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Held at Lake Success, New York,
on Wednesday, 7 September 1949, at 3 p.m.

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Territories (A/AC.28/W.16/Rev.1)

Chairman: Mr. GERIG

United States of America

Rapporteur: Mr. de MARCHENA

Dominican Republic

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<u>Members:</u>	Mr. HOOD	Australia
	Mr. RYCKMANS	Belgium
	Mr. DE OURO PRETO	Brazil
	Mr. TIEH-TSENG 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
	Mr. STOLK	Venezuela

Representatives of specialized agencies:

Mr. METALL	International Labour Organization (ILO)
Miss WEHRWEIN	Food and Agriculture Organization (FAO)
Mr. CORTESAO	United Nations Educational, Scientific and Cultural Organization (UNESCO)
Mr. HILL	World Health Organization (WHO)

Secretariat:

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

ITEM 7 b) OF THE AGENDA : CONSIDERATION OF GENERAL ASSEMBLY RESOLUTION 219 (III) CONSTITUTING THE SPECIAL COMMITTEE WITHOUT PREJUDICE AS TO THE FUTURE (A/AC.28/W.19, A/AC.28/W.20, A/AC.28/W.22)

Mr. SHIVA RAO (India) replied to criticisms of the joint draft resolution submitted at the morning meeting by the delegations of Venezuela, China, Egypt and India.

While admitting that Article 73 e did not provide for the creation of a permanent committee, he disagreed with Mr. Fletcher-Cooke's narrow interpretation of the Article. In setting up the Special Committee (resolution 219 (III)), in authorizing the latter to establish liaison with the Economic and Social Council (resolution 220 (III)) and with the specialized agencies (resolution 221 (III)), and in inviting Administering Powers to transmit information each year (resolution 215 (III)), the General Assembly had shown that it considered itself empowered to take measures not explicitly provided for by the Charter, and the Administering Powers had not opposed such action.

Mr. Shiva Rao therefore thought that the General Assembly had no reason to adhere strictly to the letter of Article 73 e in the matter of the creation of a permanent committee.

He also did not believe that such a step would imply a revision of the Charter. It would simply entail what the British called "a convention", an arrangement which had played such a large part in the development of the British constitutional institutions.

In reply to the representative of Australia, Mr. Shiva Rao said that the Committee would also be called upon to contribute towards the implementation of Article 73 e, which was otherwise in danger of remaining a dead letter.

The prolongation of the Committee's activities for a further year would in no case be an adequate measure, firstly because some information provided for by Article 73 e was transmitted at intervals of three years only, secondly because the setting up of a committee for a single year would prevent the Secretariat and the specialized agencies from undertaking long-term studies, and thirdly because the discontinuance of the committee when its term expired in the following year might produce unfavourable psychological reactions in the Non-Self-Governing Territories.

/Mr. RYCKMANS

Mr. RYCKMANS (Belgium) stated in reply to the representative of China that the creation of a permanent committee had been contemplated at the San Francisco Conference and had been rejected at that time. Belgium had agreed to sign the Charter on the strict understanding that information to be transmitted would not take the form of reports to the General Assembly but would simply be technical information transmitted to the Secretary-General for information purposes.

Whatever the period for which the committee would be set up, Mr. Ryckmans considered that the Secretary-General and the specialized agencies were free to undertake any studies they deemed necessary. Once those studies were completed, the Secretary-General would be able to submit their results to the General Assembly, the Fourth Committee of which could appoint a sub-committee to study them.

As to the appointment of a committee for three years, Mr. Ryckmans agreed with Mr. Gerig that it was as yet too early to decide whether the Committee had proved its worth. For that reason he saw no use in extending its existence for three years. If, next year, the Committee was found to be useful, its continuation might be considered. In any case, a prolongation for three years was not justified for the time being and he therefore favoured a simple prolongation for one year.

Mr. FLETCHER COOKE (United Kingdom) said that his delegation had not opposed the creation of the Special Committee because that body would deal only with matters of procedure relating to the transmission of information. Since that work had not yet been completed, the United Kingdom delegation did not oppose the prolongation of the Committee's existence for one year.

As regards the question of a permanent committee, that involved an entirely new idea according to which the Administering Powers must be held accountable to the General Assembly for their policy in Non-Self-Governing Territories. The United Kingdom delegation was unable to agree to a revision of Article 73 e on those lines.

The information transmitted by the Administering Powers was, in any case, placed before the General Assembly by the Secretary-General. That being so, there was no need for it to go through the hands of an intermediary organ.

Mr. GARREAU (France) drew the Committee's attention to the difference between Chapter XI of the Charter on the one hand, and Chapters XII and XIII on the other. Under Article 73 e of the Charter, information was transmitted

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only to the Secretary-General for information purposes, while Article 88 provided for regular reports to the General Assembly. A fundamental distinction had thus been drawn between Non-Self-Governing Territories and Trust Territories. The Administering Powers had signed the Charter on that strict condition.

In connexion with the example of the Interim Committee given by the representative of Venezuela, Mr. Garreau recalled that some countries had maintained that the creation of that body was a violation of the Charter, and had refused to take part in its work. Following the same logic, the Administering Powers might refuse to sit on a permanent committee.

Mr. Garreau then turned to the draft resolutions before the Committee. The defect of the text submitted jointly by the delegations of Venezuela, China, Egypt and India was that it would lead to a violation of Chapter XI of the Charter.

As regards the United States draft resolution, Mr. Garreau agreed with Mr. Ryckmans that the period of three years which it contemplated was too long.

He realized that Mr. Gerig had perhaps drafted his resolution with a view to enabling the Administering Powers and the other members of the Committee to reach a compromise. Mr. Gerig's draft resolution raised a question, however, on which he could not compromise. He therefore requested Mr. Gerig to amend his text so as to call simply for a continuation of the Committee's existence for one year and formally proposed an amendment to that effect.

The CHAIRMAN, speaking as the United States representative, explained that he had proposed a three years' continuation of the Committee not as a compromise but as a practical solution of the problem. As the Committee dealt with three types of questions - economic, social and educational - it would be fitting for it to devote a whole year to a truly scientific study of each of those subjects; secondly, one year would not give the specialized agencies enough time to carry out serious work; thirdly, if a committee were set up for three years, no time would be wasted at the following two sessions on discussions as to its future; fourthly, members elected for such a long period might be better able to deal with the problems before them.

In conclusion, he remarked that in three years' time it would be easier to decide whether or not the Committee served a useful purpose.

Mr. STOLK (Venezuela) reminded the French representative that when the Interim Committee had been established, France as well as some other great Powers had strongly criticized those who had said they would not

take part in its work. He hoped that if it was decided to set up a permanent committee, the Administering Powers would not adopt the attitude they had themselves condemned.

Mr. SPITS (Netherlands) observed that if any one of the Administering Powers ceased to transmit information because it had ceased to be responsible for a Non-Self-Governing Territory, the balance between those Powers and the non-administering members in the Committee would be impaired. A clause to obviate that difficulty should therefore be inserted in the two draft resolutions.

The CHAIRMAN, speaking as the United States representative, replied that that was a difficult question of detail which could be settled later.

Mr. RYCKMANS (Belgium) supported the Australian representative's suggestion that the Committee should refrain from putting the draft resolutions to the vote and should merely include their texts and a summary of the relevant discussions in its report to the General Assembly.

Should, however, the Committee decide to take a vote on the draft resolutions, he would propose that the United States draft resolution should be amended by replacing paragraphs 1, 2 and 3 of the operative part by a text calling for the continuation of the Special Committee during the following year (A/AC.28/W.22). That would make it unnecessary for the Fourth Committee to elect new members during the current year.

Mr. SHIVA RAO (India) moved the adjournment of the debate under rule 108 c of the rules of procedure.

After a brief discussion, in which Mr. FLETCHER COOKE (United Kingdom), Mr. TIEH-TSENG LI (China) and Mr. GARREAU (France) took part, the CHAIRMAN put the motion of adjournment to the vote.

It was decided, by 7 votes to one, to postpone the debate on item 7 b until the following meeting.

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REVISED DRAFT RESOLUTION CONCERNING INTERNATIONAL COLLABORATION IN REGARD
TO ECONOMIC, SOCIAL AND EDUCATIONAL CONDITIONS IN NON-SELF-GOVERNING
TERRITORIES (A/AC.28/W.18/Rev.1)

The CHAIRMAN asked the Committee to consider the revised draft resolution submitted by the Indian delegation (A/AC.28/W.18/Rev.1).

Mr. SHIVA RAO (India) then discussed the changes he had made in his draft resolution as a result of the remarks and suggestions made at the fifteenth meeting (A/AC.28/SR.15).

Paragraph 1 of the operative part now followed more closely the provisions of Article 73 d of the Charter. As the United Kingdom representative had been opposed to the phrase "with a view to the provision", it had been replaced by more precise wording which should dispel any of the doubts that might have been raised by the original version.

Paragraph 2 of the operative part was based on the Secretariat working paper (A/AC.28/W.9). Of the many problems to which that paper drew attention he had selected only a few, which he had considered the most important. It was for the specialized agencies to choose from that already limited number the questions which in their opinion most urgently called for study in the light of current conditions and the results that might be expected. The amendments in that paragraph were based on the suggestions made during the debate. The question of the application of international labour conventions in Non-Self-Governing Territories had been maintained, as the ILO had not presented a report on it in 1949.

Paragraph 3 of the operative part had not been altered, save for the deletion of the words "at the request of the Members concerned".

Paragraph 4 had been maintained in order to take into account the remarks of representatives of several Administering Authorities.

A reference to the Economic and Social Council had been introduced in paragraph 6 because that Council's activities deserved to be taken into account as much as those of the Trusteeship Council.

Paragraph 7 had been amended along the lines indicated by the Belgian representative; there was no substantive difference between the current and the original version.

Mr. FLETCHER COOKE (United Kingdom) appreciated the revision of the draft resolution. At the same time, it would have been appropriate in paragraph 1 to recognize that the Administering Authorities had already made some effort to provide technical training for indigenous students;

so far as the English text was concerned, that could be achieved merely by inserting the word "further" before the words "adequate training facilities".

Paragraph 2 of the operative part requested the specialized agencies to follow a course which they were already following under their charters and their agreements with the United Nations. There was consequently little need for that paragraph, at least in its present version. Moreover, although the paragraph dealt in the main with studies and problems, it also mentioned the question of the application of international labour conventions in Non-Self-Governing Territories. That subject fell exclusively within the province of the Powers concerned and the ILO. The Special Committee had no right to deal with it, especially in view of what the effect of such a recommendation might be on the competent bodies of the ILO.

He regretted that the phrase "which would be of service in Non-Self-Governing Territories" had been maintained in paragraph 3. He also felt that it should be stated in paragraph 7 what bodies or Powers were expected to co-operate with the specialized agencies.

Mr. METALL (International Labour Organization) expressed regret that the Indian representative was not familiar with the report of the Committee of Experts of the ILO on the application of international labour conventions; that report had, however, been published, and could be made available to any member of the Special Committee.

Following the comments of the representative of the United Kingdom regarding the possible influence of paragraph 2 on the activities of the ILO, Mr. Metall stressed the fact that the activities of the ILO would not be affected whatever the fate of the draft resolution of India. In practice, the Committee of Experts, then the Governing Body, and finally the International Labour Conference considered the reports on the application of international labour conventions which Member States of the ILO were required to submit to the International Labour Office under the terms of articles 19 and 22 of the ILO Constitution; moreover, the Committee of Experts had decided to undertake in 1950 a particularly detailed study of the application of conventions in Non-Self-Governing Territories. Accordingly, it could be said that the collaboration

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of the ILO was an established fact in that field, even without any mention being made of it in the draft resolution of India.

Referring to the problem of migrant labour in Africa, Mr. Metall stated that ILO had undertaken a study of which the first results would undoubtedly be to hand in the very near future.

Calling attention to paragraph 3 of the operative part of the Indian draft resolution, Mr. Metall pointed out that, under the terms of the agreement between the ILO and the United Nations, the former had undertaken the obligation to submit annual reports, moreover, that undertaking applied in the case of all specialized agencies. The fourth report of the ILO, which would be submitted in 1950, would deal with all the activities of ILO and would be as complete as possible. Mr. Metall hoped, therefore, that the wording of paragraph 3 of the draft resolution did not mean that the specialized agencies would have to submit special reports for Non-Self-Governing Territories in addition to the general report in which the case of those territories was explained as fully as possible. At the same time, if the Committee so desired, the ILO would undertake to submit a supplementary report dealing exclusively with Non-Self-Governing Territories. It was, however, to be noted that the preparation of a large number of reports entailed considerable expense and monopolized the services of a large staff which could otherwise be employed on more immediate work.

Mr. BENSON (Secretariat) reminded the meeting that last year the ILO had submitted a provisional report on its work in connexion with the Non-Self-Governing Territories, in which important passages from the report of its Committee of Experts on the application of international conventions in such Territories had been reproduced. In the early part of the current year the Committee had met and a report had been published but had not yet been officially circulated.

In 1947, another committee of the ILO had met to study the question of migrant labour in Africa and had announced that the results of their work would be submitted to the United Nations.

In conclusion, the representative of the Secretariat pointed out that the reports of the specialized agencies to the United Nations were studied in the first place by the Economic and Social Council which subsequently forwarded them to the General Assembly.

In connexion with the Indian draft resolution, Mr. RYCKMANS (Belgium) stated that the United Nations was no more qualified to formulate

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recommendations on the policy to be followed in Non-Self-Governing Territories than it was to intervene in the national policy of the Powers responsible for the administration of such Territories. He would, therefore, abstain from voting on the draft resolution.

Mr. GARREAU (France) felt that it was superfluous to ask the specialized agencies to undertake studies which, obviously, they have already undertaken. He thought that the agencies should not be overloaded with work, as must needs happen if they were to be requested to prepare supplementary reports on special questions; such a request in connexion with the Non-Self-Governing Territories would not be justified.

He, therefore, proposed as an amendment, that the words "in their annual reports" should be inserted after the words "to communicate" in paragraph 3 of the revised draft resolution (A/AC.28/W.18/Rev.1).

Mr. SHIVA RAO (India) was ready to accept the word "further" suggested by the United Kingdom representative as an amendment to the text in paragraph 1, although in English that seemed to introduce a contradiction, as either the means were adequate and it was unnecessary to add to them, or it was essential to improve them which meant they were not adequate.

Mr. Shiva Rao, in reply to the French representative, said he was not certain that the annual reports of the specialized agencies to the General Assembly reached the Secretariat in time to be of use in the preparation of analyses and summaries. It might be advisable to have that point clarified before taking a vote.

As to the exact meaning of the word "co-operation" used in paragraph 7, the representative of India declared that it should be interpreted in the spirit of Article 73d of the Charter, which meant co-operation between the Administering Powers themselves and between those Powers and the specialized agencies.

Mr. FLETCHER COOKE (United Kingdom) explained that in his opinion, the word "adequate" should not be taken in a qualitative sense, but rather quantitatively; in other words, a greater number of the indigenous population should be permitted to take advantage of the appropriate training facilities such as they were. He considered that the formula which he had submitted was perfectly coherent, if understood in that way.

/Mr. TIEH-TSENG LI

Mr. TIEH-TSING LI (China) supported the Indian draft resolution, although he considered that its implications might be too wide in scope. The Chinese representative requested also that the word "indigenous" should be clearly defined.

Mr. GARREAU (France) replied that the term "indigenous" was generally applied to inhabitants of a territory actually born there.

Mr. SOLDATOV (Union of Soviet Socialist Republics) requested that a separate vote should be taken on paragraph 4 of the Indian draft resolution.

The CHAIRMAN then put to the vote the French representative's amendment proposing the insertion of the words "in their annual reports" after the words "to communicate" in paragraph 3 of the Indian draft resolution.

The French amendment was adopted by 8 votes to 4.

The CHAIRMAN then announced that the amended draft resolution would now be put to the vote in three separate parts: 1) from the beginning of the text to paragraph 3 inclusive; 2) paragraph 4; 3) from paragraph 5 to the end.

The first part of the text was adopted by 11 votes to none.

Paragraph 4 was adopted by 13 votes to 1.

The last part of the text was adopted by 12 votes to none.

The text of the Indian draft resolution as a whole was adopted by 13 votes to none.

Mr. CORTESAO (United Nations Educational, Scientific and Cultural Organization) expressed his desire to make some general remarks. He noted that the Committee was making a wide appeal for the collaboration of the specialized agencies; he felt, however, that the efforts made by UNESCO, especially in connexion with the application of General Assembly resolutions 221, 223 and 224 had not been fully appreciated. He affirmed

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that his organization was indeed ready to give its help to the Administering Powers, but it was also essential that the latter should call on UNESCO. In the work it would have to undertake, UNESCO would of course utilize the work already done in the Non-Self-Governing Territories, by experts on questions of interest to it. In conclusion, Mr. Cortesao declared that would benefit not only the Non-Self-Governing Territories, but all other countries as well.

The mseting rose at 5.25 p.m.