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Chairman: Mr. Enrique de MARCHENA
(Dominican Republic).

In the absence of the Chairman, Miss Brooks (Liberia), Vice-Chairman, took the Chair.

AGENDA ITEM 34

Information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter: reports of the Secretary-General and of the Committee on Information from Non-Self-Governing Territories (A/3105 to A/3109, A/3110 and Corr.1, A/3111 and Add.1 and 2, A/3112 and Add.1 and 2, A/3113 and Corr.1, A/3114 and Corr.1 and Add.1, A/3115, A/3127) (*continued*):

(c) **General questions relating to the transmission and examination of information (A/C.4/331 and Add.1, A/C.4/346) (*continued*)**

1. Mr. NOGUEIRA (Portugal) recalled the apprehension expressed by the Iraqi representative that, if the General Assembly should fail to take proper action in what he described as a test case, the laboriously evolved system for examining the progress of Non-Self-Governing Territories would be rendered useless (615th meeting). The implication was that a precedent might be established which would have serious consequences in the future. He would point out, however, that precedents were followed only in similar or identical cases. Moreover, it would not be legitimate to sacrifice a principle in order to preserve a pragmatic mechanism.

2. His Government's policy was guided by the desire to promote international co-operation and to fulfil the obligations it had freely accepted. It had therefore examined carefully the nature of the responsibilities which it had assumed under the terms of the Charter, and was confident that it had discharged those responsibilities to the fullest extent. The Iraqi representative appeared to have had Portugal in mind when speaking of the possibility that some new Member State might

have responsibilities falling within the scope of Article 73 e. That attitude was surprising in that it constituted a departure from the practice consistently followed throughout the eleven-year history of the United Nations, irrespective of the answers given by Member States to the Secretary-General's communications or of the legal or *de facto* situation that might exist in their Territories.

3. The passage the Iraqi representative had quoted from an article in the American review *Foreign Affairs* had attempted to give a broad definition of what was usually called colonialism. The article had gone on, however, to prove that the features of colonialism described by the author did not exist within the structure of the Portuguese nation. The status of Portugal's overseas provinces, in law and in practice, was identical with that of the metropolitan provinces. The Iraqi representative had asked about the extent of the responsibilities exercised by the Overseas Minister: the political competence of that Minister was no different from that of other Ministers, several of whom exercised responsibilities extending throughout all the national territories.

4. The Iraqi representative's reference to statistics regarding the population of Mozambique was in itself proof that he was in possession of information on Portugal's national provinces. Such information, freely supplied by the Portuguese Government, could be found in documents of the specialized agencies or in the Government's own publications. There was consequently no need for him to go into the question in greater detail.

5. In replying to the Secretary-General's letter, his Government had merely observed the provisions of the Portuguese Constitution. An extremely important passage in Article 73 e, which had not been duly taken into account, referred to such limitation as security and constitutional considerations might require. The meaning of that passage, in the view of his delegation, was that Article 73 e would not be applicable if it conflicted with constitutional provisions, regardless of whether the territories in question were or were not Non-Self-Governing Territories. Hence, certain States, despite the existence within their territory of populations which were not as yet fully developed, had reason not to transmit information under Article 73.

6. The Iraqi representative's statement that Territories might fall within the scope of Chapter XI, no matter what their constitutional relationship to the metropolitan country, was meaningless in the case of Portugal, for there was no such thing in the Portuguese nation as a constitutional relationship between one province and another. The nation had one single Constitution which applied equally to all provinces.

7. Mr. PACHACHI (Iraq) requested that the statement of the Portuguese representative should be circulated as a Committee document.

8. The CHAIRMAN said that that would be done.¹

9. Mr. BOZOVIC (Yugoslavia), referring to the Portuguese representative's statement that the status of Portugal's overseas provinces was absolutely equal *de facto* and *de jure* to that of the provinces of Portugal itself, asked whether the status of the inhabitants of the overseas provinces was absolutely equal to that of the inhabitants of the provinces in Europe and, if not, how it differed and for what reasons. In his delegation's view the status of a Territory could not be separate from the status of its inhabitants.

10. Secondly, he would like to know how the constitutional reservation, to which the Portuguese representative had alluded, was expressed in the Portuguese Constitution. That question was not to be construed as an acceptance of the Portuguese representative's interpretation of Article 73 e of the Charter.

11. Mr. NOGUEIRA (Portugal) said he would prefer to wait until all the representatives who had any comments to make on the subject had given their views, rather than to reply to each in turn.

12. Mr. CARPIO (Philippines) said he had gathered in the course of the debate that the inhabitants of overseas Portugal were in many cases divided into two categories: "civilized" and "uncivilized". He asked whether those two categories existed in Portugal itself. He would also like to know what were the differences in the political rights of the "civilized" and the "uncivilized" inhabitants in overseas Portugal, and, if those two categories existed there, in metropolitan Portugal; and whether the political rights of the "uncivilized" inhabitants in overseas Portugal differed in any degree from political rights in any of the provinces of metropolitan Portugal.

13. Since the Committee had been told that the status of the overseas provinces was similar in every respect to that of the provinces of metropolitan Portugal, and that the overseas provinces were administered by a Ministry for Overseas Affairs, he wondered whether the provinces of metropolitan Portugal were administered by the same Ministry.

14. Mr. BARGUES (France) took issue with the Yugoslav representative's contention that the status of a Territory could not be dissociated from the status of its inhabitants. In a number of Member States of the United Nations there were population groups which had a different status from that of others, and if the Yugoslav representative's view were to prevail the Committee would have to consider to what extent those groups came within the scope of Article 73 of the Charter.

15. Mr. BOZOVIC (Yugoslavia) observed that the French representative's view was at variance with that expressed by the French delegation at the San Francisco Conference.

16. Mr. PACHACHI (Iraq) suggested that, since the Portuguese representative's statement was to be circulated to the members of the Committee, it might be better to defer the continuation of the debate until they had had time to study it.

17. Mr. CHAMANDY (Yemen) suggested that in order to save time the Committee might begin consideration of the next item on the agenda.

It was so decided.

¹The statement by the Portuguese representative was subsequently circulated as document A/C.4/347.

AGENDA ITEM 35

Progress achieved by the Non-Self-Governing Territories in pursuance of Chapter XI of the Charter: report of the Secretary-General (A/3196)

18. Mr. COHEN (Under-Secretary for Trusteeship and Information from Non-Self-Governing Territories) introduced the report (A/3196) prepared by the Secretary-General in pursuance of General Assembly resolution 932 (X). The report represented the views of the United Nations Secretariat, the International Labour Office, and the secretariats of the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, on what should be the general nature of any report on the progress achieved in the Non-Self-Governing Territories, the contents of such a report, the sources of information to be used and the target date. The report did not, however, attempt to enter into those questions of principle which were the Committee's concern.

19. The Secretary-General's suggestions regarding the general nature of the report were to be found in paragraph 8 of the document, while an outline of points to be covered in any report for the period from 1946 to 1956 was given in the annex. The list was brief, since it was considered that the Standard Form would be the principal guide in the work to be performed. If the General Assembly decided to ask for a report on the lines suggested in the document, the secretariats concerned would develop each of the points in the annex that fell within their competence.

20. In the Secretariat's meetings with representatives of the specialized agencies, considerable attention had been given to questions bearing on the nature of the information transmitted on the basis of the Standard Form and on whether it was necessary to supplement that information. It had been concluded that the information transmitted under Article 73 e, supplemented by the information placed at the disposal of the Secretary-General and the specialized agencies, would in general provide much of the needed information, although there might be gaps in specific areas of interest. Such gaps would, however, be due in most cases to a lack of information rather than a lack of authority to consult such information. It was not therefore anticipated that any fresh inquiries of an extensive character would have to be addressed to the Administering Members, although it would be necessary to have their co-operation on certain points and their general views on the outstanding issues, if their contributions were to provide an authoritative and accurate assessment of changes in the Territories and the new problems those changes had created. In a number of cases Administering Members had already transmitted information on general trends in the Territories. If in their coming communications of annual information they would pay particular attention to the summary of general trends requested in the Standard Form, they would provide valuable information for the proposed report.

21. The Administering Members might wish to be assured that there would be no duplication of requests to them. That point had been discussed and it had been decided that the Secretary-General would be responsible for obtaining information under Article 73 e and would make it available to the specialized agencies, which would follow their own established procedures for any consultation of Governments that might be

essential in connexion with parts of the report for which they were responsible.

22. It was considered that the report would be drafted by the secretariats of the United Nations and of the specialized agencies, while the Secretary-General would be responsible for the report as a whole and for its submission to the General Assembly.

23. The tentative financial implications of the proposed study were outlined in paragraphs 16 to 19 of document A/3196. Provision had already been made for the one item of extra expenditure anticipated for 1957, while the expenditure anticipated for 1958 and 1959 would be introduced by the Secretary-General in his budgets for those years and would be subject to the General Assembly's control. The offers of collaboration made by the specialized agencies were of course subject to the provision of funds for such work in their own budgets.

24. In conclusion, he stressed that the Secretariat's consultations with the specialized agencies had been subject to the clear understanding that the General Assembly would take all decisions of principle and would indeed decide whether or not the Secretary-

General was to be asked to prepare, in collaboration with the specialized agencies, the contemplated report.

25. Mr. SINH (India) requested that the Under-Secretary's statement should be circulated as an official document.

26. The CHAIRMAN said that that would be done.²

27. Mr. CARPIO (Philippines) drew attention to the fact that Article 73 d provided for co-operation, when and where appropriate, with specialized international bodies. In his view that term did not refer exclusively to the specialized agencies. He would like to hear from the Secretariat to what extent the services of non-governmental organizations which had specialized in certain aspects of development in the Non-Self-Governing Territories could be utilized in the preparation of the report and to what extent they had been utilized in the past. In view of the difficulty in the preparation of reports arising from the frequent inadequacy of the information available, the services of those bodies could perhaps be more effectively utilized.

The meeting rose at 11.55 a.m.

² The Under-Secretary's statement was subsequently circulated as document A/C.4/348.