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COMMITTEE ON INFORMATION FROM NON-SELF-GOVERNING TERRITORIES

Third Session

SUMMARY RECORD OF THE SIXTY-SIXTH MEETING

Held at Headquarters, New York,
on Wednesday, 1 October 1952, at 2.30 p.m.

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/PRESENT

PRESENT:

Chairman:

Mr. ASAD

Pakistan

Members:

Mr. LOOMES

Australia

Mr. RYCKMANS

Belgium

Mr. CALERO RODRIGUES

Brazil

Mr. BLANCO

Cuba

Mr. SVEISTRUP

Denmark

Mr. BUSTAMANTE

Ecuador

Mr. PALMY

Egypt

Mr. PICNON

France

Mr. SHIVA RAO

India

Mr. TAJIDNAPIS

Indonesia

Mr. DAVIN

New Zealand

Mr. SPIES

Netherlands

Mr. ROSCHIN

Union of Soviet Socialist Republics

Mr. MATHIESON

United Kingdom of Great Britain and
Northern Ireland

Mr. CARGO

United States of America

Representatives of specialized agencies:

Mr. GAVIN

International Labour Organisation
(ILO)

Mr. DESTOMBES

United Nations Educational,
Scientific and Cultural
Organization (UNESCO)

Dr. STOCK

World Health Organization (WHO)

Secretariat:

Mr. BENSON

Secretary of the Committee

/INTERNATIONAL

INTERNATIONAL COLLABORATION IN REGARD TO ECONOMIC, SOCIAL AND EDUCATIONAL
CONDITIONS IN NON-SELF-GOVERNING TERRITORIES, INCLUDING INFORMATION ON TECHNICAL
ASSISTANCE (A/AC.35/L.86, A/AC.35/L.92, A/AC.35/L.93, A/AC.35/L.95, A/AC.35/L.96)
(continued.)

Mr. BENSON (Secretary of the Committee) recalled that some representatives had referred to Secretariat document A/AC.35/L.96 on technical assistance, particularly that of the United Nations. In preparing that document, the Secretariat had always been fully aware that the technical assistance provided by the United Nations did not compete with and was not intended to replace technical assistance provided at the national or territorial level. The document was of limited scope and was only a summary of information received. He drew the Committee's attention to paragraph 32 of the document, where it was pointed out that the ratio of participation of Non-Self-Governing Territories in the benefits of technical assistance, as compared with other under-developed countries, still remained low, but that a trend towards providing Territories with a larger percentage of exports than in the previous years could be noticed. That observation referred, of course, only to United Nations technical assistance and it was not final.

He also pointed out that Section C of the explanatory preface to the revised Standard Form invited the Administering Powers to provide a survey of the principles and practical measures showing general trends in the Non-Self-Governing Territories, such as the participation of the territories in regional and functional Commissions of the Economic and Social Council, in organs of the specialized agencies and in regional Commissions or conferences, as well as the use of technical assistance of the United Nations and the specialized agencies or from other international sources. Before the revision of the Standard Form, the representative of India had pointed out the value of such information. He himself had said at the time that it would be very difficult for the Secretariat to show trends in the Non-Self-Governing Territories, which was rather a task for the Administering Powers. The Standard Form had been revised in that sense. The only Administering Powers which had as yet transmitted any information under that heading were France and the United Kingdom.

/At the previous

At the previous meeting the United Kingdom representative had raised the question of the co-ordination of technical assistance. He had himself answered his own question further in his speech when he had indicated that the Technical Assistance Board was the organ which should ensure co-ordination. The representative of India had enquired whether the holders of fellowships from the United Nations and specialized agencies would be in a position to use their knowledge in such a way as to promote economic and social development of the territories from which they came. The United Kingdom representative had indirectly answered that question when he had explained that, when an application was received for a fellowship, measures were taken to ensure that the beneficiary would be given suitable work to do on returning to his territory.

Mr. RYCKMANS (Belgium) explained that he had had no intention of criticizing the Secretariat in his last speech; his comments had referred to the kind of work with which the Secretariat had been entrusted by the General Assembly. He hoped that, if the Assembly made a further request for studies on the question of technical assistance to Non-Self-Governing Territories, it would be referring to technical assistance in all its forms and not only to that provided by the United Nations and the specialized agencies.

THE SECRETARY-GENERAL'S SUMMARIES AND ANALYSES OF INFORMATION TRANSMITTED DURING 1952 (A/AC.35/L.110, A/AC.35/L.110/Rev.1; A/2128, A/2129, A/2129/Add.1, A/2130, A/2131, A/2131/Add.1 and A/2132, A/2132/Add.2, A/2134, A/2134/Add.1 to 7, A/2135, A/2135/Add.1) (a) GENERAL SUBSTANTIVE QUESTIONS ADDITIONAL TO ANY TREATED UNDER PREVIOUS ITEMS; (b) INFORMATION VOLUNTARILY TRANSMITTED UNDER THE OPTIONAL CATEGORY OF THE STANDARD FORM; (c) QUESTIONS OF PROCEDURE.

Mr. BENSON (Secretary of the Committee) explained that the Secretariat had as usual prepared a list of Non-Self-Governing Territories on which information had been received (A/AC.35/L.110/Rev.1). Information on some territories had not arrived until the documents were already prepared, but there was only one territory, the Cook Islands, on which the Secretariat had as yet received no information at all.

/Referring to

Referring to the manner in which information was transmitted, he explained that the information transmitted by the Governments of Belgium, Denmark, France, the Netherlands and the United Kingdom, as a general rule followed the revised Standard Form in relation to economic, social and educational conditions (A/AC.35/L.95, paragraph 5).

It must be admitted that the adoption of the revised Form had required additional work from the persons responsible for preparing the information which in some cases partly explained the delay in transmission. The delay was more readily understandable in that the revised Standard Form had only been adopted at the end of 1951, but had in fact been of little importance as the General Assembly was to open later than usual. If future sessions were to open earlier, it would be desirable for the Administering Powers to transmit their information more quickly.

Mr. TAJIENAPIS (Indonesia) wished to raise a further protest against the submission of a report on Netherlands New Guinea by the Netherlands Government. The Indonesian name for that Territory was "Irian". As the Netherlands Government was persisting in transmitting information on the Territory and in arrogating to itself sovereign rights over a part of Indonesian territory, he felt obliged to state the reasons why his Government had been led to protest a second time and to reserve all rights as regards its claims and interests in relation to the only part of Indonesian territory remaining under the colonial system.

It was necessary first to make clear the composition of Indonesian territory. It appeared that the Netherlands Government had changed its opinion on that point. It was none the less true that the Constitution of the Netherlands declared that the Kingdom of the Netherlands consisted of the territories of the Netherlands, Indonesia, Surinam and the Netherlands Antilles. The term "Indonesia" would strictly in that case apply to all the Netherlands overseas territories in the Indonesian Archipelago. It was therefore logical to assume that, when the Netherlands had renounced its sovereignty over Indonesia on 27 December 1949, Netherlands New Guinea had been part of Indonesia. The Charter of Transfer of
/sovereignty

sovereignty adopted at The Hague Round Table Conference was the only instrument which would make it possible to decide sovereignty over Irian. Article one of that Charter provided that the Kingdom of the Netherlands transferred full sovereignty over Indonesia, unconditionally and irrevocably, to the Republic of the United States of Indonesia. Under those provisions, that must include sovereignty over the territory of Indonesia as a whole, of which Irian was undeniably a part just as much as Sumatra or Celebes. It was clear from paragraph 16 of document A/1273/Add.1, where it was stated that the Territory of Netherlands New Guinea formed the Residency of New Guinea of Indonesia, that Irian was part of Indonesia. Article two of the Charter to which he had already referred, which would probably be invoked by the Netherlands representative, provided that the status quo of the Residency of New Guinea should be maintained, with the stipulation that within a year from the date of transfer of sovereignty to the Republic of the United States of Indonesia, the question of the political status of New Guinea should be determined through negotiations between the Republic of the United States of Indonesia and the Kingdom of the Netherlands. Articles one and two of the Charter were inextricably interwoven. Thus the Indonesian Government as the new sovereign of the whole territory of Indonesia, had agreed to maintain the status quo of West New Guinea under certain conditions for a year from the date of the transfer of sovereignty. There were, however, no provisions to the effect that sovereignty over Irian should fall to the Netherlands in the event of failure of the negotiations. If that had been the case, as the Netherlands Government had frequently maintained, it would be an encouragement to that Government to jeopardize the success of the negotiations right away.

Negotiations had in fact taken place in 1950, but the parties had not reached agreement. The question of the political status of Irian therefore remained to be settled. At the end of the negotiations, the head of the Indonesian delegation, the Minister of Foreign Affairs of Indonesia, had formally stated his Government's refusal to consent to the continued exercise of Netherlands' authority over Irian. Exercise of that authority by the Netherlands therefore no longer had any legal basis. Nevertheless, the Netherlands Government not only continued to govern Irian, but had declared, in

/spite of

spite of the provisions on the transfer of sovereignty, that it had sovereign rights over the country. The Indonesian Government protested strongly against that unilateral action and against the transmission of information on Irian by the Netherlands Government. By that action, the Netherlands Government had violated the Rum-van Royen agreements and the Charter adopted at the Round Table Conference. Moreover, its declaration that it held sovereignty over Netherlands New Guinea (A/2132) was devoid of legal basis and was misleading because it implied that Indonesia had no right to the Territory and that there was no dispute. The Indonesian Government could not accept that way of presenting the facts. Another potentially misleading aspect of Netherlands policy was the cessation of the transmission of information on Surinam and the Netherlands Antilles. He did not wish to raise that question for the time being, since his delegation would certainly have an opportunity to return to it when it was brought before the Fourth Committee.

Nevertheless, it was obvious that the attitude of the Netherlands Government in those two cases could not be considered to be in accordance with the provisions of Article 73 e of the Charter; the purpose of such manoeuvres was to hide its intentions with regard to the territories concerned. As for Irian, the Netherlands was obviously trying to keep its hold on the Territory by transmitting information on it under Article 73 e of the Charter and by expressly stating in that information that it held sovereignty over the Territory, so as to give the impression that that was a fact which the General Assembly had tacitly recognized.

The Committee should bear in mind the possibility that the Netherlands Government was not motivated solely by a desire to respect the provisions of the Charter. He reserved his delegation's right to raise the question again in the Fourth Committee and then to take any steps which his Government might consider appropriate.

Mr. SPITS (Netherlands) stated, in reply to the Indonesian representative that the Committee was not competent to discuss the political status of New Guinea. In that connexion, he drew the Committee's attention to paragraph 3 of General Assembly resolution 332 (IV), which had defined the Committee's terms of

reference. The resolution invited the Special Committee to examine the summaries and analyses of information transmitted under Article 73 e of the Charter on the economic, social and educational conditions in the Non-Self-Governing Territories. The question of sovereignty and political status did not fall under those terms of reference. His Government had provided political information on the territory of New Guinea, and had done so voluntarily; it had always maintained and still maintained that such data were provided for information, and not for discussion in the Committee. He therefore wished to reserve his Government's position on the question, but was prepared to give the Committee some explanations. In 1949, when the instrument for the transfer of sovereignty had been signed, the Territory of Netherlands New Guinea had been expressly excluded from the transfer which gave Indonesia sovereignty over the former Netherlands East Indies. Subsequent negotiations between the Governments of Indonesia and the Netherlands had not resulted in any changes in the status of New Guinea. Consequently the Netherlands Government had retained sovereignty over the Territory and was carrying out its obligations by transmitting reports to the Secretary-General for information.

The Committee's terms of reference were limited and he proposed that the debate on the question should be closed.

The CHAIRMAN expressed the opinion that a debate on the question raised by the Indonesian representative would not be within the Committee's competence. As representative of Pakistan, he hoped that the Governments of the Netherlands and Indonesia would settle their differences by negotiation.

Mr. ROSCHIN (Union of Soviet Socialist Republics) did not share the Netherlands representative's views on the interpretation of Article 73 of the Charter but thought that the Committee was competent to discuss information which the Netherlands Government had transmitted voluntarily on a Non-Self-Governing Territory for which it was responsible. Any Member of the United Nations must adhere to the principles of the Charter and scrupulously apply all its

/provisions

provisions. Article 73 of the Charter provided for the transmission of information on Non-Self-Governing Territories precisely so that such information should be studied by the Committee and recommendations on it be made to the General Assembly; the Netherlands delegation could not therefore reasonably claim to avoid such a discussion.

In connexion with agenda item 8, he recalled that he had already drawn attention to the inadequacy of the information transmitted. Some information was totally lacking, as in the case of budgetary information on some territories. Moreover, the United States Government had not followed the Standard Form. There had also been some delay in transmitting information, and that might hamper the Committee's work.

The Netherlands Government had not transmitted information on the Non-Self-Governing Territories of Curaçao and Surinam. Resolution 66 (I) of the General Assembly gave a list of the Non-Self-Governing Territories on which the Administering Powers had to transmit information. It was not for those Powers, therefore, to decide whether they might cease to carry out the obligations incumbent on them under the Charter and General Assembly resolutions; only a General Assembly decision could free them from such obligations. The Netherlands Government was therefore bound to go on providing information on all the territories it administered.

Mr. SHIVA RAO (India) recalled that bonds of friendship united his country and Indonesia; the Indian Government had taken a great interest in Indonesia's struggle for independence. Along with the Chairman, he hoped that the differences between the Indonesian and Netherlands Governments would finally be settled by negotiation.

Mr. FAHMY (Egypt) did not intend to discuss in detail whether the Committee's competence extended to the question raised by the Indonesian representative. He did not consider, however, that any Administering Power could claim to decide on which territories it should transmit information. Like the Chairman, he hoped that the Netherlands and Indonesian Governments would reach agreement.

/Mr. RYCKMANS

Mr. RYCKMANS (Belgium) reminded the USSR representative that, under paragraph 5 of General Assembly resolution 332 (IV), the Special Committee had been invited to submit to the Assembly reports containing such procedural recommendations as it might deem fit and such substantive recommendations as it might deem desirable relating to functional fields generally but not with respect to individual Territories. The USSR representative's interpretation of the Committee's terms of reference was therefore erroneous.

As regards the Egyptian representative's argument that no Administering Power could claim to decide on which territories it should transmit information, he recalled that in 1946 the Administering Powers had themselves drawn up the list of territories on which they had decided to transmit information.

Mr. MATTHEWSON (United Kingdom) joined the Chairman in hoping that the Governments of Indonesia and the Netherlands would reach agreement and that the internal difficulties which the Indonesian Government was experiencing could be solved by negotiation.

He did not share the USSR representative's view on the interpretation of Article 73 e of the Charter. Under that Article, the Administering Powers had agreed to transmit regularly to the Secretary-General, for information purposes, data concerning the Territories for which they were responsible. If the authors of the Charter had intended the Administering Powers to transmit that information for purposes of discussion, they would have said so. He therefore considered that the USSR representative was distorting the meaning of the provisions of Article 73.

The Netherlands representative was absolutely right in maintaining that the information on New Guinea transmitted voluntarily was for the purpose of information only. Moreover, the Netherlands Government was perfectly competent to decide on which territories it should provide information.

He regretted that, owing to difficulties of communication, the information on Pitcairn Island and Grenada had not arrived in time to be included in document A/AC.35/L.110/Rev.1. The causes of the delay had been partly the necessity of complying with the recent revision of the Standard Form, as had been readily recognized by the Secretary of the Committee.

/Mr. DAVIN

Mr. DAVIN (New Zealand), replying to the Secretariat representative's statement that by 30 September no information on the Cook Islands had reached the Secretary-General, said that that information might be expected at any moment. He apologized for the delay. The information for 1951 had been prepared in accordance with the old Standard Form, but that for 1952 would be submitted in accordance with the revised Standard Form. He repeated, however, that his Government did not consider itself bound to transmit information on the territories under its administration.

Mr. TAJIBAPIS (Indonesia) thanked the Chairman, who, speaking as representative of Pakistan, had expressed the hope that the Netherlands and Indonesian Governments would be able to settle their differences by negotiation. His Government would welcome such negotiations.

The United Kingdom representative, referring to recent events in Indonesia, had hoped that the negotiations would lead to a settlement. The Indonesian Government, however, was faced with a rebellion, and he wondered whether the United Kingdom Government would consider negotiating with rebels in similar circumstances.

Lastly, his delegation fully reserved its position on the Netherlands representative's statement.

Mr. ROSCHIN (Union of Soviet Socialist Republics) said, in reply to the Belgian representative, that it was the General Assembly which had, at its first session, drawn up the list of territories on which the Administering Powers had to transmit information. The list could therefore be changed only by the General Assembly itself and it was not for the Administering Powers to decide on which Territories information should be submitted.

The United Kingdom representative had asserted that under Article 73 e of the Charter Members of the United Nations assuming responsibility for the administration of non-self-governing territories had only undertaken to transmit information on those territories. His delegation could not agree with that restrictive interpretation of Article 73. Indeed, in the first paragraph of the
/Article

Article Members of the United Nations which assumed responsibility for the administration of non-self-governing territories also accepted as a sacred trust the obligation to promote to the utmost the well-being of the inhabitants of those territories, and to that end to transmit regularly for information purposes information on the territories under their administration. The fact that the Administering Powers had undertaken the obligation to promote the well-being of the inhabitants of the territories under their administration precluded any restrictive interpretation of the words "for information purposes". The text did not logically, politically or legally authorize such an interpretation, to which the Soviet Union could not agree; it would make the transmission of information a mere formality.

Mr. RYCKMANS (Belgium) could not accept either the USSR representative's interpretation of General Assembly resolution 66 (I) or the theory that the list of territories enumerated therein could be changed only by the General Assembly. An Administering Power was perfectly within its rights to withhold information on a territory if it considered that the territory could no longer be regarded as non-self-governing. Doubtless, were the Soviet Union to administer a non-self-governing Territory, it would do the same.

Mr. FAEMY (Egypt) disagreed with the Belgian representative, whom he referred to General Assembly resolution 334 (IV) concerning the territories which came under Chapter XI of the Charter; in that resolution the General Assembly, having recalled resolution 66 (I) of 14 December 1946, in which the territories referred to in Article 73 e were enumerated, considered that it was within its responsibility to express its opinion on the principles which had guided or might in future guide the Members concerned in enumerating those Territories.

Mr. PIGNON (France) pointed out to the Egyptian representative that his theory failed to take account of the fact, which the Belgian representative had already stressed, that the Governments themselves had announced their intention to transmit information on the Territories they administered. All the General Assembly had done was to draw up a list on that basis.

/Mr. MATHIESON

Mr. MATHIESON (United Kingdom) found the USSR representative's interpretation of Article 73 of the Charter, and in particular of paragraph e, unconvincing. Moreover, it seemed to be useless to try to change the USSR Government's attitude on the subject.

Mr. ROSCHIN (Union of Soviet Socialist Republics), speaking on a point of order, said that the United Kingdom and Belgian representatives' arguments were irrelevant. The Belgian representative's hypothesis was absurd, while the United Kingdom representative's statement was out of place. The General Assembly had enumerated the territories to which Article 73 e of the Charter applied, and nothing could change that.

Mr. BUSTAMANTE (Ecuador) agreed with the statement made by the Chairman, when he had spoken as representative of Pakistan, concerning the dispute between the Netherlands and Indonesia, and shared his hope that it could be settled by negotiation, as was proper in all such disputes.

His delegation had already made its views known on the subject of the interpretation of Article 73 e of the Charter. It reserved its position in regard to the territories which came under Article 73 e, and in particular in regard to those in the American Continent, on which the Netherlands Government had decided not to transmit any more information. The General Assembly would consider the question at its next session, when his delegation would explain its position.

Mr. RYCKMANS (Belgium) pointed out, in reply to the representative of Egypt, that while the General Assembly could express its opinion on the principles which had guided or might in future guide the Members concerned in enumerating the territories on which they were obliged to transmit information under Article 73 e of the Charter, it was nevertheless for the Member States to establish those principles and consequently to decide whether there was no longer any need to transmit information on a territory.

PROGRAMME OF WORK

The CHAIRMAN declared discussion on item 8 of the agenda closed. Items 9 and 10 still remained to be considered, but the Committee first had to examine the Sub-Committee's report, which had just been circulated as document A/AC.35/L.111. In view of the short time which members of the Committee had had for the study of the report, he suggested deferring consideration of it until the next day. The Committee could take up item 9 at once, unless it preferred to adjourn.

Mr. ROSCHIN (Union of Soviet Socialist Republics) pointed out that the Sub-Committee's report had not been translated into Russian and that in any case more time was needed to study it.

The CHAIRMAN suggested taking up the Sub-Committee's report on Friday, 3 October.

It was so decided.

Mr. RYCKMANS (Belgium) proposed that the Committee should go on to item 9 of the agenda.

Mr. TAJIBNAPIS (Indonesia) thought that the members of the Committee, and in particular those who had not served on the Sub-Committee, needed to study the Sub-Committee's report at leisure. He therefore formally proposed that the Committee should adjourn.

The CHAIRMAN said that under rule 77 of the rules of procedure the Indonesian representative's motion for adjournment must be put to the vote at once.

The motion for adjournment was adopted by 5 votes to none, with 7 abstentions.

The meeting rose at 3.55 p.m.