



Monday, 28 January 1957,
 at 10.50 a.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 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/L.460, A/C.4/L.464) (*continued*)

1. Mr. MENCER (Czechoslovakia) said that his delegation would vote in favour of the Iraqi draft resolution (A/C.4/L.460). Since, however, the intention of the draft resolution was to establish a general procedure not restricted to the current Committee on Information from Non-Self-Governing Territories, whose mandate would expire at the end of 1958, he would suggest the insertion of the words "or any such future committee which may be established" after the words "Committee on Information from Non-Self-Governing Territories" in operative paragraph 3. A similar formula had been adopted in the case of General Assembly resolution 933 (X), and he hoped his suggestion would be acceptable to the Iraqi delegation.

2. His delegation agreed with the Iraqi representative that the sole purpose of the draft resolution was to establish a procedure. It wholly disagreed with the view that Chapter XI of the Charter did not constitute a multilateral obligation, and that the General Assembly was not competent to decide on either the start or the cessation of the transmission of information and, therefore, was not competent to adopt such procedural decisions as those in the Iraqi draft resolution. That view was wholly at variance with Chapter XI of the Charter and with a number of General Assembly resolutions, besides being a complete negation of international law.

3. Mr. PACHACHI (Iraq) accepted the Czechoslovak amendment.

4. Mr. DORSINVILLE (Haiti) recalled that on an earlier occasion, when the Administering Members had argued that they alone had the right to decide when a Territory could be considered self-governing because the decision to place that Territory under the system established by Article 73 of the Charter had been theirs alone, his delegation had replied that, although the original decision had been unilateral, the Administering Member had, by virtue of that decision, voluntarily accepted a limitation of its sovereignty and that consequently no Territory could be withdrawn from the system on the basis of unilateral decision. In resolution 742 (VIII) the General Assembly had reaffirmed its right to decide on the continuation or cessation of the transmission of information; moreover, during the discussion of Denmark's decision to terminate the transmission of information for Greenland, many delegations had expressed regret that a plebiscite had not been held in the Territory before so decisive a step had been taken.

5. His delegation did not, however, wish its attitude to be interpreted as one of censure or distrust of the administering Powers. The difference of opinion was based on a fundamental disagreement regarding the competence of the General Assembly to decide on the continuation or the cessation of the transmission of information. His delegation would vote in favour of the Iraqi draft resolution, because it considered that the General Assembly was competent to make that decision.

6. Mr. MUNK (Denmark) wished to correct the Haitian representative's statement that the population of Greenland had not been consulted prior to the incorporation of Greenland into metropolitan Denmark. The plebiscite in Denmark on the question of amending the Constitution had not been held until after the National Council of Greenland, a body composed of freely elected representatives of the people of that island, had been consulted. That body had unanimously and freely expressed the desire that Greenland should be incorporated into metropolitan Denmark.

7. Mr. DORSINVILLE (Haiti) said that he had referred to the fact that there had been no direct popular consultation of the people, as the Danish representative himself had stated when the question of Greenland had been considered by the Fourth Committee. He recognized that the representatives of the people of Greenland had been fully informed on the matter of incorporation and had expressed their approval of the amendment.

8. Mr. NASH (United States of America) said that there was a certain logic in the Iraqi draft resolution because the question of the cessation of transmission of information was essentially a political and consti-

tutional one, and, since the Committee on Information was by its terms of reference limited largely to the consideration of social and economic matters, in spite of General Assembly resolution 448 (V) which specifically referred cessation questions to it, it might appear that it was not suited to deal with that question. On the basis of the specific language of Article 73 e of the Charter, however, it might seem that the General Assembly, too, was excluded from dealing with such political questions. Nevertheless, in the cases in which the question of the cessation of transmission had arisen, the Administering Members had shown that they were prepared to take a liberal attitude and to furnish the General Assembly with information, in spite of their doubts about the constitutionality of certain resolutions which the Assembly had adopted on the subject and which constituted an extension of the powers granted to the Assembly under the Charter.

9. The procedure followed hitherto had proved a useful and adequate mechanism for informing the General Assembly of constitutional changes in the Non-Self-Governing Territories. It had worked well on three occasions and his delegation saw no reason to change it. For those reasons, and because it considered that the Iraqi proposals would be prejudicial to the handling of such questions by the United Nations, his delegation would not support the Iraqi draft resolution.

10. Mr. ABDEL-GHANI (Egypt) said that his delegation completely agreed with the arguments put forward by the Iraqi representative. In its view the main purpose of the draft resolution was to leave it within the General Assembly's scope to examine the political aspects of information from the Non-Self-Governing Territories. That procedure seemed to his delegation both logical and practical. Moreover, there was a precedent for it in the procedure the United Nations had adopted in connexion with the drafting of the covenants on Human Rights. In that case the General Assembly had entrusted the work to the Commission on Human Rights, but the Commission had dealt only with those aspects of the question which were not a political character, the other aspects, such as the right of self-determination, being left to the General Assembly.

11. It might be objected that the Committee on Information was a subsidiary organ of the General Assembly while the Commission on Human Rights came under the Economic and Social Council; the reply to that argument was that the Economic and Social Council had itself decided to leave those problems to the General Assembly.

12. His delegation held that when an Administering Member decided to cease to transmit information regarding a Territory on the ground that that Territory had attained self-government, the matter was a political one which fell properly within the scope of the General Assembly. That would not, however, prevent the General Assembly from referring any aspect of the matter to the Committee on Information.

13. For those reasons his delegation would support the Iraqi draft resolution.

14. Mr. RIFAI (Syria) said that his delegation would vote in favour of the Iraqi draft resolution because it found the arguments put forward by the Iraqi representative valid and cogent. It did not consider that the General Assembly was exceeding its

competence in dealing with the question of the cessation of the transmission of information; the draft resolution accordingly concerned only a question of procedure and the Committee should have no difficulty in giving it unanimous support.

15. Mr. RIVAS (Venezuela) agreed that the Iraqi draft resolution concerned purely procedural matters and had nothing to do with the extent of the General Assembly's competence in matters concerning Non-Self-Governing Territories. He recalled that when the Fourth Committee had been unable to reach a decision in its discussion of the cessation of transmission of information on the Netherlands Antilles it had referred the matter to the General Assembly, which, as a result, had established the Committee on Factors. In the past the Administering Members had threatened to leave the Committee on Information whenever there had been any attempt to discuss political matters. A compromise had therefore been worked out whereby the Committee on Information dealt only with technical matters. The cessation of transmission of information was not a technical matter but rather a matter of political status. The work of the Committee on Information would be facilitated if the General Assembly were first to decide what technical aspects of a question that Committee should study.

16. Mr. LOIZIDES (Greece) stressed his Government's dissatisfaction with the policy whereby the General Assembly limited itself, as in resolutions 144 (II) and 327 (IV), to encouraging voluntary transmission of information on human rights and the development of self-governing institutions in the Non-Self-Governing Territories. As those resolutions were not obligatory, many administering Powers had chosen to ignore them. Instead of transmitting such information, they frequently furnished minute details on non-political matters which were of no interest. If there were Territories where liberation movements existed and were being suppressed, such information was important and should be transmitted to the General Assembly.

17. Mr. JAIPAL (India) stated that while Article 10 of the Charter made it clear that the General Assembly was the body competent to determine whether information on constitutional changes submitted in accordance with resolution 222 (III) warranted the cessation of transmission of information, the Committee on Information had in practice been required, under the terms of resolution 448 (V), to examine any such changes first and then report to the General Assembly. The experience of the past five years had been that the Committee on Information did not simply report changes in status but adopted tentative conclusions which often had a decisive influence on the General Assembly. There were certain delegations which questioned the very legality of the Committee on Information, yet participated in its discussions and cast their votes when it was in their interests to do so. Circumstances might conceivably necessitate that the General Assembly should examine such questions initially and refer specific points to the Committee on Information or other special committees for consideration. His delegation felt that, in view of the limited competence of the Committee on Information vis-à-vis the General Assembly and the peculiar nature of the Committee's composition, a greater degree of flexibility in the consideration of such constitutional questions would

be desirable. He did not think it advisable to rely on the Committee on Information for initial examination of such questions.

18. In sponsoring General Assembly resolution 448 (V) his delegation had hoped that the Administering Members would evince a change of attitude, and that the powers of the Committee on Information would be extended. As neither of those hopes had been realized, he did not think the initial examination of constitutional changes by the Committee on Information should be made an invariable procedure. He would vote in favour of the Iraqi draft resolution, which did not raise the question of competence, but simply dealt with a procedure whereby the competence of the General Assembly would be exercised. It would have the two-fold effect of preserving the existing powers of the Committee on Information and enabling the General Assembly to make an initial examination of constitutional questions before they were referred to the Committee on Information.

19. Mr. GIDDEN (United Kingdom) said his delegation could not subscribe to the principle, expressed in the preamble to the Iraqi draft resolution, that the General Assembly or the Committee on Information had the right to examine constitutional or other matters relevant to changes in the status of Non-Self-Governing Territories. Paragraph 2 was open to the same objection, and, in addition, referred to the right of self-determination, although there was nothing in the Charter to justify such a reference. Were that paragraph to be put to the vote separately he would vote against it. On the resolution as a whole his delegation would abstain from voting, since its purport was purely procedural.

20. Mr. KIANG (China) said that when the Iraqi representative in the Committee on Information had raised the question of procedure for considering communications relating to the cessation of transmission of information, the Chinese representative had supported him in order to reaffirm his own delegation's conviction that the General Assembly ultimately had the authority to decide when a Territory had achieved self-government. That conviction was in accordance with the principle of international responsibility for Non-Self-Governing Territories. While the Iraqi representative might seem to have laid emphasis on the political aspect of the question, the Chinese delegation understood him to mean that in some circumstances the General Assembly would have to decide whether certain questions required its consideration in the first instance. The procedure proposed by Iraq was not in conflict with established procedures nor was it intended to bypass the Committee on Information. There was no question of preference between the established procedures and the procedure envisaged in the Iraqi draft resolution; rather was it a question of relieving the Committee on Information of the burden of examining certain cases which might be of a political nature and therefore outside its competence. A rejection of the draft resolution would not mean that the General Assembly would be precluded from giving initial consideration to questions involving the cessation of transmission of information if it so desired, for, regardless of the outcome of the voting, the ultimate authority of the General Assembly remained unchanged. In view of those considerations, his delegation would vote in favour of the Iraqi draft resolution.

21. Mr. ROLZ BENNETT (Guatemala) was anxious to correct any misapprehension there might be concerning the purpose of the Iraqi draft resolution. The draft resolution was not an attempt to limit the competence of the Committee on Information where the cessation of the transmission of information was concerned; it merely introduced a change in the procedure which had so far been followed under the terms of General Assembly resolution 448 (V). His delegation would therefore vote in favour of the draft resolution and would also support the amendment proposed by the representative of Czechoslovakia.

22. Mr. NASH (United States of America) stressed that it would be doing the General Assembly no service to submit to it questions relating to the cessation of information before they had been examined by its subsidiary organ, the Committee on Information. Much time would be saved the General Assembly if such questions as the hearing of representatives from Territories and the submission of documents could be dealt with first by the Committee on Information. In resolution 448 (V) the General Assembly had itself decided that it would like to have the benefit of initial work by the Committee on Information, and nothing that had been said during the debate had convinced him that there was any reason for changing the procedure so far followed. He would therefore oppose the Iraqi draft resolution.

23. Mr. PACHACHI (Iraq), replying to the United States representative, emphasized that the draft resolution dealt purely with procedure and did not raise the question of competence.

24. In reply to the United States representative's contention that, since the procedure so far used had been satisfactory, there was no reason to change it, he would say that there were several reasons why that procedure had raised no great difficulties: firstly, the attitude of certain administering Powers, including the United States of America, in voluntarily informing the General Assembly of constitutional changes regarding their Territories, a line of action that would not necessarily be followed by other administering Powers; secondly, as he had already pointed out, the Committee on Information had taken its decisions with some hesitation; it had in fact felt that it was unable to take final decisions on questions relating to the cessation of the transmission of information and had referred them to the General Assembly. His delegation therefore felt that it was unwise to leave the Committee on Information to take the initiative and to have the decisive word, since the first word often became the decisive one. The procedure proposed in the draft resolution would greatly facilitate the work of the Committee on Information by allowing it to deal with matters of political importance or of constitutional appreciation in the way for which it was best equipped, i.e., to discuss questions of detail on specific instructions from the General Assembly.

25. Mr. ARAMBURU (Peru) agreed with the United States representative that matters relating to Article 73 e ought to be dealt with first by the subsidiary organ, the Committee on Information, and only after that by the General Assembly. He could see no reason to change the established system and would therefore be unable to support the Iraqi draft resolution.

26. The CHAIRMAN put to the vote the Iraqi draft resolution (A/C.4/L.460), as amended by the delegation of Czechoslovakia.

The Iraqi draft resolution, as amended, was adopted by 38 votes to 11, with 6 abstentions.

27. Mr. CLAEYS BOUUAERT (Belgium) said he had voted against the draft resolution because it claimed for the General Assembly a right which the Charter did not confer on it. The Belgian delegation's views on that matter were well known and he would not repeat them. He would, however, point out that by the adoption of such resolutions the General Assembly was gradually trying to alter the Charter, and in that respect the Belgian Government retained its right of independent judgement.

28. Mr. THORP (New Zealand) said that his delegation had supported General Assembly resolution 448 (V) in a spirit of conciliation, and despite its doubts about the part the United Nations should play in the consideration of the status of Non-Self-Governing Territories.

29. His delegation's views on the practical aspect were similar to those outlined by the United States representative in his first statement. It regarded the procedure so far followed as a compromise solution and was reluctant to see any change, since it did not foresee that any new procedure would be more effective or more beneficial to the inhabitants of the Non-Self-Governing Territories.

30. A further reason for his voting against the Iraqi draft resolution was that it reaffirmed previous General Assembly resolutions which his delegation had been unable to accept, notably resolutions 742 (VIII) and 850 (IX). He also had reservations about the use of the term "right of self-determination" in that context.

31. Mr. LOOMES (Australia) said he had been compelled to vote against the draft resolution on the formal grounds that it reaffirmed General Assembly resolutions 742 (VIII) and 850 (IX), to which his delegation had been opposed. Moreover, the Iraqi draft resolution was based upon an assertion of the competence of the United Nations to decide in questions of the cessation of the transmission of information, a contention which his delegation was unable to accept.

Requests for hearings (continued)

32. The CHAIRMAN announced that he had received two further communications concerning the hearing granted at the 566th meeting to the Union des populations du Cameroun. One was a copy of a letter from Mr. Félix Roland Moumie to the Governor-General of the Federation of Nigeria; the other was a telegram from Mr. John Bafek to the President of the General Assembly. If there were no objections, the two communications would be circulated to the members of the Committee for their information.

It was so decided.

The meeting rose at 12.20 p.m.