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Chairman: Mr. Santiago PEREZ PEREZ (Venezuela).

Factors which should be taken into account in deciding whether a territory is or is not a territory whose people have not yet attained a full measure of self-government: report of the *Ad Hoc* Committee on Factors (Non-Self-Governing Territories) (A/2428, A/C.4/L.272, A/C.4/L.273, A/C.4/L.274, A/C.4/L.275) (*continued*)

[Item 33]*

1. The CHAIRMAN drew attention to Conference Room Paper No. 1,¹ which contained his proposals for the procedure to be followed in voting.
2. Mr. MENDOZA (Guatemala) suggested that before examining the Brazilian draft resolution, A/C.4/L.272 and the proposed amendments thereto (A/C.4/L.273, A/C.4/L.275), the Committee should consider and vote upon the proposed amendments to the *Ad Hoc* Committee's list of factors (A/C.4/L.274).
3. Mr. BOZOVIC (Yugoslavia) supported that proposal. Logically the Committee should first decide on the list of factors and then consider the Brazilian draft resolution, whose purpose was the adoption of the list, and the proposed amendments to that resolution. The *Ad Hoc* Committee's list should be treated as an original proposal, and in accordance with rule 129 of the rules of procedure the amendments to it should be voted on first.
4. Mr. KAISR (Czechoslovakia) recalled an earlier proposal made by the Czechoslovak delegation (326th meeting) to the effect that a separate vote should be held on the individual sections of the list of factors, and, in that connexion, expressed his delegation's support of the Guatemalan representative's proposal.
5. Lord HUDSON (United Kingdom) suggested that the Chairman's proposal should be put to the vote immediately.
6. Mr. RYCKMANS (Belgium) maintained that the list of factors drawn up by the *Ad Hoc* Committee did not constitute a proposal in the sense of rule 129, but that paragraphs 1 and 2 of the operative part of the Brazilian draft resolution did. The Committee should therefore vote first on the amendments to that draft resolution.

* Indicates the item number on the agenda of the General Assembly.

¹ Document distributed to members of the Committee only.

7. Mr. FERREIRA DE SOUZA (Brazil) thought the Committee should first decide on the principal question: whether or not it wished to adopt the list of factors as it stood. If it rejected the list it could then vote on the amendments.

8. Mr. RYCKMANS (Belgium) supported that proposal.

9. Mr. ARAOZ (Bolivia) supported the Guatemalan proposal.

10. Mr. DE HOLTE CASTELLO (Colombia) suggested that the Chairman should put the Guatemalan proposal to the vote first and then, if that were rejected, his own proposal.

The Guatemalan proposal was adopted by 26 votes to 22, with 4 abstentions.

11. Mr. RYCKMANS (Belgium) suggested that a vote should be taken immediately on amendment 3 of the eleven-Power draft amendments (A/C.4/L.273).

12. The CHAIRMAN called on the Committee to consider the amendments to the list of factors (A/C.4/L.274).

13. Mrs. BOLTON (United States of America) said that she would not touch on the substance of the matter because the United States delegation had serious doubts, on procedural grounds, concerning the practicability of the step the Committee was being asked to take. The list of factors contained in the *Ad Hoc* Committee's report (A/2428) was the outcome of the deliberations of several special committees which had devoted many meetings to a thorough study of the views of governments on the question of factors. The *Ad Hoc* Committee's report had been in the hands of Member States for many weeks. The United States Government considered that the *Ad Hoc* Committee had carried the study of factors as far as it could profitably be pursued at present. However, the Fourth Committee had been presented with a number of amendments which it was expected to examine in a few days. At best, the consideration the Committee would be able to give those amendments would be hurried and incomplete. Furthermore, even such hasty consideration would entail lengthy discussion and take more time than the Committee could spare.

14. The United States delegation was therefore of the opinion that the Committee should not attempt to amend the *Ad Hoc* Committee's list but should approve it as it stood.

15. Mr. PIGNON (France) entirely shared the United States representative's view. Since, however, the majority of the members of the Committee were evidently determined to vote on the amendments he would explain his delegation's position.

16. The position of the French delegation in the matter had always been perfectly clear. While it had the most serious reservations with regard to the General Assembly's competence to apply the list of factors drawn up by the *Ad Hoc* Committee, it considered, as it had

always done, that the study of such a list was legitimate and useful, on the understanding that the list would constitute not a rigid and inflexible code but a guide to States in dealing with specific cases. Despite its obvious imperfections the list contained in document A/2428 could be used as such a guide.

17. However, the amendments submitted, no doubt with the praiseworthy intention of improving the *Ad Hoc* Committee's work, completely vitiated it and destroyed a structure which, though uneven, had nevertheless had a certain balance. The amendments aggravated the list's existing defects to such a point that they rendered it unacceptable.

18. Those defects derived primarily from the fact that, for an increasing number of delegations, political considerations outweighed the objectivity so essential in dealing with such questions. It was the negation of all scientific method to erect a general theory on special cases; yet that was what had been done in the second part of the list by introducing such controversial ideas as those contained in amendments 6, 7 and 8 of the second and third parts of the eleven-Power amendments. For the sake of the prestige of the United Nations the Fourth Committee must be careful of the quality of its work. The proposed new factor A.4, in the second part of the list, to cite an example, introduced a principle of intervention which was contrary to the spirit and the letter of the Charter and which would endanger that very good-neighbourliness which it was intended to foster. An attempt had been made to establish a spurious link between that idea and Article 74 of the Charter.

19. In the view of the French delegation, however, the most serious fault of the amendments was that they created confusion between the three parts of the original list. The factors of independence, of self-government in association and of self-government through integration were completely confused, and he doubted the usefulness of such a list in the proper sphere of the Committee's work—Chapter XI of the Charter. It was hardly necessary to reiterate that self-government could and did exist without independence; he would merely emphasize that the sponsors of the amendments had wished to create the impression that the second and third parts of the list of factors were useless in practice. In so doing they had deliberately ignored the Fourth Committee's terms of reference and the very object of its work, i.e., the progress of certain territories towards self-government.

20. For those reasons, the French delegation would vote against the proposed amendments as a whole.

21. Lord HUDSON (United Kingdom) regretted that the attempt he had made at the previous meeting to prevent a sterile debate and to obtain some measure of agreement had failed.

22. His delegation had made no secret of the fact that the contents of the list of factors were a matter of comparative indifference to it. The United Kingdom Government had no need for factors and their application by others could have no effect on the status of any of the territories for which it was responsible. The application of the list of factors was thereby limited at one stroke to, at the most, one-third of the territories at present reported on.

23. However, the United Kingdom had responsibilities as a Member of the United Nations of the *Ad Hoc* Committee. It had no political interest in the outcome but had sought to assist the Committee in evolving a

list which satisfied a coherence theory of truth and was in line with the political realities of the modern world. Nine other delegations had co-operated in the work. A list had been approved after eight months of preparation and two weeks of debate, during which the views of all governments that had wished to submit written observations had been taken into account. Now, when the Fourth Committee was on the point of voting on a draft resolution, a series of amendments to the list had been submitted by eleven delegations, three of which had been represented in the *Ad Hoc* Committee; indeed the representative of one of them had been its Chairman.

24. In the view of the United Kingdom delegation the amendments were a supreme demonstration of intellectual confusion. For the most part they appeared to be attempts to assert certain political maxims, some of which were unacceptable to his delegation. Many could be identified as arising from the political ends of particular delegations. That fact should be borne in mind during the vote.

25. With regard to the amendment to the first part he would suggest that if a State existed it had a manifest right to provide for its national defence. Its capacity to do so might be more doubtful and might indeed be considered as a factor in its choice of political orientation.

26. In the second part, amendments 6 and 7 attempted to insert two factors from the third part of which the United Kingdom delegation had never been in favour. Amendment 6 was in effect a reaffirmation of what had been called the "salt-water fallacy", namely, that land-locked imperialism was morally admirable whereas transoceanic communities were ethically obnoxious. The experience of the United Kingdom was that the ocean was a link rather than a barrier. Amendment 7 amounted virtually to the endorsement of racial discrimination and was unworthy of the Fourth Committee.

27. With reference to amendment 8, the United Kingdom delegation could not accept the view that the political development of Non-Self-Governing Territories should be impeded by the existence of a dispute between nations claiming sovereignty over them. As the Australian representative had truly said, there was a world of difference between international status and internal responsibility. The duty of any Member State having sovereignty over a Non-Self-Governing Territory was to promote to the utmost the realization of the objectives of Chapter XI of the Charter, including the development of a full measure of self-government. Undoubtedly all members of the Committee would agree that, in the event of a Non-Self-Governing Territory's passing from the sovereignty of one Member State to that of another, the new sovereign would inherit all the obligations of the old under Chapter XI. The representative of Guatemala had referred to sovereign independence as the manifest goal for Non-Self-Governing Territories, even though that objective was not referred to in Chapter XI. It would be strange if an administering Power were to be inhibited from pursuing the objectives of Chapter XI because of the existence of a claim on the part of another State which must be assumed equally to support the principles of that chapter; for otherwise the existence of such a claim might be construed as a claim for the annexation of the territories in question without regard to the objectives of Chapter XI.

28. If the amendments were adopted the only effect they could have would be to prevent the attainment of independence by any Non-Self-Governing Territory.

29. Mr. RYCKMANS (Belgium) regretted that his delegation would be obliged to vote against nearly all the proposed amendments to the list of factors contained in the *Ad Hoc* Committee's report. The only point with which he agreed was the first half of the proposed new factor A.4 in the second part, which seemed to recognize the error of supposing that an ocean was a greater barrier than a land frontier. However, he could not agree to the second half.

30. The representative of Iran had said at the previous meeting that although there were backward peoples which were not in a position to claim their independence, they must not remain indefinitely subject to exploitation by more advanced peoples. Belgium differed on that point: it had always held that backward peoples should never be exploited. The duty of the Administering Members was to administer the Non-Self-Governing Territories on behalf of the peoples of those territories until they were able to do so by themselves; it was clear that the interests of the peoples must be paramount. The votes which the Belgian delegation would be forced to cast against the proposed amendments to the list of factors were therefore based purely on considerations of principle; they did not mean that Belgium did not recognize its obligations under Chapter XI of the Charter or that it would cease to discharge them faithfully.

31. Mr. M. S. ESFANDIARY (Iran) said that the representative of Belgium, in his intervention, had made several references to the statement made by the representative of Iran. While thanking him for his kind words, he would like to reserve his delegation's position in regard to those remarks.

32. Mr. PACHACHI (Iraq) said that, although Iraq had been a member of the *Ad Hoc* Committee on Factors, its delegation had made it clear in that Committee that it did not regard the list of factors approved as final and incapable of improvement. The amendments jointly proposed by eleven delegations were improvements over the original list, making it more coherent and affording better protection for the peoples of the Non-Self-Governing Territories. He deplored the attitude of inflexible opposition adopted by the United Kingdom and Belgian delegations.

33. Mr. CALLE Y CALLE (Peru) said that, although his delegation was not opposed to the principles embodied in the joint amendments, it intended to vote against them all on the ground that it was impractical to pursue any further the discussion of the list of factors proposed by the *Ad Hoc* Committee. The Fourth Committee ought simply to take note of the results of the *Ad Hoc* Committee's deliberations and not attempt to continue that committee's work to the detriment of other items on its own agenda.

34. Mr. MENDEZ (Philippines) noted that the Belgian representative had suggested that a vote on amendment 3 of the joint amendments (A/C.4/L.273) to the Brazilian draft resolution (A/C.4/L.272) might save the Fourth Committee a great deal of time by making it unnecessary to discuss the draft amendments to the list of factors point by point. That suggestion might well have been put to the vote.

35. Mr. MENDOZA (Guatemala) noted, in connexion with certain observations made by the United Kingdom delegation, that the position of the Guatemalan

delegation in regard to dependent territories which were subject to any claim or litigation on the part of another State had been made quite clear at the Committee's 322nd meeting. His Government would welcome the achievement of complete independence by such Non-Self-Governing Territories, but wished to ensure that illegally occupied territories which were subject to litigation should not have their political status changed by forms of association before such litigation was settled.

36. In connexion with the proposed amendments to the list of factors he objected that the question was being made too complicated. The purpose of the list of factors was not to help the General Assembly to decide whether the status conferred on a Non-Self-Governing Territory was good for the territory or whether it was what the territory wanted, but merely to enable it to analyse the situation and determine whether the Administering Member was in fact released from its obligation to transmit information on the territory to the United Nations. If the number of Non-Self-Governing Territories on which information was transmitted remained constant, no list would be necessary; but if it continued to dwindle it was essential that the General Assembly should have some such guide. He did not agree that the General Assembly had not enough time to improve the list of factors suggested by the *Ad Hoc* Committee; the work of the various bodies which had prepared the list of factors had in fact been compressed into a very short time.

37. The CHAIRMAN called upon the Committee to vote on the amendments contained in document A/C.4/L.274 to the list of factors as contained in the report of the *Ad Hoc* Committee on Factors, document A/2428, section VI.

38. He put to the vote the amendment proposing that a new factor A.4 should be added to the first part of the list.

That amendment was adopted by 31 votes to 9, with 10 abstentions.

39. The CHAIRMAN put to the vote the first part of the list of factors (A/2428, section VI), as amended.

The first part of the list, as amended, was adopted by 34 votes to 7, with 10 abstentions.

40. The CHAIRMAN then put to the vote the amendments (A/C.4/L.274) concerning the second part of the list.

Amendment 1 was adopted by 27 votes to 15, with 9 abstentions.

41. The CHAIRMAN put to the vote amendment 2. The adoption of that amendment would automatically imply the adoption of amendment 3.

Amendment 2 was adopted by 21 votes to 12, with 16 abstentions.

42. The CHAIRMAN put to the vote amendment 4.

Amendment 4 was adopted by 27 votes to 15, with 8 abstentions.

43. Mr. RYCKMANS (Belgium) asked for a separate vote on the first part of the text of amendment 5, up to the words "thus associated". He intended to vote against both parts of that paragraph; however, many delegations might be in favour of the first part of the text but not of the universal right of secession embodied in the second part.

44. The CHAIRMAN put to the vote the first part of amendment 5.

The first part of amendment 5 was adopted by 30 votes to 8, with 12 abstentions.

45. Mr. RYCKMANS (Belgium), requested that the vote on the second part of amendment 5 should be taken by roll-call.

A vote was taken by roll-call.

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

In favour: Lebanon, Liberia, Mexico, Pakistan, Philippines, Saudi Arabia, Syria, Thailand, Uruguay, Venezuela, Yemen, Yugoslavia, Afghanistan, Argentina, Bolivia, Chile, Costa Rica, Cuba, Egypt, El Salvador, Guatemala, Haiti, Indonesia, Iran, Iraq.

Against: Luxembourg, Netherlands, New Zealand, Norway, Peru, Poland, Sweden, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Australia, Belgium, Byelorussian Soviet Socialist Republic, Canada, Colombia, Czechoslovakia, France.

Abstaining: United States of America, Brazil, Burma, China, Denmark, Dominican Republic, Ethiopia, Greece, India, Israel.

The second part of amendment 5 was adopted by 25 votes to 18, with 10 abstentions.

46. The CHAIRMAN put to the vote amendment 5 as a whole.

Amendment 5, as a whole, was adopted by 25 votes to 18, with 9 abstentions.

47. Mr. CALLE Y CALLE (Peru) explained that he had voted against the second part of amendment 5 and abstained from voting on the whole amendment because he could not endorse the right of secession in all cases.

48. In response to a request by Mr. RYCKMANS (Belgium), who asked for a separate vote on the two parts of amendment 6, which had nothing in common, the CHAIRMAN put to the vote successively the first and second parts of that amendment.

The first part of amendment 6 was adopted by 26 votes to 14, with 11 abstentions.

The second part of amendment 6 was adopted by 23 votes to 18, with 10 abstentions.

49. The CHAIRMAN put to the vote amendment 6 as a whole.

Amendment 6, as a whole, was adopted by 24 votes to 17, with 8 abstentions.

50. The CHAIRMAN put to the vote amendment 7.

Amendment 7 was adopted by 26 votes to 17, with 8 abstentions.

51. The CHAIRMAN said that no amendments had been submitted to factor B.1 of the second part of the *Ad Hoc* Committee's list, and that, unless there were any objections, he would consider it adopted.

It was so decided.

52. The CHAIRMAN put to the vote amendment 8, the adoption of which would automatically imply the adoption of amendment 9.

Amendment 8 was adopted by 23 votes to 18, with 12 abstentions.

53. The CHAIRMAN put to the vote the second part of the list of factors (A/2428, section VI), as a whole, as amended.

The second part of the list of factors, as a whole, as amended, was adopted by 24 votes to 18, with 11 abstentions.

54. The CHAIRMAN then put to the vote the amendments in document A/C.4/L.274 applying to the third part of the list of factors.

Amendment 1 was adopted by 25 votes to 15, with 13 abstentions.

Amendment 2 was adopted by 26 votes to 14, with 15 abstentions.

55. The CHAIRMAN put to the vote amendment 3, whose adoption would automatically imply the adoption of amendment 4.

Amendment 3 was adopted by 23 votes to 9, with 18 abstentions.

56. Mr. RYCKMANS (Belgium) requested that the vote on amendment 5 should be taken by roll-call.

A vote was taken by roll-call.

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

In favour: Guatemala, Haiti, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Pakistan, Philippines, Saudi Arabia, Syria, Thailand, Uruguay, Venezuela, Yugoslavia, Afghanistan, Argentina, Bolivia, Chile, Costa Rica, Cuba, Egypt, El Salvador.

Against: France, Greece, Luxembourg, Netherlands, New Zealand, Poland, Sweden, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Australia, Belgium, Byelorussian Soviet Socialist Republic, Canada, Czechoslovakia, Denmark.

Abstaining: Israel, Norway, Peru, United States of America, Brazil, Burma, China, Colombia, Dominican Republic, Ethiopia.

Amendment 5 was adopted by 25 votes to 17, with 10 abstentions.

57. Mr. DE MARCHENA (Dominican Republican) drew the secretariat's attention to certain changes that should be made in the Spanish text of amendment 6.

58. The CHAIRMAN put to the vote amendment 6.

Amendment 6 was adopted by 22 votes to 18, with 11 abstentions.

59. The CHAIRMAN put to the vote factor A.3 of the third part of the list (A/2428, section VI), as amended by the adoption of amendment 6.

Factor A.3, as amended, was adopted by 23 votes to 18, with 8 abstentions.

60. The CHAIRMAN said that no amendments had been submitted to factor A.4 and that, unless there were any objections, he would consider it adopted.

It was so decided.

61. The CHAIRMAN put to the vote amendment 7 (A/C.4/L.274).

Amendment 7 was adopted by 28 to 13, with 10 abstentions.

62. The CHAIRMAN put to the vote factor A.5 of the third part of the list (A/2428, section VI), as amended by the adoption of amendment 7.

Factor A.5, as amended, was adopted by 23 votes to 18, with 9 abstentions.

63. The CHAIRMAN said that no amendments had been submitted to factor B.1., and that, unless there were any objections, he would consider it adopted.

It was so decided.

64. The CHAIRMAN put to the vote amendment 8 (A/C.4/L.274).

Amendment 8 was adopted by 25 votes to 16, with 9 abstentions.

65. The CHAIRMAN put to the vote amendment 9.

Amendment 9 was adopted by 25 votes to 17, with 8 abstentions.

66. The CHAIRMAN put to the vote the third part of the list of factors (A/2428, section VI), as a whole, as amended.

The third part of the list of factors, as a whole, as amended, was adopted by 23 votes to 16, with 11 abstentions

67. The CHAIRMAN put to the vote the list of factors, as a whole, as amended.

The list of factors, as a whole, as amended, was adopted by 25 votes to 18, with 8 abstentions.

68. Mrs. BOLTON (United States of America) had abstained from voting on any of the amendments to the list of factors because the Committee had been able to consider them only in hurried and incomplete fashion. She reserved her delegation's position on their substance and regretted that the Chairman had not followed the procedure suggested by the representative of Belgium, the Philippines and the United States.

69. Mr. S. S. LIU (China) said that his abstention on the amendments had been without prejudice to their substance. The list of factors proposed by the *Ad Hoc* Committee had seemed to be a satisfactory guide, and his delegation had not felt that there was any need to amend it at the present juncture. Furthermore, that list, as the outcome of a long period of arduous work, might have obtained a wider measure of support in the General Assembly itself. No list of factors could be exhaustive or final.

70. Mr. DE HOLTE CASTELLO (Colombia) had abstained on all the amendments without prejudice to their substance and without going into their merits. His delegation supported the Brazilian draft resolution (A/C.4/L.272) and would vote in favour of it.

71. Mr. NAJAR (Israel) said that his abstention on all the amendments should not be construed as implying any stand on the principles and definitions embodied in them. There was a wide difference between adopting proposals at forty-eight hours' notice and adopting a list which had been given long and careful study. It was regrettable that the Committee should not have seized the opportunity for obtaining a broad measure of agreement offered by the list submitted by the *Ad*

Hoc Committee, but had instead preferred to adopt the amended list by a rather small majority. He feared that a list adopted in such circumstances would not produce the desired results.

72. Mr. RYCKMANS (Belgium) explained that he would have abstained from voting on the original list of factors, which represented the work of several years, but he had felt compelled to cast negative votes in the haphazard adoption of amendments that had just taken place.

73. Mr. DONS MOELLER (Denmark) would have been prepared to vote in favour of the list of factors submitted by the *Ad Hoc* Committee. The introduction of the amendments at the present stage had caused his delegation surprise, and there had been very little time to consider them. He had been able to support a few of them but the majority had not appeared to offer any improvement on the original text. The new factor A.2 in the third part, namely, the possible wishes of the population of a Non-Self-Governing Territory at some future date, was not a factor at all because it related to subsequent events. Furthermore, it either implied that the integration with the metropolitan country was not complete, or would constitute intervention in the domestic affairs of another State, which was contrary to the Charter. He had therefore been compelled to vote against the introduction of that new factor and against certain other amendments.

74. Mr. PIGNON (France) noted with regret that the majority which had approved the amended list of factors had not even tried to answer the criticism that had been levelled against the amendments.

75. Mr. DE MARCHENA (Dominican Republic) wished to make it clear once again that his delegation had always been in favour of drawing up a list of factors and had been prepared to approve the list submitted by the *Ad Hoc* Committee. It had been surprised at the introduction of amendments at the present stage, and had been unable to vote in favour of them, since it would have preferred the adoption of the original list.

76. Mr. FERREIRA DE SOUZA (Brazil) explained that his delegation had abstained from voting on any of the amendments in the same spirit of conciliation that had led it to introduce its draft resolution. Moreover, the amendments had not been adequately studied and he reserved his delegation's position on them in the General Assembly.

77. Mr. NAUDE (Union of South Africa) wished to make it quite clear that his voting on the amendments had been without prejudice to their substance.

The meeting rose at 6.5 p.m.