (Greece) would have liked the Commission to agree unanimously on a text for submission to the General Assembly, but saw little likelihood of that in view of the apparently irreconcilable differences expressed in the various draft articles before the Commission. He asked the Chairman whether the article to be inserted in the covenant was also to contain recommendations; he had understood the decision to be that the Commission would merely draft an article on the self-determination of peoples.

/The CHAIRMAN

The CHAIRMAN replied that the Commission must first draft the article and then decide on its contents. If it so wished, it could then make special proposals with regard to recommendations and decide whether or not it wished to include them in the draft article.

Mr. KYROU (Greece) considered that procedural question to be important, for other delegations, in particular India, had already made proposals. In the draft which he would submit he had felt obliged to mention the question of the right to hold a plebiscite.

Mr. AZKOUL (Lebanon) observed that according to the General Assembly resolution (A/L.102), the article to be included in the covenant was entirely distinct from the recommendations. The General Assembly had intended the article on the right of peoples to self-determination to be one of the means of establishing that right and the recommendations to be another. The Greek delegation was therefore entitled to claim the right to propose other measures and means.

Mr. NISOT (Belgium) opposed the second paragraph of the Indian draft (E/CN.4/L.25); it would appear from that paragraph that a people, national minority or other dependent entity, could only achieve sovereignty with the agreement of the ruling race, which would give its views as a party concerned. Such a conception was equivalent to a denial of the right of peoples to self-determination.

AZMI Bey (Egypt) explained that the first paragraph of his revised amendments to the USSR draft resolution (E/CN.4/L.23/Rev.1) referred to the main point of the draft which used the words "people" and "nation". As the notion of national self-determination, like that of nation or nationality, was difficult to grasp, he would prefer to keep strictly to the text adopted by the General Assembly which merely used the word "peoples". That was why he was doubtful about the second part of the Indian proposal which mentioned the question of nationality. The right to sovereignty over natural resources, mentioned in the Chilean proposal, was concerned not only with political but also with economic, social and cultural rights. The purpose of the second paragraph of his amendments was to include in the USSR draft all the points contained in the General Assembly resolution (A/L.102). If the United States representative was also anxious to respect the spirit and the letter of that resolution, she would accept his delegation's draft amendment and would agree to the inclusion in the draft article of a right covering peoples in general.

Mr. VALENZUELA (Chile) wished, in the interest of clarity, to explain his delegation's draft resolution (E/CN.4/L.24). His country fully appreciated the importance of the principle of the right of peoples to self-determination, but felt that it could not be implemented unless the economic factors were taken into account. A sovereign people should be free to exercise its sovereign rights in every sphere and to dispose freely of its own natural resources. A country could be a political as well as an economic satellite, and the United Nations should help all States to free themselves from such servitude. There was no question of authorizing States to denounce international agreements arbitrarily, rather was it a matter of settling relations between nations and foreign private undertakings, which made large profits by exploiting a country's natural resources without, in most cases being affected by its legislation. The realization of the right of peoples to self-determination, in accordance with United Nations principles, should enable any State in a condition of economic subordination to recover full sovereignty by acquiring complete control of its own natural resources and should place that State in a position to apply its national legislation to any private industry, even if the legislation sanctioned the expulsion or nationalization of certain undertakings on fair conditions.

/Mr. KYROU

Mr. KYROU (Greece) asked the Egyptian representative whether there was any need to set up a committee to prepare a joint draft article on the basis of the proposals before the Commission, when the only question likely to lead to lengthy discussion was that of minorities.

Mr. WAHEED (Pakistan) realized that in the absence of any valid precedents it would be difficult for the Commission to translate the principle of self-determination into binding legal terms which could be applied in practice. Yet, if the right of groups fighting for their freedom and independence was to be guaranteed, the Commission would have to define clearly the obligations of Member States in that respect.

The recognition of that principle would make possible an international order founded on the common interests of the great and small nations. Small nations should be in a position to contribute to the peace of the world and the great free nations should therefore recognize their independence; that was a political and moral necessity laid down in the Charter and would enable the small nations to benefit fully by the advantages of the world order established by the United Nations, particularly in economic development.

The General Assembly had instructed the Commission to give that principle a legal basis; that was a definite order which the Commission could not ignore. He complimented the authors of the various draft resolutions who had helped to facilitate the Commission's task, and said that he was in favour of the first paragraph of the Yugoslav draft resolution (E/CN.4/L.22), the Egyptian amendment (E/CN.4/L.23/Rev.1) to the USSR draft resolution (E/CN.4/L.21/Corr.1) and the Chilean draft resolution (E/CN.4/L.24).

His delegation believed that all Non-Self-Governing Territories should attain independence and therefore considered Article 73 of the Charter indispensable. In signing the Charter, the Powers which administered those Territories had accepted the proposed purposes,and Article 73 stressed that those Powers should subordinate their own interests to the task of treating the populations of those Territories with justice and protecting them against abuses. A foreign administration, no matter how benevolent, always perpetuated the domination of one people over another, and only by putting an end to such

domination would it be possible to ensure respect for the right of peoples to self-determination. His delegation therefore approved the second paragraph of the Yugoslav draft resolution (E/CN.4/L.22) which defined the duties of the Powers administering Non-Self-Governing Territories.

His delegation also agreed with the idea expressed in the last paragraph of the USSR draft resolution (E/CN.4/L.21/Corr.1) concerning the right of minorities.

Mr. MOROZOV (Union of Soviet Socialist Republics) said that the USSR draft resolution (E/CN.4/L.21/Corr.1) had been criticized alike by the countries which, like the USSR, had voted at the General Assembly's sixth session for the insertion in the covenant of an article on national self-determination, and the States which had voted against such an insertion.

His delegation approved the Egyptian amendments (E/CN.4/L.23/Rev.1) but insisted on the inclusion of the word "nation" in the first of those amendments, as requested by the Polish delegation (E/CN.4/L.27), as its omission might enable certain States to refuse the right to national self-determination to peoples regarded as backward. His delegation also accepted the Chilean draft resolution (E/CN.4/L.24).

He was, however, opposed to the first United States amendment (E/CN.4/L.21) for, contrary to Mrs. Roosevelt's assertions, and as the Egyptian representative had declared, that text was not in line with General Assembly resolution 545 (VI). It placed on the same footing States entrusted with the administration of Non-Self-Governing Territories and all other States, and left out the last sentence of the first paragraph of the operative part of the General Assembly resolution. As the Belgian representative had pointed out, the second United States amendment nullified not only the General Assembly resolution, but also its own first amendment. Moreover the words "with proper regard for the rights of other States and peoples" were flexible and would justify any encroachment on the rights of other States. The USSR delegation would also vote against the Belgian amendment (E/CN.4/L.29) which, while cleverly disguising the danger concealed in the United States amendment, did nothing to remove it.

/The third

The third paragraph of his delegation's draft resolution (E/CN.4/L.21/Corr.1), which had been criticized by the United States representative, prepared the way for conditions under which minorities could progress. Some representatives had distorted the USSR draft resolution by reducing it to its third paragraph and by treating the Commission to a lecture on Marxism which they were not qualified to deliver.

In conclusion, he asked the Indian representative not to oppose the USSR delegation's efforts and to accept its draft resolution in order to continue this common struggle started during the General Assembly's sixth session to have the article under discussion included in the covenant.

Mr. NISOT (Belgium) was surprised that the USSR representative should mistrust the Belgian amendment (E/CN.4/L.29) and should thus appear to admit that a State could invoke constitutional reasons in order to prevent the exercise of the right of peoples to self-determination.

AZMI Bey (Egypt) in reply to the USSR representative, pointed out, that it was the USSR which, at the General Assembly's sixth session, had backed the cause of the delegations which had asked for the inclusion in the covenant of an article on the right of peoples to self-determination.

Mr. MOROZOV (Union of Soviet Socialist Republics) was ready to concede to the Egyptian representative that his delegation had confined itself to backing the efforts made by other delegations to have the article in question included in the covenant for in the USSR that problem had been solved once and for all.

Mrs. ROOSEVELT (United States of America) pointed out that the United States delegation had voted against resolution 545 (VI) at the General Assembly's sixth session simply because of the faulty drafting of the proposed text and not because it was opposed to the inclusion in the covenant of an article on the right of peoples to self-determination.

/The CHAIRMAN

The CHAIRMAN announced that the Secretariat had requested that the Commission's afternoon meetings should begin in future at 2.30 p.m. and end at 5.30 p.m.

The Commission decided to adopt that time-table as from the following afternoon meeting.

The meeting rose at 12.45 p.m.