

HUNDRED AND FOURTEENTH MEETING

Held at Lake Success, New York, on Thursday, 3 November 1949, at 11 a.m.

Chairman: Mr. H. LANNUNG (Denmark).

Information from Non-Self-Governing Territories (continued)

1. Mr. LIU (China) said that the Chinese delegation associated itself with the tribute which had been paid to the Rapporteur of the Special Committee for his report and to the Secretariat for its contribution to the success of that Committee's work.
2. The matter of the status of Non-Self-Governing Territories and of the welfare of their peoples was of great concern to the Chinese delegation. The essence of Chinese political philosophy was that the weak should be sustained against the strong; that had been one of the principles of the party through whose effort the Republic of China had come into being. It was ironical that, despite the unselfish motives of its foreign policy, China had for a century or more been the victim of foreign exploitation, and was still faced with grave dangers to its political independence and territorial integrity.
3. After the vicissitudes through which China had passed, it naturally took a special interest in the well-being of peoples who had not yet attained self-government.
4. With regard to the cessation of information regarding Non-Self-Governing Territories, the Chinese delegation did not share the views of certain Administering Powers that the metropolitan countries were solely competent to decide on the territories in respect of which information should or should not be transmitted to the United Nations. In its opinion, only when a territory had attained self-government could the administering State cease to transmit information in regard to it. Since his delegation believed in the international accountability which was the purport of Chapter XI of the Charter, it would in principle support the draft resolution submitted by the delegation of Egypt (A/C.4/L.37).
5. The Chinese delegation had voted in the Special Committee for the United States draft resolution on the extension of the Committee for a period of three years (A/923, annex II, draft resolution F) only because that draft resolution contained the phrase "without prejudice as to the future". It considered that the Special Committee should be placed on a permanent basis, and regretted that the joint draft resolution of which it had been one of the sponsors had not been adopted by that Committee. It emphatically disagreed with the view that the functions of the Committee should be only of a procedural nature. The mere fact that General Assembly resolution 219 (III) included in the Special Committee's terms of reference the making of substantive recommendations was a refutation of that contention.
6. The conversion of the Special Committee into a permanent body would not only give the administering States the continued benefit of its comments and criticisms, but would also be a source of encouragement to the inhabitants of the Non-Self-Governing Territories.
7. The Indian delegation had proposed a draft resolution (A/C.41/L.39) which went a little further than the United States proposal, and therefore more closely approximated the views of the Chinese delegation. He would therefore, in principle, vote for the Indian draft resolution, unless a majority of the Committee was in favour of the establishment of the Special Committee on a permanent basis, in which case he reserved the right to support a resolution embodying such a proposal.
8. Mr. GALAGAN (Ukrainian Soviet Socialist Republic) said that the information transmitted on the Non-Self-Governing Territories under Article 73 e of the Charter was unsatisfactory for a number of reasons.
9. Since Members of the United Nations responsible for the administration of Non-Self-Governing Territories had pledged themselves under Article 73 of the Charter to take account of the political aspirations of the peoples of those territories and to assist them in their advance towards self-government, details of political development might have been expected to figure prominently in the information submitted by the Administering Powers. Those Powers were, however, attempting to maintain that Article 73 e of the Charter did not require them to transmit such information, an interpretation which was incorrect and which represented an attempt to prevent the General Assembly from supervising the implementation of the obligations laid down in Article 73 of the Charter. The spirit of that Article undoubtedly imposed an obligation on the Administering Powers to transmit, together with other information, details of the progress made towards self-government in the Non-Self-Governing Territories. The information thus received should be examined and studied by the General Assembly with a view to promoting the political advancement of those Territories.
10. The information transmitted on social, economic and educational conditions in the Non-Self-Governing Territories was unsatisfactory on account of its superficial and general character. The information given on the standard of living of the indigenous population was in many cases insufficient to enable the reader to form any impression of living conditions in the Territory concerned.
11. A number of Non-Self-Governing Territories occupied an important place in the strategic plans of the colonial Powers, both as sources of strategic raw materials and as naval and air bases. No reference to the use of Non-Self-Governing Territories for that purpose, which was contrary to Article 73 c of the Charter, was made in the information submitted. In subordinating the economies not only of their own colonies, but of those of other Powers to the interests of aggressive groups planning a new war, the United States and the United Kingdom were contravening the Charter and ignoring the interests of the dependent peoples.
12. It was impossible to concur in unilateral decisions to suspend the transmission of informa-

tion on Non-Self-Governing Territories. The decision to discontinue the submission of information should only be taken by a special committee on the basis of information submitted by the Administering Powers on the organs of self-government in the Territory concerned and on the participation of the indigenous population in its own administration.

13. Such scanty information as had been submitted provided evidence that the Administering Powers were not complying with the provisions of Chapter XI of the Charter and were continuing to follow the old colonial methods of administration.

14. Puerto Rico under United States administration had developed a sugar-cane monoculture, which was detrimental to the interests of the indigenous population. The territory could trade only with the United States and on extremely unfavourable terms. Unemployment and undernourishment were widespread, and the population, once renowned for its physique, had one of the highest mortality rates in the world. The people had no political rights and their representative in the United States Congress was entitled to speak, even on questions directly affecting Puerto Rico, only if the unanimous consent of the House was given. The legislative assembly was not in a position to enact legislation in the real interests of the country, since its bills were subject to the veto of the Governor and, in the final resort, to the veto of the President of the United States. An attempt was being made to destroy the national culture of the country by not permitting the use of Spanish, the national language, as the language of instruction in schools.

15. The position in the Territories administered by the United Kingdom was little better. A Labour member, Mr. Driberg, speaking in the House of Commons on 4 February 1949, had described Jamaica, to which guide books frequently referred as the tropical paradise, as a tropical slum.

16. In the majority of British territories, the year 1948 had been marked by a decrease in wages and an increase in unemployment, on the one hand, and by a sharp rise in the cost of living, on the other. In Borneo, for example, taking 1938 as 100, the cost of living in 1948 was 320. In a number of British territories there was discrimination against the indigenous population in the matter of wages. In Northern Rhodesia, for example, the African worker received 13 to 14 times less than the European worker for the same work. There was also discrimination against the indigenous population in the matter of education. In Kenya, for example, the sum of 171,000 pounds sterling was spent on the education of the relatively small European population and only 157,276 pounds sterling on the education of the African population.

17. Disease resulting from undernourishment was widespread and the mortality rate, particularly infant mortality, was very high. Doctors and hospitals were insufficient and expenditure on public health quite inadequate.

18. Such facts were evidence that the Administering Powers were following a policy which directly contravened Chapter XI of the Charter. In the opinion of the Ukrainian SSR, the General Assembly could not remain a passive spectator,

but must draw the attention of the Administering Powers to the fact that the interests of the indigenous population of the Non-Self-Governing Territories were paramount and not their own selfish interests, which had nothing in common with the objectives of the United Nations.

19. Mr. MENDOZA (Guatemala) said that his delegation had maintained throughout a clear and well-defined position in connexion with the colonial problem. Ever since the San Francisco Conference, Guatemala had shown concern for the fate of the peoples of the Non-Self-Governing Territories and had enthusiastically supported any proposal designed to further the political, social, cultural and educational advancement of the peoples and to abolish colonialism, which it considered to be anachronistic. It was absurd that, in the middle of the twentieth century, there should still be two hundred million human beings in a state of political dependency.

20. In defence of colonialism it had been claimed that the system was the first step towards independence, a kind of school in which backward peoples could learn the art of self-government. Admittedly the colonial empires were far more humane and liberal than in the past, but to represent them as a school for self-government was to draw a false picture. It was a school the pupils of which would never be allowed to graduate; the colonial Powers would always feel that the dependent territories needed their paternal care. There was, however, one unmistakable sign of maturity — armed rebellion which the metropolitan Power was unable to repress.

21. Another reason why he could not accept the theory that colonialism prepared peoples for independence was to be found in the experience of the American continent. Spanish colonialism, though in many ways benevolent and paternal, had done nothing to train the peoples in self-government or to help them to attain independence. Spain had turned a deaf ear to warnings regarding the disintegration of its empire. America had become independent during the nineteenth century, not with the consent of Spain but through its own will to be free; and no one could say that the Republics of Latin America had proved unsuccessful. Those young and vigorous peoples gave to the world an example of solidarity, mutual co-operation and peace. The Pan American Union, originally founded in 1826, was a source of pride to all America.

22. The above references were not irrelevant to the discussions in the Fourth Committee, since they illustrated the fact that political independence was an essential element in the real progress of peoples. At the beginning of the nineteenth century other territories had been as backward as the Spanish colonies; those territories were still not considered by the metropolitan Powers to be ripe for self-government.

23. Economic immaturity was also said to be an obstacle. A colonial economy was, however, the greatest barrier to a people's aspirations towards independence. As long as a people did not break through that barrier, they would never know whether they were able to govern themselves.

24. When the Spanish colonies had freed themselves, no international body had existed to take an interest in their fate, and certain Powers had tried to take advantage of the situation by en-

tering into treaties which placed a heavy burden on the new States. In the contemporary world, there was no reason why two hundred million people, assured of the sympathy and support of the greater part of the nations, should remain in a state of subjection.

25. Guatemala, which still suffered from some of the consequences of colonialism, was deeply concerned with the fate of peoples governed by others, and particularly those American peoples who were subject of distant empires. That concern was shared by all the American Republics. Resolution XXXIII of the Ninth International Conference of American States held at Bogotá in 1948 contained a solemn condemnation of colonialism, and expressed the hope that it would disappear from the American continent. That resolution had been adopted with not one vote against and only three abstentions, and those abstaining did not oppose the principle involved.

26. It had been said at the conference at Bogotá that colonialism was anachronistic and incompatible with the American principles and ideals of freedom, unity and solidarity, and prejudicial to the economy of the continent, and that America would not be entirely free so long as parts of its soil remained in subjection. Attention had been drawn to the fact that the existence of colonies constituted a threat to the security of the continent as had been illustrated by what had happened in Martinique during the Second World War. In 1940 the Convention on the Provisional Administration of European Colonies and Possessions in the Americas had been drawn up at Havana with a view to taking over control of any colonial territory which could be transformed into an enemy base. That Convention was still in force.

27. At Bogotá the American Republics had classified the Non-Self-Governing Territories of America in two categories: colonies and occupied territories. The first category included all the Non-Self-Governing Territories which were administered by a metropolitan Power the rights of which were recognized by international law; the second included territories which were in foreign hands for *de facto* reasons. Belize — known as British Honduras — and the *Islas Malvinas* — known as the Falkland Islands — had been classified as occupied territories. With respect to those territories — although the representative of the United Kingdom might say that it was an unfailling ritual in the Fourth Committee — Mr. Mendoza wished to recall that Belize was Guatemalan territory unlawfully occupied by the United Kingdom and that a controversy had existed between Guatemala and the United Kingdom on that subject for more than a hundred years.

28. He did not intend to go into detail concerning the historical and juridical antecedents of that long-standing dispute but he wished to reiterate the Guatemalan position in the matter, and to state that his Government had constantly attempted to reach a just and peaceful solution to the controversy. Hitherto it had not encountered quite the same attitude on the part of the Government in London.

29. The United Kingdom representative might answer that from 1946 onward his Government had shown its willingness to have the International Court of Justice decide the problem and

that, if its attitude had not produced any results, that was due to the reluctance of the Guatemalan Government to submit its case to the Court; and he might add furthermore that that attitude was due to the small confidence it had in its own case.

30. The Guatemalan Government deeply appreciated the good intentions of the United Kingdom Government and quite realized the sacrifice it meant for a great Power to submit itself to an international judgment. Nevertheless, he would like to say that the United Kingdom's willingness to have the Court consider the matter extended only to a merely legalistic decision and to the interpretation of a treaty which, owing to the failure of the United Kingdom to comply with an important clause, the Guatemalan Government had been obliged to denounce and to declare void and wholly invalid.

31. Those were some of the reasons for which Guatemala could not accept the judgment of the Court on the conditions which the United Kingdom wished. But, in its turn, the Guatemalan Government had proposed that the Court should be empowered to judge *ex aequo et bono* taking into consideration all the aspects of the dispute and not the purely juridical aspect alone. The United Kingdom Government had rejected that proposal.

32. Nevertheless, his Government wished to make it clear it had very firm hopes that Guatemala and the United Kingdom would be able to find a formula for a free and just understanding on that important matter, the solution of which was of vital interest to his country.

33. With regard to the Falkland Islands, he would merely say that Guatemala fully supported the claims of Argentina to those islands. The resolution adopted at Bogotá had set up the American Committee on Dependent Territories, the duty of which was to compile information on American Non-Self-Governing Territories, to study the problem and to suggest pacific and practicable solutions. That Committee had worked for five months and had submitted an extensive report which was under consideration by the Governments of the American States.

34. The delegation of Guatemala would favour any proposal designed to improve existing conditions in the Non-Self-Governing Territories and any measure which might contribute to raising their people from their state of subjection to that of free, self-governing citizens, masters of their own destiny.

35. Mr. SHAHBAN (Pakistan) pointed out that, because Article 73 e of the Charter limited the information to be submitted to the Secretary-General to certain specific categories, the United Nations was constantly faced with the question whether the Administering Powers had any obligation to submit information on political development in the Non-Self-Governing Territories.

36. While a number of States had readily responded to the request for the voluntary submission of such information contained in General Assembly resolution 144 (II), others had continued to argue that their obligation was limited to the terms of Article 73 e.

37. Article 73 read as a whole clearly indicated, however, that the metropolitan Powers had ac-

cepted as a sacred trust the obligation to promote the well-being of the Non-Self-Governing Territories and to that end to promote the development of self-government. The delegation of Pakistan therefore hoped that those Members of the United Nations who had hitherto been reluctant to go beyond the obligations imposed by their interpretation of Article 73 e would respond to the request contained in resolution 144 (II). Without their co-operation, the United Nations would lack the necessary knowledge on political progress in the Non-Self-Governing Territories and would not be in a position to evaluate progress in the economic, social and educational fields.

38. It had repeatedly been stressed that the information required under Article 73 e of the Charter was for information purposes only. The intention clearly was, however, that such information should be studied and examined so that the United Nations could give any help in its power to the metropolitan countries in promoting the advance of the Non-Self-Governing Territories towards independence.

39. The delegation of Pakistan had no wish to suggest that the United Nations should intervene in the internal administration of the Non-Self-Governing Territories or that the information submitted should be used for the purposes of party propaganda. It was, however, undeniably in the interests both of the two hundred million inhabitants of the Non-Self-Governing Territories and of the Administering Powers that the United Nations should be enabled to assist them to the greatest possible degree. That could only be accomplished if the necessary information was placed at its disposal.

40. The report of the Special Committee (A/923) and the annual report of the Secretary-General¹ showed that in 1947 and 1948 certain Governments had ceased to transmit information on a number of territories on the grounds that the territories concerned were no longer in the Non-Self-Governing category by virtue of alleged constitutional changes.

41. While welcoming any development of self-government, General Assembly resolution 222 (III) of 3 November 1948 requested the Members concerned to communicate to the Secretary-General, within a maximum period of six months, such information as might be appropriate, including the constitution, legislative act or executive order providing for the government of the territory and the constitutional relationship of the territory to the Government of the metropolitan country.

42. It was a matter for regret that that resolution had been treated as a dead letter and that unilateral action had been taken to discontinue the transmission of information in regard to a number of Territories.

43. The United Kingdom representative had asserted that it was for the metropolitan Powers alone to decide on the Territories in respect of which information should be transmitted, and that the question of the constitutional relationship between the metropolitan Power and the Territories under its jurisdiction was a matter within the exclusive jurisdiction of the Power concerned.

44. The United Kingdom representative had on a previous occasion gone so far as to state that neither the General Assembly nor the International Court of Justice had any voice in the matter. Such an attitude, however, was unlikely to be productive of results. While no one could challenge the exclusive right of the metropolitan countries to administer Non-Self-Governing Territories, the refusal to submit information on the attainment of self-government could only breed suspicion and give rise to unnecessary debate.

45. With regard to the summaries and analyses of information prepared by the Secretary-General², the delegation of Pakistan wished to associate itself with the Indian delegation in advocating the inclusion in future reports of information on the enforcement of labour legislation. It also considered that steps should be taken to increase food production by the use of modern methods and by combating pests. His delegation also wished to associate itself with the representatives of China, Egypt, Venezuela and the Dominican Republic in their suggestions for the improvement of public health and education. He was in general agreement with the draft resolutions proposed by the Special Committee in its report, but reserved the right to express his final comments, if any, when those resolutions came up for detailed consideration.

46. In conclusion, Mr. Shahban expressed the hope that budgetary and political difficulties would not, as in the past, prevent the Special Committee from becoming permanent as an instrument for the implementation of Chapter XI, which was permanent also. It was impossible for members of the Fourth Committee to sift the mass of information received and make suitable recommendations. As the representative of Venezuela had pointed out, the establishment of a Special Committee on a permanent basis was no more a violation of the Charter than the establishment of the Interim Committee. The delegation of Pakistan would, therefore, wholeheartedly support any draft resolution to make the Special Committee permanent, in preference to resolutions which merely extended its life.

47. Mr. MARTIN (United Kingdom) announced that his Government reserved its rights concerning the points raised by the representative of Guatemala on the question of British Honduras and the Falkland Islands.

48. Mr. CARPIO (Philippines) declared that he would like to clarify a few points that had arisen during the discussion.

49. He had read with interest the report of the Special Committee and had listened to the various arguments. There were three different schools of thought on the question of Non-Self-Governing Territories. The first group tended to veer towards radicalism. Bitter criticism had been voiced in the Fourth Committee, the General Assembly and, he believed, in the Special Committee. He personally was opposed to that school of thought which he considered harmful to the aims of the United Nations.

50. The second group, diametrically opposed, tended to be reactionary and had made it a habit

¹ See *Official Records of the fourth session of the General Assembly*, Supplement No. 1, pages 126 and 127.

² See *Non-Self-Governing Territories, Summaries and analyses of information transmitted to the Secretary-General during 1948*. United Nations Publications, Sales No.: 1949. VI. B. 1.

to quote the Charter in a manner calculated to further their own interests. According to them the Charter had been drawn up to assist in the perpetuation of colonialism.

51. His delegation preferred to align itself with the third group, which took an objective view of the problem of the Non-Self-Governing Territories. In order to have an objective view, it was first advisable to have a clear conception of what were the obligations of the Administering Members under the Charter. The next step was to establish what were the powers of the General Assembly. Lastly, the Committee and the General Assembly should study the means of implementing those powers.

52. Chapter XI of the Charter contained only two short Articles: Articles 73 and 74. The crux of the matter was the interpretation of Article 73. On various occasions the Committee had heard arguments that, under the terms of Article 73, the administering States had no other obligations than those set forth in sub-paragraph e.

53. Mr. Carpio wondered whether that was a realistic or even a correct interpretation. If the only obligations were to supply information on Non-Self-Governing Territories, Chapter XI was worthless. Such an interpretation could never have entered the minds of the great men who had drafted the Charter in San Francisco.

54. A thorough reading of Article 73 would show that there were several obligations in sub-paragraphs a, b and c, as well as in sub-paragraph d.

55. Sub-paragraph e merited separate mention. His delegation considered that the contention that that sub-paragraph laid down the only obligation was wrong. Sub-paragraph e merely referred to the obligation of the Administering Members to supply information on the Territories under their care. The opinion of the majority was therefore that the Article in question implied a number of definite obligations.

56. The problem of establishing the powers of the General Assembly to implement the provisions of Chapter XI still remained. Article 10 of the Charter provided that the General Assembly was competent to discuss any questions or any matters within the scope of the Charter, as provided in Article 12. It was therefore clear that Article 73 was included in that provision. In that respect he considered that Guatemala was justified in discussing the questions of British Honduras and the Falkland Islands. The current debate affected Non-Self-Governing Territories and the two areas

mentioned by the Guatemalan representative were certainly covered by that term.

57. Most of the difficulties confronting the Committee and the General Assembly were the result of the absence of any machinery to implement the provisions of Chapter XI.

58. The Administering Powers were internationally accountable, which did not imply that, under the terms of Chapter XI, dependent territories had been placed under the direct control of the United Nations. The concepts of Chapters XI, XII and XIII were, however, so new that they had been dubbed the "International Charter of Colonial Administration".

59. A Special Committee had been established by the General Assembly; that was a step forward. It might be the first part of the necessary machinery for implementing Article 73.

60. The authors of the Charter in San Francisco had been moved by a noble spirit and high ideals, and had desired to convince the world that their primary aims were to bring lasting peace and abolish injustices. Those had been their aims when they had drafted Chapters XI, XII and XIII of the Charter. It was the first time in history that the concept of trusteeship had been recognized.

61. The Administering Authorities had not so far been willing to make the spirit of Article 73 a reality. The problem was, however, a pressing one; there were at the moment over 200 million people living in Non-Self-Governing Territories and of that total only 15 or 16 million came within the purview of the Trusteeship Council. It was for that reason that his delegation attached even more importance to Chapter XI.

62. He was not entirely satisfied with the draft resolutions submitted by the Special Committee; nevertheless, since they constituted a step forward, his delegation would support them while reserving the right to introduce any amendment it considered opportune.

63. Mr. TEDÍN URIBURU (Argentina) thanked the representative of Guatemala for his clear statement on the question of Non-Self-Governing Territories in Latin America, which coincided with the policy of the Argentine Government as outlined in the statement made by the representative of Argentina at the Conference of the American Committee on Dependent Territories held at Havana.

The meeting rose at 1 p.m.

HUNDRED AND FIFTEENTH MEETING

Held at Lake Success, New York, on Thursday, 3 November 1949, at 3.15 p.m.

Chairman: Mr. H. LANNUNG (Denmark).

Information from Non-Self-Governing Territories (*continued*)

1. The CHAIRMAN invited the Committee to continue the general debate on information from Non-Self-Governing Territories.

2. Mr. ZARUBIN (Union of Soviet Socialist Republics) said that, during the work of the Special Committee, several of its members had drawn

attention to the fact that some Governments were not fulfilling the obligations they had assumed under Chapter XI of the Charter in regard to the transmission of information on the Non-Self-Governing Territories they administered. Some Governments, including those of France and the United Kingdom, had decided to discontinue transmitting information for a certain number of territories.