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C O N T E N T S

Report of the Fourth Committee:

Information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter: (a) information on educational conditions; (b) information on other conditions; (c) transmission of information; (d) participation of Non-Self-Governing Territories in the work of the Committee on Information from Non-Self-Governing Territories

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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

Cessation of the transmission of information under Article 73 e of the Charter: (a) Netherlands Antilles and Surinam; (b) Puerto Rico

President: Mrs. Vijaya Lakshmi PANDIT (India).

Report of the Fourth Committee (A/2556 and Corr.1):

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(a) information on educational conditions;
(b) information on other conditions; (c) transmission of information; (d) participation of Non-Self-Governing Territories in the work of the Committee on Information from Non-Self-Governing Territories

[Agenda item 32]

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

[Agenda item 33]

Cessation of the transmission of information under Article 73 e of the Charter: (a) Netherlands Antilles and Surinam; (b) Puerto Rico

[Agenda item 34]

1. Mr. RIFAI (Syria), Rapporteur of the Fourth Committee: On behalf of the Fourth Committee, I have the honour to present to the General Assembly the Committee's report [A/2556 and Corr.1] on items 32, 33 and 34 of the agenda of the General Assembly. The agenda items relate to information from Non-Self-Governing Territories, the 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, and the examination of the cessation of the transmission of information under Article 73 e of the Charter in respect

of the Netherlands Antilles and Surinam, and in respect of Puerto Rico.

2. The Fourth Committee spent thirty-seven meetings in examining these questions. I mention this figure as an indication both of the attention paid by the Fourth Committee to the problems before it and as a possible indication of the growing importance of these questions in the international community.

3. The SECRETARY-GENERAL: In draft resolution V, concerning the employment of international staff from Non-Self-Governing and Trust Territories, it is stated that the Secretary-General has already taken note of the wishes expressed in the Fourth Committee. The draft resolution recommends that the Secretary-General consider the desirability of continuing and increasing the recruitment of suitably qualified inhabitants of the Territories in the United Nations Secretariat.

4. I should like to state on this occasion that the most satisfactory way of meeting the wishes expressed in the draft resolution would be, in the first instance, to provide arrangements for training courses and training service. The possibility of such arrangements will be studied and the results reported to the General Assembly for consideration in its Fifth Committee as the body competent in questions of personnel policy.

5. The PRESIDENT: Before putting to the vote the draft resolutions proposed by the Fourth Committee, I shall call on those members who desire to explain their votes. I believe the proceedings would be expedited if members were able to include in a single intervention the explanations of their votes which they desire to make on any of the draft resolutions now before the General Assembly.

6. Mr. ESPINOSA Y PRIETO (Mexico) (*translated from Spanish*): I would ask representatives to take a look at Article 18 of the Charter. My delegation is of the opinion, which it will support with documents, that the vote on any question connected with Chapter XI of the Charter, whatever its importance, requires at present only a simple majority, and that the two-thirds majority required for other important questions can not apply to that chapter so long as the Assembly has not created a new category to that end.

7. Among the draft resolutions which will come up for discussion today is one on the subject of factors, which some delegations seem to consider as requiring a two-thirds majority vote in view of the importance of the subject. I should like to say first of all that nothing which the Mexican delegation may say here should be interpreted as detracting in any way from the importance of the question. My delegation proceeds on the assumption that any matter with which the Assembly deals is important and worthy of respect. With regard to the draft resolution on factors, the importance attributed by my delegation to that question

is shown by the fact that we were among the sponsors of the principal amendments to the draft.

8. We are only proposing to demonstrate here that under our present rules of procedure it is clear and beyond doubt that questions relating to Non-Self-Governing Territories, whatever the importance of the individual case under consideration, should be decided by a simple majority vote and not by a two-thirds majority. We are stating this view out of loyalty to the United Nations and in a spirit of disinterested co-operation, because it is clear that a uniform rule on the subject will be favourable to some of the draft resolutions we sponsor but not to others. Today we are making use of the same right which other delegations possess to express opinions contrary to ours. We shall expound what we believe and give the sound arguments that militate in our favour. It goes without saying that if the majority of the General Assembly expresses itself in favour of another principle, the Mexican delegation will, as always, respect its decision.

9. Article 18, paragraph 2, reads:

"Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting . . ."

The reference here to "important questions" has aroused in many minds a doubt as to whether it applies generally, or merely to the categories which the article proceeds to enumerate and any further categories for the subsequent determination of which provision is made in the same clause. As this confusion is due merely to a drafting defect in the Charter, and as many find it difficult to believe that so solemn an instrument can contain any such glaring omission, it is logical that I should have recourse to the support of an authority who must obviously be uppermost in the minds of all who are in any way connected with the United Nations. Hans Kelsen, in his well-known work, *The Law of the United Nations*, pages 180 and 181, writes as follows:

"As to the voting procedure . . . the Charter distinguishes between 'important questions' and 'other questions'. . . . This is not a very fortunate terminology. If the General Assembly is dealing with a question at all, this question can hardly be considered as unimportant. The intention was to differentiate decisions which require a two-thirds majority and decisions which require only a simple majority. . . ."

It must not be thought that that distinguished writer is our only authority. After tracing the matter to its source, and to the real authority by which all Members of the United Nations should be guided—the records of the San Francisco Conference—we shall refer to other authorities on the same subject.

10. It is easy to imagine the confusion that the Charter would have caused had it spoken of "important questions" without any qualification, in cases where the Assembly had to consider questions which some delegations regarded as "important" and others as "less important". There would then have been no point in enumerating the questions to which the two-thirds majority rule applied, still less in leaving the door open for the determination of new categories of such questions. The confusion begins to disappear when we read in Article 18, paragraph 3, of the Charter that:

"Decisions on other questions, including the determination of additional categories of questions to

be decided by a two-thirds majority, shall be made by a majority of the members present and voting."

Here, as you see, the term "important questions" is dropped in favour of the correct terminology, "questions to be decided by a two-thirds majority". It is this part of Article 18, the origins of which we propose to trace right back to the San Francisco Conference, which establishes beyond any possibility of doubt that the founders of the United Nations had in mind "categories of questions to be decided by a two-thirds majority", i.e. those which, by their importance, gave rise to prolonged and special discussion; that of the expulsion of Members is a case in point.

11. As an illustration of this, it may be observed, for example, that several of the questions enumerated in paragraph 2 of Article 18, such as recommendations with respect to the maintenance of peace and security, questions relating to the operation of the trusteeship system, and budgetary questions, cannot be regarded as being questions in themselves, but as categories or classes of questions, which include a multiple of different topics.

12. A first argument which will help to throw light on this point is the following. The Charter states in so many words that "questions relating to the operation of the trusteeship system" shall be decided by a two-thirds majority. Hitherto we have passed about fifty resolutions in this category, all of course by a two-thirds majority. As I have already stated, the Mexican delegation is not casting doubt on the importance of any of the questions we have under consideration. But no one here present can fail to wonder whether all these fifty resolutions relating to trusteeship can be regarded as important. That is to say, will anyone assert that any of them is more "important" than other resolutions, obviously of outstanding importance, which were adopted by a simple majority because they referred to questions not included in the categories appearing in Article 18? I will take at random resolution 651 (VII), under which the General Assembly, without mentioning a single reason, decided to postpone consideration of the question of South West Africa until the eighth session. All of you know very well that that resolution was adopted because the session was drawing to a close and there was no time to study the question. There was nothing else to be done. Let us take another example, also chosen at random, resolution 654 (VII), which again has no preamble and in which the General Assembly takes note of report of the Trusteeship Council and recommends that the Council, in its future deliberations, should take into account the comments and suggestions made in the course of the discussion of the Council's report at the Assembly's seventh session. The Mexican delegation does not underestimate the importance of either of those resolutions. But a good majority of those here present will agree that the two decisions I have mentioned, which were adopted by a two-thirds majority, were less important than many very weighty resolutions adopted by a simple majority.

13. Let us now look at the reverse side of the medal. Is there anyone here who would deny that a special session of the General Assembly can only be convoked to deal with a matter of particular importance? Yet a decision so serious, so costly and so important as that of convoking a special session of this august body is taken, not by a two-thirds majority, but by a simple

majority, since Article 20 of the Charter, at which I would ask representatives to look, says so explicitly. The importance of the question is self-evident. And yet it is decided by a simple majority.

14. There is one very impressive example which we may consider in order to settle this point. We have been looking at Article 18 of the Charter. Who among us, considering the gravity of our debates on important questions, would feel moved to deny that the "determination of additional categories of questions to be decided by a two-thirds majority" is an especially difficult and serious question, and manifestly of outstanding importance? Consider it for yourselves: under Article 18, paragraph 3, this basic question, which many consider tantamount to a revision of the Charter, is decided by a simple majority of members present and voting, because the Charter says so. A question which gave rise to most complicated and animated debates at San Francisco on account of its obvious importance, and which in my own view is a far bigger matter than the list of factors, is decided by a simple majority. Yet that simple majority is insufficient to recommend that the flag of the United Nations should be hoisted over the Trust Territories. A simple majority is not entitled to express even its most trivial thought with regard to trusteeship questions or to the budget.

15. There can therefore be no doubt that until the General Assembly has determined additional categories, there is nothing in the Charter automatically authorizing decisions on other questions by a two-thirds majority. If, as some representatives will certainly wish to remind me, the Assembly has sometimes agreed to a two-thirds vote on questions to which that system of voting does not apply, the reason must be sought not in Article 18 but in Article 10 of the Charter, which authorizes the Assembly, generally speaking, to do as it likes.

16. The only fair and legal procedure to my mind, in cases such as that before us, is for the Assembly to determine whether or not the question to be decided comes within the categories already specified in Article 18. Goodrich and Hambro¹ refer in that connexion to a basic resolution concerning South Africa, which, after being discussed in its context and despite its manifest importance, was voted upon by a simple majority because it did not fall into any of the categories specified.

17. The matter to which Article 18, paragraph 3, of the Charter expressly refers is the determination of additional categories. If any delegation wished to propose that the questions mentioned in Chapter XI should be decided by a two-thirds majority, it would in fact be proposing the determination of a new category. The determination of a new category of questions to be decided by a two-thirds majority vote would undoubtedly be a subject for discussion by this Assembly. But that question is not on our agenda, and if anyone wishes to propose it, he will assuredly have to wait until the next session or, if he attaches sufficient importance to it, he can try, by using the machinery provided by the rules of procedure, to have the matter accepted for discussion at the present session.

18. As we have seen, Article 18, paragraph 2, of the Charter specifies the category of "questions relating to the operation of the trusteeship system", but does not include in the list questions relating to the Non-Self-Governing Territories. That is to say, questions relating to Chapters XII and XIII of the Charter are expressly included. I thus have a reason for stating that those relating to Chapter XI are expressly excluded.

19. My delegation is not among those responsible for the negotiations, during the last period of the San Francisco Conference, which led to the division into two parts of the chapter dealing with Non-Self-Governing Territories and Trust Territories. Most of those present know that these two subjects, that is to say, all matters relating to non-autonomous peoples, were dealt with at San Francisco by the same commission, Commission II, and by the same committee, Committee 4, in the form of paragraphs A and B of a single draft entitled the Conference "International Trusteeship System". Many of you will remember with pain how that courageous attempt to open up a new era in colonial affairs was finally frustrated. When Commission II held its third meeting, on 20 June 1945, Chapter XI had already been severed from Chapters XII and XIII; Chapter XI had been bereft of most of its force and the influences working against the clear and precise obligations established in Chapters XII and XIII in respect of the administration of Trust Territories had succeeded in raising the barrier of the two-thirds majority vote.

20. Let me remind you first of all of the manner in which the system of categories of questions to be decided by a two-thirds majority vote was introduced. At its first meeting, on 30 May 1945, Commission II heard the Rapporteur say, in explanation of a report from Committee 1; in the following words: "The Committee recommends that the following important questions should be decided in the Assembly by a two-thirds majority. . ."; there followed a list of six categories of questions, all of which were approved. The Conference had been sitting for two months, but those questions did not include either those relating to Non-Self-Governing Territories or those concerned with trusteeship. I would refer in passing to the precise interpretation given by those who were drafting the Charter to the term "important questions", that is to say, categories expressly specified in the Charter.

21. It was only after the disjunction of the Non-Self-Governing Territories from the Trusteeship System proper that Committee 4 submitted the proposal on voting procedure to Committee 1. The Secretary of Committee 1 entered it in the records of the fifteenth meeting in the following words: "The question relating to the operations of the Trusteeship System can be added as one of the important questions requiring a two-thirds vote of the General Assembly for decision".² Thereupon the Chairman of the Committee addressed the representatives as follows: "The question is to add to the list of important questions in the Charter the question regarding the operations of the Trusteeship System."³ The proposal was approved unanimously. The unity of the single chapter on which the Conference had been working until that point was broken.

¹ See *Charter of the United Nations, Commentary and documents*, second and revised edition, 1949, Leland M. Goodrich and Edvard Hambro.

² See *United Nations Conference on International Organization*, Commission II, Committee 1, 18 June 1945, vol. 60.

³ *Ibid.*

Its two parts, which went under the cognate titles "General Policy" and "International Trusteeship System" received the totally unrelated titles they now bear in the Charter, and care was taken—quite correctly—to draft Article 18 in such a manner as to leave no doubt that the category of questions to be decided by a two-thirds majority applied only to the Trusteeship System.

22. Some of you will doubtless wish to refer to two important resolutions on Non-Self-Governing Territories, resolution 567 (VI) of 18 January 1952 and resolution 648 (VII) of 10 December 1952, for which it was suggested that a two-thirds majority vote should be required. In the case of the first, Denmark asked for a two-thirds majority vote and Cuba objected. In the second case, the President pointed out that one delegation had requested a two-thirds majority vote, and there is no record of any objection.

23. The PRESIDENT: I am sorry, but the speaker has already exceeded the time-limit by many minutes.

24. Mr. ESPINOSA Y PRIETO (Mexico) (*translated from Spanish*): It goes without saying that in those cases, or, indeed, in any other, the legality of such a procedure is open to doubt, as it is clear that there are no provisions authorizing the Chair to make such a decision *ex officio*.

25. The Mexican delegation, like many others, does not consider it right that certain limitations which apply typically to trusteeship affairs should be applied to Chapter XI of the Charter, without any of the benefits contained in Chapters XII and XIII. We have tried constantly to reconcile our point of view with that of the administering Powers, but have invariably come up against this difficulty. When the Committee on Information from Non-Self-Governing Territories and the *Ad Hoc* Committee on Factors were set up, we were conscious of the persistent shadows of the Trusteeship Council, for the membership of those committees never differed from that of the Fourth Committee, or of the Assembly. That is to say that in moments of crisis we saw our majority melt away and found ourselves discussing fundamental questions on a footing of equality with the administering Powers, although the latter are in a definite, though important, minority. When democratic procedures are applied, it is the majority which logically decides joint action.

26. The procedure to which I have just referred provoked a crisis during the present session, when it was suggested that a sub-committee should be established which would once again reflect the type of membership of the Trusteeship Council. The proposal met with vigorous resistance and the representative responsible for it quickly deleted that part of it, and in its revised form it was on the point of adoption.

27. I have another page of arguments on this point which I shall not read since, as the President has already pointed out, I have exceeded my time. I will make these arguments available to . . .

28. The PRESIDENT: I regret that I cannot allow the representative of Mexico to continue because there are many other speakers. I think that the point has been well made and understood by the Assembly. If the representative of Mexico would like to finish, I shall allow him only one minute more.

29. Mr. ESPINOSA Y PRIETO (Mexico) (*translated from Spanish*): The case of factors, which we are

considering, is typical of this anomaly. Because the majority had given up its rights, we have been considering the question fruitlessly for several years. I am far from discounting its importance. The points suggested to us are not properly speaking factors, but simple lists of considerations providing a framework for debate, in which each can freely express his views and vote accordingly. The examination of any of these factors at random reveals that none of them establishes the degree to which we can, by studying them, determine a territory's independence. I can tell you in all sincerity that if this Assembly today rejects the draft resolution before it, the loss will not be irreparable. There is already a list in resolution 648 (VII), but, above all, there is the fact that at this session we have voted on questions of self-government in three cases, and no one has needed any guidance. It would indeed be inconceivable that we, the representatives of independent countries assembled here, jealous as we are of our own rights, should be unable to define a full measure of self-government.

30. I have now made clear our legitimate purposes and the spirit in which we are putting forward these considerations. In conclusion, we request that any questions relating to Non-Self-Governing Territories may always be decided by a simple majority.

31. The PRESIDENT: I should suggest to representatives that interventions be kept as brief as possible.

32. Mr. LANNUNG (Denmark): I shall try to economize our time. The Danish delegation would, contrary to the views expressed by the representative of Mexico, wish the President to confirm that the question dealt with in draft resolution I, "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", is an important question both in the general sense and, more particularly, as defined in Article 18, paragraph 2, of the Charter and rule 84 of the rules of procedure. Otherwise, these stipulations are really devoid of any meaning.

33. The President will recall that in 1951, and again in 1952, it was suggested that this was an important question and would require a two-thirds majority, and that the General Assembly voted on it with this understanding. The draft resolution now before us purports to lay down certain criteria to be taken into account in determining the field of application of Chapter XI of the Charter. In the view of my delegation, this is clearly an important issue, and I would ask the President to confirm the view taken by her predecessors and accepted by the Assembly that this is so. The views of the authors quoted by the representative of Mexico were already known when the Assembly took an opposite stand on previous occasions. The Assembly will surely wish to act with consistency.

34. The PRESIDENT: In order to expedite the work today, I should like to summarize the situation, as pointed out by the two representatives who have spoken. The representatives of Mexico and Denmark have raised the question of the majority required for the adoption of the draft resolution which is about to be voted upon.

35. According to the record, the Assembly has never been called upon specifically to decide this question, although it did give its tacit assent to a ruling that a

two-thirds majority was required on this subject. I believe, therefore, that inasmuch as the question has been raised in this manner, the best course to follow would be for the Assembly itself to express its opinion.

36. I shall therefore put the motion of the representative of Mexico to the vote. The motion is to the effect that the draft resolution may be carried by a simple majority.

The motion was adopted by 30 votes to 26.

37. Mr. LAWRENCE (Liberia): I am intervening to explain briefly the reason why my delegation will vote in favour of draft resolution VII of the Fourth Committee, originally submitted by seven Latin American Powers, taking note of the opinion of the United States as to the cessation of the transmission of information on Puerto Rico under Article 73 e of the Charter and releasing it from further responsibility to submit information on Puerto Rico.

38. In previous statements, my delegation has stated in a categorical manner its interpretation of the phrase "a full measure of self-government" as it appears in Chapter XI of the Charter. One of the reasons for this intervention is to reaffirm our views on this interpretation and to state emphatically that our vote in this particular instance should not be construed as a renunciation in the slightest degree of this point of view.

39. I do not believe any representative will maintain that Puerto Rico is independent or that it has attained a full measure of self-government, as my delegation has time and again defined the term, but we have been informed by the representative of the United States that the new constitution, which has brought about the present status of Puerto Rico, was freely adopted by more than 80 per cent of the Puerto Rican people in a referendum; and this statement has remained unchallenged in a manner which might have justified a different consideration. The Committee's refusal to grant the oral hearings requested by the Puerto Rican parties, who wanted to appear before it to present what might have been a different point of view about the people and conditions in Puerto Rico, leaves us with nothing other than the statement of the representative of the United States upon which to base our consideration. The point in the United States statement which appealed to my delegation was the assertion that the present form of government in Puerto Rico was the result of the free and untrammelled choice of the people of Puerto Rico taken in popular elections. In these circumstances, we do not feel that any attempt should be made to go behind the statement of the United States delegation, and full faith and credit should be accorded to what it has submitted, in recognition of the principle of mutual respect and consideration.

40. With regard to draft resolution VII, the provisions of paragraph 9 do not close the door to eventual full independence for the Territory whenever the peoples of both countries desire it. As any change in the status of Puerto Rico will require the agreement of both parties, it might be felt that Puerto Rico will be forever bound to the United States in its present limited partnership. This is indeed a possibility, but the traditional generosity and freedom-loving spirit of the people of the United States, which impelled them spontaneously to grant freedom and independence, to

the peoples of the Philippines and Cuba, and which today has made Puerto Rico among the most advanced of the Non-Self-Governing Territories, will, we believe, in due course bring to the people of Puerto Rico a full measure of self-government as we have always defined it in these halls.

41. The history of the people of the United States in colonial affairs supports this liberal view. At the end of the great war of 1914, while its allies were busily engaged in dividing and apportioning the loot of their conquests without reference to the local inhabitants, the United States consistently refused to have any part in this traffic. When the Second World War came to a close, the United States, though in a position to add great land areas to its domain, steadfastly declined to swerve from its traditional opposition to the colonial traffic and remained aloof from it. Trusteeship over Libya was even offered it, but it refused this responsibility and instead lent its aid to the establishment of what is today a free and independent Libya.

42. We do not know of another Power which can boast of a similar record. It is therefore in the light of these achievements, and in the firm conviction that the traditional spirit of freedom and the acknowledgment of the right of peoples to self-determination, which we believe pervades the hearts and minds of the people of the United States, will prevail, that my delegation will feel justified in voting in favour of draft resolution VII.

43. Indeed, the examples which the United States has set in the colonial field should inspire those Powers which are today engaged in throttling, dispossessing and oppressing the peoples of Africa and Asia with a new sense of value and with the realization that the apothegm of the "fatherhood of God and the brotherhood of man", to which they have paid such fervent lip service whenever their imperialistic aims may thus be enhanced, will one day come to pass.

44. Mr. VAN LANGENHOVE (Belgium) (*translated from French*): The Belgian delegation wishes to state the main reasons why it will vote against draft resolution I on the factors to be taken into account in determining whether a territory is or is not self-governing.

45. In the first place, the draft resolution is designed to confer upon the Assembly powers which are not conferred upon it by the Charter and to deprive Member States of a sovereignty they have not relinquished. Such a resolution, if adopted despite the justified opposition of all the States it affects, would remain a dead letter; its only result would be to lessen the prestige of the United Nations.

46. Secondly, the draft resolution is designed to sanction a restrictive interpretation of the Charter which the Belgian delegation has constantly resisted, namely, the interpretation favoured by the States which wish to limit the benefit of the provisions of Chapter XI, concerning the Non-Self-Governing Territories, to the indigenous peoples of colonies and protectorates.

47. In contrast to this restrictive interpretation, the Belgian delegation favours a broad interpretation extending the benefit of those provisions to all non-self-governing indigenous peoples, regardless of the territory they inhabit. The Belgian delegation bases this broad interpretation on three fundamental arguments.

48. First of all, a textual argument: the words "colonies and protectorates" do not appear in the Charter, which refers to the territories concerned as "territories whose peoples have not yet attained a full measure of self-government". Obviously, the peoples of the colonies and protectorates are not the only ones which have not yet attained a full measure of self-government. The point has, of course, been made that Article 74 of the Charter implies that the provisions in question do not apply to the peoples of the metropolitan areas, but those who imagine that they can legitimately infer that those clauses are thereby limited to the peoples of colonies and protectorates have failed to pay due attention to the actual terms of the Charter. The only definition of the territories covered by Chapter XI appears in Article 73, and not in Article 74. Article 74 is limited to a reference in that connexion to Article 73. It is therefore a glaring error of logic to look for that definition in Article 74 and to attempt to base it on so arbitrary an interpretation of the term "metropolitan areas" that it is made to include, against all rhyme and reason, islands situated at more than 600 miles from the mainland of the State to which they belong and inhabited by a primitive and almost unknown people.

49. Our second argument is factual. To claim that the colonies and protectorates are the only territories whose peoples are not yet fully self-governing is tantamount to claiming that the indigenous primitive or semi-primitive peoples of America, Asia or Malaya are already fully self-governing within the meaning of the Charter. In fact, they are so backward that, where they do not altogether escape the administration of the State to which they belong, they are placed under a special legal or administrative constitutional system, just like the peoples of colonies. Furthermore, they are totally different, not only by reason of their primitive character but also race, language, and culture, from the peoples from whom the government administering the State emanates. These peoples, who may be counted in their millions, are almost completely isolated from the centres of government. They are generally separated from them by vast stretches of almost impenetrable jungle. They are often practically the sole inhabitants of vast territories where the general legal code does not apply. True, they are an integral part of the State on whose territory they dwell, but the same holds good of, for instance, the peoples of the Congo, the Belgian Congo being also an integral part of the Belgian State.

50. Our third argument is a moral one. Several Members of the United Nations which were previously Members of the League of Nations undertook in Article 23 of the Covenant to "secure just treatment of the native inhabitants of territories under their control". That undertaking, couched in terms almost identical with those contained in the Covenant, reappears in Chapter XI of the Charter. No one ever claimed at the League that that undertaking was limited to the peoples of colonies and protectorates or disputed the view that it covered all indigenous populations. It was cited at the League in circumstances which prove that it was an effective safeguard for those peoples. Nobody will assert that those indigenous peoples have since progressed so far that the international community need no longer concern itself with them. On the contrary, the committee of experts set

up by the United Nations to study the problem of slavery recently carried out an investigation which shows that they are often grossly maltreated. Under Article 23 of the Covenant, the indigenous peoples were entitled to a measure of protection which is called in question today. Thus, their situation, far from having improved, has worsened. It is therefore an elementary humanitarian duty to restore to the indigenous peoples the safeguards of which millions of them have been deprived and to which they are entitled under the very terms of the Charter, instead of permitting the continuance of a state of affairs which, were it to persist, would represent a deplorable retrogression in international law. The Belgian delegation urges all those who have the interests of other peoples at heart to co-operate in this task.

51. Let me now briefly explain our vote on draft resolution VII concerning the cessation of the transmission of the information prescribed in Article 73 e of the Charter in the case of Puerto Rico. The Belgian delegation unhesitatingly subscribes to the views expressed in that draft resolution on the measure of self-government attained by the people of the free, associated State of Puerto Rico. It considers, therefore, that the decision of the United States Government to cease transmitting such information is fully justified. We cannot, however, vote in favour of the draft resolution, because we do not recognize the competence of the Assembly to pass judgment or to take a decision in this matter.

52. The Belgian delegation is actuated by the same fundamental reasoning in its attitude to draft resolution VI, concerning the Netherlands Antilles and Surinam.

53. Mr. CAÑAS (Costa Rica) (*translated from Spanish*): My delegation is going to explain its vote on draft resolution VII, relating to Puerto Rico, which is now before the General Assembly.

54. When we spoke of Puerto Rico in my country, fifteen years ago, we thought of it as a captive and subjugated sister country which desired a future of improvement and progress and we, as nationals of an independent country, awaited the time when we should be able to welcome Puerto Rico to our family of American nations.

55. When we speak of Puerto Rico today in my country, we think of it as an island where progress is in full swing, where freedom is fully enjoyed by all, and where a painstaking group of honest and very conscientious men work ceaselessly to give their country an efficient government with far-reaching powers, an island to which students from my country already go to seek knowledge and from which they return with what they sought.

56. The General Assembly is being requested officially to recognize that Puerto Rico today has the status of a free associated State, which its inhabitants accepted by a free plebiscite, and is not the colonial territory it was before, but one which possesses not only an independent government but a good government.

57. A few weeks ago, my country flew the Puerto Rican flag in honour of the visit of its Governor. For us, whose country is situated in the same geographical area as that island, whose destiny does not lie in our hands but in the hands of the men who live and work on it, Puerto Rico is a beautiful and true example of a stable and democratic government, and of a people

which fully enjoys fundamental freedoms and even those which are not fundamental, if such there be. Puerto Rico is a stimulus to those of us who live in the Caribbean region. The Caribbean, America, and the whole world need the example of stable and democratic governments which look to the future, with bold economic and social ideals and bold programmes of social, educational and human improvement, like the programmes which the present government of Puerto Rico, of its own accord and without any foreign assistance, is today carrying out to the admiration of those who are interested in such matters.

58. If, as events have proved, Puerto Rico has ceased to be a colony, and if the Puerto Rican people has chosen by means of completely free plebiscites and elections—no one disputes the freedom or honesty with which they were conducted—to take the road it wished to take, is the United Nations General Assembly going to tell the Puerto Ricans that this road which they have chosen of their own free will is not the road we feel to be that of self-determination? Are we going to tell them that proper government for them is not the one they have freely chosen, within the framework of one of the most modern of constitutions, but another one, chosen by us? Such an attitude would be contrary both to logic and to realities.

59. My delegation cannot understand how, once a people has its own government, the General Assembly of the United Nations can tell that people that in its opinion it is still a colonial people. We cannot understand how, once the United States has ceased to be the administering Power in Puerto Rico, the Assembly of the United Nations can tell the United States that it is wrong and that it must continue to act as the administering Power in Puerto Rico, although neither it nor Puerto Rico so wishes.

60. The opinion seems to be held in certain circles that the fate of that country, which for us is a sister country, depends on what is decided here. Such an opinion is illusory. A colleague of mine stated, when the matter was being discussed in the Fourth Committee, that Puerto Rico did not need our vote in order to achieve independence because Puerto Rico was independent, with or without that vote. He added, putting it more graphically, that it was not the accolade which made a knight, but that the accolade was required simply in order that a man might be recognized as a knight.

61. Much has been said in books and by writers about Latin America being an area of revolutions and dictatorships. But we have here a country which is not such an area, and which comes to us, not because it has ceased to be such an area, but in order that we may proclaim to the four corners of the earth that it is not such an area. My delegation wishes to appeal to the delegations of the other Latin-American countries to support the draft resolution before us, as an accolade which kindred peoples give to this people which is entirely free and unshackled, this fine democracy which expresses the ideal which the constitution of our regional organization so eloquently describes.

62. What more are we going to ask? That the Puerto Ricans should change their mind and take the road towards independence which the countries here represented point out to them? The Governor of Puerto Rico, when he recently visited my country, stated

in brusque terms: "The Puerto Ricans enjoy the type of independence which they desire and not the type which others wish to impose on them."

63. This General Assembly is fully competent to decide what it has been asked to decide. There is no need to demonstrate that competence explicitly, since it is tacitly recognized by the fact that the item is on our agenda, and that no one has so far objected to it. This is why my delegation does not attach paramount importance to paragraph 6 of the draft resolution, since it merely reiterates what we all admit in fact.

64. But the presence of this paragraph has caused some delegations to consider the draft resolution as inadmissible. Consequently, if the draft is voted upon paragraph by paragraph, my delegation will vote against paragraph 6 in the hope that it will be deleted and that the draft resolution as a whole will then receive the largest possible number of votes. But I ask the other delegations to support the draft even though the paragraph in question remains in it, to the end that the United Nations may fully recognize the autonomy and self-government now enjoyed by the island of Puerto Rico.

65. Mr. LODGE (United States of America): The United States is proud of its new relationship with Puerto Rico and of the joint contribution to political progress which our two peoples have made. While, of course, I strongly favour the new status of Puerto Rico as a self-governing commonwealth associated with the United States, I am not here to review the facts which my colleagues, Mrs. Bolton and Mr. Fernoz, have already explained fully to the Fourth Committee. My purpose in asking to speak now is to bring to the General Assembly the following important message from the President of the United States.

66. I am authorized to say on behalf of the President that if, at any time, the Legislative Assembly of Puerto Rico adopts a resolution in favour of more complete or even absolute independence, he will immediately thereafter recommend to Congress that such independence be granted. The President also wishes me to say that, in this event, he would welcome Puerto Rico's adherence to the Treaty of Rio de Janeiro and the United Nations Charter.

67. The President's statement is an expression of the traditional interest which the United States has always had in encouraging and promoting political freedom for all peoples in all parts of the world whenever conditions are such that their freedom will not be jeopardized by internal or external pressures.

68. Mr. MENDOZA (Guatemala) (*translated from Spanish*): My delegation is much gratified by the statement which the United States representative has just made. It fully confirms what my delegation had the honour to state in the Fourth Committee; we then expressed our certainty that when the people of Puerto Rico said to the United States: "We have been friends and associates, now we wish to be only friends", the United States Government, in keeping with its glorious tradition, would concede the complete independence requested by that people.

69. With regard to the draft resolutions before us, my delegation does not propose to reiterate its views on the question of factors. We stated those views in the Fourth Committee; we derive them from the authors of the Charter, and they show that the argument

frequently advanced by the Belgian delegation in the General Assembly is completely at variance with the legitimate interpretation which the actual authors of the Charter placed on Chapter XI, namely, that Chapter XI applies only to the peoples of territories which have not yet achieved a full measure of self-government, and not to more or less backward peoples living within the national frontiers of independent territories.

70. I wish to refer in particular to draft resolution VII which the Fourth Committee has submitted to the General Assembly and which concerns Puerto Rico. My delegation has repeatedly expressed the view that Puerto Rican people, by its own abilities and thanks to the good will of the United States Government, has already attained a very considerable measure of self-government. My delegation, which represents a country allied by ties of kinship to Puerto Rico, has for centuries followed the Puerto Rican people's struggle for freedom and enthusiastically applauds its progress towards self-government. In doing so, we heartily congratulate both this sister nation and the United States Government, which has made such progress possible.

71. However, we are not called upon to decide whether the status which has been granted to the Puerto Rican people is good or bad, or whether or not it helps that people to realize fully its national aspirations. It is not for us to grant or to deny liberty to the Puerto Rican people. Our task is a different one; it is simply to determine whether or not the degree of self-government which the Puerto Rican people has reached corresponds to what the United Nations Charter calls "a full measure of self-government".

72. With this thought in mind, and from this point of view alone, my delegation is fully convinced that the present government of Puerto Rico is, in practice, subject to such limitations and depends so much on the United States that the country cannot be regarded as having reached the full measure of self-government which the United Nations requires. For this reason, my delegation will again oppose the draft resolution approved by the Fourth Committee, whilst at the same time expressing the sincere hope that the noble Puerto Rican people will every day advance a step further towards a full measure of self-government and will be able of its own free will to achieve its aspirations in their entirety. What are those aspirations? That is the affair of the Puerto Ricans, and theirs alone. By their own free will they must decide what those aspirations are, what it is the people want. And whether that is full independence, or a more or less close association with the United States, or the arrangement which they have at present, my delegation, my people and my government, will applaud their choice whole-heartedly.

73. The PRESIDENT: In connexion with the votes which are about to be taken on each draft resolution, opportunity will be afforded for explanations of vote either before or after each vote. The General Assembly will now vote on the draft resolutions submitted by the Fourth Committee [A/2556 and Corr.1].

Draft resolution I, including the annex, was adopted by 32 votes to 19, with 6 abstentions. 742

Draft resolution II was adopted unanimously. 743

Draft resolution III was adopted by 43 votes to 8, with 7 abstentions. 744

Draft resolution IV was adopted by 48 votes to none, with 8 abstentions. 745

Draft resolution V was adopted by 39 votes to 15, with 6 abstentions. 746

74. Mr. MUNRO (New Zealand): I am aware that the General Assembly has just voted on draft resolution I, dealing with factors, and that it voted a short while ago on the question of the majority necessary for the adoption of these draft resolutions. But I am now approaching another matter. Before the President invites the General Assembly to vote upon draft resolutions VI and VII, I request her to regard them both as raising important questions and, as such, subject to the application of rule 84 of the rules of procedure. These draft resolutions relate to the cessation of the transmission of information under Article 73 e of the Charter with respect to the Non-Self-Governing Territories of the Netherlands Antilles and Surinam, and with respect to Puerto Rico. Decisions have already been taken by the Governments of the Netherlands and the United States respectively to send no further information in accordance with Article 73 e of the Charter to the Secretary-General upon the Territories.

75. May I state very briefly why my delegation regards the draft resolutions as important questions. Article 73 e of the Charter imposes an obligation on Member States which have or which assume responsibilities for the administration of Non-Self-Governing Territories to transmit regularly to the Secretary-General information of a statistical nature on these Territories. The decisions of the General Assembly in relation to a determination by the administering States to cease transmitting information, I submit, may intimately concern the obligations of those Member States. The decisions of the General Assembly on these two matters are, furthermore, of supreme importance to the inhabitants of the Territories concerned. They will be watching what we do here today with the greatest interest, for our decisions may have an important bearing on their political future.

76. Finally, these decisions of the General Assembly involve, to some extent, a judgment upon the actions of the two Member States, a judgment which surely should not be lightly passed. I trust that the members of the Assembly will give these draft resolutions the careful consideration they deserve. If the President should feel obliged to put my request to the vote, I would urge its support upon all representatives who have the welfare and progress of the dependent territories seriously at heart, and I would submit to them, with great respect, that if these questions are not important, then the word has ceased to have importance.

77. The PRESIDENT: I regret that I cannot put the proposal of the representative of New Zealand to the vote because the Mexican proposal was intended to cover draft resolutions VI and VII as well as draft resolution I, and the decision of the Assembly which has already been taken applies to all three draft resolutions.

78. Mr. MUNRO (New Zealand): As the President will appreciate, I would be the last to wish to dispute one of her rulings. All that I wish to say—and I do not know how many of my fellow representatives here agree with me—is that, as I understand the matter—I may be mistaken—the vote of the Assembly was in

respect of draft resolution I, dealing with factors, and that she has allowed representatives to speak on all the draft resolutions by way of explanation of vote. But I had not understood that the vote of the Assembly was one which affected the particular draft resolutions which I have now mentioned.

79. The PRESIDENT: The speech of the Mexican representative covered the entire field. As such, I feel that he intended equally to deal with draft resolutions VI and VII, as well as with draft resolution I. I should like the representative to confirm or to deny that.

80. Sir Percy SPENDER (Australia): I would suggest that this matter ought to be left to the Assembly to decide. It is not my purpose here to contest the understanding of the President of the issue which was placed before us by the representative of Mexico. All I can say is that I am not the only representative in the room who thought otherwise. Had it been so, I certainly would have asked leave to express my views upon the matters which were involved.

81. Since there seems to have been a substantial degree of misunderstanding, I am sure that the President will agree that the Assembly ought to decide whether it intends that the two-thirds majority or the simple majority rule should apply to these two draft resolutions. I can assure the President, without any pretence at all, that I had no idea, when the motion of the representative of Mexico was put to this Assembly, that it applied to draft resolutions VI and VII.

82. Sir Gladwyn JEBB (United Kingdom): Before we take a decision on this extremely important point, I think that we ought to have a little more discussion as to where we are going. I do not really believe that these things can be decided by a sort of snap vote. We ought to have a little more discussion. This, I suggest, is very important. I do not see why representatives should be denied the right to express their views. Therefore, in two minutes, I should like to explain why I, too, in common with the representative of Australia, thought that what was put to the vote when the representative of Mexico had finished speaking was not that all matters arising out of Chapter XI should require a simple majority vote, but rather that the one item relating to factors should require that majority.

83. If, as I understand it, it is now a question of our having to decide that all matters pertaining to Chapter XI should automatically require only a simple majority then, more especially in view of the narrow majority by which the decision on factors was adopted, I think that this Assembly ought to be allowed to have some debate on the matter. It is an important matter and nothing less.

84. In my view, it is a strange theory that is being put to us by the representative of Mexico. It has now been defined what he meant. He said that all matters deriving from Chapter XI should be decided by a simple majority. Now, what does the Charter say? Under Article 18, the Charter lays down that important matters should be decided by a two-thirds majority. It states:

"Decisions of the General Assembly on important questions shall be made by a two-thirds majority. . ."

All important matters should therefore be decided by a two-thirds majority. And it even gives a list of certain items which are regarded as important by

definition in the Charter itself. It then goes on to say—and here, I admit, there may be a certain ambiguity in the Charter:

"Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting."

85. In a sense, the question is: does the word "important" mean "important" or does it not? Obviously, from an ordinary reading of the Charter, since it is said specifically that important matters must be decided by a two-thirds majority, the word "other" can only relate to unimportant questions. And incidentally, as we know, among the matters which are specifically stated to be important in the Charter there is the matter of the operation of the Trusteeship System. Now, if the operation of the trusteeship system is laid down in the Charter itself as important, so that resolutions in regard to it require a two-thirds majority, in the light of common reason are not matters relating to Chapter XI, by analogy, equally important? Why should matters relating to Chapter XI be regarded as unimportant and matters relating to the Trusteeship System be regarded as important? There is no logic there of any kind.

86. In my humble opinion, and in the opinion of my delegation, the Mexican argument really amounts to, and must be deemed to amount to, saying that matters relating to Chapter XI of the Charter are unimportant matters. However, that was not the view expressed by the representative of Mexico. He did not say that at all. He said that they were highly important, that all these matters were of the first importance. Therefore there is clearly an inherent contradiction in what the representative of Mexico said. First of all, he said that they were highly important matters. Then he said that decisions by the General Assembly on important questions had no relation to this case. How does he explain that? On the face of it, it seems to me that this is an impossible decision for the Assembly to have taken, even in regard to the question of factors. If it is going to be extended to the whole matter of Chapter XI, it is really rather grave.

87. Of course, I know that under the terms of paragraph 3 of Article 18 it is in fact possible—and it has just been demonstrated that it is possible—for the General Assembly to decide, in its wisdom, by a simple majority that any matter, no matter how important, is not really important but only one of the "other" questions under the Charter. Nothing can prevent it from so deciding. In fact, it showed its wisdom only a little while ago. Therefore nobody can prevent the General Assembly from acting in this way if a simple majority so desires it to act. However, as we see it, with great deference to everybody who shares a different view, this is really an irresponsible act on the part of this great body.

88. More especially was it regrettable, in our view, since, instead of deciding under paragraph 3 of Article 18, as it is empowered to do, that an additional category of questions should be decided by a two-thirds majority, the General Assembly was asked, in the contrary sense, to decide—and is now asked, as I understand it, to decide—that an additional category—in this case of questions relating to Chapter XI—should be decided by a simple majority, which is absolutely the reverse of what the Charter evidently intended.

89. Finally, may I just say that, after all, the presumptive reason why the authors of the Charter provided that some matters specifically, and others because they are important, should be decided by a two-thirds majority, was because they felt, and I think rightly, that a resolution passed by a two-thirds majority, while it could not be binding, as we all know, would at least exercise some moral authority over all Members. It is for those, I suggest, who supported—and who now support—the motion before us to say whether it was their conscious wish, and is their conscious wish, to detract from the moral authority of any resolution relating to Chapter XI which may be passed in the future by the General Assembly. If that is what they want us to do, then let us do it.

90. Mrs. BOLTON (United States of America): I, too, thought that we had voted only in connexion with the draft resolution on factors. I wonder whether, in order to help us all—including the United States delegation—to get out of this confusion, which seems to be general, the President would be good enough to have the stenographic record of her remarks, when she put the matter to vote, read to us? We would greatly appreciate this.

91. The PRESIDENT: I intervened a moment ago to interpret the speech of the representative of Mexico. Since then he has confirmed that my interpretation was correct. However, in view of the situation that has now developed, I am quite prepared to ask the General Assembly whether it wishes the decision taken a while ago to be interpreted as including draft resolutions VI and VII.

92. Sir Percy SPENDER (Australia) (*from the floor*): The correct way in which it should be put is whether the Assembly does or does not apply the two-thirds rule, and not the way in which the President suggested it should be put.

93. The PRESIDENT: I do not see how I can bring that up at this moment. The decision already taken, in connexion with a simple majority, and that is what we are dealing with at the moment.

94. Mr. MENDOZA (Guatemala) (*translated from Spanish*): My delegation has no objection to the Assembly being consulted in this matter; we wish, however, to call the attention of the members to the rules of procedure. In the first place, we have an Assembly decision adopted by 30 votes to 26. To change this decision, a two-thirds majority is required. In the second place, the President has already given a ruling as regards the interpretation of this matter, and a two-thirds majority is also required in order to change the President's ruling.

95. The PRESIDENT: It was not a ruling, it was only an interpretation.

96. Mr. MENDOZA (Guatemala) (*translated from Spanish*): I thank you for correcting me.

97. Mr. MUNRO (New Zealand): I think I can safely say that the President knows that neither my delegation nor I would pay any disrespect to one of her rulings, and we all know here that it is possible for misapprehensions to arise in respect of a vote.

98. I am most reluctant that there should be a change in the Assembly which would reverse one of the President's findings—one of her rulings—and, indeed, with great respect to the President, I am reluctant that the matter should be approached in the way she sug-

gests. If I may say so, I think it would be fitting to the dignity of the high office which she holds and the responsibilities of this Assembly, if she would agree that, on a matter where there has been misunderstanding, we can vote as the representatives of sovereign States on this most important question as to whether the two-thirds rule is applicable or not.

99. Mr. KYROU (Greece): As I understand the whole situation, the President has not given any ruling; she only interpreted the motion of the representative of Mexico. I think we could go on with this discussion for hours. That is why, in the circumstances, I feel that what the President has just suggested is the only solution. She interpreted the motion of the representative of Mexico as applying to the seven draft resolutions, and this interpretation was confirmed by the Mexican representative himself, so I think the only way out of this difficulty would be to ask whether the Assembly shares this interpretation.

100. Sir Percy SPENDER (Australia) (*from the floor*): Putting it more specifically, the question should be put to the Assembly as to whether it was or was not an important question within the meaning of Article 18, paragraph 2, of the Charter.

101. The PRESIDENT: I would like to draw to the attention of the representatives who have been pressing this point that a vote has been taken already. Therefore the only way in which this matter can be clarified is the way I have just put it to the house. I do not see, after the vote has been taken and the mover of the proposal himself intended it to apply in the way in which it was interpreted by the Chair, that we can suddenly turn round at this stage. Maybe this would be possible after some clarification.

102. Sir Gladwyn JEBB (United Kingdom): I wish to speak on a point of clarification. I must say that I do not find the situation very clear. I thought that the President put the original vote on the Mexican proposal—perhaps I am wrong—in relation simply to the draft resolution on factors. If I had thought that the question was going to be put on the whole issue of Chapter XII, which I understand has now been suggested, then I certainly would have asked for, and I hope the President would have granted me, my right to speak.

103. What exactly is the situation now? Do I understand that the President holds that the vote we took on the Mexican proposal did relate to all matters coming up under Chapter XI, whatever they might be, or only to the seven draft resolutions? That again is obscure, at any rate in my mind. Our decision and our attitude must be governed by exactly what did happen when the question was put. Therefore, may I join with the representative of the United States in asking that the stenographic record of what happened when the President actually put the question should be read out. Then we would all know where we were and what it was to be presumed that we were voting on.

104. The PRESIDENT: I think that probably what happened was that a number of the representatives were not listening very closely to the statement of the representative of Mexico. My interpretation was based solely on the words stated by him; I have not put any words into his mouth. The statement made by him conveyed to the Chair the fact that it was intended to cover draft resolutions VI and VII as well as draft resolution I.

105. Mr. VYSHINSKY (Union of Soviet Socialist Republics) (*translated from Russian*): The USSR delegation invariably observes the rules governing the activities of the General Assembly and the United Nations as a whole most attentively and meticulously.

106. I should make it clear on behalf of my delegation that I too understood that, as the President has explained, the vote we took on the question a certain representative raised earlier, before we proceeded to vote on these seven draft resolutions, was a vote on all the draft resolutions. This I understood not only from the way the question was put, but from the actual substance of the drafts. The content of none of those seven draft resolutions—as I see the matter, and to the best of my knowledge and belief—is such as to warrant its classification among the important questions, such as those relating to trusteeship, referred to in Article 18 of the Charter and rule 84 of the rules of procedure.

107. The United Kingdom representative quoted the Charter to show that it provides that questions relating to the operation of the Trusteeship System are among the important questions which require a two-thirds majority. Permit me to point out, however, that the draft resolution we are now speaking of, draft resolution VI, is in no way concerned with questions relating to the operation of the Trusteeship System. If you would care to run through the draft resolution now, paragraph by paragraph, you will see that it contains precisely nothing about the operation of the Trusteeship System.

108. That, of course, is no accident. Turning to the rules of procedure, which reproduce the corresponding text of Article 18 of the Charter, we see that they refer not to trusteeship questions in general but to questions relating to the operation of the Trusteeship System. The only place in draft resolution VI where there is any kind of reference to trusteeship is in the last paragraph, which requests the Government of the Netherlands to transmit regularly to the Secretary-General the information specified in Article 73 e of the Charter. But that is not a question relating to the operation of the Trusteeship System. It is simply a request to the Netherlands Government to perform the obligations already incumbent on it. The paragraph goes on: "in regard to the Netherlands Antilles and Surinam such time as the General Assembly takes a decision that the transmission of information in regard to those Territories should be discontinued". So it was obvious to me, and I am sure that it was clear to many other delegations as well, that this is not by any means a question relating to the Trusteeship System, upon which a decision has to be taken by a two-thirds majority, but a question of continuing to transmit information. Now, transmitting information and the Trusteeship System are not the same thing. Questions relating to the Trusteeship System mean any changes that may be required for the operation of that system. I see nothing of that nature here. Naturally, therefore, I assumed that this required a simple majority.

109. I should like to draw attention to the fact that we have reached draft resolution VI. That means that we have already voted on five draft resolutions without anybody bringing up the question of whether it was necessary to have a two-thirds majority. We voted on draft resolutions I, II, III, IV and V by a simple majority; but when we came to draft resolution VI, we were all of a sudden confronted with the suggestion

that this part particular draft was sufficiently important to require a majority of two-thirds. I consider that this draft resolution does not differ, as regards importance, from the preceding ones, any more than from draft resolution VII. Consequently I consider that of course we must vote on this draft by a simple majority, and that the decision taken was in order.

110. If the President puts to the meeting the question whether or not the decision we took concerning a simple majority was in order, then of course, the Guatemalan representative is right to insist on the application of rule 82 of the rules of procedure, which provides for a two-thirds majority. Should it be deemed necessary to vote again on the President's decision—a decision which in my opinion was perfectly in order—it would mean reconsidering a General Assembly decision on the matter. In that case a vote under rule 82 would be unavoidable, which means that this decision that has already been taken can only be altered or departed from if the alteration is decided on by a two-thirds majority at the present session of the Assembly.

111. Mr. MENON (India): It is not clear to my delegation on what item this debate is now being conducted. If it is on a point of order, I understand that there may be two speakers in favour and two speakers against. However, since the precedent has been set up for having a general debate on this matter, I should like to submit that, in the view of my delegation, a proposal was submitted by the representative of Mexico and was opposed by the representative of Denmark. The President's interpretation, or rather, the President's ruling, since there is no provision for an interpretation, was given when she was asked that the motion should cover all seven draft resolutions. The only possible procedure, therefore, is either to challenge the ruling or to submit it voluntarily to challenge. I do not see how we can have another vote on this matter unless the ruling that has been given by the Chair is challenged and a new decision taken.

112. I should like also to point out that, since dealing with draft resolution I, we have already dealt with others on education, self-government and matters of that character, and surely it is only just at this point that the objection has been raised in this manner. I do not think that it would be proper for me to go into the merits of Article 18 of the Charter, but it may be stated that that article refers specifically to matters which must be submitted to the two-thirds rule. And when, in any law, there is a specific mention, then not only the implication but the meaning and the intent of such a clause is that in all other matters that specification shall not apply.

113. For these reasons I submit that we should proceed with this matter in accordance with the ruling already given by the President.

114. Mr. PIGNON (France) (*translated from French*): After the explanations given by some of the previous speakers, it seems to me obvious that the circumstances in which we voted were confused. Did we even vote on a motion? It would appear that what we actually voted on was a speech, which of course contained certain conclusions, but also certain arguments or illustrations which seem to have been mistaken for conclusions in the legal sense of the term.

115. On what was the President's interpretation based? On a confirmation by the representative of

Mexico. But that confirmation was retrospective; it was an afterthought, since it was given after the vote had taken place. It seems to me, therefore, that its value is at best purely relative.

116. In the circumstances, I should like to propose a solution, subject to the Mexican representative's consent. Since the President's ruling was, so to speak, based on his decision, he would be doing us a great service if he would agree, for the sake of clarity and the good understanding that should prevail in the Assembly, that his motion—if I may thus describe what was in fact a speech—was concerned only with the factors of self-government, and if he would permit us to take another vote now.

117. The PRESIDENT: This is developing into a debate. Representative after representative has conveyed the impression to me—and I am becoming a little confused about my own impressions—that there is a confusion. What I am trying to do is to dispel the confusion, and for that reason I had reworded the motion I wanted to put to the vote. I shall now call upon the representative of Australia, who has indicated his desire to address the Assembly on this point, but I do beg that since we are trying to clear up something that is confused we should not add to the confusion.

118. Sir Percy SPENDER (Australia): I shall obey the President's injunction as best I can, and shall seek not to add to the confusion, but I think that the matter is a very simple one.

119. In the first place, may I suggest that a speech does not make a motion. A speech ranges over many fields. The only question is what was the point, the issue or the question before the Assembly. I have taken the trouble to inquire what the question was. There were a number of items on the agenda this afternoon. The item which was voted on was the item concerning factors relating to Non-Self-Governing Territories. No one disputes that. In the course of his speech the representative of Mexico referred to a number of other matters, as one normally does when one makes a point. But the only question is what was the nature of the motion which he intended to put before this Assembly. In truth, no motion was put before the Assembly, but the President interpreted what the representative of Mexico had in mind, and the only question, as I understand it, which was put before the Assembly was on the first item. In putting it to the vote the President said: "The motion is to the effect that the draft resolution"—"draft resolution" in the singular—"may be carried by a simple majority."

120. The representative of the United States asked that the stenographic record should be read. I can only say for myself that I was listening to the debate, as I believe most people were, and that I understood precisely, I think, what was the question put. May I suggest that the stenographic record should be read and that, in any event, no question of technicalities should stand in the way of this Assembly deciding for itself this very important question of whether, under Article 18, paragraph 2, of the Charter, this is or is not an important question.

121. The PRESIDENT: For the very reason raised by the representative of Australia—namely, because I want the Assembly to have the fullest opportunity of deciding as it wishes in the knowledge of what it de-

cided earlier—I have tried to reword the motion. As I said earlier, I am only trying to clarify the understanding that existed at the time of the first vote, and it is by no means clear that everyone's understanding was the same. Therefore I should like to suggest that we take the matter up in the form of ascertaining whether it is the wish of the Assembly to interpret the decision taken on voting procedure as applying only to draft resolution I.

122. Accordingly, I shall put to the vote the proposal that the decision taken on voting procedure shall apply only to resolution I. A vote by roll-call has been requested.

A vote was taken by roll-call.

The United States of America, having been drawn by lot by the President, was called upon to vote first.

In favour: United States of America, Australia, Belgium, Brazil, Canada, Colombia, Costa Rica, Denmark, Dominican Republic, Ecuador, France, Iceland, Israel, Luxembourg, Netherlands, New Zealand, Norway, Peru, Sweden, Union of South Africa, United Kingdom of Great Britain and Northern Ireland

Against: Uruguay, Venezuela, Yemen, Yugoslavia, Afghanistan, Argentina, Bolivia, Burma, Byelorussian Soviet Socialist Republic, China, Cuba, Czechoslovakia, Egypt, Ethiopia, Greece, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Pakistan, Panama, Paraguay, Philippines, Poland, Saudi Arabia, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining: Chile, El Salvador, Honduras, Nicaragua.

The proposal was rejected by 34 votes to 21, with 4 abstentions.

123. The PRESIDENT: It is necessary now to take a decision on draft resolutions VI and VII, and I should therefore like to put to the vote a motion providing that a simple majority is required to carry draft resolutions VI and VII.

124. Mr. ESPINOSA Y PRIETO (Mexico) (*translated from Spanish*): I promise to be exceedingly brief. I wish to point out that in the whole of my speech I made it abundantly clear that the Mexican Government requested that voting on any matter concerned with Chapter XI should be by simple majority and not by a two-thirds majority. That was clearly stated throughout my speech. Although unfortunate circumstances prevented me from concluding my statement, it will be easy to verify from the verbatim record that I finished with the words:

"We request that any questions relating to Non-Self-Governing Territories may always be decided by a simple majority".

125. My delegation thinks that the President's ruling on this matter should be upheld. We regard the vote which we have just taken as upholding the correct interpretation placed by the President on my words; we therefore think it inappropriate in the circumstances to take a further vote. Naturally my delegation will, as always, act in accordance with the President's ruling.

126. Mr. MATES (Yugoslavia): I agree that it is regrettable that, instead of continuing to take the vote on the draft resolutions, a kind of semi-procedural discussion has developed. I would not have wished to

participate in this discussion if again an interpretation of the Charter had not been put forward which, in my opinion, is completely erroneous, and it is because of this misinterpretation, I think, that most of the difficulties in this debate have arisen.

127. It has been stated here by the representative of the United Kingdom and other representatives that Article 18 of the Charter specifies that on some important questions a vote should be taken by a two-thirds majority, and that the Assembly can decide on other important questions which should also be voted on by a two-thirds majority. First of all, I think it is a very difficult matter to vote on whether a question is important or not; it might have different importance in the minds of various delegations, and it might be extremely difficult to agree on a common denominator in all cases. However, I think that all this argument, which has even gone so far that a vote has been asked on whether the question involved in such and such a draft resolution is important or not, is completely without any point. Article 18 of the Charter states that on important questions the vote will be by a two-thirds majority, and then it gives an exhaustive enumeration of those questions which are important, and paragraph 3 of Article 18 states that the decisions on other questions shall be by a simple majority, including a decision as to whether some additional categories of questions are to be decided by a two-thirds majority.

128. The English text of the Charter may have misled the representative of the United Kingdom, because paragraph 2 of Article 18 says: "These questions shall include"—and then comes an enumeration. But I should like to pay tribute once again to the French language from this rostrum. The French text of the Charter is an official text—and if, in a legal document which is valid in two or more languages, one leaves open a doubt and another is precise, then the interpretation has to be taken from the more precise text. This is a legal concept which I suppose nobody in this Assembly will contest. What is written in the French version of Article 18 of the Charter? I shall quote the French text:

"Les décisions de l'Assemblée générale sur les questions importantes sont prises à la majorité des deux tiers des membres présents et votants."

That is the law. Now comes the definition: "*Sont considérées comme questions importantes*", and then there is an enumeration of the important questions.

129. If there is any meaning in these words, it is that decisions of the General Assembly on important questions shall be by a two-thirds vote, and then these important questions are enumerated. "*Sont considérées*" is a definition of the term "important questions" which is used in the first sentence of Article 18, paragraph 2. "*Sont considérées comme questions importantes*", and then all the questions considered important are enumerated. Nothing concerning Chapter XI of the Charter is in this enumeration. Besides, paragraph 3 states:

"Les décisions sur d'autres questions, y compris la détermination de nouvelles catégories de questions à trancher à la majorité des deux tiers, sont prises à la majorité des membres présents et votants."

That means that unless a question comes within one of the categories enumerated in Article 18, paragraph

2, a vote has to be taken by a simple majority. There can be no doubt about it, and all procedural wrangling about it is completely outside the field of the Charter.

130. As I said, I asked to speak because I think that a much more serious question is involved than a vote on one or two draft resolutions. It is a question of the Charter. I wanted to clarify this point and particularly to point out again that I should consider any vote to consider a question to be important or not as being contrary to the Charter, because the Charter does not require us to pronounce on the importance of questions, but gives a technical term to important questions and gives a definition and enumeration of these categories and says:

"Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority. . . ."

That means that the Assembly can exceptionally determine to vote on other categories by a two-thirds majority without pronouncing on whether they are important or not.

131. Mr. RYCKMANS (Belgium) (*translated from French*): The Mexican representative has just explained to us very clearly that the purpose of his motion was to decide that the draft resolutions before us today and, generally speaking, the draft resolutions concerning Chapter XI of the Charter, should be subject to the simple majority rule.

132. I do not think this motion should have been put to the vote, since all questions submitted to the General Assembly, except important questions, are subject to simple majority decisions, and the important questions are those mentioned in Article 18, paragraph 2, of the Charter and those which the General Assembly may decide, by a simple majority vote, to classify among the important questions.

133. The question today is not whether the Assembly wishes decisions to be taken by a simple majority—which is the rule—but whether it is prepared to decide that the two questions now before it should be governed by the two-thirds majority rule. These two questions are as follows. First, is the cessation of the transmission of information on the Netherlands Antilles and Surinam justified? Secondly, is the United States decision concerning Puerto Rico justified?

134. If the Chair considers it necessary, I would propose that there be put to the vote a motion that the General Assembly decides that these two problems are important.

135. The PRESIDENT: We shall now proceed to vote on the question of whether draft resolutions VI and VII may be carried by a simple majority.

136. I call upon the representative of Guatemala on a point of order.

137. Mr. MENDOZA (Guatemala) (*translated from Spanish*): I am sorry, Madam President, but I do not quite understand what we are doing. I am under the impression that we are going to vote for the third time to the effect that we do not wish these draft resolutions to be subject to a two-thirds majority vote. The first time was when the President put to the vote the motion of the Mexican representative, the second time was the vote which has just taken place. If I understood the Spanish interpretation correctly, the President put the following to the vote:

does the General Assembly wish that the decision by simple majority should apply only to draft resolution I? The Assembly's reply was a categorical negative. What does that mean? It means that the Assembly wishes the decision on the seven draft resolutions to be taken by a simple majority. Why should we vote again on the question whether the decision on the last two draft resolutions should be taken by a simple majority or by a two-thirds majority?

138. I think that the appropriate procedure is to vote forthwith on draft resolutions VI and VII, and that the decision on those drafts should be taken, in accordance with what the Assembly has already decided, by a simple majority.

139. Mr. RYCKMANS (Belgium) (*translated from French*): The President proposes to put to the vote the question whether the draft resolutions before us may be adopted by a simple majority. That is tantamount to asking the General Assembly whether the Charter may be complied with. The Charter states that all questions are to be voted by a simple majority, with the exception of important questions such as the questions classified as important in Article 18, paragraph 2, of the Charter as well as the questions which the General Assembly itself decides are important. That is how this term has been constantly interpreted since the United Nations was first set up.

140. I say again, I do not believe it is possible to put to the vote the question whether the Charter should be complied with. All questions submitted to the General Assembly are settled by a simple majority, unless, by a decision taken by a simple majority, the General Assembly decides that a particular question is an important one.

141. In order to put an end to the present confused situation, I shall move—and if the Chair considers it necessary I shall submit it as a formal motion—that the General Assembly considers that the two draft resolutions which are to be put to the vote are important questions.

142. Mr. VYSHINSKY (Union of Soviet Socialist Republics) (*translated from Russian*): If I understood correctly, the question now is whether we should decide on draft resolutions VI and VII by a simple or by a two-thirds majority. In that case I should like to know what we voted on a moment ago. What was our last vote about?

143. The way I saw it was this—and the whole thing is very clear and simple: the Mexican representative proposed that the vote on all the draft resolutions should be by a simple majority. Draft resolution I was voted on by a simple majority; draft resolutions II, III, IV and V were voted on by a simple majority. When we came to draft resolution VI the question arose whether or not the Mexican representative's proposal also applied to draft resolutions VI and VII, that is, to all the draft resolutions—so that they would all be decided on by a simple majority—or whether he had only meant draft resolution I.

144. The President then declared that the Mexican representative's proposal applied to all the draft resolutions. But since it was difficult for the President to impose her opinion to that effect, she put it to the Assembly, after first asking the opinion of the Mexican representative. The Mexican representative confirmed the fact that his proposal had applied to all the draft

resolutions. The question was put to the vote, and it was decided by 34 votes in favour to 21 against, apparently, that the proposal applied to the seven draft resolutions, which meant that all the draft resolutions had to be decided on by a simple majority.

145. The President is now putting the question whether or not the decision on draft resolution VI should be taken by a simple or by a two-thirds majority. But that has been decided already. I entirely agree with the Guatemalan representative that it has been decided. And if it has been decided, why should we decide it again? The President feels a certain diffidence. I understand her scrupulous attitude; she wants to be absolutely objective, and she is right. But we must not be sacrificed to such excessive scrupulousness. We must not be made victims and go on indefinitely speaking and voting on the same question. I believe that we should be guided by the decision taken.

146. To conclude: if the President, or anyone else wants to have another vote on this question, it will mean reconsidering a decision already taken. The decision taken was to vote on all the draft resolutions, including draft resolutions VI and VII, by a simple majority. If the matter is to be reconsidered, rule 82 of the rules of procedure will have to be applied. Rule 82 allows it to be done. But I strongly protest against that rule being invoked, because the vote that has just been taken has confirmed that all the draft resolutions, draft resolution I to draft resolution VII inclusive, must be decided by a simple majority. I therefore beg the President to put these draft resolutions to the vote.

147. Mrs. BOLTON (United States of America): I support the proposal of the representative of Belgium. In particular, the draft resolution concerning Puerto Rico, which directly concerns the United States and the Government and people of Puerto Rico, is to my delegation the most important item in the report of the Fourth Committee. Moreover, this draft resolution directly involves the discharge and the fulfilment of an obligation specifically set forth in an article of the Charter, namely, Article 73. My Government has made every effort possible to discharge this obligation in good faith, and in fact has done more than the letter of the Charter requires. My delegation feels that this question is an important matter within the meaning of Article 18 of the Charter, and therefore definitely requires a two-thirds majority. I hope most earnestly that the President will put the Belgian proposal to the vote.

148. The PRESIDENT: Much as I appreciate the efforts of various representatives to try to clear up this situation, and particularly the effort of the representative of Belgium, I regret that it is not possible for me to do anything at this stage. We have just voted on the interpretation of the motion on voting procedure, and the General Assembly has indicated that it did not intend to limit the application of that motion to resolution I. Now draft resolutions VI and VII remain, and we have to vote on them. I think that point is quite clear, and the only thing we can now do is to go ahead and vote on those two draft resolutions. The decision which the General Assembly has just adopted applies both to draft resolution VI and to draft resolution VII. We shall vote on those two draft resolutions separately.

149. I shall put to the vote first draft resolution VI. A separate vote on both paragraph 3 and paragraph 6 of that draft resolution has been requested.

The preamble and paragraphs 1 and 2 were adopted by 30 votes to none, with 15 abstentions.

Paragraph 3 was adopted by 33 votes to 5, with 13 abstentions.

Paragraphs 4 and 5 were adopted by 39 votes to 2, with 15 abstentions.

Paragraph 6 was adopted by 35 votes to 13, with 2 abstentions.

The draft resolution as a whole was adopted by 33 votes to 13, with 8 abstentions. *JW*

150. The PRESIDENT: The General Assembly will vote next on draft resolution VII.

151. Mr. LANNUNG (Denmark): I have two requests in connexion with draft resolution VII. First, I should like a separate vote, by roll-call, to be taken on the last paragraph of the preamble, and, secondly, I request that a vote by roll-call should be taken on draft resolution VII as a whole.

152. The PRESIDENT: Before putting draft resolution VII to the vote, I shall call upon the representative of the Netherlands for an explanation of his delegation's vote on draft resolution VI.

153. Mr. SPITS (Netherlands): When the question of the cessation of the transmission of information on the Netherlands Antilles and Surinam was debated in the Fourth Committee of the General Assembly, the Netherlands delegation informed the Committee that, under the terms of the interim orders of government which at present embody the constitutions of the two Territories concerned, the parliaments of those Territories—freely elected on a basis of general, direct and secret suffrage—have full power to legislate with respect to economic, social and educational affairs, without any interference from the Netherlands Government. The transmission of information on any of these subjects by the Netherlands Government, and the assumption of responsibility which the transmission of information entails, would therefore be an infringement of the autonomy of Surinam and the Netherlands Antilles and contrary to the constitutional provisions of the two Territories concerned, as well as to the Constitution of the Netherlands.

154. Since Article 73 e of the Charter states that the obligation to transmit information to the Secretary-General is "subject to such limitation as security and constitutional considerations may require", the Netherlands Government believed that that article fully authorized the cessation of the transmission of information, in the circumstances which I have just described. This view was supported by representatives of the Netherlands Antilles and Surinam, who declared that their governments and parliaments considered that the transmission of information by the Netherlands Government was incompatible with the implementation and development of the autonomy already established in their countries, and felt that, from a constitutional point of view, they could not be expected to transmit that information to the Netherlands Government for communication to the United Nations under Article 73 e of the Charter.

155. Nevertheless, the Fourth Committee adopted draft resolution VI containing an amendment by the Soviet Union, by which the Netherlands Government was requested "to transmit regularly to the Secretary-General the information specified in Article 73 e of the Charter in regard to the Netherlands Antilles and Surinam until such time as the General Assembly takes a decision that the transmission of information in regard to those Territories should be discontinued."

156. Now that that draft resolution, including operative paragraph 6, which has just been quoted, has been adopted by the General Assembly, I shall not dwell on the question whether it is within the competence of the General Assembly to decide when the transmission of information on a Non-Self-Governing Territory may cease, a competence which the Netherlands Government emphatically denies. I wish only to express the regret of my delegation that the aforesaid paragraph 6 should have been included in this resolution and to state that, whatever the opinion of the majority of the members of the General Assembly may be on this question, the Netherlands Government cannot possibly act in a way which would be contrary to its own laws and Constitution; nor is it prepared to take steps which would be at variance with the opinion and the wishes of the governments and parliaments of the Netherlands Antilles and Surinam, whose interests are at stake in this controversy.

157. The PRESIDENT: The General Assembly will now vote on the first five paragraphs of the preamble of draft resolution VII.

The paragraphs were adopted by 39 votes to none, with 17 abstentions.

158. The PRESIDENT: We shall now vote on the sixth: paragraph of the preamble. A roll-call vote has been requested.

A vote was taken by roll call.

The Union of Soviet Socialist Republics, having been drawn by lot by the President, was called upon to vote first.

In favour: Union of Soviet Socialist Republics, Uruguay, Venezuela, Yemen, Yugoslavia, Afghanistan, Argentina, Bolivia, Burma, Byelorussian SSR, Chile, China, Cuba, Czechoslovakia, Egypt, El Salvador, Ethiopia, Greece, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Thailand, Ukrainian SSR.

Against: United Kingdom of Great Britain and Northern Ireland, United States of America, Australia, Belgium, Canada, Colombia, Costa Rica, Denmark, France, Iceland, Luxembourg, the Netherlands, New Zealand, Norway, Panama, Paraguay, Sweden, Turkey, Union of South Africa.

Abstaining: Brazil, Dominican Republic, Ecuador, Honduras, Israel, Nicaragua, Peru.

The paragraph was adopted by 34 votes to 19, with 7 abstentions.

159. The PRESIDENT: We shall now vote on the whole of the operative part of the draft resolution.

The operative part of the draft resolution was adopted by 26 votes to 11, with 19 abstentions.

160. The PRESIDENT: The Assembly will now vote on draft resolution VII as a whole. A roll-call vote has been requested.

A vote was taken by roll-call.

The Union of South Africa, having been drawn by lot by the President, was called upon to vote first.

In favour: United States of America, Uruguay, Bolivia, Brazil, Chile, China, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Ethiopia, Greece, Haiti, Honduras, Iran, Israel, Liberia, Nicaragua, Panama, Paraguay, Peru, Philippines, Thailand, Turkey.

Against: Union of South Africa, Union of Soviet Socialist Republics, Yugoslavia, Australia, Belgium, Burma, Byelorussian Soviet Socialist Republic, Canada, Czechoslovakia, Guatemala, India, Indonesia, Iraq, Mexico, Poland, Ukrainian Soviet Socialist Republic.

Abstaining: United Kingdom of Great Britain and Northern Ireland, Venezuela, Yemen, Afghanistan, Argentina, Denmark, Egypt, France, Iceland, Lebanon, Luxembourg, Netherlands, New Zealand, Norway, Pakistan, Saudi Arabia, Sweden, Syria.

The draft resolution as a whole was adopted by 26 votes to 16, with 18 abstentions. 248

161. Sir Percy SPENDER (Australia): My delegation was compelled to vote against the draft resolution concerning the cessation of the transmission of information on Puerto Rico. My delegation has consistently held the view that the General Assembly is not competent to decide when a territory has reached such a stage of development that information on economic, social and educational advancement, under Article 73 e of the Charter, should cease. The competence to decide such a question rests, in the view of my delegation, solely with the administering Power concerned, in this case the United States of America.

162. We recognize that Puerto Rico has, under the wise and benevolent guidance of the United States, reached a stage when it is no longer necessary, or indeed possible, for the United States to submit information. This has been decided by the United States and the General Assembly is not, under the Charter, called upon to express any conclusion on the question. My delegation has taken precisely the same attitude, firmly based on the principle I have enunciated, in respect of the Netherlands Antilles and Surinam. No other attitude, we think, could be, on our interpretation of the Charter, possible or justified.

163. The resolution which has just been voted upon asserts the competence of the General Assembly to decide on this issue, and, though its conclusion accords with the decision of the United States Government, it conflicts, in our view, with the clear principle which I have stated. My vote, therefore, should not be interpreted in any way as denying the indisputable fact that it is no longer necessary for the United States to continue the transmission of information on Puerto Rico, but as a protest against what we regard as an unwarranted assumption of competence on the part of the Assembly to decide on this issue.

164. Mrs. BOLTON (United States of America): The United States delegation voted for resolutions II, IV and VII. We regret that we were unable to support resolutions I, III, V and VI.

165. With particular regard to the resolution on Puerto Rico, I should like to say that the United States voted in favour of resolution VII because it expresses the agreement of the General Assembly with the conclusion reached by my Government that Puerto Rico has ceased to be a Non-Self-Governing Territory within the meaning of Chapter XI of the United Nations Charter. In a matter of this sort, the role of the General Assembly is limited by the Charter provisions to discussion, expression of views and recommendations. The decision as to whether a territory has ceased to be non-self-governing is one which in the last analysis can only be made by the administering Power.

166. In the case of Puerto Rico, the General Assembly has discussed the status of that territory and in the resolution just voted has expressed its view that Puerto Rico is no longer a Non-Self-Governing Territory under the terms of Article 73 e of the Charter. Whatever the language of the resolution, the General Assembly cannot and does not decide on the status of a territory with reference to the provisions of Article 73. Any participation by the Assembly in such a decision is of course limited to discussion, expression of views and recommendation. In the light of this understanding of the matter, my delegation voted for the resolution which we have just adopted.

167. Finally, I wish to pay a tribute to that outstanding Puerto Rican statesman, Governor Luis Muñoz Marín. Under his leadership, the highly cultured people of Puerto Rico are making a splendid contribution to democracy and freedom. In the future, as in the past, his administration will continue to protect the legitimate rights of minority parties and the cherished freedoms guaranteed in the Constitution of the Commonwealth of Puerto Rico. In defence of these ideals, Puerto Rican soldiers fought for the United Nations in Korea, and we can be confident that the great objectives of the United Nations will nowhere find more devoted support than in the Commonwealth of Puerto Rico.

168. Mr. DE MARCHENA (Dominican Republic) (*translated from Spanish*): The delegation of the Dominican Republic was pleased to be able to reaffirm the vote it cast in the Fourth Committee in favour of the draft resolution concerning the cessation of information on Puerto Rico. The attitude of my delegation, adopted on the official instructions of the Dominican Government, is that, as a result of its constitutional status and its recent transformation into a free State associated with the United States, Puerto Rico has attained self-government, and that therefore the submission of information under Article 73 e of the Charter is no longer required of the late administering Power, the United States.

169. Moreover, the decisive factor for us has been the principle of the self-determination of peoples, in which, as expressed through various electoral processes, we found an overriding argument in confirmation of Puerto Rico's status in international law within the meaning of Chapter XI of the Charter; another such argument was derived from the internal development of its constitutional institutions.

170. My delegation cannot conceal the feelings aroused in us by the official declaration made this afternoon by Mr. Lodge on behalf of President Eisenhower. His words lend a brilliant lustre to the resolution which

the Assembly has just adopted, while at the same time doing honour to the United States, and confirming our belief that the fate of Puerto Rico is closely linked with our own, with that of our America and with that of the United Nations; today more than ever the Puerto Rican people can count on the enthusiastic and fraternal support of the whole community of nations.

171. Mrs. MENON (India): We listened with great interest to the announcement made by the representative of the United States Government on behalf of the President of the United States. On behalf of my delegation I should like to give this assurance to the representative of the United States. When the Puerto Ricans become completely free, India will be the first country to congratulate the United States Government on the fulfilment of this noble task, thus setting an example to the other administering Members of the United Nations. In the meantime, my delegation was compelled to vote against draft resolution VII, the resolution on the cessation of information on Puerto Rico by the United States Government, because it felt that the General Assembly had not considered the question in a proper manner.

172. When the matter was raised in the Committee on Information from Non-Self-Governing Territories, my delegation voted in favour of a final decision being taken by the General Assembly. It does so for two reasons: first, because it is the opinion of my delegation that the General Assembly is alone competent to take such a decision on an important question and, secondly, because my delegation believed that a fuller examination of the subject would be possible in the Fourth Committee. The Secretary-General had, meanwhile, received many communications from leading political parties and representatives of those groups, asking for oral hearings before the Committee took its decision. My delegation, along with others voted in favour of granting those petitions, but the suggestion was not adopted. When that happened, my delegation moved an amendment to the draft resolution, requesting the appointment of an *ad hoc* committee which would study the question, examine the petitions for oral hearings, grant oral hearings and present a report to the Committee next year. Of course, that would have meant a delay of one year. It is not much when we consider that the future and welfare of over 2 million people in Puerto Rico depended on our decision.

173. My delegation has always accorded its full measure of appreciation to the United States Government for the loyalty, sincerity and devotion with which it has always fulfilled its obligations under the Charter, and for the general principles which motivate its present position with regard to Puerto Rico. But this sincere appreciation should not blind us to the fact that the question of the future of a people, not only civilized but the proud possessors of a rich cultural heritage, deserves our careful study. No excuse can justify any haste in this matter, for any step we might take will have far-reaching effects not only on the future of Puerto Rico and its 2 million people, but on the other nearly 18 million people bravely fighting helplessly for their rights against racial discrimination, economic exploitation and political domination. These people look to the United Nations with hope, and our actions should help justify that hope.

174. It is in this wider context that my delegation voted against the resolution. It has been claimed that Puerto Rico has reached a full measure of self-government as envisaged in Chapter XI of the Charter, and that therefore the United States Government should not be called upon to fulfil its obligations under Article 73 e. We have no doubt that constitutional changes have taken place in Puerto Rico, and Puerto Ricans have agreed to a compact with the United States. We have studied the relevant documents with great care. Two things have emerged from that study.

175. The first is that the degree of self-government enjoyed by Puerto Rico under the new constitutional arrangement does not keep it outside the scope of Article 73 e. The second is that, while we do not deny Puerto Rico the right to enter into any kind of arrangement with the United States or any other country, we hold that this can be done validly only after two conditions have been met: when Puerto Rico is fully independent of external pressures at the time of executing such a compact; and when the democratic processes claimed, such as referendum or plebiscite, are conducted in an atmosphere of complete democratic freedom. My delegation is not satisfied that these things have been done in the manner envisaged in the United Nations Charter.

176. It is also the view of my delegation that the administering Member may not abandon its sacred trust or the General Assembly its responsibility without adequate and mature consideration. The protection guaranteed under Chapter XI is deemed necessary for the development of dependent peoples in Non-Self-Governing Territories towards a full measure of self-government. The General Assembly cannot barter away that protection, it cannot ignore that guarantee on the recommendation of the administering Members alone. Nor should we, the non-administering Members of the United Nations here, deal with such questions in a hasty or lighthearted manner. It is well to remember that the paramount consideration is the welfare of the peoples of the dependent territories.

177. To sum up, my delegation is not convinced that Puerto Rico, under its present association with the United States, has become a self-governing territory. In our opinion, there can be no free, just or valid compact, association or agreement between two countries or territories except on a basis of equality. We believe that independence should precede any voluntary association, and the link of an equal and voluntary union between peoples forged out of a genuine desire for co-operation is not incompatible with independence, whereas an association of States under any form in which the inequality of status is not redeemed, would only camouflage the relics of a colonial past. This would be contrary to the Charter, which aims not at the creation or perpetuation of colonialism in some form or other, but its total and complete elimination from the political system and thought of the new world. Therefore my delegation was compelled to vote against a resolution which did not take into account the desire of the Puerto Ricans for international guarantees during the period of its tutelage and the fulfilment of their just aspirations for freedom.

The meeting rose at 6.30 p.m.