

UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
GENERAL

A/AC.35/SR.58
3 October 1952
ENGLISH
ORIGINAL: FRENCH

COMMITTEE ON INFORMATION FROM NON-SELF-GOVERNING TERRITORIES

Third Session

SUMMARY RECORD OF THE FIFTY-EIGHTH MEETING

Held at Headquarters, New York,
on Friday, 19 September 1952, at 2.30 p.m.

DOCUMENTS
INDEX UNIT **MASTER**

14 OCT 1952



CONTENTS

Basic social conditions in Non-Self-Governing Territories: Secretary-General's analyses of information and documents submitted by the ILO and WHO: (a) General policies and major problems of social development (A/AC.35/L.94); (b) Race relations and other aspects of human rights in Non-Self-Governing Territories (A/2132/Add.1, A/2134/Add.1, A/AC.35/L.87, A/AC.35/L.93, A/AC.35/L.97)

00p.

PRESENT:

Chairman:

Mr. ASAD (Pakistan)

Members:

Mr. LOOMES Australia

Mr. RYCKMANS Belgium

Mr. CALERO RODRIGUES Brazil

Mr. BLANCO Cuba

Mr. HOLTEN EGGERT Denmark

Mr. BUSTAMANTE Ecuador

Mr. ABDEL-GHANI Egypt

Mr. PIGNON France

Mr. SHIVA RAO India

Mr. TAJIBNAPIS Indonesia

Mr. SPITS Netherlands

Mr. DAVIN New Zealand

Mr. ROSCHIN Union of Soviet Socialist Republics

Mr. MATHIESON United Kingdom of Great Britain
and Northern Ireland

Mr. CARGO United States of America

Representatives of specialized agencies:

Mr. GAVIN International Labour Organisation
(ILO)

Mr. DESTOMBES United Nations Educational,
Scientific and Cultural
Organization (UNESCO)

Dr. STOCK World Health Organization (WHO)

Miss BAÑOS Food and Agriculture Organization
(FAO)

Secretariat:

Mr. BENSON Secretary of the Committee

BASIC SOCIAL CONDITIONS IN NON-SELF-GOVERNING TERRITORIES: SECRETARY-GENERAL'S
ANALYSES OF INFORMATION AND DOCUMENTS SUBMITTED BY THE ILO AND WHO:

(a) GENERAL POLICIES AND MAJOR PROBLEMS OF SOCIAL DEVELOPMENT (A/AC.35/L.94)

Mr. FIGNON (France) apologized for speaking again in the general debate, but he wished to reply to the Pakistani representative who on the previous day had made a number of accusations against the French administration in Morocco. He was not surprised at the accusations themselves, as he knew their origin and had heard them before in the Fourth Committee of the General Assembly, but he was surprised that they should have been repeated in the Committee. It was understandable that a political party should twist facts to suit its propaganda requirements, but such conduct was hardly acceptable in a body set up to do serious and objective work.

It was regrettable, if only in deference to the members of the Committee, that the Pakistani representative should not have felt it necessary to verify the information furnished him, as such a step would have prevented him from making a number of obvious mistakes. For example, he had maintained that the increased budgetary provisions for public services and staff placed an excessive burden on Morocco, comprising as it did 80.2 per cent of the budget. In order to obtain a true picture of administrative expenditure, it should have been compared with the total State expenditure -- including expenditure on capital goods -- and not only with the regular budget which comprised only interest on public debt and operating costs. The increase in regular expenditure was affected not only by expenditure on staff, but also by outlay on supplies and, especially by the cost of State activities. There was nothing unusual or shocking about that fact. It merely reflected the country's development and the part which the State had had to play in it. The carrying-out of development plans naturally involved increased expenditure on staff, operations and maintenance. Furthermore, it was of interest to see to what extent each type of service had benefited from the increase in staff, so strongly denounced. Indeed, it appeared that the teaching services had benefited from the increased staffing arrangements by 33 per cent, the health services by 8.7 per cent, and social services by 44 per cent.

/As regards

As regards the chapter on public health, the Pakistani representative had emphasized that there were only 377 doctors in public health service, of whom only 300 worked full time in the Health Administration, but he had failed to say that the Public Health Corps also included 19 army doctors working for the civilian population, and 500 private doctors. Consequently, the total medical staff comprised 896 persons, or one doctor per 9,300 inhabitants.

The Pakistani representative had spoken of racial discrimination in hospitals. The fact was that the hospitals in Morocco were open to all sections of the population. While Moslem hospitals were, in practice, reserved for Moslems, that was not the case for the so-called European hospitals where Moroccans constituted up to 20 per cent of the hospitalized patients. It was true that there was no medical school in Morocco, but fellowships were freely granted to Moroccan students who wished to study medicine either at the university of Algiers or at a university in the Metropolitan country. A school of medicine could not be established by order. It had to be founded where large numbers of students were ready to attend it, as otherwise it was doomed to vegetate and offer only mediocre instruction.

The Pakistani representative had cited an indisputably distressing figure -- the child mortality rate taken from the information transmitted in 1947. That figure called for serious reservations as it was based on pure conjecture owing to the lack of a regular civil register for the indigenous inhabitants. Very careful inquiries had since been made on that subject. It appeared from those inquiries that the average rate of child mortality varied between 61 per 1,000 in regions where conditions were most favourable, and 152 per 1,000 where conditions were worst. High as they were, those figures could still bear comparison. The reasons for the high mortality rate were well known. Malaria, one of the chief causes of child mortality, had almost entirely disappeared, but doctors and mid-wives were still having difficulty in breaking down the walls of prejudice. The task in that respect was primarily one of education, but in that field progress could not be very rapid.

The Pakistani representative had spoken of the housing problem. There was certainly much to be done in that respect. The flow of population towards

, urban centres

urban centres had been noted in many parts of the world, and was bound to occur in Morocco which was in the throes of rapid industrial development. France had made considerable efforts to improve Moroccan housing. 5,771 million francs had been set aside for the construction of housing for Moroccans. 1,500 million had been included in the 1952 budget for that purpose, with 500 million specifically assigned to the improvement of sanitation in villages mushrooming overnight around the urban centres. Contrary to what had been said, those sums were considerably higher than those used for European housing, for which practically no appropriations were now being sanctioned. The 8,865 European dwellings mentioned by the Pakistani representative had been put up by private enterprise, and not by the State. To provide housing, however, was not normally the Administration's function; it was primarily the responsibility of private enterprise. Hence, to obtain a fair picture, account should have been taken of the efforts made by the large mining and industrial enterprises, by the Shereefian Phosphates Office (Office cheriffien des phosphates), by companies holding concessions for public utilities such as railways and electric power companies, whose housing achievements were exemplary. The comparison between the cost of construction of a house for a Moroccan and a house for a European would not embarrass the French Government whose avowed purpose was precisely to construct low-cost housing for Moroccans.

The Pakistani representative had spoken about an artificially stimulated influx of Europeans. The French representative reserved the right to take up the question of immigration statistics and their meaning at some later date. For the time being, he would merely recall that the entire European population of Morocco totalled only 393,000 persons, of whom 330,000 were French. As regards the artificial character of France's immigration policy, suffice it to recall that France was not a country which needed emigration. On the contrary, it had been encouraging immigration to its own territory.

Lastly, the Pakistani representative had spoken about the problem of education in Morocco. France was fully aware of the fact that much remained to be done in that field even though the school population in Morocco had

/tripled since

tripled since 1945. But when the Pakistani representative had quoted from a text limiting the number of subjects taught in Koranic schools, he had denounced a policy of racial discrimination against the indigenous inhabitants. That was, however, only a rule which in the interest of education limited the subjects which could be taught by teachers lacking the degrees required for the public education system. The Pakistani representative had endeavoured to show that the Moroccan pupil was at a disadvantage as compared with the French pupil, judging from the percentage of funds allocated for French and Moroccan schools respectively. That was playing with words as funds were divided not between two sections of the population but between two types of education.

He did not wish to press the point, but had felt obliged to seize the opportunity to show what the Committee should avoid, if it were to work seriously and in a spirit of co-operation, such as had prevailed at Geneva. The Committee could not have a really constructive exchange of views unless it was provided with more extensive documentation than it had at its disposal at present and could make truly constructive comparisons. Other United Nations bodies acted in that way and their work merely gained an especial value. In that connexion, he referred to the preliminary report on the world social situation submitted to the Economic and Social Council on 17 May 1952 (E/CN.5/267).

The CHAIRMAN, speaking as the representative of Pakistan, noted that the information he had used had come from official French sources as it had been taken from the summary of information transmitted by the Government of France (E/2131/Add.2).

In emphasizing that the expansion of the public services accounted for 80.2 per cent of the Moroccan budget, he had made it quite clear that he was referring to the ordinary budget, which did not include capital expenditure. If, however, as the French representative had maintained, the substantial expansion of the public services was mainly due to the increased number of officials in the educational services, the results did not seem very encouraging. The information transmitted by the French Government on Morocco in fact indicated that in 1951 there were 178,000 Moroccan pupils in a total Moroccan population of nearly nine million, whereas there were 74,800 pupils in the European population alone, which numbered only 393,000. Those figures were certainly striking when it was borne in mind that France had been exercising its protectorate over Morocco for as long as thirty-nine years.

/Where

Where public health was concerned, the French representative had said that nineteen army doctors should be added to the figure of 377 doctors in the public health service given in document A/2131/Add.2. He was glad to note that the total number of doctors permanently employed in the administration was 319 and not 300, but that correction was too slight to affect his conclusions.

The French representative had asserted that there was no racial discrimination in the hospitals. But from the figures given on page 10 of document A/2131/Add.2/Corr.1 regarding the number of hospital beds for Moroccans and Europeans, it appeared that there was one hospital bed for every 195 Europeans and one hospital bed for every 1,118 Moroccans. The French representative had also said that no need was felt for a medical school in Morocco in view of the fact that scholarships were freely awarded to Moroccan students wishing to study medicine in metropolitan France. He would be glad to know how such scholarships were distributed between Moroccan and European students. He had good reason to believe that European students received preferential treatment.

He noted the new conjectural figures the French representative had given for the infantile mortality rate but it seemed to him that they referred to the European rather than the Moroccan population. The high infantile mortality rate for the Moroccan population could, moreover, not be attributed solely to malaria, which affected both the European and the indigenous population.

He did not dispute the fact that much of the housing for Europeans had been built by private enterprise and that budgetary appropriations had been mostly spent on Moroccan housing. It was natural that the efforts of the administration, which was better equipped than private industry, should be directed towards improving the housing of the indigenous population, housing being only one aspect of their standard of living. As for the comparison between the cost of building a house for a Moroccan and for a European, that could only lead to the regrettable conclusion that the standard of living of the indigenous population was inferior to that of Europeans. One cause of that inferiority was the discrimination against the indigenous population in the matter of wages. The United States armed forces stationed in Morocco had, for example, received instructions to apply ceilings to the wages of the indigenous workers, which were not applicable to European workers.

/He noted

He noted the information the French representative had given regarding European immigration and the present level of the European population of Morocco.

Lastly, the French representative had given certain information on the restricted curriculum of Koranic schools. Could he, however, seriously maintain that elementary arithmetic could not be taught in those schools on account of a shortage of qualified teachers? Furthermore, it was hardly to the French Government's credit if it found it necessary to limit the subjects taught in Koranic schools because of a shortage of qualified teachers.

It had not been his intention to bring any "charges" against the French Government in regard to the administration of Morocco. He had merely wished to show that the French Government was not mobilizing all its available resources with a view to promoting the social advancement of the indigenous population in accordance with its obligations under the Charter.

Mr. PIGNON (France) wished to make it clear that he had never said that the Pakistani representative had not drawn a distinction between the ordinary and the extraordinary budget, but merely that he had not given a fair and impartial presentation of the facts. In appraising French achievements in Morocco after a protectorate of thirty-nine years, Mr. Asad was overlooking the fact that there had been two world wars during that period, which had hampered the French Government's efforts and had affected the task it had undertaken in Morocco.

The CHAIRMAN invited the Committee to appoint the members of the Sub-Committee to prepare the draft report on social conditions in Non-Self-Governing Territories. In setting up sub-committees in 1950 and 1951 to draft reports on educational and economic conditions in those territories, the Committee had decided that such committees should not merely be drafting committees, but should be competent to consider all the questions before the Committee. He suggested that the Committee should follow the same procedure on the present occasion.

It was so decided.

/The CHAIRMAN

The CHAIRMAN proposed that the Sub-Committee should consist of six members only - three representatives of the Administering Powers and three of the non-Administering Powers.

It was so decided.

After an exchange of views in which the CHAIRMAN, Mr. MATHIESON (United Kingdom), Mr. SHIVA RAO (India), Mr. CALERO RODRIGUES (Brazil), Mr. BUSTAMANTE (Ecuador) and Mr. TAJIBNAPIS (Indonesia) took part, the CHAIRMAN proposed that the Sub-Committee to prepare the report on social conditions in Non-Self-Governing Territories should be composed of the representatives of France, the Netherlands and the United Kingdom representing the Administering Powers and of the representatives of Egypt, India and Indonesia representing the non-Administering Powers.

It was so decided.

The CHAIRMAN announced that the Sub-Committee would appoint its own officers and draw up its own programme of work.

(b) RACE RELATIONS AND OTHER ASPECTS OF HUMAN RIGHTS IN NON-SELF-GOVERNING TERRITORIES (A/2132/Add.1, A/2134/Add.1; A/AC.35/L.87, A/AC.35/L.93, A/AC.35/L.97).

The CHAIRMAN invited the Committee to begin its consideration of item 5 (b) of its agenda. He would be grateful if members of the Committee would indicate on which aspects of the item they proposed to speak in the course of the general debate.

Mr. GHANI (Egypt) recalled that the Moslem religion, which was that of the majority of the Egyptian people, was by its very nature a protest against racial discrimination. Under the influence of its religion, the

/Egyptian people

Egyptian people had acquired an aversion for all discriminatory theories and practices. Just as it had earlier opposed Fascism and Nazism, so today it opposed the theories of Malanism. The Moslem religion had millions of adherents in the Non-Self-Governing Territories of Africa and Asia; to impose on them a policy based on racial discrimination was therefore to offend against their deepest beliefs. The Egyptian delegation was, however, equally concerned with the fate of non-Moslem peoples, which had not yet acquired the right to self-government.

The Secretariat report (A/AC.35/L.87) was, in his opinion, a comprehensive study of racial relations in Non-Self-Governing Territories. His delegation had been glad to note that the principle of equal treatment for different racial groups in the matter of education had been recognized and applied in a number of territories. It would, however, urge the Administering Powers to redouble their efforts to give effect to the educational principles formulated by the Committee.

In that connexion, he wished to point out that the principle of allocating a fair proportion of educational appropriations to every group in the population was not applied in French Morocco, where appropriations for the education of approximately 1 1/2 million Moroccan children of school age were approximately the same as the appropriation for 60,000 French children. Consequently, only 7 per cent of Moroccan children went to school, whereas all French girls and boys obtained a primary and secondary education.

He noted with satisfaction the statement in paragraph 18 of the same document (A/AC.35/L.87) that the geography and history of Morocco had been given a prominent place in the curriculum of Moroccan schools. He wondered, however, whether that geography and history reflected the true situation, whether the school-children were told that Morocco was a developed and sovereign country prior to its occupation by the French, whether reference was made to the national campaign against foreign occupation carried out by the Moroccan people or whether, on the contrary, an attempt was made to warp the mind of young persons towards acceptance of foreign domination, as had been done in Egypt under the British administration.

/With regard

With regard to freedom of the press, he noted that in virtue of the Dahir of 27 April 1914 respecting the press - an instrument still in effect (A/AC.35/L.87, paragraph 103) - publication of any newspaper which in whole or part was printed in Arabic required preliminary authorization from the Government; on the other hand, any Frenchman could publish a newspaper in Morocco by simple notification.

Similarly, under an order published in 1947 (A/AC.35/L.87, paragraph 104), Moroccan subjects could not attend meetings without Government authorization. Attendance at a meeting, even in the case of proceeding to a mosque to pray, could be prohibited by the local French supervisory officers. Those provisions openly violated the preamble to the French Constitution itself.

Many Administering Powers did not seem to realize the scope of the changes which the conscience of man had undergone in recent years. The mistaken concept of racial superiority had been disproved both by scientists, as shown in the remarkable studies published by UNESCO on the question, and by soldiers on the field of battle. Several Administering Powers were nevertheless maintaining discriminatory legislation and regulations which had been promulgated not only before the Second World War but, in some cases, even before the First World War, such as the Act of 1913 on the segregation of residential areas in the Belgian Congo and the Act of 1914 on the press in Morocco. The time had come to remedy the mistakes of the past and to judge all persons by their merits and not by colour of their skin. The Egyptian delegation was therefore submitting a draft resolution to the Committee calling for a review of discriminatory laws and regulations currently in effect in Non-Self-Governing Territories.

Turning to the observance of human rights, he commended those countries which, in accordance with the General Assembly decision, had provided information on the observance of human rights in territories under their administration. On the other hand, the refusal of some Administering Powers to carry out that recommendation was a matter of considerable regret to the Egyptian delegation. The General Assembly's invitation to the Administering Powers to provide information on human rights was not a mere appeal the acceptance of which was left to their discretion. It was a clear expression of the will of the international community and a decision binding upon all Member States.

/He observed

He observed that France had failed to communicate information on the observance of human rights in Morocco and Tunisia, except in connexion with the status of women. It was obviously difficult for the French Government to speak of freedom of the press or of the right of association in Morocco, where more than 1,200 publications had been banned and where preliminary authorization from the French Secretary-General of the Protectorate was required in order to be able to form any kind of association. The same was true of religious freedom in Morocco and Tunisia where the visa required to proceed on a pilgrimage to Mecca was frequently refused in the case of those whom the French Administration considered to be recalcitrant.

More than two years had elapsed since the French representative to the Sub-Commission on Freedom of Information and of the Press had announced that France had never prevented and would never prevent the peoples under its administration from enjoying freedom of information or any other human right. At the previous session of the General Assembly, France had requested that consideration of the Moroccan question should be deferred. It would seem that the work of the Committee on Information provided France with an excellent opportunity to refute the charges which had been made against it with regard to the violation of the human rights of the Moroccan people.

Belgium's failure to provide the Committee with the information requested by the General Assembly with respect to the implementation of the Declaration of Human Rights in the Congo was to be regretted. It confined its information to one aspect, which dealt with the status of women. The Egyptian delegation wished to commend the United Kingdom for having submitted a general statement on human rights although it did not feel that a statement couched in broad terms could take the place of the detailed information provided for in the Standard Form and requested by the General Assembly. The same observation applied to the Netherlands, Denmark and Australia.

The United States had set a good example the previous year by submitting detailed information on the observance of human rights in various phases of life in Non-Self-Governing Territories under its administration. For the current year, however, it had provided only a scanty amount of information in its reports on the territories concerned. The Egyptian delegation felt that the constant progress made in connexion with human rights in the territories under United States administration warranted a detailed report.

/In conclusion

In conclusion, he urged the eight Administering Powers to base their policy in the territories under their jurisdiction upon the Universal Declaration of Human Rights so that they would be able without fear to inform the United Nations of the extent to which the Declaration was being observed there. It was Egypt's fervent hope that, when the United Nations had completed its drafting of the covenants on human rights, the policy applied in Non-Self-Governing Territories would be based upon the provisions of those covenants, which would henceforth include the most important of all rights, the right of a people to self-determination and self-government.

Mr. CALERO RODRIGUES (Brazil) observed that his country was generally considered a model of good racial relations. For that reason, he had submitted for distribution to members of the Committee a work entitled "Essay on Race Amalgamation" which gave a description of what might be called the Brazilian solution to the problem.

In referring to the documents submitted to the Committee, he would confine himself to those aspects of the question connected with the non-self-governing status of the territories concerned. His first observation was that the information submitted appeared to be inadequate. With regard to the French territories, for instance, no information had been provided with respect to territories which were not in North Africa. According to document A/2131/Add.2, racial discrimination did not exist in the French territories, a statement so broad as to preclude an accurate assessment of the situation. With regard to Morocco, it was unfortunate that, according to paragraph 104 of document A/AC.35/L.87, attendance at meetings by Moroccan subjects could be prohibited on the mere suggestion of the local French authorities. It was difficult to reconcile that provision with article 20, paragraph 1, of the Universal Declaration of Human Rights.

Document A/2132 indicated the existence of racial friction in New Guinea under Netherlands administration, yet no reference was made in the report to any measures taken to improve the situation.

The summary of information submitted by Belgium (A/2129) contained no general information on the racial situation. It appeared, however, from paragraph 101 of document A/AC.35/L.87 that the principle of residential segregation had been sanctioned by two Ordinances issued in 1913 and 1926 respectively
/and that

and that the freedom of circulation of the indigenous inhabitants was restricted between the hours of 10 p.m. and 4.30 a.m. Such measures, even if based on practical considerations, could not be considered normal from the point of view of human rights.

He noted that the United Kingdom had submitted more complete information on racial relations. According to document A/2134/Add.2, the Prohibited Areas Ordinance in Sarawak authorized the Government to prohibit any undesirable person from entering a prohibited area. Additional information on the subject would be of interest in order to determine whether that provision was in fact an act of racial discrimination.

The United Kingdom should be commended in the case of several territories, despite the fact that they were generally territories such as Guiana, the Gold Coast and Nigeria with a small white population. The principle of non-discrimination had been officially proclaimed in Nigeria, a praiseworthy step which should be carried out in the other territories.

It appeared from document A/2134 that the situation in Kenya, in so far as racial relations were concerned, was extremely satisfactory. However, reference was made in paragraphs 99 and 100 of document A/AC.35/L.87 to the fact that residential segregation of the worst kind and restrictions on the freedom of circulation of Africans in European centres were sanctioned in several ordinances and municipal by-laws. According to that document, the situation was equally deplorable in Northern and Southern Rhodesia and Nyasaland, despite the idyllic picture presented by the United Kingdom in document A/2134 with respect to conditions in Nyasaland.

With reference to the statement of principle contained on page 3 of document A/2134/Add.1 to the effect that the best safeguard against measures of discrimination lay in the advancement of the less highly developed communities, to take that view would be to establish a vicious circle since it was precisely racial discrimination which prevented the advancement of the indigenous inhabitants. Legislative measures, while not a panacea, might nevertheless lead to considerable improvement in the situation.

/Mr. MATHIESON

Mr. MATHIESON (United Kingdom) said that paragraph 1 of document A/2134/Add.1, in which it was stated that the information transmitted by the United Kingdom for the year 1951 included no reference to human rights, had come as a surprise to him. He pointed out that the United Kingdom had transmitted several communications on various subjects and had devoted a memorandum to the question of the protection of human rights in Non-Self-Governing Territories. With regard to the statement made by the Egyptian representative that the information submitted by the United Kingdom on that subject was lacking in detail, he observed that the United Kingdom Government had on more than one occasion clearly indicated its position in the matter. The United Kingdom Government considered the Universal Declaration of Human Rights to be a statement of ideals and objectives which, unfortunately, did not lend itself to immediate complete application. For that reason, it did not feel bound to provide detailed information on its application in Non-Self-Governing Territories unless similar information on their own territories was provided by other signatories. However, in taking certain steps, the United Kingdom Government had not hesitated to draw its inspiration from the principles set out in the Universal Declaration of Human Rights, as could be seen from the documentation submitted to the Special Committee.

Turning next to reply to the Brazilian representative, he first expressed his great admiration for Brazil which had achieved a complete solution of the problems involved when peoples of different races and origins lived side by side. The United Kingdom, for its part, had had to solve the same problems in some of the Non-Self-Governing Territories under its administration; for example, in Nigeria, where the Federal Constitution was designed as a framework within which the diverse races of the country, Yoruba, Ibo, Hausa, and others, could find national unity. His Government was pleased with its success in moderating the age-long conflict of races in Africa by modern institutions with the spirit of partnership. The problem also existed in many other territories administered by the United Kingdom, such as British Guiana, Kenya and the colonies of South-East Asia and was by no means confined to conflict between white and black.

The Cuban representative had raised the question of the employment of indigenous officials in the higher administrative posts. Most of the higher posts were, admittedly, held by officials of European origin, a fact which might convey the impression that salaries differed materially. However, Her Majesty's Government was conscious of the need to train local staff and was doing its best to employ indigenous officials in the higher posts, wherever possible. The

results of that policy were noticeable in the colonies of the West Indies where the population had reached an advanced stage of education. Similarly, in the Gold Coast, great efforts had been made to employ indigenous officials in higher posts and the number so employed had risen from 92 in 1947 to 252 in 1949 and to 470 in 1951.

He turned next to the question of salaries. There were, of course, considerable differences between the salaries paid to officials from the United Kingdom and those paid to indigenous officials. The difference was justified by the fact that the officials from the United Kingdom often had to support their families at home. Moreover, it was the Government's policy to encourage the recruitment of highly qualified officials by offering salaries equivalent to those to which their qualifications would entitle them in some other profession otherwise the best men would not be attracted. The principle of overseas pay had recently been accepted by the African government of the Gold Coast. He described the functions of the Commissioner for Africanisation of that government.

The Cuban representative's question concerning the exercise of trade union rights would be dealt with in a later statement.

He proceeded by saying that the prevention of discriminatory practices was hardly a matter to be dealt with by legislation. In some cases, legislation might prove ineffective if it came up against local customs or prejudices. Rather, the problem of discriminatory practices should be tackled by the roundabout but surer method of education. Legislation, to be effective, must be supported by public opinion and it was only through education that a receptive public opinion could be formed. Moreover, legislation which ran counter to certain local traditions might itself be regarded as discriminatory. That was why his Government was proceeding very cautiously in applying legislative measures. Legislation which had an element of discrimination could only be enacted after consultation with the Secretary of State for the Colonies. The legislative measures governing the exercise of various rights by the indigenous inhabitants could be divided into three categories: restrictive measures, protective measures and concessionary measures. The first category should, in principle, be removed as soon as possible. The justification for protective measures lay in the fact that the indigenous inhabitants were in danger of becoming victims of their lack of maturity. That category included laws relating to credit, the sale of alcoholic beverages, the possession of firearms and the like.

/He invited

He invited the Committee's comments on the policy to be followed as the racial situation gradually improved. He felt that the problem of racial discrimination should be considered as a whole and not from the very narrow point of view of the relations between Administering Powers and the populations of Non-Self-Governing Territories. In recent years, indeed, it had been the Europeans rather than the Africans who had suffered from racial discrimination and, in certain Territories, it had become difficult to persuade the indigenous inhabitants to accept Europeans in administrative posts. Something should be done to overcome the distrust of white experts and suspicion of foreign capital which was often displayed, to the detriment of progress in the country concerned.

In conclusion, he remarked on the part which women's organizations could play in the elimination of racial barriers. In certain non-European communities the woman's role was very small and it might with advantage be developed. Churches could also play a prominent part in the campaign against discriminatory practices. Lastly, he warned the Committee against the danger of intensifying existing resentments and emphasized that care should be taken not to aggravate a situation which was already difficult enough.

Mr. FIGNON (France) said that, after the Egyptian representative's statement, he felt bound to explain once more his Government's position regarding the communication of information concerning the application of the Universal Declaration of Human Rights.

In the first place, the French Government had always attached particular importance to the problem of defining and protecting human rights and had always played an active part in the work of the United Nations on that subject. However, although the French Government regarded the Universal Declaration of Human Rights as a statement of the ideals and aspirations which should inspire the policy of all governments desirous of progress, it nevertheless believed that the Declaration would not become legally binding until the covenants on human rights had been signed by the whole community of Member States. As the drafting of those covenants had not yet been completed, it seemed premature to raise the problem of the implementation of the Declaration of Human Rights. Implementation had to be universal, as his delegation had said before.

/In March 1950

In March 1950 the French delegation had pointed out that, if it was not generally accepted, a convention on human rights involving the contracting State in at least partial and indefinite surrender of its sovereign rights in favour of an international organ would lead, in fact if not in law, to the establishment of two parallel systems; one in which the individual would be beyond the powers of the State and the other in which the individual would remain entirely under the control of the State. To recognize the co-existence of those two fundamentally different systems would be particularly unfortunate in an organization which was based on the equality and reciprocity of the rights of States, which were supposed to be subject to the same legal rules and had the opportunity of influencing one another through bodies on which all were represented. The effect would be to create, in the name of the rights of individuals, minorities or other groups, a category of privileged States - being precisely those which upheld the theory of the jurisdiction of the State over the individual and refused to recognize that the individual had any separate international existence. Those privileged States, having themselves rejected any form of international control would be able to intervene at any moment, either as States, or through organizations or third parties, in the domestic affairs of States which had accepted international control. That general attitude on the question of principle governed his delegation's position with regard to the particular case of the communication of information on human rights to the Committee. Consequently, it was not surprising that the French Government should, for the time being, refuse to supply any information on human rights other than that necessary for an understanding of the statistical and technical data relating to the economic, social and cultural conditions in the territories under its administration. That attitude would change as soon as the situation had evolved, as soon as all governments were subject to the same obligations under the human rights covenants. In any event, there were other United Nations bodies better qualified to receive that type of information since they had been given specific terms of reference to deal with human rights. His Government had nothing to hide. The protection of human rights was a question of custom and civilization just as much as a question of legislation. It was a well-known fact that the

/principles

principles of the Declaration of Human Rights had been proclaimed and applied in France for nearly two centuries and that the French Government had not failed to apply those same principles to the territories under its administration. The legislative provisions defining the fundamental freedoms in metropolitan France were also applicable to the overseas territories, which were integral parts of the French Republic and whose inhabitants were French citizens. Those rights were safeguarded both by the spirit of French institutions and by an independent judicial organization under the final and effective control of the Court of Cassation.

With regard to the absence of any legislation to forbid distinctions based on race in the Non-Self-Governing Territories under French administration, he said that such legislation was out of the question in a country where the population was traditionally free from racial prejudice. That tradition had recently found its expression in the Lamine Gueye Act of 30 June 1950 concerning the civil and military officials of the Ministry of Overseas France. The Act included a provision to the effect that the calculation of wages should in no case be based on differences of race, the different laws applicable to persons, or on origin or place of recruitment. It also provided for identical treatment as regards recruitment and promotion for all officials in the same service. Moreover, it would be a mistake to believe that infringements of the principle of non-discrimination on grounds of race went unpunished because there were no specific laws on the matter. Action could be taken just as well under the general provisions of the Constitution as under the provisions of articles 81 and 82. Similarly, ministerial circulars had established extremely liberal provisions governing the appointment of Africans to public office. Furthermore, any campaign or action to incite hatred was punishable by fines and imprisonment under the legislative decree of 30 November 1948, supplementing the Act of 29 July 1881 on the freedom of the press. That all went to show the French Government's real desire to fight racial discrimination in France and in the Non-Self-Governing Territories under French administration. It had been held by the French courts that the laws and regulations in question applied to all persons living on French territory, irrespective of the law otherwise applicable to them.

/In conclusion

In conclusion, he pointed out that the problem of racial discrimination could be usefully studied only on a world-wide basis and not in the narrow context of the Non-Self-Governing Territories. He informed the members of the Committee that the French Government intended to submit a complete study of the problem of the protection of human rights in the territories administered by France for publication in the next Human Rights Yearbook. That study would give members all the information they could possibly desire. Accordingly, the French Government would have responded to the wishes of members of the Committee without in any way abandoning its attitude on the principle, which it felt bound to maintain.

Mr. GHANI (Egypt) deplored the fact that the French delegation did not think fit to treat the Universal Declaration of Human Rights with due respect and considered it necessary to wait until the covenants on human rights had been concluded before submitting information to the Committee regarding the implementation of those rights in the Non-Self-Governing Territories, particularly in Morocco and Tunisia. The Egyptian delegation felt bound to express its regret at such an attitude.

Mr. BENSON (Secretary of the Committee) drew attention to document A/AC.35/L.97 on the deprivation of certain essential human rights of women. That document contained the text of a resolution which had been adopted by the Economic and Social Council at its fourteenth session and which had not yet come before the Assembly. However, in resolution 220 (III), the General Assembly had invited the Secretary-General to inform any special committee which the Assembly might appoint of decisions taken by the Economic and Social Council. It was on that basis that the Secretariat had brought the Economic and Social Council's resolution to the Committee's attention.

The meeting rose at 5.40 p.m.