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SPECIAL COMMITTEE ON INFORMATION TRANSMITTED UNDER
ARTICLE 73 e OF THE CHARTER

SUMMARY RECORD OF THE FOURTH MEETING

Held at Lake Success, New York,
on Monday, 29 August 1949, at 11.10 a.m.

CONTENTS: Item 4(c) of the agenda: information concerning the cessation of transmission of information in virtue of General Assembly resolution 222 (III) (A/915 and A/915/Add.1)

<u>Chairman:</u>	Mr. GERIG	United States of America
<u>Rapporteur:</u>	Mr. de MARCHENA	Dominican Republic
<u>Members:</u>	Mr. HOOD	Australia
	Mr. RYCKMANS	Belgium
	Mr. de DURO PRETO	Brazil
	Mr. LI	China
	Mr. SVEISTRUP	Denmark
	Mr. FARRAG	Egypt
	Mr. GARREAU	France
	Mr. SHIVA RAO	India
	Mr. SPITS	Netherlands
	Mr. LAKING	New Zealand
	Mr. WOLLIN	Sweden
	Mr. SOLDATOV	Union of Soviet Socialist Republics
	Mr. FLETCHER COOKE	United Kingdom of Great Britain and Northern Ireland

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a recommendation to the effect that Article 73 e no longer applied to that territory. The delegation of the USSR pressed for the strict application of the obligations under Article 73 e, and submitted the following text for the Committee's approval:

"The cessation of the transmission of information on any non-self-governing territory cannot take place until the Committee on Information from non-self-governing territories has considered all the data concerning the changes in the status of the given territory and has placed before the General Assembly a recommendation regarding the suspension of the application of Article 73 e as regards these territories."

Mr. GARREAU (France) opposed the consideration by the Committee of the USSR proposal on the ground that it was outside the Committee's terms of reference. The document on which the resolution was based had been submitted to the Committee for information purposes only; it could be discussed only by the Fourth Committee. He asked that a vote should be taken on the principle of receiving the proposal.

Mr. FLETCHER COOKE (United Kingdom of Great Britain and Northern Ireland) shared the views of the French representative that document A/915 had been placed before the Committee for purposes of information only. As he had already stated at the previous meeting, his Government was of the opinion that the documents circulated to the Committee should not be the subject of any discussion -- still less of any resolutions or recommendations. There was nothing in the Committee's terms of reference which empowered it to consider a resolution in the terms proposed by the USSR representative.

Secondly, the United Kingdom Government had made it clear, both at the current session and previously, that the Metropolitan Powers alone were responsible for deciding in respect of which territories information should be transmitted, and that any suggestion that either the Special Committee or the General Assembly should define the territories which came under the scope of Article 73 e would involve a decision by the General Assembly on matters of the constitutional relationship between the Metropolitan Powers and the territories under their jurisdiction; matters which were within the exclusive jurisdiction of the Metropolitan Powers concerned.

/Mr. SOLDATOV

Mr. SOLDATOV (Union of Soviet Socialist Republics) disagreed with the French and United Kingdom representatives. Paragraph 2 of General Assembly resolution 218 (III) recommended that Members transmitting information under Article 73 e of the Charter should notify such changes in statistics and such other appreciable changes, including the progress achieved in accordance with development programmes, as had occurred in the previous year and as affected the matters covered by Article 73 e of the Charter. A change involving the cessation of transmission of information in respect of any particular non-self-governing territory was undoubtedly an appreciable one; consequently, Members who had assumed the responsibility of transmitting information under Article 73 e were obliged to notify any changes of that kind. Since the provisions of resolution 218 (III) had not been superseded by any subsequent decision of the General Assembly, the USSR delegation emphatically maintained that the proposal it had submitted should be examined by the Committee.

Mr. FLETCHER COOKE (United Kingdom) pointed out that, inasmuch as paragraph 2 of resolution 218 (III) referred to by the USSR representative specified that the changes which had to be notified were those affecting the matters covered by Article 73 e, and as that Article covered matters relating to economic, social, and education conditions in non-self-governing territories but by no means to political conditions, the Committee was not empowered to consider any questions relating to the political status of non-self-governing territories.

The United Kingdom Government had sent a note to the Secretary-General explaining why it considered it unnecessary to transmit further information on Malta. Mr. Fletcher Cooke had nothing to add to that explanation. He stressed that there was nothing in the Charter or in any resolution of the General Assembly which obliged Members to transmit political information on territories for which they were responsible.

Mr. RYCKMANS (Belgium) shared the views of the United Kingdom representative. The French and United Kingdom Governments had, in accordance with paragraph 2 of General Assembly resolution 222 (III), informed the United Nations of the changes whereby they considered it unnecessary to continue to transmit information on certain territories. It was not for the Committee to pursue the matter further. He therefore believed that the Committee had no competence to consider the USSR proposal.

Mr. SHIVA RAO (India) remarked that the success of the Committee's work was exposed to danger from two sides: on the one hand, the Committee had been all but killed at birth by those who had feared its potential nuisance value; on the other hand, certain others were proposing to feed it on such strong meat that the result might be the same. So long as the Committee was functioning under the Charter, it was bound to observe the limits imposed upon it by Article 73 e and by its own terms of reference. Individual Administering Powers were, of course, free to go beyond those limits by the means of special conventions and voluntary agreements. In that connexion, Mr. Shiva Rao expressed gratification at the fact that some Administering Powers, in particular the United States of America, had freely submitted information on matters listed in the optional part of the standard form.

The Indian delegation continued to believe that questions such as that raised by the representative of the USSR were appropriate for discussion in the Fourth Committee, but not in the Special Committee. It would therefore be compelled to vote against the USSR draft resolution.

Mr. GARREAU (France) endorsed the views expressed by the representative of the United Kingdom and Belgium. The Committee's competence was clearly delimited by its terms of reference. France was one of the Administering Powers which, as the Indian representative had observed, had submitted optional information on the non-self-governing territories for which it was responsible; Mr. Garreau stressed, however, that the French Government had done so on the assumption that the Committee would remain strictly within its terms of reference and would not attempt to exceed its functions by discussing matters properly within the purview of the Fourth Committee.

Mr. SOLDATOV (Union of Soviet Socialist Republics) remarked that resolution 66 (I) of the General Assembly contained a list of seventy-four non-self-governing territories in respect of which information had been transmitted under Article 73 e of the Charter. In that resolution, the General Assembly had consequently laid down that there existed seventy-four non-self-governing territories in respect of which the Administering Authorities had accepted the obligations outlined in Article 73 e. He quoted the introductory part of Article 73 and its sub-paragraph e, which

made it abundantly clear what those obligations were. The Metropolitan Powers administering the seventy-four non-self-governing territories listed in resolution 66 (I) had undertaken to transmit "statistical and other information of a technical nature relating to economic, social and education conditions" in the territories for which they were respectively responsible, subject only to "such limitation as security and constitutional considerations may require". In other words, while the information might be limited for certain reasons, there was nothing in the Article to indicate that the transmission of information might cease altogether. In order to carry out their obligations under the Charter, the Metropolitan Powers must continue to transmit information in respect of the seventy-four non-self-governing territories already mentioned.

The Committee, which should consequently have had before it information concerning all those territories, was faced with the fact that the United Kingdom Government had decided to cease transmitting information with respect to Malta and the French Government with respect to a number of its overseas territories. Such arbitrary action in direct contravention of the Charter was entirely unacceptable. It had given rise to the USSR proposal which the Committee, under the Charter and the relevant resolutions of the General Assembly, was entirely competent to consider and act upon. He therefore urged the Committee to do so.

Mr. de MARCHENA (Dominican Republic) stated that his delegation strove to maintain absolute impartiality. It was in that spirit that it had come to the conclusion that the USSR proposal was outside the scope of the Committee's terms of reference as stated in General Assembly resolution 219 (III). Should the occasion arise, it would also vote against the substance of the proposal.

Mr. HOOD (Australia) entirely agreed with the Dominican representative.

He observed that information of a political character voluntarily transmitted to the Committee should not be confused with communications concerning a change in status of any territory as requested in resolution 222 (III).

Discussions which had taken place in the Fourth Committee at the first part of the third session of the General Assembly showed clearly that neither that Committee nor the Assembly itself had intended communications of the latter type to be transmitted to the Special Committee. They were

to be transmitted to the Secretary-General solely for the information of the General Assembly. Consequently, any proposal leading to a discussion in the Committee of information concerning changes in political status of non-self-governing territories was out of order and should not be considered.

Mr. FARRAG (Egypt) recalled the position of his delegation, which was that cessation of transmission of information in respect of any non-self-governing territory was acceptable only on the ground that the territory had attained self-government, but that the question was for the Fourth Committee to deal with. He was consequently unable to vote in favour of considering the USSR proposal; as he was, however, in sympathy with the proposal itself, he would abstain.

Mr. LI (China) said that he could not accept the view that Administering Authorities were free to decide at what stage they could cease to transmit information regarding territories under their administration. He fully agreed, however, that the subject was for the Fourth Committee to discuss, and was therefore unable to vote in favour of considering the USSR proposal.

Mr. LAKING (New Zealand) could not agree with the USSR representative's statement that in resolution 66 (I) the General Assembly had specified that seventy-four non-self-governing territories existed. Thus, the resolution stated, in part, that information had been transmitted by the Government of New Zealand concerning conditions in the Cook Islands "without prejudice to any interpretation of the expression 'non-self-governing territories' in view of the fact that the Cook Islands are an integral part of New Zealand". Anxious to fulfil its obligations under the Charter, the New Zealand Government had submitted information regarding the Cook Islands, even though it was uncertain whether those islands represented a non-self-governing territory, as that term had not been defined in the Charter. It would be highly desirable to have the position clarified once and for all.

He commended the reasonable attitude of some representatives, notably the Indian representative, who had suggested that the work of the Committee

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would be expedited if the Committee did not attempt to exceed its terms of reference. The New Zealand delegation considered that the question raised by the USSR representative was outside the terms of reference of the Committee, and would vote accordingly.

The Committee decided, by 13 votes to 1, with 2 abstentions, that it was not competent to consider the USSR proposal.

The meeting rose at 12.55 p.m.