

## STATEMENTS AND SPEECHES

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### SELF DETERMINATION OF PEOPLES

Statement by the Minister of National Health and Welfare, and Chairman of the Canadian Delegation to the United Nations General Assembly, Mr. Paul Martin, made in the Third Committee, October 27, 1955.

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The Canadian Delegation would like to take the opportunity afforded by the Third Committee's discussion of Article 1 of the Draft International Covenants on Human Rights to express some views on the question of self-determination of peoples and nations. I should perhaps explain that we wish to make these views known now rather than at a later stage, because they are of a fundamental nature and have a direct bearing both on Article 1 of the draft covenants and on the various proposals to be considered under the next item on the Committee's agenda.

I should like to refer first to the comments of the Canadian Government on the Draft Covenants on Human Rights, which are to be found in Document E/CN.4/694/ Addendum 6, dated March 10, 1954. Paragraph 8 of that document refers specifically to the self-determination articles in the two draft covenants. The Canadian position, as stated there, is that self-determination is a collective matter rather than an individual human right. We believe that this distinction is fully justified and we attach such importance to it that we find it necessary to adhere to our view that reference to self-determination of peoples is inappropriate in an international instrument dealing with individual human rights.

We share the view of those Governments which look upon self-determination more as a goal than as a right. In this connection, I should like to emphasize that we continue to believe that the development of "friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples" -- recognized in the United Nations Charter -- is a matter of the greatest importance and deserving of the fullest respect and support.

While this is still the guiding factor in our thinking, we have become conscious of the need for a fuller analysis of self-determination in the light of views expressed by other governments in various organs of the United Nations in recent years. We have been greatly concerned to find that our understanding of this provision in the United Nations Charter is somewhat different from that of some other governments. In fact, it has become increasingly clear to us that the notion -- if I may call it that -- of self-determination is susceptible of a number of varying interpretations. The discussions concerning self-determination in the Commission

on Human Rights and in this Committee have merely served to emphasize these differences in interpretation and have not resulted in the universal approach which we believe to be essential before any further progress can be made in this field.

It is important, Mr. Chairman, before proceeding any further, to clarify one or two points so that there can be no possible misinterpretation of the position of the Canadian Delegation - and perhaps that of some other delegations who, it seems to me, share our views in this matter.

Given the nature of our organization and the obvious division of opinion on the subject of self-determination, I am led to ask very earnestly whether any group of nations represented in this Committee considers that further progress in finding an acceptable solution will be facilitated by an attempt to formulate or define so-called rights or principles which another group of nations is - for reasons which I will mention later - not prepared to accept. Is it not more in keeping with the spirit of our organization and, I would add, more practical and sensible to recognize that there are differences in approach to the subject? Would it not be better to attempt to seek solutions or arrangements which will narrow these differences and -- without impairing the all important goodwill and understanding which should inspire our deliberations -- make it possible for all of us to advance, agreed step by agreed step, towards a mutually satisfactory arrangement?

Now I appreciate, Mr. Chairman, that those who regard self-determination as a right take their stand as a result of deep conviction -- often in the light of bitter historical experience and under considerable and understandable pressure of public opinion. Is it unreasonable to appeal to fellow members of this organization, to approach differences with moderation and with a willingness to seek reasonable compromises; to consider that other countries which do not share their view on this particular subject are also motivated by the same high purposes, guided by long-established national traditions and a most earnest desire to do only what is right and fair?

This leads me, Mr. Chairman, to the crucial point. Members of this organization, when they signed the Charter or adhered to it, have repudiated, one and all, the idea that any human being -- and, even more, any group of human beings -- should be held in political subjection or be the object of any kind of exploitation. The very principles of our Charter proclaim in the most solemn fashion that alike in the relations between individuals and between nations or peoples, the golden rule is one of service, of dedicated and generous assistance. It is not helpful to suggest, therefore, in anything we say here that some members of our organization are not prepared to abide by these principles and are influenced by any purpose other than those which have been enshrined in the Charter. Is it not better to assume that in all this the main difference between us is not one of principle but perhaps one of method, not one of goals but rather one of approach. All of us here should seek what will be most beneficial to those peoples or areas which are not self-dependent or self-governing. We are all of us committed under the Charter to enlarge as far and as fast as possible the area of freedom in the world, in a manner which is consonant with the provisions of the Charter as a whole.

If we approach the issue facing this Committee with these thoughts in mind, our task will remain formidable but I am confident that it will be much more easily manageable. It is our hope that, through calm and friendly discussion among Member Governments, many of the question-marks resulting from the various understandings of this provision in the Charter will be permanently removed by working out generally agreed answers to the questions.

What are these questions? They have been asked before, but I take the liberty of repeating them. First, "what do we really mean by the term 'self-determination'?" Second, "what do we really mean by the term 'peoples and nations'?" Mr. Chairman, I am sure that no member of this Committee would pretend that there are generally agreed answers to these questions. There is, for example, no general agreement whether political self-determination is achieved when self-government, or autonomy or full internal and external sovereignty have been conceded. Similarly, there is no general agreement on who is to enjoy self-determination -- whether racial, religious, geographical, cultural and economic units are to be invited to determine their fate and, if so, what tests are to be applied to ascertain whether such a unit is seeking expression of an articulate desire in this respect. Besides, how many countries have no minorities? There is also the question of timing and of selecting the arbiter. Who will say when a certain unit has reached the necessary degree of maturity? This raises problems which may not be essentially different in nature from those involved in the question of recognition of states. It seems to us that the very notion of who is entitled to self-determination and what it means - or when and how it should be asserted - is still too loose, too vague, to be defined with the desirable accuracy. In these circumstances, we find it impossible to declare our unreserved acceptance of self-determination, either as a right or as a principle. It is already clear that there are many other governments represented here which find themselves in very much the same position.

Mr. Chairman, I have mentioned a few questions of a general nature which have been troubling us. Since the generality of these questions may make them seem not too difficult to answer, I should like to mention briefly a number of more specific questions which I think will bring out the very real difficulties inherent in any attempt to implement self-determination.

First, self-determination must be examined in relation to Article 2 (7) of the United Nations Charter. If it were to be suggested, for instance, that the General Assembly ought to determine when self-determination should be applied, intervention in domestic matters might be involved and nothing less than an amendment of the Charter might be required.

Second, the preamble to the Charter states that one of its purposes is to promote respect for the obligations arising from treaties. To accept self-determination as a right might have far reaching effects on existing territorial arrangements. Acquired rights under valid international treaties might also be affected.

Third, the provisions in Chapter XII of the Charter recognize that self-determination is not an absolute right and that, in their own interest, certain peoples need the protection and support of other countries and that in such

matters "the particular circumstances of each territory and its peoples" must be taken into account.

Fourth, the provisions of Chapter XI of the Charter imply that self-determination is not to be interpreted in such a way that it would be inconsistent with the obligations and rights of the administering countries. Admittedly, this is a contentious subject but even so, my government is of the opinion that any action which might have the effect of urging interpretations which are unacceptable to a number of members of the United Nations is a matter for concern and should not be disposed of precipitately.

I have mentioned only four specific points which we believe must be examined carefully before a decision can be reached on the precise implications of self-determination. There are doubtless many other questions of equal or perhaps even greater importance which the General Assembly should study. I should like to say with all sincerity that the Canadian Government is (and has always been) ready and willing to play its part in finding the answers to these questions.

Finally, I would like to recall that our historical experience in Canada has been one of evolution tending to free and equal association. Our nation, among others, encompasses peoples of many racial origins with varying religious beliefs and cultural heritages. We live freely together, and each citizen is free to think according to his own conscience and to act as he sees fit within the limitations imposed by the law. It would be a serious matter indeed if, through a decision of the United Nations, member countries were placed in a position of being morally and even perhaps legally bound to grant to these minority groups the right to determine their own institutions without consideration for the wishes of the community as a whole. For historical reasons our nation bears the dual stamp of Anglo-Saxon and French traditions. We have inherited from the old French tradition a true appreciation of the importance of formulating and codifying the rights and obligations of individuals throughout the world. Who can deny that Frenchmen have been in the vanguard of those who have sought to express in unequivocal terms the rights of the individual person? From the Anglo-Saxon tradition we have inherited a cautious approach to the formulation of broad and theoretical principles. Because of this, we feel that there is a danger that premature formulation of principle may introduce an element of contention and rigidity in the field of self-determination when the emphasis should, in our view, be on specific cases and on flexibility. This is especially true in an age when all nations are becoming more conscious of their interdependence rather than of their separateness.

Mr. Chairman, I think I have given sufficient indication of the way in which my Delegation views, at this stage, the question of self-determination. In closing, therefore, I should merely like to emphasize that we have a keen interest in the whole subject, that we are prepared to study it carefully and to support any practical, concrete suggestions which will not involve contradictions with other Charter obligations and which appear to us to be politically advisable in their flexibility and timeliness. Whether in the context of the Draft International Covenants on Human Rights or in any other context, our attitude to self-determination will be fully in accordance with our own political traditions and what we may consider to be the best interests of the peoples concerned and of the United Nations. We have no other considerations in mind. We sympathize with those governments

which are genuinely anxious to find a generally agreed definition of self-determination and also appropriate measures to implement it, once defined. Our aim is that all that is feasible in this field should be done with as little delay as possible. Because we are determined to live up to our obligations we are not prepared, however, to subscribe to broad and imprecise statements relating to hypothetical situations. We are willing to accept solutions which will be effective and which will positively contribute to the cause of freedom in the specific situations which have to be dealt with in the very concrete world in which we live and in which this organization has to operate.

While we believe that the United Nations can and should help to solve this problem, we do not delude ourselves that our organization will have the final word. We do not forget that the organization is based on the principle of "the sovereign equality of all its members" and that in matters of such fundamental importance as "the principle of equal rights and self-determination of peoples and nations" there can be no really effective action without the consent of all the parties concerned. We do not look upon "self-determination" as a new idea because, as we see it, many countries, including our own, owe their existence to the practical application over a period of time of this very idea. That is why we can have no objection to its application in the future -- under generally approved safeguards.

Mr. Chairman, I hope that I have made it clear that our purpose is not to delay or to oppose constructive action, but rather to help build firmer foundations for developing friendly relations among nations, as envisaged in Article 1 (2) of the Charter.

I have thought it desirable to speak in rather general terms at this time. I would like, however, to reserve the right of my Delegation to intervene again when the Committee reaches the stage of considering the various proposals that have been made for further study of this problem in the United Nations.

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