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

*In the absence of the Chairman, Mr. Soward (Canada), Rapporteur, took the Chair.*

**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) (*continued*)**

1. Mr. PACHACHI (Iraq) said that the Committee was beginning a debate of crucial and perhaps unparalleled importance in its history. It would be called upon to give further emphasis and a more vital and lasting meaning to the great and noble concept that the obligation to promote the well-being of the inhabitants of the Non-Self-Governing Territories was a sacred trust. It remained to be seen whether the elaborate machinery that had been laboriously constructed in the past decade in connexion with Chapter XI of the Charter would be able to stand the test it now faced. The matter was of such enormous importance that it must be approached in a spirit of understanding and moderation, free from rancour or bias.

2. He recalled that in 1946 action had been taken by unanimous consent to bring Chapter XI of the Charter into operation, and in that connexion he quoted a statement made by the United Kingdom representative at the first session of the General Assembly (27th plenary meeting), rejoicing in the fact that Chapter XI constituted an international colonial convention which all colonial Powers in the United Nations would be required to observe.

3. In the second part of the first session of the General Assembly the Fourth Committee had examined the replies of Member States to the Secretary-General's communication of 29 June 1946, which had been the basis of the list of Territories contained in General Assembly resolution 66 (I). That list had not been drawn up by the General Assembly, for after examining various definitions of the term "full measure of self-government", the Fourth Committee had come to the conclusion that it should not at that time attempt to define it but should merely note the Territories that were enumerated. The Assembly had therefore been content to note the actions and declarations of the Administering Members. That did not mean that the list had been regarded as exhaustive, or that the General Assembly had surrendered its right to determine what Territories should or should not be included. Since, however, as the United Kingdom representative had said, all colonial Powers in the United Nations had accepted the application to their Territories of Chapter XI as an international obligation, there had been no need in 1946 to settle the question of the General Assembly's competence to decide whether a Territory had or had not attained a full measure of self-government. The cases of cessation of the transmission of information which had occurred since then had shown that the General Assembly had important functions to perform in the consideration of changes in the 1946 enumeration of Territories.

4. Under Article 4 of the Charter, Members of the United Nations accepted the obligations contained in the Charter, including those in Chapter XI and specifically the obligation to transmit information on territories whose peoples had not yet attained a full measure of self-government. The question arose whether, among the newly admitted Members of the United Nations, there were some responsible for territories which could reasonably be considered to fall under Chapter XI of the Charter. That question was of vital significance from the point of view of international policy, international ethics, and international law. It must be faced with all objectivity and without undue haste.

5. In an article published in the review *Foreign Affairs* for April 1956, Mr. Oliveira Salazar stated, *inter alia*, that colonialism was an economic and political system which was susceptible of objective examination, and he mentioned various features of that system which were reminiscent of the factors adopted by the General Assembly in connexion with the question whether a Territory had or had not attained the full measure of self-government. It might be thought that, if colonialism was susceptible of objective examination, such an examination would also indicate whether any new Member State was responsible for territories falling under Chapter XI. The essential question raised in the Secretary-General's letter to the new Members was one which could not be avoided and which required careful examination on a factual basis by the

Committee and by each Government concerned in the exercise of its own responsibilities.

6. His delegation was of the opinion that, since in the examination of the general problem specific information in particular cases would be required, such an examination could not be undertaken in a general debate. As a preliminary to any such examination his delegation was obliged to address some general questions about the situation in certain parts of the lands administered by Members of the United Nations. It certainly had no wish to examine the Constitution of any Member of the United Nations as it operated within a metropolitan country, or to question the right of any State to adopt a unitary form of constitution; on the other hand, it felt it essential to draw the attention of the representative of Portugal to the situation in the countries administered by Portugal as part of its domain. His delegation would like to have an explanation of the status of overseas parts of Portugal, including the extent to which, if any, a Ministry of Overseas Affairs exercised responsibilities in respect of those territories different from the responsibilities exercised by the Home Ministry. It would like to know also whether the status of the overseas territories was, or was not, exactly the same as that of a European province. Furthermore, from the official information available, it appeared that in a number of cases an essential distinction was made between the "civilized" population and the population described as "uncivilized"; the figures for 1956 suggested that in Mozambique, for example, out of a total population of 5,732,767, all but 91,954, including 4,349 of the Negro race, were classified as uncivilized.

7. A Government, invited to state whether it was responsible for Non-Self-Governing Territories, might well at first be inclined to reply in the negative, because there were varying degrees of self-government exercised in all the Territories for which it was responsible. The title of Chapter XI was, however, somewhat misleading. The real intention was indicated in Article 73, which spoke of Territories whose peoples had not yet obtained a full measure of self-government. In relation to the responsibilities existing under Chapter XI of the Charter, the concept of a Territory and the concept of a people could not be disentangled. A Government, whose first reaction had been to reply that it had no Non-Self-Governing Territories under its jurisdiction, might, on reflection, agree that it was responsible for certain distant lands or Territories where the peoples, or the majority of them, had not attained a full measure of self-government. The form taken by the national State was not necessarily relevant to the current problem. Among the Territories held to fall under Chapter XI there were Territories under United States administration which were incorporated in the Union and others which were not. The Cook Islands were an integral part of New Zealand, and he understood that that was now the constitutional situation of all the Territories on which New Zealand supplied information.

8. The action taken by the United Nations concerning the cessation of information provided a second illustration of the fact that Territories might essentially fall under Chapter XI, whatever their constitutional relationship with the metropolitan countries.

9. The General Assembly had recognized that political development might take place in various ways. In

practice, the actual cases of cessation so far examined and approved by the General Assembly had not provided for independence. There had been instances, as shown by the presence in the General Assembly of the representatives of Morocco and Tunisia, where Chapter XI of the Charter had ceased to apply when a country had obtained independence. For Puerto Rico, Greenland and the Netherlands Antilles, however, other solutions had been reached and accepted by the Fourth Committee and the General Assembly.

10. An Administering Member which had any apprehensions that the transmission of information under Article 73 e might reflect on its own constitution should re-examine those doubts. It might well consider that its rights should be safeguarded, as had been done in the case of the New Zealand Territories. It was difficult to see why it should seek to deny the obligations of Chapter XI, and thus to place peoples who had not obtained a full measure of self-government in a category below that of such peoples under Chapter XI.

11. In conclusion, he addressed an appeal to the Fourth Committee, and in particular to those Members most immediately concerned with the question. The system that had evolved in relation to the Non-Self-Governing Territories had required from the majority of the members of the Fourth Committee considerable concessions to the Administering Members. It would be regrettable if the full application of Chapter XI by all Members of the United Nations were to be hampered by misunderstanding and disagreement. The Administering Members had in the course of ten years found a means of discussion and understanding in the procedures established by the General Assembly. If a situation should arise in which Territories, regarded by the whole world as Non-Self-Governing Territories, escaped the application of Chapter XI of the Charter, many of the non-administering Members would be forced to conclude that the path of conciliation had been closed to them. Even more serious, the peoples of the continents of Asia and Africa might conclude that in that sphere the Charter was being ignored, and that the United Nations as a whole was not providing the peoples of the Non-Self-Governing Territories with the means to develop, peacefully and constructively, their own political, social, and cultural life.

12. In the light of those considerations, he hoped that every effort would be made by all the new Members concerned to collaborate for the fulfilment of the purposes of the United Nations Charter and the advancement of the peoples for whom their Governments were responsible.

*Miss Brooks (Liberia), Vice-Chairman, took the Chair.*

13. Mr. DE SILVA (Ceylon) said that his Government had given the closest attention to the Secretary-General's letter of 24 February 1956, reproduced in document A/C.4/331. It felt that in view of the fact that a State, on admission to the United Nations, undertook to accept the obligations outlined in the Charter, including those relating to Non-Self-Governing Territories, it was proper that new Members should be asked formally whether they had under their administration territories subject to Chapter XI of the Charter.

14. Having examined the Secretary-General's communication, and in the light of the constitutional and geographical circumstances of Ceylon, his Government

had been able to answer to the effect that there were no Territories coming under Article 73 of the Charter for the administration of which Ceylon was responsible.

15. The delegation of Ceylon agreed that it was the responsibility of the General Assembly to ascertain the position of new Members in respect of their responsibilities under the Charter.

16. It was a well-known fact that certain new Members had been colonial Powers in the past. The question arose whether they still had responsibility for the administration of territories whose peoples had not yet attained a full measure of self-government. If they had, it would be highly desirable that they should undertake to fulfil their obligations under Chapter XI, and, in particular, to provide information in accordance with Article 73 e.

17. The delegation of Ceylon appealed to all those States which, like Ceylon, were represented on the Fourth Committee for the first time, and which, unlike it, were responsible for the administration of Non-Self-Governing Territories, to fulfil the obligations which they had assumed. It would welcome any explanation furnished to the General Assembly and any co-operation given to ensure that Chapter XI was used as a measure of international collaboration to assist and encourage the advancement of the peoples of the Non-Self-Governing Territories.

18. Mr. NOGUEIRA (Portugal) said that when his country had applied for, and been admitted to, membership in the United Nations his Government had undertaken a detailed study of its rights and obliga-

tions under the Charter, and it was in the light of those considerations that it had forwarded its reply to the Secretary-General's letter of 24 February 1956.

19. The representative of Iraq had raised various points, including points of detail, which required careful study by the Portuguese delegation. He therefore asked that the statement of the representative of Iraq should be circulated in its entirety to the members of the Committee. He also asked the Secretariat to supply the Portuguese delegation, and any other delegations which so desired, with copies of all the replies given to the Secretary-General's letter by the Governments of the various Member States since 1946. When he was in possession of that information he would be happy to make a statement replying to the various questions raised by the delegation of Iraq.

20. The CHAIRMAN said that the documents asked for by the representative of Portugal would be circulated.<sup>1</sup>

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

21. The CHAIRMAN announced that a letter had been received from the Association Bamiléké concerning the hearing that had been granted at the 552nd meeting to that association. If there were no objections, the letter would be circulated in accordance with the usual practice.

*It was so decided.*

The meeting rose at 11.40 a.m.

<sup>1</sup> Subsequently circulated as documents A/C.4/345 and A/C.4/346.