



*Tuesday, 5 February 1957,  
 at 3.20 p.m.*

**New York**

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**Chairman: Mr. Enrique de MARCHENA**  
 (Dominican Republic).

**AGENDA ITEM 34**

**Information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter: reports of the Secretary-General and of the Committee on Information from Non-Self-Governing Territories (A/3105 to 3109, A/3110 and Corr.1, A/3111 and Add.1 and 2, A/3112 and Add.1 and 2, A/3113 and Corr.1, A/3114 and Corr.1 and Add.1, A/3115, A/3127) (*continued*):**

**(c) General questions relating to the transmission and examination of information (A/C.4/331 and Add.1, A/C.4/346; A/C.4/L.467) (*continued*)**

1. Mr. CARPIO (Philippines) said that, in deference to the sponsors of the draft resolution before the Committee (A/C.4/L.467), he would withdraw his amendments (A/C.4/L.469).

2. Mr. DE SILVA (Ceylon) thanked the Philippine representative on behalf of the sponsors of the draft resolution.

3. Mr. NOGUEIRA (Portugal) said that he wished to make his delegation's position on the draft resolution perfectly clear. He would not discuss the points already raised by the Brazilian and other delegations, although he completely endorsed them and considered that they should be enough in themselves to cause the rejection of the draft resolution. He would, however, point out in addition that if the draft resolution was adopted it would mark the first instance in which a Government's reply to the Secretary-General's letter had been called into question. The draft resolution was therefore clearly discriminatory in nature. Although it endeavoured to conceal that discrimination by its use of vague and ambiguous terms, it was clear that the whole debate had arisen as a consequence of his Government's reply to the Secretary-General's letter; moreover, no other country had been mentioned by any speaker during the debate. Furthermore, the draft resolution represented a clear attack on the sovereignty of Member States, and an attempt to interfere with his country's Consti-

tution. As such, it was a violation of Article 2, paragraph 7, of the Charter.

4. It had been suggested that, if any representative considered the draft resolution discriminatory because the replies of some older Members whose situation was similar to Portugal's had not been questioned, he should name the Member States he had in mind. By the same token, any representative who thought that the draft resolution was not discriminatory should name the new Members other than Portugal to which it might apply.

5. If the draft resolution was approved, a distinction would be created between two categories of Member States, the old and the new. His delegation could not remain indifferent to such a situation.

6. The issue before the Committee had been rightly termed a vital one; nevertheless, moral values should not be lost sight of in considering it. It might be imagined that the sponsors of the draft resolution, who had arrogated to themselves the role of defending the Charter, had themselves scrupulously abided by the Charter—but they had not. His delegation doubted the moral right of any Member which had not replied to the Secretary-General's letter to question the Portuguese reply: three of the sponsors of the draft resolution—Greece, Liberia and Nepal—were in that position. Nor could his delegation understand the importance attached to its reply, since the fact that ten countries had not even been consulted by the Secretariat and thirty-three other countries had not replied to the Secretary-General's letter had not produced any reaction in the Fourth Committee.

7. The decision the Committee was about to take might have far-reaching consequences. Approval of the draft resolution would open the way to the examination of all the laws of every country as they related to Article 73 of the Charter. Since, however, the Constitution of a country was an inseparable whole, it would be necessary to deal with it as a whole, and therefore to go into political considerations and the political structure of States. Thus, the principles of mutual respect on the part of States and of the paramountcy of national sovereignty would cease to govern international life.

8. His delegation would take no part in, and accept no responsibility for, such a decision. It hoped that the Committee would take the points it had just raised into account.

9. Mr. GRINBERG (Bulgaria) felt that the very existence of Chapter XI was proof that questions of colonial policy were of international concern, and that consequently the principle of accountability applied to States administering them. To allow the colonial Powers themselves to decide which Territories came within the scope of Article 73 would be tantamount to undermining the foundations on which Chapter XI rested. As Article 10 provided that the Assembly could discuss any matter within the scope of the Charter, and as

Chapter XI was an integral part of that instrument, it followed that the determination of those Territories to which Article 73 could be applied was a question which the Assembly could legitimately consider and make recommendations on. The whole discussion arose because such a notoriously colonial Power as Portugal declared that it did not have any territories falling under Chapter XI of the Charter. When replies were eventually received from Members which had not yet answered the Secretary-General's letter, some might give rise to similar discussions. The five-Power draft resolution provided for the establishment of an *ad hoc* committee to determine the procedure to be followed in relation to such replies. Although he regretted that the adoption of the draft resolution would entail a postponement of action in the matter, he would vote in favour of it, because it reflected the basic principles he had expounded and would enable the Committee to discuss the matter in a calmer atmosphere when fresh information had been received.

10. Miss BROOKS (Liberia), replying to the Portuguese representative's complaint regarding discrimination, stressed that in supporting the draft resolution her delegation did not wish to single out Portugal, but simply thought it expedient that an *ad hoc* committee should be established to deal with the replies of all the newly admitted Members. Furthermore, the draft resolution did not call for any immediate decision on whether certain Members did or did not administer Non-Self-Governing Territories.

11. Mr. DE FREITAS VALLE (Brazil) agreed with the Portuguese representative that the Committee was about to make a historic decision. He was confident that it would realize the gravity of its responsibilities.

12. Mr. LARAKI (Morocco) stated that the establishment of the *ad hoc* committee provided for in the draft resolution would make it possible to interpret the Charter more correctly, and would therefore receive his delegation's support. That did not mean, however, that his delegation questioned the good faith of any new Members administering Non-Self-Governing Territories.

13. Mr. MATHUR (Nepal) reiterated the assurance given by other sponsors that it was not the purpose of the draft resolution to infringe the national sovereignty of any Member State. He saw no reason to interpret it in that sense; in fact, no one had pointed to any specific provision of the draft resolution which bore such an implication. As the Committee had for many years been discussing the matter of Territories falling within the scope of Article 73, there was no basis for the allegation that the draft resolution accorded preferential treatment to the earlier Members.

14. Mr. DE SILVA (Ceylon) replying to the Portuguese representative's contention that the draft resolution questioned a declaration submitted by a sovereign Member State, recalled that the Secretary-General's letter of 29 June 1946 had not asked Members for an official statement but rather for an opinion whether Chapter XI of the Charter was applicable to any of the Territories administered by them. His letter of 24 February 1956, referring to that earlier letter, constituted in effect a similar request for an opinion. It could not be claimed that an opinion, as such, was infallible, or that the Committee was not entitled to question it.

15. Mr. WOLTE (Austria) requested a separate vote on paragraph 1 of the draft resolution.

16. Mr. CARPIO (Philippines) requested that the word "new" in the third paragraph of the preamble, and wherever it appeared in the operative paragraphs, should be put to a separate vote.

17. Mr. LOIZIDES (Greece) could not agree with the Portuguese representative's interpretation of the draft resolution; he assured him that the sponsors were concerned with the theoretical question of the interpretation of Article 73 rather than with its application in a particular case. In reply to the charge of discrimination against new Members, he felt that unless the Committee insisted that Article 73 should be interpreted in the same way for all Members, old and new, discrimination against the eight Members already transmitting information would result. If new Members were allowed to interpret Article 73 as they chose, the earlier Members might decide to cease transmitting information. He recalled that in the case of Puerto Rico the United States had asked the General Assembly to determine whether that Territory was truly self-governing and whether the transmission of information could, therefore, be terminated. If the General Assembly had been competent to take a decision in that case, he saw no reason why it should lack such competence in the present case. Despite that conviction, however, the sponsors were not asking that new Members should be required to submit information immediately. In view of the statements made about the civilizing role played by Portugal, he thought it would be in the interests of Portugal's own prestige that the proposed *ad hoc* committee should be set up.

18. Mr. NASH (United States of America) pointed out that the Greek representative's statement had been incorrect, in that the United States itself had decided to cease transmitting information on Puerto Rico and had subsequently informed the General Assembly of that decision.

19. Mr. TSUCHIYA (Japan) considered that the establishment of an *ad hoc* committee as proposed in the draft resolution would be tantamount to questioning the integrity of a Member State. He did not think such a committee could serve a constructive purpose, and he was in favour of accepting the Portuguese Government's statement without further controversy. His delegation would vote against any draft resolution recommending the establishment of a committee of the type envisaged.

20. Mr. LOJENDIO (Spain) stated that he shared the views expressed by the representative of Japan, and would accordingly vote against the draft resolution. He was surprised that the sponsors had denied its discriminatory character, for the replies of earlier Members to the Secretary-General's inquiry had not been examined by any such committee as that now envisaged. It would not be fair to submit the Portuguese declaration to such scrutiny when that procedure had not been followed in other cases. There had never been any move to question whether Siberia, for example, was self-governing. If such a committee were established, it should examine all replies submitted by Member States.

21. Mr. GARIN (Portugal) stressed that during the entire eleven years of the life of the United Nations the only resolution adopted by the General Assembly on the matter of replies to the Secretary-General in connexion with Article 73 was resolution 66 (I) of 14 December 1946, which had merely noted the replies

received from Governments. No argument could change that simple fact.

22. Mr. TAZHIBAEV (Union of Soviet Socialist Republics) said that he was obliged to speak again owing to the Philippine proposal that the word "new" should be voted on separately, and because of the remarks made by the Spanish representative.

23. In his delegation's view, information concerning Non-Self-Governing Territories should be transmitted not only by the new Members but by all Members of the United Nations which had responsibility for the administration of such Territories. In the case in point, however, the Committee was dealing with the question of the transmission of information by new Members.

24. In reply to the Spanish representative, he pointed out that the Soviet Union had never possessed overseas territories or colonies of any kind, nor attempted to seize any colonial possessions beyond its boundaries.

25. Mr. LOJENDIO (Spain) observed that the term "overseas territories" was not used in the Charter, and that the question whether or not the Soviet Union was responsible for the administration of Non-Self-Governing Territories had never been studied.

26. Mr. ESPINOSA y PRIETO (Mexico) said that his delegation would vote in favour of the joint draft resolution because it upheld the principle of the competence of the General Assembly.

27. Mr. VELANDO (Peru) considered the draft resolution to be inconsistent with the principle of the sovereign equality of all Members of the United Nations as laid down in Article 2 of the Charter. To apply new rules merely because new Members had been admitted to the United Nations would be incompatible with that principle.

28. As far as the replies to the Secretary-General's letter were concerned, his delegation, like others, felt that the word of a Government represented in the United Nations could not be questioned.

29. For those reasons he would vote against the draft resolution.

30. Mr. GRILLO (Italy) said that his delegation had neither discussed the interpretation of Chapter XI of the Charter, nor referred to any particular country or to any particular Territory, nor gone into the question of competence. It had merely noted the self-evident fact that the draft resolution discriminated against the newly admitted Members, of which his country was one. His delegation would therefore abstain in the voting on the separate paragraphs, and vote against the draft resolution as a whole.

31. Mr. BARGUES (France) wished to confirm his statement at the 621st meeting that his delegation would vote against the draft resolution. To begin with, the draft resolution infringed the principles of the sovereign equality of Member States, laid down in Article 2 of the Charter; furthermore it assumed a competence for the General Assembly which was not derived from the Charter, and which the French delegation refused to recognize. France, therefore, regarded the draft resolution as a violation of the Charter, and made the most emphatic and categorical reservations with regard to its validity. If it was adopted, his Government would refuse to co-operate in implementing its terms.

32. The CHAIRMAN called for a vote on the five-Power draft resolution (A/C.4/L.467).

*The first paragraph of the preamble was adopted by 41 votes to 25, with 2 abstentions.*

*At the request of the representative of Guatemala, a vote was taken by roll-call on the second paragraph of the preamble.*

*Libya, having been drawn by lot by the Chairman, was called upon to vote first.*

*In favour:* Mexico, Morocco, Nepal, Panama, Philippines, Poland, Romania, Saudi Arabia, Sudan, Syria, Thailand, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yemen, Yugoslavia, Afghanistan, Albania, Austria, Bolivia, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Ceylon, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Ecuador, Egypt, El Salvador, Ethiopia, Greece, Guatemala, India, Indonesia, Iran, Iraq, Jordan, Liberia.

*Against:* Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Peru, Portugal, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Australia, Belgium, Brazil, Canada, Denmark, Dominican Republic, Finland, France, Iceland, Ireland, Israel.

*Abstaining:* Argentina, Chile, Honduras, Italy, Japan.

*The paragraph was adopted by 43 votes to 24, with 5 abstentions.*

33. The CHAIRMAN put to the vote the word "new" in the third paragraph of the preamble.

*The word was adopted by 31 votes to 9, with 29 abstentions.*

*The third paragraph of the preamble was adopted by 34 votes to 27, with 7 abstentions.*

34. The CHAIRMAN put to the vote the words "the new" in operative paragraphs 1, 2 and 3.

*The words were adopted by 31 votes to 8, with 28 abstentions.*

*At the request of the representative of Ceylon, a vote was taken by roll-call on operative paragraph 1.*

*The Philippines, having been drawn by lot by the Chairman, was called upon to vote first.*

*In favour:* Poland, Romania, Saudi Arabia, Sudan, Syria, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen, Yugoslavia, Afghanistan, Albania, Bolivia, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Ceylon, Costa Rica, Czechoslovakia, Egypt, El Salvador, Ethiopia, Greece, Guatemala, India, Indonesia, Iran, Iraq, Jordan, Liberia, Mexico, Morocco, Nepal.

*Against:* Portugal, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Australia, Austria, Belgium, Brazil, Canada, Chile, China, Colombia, Cuba, Denmark, Dominican Republic, Ecuador, Finland, France, Iceland, Ireland, Israel, Japan, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Peru.

*Abstaining:* Philippines, Thailand, Venezuela, Argentina, Honduras, Italy, Panama.

*Paragraph 1 was adopted by 34 votes to 31, with 7 abstentions.*

*Paragraph 2 was adopted by 34 votes to 28, with 7 abstentions.*

*Paragraph 3 was adopted by 35 votes to 28, with 6 abstentions.*

*At the request of the representative of Ceylon, a vote was taken by roll-call on the draft resolution as a whole.*

*Finland, having been drawn by lot by the Chairman, was called upon to vote first.*

*In favour:* Greece, Guatemala, India, Indonesia, Iran, Iraq, Jordan, Liberia, Mexico, Morocco, Nepal, Panama, Poland, Romania, Saudi Arabia, Sudan, Syria, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen, Yugoslavia, Afghanistan, Albania, Bolivia, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Ceylon, Costa Rica, Czechoslovakia, Egypt, El Salvador, Ethiopia.

*Against:* Finland, France, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Peru, Philippines, Portugal, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Australia, Austria, Belgium, Brazil, Canada, Chile, China, Colombia, Cuba, Denmark, Dominican Republic, Ecuador.

*Abstaining:* Honduras, Thailand, Venezuela, Argentina.

*The draft resolution as a whole was adopted by 35 votes to 33, with 4 abstentions.*

35. Mr. GARIN (Portugal) said he was sure the members of the Committee realized the implications of the result of the vote. An extremely serious decision had been taken by a majority of two. That fact demonstrated that opinion in the Committee was sharply divided on the question.

36. He wished to make his delegation's position quite clear. The draft resolution had a clearly discriminatory character. Whether or not Portugal was explicitly mentioned was immaterial: the fact remained that Portugal was the only country whose Constitution and laws had been discussed; the only country which was receiving special treatment that had been applied to no other country during the eleven years of the life of the United Nations. None of the members of the Committee had mentioned any other country in connexion with the replies to the Secretary-General's letter. The draft resolution was therefore discriminatory in its purpose and its substance; it represented a violation of Article 2, paragraph 1, of the Charter by disregarding the principle of the sovereign equality of Member States, and, by attempting to question the exclusive competence of a Government in matters within its national jurisdiction, it violated Article 2, paragraph 7. Furthermore, by attempting to impose obligations under Article 73 in respect of Portuguese territory which did not come within the scope of that Article on any grounds, the draft resolution violated Article 73 e, inasmuch as it set aside the constitutional limitations referred to in that sub-paragraph.

37. In view of those facts the draft resolution was not a good example of the principles of respect for law among nations which should guide international life.

38. On the grounds of discrimination, violation of the Charter, and disrespect for the international principles governing life among nations, the Portuguese delegation wished to put on record its strong reservations with regard to the text of the draft resolution, thereby entirely and formally reserving the position of the Portuguese Government in the matter.

39. Mr. BARROS (Chile) said that his delegation had been unable to support the draft resolution, because to attempt to apply its provisions exclusively

to a category of Members determined by the date of their entry into the United Nations seemed to him to be discriminatory and incompatible with the equalitarian spirit of the Charter. When, in 1956, the Chilean delegation had voted in favour of the admission of sixteen new Member States, it had understood that their date of entry would not affect their equal rights, duties and obligations under the Charter. The sponsors of the draft resolution had trespassed upon a domain which was outside the legitimate activities of the Fourth Committee.

40. Mr. MENDEZ GUARDIA (Panama) said he had voted in favour of the draft resolution, because it merely reaffirmed the principles of the Charter and the competence of the General Assembly. He wished it to be clearly understood that in so doing his delegation had not been prejudging the substance of the matter or taking discriminatory decisions against the sovereignty of States.

41. Mr. LOJENDIO (Spain) observed that it was obvious from the result of the vote that the draft resolution would not obtain the required two-thirds majority in plenary session.

42. He wished to emphasize that Spain's delay in sending a reply to the Secretary-General's letter should not be interpreted as a desire to avoid any obligations arising from Article 73. Nor should it be understood as a lack of courtesy to the Fourth Committee if his Government declined the invitation extended in operative paragraph 2 of the draft resolution.

43. Mr. QUIROS (El Salvador) said that his delegation had voted in favour of the draft resolution because, after studying the documents and listening to the debate, it had come to the conclusion that the draft resolution was both constructive and wise. His delegation had always upheld the General Assembly's competence to investigate such questions as those covered by the draft resolution, and it felt that more careful study was needed before a decision could be reached. The *ad hoc* committee would be well suited to carry out such a study.

44. He did not share the view that had been expressed by a number of delegations that the draft resolution discriminated against the new Members. The delegation of El Salvador had certainly never wished to discriminate against any Member State. In his view the draft resolution would give the new Members an opportunity to study their position in greater detail.

45. The draft resolution was, in his view, procedural, and would not prejudice his delegation's position at the twelfth session of the General Assembly, when the substance of the matter was debated.

46. Mr. WOLTE (Austria) said that his delegation considered that the establishment of any procedure to be applied to a certain category of Member States must be considered discriminatory in itself; for that reason, quite apart from the substance of the matter, it had been unable to support the draft resolution.

47. Mr. CARPIO (Philippines) said that he had been unable to support the draft resolution, solely because he was convinced that the use of the word "new" introduced an element of discrimination between Member States. Nevertheless, he was happy that the draft resolution had been adopted, because he had always held that the United Nations had a right to participate in decisions concerning the application of Chapter XI of the Charter.

48. Mr. MESTIRI (Tunisia) asked the Rapporteur to include in his report to the Committee Tunisia's request for the withdrawal of document A/3115 and the French representative's subsequent statement to the Committee (600th meeting).

49. Mr. BARROS (Chile) asked the Philippine representative why he had suggested in his amendments that the *ad hoc* committee should be made up of ten members.

50. Mr. CARPIO (Philippines) said that, in his experience with United Nations committees, he had found that a committee of ten members was the largest which could work effectively on the drafting of important documents, while it was at the same time small enough to allow its members to be chosen on the basis of their special qualifications.

51. The CHAIRMAN suggested that a committee of eight members, appointed as the representatives of Governments, would be small enough to ensure that its members would be specially qualified and large enough to ensure an equitable distribution of membership.

52. Mr. TAZHIBAEV (Union of Soviet Socialist Republics) said that he had no objection to a committee of eight members, provided that membership was equitably distributed.

53. Mr. NOGUEIRA (Portugal) said that the fact that his delegation was taking no part in the discussion

of the composition of the committee did not mean that it agreed with the number of members suggested.

54. The CHAIRMAN suggested that a decision on the number of members should be postponed until a later meeting.

*It was so decided.*

55. Mr. CARPIO (Philippines) pointed out that if the members of the committee were to be the representatives of Governments they would not be chosen on the basis of their qualifications.

56. The CHAIRMAN said that it would be difficult to reach agreement on any other method of choosing members; moreover, it was the usual practice of the Fourth Committee to choose them on the basis he had suggested.

#### ***Requests for hearings (continued)***

57. The CHAIRMAN announced that four communications had been received from the Union des populations du Cameroun and the Association Bami-léké regarding their requests for hearings which had been granted at the 566th and 552nd meeting respectively. If there were no objections the communications would be circulated in accordance with the usual practice.

*It was so decided.*

The meeting rose at 5.5 p.m.