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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 A/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 the question of interpreting Article 73 now appeared in an entirely different light. The Committee now had to decide whether a new Member State was required to transmit information from Non-Self-Governing Territories under its administration instead of, as heretofore, considering in what circumstances Member States might cease to transmit such information. The Philippine delegation had always felt that the adoption of Chapter XI had been an important step in the history of colonial relations, because the Administering Members had agreed to report to the United Nations on the administration of their Territories. Article 73 was part of a multilateral treaty which placed obligations upon the administering Powers and authorized the United Nations to ensure compliance with its provisions. The Organization had not yet defined specific criteria which would enable it to determine whether or not a Territory was subject to the provisions of Article 73. The time had come to do so. While the Philippine delegation appreciated the motives of the sponsors of the draft resolution in document A/C.4/L.467, it wished to propose a few amendments in order to avoid the complaint, being made by some, that they were being subjected to discrimination. The draft resolution should be couched in general terms, and should not apply only to new Members. Moreover, the number of members of the *ad hoc* committee and the method of appointment should be specified. The words which the Philippine delegation proposed as a substitute for the end of oper-

ative paragraph 1 were taken from the Charter itself. Finally, the word "statement" in operative paragraph 2, if left in the singular, might be taken to mean a joint statement. The plural should therefore be used. He hoped that the sponsors of the draft resolution would accept the amendments (A/C.4/L.469). If they were unable to do so, he would reserve his delegation's position.

2. Mr. GIDDEN (United Kingdom) said that his delegation had not considered it necessary to speak before, although a number of references had been made by representatives to statements made on behalf of the United Kingdom Government at previous Assembly sessions. The Committee would recognize that repetitions of earlier statements were quite irrelevant to the question before it. Attempts had even been made to demonstrate that the Powers with overseas territories had not understood what they had been doing when they had drawn up and then accepted the terms of Chapter XI. That seemed to be a very ambitious course of action. The quotations given by the representatives of Iraq, Poland and the Ukrainian SSR had not made their arguments any more convincing. The representative of Yugoslavia had gone so far as to quote a statement made by a United Kingdom representative which appeared to do great disservice to his own thesis. Whole speeches seemed to be built round the views of writers appearing in well-known or less well-known publications. The real question before the Committee was very simple but very important. It was whether or not the Assembly should accept the solemn statement of a Member State. By stating that the good faith of the Portuguese Government was not being impugned, the representative of Ceylon had clouded the real question before the Committee. Many representatives who had, in their statements, contradicted the terms of the Portuguese Government's reply, had nevertheless rallied their position to the one put forward in a draft resolution described as procedural. That artifice would deceive no one. The draft resolution could be said to be procedural, but the sponsors would never have presented it had the Portuguese Government's reply been different, and it would, if adopted, represent an outright rejection of that reply.

3. He sincerely trusted that the members of the Committee would reflect before they committed themselves to that course of action. The consequences thereof would strike at the whole basis of the Organization itself, which was a voluntary association of sovereign States, each one of which was bound to respect the sovereignty of the others.

4. He reserved the right to comment later on the amendments proposed by the delegations of Tunisia (A/C.4/L.468) and the Philippines (A/C.4/L.469).

5. Mr. RIFAI (Syria) observed that the sponsors had, in presenting their draft resolution, clearly indicated that it merely concerned a question of procedure. They did not want the Fourth Committee to take up

the question immediately, and proposed instead the establishment of an *ad hoc* committee which would study it carefully. Some delegations had criticized that view. They apparently failed to realize that, in such a matter, a committee of restricted scope would be most useful. Moreover, the considerable time at the *ad hoc* committee's disposal would facilitate conciliation and thus more easily reconcile the views of the parties concerned.

6. It had been argued that the Committee had no right to decide which territories were non-self-governing, and that only the Member States had that right. However, Syria had never accepted the view that Chapter XI was a unilateral statement. The obligations arising from that Chapter were no less binding than those under other Chapters of the Charter.

7. The sponsors of the draft resolution had been criticized for unfairness to new Members. There was no reason, it had been said, to have two standards and two yardsticks. What was valid in 1946 was equally valid in 1957. Yet, had the Secretary-General not been justified in asking new Members whether or not they administered Non-Self-Governing Territories? Had he not asked the same question as he had in 1946? In fact, the Secretary-General's letter was perfectly proper, and the Committee should examine the replies received. The purpose of the draft resolution was precisely to establish a committee to ascertain whether the replies corresponded to the facts. The sponsors did not wish in any way to take Portugal to task. It was affected merely because of its under-developed provinces.

8. The representative of Tunisia had observed that the General Assembly had wrongly accepted France's view with respect to Algeria. The Syrian delegation had never accepted the French position. While appreciating the purpose and scope of the amendments proposed by Tunisia, he appealed to the Tunisian delegation's conciliatory spirit, and requested it to withdraw its proposal. The amendments aimed in fact at broadening the scope of the draft resolution and perhaps diverting the Committee from its objective. Accordingly, while he would support the Tunisian delegation's first amendment, if put to a separate vote, he was unable to include it in the draft resolution.

9. The representative of the Philippines had proposed an amendment, extending the provisions of operative paragraph 2 of the joint draft resolution to all Member States instead of merely to the new Members. The amendment was not in keeping with the purpose of the draft resolution. The idea was to examine the position of the new Members. The question of reviewing the position of the old Members did not arise.

10. The Philippine delegation proposed, moreover, that the Committee should itself elect the members of the *ad hoc* committee. While he had no objection to that procedure, he thought it simpler to leave the appointment of the members to the Chairman, subject to the Committee's approval. He was prepared to accept sub-paragraph (b) of the third Philippine amendment. The purpose of the Philippine amendments, in general, was to broaden the scope of the draft resolution. That course seemed unwise, for to extend the provisions of the draft to all Member States would mean reviewing the work done, year by year, by the Fourth Committee. He therefore hoped that the representative of the Philippines would not press his amendments.

11. Mr. BARGUES (France) said that he was not surprised at the Syrian representative's reference to Algeria, since Syria supported the Algerian rebels. He referred the Syrian delegation to his earlier comments in that connexion (618th meeting, para. 52).

12. Moreover, sub-paragraph (b) of the third Philippine amendment would not affect the French text which was quite clear in its original version.

13. Mr. MESTIRI (Tunisia) said that he would not press his amendments to a vote.

14. Mr. CARPIO (Philippines) said that he had merely wished to extend the terms of paragraph 2 of the draft resolution to avoid the charge that a distinction was made between old and new Members.

15. With respect to his second amendment, he preferred the word "applicability" to "application" since what had to be determined was whether a specific territory was affected by the provisions of Chapter XI of the Charter. "Application" might be taken to mean that all that remained to be done was to implement a decision already adopted, which was not the case.

16. In fact, the Philippine amendments did not alter the substance of the draft resolution. Their purpose was simply to make it clear that the proposed rule would be applied to all Member States without distinction.

17. Mr. RIFAI (Syria) failed to see how the draft resolution made an unwarranted distinction between old and new Members. Moreover, Ceylon and Nepal, two co-sponsors, were among the new Members affected by the draft.

18. With respect to Algeria, he observed that his country was not supporting a rebellion but merely hoped that the enslavement of the Algerians would come to an end.

19. Mr. DE SILVA (Ceylon) thanked the representative of Tunisia for withdrawing his amendments which, while interesting, were open to the same criticism as those proposed by the Philippines. With regard to the Philippine amendments, he could only accept the amendment to replace the words "a statement" by the word "statement" in the English text of operative paragraph 2. He objected to the proposal to replace the word "application" by the word "applicability", since the latter might be construed to mean that the provisions of Chapter XI did not apply to every Member State. On the question of the composition of the *ad hoc* committee, he still thought that the decision should be left to the Chairman of the Fourth Committee.

20. Mr. NOGUEIRA (Portugal) asked the representative of Syria to explain where, when and how the question of the application of Article 73 had been settled in the case of the old Member States. Moreover, while it was true that there had been no discrimination, in so far as the Secretary-General had duly sent communications to all Member States, that was not the question before the Committee. Discrimination arose from the fact that the reply of a new Member was now challenged, whereas the replies of the old Members had never been questioned.

21. Mr. RIFAI (Syria) said that, while he did not have all the relevant documents to hand, the fact remained that in 1946 the Secretary-General had asked Members to list those of their territories which came under the provisions of Chapter XI. The replies had

been transmitted to the General Assembly. It was inaccurate to state that, at the time, no one had challenged them. The Syrian delegation and a few others had expressed reservations, but the General Assembly had nevertheless approved the list contained in resolution 66 (I).

22. Mr. NOGUEIRA (Portugal) understood the Syrian representative's reply to mean that the question of the old Members had been settled by the fact that the General Assembly had taken note of their statement. He considered the reply inadequate.

23. Mrs. SKOTTSBERG-ÅHMAN (Sweden) recalled that her delegation had always held that the Assembly was not competent to decide whether a territory was non-self-governing. When the Assembly had considered whether the Powers concerned could cease to transmit information on Puerto Rico, Greenland and Surinam, Sweden had clearly stated that its affirmative vote did not imply any change in its attitude on that point. The same applied to a decision whether a country should begin transmitting information. The five-Power draft resolution was not purely procedural; it implied that it was for the Assembly to decide on the status of a territory under the sovereignty of a Member State. Moreover, the text of the first paragraph of the preamble of the draft resolution was inaccurate, since in 1946 it had been, not the Assembly but Member States which, in their replies to the Secretary-General's letter, had listed the territories they regarded as non-self-governing. The Assembly had not, at that time, examined the constitutional arrangements linking the metropolitan countries with their overseas territories. She saw no good reason for adopting any different procedure with regard to the new Members. The sponsors of the draft resolution had said that they had no doubt of the good faith of the new Members. But the very fact of setting up an *ad hoc* committee solely in order to examine the replies of the new Members and, moreover, of asking for fresh information from them, would clearly imply doubts as to the veracity of the original replies. Furthermore, the representative who had introduced the draft resolution had himself declared that the *ad hoc* committee was necessary because certain Members of the Committee were not satisfied with the reply of one new Member (618th meeting, para. 39). In any case, she doubted the usefulness of the *ad hoc* committee: the new Members were unlikely to send a second, or at any rate a different, reply. It was, besides, difficult to see what fresh information the *ad hoc* committee would have at its disposal, or what recommendations it could be expected to make, except to ask a Member State to transmit information on territories which, it had decided, did not fall within the scope of Article 73 e of the Charter. For all those reasons, her delegation would vote against the draft resolution.

24. Mr. GRILLO (Italy), recalling the Yugoslav representative's reference to the Peace Treaty signed by Italy in 1947 (619th meeting), pointed out that that instrument did not define either colonialism or Non-Self-Governing Territories. Opinions on colonialism were divided, but all were equally valid. Quite recently, the King of Jordan had seemed to suggest that there might perhaps be new forms of colonialism side by side with what were called the traditional forms.

25. He found it difficult to argue with the representative of India about the discrimination against the new Members which the draft resolution would impose, for

there were, it would seem, many other examples of discrimination—for instance, with regard to the Non-Self-Governing Territories. But two wrongs did not make a right. The Tunisian amendment had attempted at least in part to correct the flagrant discrimination in paragraph 2 of the operative part. Since that amendment had been withdrawn, the position of his delegation remained as before.

26. Mr. CLAEYS BOUUAERT (Belgium) said that the principle of the sovereign equality of all Members, proclaimed in Article 2, paragraph 1, of the Charter, governed the question before the Committee. It was wrong to make a distinction between new and old Members and to draw up a procedure for re-examining the replies sent or to be sent by new Members, since such a procedure had not been applied either to those countries which had been Members of the Organization since the beginning or which had become Members between 1947 and 1955.

27. The Belgian delegation could not, therefore, vote for the joint draft resolution. Its position was as follows: first, Member States alone could say whether or not they were responsible for territories whose populations were not yet fully self-governing, and the General Assembly was not competent in that matter; and secondly, the provisions of Chapter XI were equally binding on all Members. Every Member State was entitled to expect the other contracting parties to interpret the Charter in the same manner as itself and to be guided, in determining what responsibilities the Charter and, in particular, Chapter XI laid upon it, by identical principles, universally applied.

28. His delegation had, at earlier sessions, already expressed the view that the provisions of Chapter XI were interpreted in a capricious and irrational manner, and that many Member States, beside those which had replied affirmatively to the Secretary-General's letter in 1946, should have admitted that they were administering Non-Self-Governing Territories. There could be no doubt that if there was a definition of the principles to be applied in determining those territories whose peoples were not yet completely self-governing, such a definition would help to prevent the differences in interpretation which Belgium condemned. It might be argued that such a study had already been made in the course of the work which had culminated in the adoption of General Assembly resolution 742 (VIII), but, as the representative of Brazil had pointed out, that work had not been concerned solely with the territories about which certain Member States had decided to transmit information. In that connexion, he quoted the opinion his delegation had expressed on the work of the *Ad Hoc* Committee on Factors.

29. The Belgian delegation would support the Philippine amendment which echoed the Tunisian attempt to eliminate from the draft resolution all trace of discrimination, and which would make it possible to pursue the study further so that the obligations of all Member States, without exception, could be made clear. It could not, however, vote for the draft resolution as a whole.

30. Mr. RIFAI (Syria), referring to the Belgian representative's view that the draft resolution was not a procedural text, invoked rule 104 of the rules of procedure, which gave the Committee the right to appoint a sub-committee. In adopting the draft resolution, the Committee would, in fact, simply be setting up a sub-committee to undertake the study it had not had time to do itself.

31. Mr. VIXSEBOXSE (Netherlands) agreed that in certain respects the five-Power draft resolution dealt with procedural questions. But the procedural aspect could not be divorced from the substance of the problem. He would not give his Government's views on Chapter XI or the competence of the Assembly, since they were well known. In co-operating with the Assembly the Netherlands delegation had given proof of its goodwill, but without renouncing its position on the principle of the matter. He did not agree with the sponsors of the draft resolution who had based their views on principles which his Government had, on several occasions, opposed. He did not doubt the accuracy of Portugal's reply, as the sponsors of the draft resolution appeared to do in asking the *ad hoc* committee to study, not only the application of the provisions of Chapter XI but also the replies which the new Members had sent to the Secretary-General. Nor did he share the feeling reflected in the second operative paragraph. He thought that the setting up of an *ad hoc* committee would give rise to all kinds of complications, which would be prejudicial to the objectives the Organization was seeking to attain. It would, for instance, be difficult to avoid examining the constitutions or constitutional arrangements of certain Member States, and that would naturally provoke opposition. His delegation's attitude to the Philippine amendments would be the same as the attitude it had adopted towards the draft resolution as a whole.

32. Mr. NASH (United States of America) associated his delegation with the observations made by the representative of Sweden; he thought that the *ad hoc* committee would serve no useful purpose, and he would therefore vote against the draft resolution.

33. Mr. KADRY (Iraq) said that he would support the draft resolution, which was in accordance with his delegation's position.

34. With regard to the comment by the United Kingdom representative on the words quoted by the representative of Iraq from a statement once made by the United Kingdom delegation, he wished to recall that his delegation had always maintained that the administering Powers fully realized the extent of their responsibilities and obligations towards the territories under their administration. It was in the United Kingdom that the concept of a "sacred trust" had been born. It was therefore difficult at times to see why the administering Powers refused to admit fully the nature and extent of their obligations when it came to applying them in practice.

35. As to impugning the Portuguese Government's reply to the Secretary-General, he quoted a passage

from the first statement by the Iraqi representative (615th meeting), which made it clear that the Committee was simply exercising its responsibilities under the Charter and was not questioning any particular reply as a matter of principle.

36. Mr. BOZOVIC (Yugoslavia) was happy to note that the representative of Italy, who had once regarded all opinions other than his own as dissident, now admitted that they were all of equal merit.

37. In the amendments proposed by the Philippine delegation he thought he could detect the Belgian thesis on the results of colonialism. He would therefore vote for the draft resolution in its original form.

38. Miss BROOKS (Liberia) said her delegation believed that the General Assembly was competent to decide on the application of Chapter XI. She could not admit that the administering Powers should, by a unilateral decision, change the status of Non-Self-Governing Territories. She hoped that an *ad hoc* committee would be able to find some common ground. It was for that reason that she had joined in the submission of the draft resolution, which was solely in the interests of the Non-Self-Governing Territories.

39. Mr. SMOLDEREN (Belgium) could not agree that a text which, in effect, questioned the replies of Member States and asked the new Members to give additional information, could be called purely procedural. He noted with satisfaction that the representative of Yugoslavia seemed to admit that many countries, in addition to those which had replied in the affirmative, were in fact administering Non-Self-Governing Territories. Whether or not that was a legacy from colonialism, it in no way altered the interpretation of Chapter XI.

40. Mr. JAIPAL (India), replying to the representative of Italy, pointed out that the fact of having committed an error was no reason for perpetuating and magnifying it. With regard to the observations made by the representative of the United Kingdom, it was not a question of doubting a statement solemnly made by a Member State, but of not accepting anything which amounted to a denial of the competence of the General Assembly.

41. Mr. MEDANI (Sudan) said that he would vote for the draft resolution. The Committee must study all statements concerning Non-Self-Governing Territories in order to protect the interests of those Territories, since they could not do so themselves, and because the Powers administering them were not disinterested.

The meeting rose at 1.5 p.m.