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INFORMATION FROM NON-SELF-GOVERNING TERRITORIES:
SUMMARY AND ANALYSIS OF INFORMATION TRANSMITTED
UNDER ARTICLE 73 e OF THE CHARTER

Cessation of the transmission of information
under Article 73 e of the Charter^{1/}

Report of the Secretary-General

On 3 November 1948 the General Assembly adopted resolution 222 (III) concerning the cessation of the transmission of information under Article 73 e of the Charter.

The operative paragraphs of this resolution are as follows:

"The General Assembly

- "1. Welcomes any development of self-government that may have taken place subsequent to the passing of General Assembly resolution 66 (I) in any of the territories enumerated therein;
- "2. Considers that, having regard to the provisions of Chapter XI of the Charter, it is essential that the United Nations be informed of any change in the constitutional position and status of any such territory as a result of which the responsible Government concerned thinks it unnecessary to transmit information in respect of that territory under Article 73 e of the Charter; and
- "3. Requests the Members concerned to communicate to the Secretary-General, within a maximum period of six months, such information as may be appropriate pursuant to the preceding paragraph, 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."

^{1/} This document is also submitted to the Special Committee on Information transmitted under Article 73 e of the Charter.

/In his note

In his note of 21 January 1949 the Secretary-General drew the attention of the Members concerned to resolution 222 (III). In particular, attention was drawn to the request contained in paragraph 3 of the resolution, the Secretary-General's note continuing,

"The territories enumerated in General Assembly resolution 66 (I), in respect of which information was not transmitted in 1947 and 1948, are the French Establishments in Oceania, Indo-China, French Establishments in India, New Caledonia and Dependencies, Saint-Pierre et Miquelon, Martinique, Guadeloupe and Dependencies, French Guiana, Reunion, Malta, Pitcairn Island and the Panama Canal Zone. Certain reservations were made in conjunction with the 1946 enumeration of territories and in certain cases constitutional texts bearing on the changed status of territories were later transmitted to the Secretary-General. The above list of territories is given in order that the Members concerned may consider the request of the General Assembly in the light of the resolution and, in relevant cases, communicate such information as may be appropriate within the period of six months elapsing on 3 May 1949."

By note of 16 March 1949, the permanent United Kingdom delegation to the United Nations replied as follows to the communication of the Secretary-General:

"As regards the penultimate paragraph of the Secretary-General's note, the United Kingdom delegation would invite attention to Mr. Poynton's remarks, referring to Malta, at the bottom of page 9 of document A/AC.9/SR.16 of the 15th September, 1947, and also to Mr. Croech-Jones' remarks on the same subject in the second paragraph of page 3 of document A/C.4/SR.43 of the 13th October, 1947. Since educational, social and economic conditions in Malta are now the exclusive concern of the Government of Malta, it would be inappropriate, and indeed impossible, for His Majesty's Government in the United Kingdom to continue to transmit information on these matters under Article 73 e of the Charter.

"As regards the reference to Pitcairn Island, it is regretted that no information was transmitted in respect of Pitcairn Island for the year 1947, but, as will be appreciated, there is unlikely to be much information relating to this Island for transmission under Article 73 e of the Charter, and the standard form can have little application in this case.^{1/} Nevertheless, His Majesty's

^{1/} Note by the Secretariat: The population of Pitcairn Island on 30 June 1936 was 202.

Government in the United Kingdom hope to be able to transmit some information on Pitcairn Island in respect of the year 1948."

As regards Malta, the summary records to which reference is made, read as follows:

"Mr. POYNTON (United Kingdom) gave some of the reasons for information on certain territories having arrived late. Malta, which had only on 5 September 1947 attained full responsibility for local self-government, was a case in point. This territory, for example, would not be considered at all in 1948 under Article 73 e." (Ad Hoc Committee, A/AC.9/SR.16.)

"Mr. CREECH-JONES (United Kingdom) ... Self-government was a living process which differed from territory to territory. There were British territories which, while not yet in full control of their external affairs, were nevertheless fully responsible for the conduct of their internal affairs. Those territories included Burma, Ceylon and Malta, and they fell completely outside Chapters XI and XII." (Fourth Committee, A/C.4/SR.43.)

By letter of 5 May 1949 the French delegation to the United Nations transmitted to the Secretary-General a letter dated 29 April 1949 from the Minister of Foreign Affairs. A translation of this communication follows:

"In your letter of 21 January last you asked me to send you, before 3 May 1949, the information referred to in paragraph 3 of resolution 222 (III) adopted by the General Assembly on 3 November 1948.

"While conforming with this resolution, the French Government wishes to recall that under Article 73 of the Charter the determination of territories whose peoples have not yet attained a full measure of self-government lies exclusively within the competence of the States which have responsibilities for the administration of such territories.

"In exercising these responsibilities, the French Government, which subscribed to the Declaration of Chapter XI of the United Nations Charter, considers the provisions of Article 73 e to be only of a provisional character, since they are normally to cease to apply to territories whose peoples have attained a sufficient degree of culture, prosperity and self-government. In this regard, the States which have or assume responsibility for the administration of territories whose peoples have not yet attained a full measure of self-government must at all times take into account the degree of evolution of these peoples.

/"In point

"In point of fact, the intention of the French Constitution of 27 October 1946 was to promote an emancipation achieved either within the unity of the Republic or under an autonomous regime within the French Union.

"The peoples which have taken the path of unity receive all the civic freedoms, duties and faculties which belong to the inhabitants of metropolitan France: all political differentiation in their regard disappears within a single legal and moral community.

"The framework of the French Union also makes it possible for the peoples which have or aspire to their own political life to proceed towards autonomy. Such peoples may form separate States united to the French Republic by treaty ties.

"Moreover, these two types of evolution may, to a certain extent, be combined to give rise to systems which include both the grant of extensive local liberties and direct participation in the political life of the Republic.

"These principles led the French Government to cease, in 1947, the transmission of information under Article 73 e as regards, on the one hand, all the Overseas Departments and, on the other hand, the following Overseas Territories: New Caledonia, the French Settlements in Oceania, and St. Pierre et Miquelon.

"This was also the case in 1948 in regard to the Associated States of Indo-China and the French Settlements in India.

"When the Constitution was drafted, the Overseas Departments, consisting of Guadeloupe, Guiana, Martinique and Reunion which for more than a century have participated in French political life and asked for complete assimilation, were granted a regime which is largely identical with that of the Departments of metropolitan France.

"Under the Law of 19 March 1946 and the provisions for its application, the whole of metropolitan legislation was extended to these new Departments. Persons in these Departments enjoy the same status in all respects as persons in metropolitan France and they are represented in the political assemblies on the same footing. It would be no more possible in their case to speak of dependence than it would be in the case of a province in relation to the State of which it formed part.

/"St. Pierre

"St. Pierre et Miquelon, New Caledonia and the French Settlements in Oceania, whose peoples already enjoyed extensive political rights, have been provided with a regime which on the whole closely resembles that of the Overseas Departments or metropolitan France as regards the status of the inhabitants and their method of political representation. Taking their total population into account, their participation in the assemblies is established on bases that are even more favourable than in metropolitan France.

"In the case of the Associated States of Indo-China (Cambodia, Laos and Viet-Nam) the French Government's decision is based on the recognized powers of the Governments of these States. Freedom of self-government to the extent of independence within the framework of the French Union has been granted them by a series of conventions concluded during the last two years.

"The French Settlements in India have been given wide local liberties which have been fitted into a regime which already enabled them to participate in the institutions of the Republic. Within this framework the inhabitants, without distinction of origin or status, enjoy political rights similar to those of citizens of metropolitan France.

"It was for these reasons that the French Government decided to cease the transmission of information on the above-mentioned countries.

"In regard to the other non-metropolitan parts of the French Union, reforms in laws and regulations are now going forward and other reforms which have not yet been decided upon, will follow in the future. For this reason the French Government, being anxious to co-operate faithfully with international bodies, considers that it should for the present continue the communications referred to in Article 73 e. At the same time it recalls the reservations which it stated in its covering letter of 17 October 1946 and subsequently repeated with each communication. The reservations still hold good.

"Enclosed you will find the texts relative to the status of the various units of the French Union in regard to which information has ceased to be transmitted."

/LIST OF

LIST OF ENCLOSURES

Extracts from the Constitution (Preamble and Title VIII)

Laws concerning elections to the National Assembly:

- Law No. 46-2151 of 5/10/46 (Journal Officiel de la République Française (JORF) of 8/10/46)
- Law No. 47-1606 of 27/8/47 (JORF of 28/8/47)

Texts concerning elections to the Council of the Republic:

- Law No. 48-1471 of 23/9/48 (JORF of 24/9/48)
- Decree No. 48-1478 of 24/9/48 (JORF of 25/9/48)

Texts concerning the Overseas Departments:

- Law No. 46-451 of 19/3/46 (JORF of 20/3/46)
- List of Decrees extending metropolitan legislation to the Overseas Territories

Texts concerning the Overseas Territories:

- Decrees of 25/10/46 determining the composition of the territorial representative assemblies in St. Pierre et Miquelon, New Caledonia, the French Settlements in Oceania and the French Settlements in India (JORF of 27/10/46)
- Decree No. 47-2121 of 7/11/47 (JORF of 8/11/47)
- Decree No. 48-1629 of 18/10/48
- Decree No. 49-293 of 3/3/49
- Decree No. 47-1490 of 12/8/47

Texts concerning the Associated States:

- Letter from the King of Cambodia to the President of the French Union, dated 27/11/47
- Letter from the President of the French Union to the King of Cambodia, dated 14/1/48
- Letter from the King of Laos to the President of the French Union, dated 25/11/47
- Letter from the President of the French Union to the King of Laos, dated 14/1/48
- Constitution of the Kingdom of Cambodia
- Constitution of the Kingdom of Laos
- Joint declaration made on 5/6/48 in the Bay of Along by Mr. BOLLAERT, French High Commissioner in Indo-China and General XUAN, President of the Provisional Central Government of Viet-Nam, in the presence of H. M. BAO DAI.
