



**C O N T E N T S**

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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) (*continued*)**

[Item 33]\*

1. Lord HUDSON (United Kingdom) said that at the 330th meeting his delegation had voted against the Brazilian draft resolution (A/C.4/L.272) for the reasons given in the United Kingdom's first statement in the debate on the item (326th meeting). Moreover, should any member of the General Assembly invoke the resolution in support of any claim that might be put forward at some future date, the United Kingdom delegation expressly reserved its position.

2. Mrs. MENON (India) said that although the Indian delegation had been prepared to accept the report of the *Ad Hoc* Committee on Factors (Non-Self-Governing Territories) (A/2428) as it stood, it had had no objection to an elaboration and restatement of the principles contained in the list of factors (A/2428, section VI) as well as in the Brazilian draft resolution (A/C.4/L.272). It had therefore voted in favour of the eleven-Power amendments to the list (A/C.4/L.274) and to the draft resolution (A/C.4/L.273). Some delegations had objected to the re-examination of the list of factors on the grounds that the *Ad Hoc* Committee had already worked on the list, and to the proposed amendments on the grounds that the Fourth Committee had not been given time to study them. A small body such as the *Ad Hoc* Committee could obviously not represent the views of all the sixty nations on the Fourth Committee but some of the amendments proposed had first been discussed at the San Francisco Conference, so that the ideas contained in them had long been familiar. It had been agreed that the list of factors was only a guide and therefore illustrative rather than exhaustive, and that each case submitted to the United Nations would be

examined separately in the light of its particular circumstances. The scope and applicability of the list of factors had therefore been at the same time limited and expanded. The list itself was a sincere attempt to fit facts into theories rather than theories into facts and was of purely academic value.

3. To the Indian delegation, two points were important: first, there must be a certain degree of understanding between the Administering and non-administering Members if the Committee's work was to be pursued; and secondly, the Committee's decisions ought to accelerate the progress envisaged in Chapter XI of the Charter. Those objectives could be attained only through co-operation. Although there was nothing in the Charter to compel the Administering Members to adopt a particular course, the Fourth Committee was seeking within its limitations to give effect to the decisions of the General Assembly. Once those limitations had been realized, it seemed unnecessary to argue about the respective claims of the Administering Members and the United Nations. The constant reassertion by the Administering Members that their decisions regarding the status of the Non-Self-Governing Territories for which they were responsible would be unilateral, that they had made all the concessions which they were prepared to make in accepting Chapter XI, and that anything else demanded of them would be a violation of the Charter, did not promote understanding, and at the same time made nonsense of Chapter XI. The Indian delegation believed that when a Member State accepted the Charter, it could not accept some of it as binding and the rest not. It agreed with other delegations that the provisions of Chapter XI were not and could not be regarded as unilateral declarations by certain Member States, but were the content of a treaty to which all the Members of the United Nations were contracting parties. Thus, the obligation to transmit information was not permanently limited to a few Administering Members, for the possibility that other Members might assume such obligations was not excluded. All the Members of the United Nations were responsible for the fulfilment of the objectives listed in Chapter XI, and that was one reason why the non-administering Members were so interested in the welfare of the peoples of dependent territories.

4. The Indian delegation did not underestimate the value of definitions but it believed that facts were more important. There could be voluntary association between countries only when the countries concerned enjoyed equality of status. Thus, association and co-operation at an international level could be valid and feasible only after a territory had been freed from all external political pressure. Therefore, in all such cases the correct procedure would be independence first, followed by association, as in the case of India itself. Since the Charter said that Member States had accepted their various obligations under Article 73 as a sacred trust, it was hard to see why the Administering

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

Members should fear the words independence and self-determination of peoples. Their arguments ignored recent developments of political thought. Events showed that theories and legal interpretations had ceased to withstand the force of popular desire for freedom. The administering Powers should move with the times and not wait for time to move them. In Europe, sovereign States were surrendering the right to provide national defence, which had been accepted as one of the distinctive marks of sovereignty, while all over the world dependent peoples were claiming the right to be independent. It was against that background that the Committee had discussed the list of factors.

5. It was strange and unfortunate that certain Member States, which were fulfilling their obligations under Chapter XI in the true spirit, should have expressed their indifference to the list of factors as such and reasserted their oft-repeated claim that neither the General Assembly nor any other power could influence them in decisions regarding the status of the Non-Self-Governing Territories under their administration. The Indian delegation shared the concern for the peoples of the Non-Self-Governing Territories and as always would extend its full support to any step which accelerated or helped to accelerate the movement for independence in those territories.

6. The Indian delegation did not agree with those delegations which emphasized the difficulty of finding a proper definition of self-government. The difficulty was not the absence of a definition but the absence of agreement on the definition. The Indian delegation believed that there was no difference between a full measure of self-government and independence. There might be degrees of self-government, but a full measure of self-government should be equated with independence.

7. It was those beliefs which had impelled the Indian delegation to accept the eleven-Power amendments and the principles embodied in the Brazilian draft resolution.

8. Mr. RYCKMANS (Belgium) said that the Belgian delegation had voted in accord with certain unvarying principles, of universal application and in full conformity with the law.

9. The representative of the United States had made it quite clear that it was the United States Congress alone which exercised the sovereign power of decision over the status of the United States territories. Similarly, the Belgian Parliament alone could decide the status of the Belgian territories, which were an integral part of the Belgian State. When Belgium had decided that the Belgian Congo fell within the scope of Article 73 e of the Charter, it had decided, without consulting the General Assembly, to transmit the information provided for in that article; the General Assembly had simply noted the decision and had not been called upon to approve it. When Belgium decided that the Belgian Congo had ceased to fall within the purview of Article 73 e, it would decide, again without consulting the General Assembly and without requiring its approval, to cease to transmit information. That was the law and no vote by the Fourth Committee or recommendation by the General Assembly would change it, for they could not invest the General Assembly with powers which the Charter had not conferred upon it and they could not deprive the signatory States of a sovereignty which they had not abdicated. The draft resolution adopted at the previous meeting would therefore remain a dead letter.

10. The Belgian argument that all non-self-governing peoples were entitled to be treated fairly and protected against abuses, and that all States which possessed territories inhabited by peoples who did not administer themselves were obliged, under Article 73 e of the Charter, to supply certain information to the Secretary-General, had never been refuted. In an effort to do so the Guatemalan representative had quoted the views expressed at the San Francisco Conference by the Greek and United Kingdom representatives, but individual opinions could not stand against the clear statement in the Charter. No real defence had been put up against the irrefutable case developed in paragraphs 59 *et seq.* of the Belgian memorandum of 30 April 1953 (A/AC.67/2).

11. If the Charter was applied in the letter and the spirit, there would be nothing alarming in the Belgian argument. All men were entitled to fair treatment and protection from abuse merely as human beings, even had that right never been laid down in the Charter. All civilized States had recognized that right in Article 23 of the Covenant of the League of Nations. Even those States which now claimed not to have recognized it in the Charter would never dare to admit that they had ceased to believe in it and that they wished to deprive their indigenous populations of an international safeguard which they had formerly recognized. All civilized States which administered indigenous populations had set up for their protection services which published reports. The Charter did not require such States, nor were they being asked, to inform the General Assembly of their political difficulties. All that was being asked of them and all that the Charter did require was that they should extract from those reports certain statistical and other information of a technical character relating to economic, social and cultural matters and communicate it officially to the Secretary-General.

12. It was hard to see how such an argument could be unacceptable to any sovereign State. If certain States did reject it it was because they wished to impose on those few Powers which had recognized and were fulfilling their obligations, an abusive interpretation of the Charter which they would not accept in their own cases. However, logic had its own inviolable laws. What was true in the Committee did not become false outside it. Although the decisions taken at the two preceding meetings would not achieve their aim, they would nevertheless have certain repercussions which might prove very different from what had been intended. The extraordinary theories which those decisions implied—the oneness of self-government and independence, the right of secession presented as being inherent in the right of peoples to self-determination, the exclusive competence of the Assembly to decide when a territory ceased to fall within the scope of Article 73 e of the Charter—might cause some amusement in legal circles, and their sponsors might possibly have refused to uphold them elsewhere than in the Fourth Committee. Nevertheless, they had been upheld, and those delegations which had upheld them in the Committee could expect to have them quoted against them in other circumstances. If the factors which had been adopted as criteria were valid, they were so in all countries, not only in the colonial territories. If they could be used to decide when a State could cease to transmit information, they could also be used to decide when a State should start to transmit such information. If the Assembly was competent, it was so in

regard to all States and not only in regard to the colonial Powers.

13. Certain members of the Committee had affirmed in a roll-call vote that the right of the colonial peoples to self-determination included the right of secession. Some governments might well fail to applaud the votes cast in the Committee by their representatives. It was doubtful whether they would confirm them when they had weighed the consequences and when each of them was called upon to assume its responsibilities in the General Assembly. The colonial territories were not the only places where there were peoples subject to a State which they had not chosen and from which they would gladly secede. When such peoples demanded the application of the principles implied in the votes in favour of the list of factors and the amended draft resolution, they would be told that of course the principles applied only to the peoples of "superior" territories and not to peoples living within the continental frontiers of a sovereign State. They might well fail to appreciate the fine shade of meaning. There were many States in which national minorities demanded a certain degree of self-government. They would learn from the resolution that there was no real self-government outside total independence. Henceforth, they might not be content merely to claim self-government. He reminded the members of the Committee of the proverb "Who sows the wind, reaps the whirlwind". Those who had voted for the amended draft resolution were sowing the wind, and when the whirlwind blew it would be too late to disclaim responsibility.

14. Mr. FRAZAO (Brazil) wished to explain the reason for his negative vote on the amendments to his delegation's draft resolution, in order to avoid any possibility of misunderstanding.

15. During the debate he had pointed out that there was no fundamental difference with regard to either principle or purpose between his delegation and the authors of the amendments. That was proved by the fact that the Brazilian delegation had accepted the additional paragraph of the preamble concerning the competence of the General Assembly in the implementation of obligations arising from Chapter XI of the Charter (A/C.4/L.273, amendment 1).

16. With regard to the other amendments, however, the Brazilian delegation had wished to show its preference for the manner in which it had defined the competence of the General Assembly in connexion with the cessation of the transmission of information and the principle of relativity which should condition the application of the list. Moreover, it did not consider that the text had been improved by the deletion of paragraph 4 of the operative part. It would have preferred to retain its own formulation of the right of peoples to self-determination as the main postulate to which all other considerations must be subordinated. Furthermore, it felt that the drafting of paragraphs 5 and 6 of the amended text was not very happy. Paragraph 5 repeated the idea embodied in paragraph 4 of the Brazilian text. Paragraph 6 contained an expression of opinion as to the value of two forms of self-government. The drafting implied a certain prejudice against any form of association and might be interpreted as meaning that the Committee condemned such association and would prefer that the peoples of the Non-Self-Governing Territories should not choose it. The cessation of the transmission of information on the grounds that the territory reported on had attained a footing of

absolute equality was possible in only three situations: union; federation of the classic type; and the Commonwealth as it existed today, since at one stage in its evolution the Dominions had not possessed absolute equality with the United Kingdom. There was therefore a contradiction in the text adopted. According to paragraph 6 a territory might become self-governing by association with another State if it were done on the basis of absolute equality. That provision would however exclude incorporation or integration in a federation, since when States signed a federal pact their legal personality became subordinate to that of the union. It could not therefore be said that integration in an existing union would be on a footing of equality. Nor did the paragraph admit the possibility of another type of integration: that in a unitary State. He would not, however, go into that question.

17. He thought he had sufficiently explained the apprehensions with which the Brazilian delegation viewed the amended text. He had wished to voice his disapproval of the hasty manner in which the Committee had radically altered the list of factors. In admitting its draft resolution the Brazilian delegation had wished to take advantage of the compromise reached in the *Ad Hoc* Committee. It would have been desirable for the Administering Members willing to accept a list of factors. True, they had not been very favourable to the *Ad Hoc* Committee's list, but they could not reject it since they had helped to draw it up. A resolution supported by them would have had great force. The Brazilian text, in spite of opposition from some quarters, would have secured a large majority in favour of the list. That opportunity had been thrown away.

18. The Committee had not been justified, in the light of past experience, in thinking that it would be able to improve within the space of a few days on the results of three years' work. It had abandoned the prudence with which it had begun the study and classification of factors. In 1952 representatives on the Fourth Committee had reserved their position on the question until their governments had had time to consider the list. At the 330th meeting decisions of far-reaching importance had been taken. The Brazilian delegation had felt that the list of factors had been sufficiently considered and that it would be better for the time being to let the question rest in view of the danger of serious dissension. The *Ad Hoc* Committee had shared that view, as had two-thirds of the speakers in the general debate. Then there had been an abrupt change and a number of speakers had taken the opposite view. The Brazilian delegation had been unable to follow that change of direction and had not had time to consult its Government with regard to the proposed amendments, which required study and consideration. It had taken no further part in the debate; it had not even intimated that it regarded the Indian amendment (A/C.4/L.277) as a substantive one. The last chance of conciliation had been lost when the Committee had refused to consider the United States amendment (A/C.4/L.276).

19. With reference to the statement made earlier by the Belgian representative, he was surprised that such a thesis should be defended at the present stage. He would not, for the time being, deal with the Belgian representative's conclusions, either from the legal point of view or from that of the Charter, but would return to the question when the Committee discussed the report of the Committee on Information from Non-Self-Governing Territories (A/2465).

20. Mr. SHTOKALO (Ukrainian Soviet Socialist Republic) reminded the Committee that on 2 October (at the 324th meeting) his delegation had stated that although the first part of the list of factors required elucidation, it was nevertheless acceptable, but that the factors in the second and third parts of the list were not such as would further the aims and purposes of the Committee. Those factors did not relate to the achievement of self-government and independence but to association with the metropolitan country or with other countries. Such factors could only play into the hands of the colonial Powers, who wished to determine the destinies of the Non-Self-Governing Territories without outside control. The Ukrainian delegation had therefore voted for the first part of the list and against the second and third parts. It had also voted against the relevant paragraphs of the Brazilian draft resolution and the draft resolution as a whole, and the relevant paragraphs of the various amendments.

21. Mr. FERNANDEZ (Uruguay) said that he had supported all the amendments proposed by the eleven Powers (A/C.4/L.273) which in his opinion made the text of the draft resolution on factors clear and precise and brought it within the juridical framework of the Charter.

22. Mr. L. S. BOKHARI (Pakistan) said he had favoured the Brazilian draft resolution on the grounds that it was conciliatory and should be acceptable to the Administering Members. However, the debate had shown that those Members were opposed to its operative clauses. Hence he had voted for most of the amendments submitted by the eleven Powers, since he had no serious objections of principle to them. Nevertheless he felt that the draft resolution as finally approved had no chance of a smooth passage through the General Assembly.

23. Despite its affirmative vote, his delegation still hoped that the Committee would find a way to avoid a deadlock and reach a compromise between the administering and the non-administering Powers. He appealed to both groups to reconsider their attitude. His delegation firmly believed that decisions reached in a spirit of goodwill and co-operation would be more useful than decisions forced on the Administering Members in the face of their determined opposition.

24. Mr. KAISR (Czechoslovakia) said that Chapter XI of the Charter was a clear directive to all Member States to accept as a sacred trust the obligation to promote to the utmost the welfare and political aspirations of the dependent peoples, and only those factors could be accepted which faithfully reflected unconditional respect for the freely-expressed will of the peoples and their desire for true and full independence.

25. His delegation had voted for the first part of the list of factors and the amendments (A/C.4/L.274) thereto because it believed that they would assist the Non-Self-Governing Territories in their struggle to achieve self-government and independence. The second and third parts of the list, however, did not strengthen the principles affirmed in the first part but, on the contrary, weakened them; he had therefore voted against those parts of the list and against most of the amendments relating to them. The sincere desire for complete independence was the universal characteristic of all national liberation movements, which never sought any form of association with the metropolitan Powers. Hence, it was absurd that the second and third parts of the list of factors should legalize such an as-

sociation. Even with the eleven-Power amendments, those parts of the list would still permit outside intervention in the domestic affairs of territories and would constitute a dangerous instrument in the hands of the administering Powers and help them to prolong the reign of colonial oppression in the Non-Self-Governing Territories.

26. His delegation had accepted eight paragraphs of the Brazilian draft resolution and the amendments relating to those paragraphs, but it had voted against those parts of the draft resolution and of the amendments which implied approval of the list of factors and against the amended draft resolution as a whole.

27. Mr. ESPINOSA Y PRIETO (Mexico) announced that the eleven delegations that had sponsored the amendments to the list of factors and the Brazilian draft resolution had submitted an explanatory statement which would be circulated as a conference room paper.

28. Mrs. BOLTON (United States of America) said that her delegation shared the regret expressed by the representatives of Brazil and Pakistan, among others, at the Committee's hasty and ill-considered decisions at its two previous meetings. Those decisions would not help the peoples of the Non-Self-Governing Territories and would jeopardize the co-operation and harmony which had, in the past, made the Committee an effective instrument for promoting the welfare of those peoples. Her Government did its utmost to fulfil its Charter obligations with regard to the Non-Self-Governing Territories under its administration.

29. Mr. LYNKOV (Byelorussian Soviet Socialist Republic) said that his delegation had always maintained that the first part of the list of factors was acceptable but that the second and third parts were not, since they would not protect the peoples of the Non-Self-Governing Territories or ensure their independence and sovereignty. He had voted against the fourth paragraph of the preamble and paragraphs 2, 3 and 7 of the Brazilian draft resolution and the relevant amendments and against the draft resolution as a whole, because his favourable vote would have signified approval of the list of factors. For the same reasons, he had also voted against the list of factors and the amendments thereto.

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

[Item 32]\*

#### **GENERAL DEBATE (continued)**

30. Mrs. MENON (India), speaking as Rapporteur of the Committee on Information from Non-Self-Governing Territories, introduced the Committee's report (A/2465). The Committee's work had been marked by a spirit of harmony and co-operation and both parts of the report had been adopted unanimously.

31. Two draft resolutions were proposed for the consideration of the General Assembly, one on educational conditions and one on the association of representatives from Non-Self-Governing Territories in the work of the Committee on Information. They would be found in annex II to part one of the report. The Committee had adopted a third resolution, on the cessation of the transmission of information on Puerto Rico, which formed an integral part of the Committee's report (A/2465, part one, para. 67). It had been adopted with no opposition and three abstentions. It was submitted to the General Assembly for information only.

32. A real attempt had been made to study the problems sincerely and the new spirit of conciliation was particularly apparent in the draft resolution on the association of indigenous representatives in the Committee's work. There was still far to go, however, before the ideals of Chapter XI would be realized, and she appealed to the members of the Fourth Committee for constructive co-operation.

33. Mr. LOOMES (Australia), speaking as Chairman of the Committee on Information from Non-Self-Governing Territories, commended the Committee's report to the Fourth Committee. The Committee had carried out its detailed study of educational conditions on the basis of the summaries and analyses prepared by the Secretariat from the information transmitted by the Administering Members. A number of excellent studies had been submitted by the United Nations Secretariat<sup>1</sup>

<sup>1</sup> See A/2407, A/2408, A/2409, A/2410 and Add.1, A/2411 and Add.1, A/2413 and Add.1 to 6, A/2414 and Add.1 and 2.

and by the United Nations Educational, Scientific and Cultural Organization, the Food and Agriculture Organization, the International Labour Organisation and the World Health Organization. The Committee had also profited from the presence of educational experts on the delegations of some of the Administering Members. The discussions throughout had been cordial and co-operative, although some divergence of views had become apparent on the question of associating representatives from the territories in the work of the Committee. There too, however, it had ultimately proved possible to reconcile the various points of view to a very large extent. The draft resolution in question had been adopted by 12 votes to one, with 2 abstentions. The draft resolution on educational conditions had been adopted unanimously.

The meeting rose at 11.55 a.m.