CONTENT


Chairman: Mr. G. J. van Heuven Goedhart (Netherlands).

That would be possible only if the fundamental right to self-determination was recognized first, for it was the essential prerequisite of all other rights.

5. It had also been argued that the covenant should cover only the rights of individuals. To that he could reply that it already contained certain collective and social rights, such as the right to freedom of association.

6. Many countries had had to pay dearly for their independence. The independence of such countries as the United States of America, the Philippines, India, Pakistan and Indonesia had cost too many wars and revolutions, with alternating successes and reverses.

7. The colonial mentality had undergone a considerable change in the post-war world. The United States of America and the United Kingdom had embarked upon a liberal policy aimed at giving the right of self-determination to the peoples under their administration. The Netherlands, too, had adopted a wise and far-sighted policy in that field. Thanks to the endeavours of all those States to recognize the right of peoples to independence, countries such as Pakistan, India and the Philippines were represented in the United Nations. The fate of other peoples still depended on the decision to be taken by the United Nations in the matter.

8. The General Assembly would be failing in its duty and would not be fulfilling its obligations under the Charter if it did not recognize the right of peoples to self-determination. The members of the Committee had an opportunity to repair the injustice endured for centuries by the populations of Non-Self-Governing Territories, to promote co-operation between the peoples and to build a better world.

9. Mr. KOUSSOFF (Byelorussian Soviet Socialist Republic) said that his delegation would vote for the Afghan and Saudi Arabian amendment, which was fully consistent with the purposes of the United Nations, namely, to develop friendly relations among nations based on respect for the principle of equal rights and self-determination, to develop self-government among
the populations of Non-Self-Governing Territories, to take due account of their political aspirations, and to assist them in the progressive development of their free political institutions.

10. The amendment submitted by Afghanistan and Saudi Arabia, which defended the interests of the populations of the Non-Self-Governing Territories, was a concrete reply to the question raised by the Economic and Social Council: whether the first eighteen articles were adequate, and whether they would protect the rights to which they related. It would, if adopted, fill an important gap in the draft covenant on human rights. Mr. Kousoff stressed that the right of peoples to self-determination comprised the right to use their national language and receive the necessary political education. The Byelorussian SSR was convinced that, if that right were denied, the Universal Declaration of Human Rights and the covenant itself would remain a dead letter, for the colonial powers would continue, as in the past, to oppress the populations of the Non-Self-Governing Territories.

11. The Belgian representative, in opposing the amendment, had referred, at the 310th meeting, to the necessity of respecting the traditional customs and institutions of the Non-Self-Governing Territories and had said that, in the interests of those populations, it would be better not to recognize their autonomy. That statement, contrary to all logic, was merely the manifestation of a colonialism the ravages of which were, alas, only too apparent. The Belgian representative had also pointed out that the populations of the Non-Self-Governing Territories were liable to abuse their right to vote if it were granted suddenly; it was, however, possible that the interests of the native population and those of the administering Authority did not coincide and that a vote considered mistaken by Belgium might in fact be an excellent one for the native population itself.

12. Other delegations had affirmed that the right of peoples to self-determination, being a collective right, was not out of place in a covenant intended to guarantee the rights and freedoms of the individual. Yet, as the Byelorussian delegation had constantly affirmed, if that right were not recognized, all individual rights would cease to exist.

13. The United Kingdom representative had questioned the character of the Third Committee (310th meeting). In advancing that facile argument, he had not been seeking to evade the admission that, in fact, he was opposing the recognition of the right to self-determination.

14. The Byelorussian SSR was all the more in favour of the inclusion of that principle in the covenant since it knew from experience what benefit the peoples would derive from recognition of their right to self-determination. From the moment when the Supreme Soviet of the USSR had granted that right to the Byelorussian Republic, the latter had been able, enjoying rights equal to those of the other federal republics, to develop its economy and attain the level of advancement it then enjoyed. The Byelorussian SSR was therefore anxious that all the peoples of the world should enjoy the rights it had acquired in 1917, and would accordingly vote in favour of the amendment submitted by Afghanistan and Saudi Arabia.

15. Mr. AZKOUIL (Lebanon) said that his delegation was grateful to the representatives of Afghanistan and Saudi Arabia for raising the question of the right of the peoples to self-determination. The Lebanese Constitution recognized that right, on which Lebanon's very existence depended. For that reason his country was one of the nations that was most desirous of guaranteeing that fundamental right to all.

16. The Lebanese delegation regretted, however, that the essential principle had been posed in such a manner that the Committee had as a result confused the substance of the problem with the procedure of application. It was possible that a large number of delegations, while favouring the principle, might be opposed to the amendment because they did not approve of the procedure contemplated.

17. Mr. Azkoul had been a member of the Commission on Human Rights for a number of successive sessions. He could therefore foresee what the reaction of that Commission would be if, as the amendment proposed, it was requested "to study ways and means which would ensure the right of peoples and nations to self-determination and to prepare recommendations for consideration by the General Assembly at its sixth session". It was very probable that the Commission, after a long discussion on procedure, in which the arguments already heard would be repeated, would either purely and simply renounce the idea of introducing the right in the covenant or mention it only in the preamble of the covenant, for example. Surely such a meagre result was not desired.

18. The question of the right to self-determination was primarily a political one. Its juridical and human aspects, despite their importance, were after all secondary. To entrust it to a Commission whose task was solely to ensure respect for human rights was probably not therefore the best procedure that might be adopted. The Lebanese delegation considered that that question of capital interest, which was likely to be of concern to several United Nations organs, would be diminished in importance if referred solely to the Commission on Human Rights. It would be preferable to submit it to the General Assembly, which would include it as a separate item on its agenda and decide, after consideration, to which organ it should be referred.

19. The Lebanese delegation had accordingly submitted a procedural proposal (A/C.3/L.104) respecting the amendment of Afghanistan and Saudi Arabia, which, Mr. Azkoul wished to reassure the Committee, tended to restore the importance of the question by putting it in its rightful place and enabling Member States and the General Assembly to seek, in the best possible conditions, ways and means which would ensure the right of peoples and nations to self-determination.

20. Mr. CASSIN (France) recalled that, under Article 55 of the Charter of the United Nations, universal respect for, and observance of, human rights and fundamental freedoms for all should effectively enable the United Nations to establish between nations relations based on "respect for the principle of equal rights and self-determination of peoples".
21. Certain representatives, however, reversing the order of the Charter, were transforming the end into the means since, according to them, peoples should be granted the right to self-determination in order that they should be enabled to enjoy essential political rights and fundamental freedoms. It was the duty of the Third Committee to give full value to the principles of the Charter, and consequently to promote respect throughout the whole world for human rights and fundamental freedoms. In order to accomplish that task, it had to take action in the sphere of individual freedoms as well as that of collective and national freedoms.

22. That was an objective dear to the heart of the French people which, for one hundred and fifty years, had so often shed blood in the cause of the liberation of peoples throughout the world. Mr. Cassin also recalled that France had granted French citizenship to the inhabitants of many of its former colonies and had recognized their right to participate in the political life of metropolitan France, particularly in the sending of deputies to the National Assembly. That enterprise, though as yet unfinished, left no doubt as to the sincere desire of France that the populations it administered should quickly accede to complete autonomy.

23. The French delegation had clearly proclaimed that the United Nations was fully competent to achieve, through the appropriate organs, one of the fundamental purposes enunciated in the Charter. It did not therefore object either to the general competence of the Organization or to the particular and definite competence of each organ. It seemed evident, however, that in the very interest of the task to be accomplished, the competence of the various organs should not be confused. If the Third Committee transformed the Commission on Human Rights into a sort of higher council of nationalities, was there not the risk that other United Nations organs, encouraged by this example, might encroach on the functions of neighboring bodies? It would be said that the activities of the commissions and councils should be coordinated, but that coordination should take place in the principal organs and not at the foundation itself of the United Nations edifice, between one subsidiary commission and another. Such a confusion would be regrettable, for it would detract from the prestige of the commissions and the work they had to undertake, which was, in the case in point, the covenant on human rights.

24. Mr. CASAS FLORES (Chile) pointed out that the discussion which was taking place was paradoxical since all representatives agreed on the principle of the question and differed only on the question of procedure. While some of the supporters of the joint amendment had emphasized their democratic feelings, the sincerity of which could not be doubted, other countries had as vehemently set forth their liberal and democratic intentions, which in fact they never practised. Those who supported the amendment, as well as those who rejected it, recognized the merits of the right to self-determination.

25. Some had questioned, from a legal point of view, the competence of the Commission on Human Rights to define the right to collective security. That seemed illogical, for if the Commission could define individual rights why could it not continue its work by guaranteeing collective and national rights, the indispensable complement of individual rights?

26. The Chilean representative emphasized that the time factor should be borne in mind. In his opinion, the time had come for peoples to be given full exercise of their national responsibilities, and to show that the United Nations recognized that people should be independent and free from external interference.

27. The Chilean delegation approved the purposes of the proposal submitted by Afghanistan and Saudi Arabia and would therefore vote for it.

28. Mr. NORIEGA (Mexico) wished to comment on the various observations which his previous statement (310th meeting) had aroused.

29. None of the arguments adduced had made him change his position. As far as colonialism was concerned, some nations were by force of circumstances open to criticism by others, especially if they persisted in supporting an out-of-date institution.

30. The Belgian representative had said that some people were not ready for independence. It was not necessary to recall that in the heroic days of the penetration of Africa, Asia and the South Sea Islands by the Western Powers, the sovereignty of the peoples who inhabited those continents was recognized to such an extent that the new-comers did not hesitate to sign treaties with their chiefs. The fact that those treaties had not been models of fairness was another question.

31. In the course of the discussion the Treaty of Berlin had been invoked as an instrument drawn up to abolish slavery. Would it not be more in conformity with history to regard that instrument as a delimitation of spheres of influence?

32. The colonial powers might be gifted with the best intentions. They nevertheless placed their own interests above those of the peoples they governed. He recalled the case of the Ewe, which the Trusteeship Council had been discussing for some time. That African people had seen their land divided between France and the United Kingdom by colonial policy. They were divided one against the other, subjected to conflicting influences, and faced with the impossibility of preserving their traditions and their intrinsic character. That was a glaring example of the violation of the right of peoples to self-determination. In spite of all the statements in the Charter and other United Nations documents, such a state of affairs existed.

33. Certain speakers had stated that the Third Committee was not competent to discuss the problem of the right of peoples to self-determination. It was strange that that argument had not been made in connexion with the colonial clause, which raised a similar type of problem. The right of peoples to self-determination was certainly the attribute of collectivity, but that collectivity was composed of individuals. To make an attempt on their collective rights was the same thing as to violate their individual freedoms. But while the Committee's competence was questioned no speaker ventured to name an organ which, in his opinion, would be competent. He was sure that the Committee was competent, as were the Economic and Social Council and the Commission on Human Rights. He mentioned in that connexion the excellent document published by the Secretariat, These Rights and Freedoms, which contained all the necessary arguments to support that opinion.
34. Some wished to refer the question to the Sixth Committee. He recalled that when the Third Committee had asked for the opinion of the Sixth Committee regarding the insertion of a federal clause in the convention for the suppression of the traffic in persons and of the exploitation of the prostitution of others, the Sixth Committee, after having rejected two proposals before it, had stated that it was not competent to deal with the matter. It might be the same with the question before the Committee.

35. Commenting on the procedural proposal made by the Lebanese representative (A/C.3/L.104), he regretted that it mentioned only the right of nations to self-determination, and not the right of peoples. Nations were by definition already independent bodies in a position to defend themselves, while there were many peoples deprived of international legal personality, and it was they who needed to be defended.

36. Passing on to the practical side of the proposal, he expressed doubts as to whether it would have any effect other than to raise new discussions and further reference of the matter from one Committee to another, to the detriment of the problem which it was intended to solve. At first sight the Lebanese proposal seemed attractive, because it proposed treating the problem as a whole, but that was not what was required in the case in point: all that was needed was to ask the Commission on Human Rights to study the right of peoples to self-determination within the framework of the covenant on human rights.

37. He was surprised, however, that the vote had been taken on the joint amendment submitted by Afghanistan and Saudi Arabia (A/C.3/L.88), to consider the proposal of the Lebanese delegation. He would only do so if the joint amendment were adopted, and with reservations as to amendments which he might later propose.

38. Mr. BABAILODZE (Union of Soviet Socialist Republics) wanted to point out that the observations made at the previous meeting by the United Kingdom representative were inaccurate. Lord Macdonald had said there were people in the USSR who did not have the right to self-determination; it could only be that he was ill-informed as to the events and the changes which had occurred since the Revolution, or that he ignored them.

39. He stated that since the establishment of the Soviet regime, all nationalities had had the same rights. Those who, before the Revolution had been backward had made progress, thanks to the régime. He recalled that he was himself a native of Uzbekistan, one of the more backward countries before the Revolution, where there had been no industry and where agriculture had been primitive. The Uzbek SSR was now one of the republics of the USSR which enjoyed equality of rights and had its own government and a Constitution under which citizens were guaranteed the broadest democratic rights and liberties, including the right to work, education, leisure and so forth. He gave some details showing that Uzbekistan had become an industrial country where agriculture was mechanized and where life had become easier. Before the Revolution only 2 per cent of the population of Uzbekistan had been literate, whereas there was no longer any illiteracy in the Republic. Secondary-school education was universal and compulsory in the Uzbek SSR and there were 5,000 schools with 40,000 teachers. There were 30 higher educational establishments of various kinds, where not a single one had existed before the Revolution. Uzbekistan also had an Academy of Sciences, with 25 research institutes.

40. Passing on to the arguments put forward by the Belgian representative, he said that he thought they were lacking in foundation. Every nation was capable of self-government if given the opportunity. If the Congo, for example, were given the same chances as Uzbekistan, it would certainly be able to govern itself. Anyone who upheld the contrary opinion was adopting an attitude which was unscientific and full of racial prejudices, from which he should seek to free himself.

41. It was in that spirit that his delegation would vote for the amendment proposed by Afghanistan and Saudi Arabia.

42. Lord MACDONALD (United Kingdom), in reply, read some extracts from the Constitution of the USSR, including article 14, to show that in that country the lead in all activities was taken by the Soviet Union and that the independence enjoyed by the federated republics was illusory. He did not therefore recognize the right of that Power to set itself up as a judge of other nations.

43. Mr. PAZHWAK (Afghanistan) associated himself with the comments made by the Mexican representative. He wanted to point out that, although the delegations had stated that they were not opposed to the proposal in principle, they had given much time to a discussion which was polemical and tendentious in character. Recalling the stand taken by the Belgian representative, he begged him to modify his attitude.

44. Passing on to the proposal submitted by the Lebanese delegation (A/C.3/L.104), and praising his procedural skill, he recalled the fate of an amendment submitted by Yugoslavia which had been put to the vote at the 305th meeting. He was determined that his own amendment should not suffer the same fate and appealed to the Lebanese representative to withdraw his proposal or at least to allow it to be discussed and voted upon after the vote on the amendment submitted by Afghanistan and Saudi Arabia.

45. Mr. BAROODY (Saudi Arabia) also feared that the joint amendment would be dropped as a result of a manoeuvre similar to that which had eliminated the Yugoslav amendment. If the Lebanese draft resolution were adopted, the General Assembly might discuss it during session after session without any result. He would therefore have to vote against it, and he asked the Lebanese representative to withdraw it.

46. Recalling the position of the Belgian delegation, he wished to point out that the members of the Committee were not responsible for any difficulties confronting the colonial Powers. The latter always spoke of their responsibilities: but nobody had imposed those responsibilities upon the colonial Powers; they had assumed them of their own free will.

47. Mr. Baroody recalled that when the Committee had discussed the federal clause, there had been no proposal to refer it to the Sixth Committee. Every delegation had stood its ground and stated its attitude.
The Committee should do likewise in regard to the matter before it; it was merely asking the Commission on Human Rights to fulfil a reasonable request.

48. Several arguments had been advanced against the amendment. Some speakers had maintained that the Committee should deal only with individual rights: apparently the conclusion to be drawn from that argument was that the populations of colonies or of Trust Territories were not composed of individuals and therefore had no right to life or liberty. The United Kingdom representative had further asserted (309th meeting) that his country preferred progressive development. The question was when that development would be completed and the terms "as soon as possible" and "progressive" were vague. Other speakers had told the supporters of the draft resolution that they were playing into the hands of some groups; but the truth was that they were merely defending the rights of colonial peoples.

49. Finally, Mr. Baroody believed that if the Committee evaded the question, it would be many years before an article safeguarding the right of peoples to self-determination was included in a convention. The Commission on Human Rights was simply to be asked to study means of safeguarding that right. As a result, it might reach a formula for inserting a clause in the covenant which would give some hope to the Non-Self-Governing Territories. There was nothing unreasonable in that request and Mr. Baroody hoped that the majority would exercise its judgment and support the amendment submitted by Afghanistan and Saudi Arabia.

50. The CHAIRMAN outlined the situation from the procedural point of view, explaining that the basic text was the joint draft of Brazil, Turkey and the United States (A/C.3/L.76). If the Lebanese proposal (A/C.3/L.104) were put to the vote and adopted, it would eliminate the amendment submitted by Afghanistan and Saudi Arabia (A/C.3/L.88). On the other hand, if the latter amendment was put to the vote first and rejected, the Committee could proceed to vote on the Lebanese proposal.

51. He therefore decided that the amendment of Afghanistan and Saudi Arabia should be voted upon first.

52. Mr. AZKOUL (Lebanon) was in complete agreement with the order of voting suggested by the Chairman, but for quite different reasons.

53. He had entitled his draft "procedural proposal" to indicate that it did not affect the substance of the question.

54. In reply to several observations directed to him, and, in the first place, to the Mexican representative, regarding the necessity for the Lebanese proposal, he noted that none of the speakers, not even the authors of the amendment, had dealt with the question of ways and means to safeguard the right of peoples to self-determination. If the study of ways and means was included in the General Assembly’s agenda, the statements which would be made there by Governments would deal with those ways and means and not with matters of procedure, as was the case in the Third Committee.

55. Mr. Azkoul assured the delegations of Afghanistan and Saudi Arabia that if they committed their governments to requesting the inclusion of the item in the General Assembly’s agenda, he was prepared to withdraw his proposal. It was all very well to pose as the champion of the rights of peoples; but those rights had to be adequately defended.

56. In conclusion, Mr. Azkoul recalled that the problem was to select the best procedure to follow. His experience led him to believe that the members of the Commission on Human Rights would find themselves very much embarrassed by the General Assembly’s recommendation, and that they would simply insert a phrase in the preamble and the matter would thus be set aside. He was trying to save something which might be lost; that was why he would not draw his proposal.

57. Mr. ROY (Haiti) wondered whether the Committee should not first settle the matter of competence.

58. He added that his delegation would not hesitate to vote for the joint amendment of Afghanistan and Saudi Arabia as soon as his doubts regarding the Committee’s competence had been dispelled.

59. Mr. NORIEGA (Mexico) said that the Committee’s competence could not be questioned: it had been recognized by implication on two previous occasions with respect to similar problems: once, when the vote was taken on the colonial clause (302nd meeting) and again when the Committee adopted (309th meeting) the amendment submitted jointly by the United States and Yugoslavia (A/C.3/101) requesting the Commission on Human Rights to take account of the principles and purposes of the Charter of the United Nations.

60. Mr. CASSIN (France) pointed out that there was a distinction between a direct and imperative recommendation such as that contained in the amendment, bearing upon a subject which was clearly beyond the Committee’s competence, and the much broader text adopted at the 309th meeting, at the suggestion of the United States and Yugoslavia, with respect to which—he would remind the Committee—he had made reservations without wishing to raise the matter of competence, out of respect for the Committee.

61. In the circumstances, Mr. Cassin thought it his duty formally to invoke rule 120 of the rules of procedure.

62. Mrs. ROOSEVELT (United States of America), Lord MACDONALD (United Kingdom), Mr. PAN-YUSHKIN (Union of Soviet Socialist Republics), Mr. BOKHARI (Pakistan) and Mr. CHANG (China) pointed out that under rule 120 the Committee could decide upon its own competence; but it was the competence of the Commission on Human Rights which had been questioned during the discussion. To invoke rule 120 with regard to the joint draft resolution was tantamount to questioning the Committee’s competence to submit recommendations to the Commission on Human Rights.

63. The CHAIRMAN concurred.

64. Mr. CASSIN (France) argued that a question which did not come within the Committee’s competence could not be the subject of a recommendation to a subsidiary organ. He affirmed categorically that the question of the self-determination of peoples was an essentially political question which did not come within the
province of a committee with essentially social objects such as the Third Committee.

65. Nevertheless, he would not insist on his motion.

66. Mr. PANYUSHKIN (Union of Soviet Socialist Republics) and Mr. DEMCHENKO (Ukrainian Soviet Socialist Republic) wished, once the question of the competence of the Commission on Human Rights had been raised, to state that the General Assembly had recognized the competence of that body by the sole fact that it had given directives regarding a specific question. That was the meaning to be attached to the Committee's vote on the joint amendment.

67. The CHAIRMAN put to a vote the Afghan and Saudi Arabian amendment (A/C.3/L.88) to the joint draft resolution submitted by Brazil, Turkey and the United States of America (A/C.3/L.76).

68. Mr. NORIEGA (Mexico) requested a roll-call vote.

A vote was taken by roll-call.

In favour: Afghanistan, Argentina, Burma, Byelorussian Soviet Socialist Republic, Chile, China, Cuba, Czechoslovakia, Dominican Republic, Ecuador, Egypt, El Salvador, Guatemala, Haiti, Honduras, India, Indonesia, Iran, Iraq, Israel, Mexico, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen and Yugoslavia.

Against: Afghanistan, Australia, Belgium, Burma, Byelorussian Soviet Socialist Republic, Czechoslovakia, El Salvador, Guatemala, India, New Zealand, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Yemen, Yugoslavia.

69. The CHAIRMAN then put to a vote the procedural proposal of Lebanon (A/C.3/L.104) relating to the amendment submitted by Afghanistan and Saudi Arabia (A/C.3/L.88).

70. Mr. AZKOUI (Lebanon) requested a roll-call vote.

A vote was taken by roll-call.

In favour: Denmark, Ethiopia, Iraq, Lebanon, Mexico, Netherlands, Peru.

Against: Afghanistan, Australia, Belgium, Burma, Byelorussian Soviet Socialist Republic, Czechoslovakia, El Salvador, Guatemala, India, New Zealand, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Yemen, Yugoslavia.

Abstaining: Argentina, Brazil, Canada, Chile, China, Cuba, Dominican Republic, Egypt, France, Greece, Haiti, Honduras, Indonesia, Iran, Israel, Nicaragua, Norway, Pakistan, Philippines, Saudi Arabia, Sweden, Syria, Thailand, Turkey, Union of South Africa, United States of America, Uruguay, Venezuela.

The proposal was rejected by 16 votes to 7, with 28 abstentions.

The meeting rose at 6.15 p.m.