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Chairman: Mr. G. J. VAN HEUVEN GOEDHART (Netherlands).

Draft first international covenant on human rights and measures of implementation. (A/1384, A/C.3/534, A/C.3/535, E/1681 and E/1721 and Corr.1) (*continued*)

[Item 63]*

1. Mrs. MENON (India), referring to the statement made by the representative of Belgium at the 295th meeting, said she felt bound to make certain observations though she would do so reluctantly.
2. The Belgian representative had, in his defence of the inclusion of a colonial clause in the covenant, attempted to justify what could not be justified. She must express her deep sympathy for the cause of the peoples who had hitherto been deprived of rights and fundamental freedoms, and associate herself with the representative of China, when he stated that it behooved the Committee to do everything in its power to bring the aspirations of those peoples to fruition and to assume all the responsibilities incumbent upon it with regard to their education and their advancement in the field of human rights.
3. Mrs. AFNAN (Iraq) said her delegation opposed the inclusion of the colonial clause in the covenant on human rights.
4. All the arguments advanced in favour of that clause rested on the assumption, conscious or unconscious, in the minds of their proponents, of the existence of colonialism and the probability of its survival. The representative of Ethiopia had observed at the 294th meeting that the absence of human rights was the direct cause of the backwardness of certain peoples. That observation had pervaded the current discussion. The covenant had raised boundless hopes among all peoples and should therefore be acceptable to all. It was to be hoped that, despite what the New Zealand representative had said, things could still be changed by peaceful discussion. Otherwise they would be changed by less peaceful means and outside the United Nations.

* Indicates the item number on the General Assembly agenda.

5. In opposition to the view expressed by the Greek representative, she stressed the need of granting enjoyment of all human rights to the under-developed countries and thereby taking the first step along the road leading to their advancement.

6. She regretted also that the representative of France had used the backwardness of the peoples of equatorial Africa as an argument for the inclusion of the colonial clause in the covenant. She wondered how the degree of evolution of a people could prevent it from enjoying rights which that representative himself had admitted to be inherent in human nature. When France had proclaimed liberty, equality and fraternity among men, it had not set up discrimination. Furthermore, despite the misgivings of the French representative, differences of culture and tradition were no obstacle whatever to the universal application of the provisions of the covenant; the Moslem world would certainly be able to respect human rights. The differences between Roman law and Islamic law, for example, were wholly foreign to the field of human rights; nowadays it could no longer be claimed that some civilizations were essentially different from others.

7. It was precisely in the countries where the tradition of Islam was allied with political freedom — in Syria, Iraq and Egypt — that women had gained recognition of equal rights with men. Matters were very different in dependent countries such as Algeria, Morocco, Tunisia and Libya.

8. However weighty the arguments advanced for the inclusion of the colonial clause, it would deprive the covenant of all practical effectiveness; the very aim of the covenant was to ensure the application of human rights to peoples who were deprived of them and who lived in ignorance of what was due to them as human beings.

9. The argument that the peoples concerned should be consulted before the covenant was signed carried no weight and had already been refuted. Furthermore, in spite of what the Australian representative had said

about procedure (294th meeting), she could not see why it would be premature for the Third Committee to take an immediate decision, as the Economic and Social Council had formally requested the General Assembly to do so by asking it whether it was desirable to include a special article on the application of the covenant to Non-Self-Governing and Trust Territories. Her delegation believed that neither the Commission on Human Rights nor the Social Commission had power to deal with that question.

10. Mr. BAROODY (Saudi Arabia) said his delegation had not intervened in the debate on the question of including a federal clause in the covenant because it was well aware of all the difficulties inherent in the structure of federal States and because those States had given assurances that they would use every means at their disposal, should the clause be included in the covenant, to persuade their constituent parts to apply the provisions of the covenant.

11. The Saudi Arabian delegation could not, however, remain silent with regard to the inclusion of a colonial clause. Mr. Baroody then traced the stages of colonial history and stated that the evil had begun when the European trading companies set up in overseas territories had demanded their governments' protection. That stage had coincided with the industrial revolution and marked the consolidation of colonialism. The European Powers had then compelled the colonial peoples by force and other reprehensible means to buy manufactured goods from them and sell them valuable raw materials for a song.

12. The slow social progress made in Non-Self-Governing Territories was, he felt, due to the fact that the industrial Powers had to meet intense competition and could only maintain their economic prosperity by dictating their prices to the colonial peoples. The lot of such peoples, in so far as it was linked to that of the metropolitan Powers, could hardly improve, because they were the first to suffer during a slump, while in times of prosperity the profits went almost entirely to their masters.

13. He then explained the effects of such a situation upon the problem under discussion. So long as the colonies remained indispensable to the economic survival of the metropolitan Powers, those Powers could not afford to allow the dependent peoples to enjoy the advantages of instruments, like the covenant, which would make them conscious of their rights. He himself had had thirty years' experience in a number of territories and had seen the indigenous inhabitants ask for the enjoyment of inalienable rights such as those laid down in the covenant and had seen them brutally refused in the name of the law and of public order. He had seen the inhabitants of those same territories called upon to fight and die for causes which were not their own, without being consulted in any way by the metropolitan Powers.

14. The whole colonial system was based upon discrimination, for the economic reasons he had already described. He asked whether the colonial Powers feared that the peoples of Non-Self-Governing Territories would be driven to rebel if immediate effect were given to the covenant in those territories. Or did they wish to postpone its application until they had settled their

economic difficulties? If so, there seemed no reason why the Committee should prolong useless discussion on the need for consulting the colonial peoples before the convention was put into force.

15. Seeing that colonialism, however called, was not dead, the Committee ought to urge the metropolitan Powers to grant the peoples in their colonies enjoyment of human rights, even at the risk of rebellion — or rather of liberation. Such liberation was only too long overdue.

16. The Saudi Arabian delegation was, therefore, opposed to the inclusion in the covenant on human rights of a colonial clause or of any clause resembling it.

17. Mr. CASSIN (France) wished to clarify two points which appeared to have been misunderstood. One had been raised at the 294th meeting by the representative of Syria and the other at the 295th meeting by the representative of Czechoslovakia.

18. The first point related to the complaints lodged by members of the Algerian Assembly against the procedure applied to them. That procedure had been correctly introduced. The authors of the letter referred to were the leaders of a political party which had recently been disavowed by the majority of the inhabitants at perfectly free elections. The case was a typical one and showed that the inhabitants were quite free to express their opinions.

19. As regards the second point — the charges of discrimination which had been made in the Economic and Social Council by the World Federation of Trade Unions — France had completely refuted those charges at the tenth session of the Council. It had proved impossible to investigate the charges, as there was not a single fact on which to base an investigation.

20. There was another more important point on which he felt he had been misunderstood by some colleagues. They apparently believed that France wished to invoke the colonial clause in respect of the first eighteen articles of the covenant. In actual fact, the provisions of those articles were already contained in the French Constitution and France had no need to invoke the colonial clause.

21. He reminded the representative of Pakistan, whose speech seemed to be inspired by the highest motives, that in the case of France there was no question of a myth but of a very real change. France had decided to take advantage of the experience of the two world wars and of the solidarity they had created between metropolitan France and the other territories; it had changed the structure of its national constitution. The wishes expressed by the representative of Pakistan had already been granted. There were no French colonies any more and all the peoples of the French Union had won the right either to sign their own international agreements or to be consulted. The peoples who were directly under French jurisdiction were no longer subjects; they were citizens and were represented in that capacity in the French assemblies.

22. Nevertheless, there were certain facts that could not be disregarded in the case of territorial clauses and there could be no question of adopting a rigid covenant which would not be in the general interest. The various types of legislation in force in countries inhabited by different populations had to be taken into account.

23. Mr. KOUSSOFF (Byelorussian Soviet Socialist Republic) said his delegation could not agree to the inclusion of a colonial clause in the covenant. The adoption of that clause would mean discriminating against hundreds of millions of human beings; it would be offensive to human dignity and create situations in which the colonial Powers could refrain from applying the provisions of the covenant in their territories.

24. It was essential to ensure that not only the inhabitants of the metropolitan countries but also the inhabitants of Trust Territories and Non-Self-Governing Territories enjoyed those elementary rights. Otherwise, the covenant would be doomed to failure and would not fulfil its function.

25. The colonial clause was useless, since the covenant provided equal rights for all men and, consequently, all men should be equal under the covenant. It had been drawn up by the United Nations as a whole and should therefore be based on the essential principles of the Charter of the United Nations and the Universal Declaration of Human Rights, which stipulated that all human beings should enjoy fundamental rights without distinction as to race, sex, language or religion.

26. As certain delegations had apparently misconstrued Article 73 of the Charter, concerning the administration of Non-Self-Governing Territories, he would read its text. He asked how effect could be given to the principle that the interests of the inhabitants of those territories were paramount if they were not allowed to enjoy fundamental rights. He stressed that under Article 73 a, countries responsible for the administration of Non-Self-Governing Territories were bound to take the necessary steps to promote the cultural development of the inhabitants.

27. In that connexion, however, the Belgian representative had stated (295th meeting) that in seventy years the inhabitants of the Congo had failed to produce a trained nucleus of people sufficiently cultured or developed to take part in the country's administration. He asked the Belgian representative how many centuries his country would need to prepare the inhabitants of those territories so that they could benefit by the covenant, if after seventy years it had failed to give them elementary political training.

28. Article 73 b of the Charter dealt with the ability of the inhabitants to govern themselves and requested the Powers to develop that ability without neglecting their aspirations, culture and institutions. That was the only way in which the peoples of Non-Self-Governing Territories could attain the same stage of advancement as the metropolitan countries.

29. Article 73 of the Charter, therefore, forbade discrimination against the inhabitants of such territories. It followed that the colonial clause could not be inserted in the covenant without contravening Article 73 and allowing colonial Powers to keep the peoples of the territories under their administration in a state of backwardness.

30. Some delegations were insisting on the inclusion of the colonial clause and to that end were advancing fallacious constitutional, legal and other arguments. Some of them had stated, at the first meeting on procedure (292nd meeting), that a colonial clause must be included in the covenant, since the immediate grant-

ing of all rights to the peoples of Non-Self-Governing Territories would be contrary to the interests of those peoples. The colonial Powers were actually taking advantage of the backwardness of those peoples in order to deny them the enjoyment of human rights and to keep them in that backward condition. He felt sure that those peoples were capable of exercising the most far-reaching rights and that all the misgivings expressed on that score were groundless.

31. One delegation had claimed that the freedom enjoyed by citizens was less in some Soviet Republics than in Moscow or Leningrad. That was a slanderous assertion. He cited the case of Byelorussia, which had been one of the most backward territories of Czarist Russia. He pointed to articles 3, 13, 93, 94, 95, 96, 97, 98, 100 and 110 of the "Stalin Constitution" and explained the very far-reaching rights enjoyed by the citizens of the Byelorussian Soviet Socialist Republic. Those articles went to show that, in that Republic, the minority groups had full enjoyment of all the rights. No constitution in the world accorded more rights than the constitutions of the Soviet Republics and that was why the inhabitants of those Republics had been able to reach the same stage of development as the inhabitants of the central part of the Soviet Union.

32. Only if they were given such rights and freedoms could the inhabitants of Non-Self-Governing Territories be brought to the highest stage of development. Hence, he was opposed to the inclusion of a colonial clause which, by enabling the colonial Powers not to give general application to articles of the covenant, would allow millions of individuals to be kept in servitude.

33. Miss SUDIRDJO (Indonesia) said that her delegation disapproved of including a colonial clause in the covenant on human rights.

34. In the Preamble to the Charter, the peoples of the United Nations had declared that they were determined to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small.

35. Article 2 of the Universal Declaration of Human Rights provided that everyone was entitled to all the rights and freedoms set forth in that Declaration, without distinction of any kind and that, furthermore, no distinction should be made on the grounds of the political, jurisdictional or international status of the country or territory to which a person belonged, whether it were independent, Trust, Non-Self-Governing or under any other limitation of sovereignty.

36. The chapter of the United Nations Charter on Non-Self-Governing Territories also contained provisions on that subject. Article 73 (referring to peoples who had not yet attained a full measure of self-government) affirmed that "Members of the United Nations . . . recognize the principle that the interests of the inhabitants of these territories are paramount" and "accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories".

37. In the light of those texts, her delegation could not understand why essential human rights should not

apply in territories administered by a metropolitan Power just as much as in the metropolitan territory itself. She asked why the rights considered to be essential for the inhabitants of a metropolitan country should be refused to those of the territories. That would mean encouraging the continuance of a policy of discrimination which they were trying to suppress and would be in direct contradiction to the purposes of the Charter.

38. Further, her delegation thought that at their current stage of development all peoples, whoever they were, could claim the right to life, liberty and security of person and demand the abolition of slavery and servitude and the suppression of torture, and cruel, inhuman or degrading treatment or punishment.

39. There was no denying that it was in the best interest of the peoples of the Non-Self-Governing Territories to be able to enjoy their essential rights as soon as possible and nations would surely not seek to return to the time when the interests of subject territories could only be considered in so far as they coincided with those of the metropolitan Power and fitted in with its plans for the future.

40. Her delegation was fully aware that such a problem could not be solved by adopting an emotional attitude. But, when dealing with such a question, it naturally could not forget its own country's experience of colonization, an experience which had brought home to it the fact that, when a territory was held in a state of dependence and forced to resign itself to playing no part in political or social affairs, its vitality suffered.

41. Even if an effort were made to forget the past, it was still difficult, if not impossible, to see how the adoption of a colonial clause could serve the interests of the inhabitants of dependent territories.

42. It had been argued that to grant human rights to the peoples of Non-Self-Governing Territories would not mean the immediate disappearance of the conditions prevailing in certain under-developed countries. That, however, did not seem a good reason for refusing people rights that were recognized as universal. As had already been said, the emancipation of the human being could not be achieved under the influence of external causes. But that did not mean that peoples which had not yet become conscious of their powers of self-government as peoples should be denied the opportunity of realizing their dignity as persons.

43. Miss Sudirdjo pointed out that by deciding to include a colonial clause in the covenant, the General Assembly would, in effect, be giving a privileged class of human beings the right to decide arbitrarily how far the rights enjoyed unreservedly by themselves could be granted to less favoured classes. History revealed, however, that privileged classes had not always shown themselves capable of granting others rights which might allow the latter to develop their capacity for governing themselves.

44. The adoption of the Universal Declaration of Human Rights had been a recognition of the fact that the world was becoming conscious of its moral obligations. Just at the time when an effort was being made to give legal backing to those obligations by the adoption of a covenant, there seemed to be no reason to reduce its scope by introducing into that covenant a colonial clause.

45. The Belgian representative had alluded to certain complexes from which newly-emancipated peoples were bound to suffer. She doubted the truth of such an assertion, and would like to point out that countries which had recently attained their independence would be betraying the ideal which they had so unwearingly pursued if they failed to do everything possible to secure the enjoyment of human rights for all the peoples of the world.

46. Mr. AZKOUL (Lebanon) said that if his delegation's attitude on the question were to be rightly understood, two fundamental distinctions must be drawn: the distinction between the federal clause and the colonial clause, and the fact that a colonial clause in the covenant on human rights was not of the same nature as a colonial clause attached to any other international legal instrument.

47. The difference between the federal and the colonial clauses derived from the actual status of the States to which they referred, and also from the differences between the ties binding the states or provinces to the government of the federal State and those existing between Non-Self-Governing Territories and the metropolitan country upon which they were dependent. His delegation had not opposed the inclusion of a federal clause in the covenant, because it thought that a federal government could not take it upon itself to impose its will on the status of the federation if the latter were responsible for their own domestic legislation.

48. The case of the Non-Self-Governing Territories raised a very different problem, because there were two clearly defined elements involved: on the one hand, the metropolitan country with its legislation and its territory; and, on the other hand, the dependent territories administered by the metropolitan government, which told them what legislation they had to enforce. The inhabitants of those territories had thus been unable to take part in drafting their own constitution and enjoyed rights and freedoms only to the extent authorized by the metropolitan country, which was always free to increase or restrict the scope of those rights. It could not, therefore, be said that those rights had been granted to them finally, and the line of demarcation between the metropolitan authority and that of the local organs of government remained ill-defined. When national security required it, the Administering Power could withdraw a part of their powers from the local authorities in the interest of the people as a whole. Such a situation was not blameworthy in itself, but in no case should the principles embodied in the covenant yield to considerations of security or national defence and there should be no derogation from their application, whatever the difficulties in which the metropolitan Powers were involved.

49. Some proponents of the colonial clause had alluded to constitutional difficulties and had added that such a clause had been made necessary by the differences in the degree of social, cultural and legal progress between the various territories, which made it *a priori* impossible to apply in the dependent territories the laws in force in the metropolitan country. The Lebanese delegation, which, he emphasized, was not opposed in principle to the inclusion of the colonial clause — it had supported it in the case of other conventions, for example, that on road transport — would be quite pre-

pared to recognize the validity of that argument, were it not that the covenant on human rights was in question.

50. He believed — and that was his second point — that in the special case of the covenant, the rights granted could not be made dependent on accidental circumstances nor on the degree of development of the peoples concerned nor on the political, legal or international status of the country of which those peoples were nationals.

51. The covenant, as it was then worded, was the result of many concessions by delegations which would have liked to see much broader rights and freedoms stated in it. It embodied, therefore, only a minimum of rights, the fundamental rights inherent in the human person and, therefore, its application could not be made subject to reservations. A review of the first eighteen articles would show that to deprive the individual of any one of the rights stated in it would be to violate his dignity and conscience. It might be said that those rights were, to paraphrase a certain philosopher, the accepted facts of the moral consciousness that they represented the categorical imperatives of practical consciousness. Man was entitled to them not because of particular circumstances but because of his actual nature. The enjoyment of those rights could not, therefore, be denied to the peoples of the Non-Self-Governing Territories.

52. Some representatives had alluded to the possible danger of setting a precedent and had raised the question of subsequent covenants which the Committee would have to study in order to complete the first international covenant on human rights. The Lebanese delegation would be quite prepared to contemplate the inclusion of a colonial clause in any future covenant.

53. In connexion with the inclusion of both the federal and the colonial clause, the Administering Powers had alluded to their practice of consulting the local authorities at the time of the signing of international conventions. On that subject he would point out that Europeans or Americans, when speaking of the local authorities in Non-Self-Governing Territories, found it somewhat difficult to picture who those authorities really were. They were generally accustomed to conceive of authority as the representation of a people conscious of its duties and obligations; that, however, was not the case with local authorities of Non-Self-Governing Territories. The elected chiefs were often the representatives of old feudal families elected by the peoples out of respect for tradition. They would conceivably make every effort to oppose the application of the covenant in order to retain their hold on the peoples whom it was to their interest to leave in ignorance of their rights.

54. But the covenant was of direct interest to the indigenous populations of the Non-Self-Governing Territories; they were the people most concerned, and as such they should be the first to express their views. It was inconceivable that such people should be unconscious of their own interests to the point of refusing to take advantage of the rights accorded them in the covenant. For that reason, the Administering Powers could and should intervene, in the best interests of the people themselves. The purpose of the covenant was not to protect governments, but to protect the peoples.

If the Administering Powers were acting in conformity with that principle, they could be confident of the support of all the Members of the United Nations, who, in deciding to draw up an international covenant on human rights, had, in fact, initiated the first great legal conspiracy of peoples against governments.

55. Mr. CORTINA (Cuba) stated that his delegation was categorically opposed to the inclusion of a colonial clause in the covenant on human rights.

56. The Cuban delegation had no hesitation in saying that the colonial system was an anachronism, which was abhorrent to the human conscience. Cuba was a former colonial territory which had had to struggle for its freedom and knew only too well how grudgingly sovereign States granted the populations they administered the freedoms which they themselves held sacred. Most other American nations were in the same position and that explained their deep interest in colonial problems and the determination with which they had voted, in 1948, at the Bogotá conference, for the elimination of the last traces of that iniquitous system on their continent.

57. All the brilliant speeches made in favour of the colonial clause could not disguise the fact that the adoption of such a clause would strengthen the colonial system. To talk of practical difficulties, as had been done, merely created a vicious circle, since those who alleged that certain peoples were not yet ready to enjoy all the rights laid down in the Universal Declaration of Human Rights could fairly be told that the most backward peoples were precisely those which had been denied the enjoyment of those rights, either by the will of their conquerors or as a result of the vicissitudes of history. The constitutional objections that had been raised by the colonial Powers to justify the inclusion of the colonial clause could be disposed of by referring to article 1, paragraph 2, of the draft covenant itself, under which "each State undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of this Covenant, to adopt within a reasonable time such legislative or other measures as may be necessary to give effect to the rights recognized in this Covenant".

58. It was impossible for the United Nations to associate itself with a measure which would result, even indirectly, in reinforcing the colonial system, as the adoption of the colonial clause would do. No practical consideration could outweigh that moral obligation.

59. The most eloquent argument in favour of rejecting the colonial clause was the presence at the Committee table of the representatives of countries which had once been Non-Self-Governing Territories. He recalled that the aspirations of more than one people had been fulfilled after the Second World War; that progress towards liberty must continue and it was therefore essential to omit the colonial clause from the covenant on human rights, since it would only serve to limit its application.

60. Mr. ORTIZ TIRADO (Mexico) recalled that the colonial clause had always evoked lively discussion in United Nations bodies, since it was tantamount, as had been so aptly pointed out by the Secretariat in its report on the question (E/1721 and Corr.1), to giving the States signing a convention the option of not ex-

tending the provisions of that instrument to the Non-Self-Governing Territories under their administration.

61. In the case in point, the debates in the Human Rights Commission had shown that the principle of applying the covenant to territories which were not yet independent was not being questioned, but, whereas some representatives wished that application to be immediate, others considered that a period of preparation was necessary, or said that the elected authorities of the territories concerned should be consulted.

62. The Mexican delegation had always opposed the colonial clause. The arguments put forward during the current debate had merely served to confirm its views on the subject. The United Nations Charter, especially in its Chapter XI, imposed on all Member States the unavoidable obligation of ensuring the fundamental rights and freedoms of all human beings without exception. In view of that mandatory provision, it was impossible to agree that the benefits of the provisions of the covenant on human rights could be denied to a large section of humanity and still less to suppose that the populations concerned might themselves refuse that privilege.

63. As the representative of a country which had also gained its independence at the price of bloodshed, he associated himself with the remarks of the representative of Cuba. Mexico would always support those who desired to see territories which were not yet self-governing represented in the United Nations in the near future, to the greater glory of mankind.

64. Mr. VALENZUELA (Chile) said the substantive discussion that had arisen about including the colonial clause showed a certain confusion which could not but obscure the question originally referred to the Committee.

65. The first source of confusion lay in the fact that the representatives who had censured colonialism had not, in denouncing the practices inherent in the colonial system, been careful to draw the necessary distinction between the very different methods applied in various Non-Self-Governing Territories and had not made it clear that not all the metropolitan Powers treated the native populations under their administration in the same way.

66. The second source of confusion arose from the fact that representatives of countries which had actually transformed independent nations into real Non-Self-Governing Territories were among the opponents of the colonial clause.

67. That state of affairs was due to a serious political error: the nations which justly prided themselves upon being the most advanced in the field of human rights were precisely those which were championing the colonial clause in the United Nations.

68. The Chilean delegation felt bound to draw the Committee's attention to the fact that the current discussion was no longer being conducted on the purely juridical or technical plane, for it aroused the gravest doubts as to the spiritual position of the democratic nations. That mistake on the part of the democratic nations would not be so serious if the world were passing through a period of peace; as things were, however, it was to be feared that that mistake might mean a kind of suicide for democracy.

69. The United Nations could not admit that there was a second category of people in the world, who were called natives and were regarded as unfit to enjoy the minimum rights which the covenant was to guarantee and which were, as the representative of Lebanon had pointed out, the inherent rights of the individual. He rejected all the arguments that had been advanced in favour of the colonial clause. He refused to agree that the low level of civilization of certain peoples made them unfit to enjoy fundamental rights equally with other human beings. He refused, especially after the experiences of the last war, to accept the theory which attributed a monopoly in civilization to the West. If a covenant on human rights had been proposed ten years previously, and if a colonial clause had been included in it at that time, the Committee would probably have only fifty members. If the clause had been inserted in such a covenant a hundred years previously the number of members would be still fewer.

70. At the current time it was not the Committee's business to decide whether or not the West should continue its "civilizing mission"—a mission which was in fact based on a judicious mixture of the spirit of adventure, religious faith and mercenary motives. The question before it was to decide whether or not human rights should apply to the inhabitants of the Non-Self-Governing Territories. Some people held that the provisions of the covenant could not be applied to those populations unless they were consulted first; others declared that those populations could not be consulted, because they were not civilized. To the latter he would say that civilization was not learnt from books, that it could only be learnt by personal experience and that the enjoyment of human rights was the best teacher of the subject.

71. He wished to point out yet another source of confusion: it was customary to refer indifferently to colonies, Non-Self-Governing Territories and Trust Territories. It should not be forgotten, however, that the populations of the Trust Territories were sovereign peoples and that the responsibility for their administration lay solely with the United Nations, which delegated that responsibility to one of its Members with the reservation, clearly stipulated in one of the clauses of the trusteeship agreement, that that Member would administer the territory concerned as it would administer one of its own territories, and not one of its colonies. Thus, the current discussion could have no bearing whatsoever on the Trust Territories; it referred only to the Non-Self-Governing Territories and colonies, for which the United Nations was not directly responsible.

72. He begged the metropolitan Powers to consider their position. They should not be surprised at the mistrust which prevailed throughout the world. Let them merely look at one vast continent which had only four independent countries and observe the headway that was being made there by a certain theory of compulsory racial segregation, in flagrant violation of the United Nations Charter; then they would understand that that anxiety was not altogether unjustified. It was even rekindled when the representative of a metropolitan Power stated that the inhabitants of certain isolated regions of Africa, on the pretext of respect for their customs, were only being taught their own primi-

tive dialect, the sole result of which would be to increase their isolation.

73. The Chilean delegation therefore firmly stated, as it had stated in the Commission on Human Rights and as it would state anywhere else, that it strongly objected to any colonial clause.

74. Mr. PAZHWAQ (Afghanistan) said that his delegation regarded colonialism as a flagrant violation of the most sacred rights of the individual. In depriving peoples of their rights to govern themselves, colonial Powers often violated the right to life and liberty and many other fundamental rights of the individual.

75. There was no greater or more iniquitous injustice than that of enslaving a country. One of the dangers of colonization was the change it produced in the behaviour and the very mentality of the colonial Power. Indications of that change could be seen in the statements that had been made in the Committee.

76. A study of the constitutions granted by metropolitan States to the Non-Self-Governing Territories would show that the freedom which they offered was merely illusory and that their attitude was arbitrary, since the metropolitan Powers often, without consulting them, deprived dependent peoples of the rights which they enjoyed. That state of affairs must be ended.

77. The covenant on human rights could not be universal if its provisions did not apply to all peoples. The same difficulties had arisen when the Universal Declaration of Human Rights was being drafted and article 28, as adopted, provided that everyone was entitled to a social and international order in which the rights and freedoms set forth in the Declaration could be fully realized. Did the Committee intend to disapprove all those who had read the Declaration and found in it grounds for encouragement?

78. Those who claimed they were trying to civilize the peoples whom they were colonizing should at least give them the right to learn how to become conscious of their human dignity.

79. Mr. Pazhwak said his country felt a great appreciation for some of the things achieved by colonial countries in their overseas territories; but it had to be admitted that, generally speaking, those countries had acted in their own interests only and had tried to take the maximum advantage from the territories under their administration. Those facts could not be denied and the delegation of Afghanistan therefore objected to the inclusion of a colonial clause.

80. AZMI Bey (Egypt) said that his delegation had voted in favour of separate consideration of the federal clause and the colonial clause (292nd meeting), because in its view, those two clauses were based on rather different considerations. The first appeared to be linked up with the procedure for ratification of the covenant and the second with the applicability of the principles of human rights. The statements made by the supporters of the inclusion of those clauses and by their opponents had proved the correctness of that view.

81. It seemed that the inclusion of a colonial clause in the covenant would lead to the non-application, or at least to the incomplete application of human rights in the colonial and semi-colonial territories, while those rights would be fully applied throughout the rest of the

world. His delegation protested against that idea, as it was only too reminiscent of the Hitlerian concept which divided mankind into groups of varying worth. It objected therefore to the inclusion of the colonial clause unless that clause were drafted in the mandatory form proposed by the delegation of the Philippines — a form which appeared in the report of the Commission on Human Rights (sixth session) (E/1681, annex I, page 22).

82. As Egypt had been represented on the Commission on Human Rights, his delegation would not deal in detail with the comments made by the advocates of the colonial clause; it reserved the right to state its views again in the Commission on Human Rights where it would, if necessary, oppose the inclusion of that clause in the first international covenant on human rights.

83. Mr. MENDEZ (Philippines) suggested that, in order to solve the problem in a coherent and satisfactory manner, it must first of all be considered that, in a century in which the dignity of the individual had been solemnly proclaimed, colonies no longer had a *raison d'être*. It was possible, after the speeches that had been heard, to distinguish between the specious arguments of those who were laboriously striving to demand colonialism and the sincerity and common sense which characterized its opponents.

84. If the matter were to be voted on immediately, his delegation would join the vast majority which rejected the colonial clause; it considered that by doing so it would be supporting the cause of human freedom and equality. It had been stated that, since there were trusteeship agreements in existence, it would be an abuse of authority to apply the provisions of the covenant to the Trust Territories. He wondered whether the granting of human rights could ever at any time have constituted an abuse of authority. At the worst, the Commission would be running the risk of repeating the provisions of trusteeship agreements and obviously such repetition could do no harm.

85. He found it difficult to see how any of the rights set forth in the first eighteen articles of the draft covenant could not be applied, perfectly naturally, to the inhabitants of Non-Self-Governing Territories. At the same time, he could not help wondering what procedure would be adopted in those regions if the elementary guarantees of rights and justice laid down in the covenant were lacking. If, as had often been said, those guarantees already existed, why should governments oppose the automatic application of the covenant to the peoples of colonial territories?

86. According to the usual argument of the supporters of the clause, the stage of development of such peoples determined the extent to which they should enjoy the fundamental rights and freedoms. That being so, at what stage of development could an individual exercise the essential rights provided in the covenant? It was precisely when individuals were unable to claim their rights, because they were unaware of them, that the authorities were specially bound to protect them. It was difficult to imagine that a man would refuse to exercise one of his essential rights. There should be no further delay in the granting of human rights; any delay would amount to a refusal.

87. In conclusion, he stated that the only clause which might be termed "colonial", and which his delegation would accept, would be a clause similar to that proposed by his delegation in the Commission on Human Rights — to which the representative of Egypt had referred.

88. Mr. PANYUSHKIN (Union of Soviet Socialist Republics) wished to reply to the comments made by some delegations regarding his delegation's statement concerning certain Articles of the Charter of the United Nations.

89. At the previous meeting the representative of Canada had disputed the correctness of the USSR delegation's statement that the colonial clause was contrary to the provisions of Articles 73 and 76 of the Charter. He pointed out that under Article 73 the Members of the United Nations which assumed responsibilities for the administration of Non-Self-Governing Territories had accepted as a sacred trust the obligation to promote the political, economic and social advancement of the peoples of those territories. The basic objectives of the Trusteeship System laid down in Article 76 included the promotion of the political, economic and social advancement of the peoples concerned. In view of those two clearly stated provisions, could it be denied that those who maintained that the metropolitan Powers were not bound to ensure the application of the covenant on human rights in the territories they administered, were contravening the Charter of the United Nations?

90. The USSR delegation considered that any attempt to limit, completely or partially, respect for human rights anywhere in the world was a violation of the Charter to which all the Member States had solemnly subscribed.

91. Furthermore, article 3 of the Universal Declaration of Human Rights assured everyone the right to life.

The right to life, though, was not only the right to exist, it was the right to work, to found a family, to take part in the common efforts for a better world. Could the inhabitants of the Non-Self-Governing Territories be deprived of that right?

92. He appealed to all the members of the Committee not to discuss the matter in a purely academic spirit, but to approach it with all the seriousness which the subject required. It was the General Assembly's duty to request its subsidiary organs to ensure that the covenant which it was asking them to draw up should be such as to guarantee the effective enjoyment of human rights and fundamental freedoms. To that end, it was essential to remove any clause likely to restrict their application; undeniably the colonial clause was such a clause.

93. He protested against the references, however veiled, which some delegations had seen fit to make regarding the alleged lack of freedom in the Soviet Republics. Those references were strangely reminiscent of a certain type of propaganda well known in the pre-war period. The Soviet peoples had risen up as one man against the Nazi aggressor and had fought and died in defence of their freedoms. Would they have done that if they had thought they had only illusory freedoms to defend? The reply to that question was sufficient to refute any tendentious slur.

94. The CHAIRMAN, having noted that the list of speakers was exhausted, announced the closure of the debate on the inclusion in the covenant of a clause on its application to Non-Self-Governing Territories.

95. As had been agreed, after completing the general discussion of the questions referred to it by the Economic and Social Council, the Commission would consider any draft resolutions submitted.

The meeting rose at 6 p.m.