

GENERAL ASSEMBLY

SEVENTH SESSION

Official Records



FOURTH COMMITTEE, 297th

MEETING

Monday, 8 December 1952, at 3.15 p.m.

Headquarters, New York

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Chairman: Mr. Rodolfo MUNOZ (Argentina).

Report of the Trusteeship Council (A/2150 and Add.1) (*continued*)

[Item 12]*

PARTICIPATION OF THE INDIGENOUS INHABITANTS OF THE TRUST TERRITORIES IN THE GOVERNMENT OF THOSE TERRITORIES AND IN THE WORK OF THE TRUSTEESHIP COUNCIL (A/C.4/L.249/Rev.1 and 2, A/C.4/L.250, A/C.4/L.252) (*continued*)

1. Mr. RIEMENS (Netherlands) wished to draw the Committee's attention to one aspect of the draft resolution in document A/C.4/L.249/Rev.1 which was quite at variance with all accepted principles of international law on matters of international representation.

2. The draft resolution contained two completely different ideas: the first, of which his delegation fully approved, was that the indigenous population should participate to an increasing extent in the government of the Trust Territories; the other was that indigenous inhabitants of the Trust Territories should act as representatives of those Territories before the Trusteeship Council. The latter idea was in direct conflict with the international representation of the Trust Territories, which rested exclusively with the Administering Authorities. There was no good reason for casting aside that clear notion of international responsibility and giving a certain membership, subject to qualifications, to representatives of the Trust Territories. Thus, the two problems raised were completely different. One concerned the international representation of the Territories, and the other their domestic administration, which was subject to certain duties and principles outlined in the Charter. It was quite in line with those duties and principles to associate the indigenous inhabitants in the government of those Territories to an ever-increasing extent. Reporting on the development of the Trust Territories to the Trusteeship Council, on the other hand, was an international obligation of the Administering Authorities and a part of their external relations.

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

3. In the arrangement of its external relations, including relations with the United Nations, each independent State was completely sovereign, and to require it to send certain representatives to the Trusteeship Council would constitute a clear infringement of that sovereignty. There were other ways of associating the indigenous population with the work of the Trusteeship Council, one of which was the inclusion of one or more representatives from those Territories in the national delegations of the Administering Authorities. That had been done in the past and, with the increasing development of the Territories, would certainly happen more often in the future. However, the sole responsibility for such action lay with the Administering Authority, which was responsible for a Territory's international relations. To make suggestions to a Member of the United Nations on the way in which its international representation should be composed would be an unwarranted interference in the sovereign right of Member States. That would be true of a suggestion made to all Members; a suggestion to only a few, namely those administering Trust Territories, was even more indefensible.

4. The draft resolution went even further and proposed that representatives of the indigenous population of the Trust Territories should be appointed, in some way not specified, without the approval of the Administering Authorities, although the latter were solely responsible for relations with the Trusteeship Council.

5. The Netherlands delegation welcomed the further participation of the indigenous population in the government of the Trust Territories, but was strongly opposed to any interference by the General Assembly in the representation of Trust Territories in the United Nations; such representation should be left to the exclusive judgment of the Power responsible for it. His delegation would therefore vote against the joint draft resolution.

6. Sir Alan BURNS (United Kingdom) said that his delegation's views had been clearly stated before the Fourth Committee at the sixth session (237th meeting), and in the Committee of the Trusteeship Council which

had considered the question.¹ The composition and functions of the Trusteeship Council were defined and limited by the Charter. Set out in the Charter were two ways in which the views of the inhabitants of the Trust Territories could be received directly by the Council: through the exercise by those inhabitants of the right of petition, and by the dispatch of visiting missions to the Trust Territories. The time could well be envisaged when the special representatives of the Administering Authorities would be members of the indigenous population of the Territories. However, that was the only other conceivable way in which such persons could constitutionally take part in the work of the Council, and would be achieved by evolution not by a resolution.

7. For those reasons, the United Kingdom delegation could not accept the draft resolution. Even had it been able to do so, it would still have been concerned to know how the practical difficulties of selection could be overcome. Once fully democratic methods of selecting authoritative representatives of the people had been developed in the Trust Territories, and the populations were able to use them effectively, the aims of the Trusteeship System would have been achieved and those representatives would then come to the Fourth Committee, not to the Trusteeship Council. Until that day, the only persons competent to speak for the Trust Territories were representatives appointed by the Administering Authorities. There could be no dual representation, as postulated by the draft resolution. Those views would govern the attitude of the United Kingdom to the draft resolution and its subsequent action in regard to it if it were adopted.

8. Mr. BOZOVIC (Yugoslavia) said that, at the 281st meeting, in the general debate on the report of the Trusteeship Council (A/2150 and Add.1), his delegation had emphasized that neither the United Nations nor the Administering Authorities could be wholly satisfied with the progress of development in the Trust Territories. It was time that special attention was paid to the systematic training of indigenous officials, and there should be more consultation of the indigenous population on all questions relating to the Trust Territories and their development. That course would permit the closer association of the indigenous population with the administration of the Trust Territories, and enable them to take over responsibility for their own destiny in the near future.

9. At its sixth session, the General Assembly, considering that the direct participation of the indigenous inhabitants of the Trust Territories was one of the most effective means of promoting the progress of the Territories toward a position of equality with Member States of the United Nations, had asked the Trusteeship Council to study the matter and submit a report to the seventh session. That decision by the General Assembly (resolution 554 (VI)) was a logical consequence of its desire to promote the advancement of the peoples of the Trust Territories, and was also the result of its understanding that the time had come to satisfy those peoples' desires and aspirations, and that active and specific measures must be taken.

¹ The Committee on Participation of the Indigenous Inhabitants of the Trust Territories in the Work of the Trusteeship Council. No official records of the proceedings of this Committee were circulated.

10. In view of the fact that one of the chief functions of the Trusteeship Council was to protect the interests of the peoples of the Trust Territories and to recommend the necessary measures for their speedy development, it had been expected that the Council would take a decision in line with the wishes of the majority of the Member States. However, instead of calling upon the lawful representatives of the peoples of those Territories and inviting them to participate in its work, the Council had merely adopted resolution 466 (XI) in which it expressed the hope that the Administering Authorities would find it appropriate to associate suitably qualified indigenous inhabitants of the Trust Territories in the work of the Trusteeship Council as part of their delegations or in any other manner they deemed desirable. The Council might well have considered that after thirty years of international administration, the peoples of the Trust Territories could be regarded as mature and ready to become equal members of the international community. It was hard to understand why the Trusteeship Council and the Committee on Information from Non-Self-Governing Territories should, in two basically different cases, have decided on the same solution. It inevitably gave the impression that the Council saw no difference between colonies and Trust Territories, over which the Administering Authorities did not possess sovereign rights.

11. The records of the Trusteeship Council² showed that in studying the problem, it had devoted most of its attention to legal difficulties, which the Yugoslav delegation considered did not arise in the case of Trust Territories. However, its decision did not seem to be based on a solid legal foundation, nor did it seem justified either from the political or the moral point of view. The Administering Authorities did not enjoy sovereign rights over the Trust Territories, but simply administered them on behalf of the United Nations. It was not clear, therefore, what grounds the Administering Authorities could have for including in their delegations representatives of peoples who were only temporarily under their administration. The Council's decisions were not only somewhat odd from the legal point of view; the fact that they did not differentiate between the Trust Territories and the Non-Self-Governing Territories shed a rather disquieting light on the views of the Trusteeship Council on the present and future status of the Trust Territories.

12. The question was not legal or technical, but rather whether the United Nations, in carrying out its duties, wished to give the peoples of the Trust Territories a further opportunity of developing their capacity for self-government. In the case in point, the question was whether those peoples were to be allowed to participate to the fullest possible extent, through their authentic representatives, in the consideration of problems which were vital to them.

13. The Yugoslav delegation considered that the fundamental task of the United Nations was to promote the development of those peoples towards self-government and to do everything possible to see that they became capable, as soon as possible, of using their right of self-determination. At the present political juncture,

² See *Official Records of the Trusteeship Council, Tenth Session*, 388th, 389th, 408th and 409th meetings; and *Eleventh Session*, 454th meeting.

it was essential that the door of the United Nations should be opened as widely as possible to peoples who were ready to co-operate in the joint effort to safeguard world peace. A proper solution of the problem and of all other problems concerning the status of the peoples of Trust Territories became more urgent every day, as was shown by the growing number of petitions. The United Nations must not fail in its duty, if it did not wish to destroy the trust felt in it by the peoples of the Trust Territories and permit potential aggressors to use the situation for their own purposes.

14. For those reasons, the Yugoslav delegation had had pleasure in joining the group of States which had submitted the joint draft resolution (A/C.4/L.249/Rev.1), which would, it considered, constitute a great step forward towards the rapid realization of the fundamental aims of the Trusteeship System.

15. Mr. MENDOZA (Guatemala) said that the eleven sponsors of the joint draft resolution had reconsidered its terms and had felt that since paragraph 2 of the operative part gave rise to so many objections, and since the practice which it advocated would be difficult and perhaps in some cases impossible, it should be revised. They had therefore submitted a second revised text of the draft resolution (A/C.4/L.249/Rev.2), *inter alia* omitting the phrase relating to the selection of possible representatives, and replacing the word "inviting" by "allowing the participation of".

16. Mr. SPRAGUE (United States of America) said that the new version of the eleven-Power draft resolution seemed open to the same objections as the earlier text, that was to say, it opened the door to dual representation, which was objectionable to the Administering Authorities, and it would considerably complicate the Council's work.

17. The sponsors of the draft resolution apparently had two objectives in mind: first, to encourage the Trusteeship Council to ascertain more accurately the views of the indigenous populations and, secondly, to train the representatives of those populations to participate in international affairs. It was questionable, however, whether the draft resolution would achieve those objectives. At the 296th meeting, the Iraqi representative had clearly shown that the proposal contained in that draft would be impractical. It would be very complicated to work out any way of selecting the representatives of the indigenous populations. In addition, it might weaken the authority of the Administering Authorities in the Trust Territories if representatives who had appeared before the Trusteeship Council vested with some authority returned to the Territories and attempted to wield their authority there, too.

18. There was no need to go to the extremes proposed in the draft resolution in order to allow the indigenous populations to present their views to the United Nations. First, there was the right of petition and oral hearings and, secondly, there were the visiting missions, which could hold hearings in the Trust Territories to ascertain the views of all elements of the indigenous population and of the other inhabitants of the Territory and study conditions on the spot. The visiting missions submitted regular, published reports to the Trusteeship Council and gave the indigenous populations an admirable opportunity of making their views heard.

19. Representatives from some of the more advanced Territories could undoubtedly participate profitably in the work of the Trusteeship Council. On the other hand, the peoples in some of the Territories were still very primitive, and it would be unjust to them and of no value to the Council to grant them participation. Just as the training of the indigenous peoples in self-government could best be begun at the local level, so could their training in international affairs best be accomplished through the granting of scholarships allowing them to visit foreign countries and the United Nations, and through inter-territorial conferences of the type the United States had held in the Caribbean and Pacific areas.

20. Trusteeship Council resolution 466 (XI) suggested another alternative form of association in the work of the Council, i.e., as part of the delegation of the Administering Authority concerned. That solution would have the advantage of avoiding dual representation, and the phrase "or in any other manner which they deem desirable" considerably broadened the scope of the resolution. The General Assembly would be well-advised to approve that resolution and allow sufficient time to elapse to enable its success or failure to be judged. If the solution recommended by the Trusteeship Council should not prove successful, there would be ample opportunity in the future to modify it in the light of experience. His delegation was therefore submitting certain amendments (A/C.4/L.252) to the revised eleven-Power draft resolution, the effect of which would be to endorse the Council's action.

21. The United States amendments were dictated by his country's traditional sympathy towards the aspirations of dependent peoples and its realization, on the other hand, that true independence was based on economic as well as political factors and that patience must be shown by both the Administering Authorities and the non-administering States. He hoped the amendments would provide a compromise solution to the current controversy.

22. Mr. SCOTT (New Zealand) said that participation of indigenous inhabitants in the work of the Trusteeship Council seemed to involve two distinct and perhaps irreconcilable principles. The first was the clear and undivided right of the Administering Authorities to administer the Trust Territories, in accordance with the Charter and the Trusteeship Agreements, and their obligation to report on their administration to the Trusteeship Council. The second was the right and the duty of the Trusteeship Council to supervise the administration of Trust Territories.

23. At the 296th meeting, the Australian representative had dealt very clearly with the question of administration. The New Zealand delegation was fully in agreement with that representative's remarks on the rights and duties of Administering Authorities and the functions of the Council as a supervisory body. The New Zealand delegation reiterated the unrestricted right of a Member State to decide upon the composition of its own delegation to any United Nations body, and it asserted New Zealand's sole right to administer the Trust Territory of Western Samoa, in accordance with the terms of the Trusteeship Agreement and the Charter.

24. The discussion in the Committee had not clarified the purposes underlying the eleven-Power draft resolution. At the 296th meeting, the representative of El Salvador had maintained that Trusteeship Council resolution 466 (XI) was not satisfactory because it merely expressed a hope, and General Assembly resolution 554 (VI) had gone further. In fact, the General Assembly resolution had asked the Council "to examine the possibility of associating the inhabitants of the Trust Territories more closely in its work". The Council had diligently carried out that examination and had expressed its opinion on the matter. His delegation therefore believed that the General Assembly's wishes had been completely met. On the other hand, he agreed whole-heartedly with the representative of El Salvador that the Assembly's intention in adopting resolution 554 (VI) was not clear. He could not agree to the suggestion that the Trusteeship Council had disregarded the Assembly's intention, since, as the records of the sixth session of the Fourth Committee (237th meeting) showed, the representatives of Cuba and the United States, among others, had placed mutually exclusive interpretations on the resolution.

25. With regard to the practical effects of implementing the eleven-Power draft resolution, the Iraqi representative had realistically demonstrated the difficulties the Council would have in selecting representatives of the indigenous population. Furthermore, in those Trust Territories which were politically well advanced, the indigenous population played an active part in framing political, economic, social and educational policies and were consulted in the drafting of the annual reports. Their representations would be of little value to the Trusteeship Council if they only corroborated the annual report, and they could not reasonably be expected to adopt an attitude in the Council in conflict with the attitude of the Administering Authorities or their own actions. On the other hand, in the more backward Territories, the Council would find the greatest difficulty in selecting a single representative of the indigenous population who was so well informed on conditions throughout the Trust Territory that he could make a useful contribution to the Council's debates.

26. It had been suggested that the Trusteeship Council did not have adequate means of supervision and that the presence of a representative of the indigenous population would represent an improvement. The draft resolution could be successfully carried out only if the Administering Authorities were prepared to co-operate. Any action the Council might take to invite representatives would be rendered null and void if the Administering Authorities were not prepared to accept the invitation. The purpose of supervision was achieved much more effectively through the visiting missions, which could seek the opinions of groups or individuals among the indigenous inhabitants much better than could the Council directly; and through petitions and oral hearings. Any individual or group could present its views fully to the Council by means of a petition, whereas the eleven-Power proposal was limited to hearing the opinions of a single person arbitrarily chosen to represent the views of all the indigenous inhabitants of a Trust Territory.

27. For those reasons of principle, and because of the practical anomalies that the adoption of the eleven-

Power draft resolution would create, his delegation would vote against it.

28. Mr. ELIAV (Israel) wondered whether it was the intention of the sponsors of the revised draft resolution to allow several representatives from a single Trust Territory to appear before the Council at once or whether only one representative would come from each Territory. Furthermore, would all the Territories send representatives or only some of them? He would like to know how the representatives would be chosen.

29. It was difficult to see any substantial difference between the procedure advocated in the revised paragraph 2 and an extended form of oral hearing. In the latter case, the last paragraph of the preamble seemed pointless. A simple extension of the practice of oral hearings tacitly implied acceptance of Trusteeship Council resolution 466 (XI). In that connexion, he deprecated the tendency in the Committee to submit proposals expressing disapproval of Trusteeship Council resolutions. He emphasized that his delegation was in favour of the principle of participation of the indigenous inhabitants, but had many doubts regarding the way in which paragraph 2 could be implemented.

30. Mr. RYCKMANS (Belgium) regretted that the eleven Powers had not taken the obvious objections that their proposal would raise into consideration before submitting it. They had now amended that proposal in an attempt to meet those objections. Unfortunately, however, the revised text seemed even less acceptable than the original. It would, in fact, give any person who claimed to represent the indigenous inhabitants of a Trust Territory the right to participate in the Trusteeship Council's debates. The right of petition was recognized in the Charter, which authorized the General Assembly and the Trusteeship Council to take any actions "in conformity with the terms of the Trusteeship Agreements". No Trusteeship Agreement provided for the right of participation, and neither the General Assembly nor the Council was entitled to sanction that right. The constitutional objections which he and the Australian representative had advanced at the previous meeting retained their validity so far as the revised text was concerned.

31. Mr. MENDOZA (Guatemala), in reply to the representative of Belgium, observed that while it was true that there was no specific provision in the Charter or in the Trusteeship Agreements for the participation of the indigenous inhabitants of the Trust Territories in the work of the Trusteeship Council, there was nothing prohibiting such participation. It was impossible in an international treaty to state every general principle that might be raised in connexion with it.

32. He pointed out that there was a difference of substance between paragraph 2 as originally drafted and the revised version; the former requested the Trusteeship Council itself to invite qualified members of the indigenous population of each Territory to take part in its work; the revised text merely requested the Council to allow the participation of representatives of the indigenous inhabitants of each Territory at their request. With reference to the selection of the representatives, that would naturally be done by the groups they represented.

33. He agreed in substance with the United States proposal and would support it if it were presented as a new draft resolution, but he had already protested at a previous meeting against the growing habit in the Committee of submitting entirely new proposals in the guise of amendments to draft resolutions. There was no reason why the United States proposal should not be adopted as well as the eleven-Power draft resolution; they were not mutually exclusive.

34. Mr. RYCKMANS (Belgium) said that the point raised by the representative of Guatemala would involve a long discussion on so-called residual powers, which had already been lengthily discussed. There was general agreement that the United Nations had no residual powers, but only those specifically granted under the Charter. The powers of the General Assembly and the Trusteeship Council were clearly laid down in Article 87 of the Charter, and they possessed no others. None of the Trusteeship Agreements contained any mention of a right of indigenous inhabitants of Trust Territories to participate in the Council's work.

35. In reply to the representative of Israel, it would obviously be impossible for the Trusteeship Council to propose any solution of the matter that would give satisfaction to all the members of the Fourth Committee at the following session.

36. The revised text of the draft resolution bore the marks of hasty improvisation, but the question was too complex to be settled in such a manner.

37. Mr. ELIAV (Israel) had understood from the representative of Guatemala that the revised draft resolution meant that every organized group of indigenous inhabitants in any Trust Territory could ask the Trusteeship Council to allow them to be represented and that the Council would be obliged to agree in every case.

38. Mr. McINNIS (Canada) was unable to see how the representative of Guatemala could vote for the United States proposal and also for the eleven-Power proposal, as in his opinion they were entirely incompatible.

39. He viewed with considerable perturbation the prospect opened by the eleven-Power draft resolution. The Committee had already seen some of the consequences of extending the right of petition to any group that wished to apply, and he would be most apprehensive of a similar trend in the Trusteeship Council, which was already overburdened with petitions under the existing system. He felt that when a request was made to the Council, the Committee should trust the Council's good faith and give it time to test the feasibility of the proposal in question.

40. He would support the United States amendment.

41. The CHAIRMAN said that since the other speakers on his list wished to defer their statements until the following meeting, he would postpone the consideration of the question.

SUBMISSION OF A DRAFT RESOLUTION CONCERNING REVISION OF THE QUESTIONNAIRE (A/C.4/L.253)

42. Mr. DORSINVILLE (Haiti) asked the Committee to allow the delegations of El Salvador, Gua-

temala, Haiti, Lebanon, Saudi Arabia and Syria to submit a joint draft resolution on the preparation of separate questionnaires adapted to each Trust Territory (A/C.4/L.253), although the time-limit fixed by the Committee for the submission of draft resolutions on the report of the Trusteeship Council had elapsed.

43. Mr. RYCKMANS (Belgium) said that he would not oppose the submission of the draft resolution but was anxious that such a complicated matter should not be discussed at the current session. The preparation of a separate questionnaire for each Trust Territory would be a formidable task and the Trusteeship Council already had a great deal to do. He therefore urged that if the draft resolution was submitted, its discussion should be postponed to a later session.

44. The CHAIRMAN suggested that in the absence of any objection, the six delegations should be allowed to submit the joint draft resolution, on the understanding that the point made by the Belgian representative would be considered in due course.

It was so decided.

Programme of work

45. Mr. SHEIKIN (Byelorussian Soviet Socialist Republic) said that according to the programme of work outlined in document A/C.4/209/Rev.1, ten groups of petitioners still remained to be heard by the Committee. At the 283rd meeting, the United States representative had promised some time previously to obtain information concerning the two representatives who were held up, one in Paris and one at Cairo.

46. Mr. SPRAGUE (United States of America) said that he had been in touch with the State Department and understood that the petitioners in question were held up only by delay in processing their passports. He had no information to the contrary, and would pursue the matter and endeavour to arrange that they should arrive in time.

47. Mr. YURANS (Union of Soviet Socialist Republics) pointed out that the decisions to grant oral hearings to the petitioners had been taken some time previously. He was surprised to learn from the United States representative that the petitioners were being delayed owing to passport formalities. That representative had promised two weeks previously to furnish the Committee with an explanation, and the reply he had just given could hardly be considered satisfactory.

48. Mr. MAHMOUD (Egypt) said that he had received a letter dated 22 November from the Somali Youth League representative who was at Cairo, enclosing a copy of a letter addressed by him to the Chairman of the Fourth Committee and saying that since 29 October he had been trying to get a visa for the United States but had been unable to do so, despite the fact that he had been formally invited to appear before the Fourth Committee.

49. From the reply given by the United States representative, it did not appear that the Somali Youth League representative would be in New York by Friday, 12 December. The representative of the Unione

Nazionale Somala was already in New York, but it would seem inadvisable to begin dealing with the question in the absence of one of the petitioners.

50. Mr. PIGNON (France) announced that he had just learned that the representative of the Parti Togo-

lais du Progrès would leave Paris on the following day, 9 December, and would be in New York on 10 December; he would presumably be ready to appear before the Committee on 11 December.

The meeting rose at 5.45 p.m.