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SPECIAL COMMITTEE ON INFORMATION TRANSMITTED UNDER

ARTICLE 73 e OF THE CHARTER

SUMMARY RECORD OF THE TWELFTH MEETING

Held at Lake Success, New York,  
on Friday, 2 September 1949, at 11 a.m.

**CONTENTS:** The Secretary-General's summaries of any material which the Members may have voluntarily transmitted under the category of the Standard Form in virtue of General Assembly resolutions 144 (II) and 218 (III) (A/AC.28/W.8, A/AC.28/W.14); Statement by the representative of the World Health Organization

<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. JOBIM	Brazil
	Mr. LI	China
	Mr. SVEISTRUP	Denmark
	Mr. FARRAG	Egypt
	Mr. GARREAU	France
	Mr. SHIVA RAO	India
	Mr. SPITS	Netherlands
	Mr. CRAW	New Zealand
	Mr. WOLLIN	Sweden
	Mr. SOLDATOV	Union of Soviet Socialist Republics

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(Members continued)

Mr. FLETCHER COOKE	United Kingdom of Great Britain and Northern Ireland
Mr. STOIK	Venezuela

Representatives of specialized agencies:

Mr. CORTEZAO	United Nations Educational, Scientific and Cultural Organization (UNESCO)
Mr. HILL Dr. CLEMENTS	World Health Organization (WHO)

Secretariat:

Mr. HOO	Assistant Secretary-General
Mr. BENSON	Secretary of the Committee

THE SECRETARY-GENERAL'S SUMMARIES OF ANY MATERIAL WHICH THE MEMBERS MAY HAVE VOLUNTARILY TRANSMITTED UNDER THE OPTIONAL CATEGORY OF THE STANDARD FORM IN VIRTUE OF GENERAL ASSEMBLY RESOLUTIONS 144 (II) and 218 (III) (A/AC.28/W.8, A/AC.28/W.14)

The CHAIRMAN requested the Indian representative to introduce his draft resolution concerning voluntary transmission of information as set out in part I of the standard form (A/AC.28/W.14).

Mr. SHIVA RAO (India) had little to add to what he had said during the discussion of item 6 of the agenda. His draft resolution spoke for itself. In the first paragraph, appreciation was expressed of the action of some Administering Authorities -- such as the United States of America -- for voluntarily transmitting political information concerning the Non-Self-Governing Territories under their administration; the second paragraph merely repeated some of the terms of resolution 144 (II); and in the third paragraph other Administering Authorities were invited to follow the good example of the Members commended in the first paragraph.

The CHAIRMAN, speaking as the United States representative, said that, as his country was one of those praised in the draft resolution, he would in all modesty abstain from voting. He suggested, however, that the Indian representative might be willing to amend the last paragraph by inserting the word "voluntarily" after the word "so" and deleting the word "all".

Mr. SHIVA RAO (India) accepted those amendments.

/Mr. FLETCHER COOKE

Mr. FLETCHER COOKE (United Kingdom) recalled that during the discussion of the provisional agenda his Government had reserved its position with regard to item 6. That item appeared on the agenda because certain Powers had chosen to transmit political information; but there was nothing in the Committee's terms of reference which would permit it to examine or discuss that information, still less to consider a resolution bearing on it. The Committee could examine only information transmitted under Article 73 e; and the political information in question had not been transmitted under that Article.

In the view of the United Kingdom Government, that material had been transmitted for information purposes, and could not be deleted or form the basis of a resolution. He would therefore vote against the Indian proposal because his Government was not obliged to transmit political information and did not propose to do so.

Mr. GARREAU (France) remarked that in resolution 144 (II) the transmission of political information was characterized as entirely voluntary. The Indian draft resolution, on the other hand, although it used the polite term "invites", would in effect exert moral pressure on Governments which had not transmitted such information. It went far beyond the provisions of the Charter itself, and he was consequently unable to vote for it. Indeed, the result of the adoption of the draft resolution might well be that the French Government, which had in the past voluntarily transmitted political information, would indicate its disapproval of the resolution by ceasing to do so.

Mr. RYCKMANS (Belgium) expressed the hope that the General Assembly, which had rejected analogous resolutions the previous year, would maintain the same attitude.

The Belgian Government was loyally fulfilling the obligations it had accepted under Article 73 e; until the Charter was amended, however, it was not prepared to go beyond the terms of that Article.

Mr. FARRAG (Egypt) recalled that Chapters XII and XIII of the Charter afforded greater protection to Trust Territories than Chapter XI to Non-Self-Governing Territories, and drew attention to Article 77 b which stated that territories detached from enemy States as a result of the Second World War might come under the Trusteeship System. Those territories, which had aided the enemy Powers, would then enjoy greater advantages under the Charter than the Non-Self-Governing Territories which had staunchly supported the Allies.

At the twenty-seventh plenary meeting of the General Assembly in 1946, Mr. Creech-Jones, the United Kingdom representative, had urged the General Assembly to remember that the colonial peoples had made a substantial contribution in the war for the freedom of the world, and had gone on to say:

"Accordingly, our task is to help these people to achieve their prosperity and social progress and to realize the fulfilment, as early as possible, of their own responsible self-government. That is the task to which the United Kingdom has applied itself, and that task will be assisted by the machinery and the purposes set out in Chapters XI, XII and XIII of the Charter. Our purpose is to set these peoples on the road which will lead them to the place where they can, as equal partners, play their full part in the larger life of mankind."

It was appropriate to recall these words and the spirit which had prompted them. The Egyptian representative appealed to the representatives of Administering Authorities to let themselves be inspired by that spirit and to give the broadest and most liberal interpretation possible to the terms of Article 73 e.

Mr. CRAW (New Zealand) remarked that, from the beginning, his Government had voluntarily transmitted political information, and believed that the practice should be encouraged. Nevertheless, although he sympathized with the motives of the Indian draft resolution, he was unable to support a proposal which apparently sought to force States to "volunteer" information. The adoption of such a resolution would imply condemnation of the States which had not seen fit to take an action they were presumably free not to take, and would, in fact, create an obligation which was not to be found in the provisions of the Charter.

Mr. SPIJK (Netherlands) said that his Government, too, had transmitted political information, and had supported resolution 144 (II) of the General Assembly. He would abstain from voting on the Indian draft resolution because he felt that the adoption of that resolution would defeat its purpose and would only discourage the transmission of political information.

Mr. GARREAU (France) suggested that the Indian draft resolution might be amended by deleting the last paragraph and by rearranging the first two in such a manner as to limit the contents to an expression of satisfaction that more Members had voluntarily transmitted political information with respect to the Non-Self-Governing Territories under their administration than in the previous year. The element of moral pressure would then be eliminated.

/Mr. SOLDATOV

Mr. SOLDATOV (Union of Soviet Socialist Republics) found the Indian draft resolution unsatisfactory for reasons quite different from those advanced by representatives of Administering Authorities. In the view of his delegation, it was obligatory upon those States to transmit information concerning the development of organs of self-government in the territories for which they had assumed certain definite responsibilities under Article 73 of the Charter. They had, for example, bound themselves to ensure the political advancement of the peoples concerned and to develop self-government. Yet very few of them were willing to furnish information -- at the best only partial information -- concerning the manner in which they discharged those obligations, and the United Nations consequently had no means of knowing to what extent they were fulfilling the provisions of the Charter which they had accepted as a sacred trust.

Yet it could hardly be contended that the United Nations had a right to be informed in what manner ~~separate~~ Members were carrying out their duties under the Charter. That was the letter and spirit of Article 73. To claim otherwise would mean to reduce the Article to empty words -- and the representatives at the San Francisco Conference of the Powers which had fought so loyally and valiantly side by side against fascism had not intended the Charter, or any part of the Charter, to be empty words. Rather, they had succeeded in producing a document which, if strictly adhered to, would ensure not only world peace and security but the attainment of self-government by all the peoples which still lacked it.

If the purpose of the Charter was to ensure the fulfilment of the high aims and purposes contained in it, and if the Administering Authorities, which had subscribed to the Charter in that spirit, were working towards that end, surely it was in their own interest to inform the whole world of their achievements. The refusal on their part to furnish information bearing on Article 73, sub-paragraphs a and b, might produce the impression that they had something to conceal; it might raise doubts whether they were properly fulfilling their obligation. Once more, it was in their own interest to dispel such doubts.

In order to ensure the transmission of information under Article 73, sub-paragraphs a and b, the USSR delegation submitted the following proposal:

"The Special Committee on Information transmitted on Non-Self-Governing Territories recommends to the General Assembly that the transmission of information on the development of organs of self-government in Non-Self-Governing Territories be made obligatory, as well as information regarding the participation of the indigenous inhabitants in local organs of self-government."

/Mr. RYCKMANS

Mr. RYCKMANS (Belgium) preferred the Soviet draft resolution to the Indian one, since the former was more straightforward. If the General Assembly decided, by passing such a resolution, to go further than it had hitherto done and to make the Administering Powers responsible for the transmission of political information, it would be exceeding its powers. The Administering Powers could then take the question to the International Court, which would certainly decide in their favour, and the matter would then be settled.

Mr. GARREAU (France) contended that the entire argument of the USSR representative was based upon a systematic disregard of paragraph e of Article 73. Article 73 did not contain a list of Governments which had or assumed responsibility for the administration of Non-Self-Governing Territories; the obligation to enumerate the territories for which they were responsible was a moral one only. Governments which were honourable and sincere furnished that information; the French Government was among that number. The USSR representative had asked why some Governments had not voluntarily sent in political information; the reply was that they were not required to do so under Article 73 e. The French Government had nothing to hide. It was strange that Governments which had faithfully carried out the provisions of the Charter should be accused of not having done so. The only result of the statements made by the USSR representative would be that Governments which had enumerated the Non-Self-Governing Territories under their jurisdiction and had complied with their obligation under Article 73 would be discouraged from submitting political information, since to do so merely led to discussions which were outside the Committee's terms of reference.

Mr. SHIVA RAO (India) said that his draft resolution had been attacked on both sides; the USSR representative considered that it did not go far enough, while other representatives thought it went too far.

In reply to the representative of the USSR, he pointed out that the speech just made by the French representative had emphasized the rigid limitations imposed on the Committee's work by the Charter. India was as anxious as the USSR to see that the purposes of Chapter XI were carried out in letter and spirit, but that aim could only be achieved with the willing and voluntary co-operation of the Administering Powers. It would undoubtedly be a slow process to convince those Powers that the more liberal interpretation they placed upon Article 73, the better it

/would be.

would be for the peoples of the Non-Self-Governing Territories and the furtherance of world peace and security, but it was only in that way that the Committee could usefully function. The Administering Powers could not be coerced to go beyond a strict interpretation of Article 73.

He regretted that the United Kingdom representative should have raised technical objections to the draft resolution. It was unnecessary to remind the Committee that paragraph e did not specify political information. He had before him a report on political developments which had taken place within the previous year, and it was unfortunate that that information should be withheld from the Committee, since it formed useful and instructive background material for the better appreciation of the information submitted under paragraph e.

With reference to the French proposal, he could not agree that the word "invites" had any mandatory significance. He felt that the tendency for Administering Authorities to transmit information on the geography, history, people, government and human rights of the Non-Self-Governing Territories should be noted and appreciated; if it were to do that, the Committee could hardly stop there. If, however, the word "invites" were felt to be too strong, he would be willing to modify the last paragraph of his draft resolution to say that the General Assembly hoped that such of the Members as had not done so would include all such information in their reports to the Secretary-General.

Mr. LI (China) supported the Indian draft resolution. He could not detect in it any intention of compelling Member States to take any action.

During the debate certain representatives, especially those of the Administering Powers, had expressed the view that the questions under discussion were general in character and were not limited to any one region or to any category of territory. Another view was that the question should be of a technical nature and that no political considerations should enter into the discussion. He submitted that, if the questions were world-wide and were considered to be technical, information on all territories should be available and should be submitted for purposes of comparison.

He had intended to suggest that the last paragraph of the Indian draft resolution should be amended to read as follows:

"Expresses the hope that those Members which have not done so will also include such information in their reports to the Secretary-General."

He asked whether the Indian representative would be prepared to accept that amendment. If not he would withdraw it and support the Indian proposal.

/Mr. FLETCHER COOKE

Mr. FLETCHER COOKE (United Kingdom) was glad to note that the USSR amendment recommended that the transmission of information on the development of organs of self-government should be made obligatory, thus recognizing that it was not obligatory under the Charter.

As the Indian representative had pointed out, the United Kingdom made no secret of political developments in its colonial territories; it issued a large number of publications reporting on those developments. The reply to the question why that information had not been submitted to the Committee was that such information was not asked for by Article 73 e. The information called for by that paragraph was of a technical nature and for information purposes only. The Special Committee, as well as previous Committees, had not been prepared to abide by the Charter in dealing with that information. Some delegations persistently used it as a stick with which to belabour the Administering Powers, others as a basis on which substantive recommendations on policy might be formulated. That was why the United Kingdom Government adhered strictly to the limitations of Article 73 e.

With reference to the remarks of the Egyptian representative, who had implied that the United Kingdom's administration of its Non-Self-Governing Territories was inferior to the Trusteeship System, he could not accept that inference. Conditions in the Non-Self-Governing Territories under British administration were in most cases better than they were in the Trust Territories, for the simple reason that the British authorities had been there longer and had had more time to deal with their problems.

The Indian representative, as always, appreciated what the Administering Powers had done and were doing. Further consideration of his draft resolution, however, had merely strengthened Mr. Fletcher Cooke's opposition to it.

Mr. HOOD (Australia) remarked that the basic question to be considered in connexion with the Indian draft resolution was whether it was intended to add a new element to the previous decisions of the Special Committee and the General Assembly. It might reasonably be assumed that such an intention did exist and that the draft resolution in fact sought, though indirectly and implicitly, to impose a new obligation upon the Administering Members. Even if that obligation was purely of a moral character, it would nevertheless entail a modification of the attitude so far taken by the General Assembly in the matter.

/Moreover,



Moreover, while resolution 144 (II) was confined to the statement that the General Assembly considered the voluntary transmission of information to be entirely in conformity with the spirit of Article 73, and while resolution 219 (III) omitted any reference to political information, under the Indian draft resolution the General Assembly would invite the Administering Powers to take action in that connexion or, at any rate, express the hope that they would do so. Thus, even in the matter of form, the Indian text went further than any decision previously adopted.

In the light of those considerations, Mr. Hood would be unable to support the Indian draft resolution.

Mr. JOBIM (Brazil) agreed that the Administering Powers were under no obligation to supply information of a political character. A proposal such as that submitted by the USSR representative was therefore unacceptable to his delegation. He felt, however, that the Committee should record its appreciation of the course taken by some Administering Authorities, such as the United States and Denmark, in the matter of the transmission of voluntary information. He would therefore vote in favour of the Indian draft resolution, but against the USSR text should the latter be put to the vote.

Mr. GARREAU (France) remarked that the USSR text could not properly be considered as an amendment to the Indian text since it had nothing in common with the latter.

Mr. SOLDATOV (Union of Soviet Socialist Republics) stressed that he wished to submit his draft as an amendment, and requested the Chairman to consider it as such.

Mr. GARREAU (France) then raised the question of the Committee's competence to consider the Indian draft resolution and the amendments thereto submitted by the USSR representative and himself. Under the Committee's terms of reference as set forth in paragraph 2 of resolution 219 (III), its work was based strictly on paragraph e of Article 73 of the Charter, and not on that Article as a whole: in other words, the Committee must confine its discussions to information submitted in respect of economic, social and educational conditions in Non-Self-Governing Territories. Nothing in resolution 219 (III) suggested that the Committee was empowered to discuss supplementary information of the nature described in resolution 144 (II). Consequently, any consideration of such information was outside the Committee's competence.

Mr. SHIVA RAO (India)

Mr. SHIVA RAO (India) observed that resolution 144 (II) authorized the Committee to note and encourage the voluntary transmission of information; his draft resolution went no further than to note the fact that more Administering Members had voluntarily transmitted information, and to invite others to follow their example; he would gladly change the last part of his text to read "encourage such of the Members as have not done so ..." if such a change would meet the French representative's objection.

Mr. FLETCHER COOKE (United Kingdom) stressed that the terms of resolution 144 (II) did not apply to the Special Committee but only to the General Assembly. The Committee had its own terms of reference, which did not provide for any action with regard to information of a political nature. He wholeheartedly agreed with the French representative that consideration of the Indian proposal and the amendments thereto was outside the Committee's competence.

Mr. HOOD (Australia) said that since the representative of France had not raised his objection during the consideration of the Committee's agenda, and since the agenda had been adopted, the Committee must be held to have competence to discuss, if only in a procedural form, all the items before it. He felt furthermore that the French representative was putting too narrow a construction on the Committee's terms of reference: in his own opinion if the Committee was competent to take into account the Secretary-General's summaries and analyses of voluntarily transmitted information, it was also free to make procedural recommendations in respect of such information.

Mr. RYCKMANS (Belgium) did not think that the inclusion of an item in the agenda automatically established the Committee's competence to consider that item. He shared the views of the French representative, and remarked that the matter raised by the Indian representative could be re-opened in the Fourth Committee.

Mr. GARREAU (France) recalled that, like the representative of the United Kingdom, he had made certain reservations in connexion with the agenda and had said that he would formulate his objections more definitely in the course of the discussion. The item under consideration was one of those he had had in mind. He reiterated his objection to the Indian proposal on the grounds of incompetence, and withdrew his amendment.

/The CHAIRMAN

The CHAIRMAN, speaking as the representative of the United States of America, agreed that the inclusion of an item in the agenda did not necessarily warrant its consideration. He considered the French representative's position to be tenable; the United States delegation hoped, however, that if the Administering Members agreed to transmit the information sought under the optional category of the standard form, those members of the Committee who were not representatives of Administering Powers would, in a spirit of reciprocity, relax to some extent their own rigid interpretation of the Committee's sphere of competence. Guided by those liberal considerations, his delegation was prepared to pursue the consideration of the Indian proposal.

Mr. SHIVA RAO (India) pointed out that resolution 144 (II), which formed the basis of his draft resolution, had been recommended to the General Assembly by the first Special Committee on information transmitted under Article 73 e of the Charter, a Committee which had been governed by the same terms of reference as those set forth in resolution 219 (III). He therefore felt that the issue of competence was inadmissible.

Mr. FLETCHER COOKE (United Kingdom) remarked that, while he had not formally objected to the inclusion in the agenda of the items under discussion, he firmly believed that the Committee was incompetent to do more than take note of information transmitted under that item. He therefore maintained his support of the French representative's view. In reply to the representative of India, he observed that the Committee, which was a newly established body, was not bound by any decision taken by its predecessor.

Mr. GARREAU (France) and Mr. RYCKMANS (Belgium) endorsed that observation.

Mr. SOLDATOV (Union of Soviet Socialist Republics) suggested that the decision on the matter of competence should be deferred until the following meeting, so as to give members more time to consider the question.

It was so decided.

STATEMENT BY THE REPRESENTATIVE OF THE WORLD HEALTH ORGANIZATION

Mr. CLEMENTS (World Health Organization) wished to outline the WHO programme in the field of nutrition, a subject which had already been touched upon in the Committee. Members were no doubt aware that WHO had recently established a nutrition section, and that a Nutrition Division had existed in FAO for over two years. Every effort was being made by both organizations to offer good services in the field of nutrition.

Mr. Clements stressed that the subject of nutrition should not be divided between the two specialized agencies; he was collaborating with the director of the Nutrition Division of FAO on a joint programme which would be applied in the coming year. However, FAO was primarily interested in nutrition as it affected food production and distribution, while WHO was interested in the subject from the aspect of health and the prevention of disease.

The joint services offered to Member Governments would include consultative, advisory and demonstration services and training courses in association with national institutions. A plan for holding a course on nutrition in one of the regions common to both agencies was under consideration and would be put into effect during the current year; it was intended to extend such courses to other parts of the world as well.

In conclusion, Dr. Clements emphasized that neither agency could operate in an area unless invited to do so. While it had already received many invitations from Member Governments, it had not yet been called upon to co-operate in the field of nutrition in the Non-Self-Governing Territories.

The meeting rose at 12.55 p.m.