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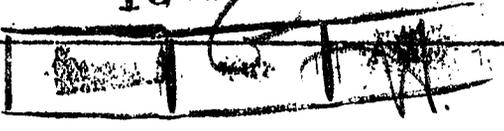
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Second Session

SUMMARY RECORD OF THE FORTY-SEVENTH MEETING

held at the Palais des Nations, Geneva,
on Thursday, 25 October 1951, at 8.30 p.m.

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in deciding whether any Territory is or is not a
Territory whose people have not yet attained a full
measure of self-government (item 10 of the agenda)
(A/AC.35/L.30, A/AC.35/L.69/Add.3) (resumed from
the 44th meeting)

23 p.

Present:

Chairman: Mr. KERINKAMP

Members:

Australia	Mr. PEACHEY
Belgium	Mr. RYCKMANS
Brazil	Mr. ROCQUE da MOTTA
Cuba	Mr. PEREZ CISNEROS
Denmark	Mr. LANNUNG
Egypt	Mr. PHARAONY
France	Mr. PIGNON
India	Mr. PANT
Mexico	Mr. CALDERÓN PUIG
Netherlands	Mr. SPITS
New Zealand	Mr. SCOTT
Pakistan	Mr. ZIAUD-DIN
Philippines	Mr. INGLÉS
Union of Soviet Socialist Republics	Mr. SOLDATOV
United Kingdom of Great Britain and Northern Ireland	Mr. MATHIESON
United States of America	Mr. GERIG

Representatives of specialized agencies:

United Nations Educational, Scientific and Cultural Organization	Mr. DESTOMBES
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Secretariat:

Mr. Benson	Representative of the Secretary-General
Mr. van Beusekom	Secretariat
Mr. Cottrell	Secretariat
Mr. Kunst	Secretary to the Special Committee

EXAMINATION OF THE FACTORS TO BE TAKEN INTO ACCOUNT IN DECIDING WHETHER ANY TERRITORY IS OR IS NOT A TERRITORY WHOSE PEOPLE HAVE NOT YET ATTAINED A FULL MEASURE OF SELF-GOVERNMENT (Item 10 of the agenda) (A/AC.35/L.30, A/AC.35/L.69/Add.3) (resumed from the 44th meeting)

The CHAIRMAN drew attention to the report of the Sub-Committee on Factors Indicative of Degree of Self-Government (A/AC.35/L.69/Add.3), to the background data compiled by the Secretariat on factors relating to the application of Chapter XI of the Charter (A/AC.35/L.30), and to the amendments thereto submitted by the French representative (Conference Room Paper No.4) and the Indian representative (Conference Room Paper No.5).

He suggested that the draft resolution submitted by the Soviet Union representative at the previous meeting (A/AC.35/L.77) should be discussed in conjunction with the documents at present before the Committee.

Mr. PLACHEY (Australia) thought it would be better to take up the Soviet Union draft resolution when discussion was resumed on item 11 of the agenda.

It was so agreed.

Mr. LANNUNG (Denmark), Rapporteur of the Sub-Committee on Factors Indicative of Degree of Self-Government, introducing the Sub-Committee's report, said that the members had made every effort to produce a unanimous report.

Part VII of the report included a list of factors which the Sub-Committee considered had a bearing on the decision whether or not a territory was to be considered as falling within the scope of Article 73e of the Charter. The Sub-Committee had been unable to agree, however, on the extent to which emphasis should be placed on the degree of the factors listed. Two alternative texts had therefore been submitted for Part VI, and the Sub-Committee felt that the Special Committee should decide which should be adopted.

Replying to a question by Mr. PEREZ CISNEROS (Cuba), he said that the Philippines representative had in the Sub-Committee, submitted an amendment to the original text of paragraph 2 of section D in Part VII.

Mr. SCOTT (New Zealand) was not aware whether the Sub-Committee had devoted much attention to the question of what authority should be responsible for determining whether a territory was or was not within the category of Non-Self-Governing Territories, but so far as he could remember, the discussion in the Special Committee on that question had not been very extensive. He felt, therefore, that the second paragraph on page 4 of the Sub-Committee's report was somewhat

inappropriate and, perhaps, unnecessary. He suggested that the report should state that in the spirit of seeking understanding rather than marking controversies, the Special Committee had not attempted to enter into the practical problem of the determination whether a territory was or was not a Non-Self-Governing Territory.

Mr. PEARCHEY (Australia) agreeing with the New Zealand representative, said that the list of possibilities on page 4 of the Sub-Committee's report was not exhaustive. As a similar reference had been made in the Secretariat's paper (A/AC.35/L.30), the last part of the second paragraph on page 4 of the Sub-Committee's report should be deleted.

Mr. LANJUNG (Denmark) suggested that the English text of the first part of paragraph 2 of section B in Part VII should be made to agree with the French text, a question mark being placed in the third line after the word "Territory", and the word "and" being deleted.

Referring to the second part of paragraph 2, he pointed out that the phrase "by equality of representation" should mean equality according to the proportion of inhabitants, and not that, for instance, a territory with about 100,000 inhabitants would have as many seats in the common Parliament as the metropolitan country with a population of, say, 10,000,000.

He could not agree with the text proposed by the representatives of Cuba, Egypt and the Philippines for Part VI of the Sub-Committee's report. It was clear that there must be a combination of factors which, if fulfilled, would entitle a territory to be considered as fully self-governing.

Mr. PEREZ CISNEROS (Cuba), supported by Mr. SCOTT (New Zealand) suggested that the Sub-Committee's report should be examined point by point in order that representatives might submit any amendments necessary.

It was so agreed.

Mr. RYCKMANS (Belgium) said the Belgian delegation had taken part in the Sub-Committee's work, but felt that the list of factors submitted as being indicative of a degree of self-government would not assist the Administering Authorities to solve the problem of whether they must supply information on a given territory.

The Sub-Committee's work was inevitably imperfect and incomplete. Certain factors indicative of a degree of self-government which seemed important to some delegations appeared to the Belgian delegation to have nothing to do with the

problem before the Special Committee. With regard to section B.1 in Part VII, it was obvious, for instance, that if a territory was eligible for membership in the United Nations, no other country could be obliged to submit information about it. It was also obvious that if an Administering Authority had granted full independence to a certain territory, that Authority could not be obliged to submit information even if the new State was not considered eligible for membership of the United Nations.

As to section A.2 of Part VII, he pointed out that a country might not be fully self-governing even if the population were of the same race as that of the metropolitan country. On the other hand, a country might have the fullest measure of self-government although the population was of a different race from that of the metropolitan country.

Referring to section D.1, he emphasized that the fact that the territorial trade unions were affiliated with trade unions in the metropolitan country would not affect the political status of the territory. With regard to paragraph 2 of section D, he said that if an Administering Authority decided to grant self-government to a territory which, however, was not in a position to govern itself, the Administering Authority could not be held responsible for supplying the information called for. The Belgian Congo could certainly not be considered as ready for self-government, but if the Belgian Government decided to grant such self-government it could not be obliged by the General Assembly to submit information relating to the Belgian Congo.

Should the amendment proposed by the Belgian, Danish and United Kingdom representatives to Part VI be rejected, he would be unable to vote for the Subcommittee's report as a whole.

Mr. SOLDATOV (Union of Soviet Socialist Republics) emphasized that the Union of Soviet Socialist Republics believed in the freedom and independence of all peoples and opposed racial and national oppression and colonial exploitation in all forms. It considered that all nations and races were equal and had equal rights, irrespective of colour, language or political or cultural level.

The Charter of the United Nations required the Administering Authorities to contribute to the political, economic, social and educational advancement of the peoples of the Non-Self-Governing Territories and to protect them from unjust treatment and abuse. The Administering Authorities should therefore take immediate

measures to prepare the peoples under their administration for self-government and, in order to do so, should see that those peoples enjoyed equal rights in the economic, social, cultural and political fields. There must be no racial or linguistic discrimination.

In his previous statements he had demonstrated that the Administering Authorities, for example, Belgium, France, the United Kingdom, the United States of America and others, had not fulfilled the provisions of the Charter with regard to the peoples of the Non-Self-Governing Territories.

Mr. RYCKMANS (Belgium), on a point of order, said that the Soviet Union representative was not speaking on item 10 of the agenda.

The CHAIRMAN requested the Soviet Union representative to confine himself to remarks on the report before the Special Committee.

Mr. SOLDATOV (Union of Soviet Socialist Republics) explained that he had been referring to his previous statements. Referring to the Sub-Committee's report, in which it was stated that lack of time had prevented that Sub-Committee from making a full study of the problem before it, he said that the principal factors indicative of degree of self-government had been omitted from that document. The report was wholly unsatisfactory, and the Soviet Union delegation would therefore be unable to vote for it.

Mr. INGLES (Philippines) wished to comment on section B.1 of Part VII in view of the construction that had been placed upon it. When that factor had been approved in the Sub-Committee, it had been indicated that where a territory that had been granted independence but had not yet become a Member of the United Nations, information would no longer have to be transmitted on that territory. That issue was clear. With regard to the second clause of the factor in question, which mentioned membership in the United Nations, his understanding was that a territory which was self-governing could become a Member of the United Nations even though it had not been granted independence. Such cases had already occurred. It was also possible, in the light of Article 78 of the Charter, that the system of transmitting information would no longer apply to some territories upon their admission to the United Nations. The last factor had therefore been intended to refer to territories in that category.

With regard to the alternative text for Part VI submitted by the delegations of Cuba, Egypt and the Philippines, the meaning of which had been commented on by the Danish representative, he wished to say that the construction placed on

it by that representative had not been contemplated by the joint sponsors of the text. The erroneous interpretation given to it had, however, been eliminated by the amendment proposed by the Indian delegation, to the effect that the will of the people of the territory would in all cases be a factor determining whether the people were to be allowed a full measure of self-government.

The CHAIRMAN called for a discussion of the Sub-Committee's report part by part.

Title.

Mr. SCOTT (New Zealand) wished to know why the Rapporteur of the Sub-Committee had chosen the title: "Report submitted by the Sub-Committee on Factors Indicative of Degree of Self-Government".

Mr. LANNUNG (Denmark), speaking as Rapporteur of the Sub-Committee, replied that the title had not been of his own choosing; he had, so to speak, inherited it from a previous document, submitted by the Secretariat. He did not consider, however, that there could be serious objection to it as it stood.

Mr. BENSON (Representative of the Secretary-General) recalled that the title in question had occurred in a working paper submitted by the Secretariat for the guidance of the Sub-Committee in its work, and that the Sub-Committee had not questioned it.

Mr. INGLES (Philippines) recalled that the second operative paragraph of General Assembly resolution 334 (IV) invited the Special Committee to examine "the factors which should be taken into account in deciding whether any territory is or is not a territory whose people have not yet attained a full measure of self-government". While he had no objection to the abbreviated title of the Sub-Committee's report, if it were found to be unacceptable by other members of the Special Committee, he would suggest that, despite its length, the phrase he had quoted from resolution 334 (IV) should be used as the title of the document.

Mr. PEACHEY (Australia) agreed with the title suggested by the representative of the Philippines particularly since the terms of reference of the Sub-Committee could not be considered to exceed those indicated by that title. It would be preferable to submit a simple report enumerating the factors which had given rise to no controversy.

Mr. LANNUNG (Denmark), speaking as Rapporteur of the Sub-Committee, stated that when the working paper submitted by the Secretariat had been before

the Sub-Committee, there had been no objection to the title as it stood. The Committee was naturally at liberty to choose whatever title it wished, but in his opinion so lengthy a title as that proposed by the representative of the Philippines should be avoided.

Mr. PEREZ CISNEROS (Cuba) supported the views of the representative of the Philippines. While the present title was nothing more than a summary of second operative paragraph of General Assembly resolution 334 (IV), the only alternative in case of its rejection would be the longer version. As to the contention of the Australian representative that the report of the Sub-Committee should have been restricted to a recital of non-controversial factors, he felt that it was the normal practice for working parties in the United Nations to present a brief historical survey and such commentaries as were necessary in order to facilitate the legal interpretation of a text. He would recall that a similar procedure had been followed in the sessions of other United Nations bodies, for example, the Commission on Human Rights.

Mr. RYCKMANS (Belgium) stated that in spite of its length he favoured the Philippines proposal as it reproduced the wording of resolution 334 (IV).

Mr. SCOTT (New Zealand), while admitting that the Philippines proposal was justified, would prefer a title that was both shorter and more apposite. He would not press the point, however, and was quite prepared to accept the title based on the terms of resolution 334 (IV).

Mr. GERIG (United States of America) felt that too much time was being wasted on the title, and suggested that it might be amended to read "Report submitted by the Sub-Committee relating to Factors Indicative of Degree of Self-Government".

Mr. SCOTT (New Zealand) pointed out that a number of factors in the document were not indicative of any degree of self-government.

Mr. RYCKMANS (Belgium) proposed that a vote should be taken on the Philippines proposal relating to the title.

After some discussion, it was so agreed.

The title proposed by the Philippines representative was adopted by 9 votes to none, with 5 abstentions.

Part I

Part I was adopted without comment.

PART II

Mr. PEACHEY (Australia) said that, as he understood it, Part II was not to be included in the Special Committee's report to the General Assembly.

The CHAIRMAN thought that all parts were to be included in the report; if the representative of Australia had any objection to Part II, he could vote against it.

Part II was adopted without further comment.

Part III

Mr. GERIG (United States of America) suggested that Part III should be deleted, as it would be of no interest to the General Assembly.

Mr. PEREZ CISNEROS (Cuba) pointed out that Part III was, as it were, a letter of transmittal from the Sub-Committee to the Committee. For the present purposes, it might be replaced by some suitable introductory phrase.

The CHAIRMAN thought that the United States proposal was preferable.

Mr. INGLÁS (Philippines) suggested the retention of the first sentence of the third paragraph, down to "1951", and of the last sentence of that paragraph only.

Mr. ZIAUD-DIN (Pakistan), Rapporteur, stated that he would include the second paragraph of Part III in his report to the General Assembly, and that the retention of the second and third paragraphs of Part III in the present report was therefore unnecessary.

Mr. PEREZ CISNEROS (Cuba) proposed that the first sentence of the third paragraph should be replaced by a sentence to the effect that the Sub-Committee had submitted to the Special Committee a document (A/AC.35/L.69/Add.3) upon which the Special Committee had based its report to the General Assembly.

Mr. BENSON (Representative of the Secretary-General) said that the Sub-Committee had submitted a draft of a report for transmission to the General Assembly. If it were considered that certain paragraphs in the report of the Sub-Committee would more appropriately be placed in the first part of the report of the Special Committee to the General Assembly, the paragraphs could be thus transposed.

Mr. SCOTT (New Zealand) stated that, in that event, there were one or two paragraphs in the report of the Sub-Committee which he considered it would be inappropriate to transmit to the General Assembly.

The CHAIRMAN agreed that that was so in the case of Part III. He thought that while the second paragraph might be retained, the third paragraph should be amended as the representative of the Philippines had proposed. He would therefore put the Philippines amendment to the vote.

Mr. PEREZ CISNEROS (Cuba) repeated that in his view, Parts I, II and III were, so to speak, a historical survey, and that the report proper began with Part IV. The amendment he had proposed earlier had been intended to provide a link between Parts III and IV. He would, however, have no objection to an amendment calling for the deletion of Parts I, II and III.

Mr. RYCKMANS (Belgium) pointed out that if the amendment in question were accepted, there would be no indication that the Secretariat document (A/AC.35/L.30) was being presented.

Mr. BENSON (Representative of the Secretary-General) stated that document A/AC.35/L.30 could in any event be covered in the first part of the Committee's report to the General Assembly.

Mr. RYCKMANS (Belgium) replied that while document A/AC.35/L.30 was unexceptionable in itself, it represented only one point of view. Other points of view had, however, been expressed, and should in all fairness also be mentioned. If the Special Committee were to transmit document A/AC.35/L.30, it should also transmit all other relevant papers, such as Mr. van Langenhove's pamphlet, to make the documentation as complete and as balanced as possible.

Mr. BENSON (Representative of the Secretary-General) stated that, in the first working paper prepared by the Secretariat for the use of the Subcommittee, the words "and any addenda which may later be circulated" had been added after the words "document A/AC.35/L.30" in the last sentence of the third paragraph of Part III.

Mr. PEACHEY (Australia) wondered whether it was necessary to submit any of those documents to the General Assembly, since they had already appeared as United Nations documents.

Mr. PEREZ CISNEROS (Cuba) said that there might be objection to mentioning special studies such as the pamphlet by Mr. van Langenhove, since to do so would suggest that the Special Committee was in general agreement with the views expressed therein. For its part, his delegation had a number of reservations concerning that pamphlet.

Mr. ROCQUE da MOTTA (Brazil) supported the statement of the Cuban representative.

It was agreed that the Secretariat should prepare an addendum to document A/AC.35/L.30 for transmission to the General Assembly, but that that would not indicate any endorsement by the Special Committee of the opinions expressed either in the original document or in the addendum.

Part IV

Mr. GERIG (United States of America) doubted whether Part IV was relevant. In the context, such a brief and cursory comment on obligations of Member States under the Charter seemed extraneous to the general structure of the report. He therefore proposed that it be deleted.

Mr. PEACHEY (Australia), Mr. PIGNON (France) and Mr. SCOTT (New Zealand) supported the United States proposal.

Mr. LANNUNG (Denmark), speaking as Rapporteur of the Sub-Committee, stated that Part IV had already been considerably abridged. It represented an attempt at a compromise, and as such was perhaps not sufficiently clear.

Mr. MATHIESON (United Kingdom) did not believe that Part IV should be included in a report for submission to the General Assembly.

Mr. PEREZ CISNEROS (Cuba) said that Part IV, which had originally been too prolix, was not in his view too elliptical. Nevertheless, it was not entirely useless to repeat the ideas expressed in it, and particularly the necessity for "respect for the Charter as a whole". He was therefore in favour of retaining Part IV.

Mr. INCLES (Philippines) was also in favour of retaining Part IV, particularly as the obligations of Member States under Chapter XI of the Charter had a bearing on the factors indicative of the degree of self-government of Non-Self-Governing Territories.

At the request of Mr. PEREZ CISNEROS (Cuba), a vote was taken by roll-call on the United States proposal.

Australia, having been drawn by lot by the Chairman, was called upon to vote first.

The result of the vote was as follows:

In favour: Australia, Belgium, Denmark, France, Netherlands, New Zealand, United Kingdom, United States of America.

Against: Brazil, Cuba, Egypt, India, Mexico, Philippines, Union of Soviet Socialist Republics.

Abstaining: Pakistan

It was agreed by 8 votes to 7 with 1 abstention that Part IV should be deleted.

Part V

Mr. SCOTT (New Zealand) asked that a separate vote be taken on the first part of the second paragraph, ending at the words "Non-Self-Governing Territory".

Mr. INGLES (Philippines) said that the two parts of that paragraph could not be voted on separately, because if the second were rejected the first would present a distorted view of the proceedings in the Committee.

Mr. SCOTT (New Zealand) proposed that the words "what authority should determine" should be substituted for the words "the determination" in the third line of the second paragraph.

Mr. PEREZ CISNEROS (Cuba) said that it would be preferable to indicate that whether a territory was or was not self-governing might be determined either by the Administering Authority or by the General Assembly, or by both. He would therefore propose that the words "what authorities" be substituted for the words "what authority" in the New Zealand amendment.

Mr. SCOTT (New Zealand) said that in order to meet the point raised by the Cuban representative he would be prepared to revise his amendment to read "who should determine".

Mr. PEREZ CISNEROS (Cuba) agreed.

The CHAIRMAN put to the vote the New Zealand amendment, as amended.

The New Zealand amendment was adopted by 13 votes to none.

Part V was adopted as amended.

Part VI

The CHAIRMAN drew attention to the Indian amendment (Conference Room Paper No.5) to both alternative texts contained in Part VI.

Mr. INGLES (Philippines) said that, subject to the agreement of the Cuban and Egyptian representatives, his co-sponsors, he would accept the Indian amendment to the second alternative text in Part VI.

Mr. MATHIESON (United Kingdom) was prepared to accept the Indian amendment but would suggest that the words "a major" be substituted for the words "the paramount" in the third line.

Mr. RYCKMANS (Belgium) and Mr. LANNUNG (Denmark), co-sponsors with the United Kingdom delegation of the first alternative text, also accepted the Indian amendment.

Mr. PANT (India) said that he could not accept the United Kingdom representative's suggestion. He must insist on the maintenance of the words "the paramount".

Mr. MATHIESON (United Kingdom) withdrew his suggestion.

The Indian amendment to both alternative texts was adopted.

Mr. PEREZ CISNEROS (Cuba) suggested that it might be dangerous to put the two alternative texts to the vote, particularly if it resulted in a tie, as a result of which both would be rejected. Perhaps it would be more satisfactory for Part VI to be adopted as it stood, and for both alternatives to be submitted to the General Assembly.

Mr. RYCKMANS (Belgium) stated that if both texts proposed for Part VI were rejected, he would be compelled to vote against the draft report as a whole. He had accepted certain factors which did not appear to him to be altogether pertinent, and some which were entirely irrelevant, because it had been claimed that they might be useful in certain cases. It was therefore essential for him that his reservations as expressed in the text submitted by the Belgian, Danish and United Kingdom delegations should figure in the report, so as to make absolutely clear his position and the reasons why he had voted in favour of the draft report as a whole.

The CHAIRMAN suggested that both texts might be put to the vote, and that the Committee's report to the General Assembly might indicate which delegations had voted for which text.

Mr. INGLÉS (Philippines) said that he would explain two of his principal objections to the joint Belgian, Danish and United Kingdom text. In the first place, he could not agree that certain factors should be regarded "as a guide to conclusions". The General Assembly, in its resolution 334 (IV), had asked the Special Committee to examine the factors which should be taken into account "in deciding whether any territory is or is not a territory whose people have not yet attained a full measure of self-government". Thus the Committee was called upon to determine factors which were decisive in character. Secondly, the penultimate sentence in that text seemed to add to those mentioned in Article 73 e of the

Charter another goal for Non-Self-Governing Territories, namely, "incorporation in the metropolitan country or another State". He could not agree that association could be interpreted as meaning incorporation or assimilation, as would seem to be suggested by the text in question. He accordingly could not support it.

Mr. MATHIESON (United Kingdom) said that the Philippines representative seemed to consider that the sentence "It wishes to stress its belief that such factors should be regarded as a guide to conclusions rather than determining such conclusions" was at variance with General Assembly resolution 334 (IV). He himself, on the contrary, believed that a number of factors should be taken into account without any of them being decisive. The matter could still be decided on other grounds. It would be very difficult to claim that any enumeration of factors which could be arrived at was exhaustive and exclusive. He believed that the sentence to which the Philippines representative had taken exception constituted a valuable caveat.

Mr. RYCKMANS (Belgium) repeated that he set great store by the adoption of the joint Belgian, Danish and United Kingdom text, in order to make it clear why he had voted in favour of certain factors which he did not regard as pertinent or decisive, such as language and race.

Mr. LANNUNG (Denmark) suggested that the sentence "It does not consider that any one or any combination of these factors need be regarded as predominantly decisive in themselves." in the text proposed by the Cuban, Egyptian and Philippines delegations was not entirely satisfactory, in view of the inclusion of the words "in themselves" instead of "in every case". There was surely a combination of factors that must be regarded as decisive and which would entitle a territory to be considered as outside the scope of Article 73 of the Charter.

Mr. GERIG (United States of America) pointed out, in answer to the Philippine representative's second observation, that in certain cases, peoples of Non-Self-Governing Territories had opted for assimilation. Provision must be made for them to be given that choice, and he could not support a text which did not provide for that possibility.

Mr. PEACHEY (Australia) asked whether, if the text proposed by the Belgian, Danish and United Kingdom delegations commanded a majority, the alternative text would also be put to the vote.

Mr. PANT (India) said that if the Cuban representative's proposal that

both texts should be submitted to the General Assembly was not formally before the Committee, he would be compelled to abstain from voting.

Mr. SOLDATOV (Union of Soviet Socialist Republics) said that the Committee had two texts before it. If the first were adopted, the second would no longer be before the Committee.

The CHAIRMAN agreed with the Soviet Union representative. He then put to the vote the joint Belgian, Danish and United Kingdom text.

At the request of Mr. PEREZ CISNEROS (Cuba), a vote was taken by roll-call.

Brazil, having been drawn by lot by the Chairman, was called upon to vote first.

The result of the vote was as follows:

In favour: Australia, Belgium, Denmark, France, Netherlands, New Zealand, United Kingdom, United States of America.

Against: Brazil, Cuba, Egypt, Mexico, Pakistan, Philippines, Union of Soviet Socialist Republics.

Abstaining: India.

The text proposed by Belgium, Denmark and the United Kingdom for the first paragraph of Part VI was adopted by 8 votes to 7, with 1 abstention.

Mr. PEREZ CISNEROS (Cuba) asked that the procedure followed in respect of Part VI be recorded in the Committee's report to the General Assembly, and that that report should contain the alternative text proposed by the Cuban, Egyptian and Philippines delegations.

The CHAIRMAN undertook to see that that was done.

Mr. PEREZ CISNEROS (Cuba) stated that the last paragraph in Part VI was not satisfactory, as it did not reflect the cleavage of opinion which had made itself apparent in the Committee. A sentence should be added stating that some members considered that the Committee had no competence to consider the ideas in the preceding paragraph.

Mr. INGLÉS (Philippines) stated that his delegation considered the last sentence of Part VI to be irrelevant to the matter under consideration, and that he would like its dissenting view to be mentioned both in the report and in the summary record. He would propose the addition after the sentence suggested by the delegation of Cuba of another sentence stating: "Still other members took the view that the considerations adduced by members, who expressed the opinion contained in the first paragraph above, were immaterial to the matters being dealt with by the Special Committee."

Mr. RYCKMANS (Belgium) stated that the members of the Special Committee who had not been members of the Sub-Committee required some explanation. He himself had no desire to support factors which were considered irrelevant.

The CHAIRMAN proposed that a vote be taken on the addition suggested by the Cuban representative.

Mr. PEREZ CISNEROS (Cuba) considered that there was no need to take a vote on his amendment. Document A/AC.35/L.69/Add.3 was intended to reflect facts, and if certain members wished to place their dissenting opinions on record, they obviously had equal rights with other members to do so.

Mr. RYCKMANS (Belgium) and Mr. MATHIESON (United Kingdom) agreed.

The amendments proposed by the representatives of Cuba and the Philippines were adopted.

Part VI was adopted as amended.

Part VII

The CHAIRMAN called upon the French representative to introduce his amendments to Part VII, as contained in Conference Room Paper No.4.

Mr. PIGNON (France) explained that the French delegation had submitted the amendments concerned in the interests of clarity, and in order to take all factual data into account.

The CHAIRMAN stated that before the French amendments were considered, an amendment proposed by the United States representative to the effect that the first two lines of Part VII should be replaced by the words "The Special Committee", should be put to the vote.

Mr. RYCKMANS (Belgium) pointed out that the first two lines of Part VII were intended to indicate that the members of the Sub-Committee had restricted themselves to a cursory consideration of the problem, and had not had an opportunity of dealing with it at length. He, therefore, did not fully appreciate the need for the United States amendment. However, he would not vote against it if it were put to the vote, but would simply abstain.

The United States amendment was adopted by 11 votes to 1, with 4 abstentions.

Mr. PANT (India) suggested that the word "might" be replaced by the word "should" in the fifth line of Part VII.

Mr. RYCKMANS (Belgium) could not support that proposal, as the word "should" implied an element of compulsion.

Mr. INGLES (Philippines) pointed out that if the Committee were acting in pursuance of General Assembly resolution 334 (IV), it "should" take factors into account. He therefore supported the Indian amendment,

Mr. GEMIG (United States of America) suggested that the word "could" be used instead of the word "should".

Mr. SCOTT (New Zealand) asked whether the words "some of which should" could be substituted for the word "might", as there was one factor, section C.6, which his Government could not possibly take into account.

Mr. PANT (India) maintained his amendment in its original form.

The Indian amendment was adopted by 8 votes to 2, with 5 abstentions.

Section A.

Mr. INGLES (Philippines) stated with regard to the amendments submitted by the delegation of France, that while he would be prepared to accept them, he considered it preferable that the second amendment be inserted after "Geographical considerations", in section A.1 of Part VII, to which the first French amendment also related.

Mr. PIGNON (France) thought it more logical that the amendment proposed should be inserted where he had originally suggested, but had no objection to the Philippines proposal.

Mr. MATHIESON (United Kingdom) stated that if the Philippines amendment to the French amendments were adopted, he would prefer the words "Constitutional considerations" to be amended to read "Constitutional matters", so as to avoid giving the impression that the Committee was attempting to define the "constitutional considerations" referred to, for example, in Article 73 e of the Charter.

Mr. PIGNON (France) agreed with the suggestion of the United Kingdom representative.

The CHAIRMAN put the first French amendment to the vote.

The first French amendment was adopted by 13 votes to 1.

The CHAIRMAN asked whether the representative of France could agree to the insertion of his second amendment at the place suggested by the representative of the Philippines.

Mr. PIGNON (France) agreed.

The second French amendment, as revised, was adopted by 12 votes to 1.

Mr. BYSSMANS (Belgium) pointed out that the wording of the French text

of section A.3 in Part VII needed revision to bring it into line with the English text.

Mr. INGLES (Philippines) considered that the heading of section A.3 should read "Opinion of the population". The word "opinion" occurred in the French text, and would be more appropriate in the English version than the word "wishes".

The Philippines amendment was adopted.

Section A was adopted as amended.

Section B

Mr. GERIG (United States of America) considered that the words "and, if not, do they have the freedom to opt out of such association?" in section B.2 were redundant, and should accordingly be deleted. The retention of the words in question would set a precedent, inasmuch as the Special Committee would have to report on States that were unable to opt out, and he felt that for the reasons he had stated, he could not justify such a proposal to his Government. He had no doubt that other States with a federal constitution had similar views, and would consider that the words he had quoted should preferably be omitted.

Mr. SOLDATOV (Union of Soviet Socialist Republics) stated that freedom to opt out of the Union was a fundamental principle of the Soviet Union Constitution. He believed that such a right probably existed in many parts of the world, and that it would be quite wrong to exclude reference to it from the text under consideration.

Mr. INGLES (Philippines) pointed out that the freedom to opt out of an association was permitted where that association had not been the outcome of the freely expressed wishes of the population concerned. In the view of the Subcommittee, it should not be recognized where an association had been freely entered into.

Mr. PANT (India) said that the Philippines representative had pointed to a vital distinction. He (Mr. Pant) believed the words in question should be retained, but it should be understood that they did not refer to associations freely contracted.

Mr. GERIG (United States of America) maintained his proposal that the words "and, if not, do they have the freedom to opt out of such association?" be deleted. Though he recognized that there was some validity in the arguments advanced in favour of their retention, the text as it stood at present was unacceptable to him.

Mr. SOLDATOV (Union of Soviet Socialist Republics) said that he had assumed that the words "if not" would be deleted, since obviously if a territory had entered into association with a metropolitan country against the will of its people, it would probably not have the freedom to opt out.

Mr. GERIG (United States of America) said that it was dangerous to give unlimited rein to the principle of self-determination when there had been a free association. He doubted whether there was any State which would be prepared to grant such freedom to all its constituent elements.

Mr. SOLDATOV (Union of Soviet Socialist Republics) said that the principle of self-determination was fully recognized in the Soviet Union Constitution, and that he believed that the right of opting out of an association must be recognized. However, the words at the end of the first paragraph of section B.2 would have to be redrafted, since, as he had already explained, they were illogical as they stood.

Mr. GERIG (United States of America) asked that a separate vote be taken on the words "and, if not, do they have the freedom to opt out of such association?".

The CHAIRMAN put to the vote the words "Association with the metropolitan country... people of the Territory".

Those words were adopted by 12 votes to none, with 2 abstentions.

The CHAIRMAN put to the vote the words "and, if not, do they have the freedom to opt out of such association?".

Those words were rejected by 8 votes to 6, with 1 abstention.

Mr. PEREZ CISNEROS (Cuba) proposed the insertion of the words "without discrimination" after the words "and metropolitan citizenship" in section B.2, third sub-paragraph.

The Cuban amendment was adopted.

Mr. ZIAUD-DIN (Pakistan) failed to understand the purpose of the expression "etc." in the second sub-paragraph and suggested that it be deleted.

It was so agreed.

Mr. PEREZ CISNEROS (Cuba) said that it was inappropriate to have a separate heading and number for the last paragraph in section B, and therefore suggested the deletion of the figure 3 and the word "Sovereignty". He also suggested that that paragraph be transposed. It should become the second sub-paragraph of section B.2.

It was so agreed.

Mr. INGLES (Philippines) wished to make clear that the word "association" which had been inserted in place of the word "incorporation" in the first paragraph of section B.2 at the suggestion of his delegation, should be understood to mean the free association of equals, and neither incorporation nor annexation.

Section B was adopted as amended.

Section C

Mr. ZIAUD-DIN (Pakistan) suggested that it might be enquired in section C whether the principle of habeas corpus existed in the territories.

Mr. MATHIESON (United Kingdom) pointed out that there was great danger in accepting too freely considerations which had nothing to do with whether a territory was self-governing or not.

Mr. PIGNON (France) said that he detected throughout the whole paper a confusion between two concepts, democracy and self-government.

Section C was adopted.

Section D

Mr. LANNUNG (Denmark) suggested that paragraphs 1 and 2 in section D should be transposed, so as to correspond to their order of importance.

It was so agreed.

In answer to an enquiry by Mr. PIGNON (France), Mr. PEREZ CISNEROS (Cuba) explained that the purpose of the former paragraph 1 was to ascertain whether, for example, a general confederation of labour in the metropolitan country, with which territorial unions were associated, could dictate policy to the latter. It was clear that the interests of the two might conflict.

Mr. PIGNON (France) doubted whether such problems had the slightest bearing on whether a territory was self-governing.

Section D was adopted as amended.

Section E

Mr. PEREZ CISNEROS (Cuba) proposed that the words "Is it entitled to negotiate, sign and ratify international conventions"? be added at the end of paragraph 1.

The Cuban amendment was adopted.

Section E was adopted as amended.

Part VII was adopted as amended.

Mr. CALDERÓN PUIG (Mexico) expressed his appreciation of the work which

had been done on the draft report before the Committee, which contained a number of factors which he was prepared to support. However, when it was put to the vote as a whole he would not be able to vote for it owing to the deletion of Part IV. The suppression of that Part involved, for his delegation, a matter of principle. He also had misgivings about the decision taken on Part VI. He would therefore abstain on the draft report as a whole, and reserve the Mexican Government's position in the General Assembly.

Mr. SOLDATOV (Union of Soviet Socialist Republics) said that he had already explained his attitude to the draft report in the Sub-Committee. He would request that reference should be made to that attitude in the Special Committee's report to the General Assembly.

Mr. PEREZ CISNEROS (Cuba) and Mr. ROCQUE da MOTTA (Brazil) associated themselves with the remarks of the Mexican representative, and said that they would abstain from the vote on the draft report. They also reserved the position of their delegations in the General Assembly.

Mr. PIGNON (France) was prepared to vote in favour of the draft report, subject to the reservations mentioned earlier by the Belgian representative, in connexion with Part VI.

Mr. PHARAONY (Egypt) said that he would abstain from the vote on the draft report, and reserved the position of his delegation in the General Assembly.

Mr. RYCKMANS (Belgium) said that he might have voted in favour of the draft report, despite the fact that he had in a spirit of collaboration accepted certain factors in it with which he did not agree, but that in the light of the foregoing statements he would also abstain.

Mr. MATHIESON (United Kingdom) stated that, as preceding speakers had declared that they would be unable to support the draft report as a whole, he, too, would abstain.

Mr. SCOTT (New Zealand), stating that he would abstain on the draft report as a whole, said that the discussion had amply demonstrated the impossibility of establishing a list of factors satisfactory to all.

Mr. GERIG (United States of America) said that he, too, had had serious misgivings as to whether it would be possible to draw up a list of factors to be taken into account in determining whether a territory had achieved a full measure of self-government, but had accepted certain proposals in an attempt to reach a

compromise. As his gesture appeared to have met with no success he might also be obliged to abstain.

Mr. PEACHEY (Australia) said that he would abstain from voting on the draft report as a whole.

Mr. PIGNON (France) said that in view of the foregoing statements he would withdraw his earlier declaration and also abstain on the draft report as a whole.

Mr. PANT (India) pointed out that the draft report might provide a very useful and important starting point, and urged that representatives should support it so as to avoid the danger of it being adopted by one solitary vote.

Mr. ZIAUD-DIN (Pakistan) supported the Indian representative. The Special Committee had been asked by the General Assembly to examine the factors to be taken into account in deciding whether a given territory was or was not one the people of which had attained a full measure of self-government. If no report were submitted at all, all efforts would have been wasted.

Mr. INGLES (Philippines) shared the Mexican representative's views with regard to Parts IV and VI. He was prepared to support the draft report if only to place before the General Assembly a document which might serve as a basis for further study and elaboration, and in order to demonstrate that the Special Committee was not shirking in a sense of responsibility.

Mr. GERIG (United States of America) said that his proposal that Part IV should be deleted had not been inspired by objections to its substance; he had made it because it seemed to him inappropriate to make a declaration of principle in that particular context. As was well known, the United States Government was profoundly concerned that the provisions of the Charter should be respected. As most representatives had declared their intention of abstaining on the draft report as a whole, he would suggest that the consequences should be seriously considered. Since it had been his delegation which had proposed the deletion of Part IV, he now wished to suggest, in a spirit of compromise and in order to meet the wishes of other delegations, that Part IV be reinstated so that the Committee could transmit something, at least, to the General Assembly. He was not satisfied with the draft report as it stood and would vote for it only with great reluctance, but he urged strongly that it should be accepted as representing a starting-point.

Mr. CALDERÓN PUIG (Mexico) thanked the United States representative for

his conciliatory gesture, and stated that if those representatives who had shared his reasons for abstaining on the draft report were prepared to vote in favour of it once Part IV had been restored, he would do so himself.

Mr. ZIAUD-DIN (Pakistan) stated that he had voted in favour of the deletion of Part IV, which he regarded as a tautological statement of self-evident principles. He viewed with particular disfavour the last sentence, which smacked of self-satisfaction. He, too, however, would not oppose reconsideration, having regard to the considerations advanced by the representative of the United States of America.

Mr. GERIG (United States of America) formally moved that consideration of Part IV be re-opened.

The United States motion was carried by 13 votes to none, with 2 abstentions.

Mr. PIGNON (France) said that he was also anxious to join in the general attempt to reach a compromise. Nevertheless, he would be compelled to vote against Part IV as it stood, since he was not satisfied with the way in which it was drafted.

The CHAIRMAN put to the vote the United States proposal that Part IV be restored to the draft report.

The United States proposal was adopted by 10 votes to 1, with 4 abstentions.

The draft report of the Sub-Committee on Factors Indicative of Degree of Self-Government (A/AC.35/L.69/Add.3), as amended, was adopted by 10 votes to 1, with 5 abstentions.

Mr. PEREZ CISNEROS (Cuba) asked for an assurance that the alternative text, which had been proposed by the Cuban, Egyptian and Philippines delegations for Part VI, would be included in the Committee's report to the General Assembly.

The CHAIRMAN observed that he had understood it to have been agreed that that text would be included as a footnote.

The meeting rose at 1.15 a.m. on Friday, 26 October 1951.