

# GENERAL ASSEMBLY

## SEVENTH SESSION

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## FOURTH COMMITTEE, 261st

MEETING

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Chairman: Mr. Rodolfo MUNOZ (Argentina).

## Information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter (*continued*)

[Item 33]\*

1. Mr. FOURIE (Union of South Africa) did not wish to express an opinion on the substance of draft resolution B, which appeared in part one, annex II, of the report of the Committee on Information from Non-Self-Governing Territories (A/2219 and Corr.1); he wished, however, to point out that, while Chapter XI of the Charter imposed certain obligations on Administering Members, other provisions of the Charter safeguarded the rights of Member States with regard to matters within their domestic jurisdiction. In the opinion of the South African delegation, the question of race relations, as dealt with in draft resolution B, fell within the political field and was not covered by Chapter XI. The resolution therefore dealt with matters within the domestic jurisdiction of the administering Powers and, bearing in mind the South African Government's own consistent stand in regard to Article 2, paragraph 7, of the Charter, the South African delegation could not participate either in the consideration of the substance of the draft resolution or in the voting on it.

2. Paragraph 1 of the operative part of the joint draft resolution submitted by Brazil, Ecuador, Egypt, India, Iraq, Pakistan and the Philippines (A/C.4/208) was liable to give the impression that the United Nations intended to intervene in the relations between administering Powers and local administrations. The United Nations could of course address recommendations to Administering Members, but it was for those Powers to examine the recommendations and, if they considered them applicable, to transmit them to the competent authorities in the various territories.

3. Similarly, Administering Members might voluntarily submit information which was not of a statistical nature, but the transmission of such information could not be the subject of a formal resolution.

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

4. Mr. RIVAS (Venezuela) would vote for draft resolution A (A/2219 and Corr.1, part one, annex II) and for the joint draft resolution.

5. His delegation had submitted various amendments (A/C.4/L.216) to draft resolution B. It seemed to him that, as it stood, that draft resolution might give the impression that the General Assembly was asking Administering Members to examine all their legislation and not only that which applied to Non-Self-Governing Territories; that would obviously be contrary to Article 2, paragraph 7, of the Charter.

6. He then proceeded to define the fundamental problem in Non-Self-Governing Territories. As the United Kingdom representative had pointed out at the Committee's 251st meeting, a distinction should be made between colonies of settlement and those in which the metropolitan Power was represented only by a relatively small number of technicians, administrators and traders. In the latter, the colonists had, in the eyes of the indigenous population, retained the character of privileged foreigners whom the metropolitan Power protected by its laws and its administrative action. The position of indigenous inhabitants in Non-Self-Governing Territories was therefore completely different from that of the aboriginal groups which formed an integral part of the population of some independent countries.

7. In that connexion, he reminded the Belgian representative of the circumstances in which Chapter XI of the Charter had been drawn up. The problem which that Chapter was intended to solve had arisen because the great majority of the population of Non-Self-Governing Territories was not adequately represented in the organs responsible for the administration of those territories. Contrary to what occurred in the case of the aboriginal populations of independent countries, the problems concerning the populations of Non-Self-Governing Territories were not solely of a humanitarian nature; they also had political aspects, and they endangered international peace and security. In that connexion, he recalled the lamentable history of foreign intervention during the early years of the Latin-American republics.

8. His delegation considered that the draft resolutions submitted to the Fourth Committee did not suffice to solve the vast problem. Without attempting to impose a specific line of conduct on Administering Members, the General Assembly might suggest to them methods of action. So far, the administering Powers had attempted to associate indigenous inhabitants with the administration of the territories by introducing representatives of those inhabitants into the assemblies or joint councils which exercised consultative functions in various territories. Nevertheless, the administering Powers had always refused to make the number of such representatives correspond to the size of the population they represented, emphasizing that such a measure would sacrifice the legitimate interests of the European minority.

9. That very objection proved that the current conception of joint councils, which were claimed to be the embryo of future legislative organs, was entirely erroneous. The population of Non-Self-Governing Territories was composed of two heterogeneous groups and the law of the majority could not reconcile their interests. Those two groups constituted what were called in international law High Contracting Parties. As in the case of a treaty between a great Power and a small country, the indigenous population of the Non-Self-Governing Territories should in the joint councils constitute an entity having equal rights with the metropolitan population, represented in the territory by the administrative and technical services and commercial firms. The joint councils would, in that way, cease to be so-called legislative organs and would be transformed into paritative organs of negotiation, in which decisions would be taken not by a majority but by means of negotiation between the parties concerned.

10. Finally, he was convinced, like the United Kingdom representative, that only true collaboration between the administering Powers and the others would make it possible to attain the lofty aims of Chapter XI of the Charter.

11. Mr. Shiva RAO (India) thought draft resolution A did not call for any comment; neither did the joint draft resolution, which logically completed it, constitute any innovation. In that connexion, he recalled the provisions of paragraph 3 of resolution 332 (IV), adopted by the General Assembly in 1949, which the joint draft resolution simply restated in more accurate terms.

12. The Committee could not accept the statements made at the beginning of the meeting by the South African representative, according to which the question of racial relations was entirely political and consequently subject to the provisions of Article 2, paragraph 7, of the Charter.

13. The Committee on Information from Non-Self-Governing Territories had stated the arguments in favour of draft resolution B in its report on social conditions (A/2219, part two, paras. 21 *et seq.*). The preamble of that draft resolution pointed out the fundamental distinction between discriminatory laws and practices on the one hand, and protective measures on the other, and operative paragraph 1 of the text recommended that discriminatory laws and practices should be abolished to the extent to which they were contrary to the Charter and the Universal Declaration of Human Rights. His delegation therefore considered it unneces-

sary to amend paragraph 2 of the operative part of draft resolution B, and it hoped the United Kingdom would withdraw its amendment to that paragraph (A/C.4/L.215, para. 1). His delegation would abstain from voting on the United Kingdom amendment to operative paragraph 3 of the resolution (A/C.4/L.215, para. 2).

14. With regard to paragraph 6 of the draft resolution, he stressed the importance of the part which education might play in improving racial relations. The Indian Government was delighted at the establishment, in East Africa, of the Gandhi College, which enjoyed the active support of the Indian representative in that area and which would be open to all without distinction as to race or religion. He hoped the administering Power would support the institution.

15. Finally, he raised the problem of the maintenance in India of French and Portuguese settlements. He recalled that the French representative had stated that his Government would not tolerate any intervention in its domestic affairs. Since India's accession to independence, more than five years before, the Indian Government had, with exemplary patience, carried on lengthy negotiations with the French and Portuguese Governments in connexion with their respective possessions in India. The negotiations had given no result, and in the meantime those colonies had become active centres of smuggling which deprived the Indian treasury of substantial revenue. Moreover, India could no longer remain indifferent when it saw courageous Indians, who were fighting for the liberation of those colonies and their re-integration with India, becoming the victims of terrorist actions.

16. Mr. Nehru, the Prime Minister of India, had recently stated in Madras that the French and Portuguese settlements must inevitably become part of the Union of India. India still hoped that a friendly settlement of the question would be possible, but its patience was becoming exhausted. France must understand the message of the time before it was too late, as the United Kingdom had done in 1947.

17. Mr. FORSYTH (Australia) noted that, according to the sponsors of the joint draft resolution (A/C.4/208), the Committee on Information from Non-Self-Governing Territories and the General Assembly were to study administrative measures of an internal nature adopted in the various Non-Self-Governing Territories and to consider problems arising in the execution of policies. But administrative measures were outside the purview of the Committee and of the General Assembly. Even Chapter XII of the Charter, dealing with Trust Territories, was not so wide in scope; in the Trust Territories administrative matters were the exclusive responsibility of the Administering Authorities under the Charter and the trusteeship agreements.

18. According to Article 73 e of the Charter the Administering Members had to transmit regularly to the Secretary-General statistical and other information of a technical nature relating to economic, social and educational conditions in the territories for which they were respectively responsible. It was therefore a question of "conditions" and not of administration properly speaking. Neither the Committee on Information from Non-Self-Governing Territories nor the Fourth Committee could perform the functions of the administering Powers.

19. Draft resolution B referred to a world problem, which should therefore be studied in a world-wide context. The Australian delegation fully supported the opinion expressed in the third paragraph of the preamble of the draft; it would therefore vote for the text whether or not amended by the United Kingdom proposal (A/C.4/L.218).

20. The Australian delegation had abstained in the vote in the Committee on draft resolution B as a whole for the reasons set forth in paragraph 43 of part one of the Committee's report. But because of the importance of the principles with which the resolution dealt, it was prepared to support it in the Fourth Committee. In view of the universal nature of the problem, he would be interested to hear whether members of the Committee felt that the General Assembly might request the Commission on Human Rights to study the conclusions and recommendations adopted by the Committee on the matter. A resolution dealing with such a general subject should not apply only to a particular category of communities.

21. Mr. KHATTAK (Pakistan) appreciated the interest shown by all Member States in the problems arising in the Non-Self-Governing Territories and the very constructive suggestions made by certain delegations in a spirit of perfect co-operation.

22. The joint draft resolution, of which the Pakistani delegation was a sponsor, was not likely to raise any controversy. The proposal was in no way intended to impose new obligations on the Administering Members. It respected the letter and spirit of Article 73 of the Charter, which was a milestone towards the goal of establishing peace and prosperity on earth without any distinction as to class, colour or birth. Again, it fell within the narrow legal limitations of Article 73. It merely expressed the hope that the Administering Members would transmit information on the steps which they took in executing the recommendations of the Committee on Information. It must be appreciated that the General Assembly's discussions would be pointless if Member States did not in every case attach considerable importance to the General Assembly's recommendations and resolutions.

23. The Committee on Information would find its work considerably simplified if it was informed about the extent to which the administering Powers had been able to follow its recommendations. Moreover, it could not take into consideration the difficulties confronting the administering Powers if the latter did not keep it currently informed about their efforts. The method proposed would therefore lead to the establishment of closer relations between the administering Powers and the Committee.

24. Article 73 of the Charter recognized that the interests of the inhabitants of the Non-Self-Governing Territories were paramount. It could be said that the transmission of information on the implementation of the General Assembly's recommendations would serve the interests of the peoples concerned just as much as those of the administering Powers.

25. He appealed to the Administering Members to prove their intention of implementing the recommendations of the Committee and of the General Assembly by accepting the joint draft resolution. In particular he requested the United Kingdom representative, who had

approached the problem in a spirit of sincere co-operation, to support the draft.

26. Mr. JESSUP (United States of America) stated that his delegation would vote for draft resolution A, as it had done in the Committee.

27. He recalled that it had voted for draft resolution B in the Committee; since then various delegations had submitted suggestions to improve the text. Like the United Kingdom delegation, his delegation felt that the second part of the third paragraph of the preamble should be amended to bring it into line with paragraph 5 of the operative part. The two amendments submitted by the United Kingdom delegation to paragraphs 2 and 3 of the operative part took into account all the aspects of the basic problem. It was obvious that the General Assembly was opposed to religious discrimination just as much as to racial discrimination. The United Kingdom amendments were therefore perfectly justified and the United States delegation would support them. It would likewise vote for the amendments tabled by the Venezuelan delegation.

28. The Australian delegation had pointed out that the problem of racial discrimination was world-wide in scope. Thus, although the Fourth Committee's competence was necessarily limited, it must not overlook the various aspects of the problem before it. As the Australian representative had said, the attention of the Commission on Human Rights should be drawn to the question of racial discrimination in the Non-Self-Governing Territories.

29. He therefore proposed (A/C.4/L.217) the addition of the following text as paragraph 7 of the operative part of draft resolution B:

"7. *Calls the attention* of the Commission on Human Rights to this resolution and requests the Commission to give it appropriate consideration."

30. He had listened with interest to the comments on the joint draft resolution made by the Pakistani representative, who had pointed out, *inter alia*, that the sponsors in no way intended the draft to refer to intervention in the relations between the administering Powers and the territories for which they were responsible. The United States delegation would vote for the joint draft resolution with that reservation.

31. The Pakistani representative had also raised the matter of the implementation of General Assembly resolutions. The same problem arose in other Committees in respect of certain General Assembly recommendations. Thus, the First Committee was at the moment studying a matter of vital importance to peace and international security. It too had to take into account certain General Assembly resolutions requesting Member States to abide by the Assembly's decisions and to co-operate in maintaining international peace and security. The problem of the implementation of General Assembly resolutions was not therefore restricted to the items before the Fourth Committee.

32. Mr. HOPKINSON (United Kingdom) announced his support of the amendments submitted by the Venezuelan representative to draft resolution B.

33. He would also support the amendment tabled by the United States delegation. At the 260th meeting the United Kingdom delegation had stated that racial dis-

crimination must be considered on a world-wide basis, which could be done by requesting the Commission on Human Rights to study the problem.

34. On the other hand, he could not agree with the Indian delegation's opinion concerning the United Kingdom's amendments, which had enlarging rather than restrictive force.

35. He noted that the sponsors of the joint draft resolution had drafted the text with due regard to the difficulties confronting the administering Powers. The first paragraph of the preamble as drafted was, however, in the nature of a supposition. Actually the Fourth Committee had not taken a decision on the question of re-establishing the Committee. If the draft was put to the vote in parts, his delegation would therefore abstain on the vote on that paragraph. His delegation had no objection to the other paragraphs of the preamble.

36. With regard to paragraph 1 of the operative part of the joint draft, he pointed out that, under Article 73 e of the Charter, the Administering Members were requested to transmit "statistical and other information of a technical nature"; it could therefore be asked to what extent the transmission of the information specified in paragraph 1 of the operative part was provided for in Article 73 e of the Charter. To seek information on the purport of communications passing between a metropolitan government and a territorial government was tantamount to intervention in the essentially domestic affairs of Member States. He therefore requested that paragraph 1 of the operative part should be put to the vote separately, and stated that he would vote against it.

37. He would abstain in the vote on paragraph 2 of the operative part, since the question of the re-establishment of the Committee on Information from Non-Self-Governing Territories was to be taken up later by the Fourth Committee.

38. It was obvious that Member States who were interested in the economic, social and educational conditions in Non-Self-Governing Territories could ascertain to what extent the General Assembly's views and recommendations were finding expression in the territories for which the United Kingdom was responsible by studying the information which the United Kingdom transmitted regularly—and would continue to transmit—to the Secretary-General in accordance with Article 73 e.

39. For all those reasons the United Kingdom delegation would abstain in the vote on the draft resolution as a whole.

40. Mr. PIGNON (France) considered that the question raised by paragraph 1 of the operative part of the joint draft resolution constituted an interference in the organization of public administration, for which the administering Powers alone were responsible. The authors of the joint draft had expressed themselves in careful terms, to be sure, but the paragraph in question none the less represented an attempt at control which was inadmissible. The Fourth Committee did not need to know how France intended to implement the Committee's recommendations; it did not need to know the instructions given to administrative officials in the territories. He assured the Committee, however, that the

reports of the Committee on Information from Non-Self-Governing Territories were studied by administrative officials in the territories.

41. The French delegation would abstain from voting on paragraph 2 of the operative part, in keeping with the attitude it had adopted, as a matter of principle, regarding the reconstitution of the Committee.

42. Mr. CARPIO (Philippines) said his delegation would vote for draft resolution A, so as to indicate its satisfaction at the valuable work of the Committee on Information from Non-Self-Governing Territories and to express its conviction of the need for continuing that body. Not only had the Committee made constructive recommendations, but its preparatory work enabled the General Assembly to perform its task more quickly and effectively. The Philippine delegation further considered that the draft resolution in question in no way detracted from the prerogatives of the administering Powers. His delegation wished, however, to make the most definite reservations with regard to the opinion set forth in paragraph 8 of part two of the Committee's report; he recalled the statements of principle his delegation had already made on that subject.

43. The Philippine delegation would vote for draft resolution B, because it was important to put an end to practices of racial discrimination as soon as possible. It would also vote for the amendments presented by the United Kingdom and the United States delegations.

44. With regard to the joint draft resolution, he remarked that its authors had had nothing in mind beyond the implementation of the General Assembly's resolutions. Arguments to the effect that the measures recommended in paragraph 1 of the operative part would constitute interference in the domestic affairs of Members of the United Nations, and would therefore be contrary to the provisions of Article 2, paragraph 7, of the Charter, were based on the idea that Chapter XI of the Charter was in no way binding upon the Administering Members. Such considerations were clearly without any legal basis. Chapter XI imposed upon the Administering Members very definite obligations with regard to Non-Self-Governing Territories, on the one hand, and with regard to the United Nations, on the other. That being so, there could be no question of not adopting the draft resolution.

45. Mr. CALERO RODRIGUES (Brazil) was surprised to learn that, according to certain delegations, paragraph 1 of the operative part of the joint draft resolution encroached upon the domestic jurisdiction of sovereign States.

46. He congratulated the United States on the position it had taken on the matter. Turning to the two amendments (A/C.4/L.215) to draft resolution B proposed by the United Kingdom, he stated that in his opinion the first of them was not desirable, as it limited the scope of the provision which it contained; but he would accept the second. The amendments presented by Venezuela did not strike him as particularly necessary, but if it were generally felt that they were an improvement, he would vote for them. With regard to the draft of a new paragraph 7 for resolution B which the United States had submitted, he would like to know its scope. If the intention in referring it to the Commission on Human Rights was to avoid the matter being dealt with

in the future by the Fourth Committee, he would have strong objections; but if, on the other hand, the aim of the new text was merely informative, he could vote for it.

47. Mr. ARAOZ (Bolivia) pointed out, with regard to draft resolution B, that the adoption of the United Kingdom amendment to paragraph 2 of the operative part would introduce a contradiction between the first paragraph of the preamble, which enumerated all the grounds on which discrimination was unacceptable, and paragraph 2, which would contain recommendations relating only to racial and religious discrimination. He would therefore vote against that amendment.

48. Mr. SPITS (Netherlands) shared the views expressed by several delegations, in particular those of Australia, France and the United Kingdom, regarding paragraph 1 of the operative part of the joint draft resolution. The Netherlands Government attached to the resolutions adopted by the General Assembly on economic, social and educational questions in Non-Self-Governing Territories all the importance that was due to them; but it could not accept the recommendation contained in paragraph 1.

49. Mr. NAJAR (Israel) observed, with regard to the joint draft resolution, that, as the United Kingdom representative had already pointed out, paragraph 2 would be meaningless unless the Fourth Committee decided first to continue the Committee on Information. Draft resolution C (A/2219 and Corr. 1, part one, annex II) should therefore be put to the vote before the joint draft.

50. As for the substance of the joint draft, he questioned whether the obligation to transmit information which Article 73 e of the Charter imposed upon Administering Members referred only to statistical data, since the text specified "statistical and other information". That information had to be supplied to the Secretary-General for him to communicate to Members of the United Nations, thus enabling them to discuss, with a full knowledge of the facts, questions coming within the competence of the Fourth Committee. It was therefore legitimate to ask the administering Powers to report the difficulties they had met with in carrying out the recommendations of the General Assembly. The request for information on any problems that might arise in giving effect to the general views expressed in the reports of the Committee on Information constituted the main element of the draft resolution; the request for information on any action taken to bring the reports of that Committee to the attention of the authorities responsible was only a corollary. Furthermore, the resolution was couched in very moderate terms, inasmuch as it merely expressed the hope that the Members concerned would furnish as complete information as possible. The Israel delegation would therefore vote for the joint draft resolution, certain that in so doing it would not be infringing the constitutional prerogatives of the Powers administering Non-Self-Governing Territories.

51. Mr. RYCKMANS (Belgium) declared that paragraph 2 of the operative part of the joint draft resolution was nothing short of a constitutional outrage. In the case of the Belgian Congo, for example, the Belgian Government itself and not the Governor-General

was what the draft called "the authorities responsible". In other words, a government was being asked to disclose what instructions had been given by the Minister for the Colonies to an administrator under his jurisdiction when communicating to him the resolutions adopted by the General Assembly. No government would tolerate such interference in its domestic affairs; he therefore appealed to the sponsors of the joint draft resolution to delete that provision, which was offensive to the governments concerned.

52. He intended to ask the same question as the Brazilian representative concerning draft resolution B, namely, what the Commission on Human Rights could do about a resolution which the General Assembly had already adopted. It would be better simply to refer the draft resolution to that Commission and to await its views before adopting the draft. The question of discrimination had an undeniably legal aspect, and were the General Assembly to approve the draft resolution (A/C.6/L.246) adopted by the Sixth Committee at its 312th meeting concerning the methods used by the General Assembly in dealing with legal matters, that Committee should be consulted.

53. Mr. MENDOZA (Guatemala) said, in speaking of draft resolution B, that his delegation attached considerable importance to the matter. Racial discrimination, as practised in some Non-Self-Governing Territories, was at the bottom of all the evils besetting the inhabitants of those territories. It was impossible to promote the political advancement of populations suffering from an inferiority complex, who had been persuaded that the white race was superior. Economic and social development depended upon political advancement. Under Article 73 of the Charter, the Administering Members recognized the principle that the interests of the inhabitants of those territories were paramount, and accepted the obligation to ensure their just treatment and their protection against abuses. Discrimination was contrary to the interests of the inhabitants and the undertakings assumed by the Administering Members.

54. Some representatives had objected that the draft resolution imposed obligations on certain Member States only; but hardly any resolutions recommended by the Fourth Committee were universally applicable, if only because the administering Powers were in the minority in the United Nations. It had also been said that the Fourth Committee should not deal with matters included in the agendas of other committees or bodies; yet there were other matters, such as economic and social questions, which the Fourth Committee was competent to discuss even though they were also considered by other bodies such as the Second and Third Committees and the Economic and Social Council. The proposal to refer the matter, for legal reasons, to the Sixth Committee was unquestionably designed to delay unjustifiably the conclusion of the debate.

55. He shared the Brazilian representative's doubts as to the expediency of the United States representative's proposal to add a seventh paragraph to the operative part of draft resolution B; if the purpose of the proposal was to refer the question to the Commission on Human Rights, he would be obliged to vote against it.

56. He shared the Bolivian representative's views in regard to the United Kingdom amendments and would vote the same way as that representative.

57. He would support the joint draft resolution because, far from giving the administering Powers instructions, that text did not go beyond expressing a hope that those Powers would furnish certain information essential to the Fourth Committee if it was to take decisions with full knowledge of the facts.

58. Mr. TAJIBNAPIS (Indonesia) announced that he would vote for draft resolution A, while making a reservation with regard to the definition of the word "inhabitants" as given in paragraph 8 of part two of the report of the Committee on Information. He would also vote for the joint draft resolution.

59. With regard to draft resolution B, he approved of the amendments proposed by Venezuela, but would have some difficulty in accepting the United Kingdom amendment to the third paragraph of the preamble, whereby the words "indigenous inhabitants" would be

replaced by the words "sections of the population", as that phrase might equally well refer to the white people. Doubtless the author of the amendment had wished to bring the term used in the third paragraph of the preamble into line with that used in paragraph 5 of the operative part. There was some doubt, however, as to the meaning of the expression. He therefore proposed an amendment (A/C.4/L.219) to the effect that the word "indigenous" should be inserted between the words "sections of the" and "population" in paragraph 5. There would then be no need for any changes in the preamble. The United Kingdom amendment to paragraph 2 of the operative part was unsatisfactory as it omitted to mention economic and social discrimination.

60. Like the Brazilian representative, he, too, would like some explanation concerning the United States proposal to add a new paragraph 7; he wished, in particular, to be sure that it would not have the effect of delaying the consideration of the question.

The meeting rose at 2 p.m.