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COMMITTEE ON INFORMATION FROM NON-SELF-GOVERNING TERRITORIES

Third Session

SUMMARY FLOORD OF THE SIXTY-SEVENTH MEETING

Held at Headquarters, New York, on Thursday, 2 October 1952, at 10.30 a.m.

1

CONTENTS

Future of the Committee on Information from Non-Self-Governing Territories (A/AC.35/L.85, Conference Room Paper No.7)

52-10536

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PRESENT:

Chairman:	Mr. ASAD	Pakistan
Members:	Mr. LOOMES	Australia
	Mr. Ryckmans	Belgium
	Mr. CALERO RODRIGUES	Prozil
	Mr. BLANCO	Cuba
	Mr. HOLTEN ECCEVAT	Denmark
	Mr. BUETAMANTE	Ecuador
	Mr. FAILY	Egypt
	Mr. PIGNON	France
	Mr. Shiva Rao	India
	Mr. TAJIENAPJS	Indonesia
	Mr. SPITS	Netherlands
	Mr. DAVIN	New Zealand
	Mr. ROCCHUN	Union of Soviet Socialist Pepublics
	Mr. MATHIESON	United Kingdom of Greet Britain and Northern Ireland
	Mr. CARGO	United States of America
Representative	b of specialized agenc	105:
	Mr. GAVIN	International Labour Organisation (ILO)
	Dr. STOCK	World Health Organization (WHO)
	Mr. DESTONBES	United Nations Educational, Grientif and Cultural Organization (1 SCO)

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Mr. EFIISON	Secretary of the Committee	

FUTURE OF THE COMMITTEE ON INFORMATION FROM NON-SELF-GOVERNING TERRITORIES (A/AC.35/L.85, Conference Room Paper No.7)

Mr. SHIVA RAO (India) observed that the decision as to the Committee's future should be weighed against the background of past Assembly decisions regarding the Non-Self-Governing Territories. The most significant relevant resolutions revealed a growing interest in the peoples of the Territories and a progressively greater recognition of the Committee's contribution.

In its first action taken under Article 73 in 1946, the Assembly had reminded the Administering Powers that the obligations they had assumed under the Charter were already in full force, and had gone so far as to request the Secretary-General to include summeries of information submitted in his annual report on the work of the Organization, thus placing such data on an equal footing with the reports of the main United Nations organs. In an effort to find a more satisfactory procedure for discharging its obligations, the Assembly, by resolution 66 (I), had set up an ad hoc committee to examine the Secretary-General's summaries and empowered it to make recommendations regarding future procedures and, in particular, to ensure the best use of the expert knowledge of the specialized agencies. With that authority, the Committee had drafted the Standard Form and the Assembly, by resolution 142 (II), had asked the Secretary-General to follow that Form so far as possible in his summaries and to include information on the participation of local populations in local organs of government. The Assembly's growing interest in those populations had been shown in another resolution adopted at the same session (144 (II)) which had noted that some Administering Powers had voluntarily transmitted information on the development of self-governing institutions in the dependent territories. Finally, impressed with the usefulness of the Ad Hoc Committee, the Assembly had decided in a further resolution (146 (II)) to set up a Special Committee authorized to make substantive recommendations with regard to the functional fields generally - social, economic and educational - but not with respect to In 1948, the life of that Special Committee had been individual territories. extended for one year without prejudice to the future, a formula arrived at as the result of a compromise between those who would have placed the committee on a permanent basis and those who would have discontinued it. Another decision,

taken at the third session, had emphasized the collaboration of the specialized agencies in the implementation of Article 73 e and had requested the Secretary. General to maintain close liaison with them. Resolution 222 (III) had again affirmed the Assembly's concern for the progress of the dependent peoples towards self-government. Without challenging the right of Administering Powers to withhold information on areas which could not be characterized as Non-Self-Governing Territories, the Assombly had welcomed the development of selfgovernment and asked those States which had ceased to transmit information on certain territories to communicate relevant material, including the constitution or legislative act providing for the government of the specific territory and it constitutional relationship with the metropolitan country. At the fourth and fifth sessions, the Assembly had assigned other special responsibilities to the Committee and, by resolution 332 (IV), extended its life for another three years In so doing, it had invoked not only Article 73 e, but the passages of the Charter which stated the fundamental objectives of the United Nations. 0**f** paramount interest was its injunction to the Special Committee to examine any information on measures taken in pursuance of previous Assembly resolutions concerning economic, social and educational conditions in the Non-Self-Governing Territories.

It was gratifying to note that the Committee's work had steadily improved, that the excellent Secretariat documentation had facilitated that work in great measure and that the specialized agencies had extended and intensified their collaboration. The members of the Committee were approaching their task with sympathetic understanding and progress was being made more through mutual agreement than by formal resolutions. In the circumstances, so long as Article 73 e stood in the Charter and the relevant Assembly resolutions remained in force, the General Assembly could not abandon its responsibility toward the Non-Self-Governing Territories and the Committee should be continued as the It was difficult channel through which it could discharge that responsibility. to envisage how, were the Committee to be dissolved, the information which must continue to be transmitted under Article 73 e would be dealt with effectively by the General Assembly. Its Fourth Committee might conceivably appoint a It was hardly likely that such a group, however, sub-committee for the purpose. lacking the long experience of the present Committee, could accomplish the task

satisfactorily, and unnecessary delay would probably result in completing the Fourth Committee's programme of work. There was both advantage and economy in maintaining the present Committee and in convening it a few weeks before the opening of the Assembly.

Moreover, the existence of the Committee had great significance for the peoples of the Non-Self-Governing Territories; he himself had received man letters expressing their gratitude for the interest shown in improving their lot. As they could not be represented in the organs of the United Nations, the Committee actually constituted their only line of communication with the Organization. For the benefit of the non-self-governing peoples, and to expedite the task of the Secretary-General and of the General Assembly, the Committee on Information from Non-Self-Governing Territories should be made an integral pert of the machinery of the United Nations.

Mr. RYCKMANS (Belgium) would vote against the continued existence of the Committee; his basic conviction regarding the manner in which it functioned He felt, and the present session had confirmed that remained unchanged. belief, that so long as the Committee remained divided into two hosti's campa composed of Administering Powers and non-Administering Powers, with the latter championing the non-self-governing peoples - presured victims of colonial imperialism - and the former contesting the competence of the Committee to discuss their status, the discussions were doomed to sterility and could only produce antagonisms rather than constructive results. There was no hope that the non-Administering members would swerve from their unalterable position, for it had been determined in advance. For its part, the Belgian delegation would never discuss the administration of the Belgian Congo. Its participation would never go beyond the transmission of information as provided in the Charter and the elaboration of certain questions with a view to dispelling any possible Belgium would not deviate from that position of principle. misunderstanding.

He had concluded from the current debate that good work might be done in respect of promoting the welfere of the dependent territories in another atmosphere and with another approach. His conclusion was largely based on the example given by the representative of India, who had not bean afraid to speak freely of the almost insurmountable difficulties encountered by 147 own Government

in its efforts to raise the standards of living of the Indian people. Although many of those problems, like those of other sovereign States, were common to the dependent territories, the Committee was forbidden to invite comparisons and he, for example, could not discuss conditions in sovereign States which were identical with those in the Belgian Congo. Surely such restrictive procedures did not edvance international co-operation for the purpose of relieving the suffering of millions of the world's inhabitants. On the contrary, they illustrated the patent absurdity of the Committee's task.

Indeed, it would appear absurd to an uninitiated listener that the Committee should be examining an HLO survey of migrant labour devoted exclusively to the Non-Seld-Boverning Territories; the HLO expert himself must be impressed with the enoughous position foighed upon him because he could not compare migrant labour conditions in Northern Rhodesia and the Union of South Africa, for example, solely because the latter did not come within the category of territories described as Non-Self-Governing. It was hard to see the relevance of political statut to social or ecchamic evils requiring remedial action. Yet the Egyptian representative hal represend UNESCO with carrying out its survey of the use of vermecular languages on a worldwide basis, rather than specifically as it applied to the dependent territories, although that problem should hogically to each with on the basis of unitorsally applicable pedagogic and psychologics' vermecular.

The Indian representative hel referred to the possibility of pursuing the Committee's deliberations in some other forum and in a different atmosphere. The Belgian delegation could visualize the possibility of the representatives of the Administering Powers and of other independent countries meeting to discuss matters of common interest frankly and fairly in an atmosphere where internations co-operation prevailed over mistrust. In such a bely the representatives of sovereign States would not be ashemed to take lessons even from colonial territories if they promised good results. There were elements in the Belgian Congo imbued with race prejudice, as there were certainly groups in India guilty of casts discrimination, and he would be prepared to discuss such matters with the Indian representative, but on an equal footing and individually in the interests of social justice. The Belgian delegation would always be willing to participate in meetings which aimed at improving the lot of all peoples, in

dependent and independent territories alike, provided that the meetings were not a forum for partial arguments by competitive groups basing themselves on territorial distinctions, but it would vote against the continuation or reproduction of the Committee, which had already been in existence too long.

Mr. FAHAY (Egypt) thought that, in discussing the future of the Committee, three main factors should be taken into account: the legality of its establishment, its usefulness and the possibility of transferring its duties and functions to enother organ of the United Nations or of the specialized agencies.

It was undesirable for the Committee to involve itself in a discussion on the legal aspects, which had already been exhaustively examined from 1947 to 1949 in the Committee and in the Fourth Committee, particularly as the General Assembly intended to discuss ways and means of shortening its work at its forthcoming session.

Even before the adoption of Chapter XI, public opinion throughout the world had realized that, as a result of the goodwill shown by the Administering Powers, a new concept of the colonial system had emerged and that no retrogression was possible. He trusted that there would be no repetition of the statements made in earlier days by the representatives of the Administering Powers, who had claimed that Chapter XI was a declaration made by the Administering Powers to the United Nations and not an integral and constitutional provision of the Charter and that they had no obligation in that connexion except as specified in Article 73 e. Yet come representatives of the Administering Powers had not shared that view. The Australian representative, for example, had emphasized that the Charter brought the whole world within the scope of international responsibility.

It was also comforting to note that the concept of international accountability had been an outstanding feature of the Committee's work. Almost all the draft resolutions submitted to the General Assembly had been adopted in the Committee by a large majority, which showed that there was no disagreement between the representatives of the Administering Powers and the others when they co-operated to make the spirit of Article 73 e a meality. In 1951 the representatives of the United Kingdom, the United States, Australia and

New Zealand had voted for a draft resolution proposing that representatives from the Non-Self-Governing Territories should participate in the Committee's work. In 1949 a large majority had expressed the wish that the existence of the Special Committee should be continued and a large number had been in favour of establishing it on a permanent basis. Articles 10 and 22 and Chapter XI were evidence of the incontestable legality of the Committee under the terms of reference assigned to it in 1949.

Experience so far had justified the Committee's past and future existence. All its reports had been adopted almost unanimously and commended by the General Assembly. The records would show that many representatives of Administering Powers had admitted on various occasions that the Committee had accomplished useful work. He referred the Committee to paragraph 3 of General Assembly resolution 332 (IV) and streased that, as long as the Non-Self-Governing Territories existed, the Committee must continue to assist the General Assembly to supervise the implementation of Chapter XI.

In 1949 the United Kingdom representative in the Fourth Committee had suggested the possibility of transferring the Committee's work to enother body, but the proposal had been rejected. That representative had contended that the information submitted under Article 73 e was of a technical nature and that the proper forum for discussing it was the specialized agencies, as the Special Committee was not qualified to study such technical subjects as the use of the vernacular and the eradication of illiteracy. But that argument had been invalidated by the Special Committee in 1950, when it had submitted to the General Assembly a very constructive report on education, including sections dealing with the use of the vernacular and the eradication of illiteracy. The Committee had also been dealing with those subjects every year since.

Without detracting from the assistance rendered to the Committee by the specialized agencies, he wondered what would happen if the unjustified contentic was upheld that the technical organs of the United Nations as currently constituted were incompetent to discuss and express their views on technical matters. The result would probably be that all the existing technical bodies, includ. Ig the Economic and Social Council, would disappear and have their functions transferred to the specialized agencies, which would involve changes is the Charter and in the constitutions of the agencies. He could not agree that

those agencies could assume all the functions of the Committee, as they did not fall within the purview of any of them. He would therefore support any proposal for the continuation of the Committee until the General Assembly considered that it had exhausted its terms of reference.

Mr. PIGNON (France) said that his objections against the existence of the Committee in principle were well known and that the French delegation had reiterated them each year as a recervation. Those objections were still valid. The French delegation's participation in the Committee's work was a voluntary gesture of co-operation and goodwill. France, subject to its reservations, was obliged to play an active part in the Committee's deliberations and had included in its delegation a qualified expert to supply relevant information on the subjects under the Committee's terms of reference.

Contrary to the Indian representative's view, he felt that the results of the Committee's work were very questionable, although he did not belittle the importance and quality of the contributions made by the Secretariat and the specialized agencies. It might well be asked whether any matter had been exhaustively dealt with at the current session and whether the reports had been produced by the Committee itself or by the Secretariat. The racial question, for example, had not been fully discussed and the Secretariat would have to devise an appropriate chapter for the report. The exchange of ideas and experience in dealing with economic, social and educational problems might be of use to those unacquainted with the conditions in Non-Self-Governing Territories, but it could not serve as a guide to the The Committee, by virtue of its terms of reference, Administering Powers. was a technical body, but it was impossible to demand from each representative a comprehensive knowledge of every technical specialty which would enable the Committee to deal with all its subjects in proper detail. That difficulty would not be so significant, however, if the discussion remained impartial and objective and if the comparison of conditions led to a balanced view. In that connexion he drew the Committee's attention to General Assembly resolution 447 (V).

The Indian representative had made a constructive contribution to the work of the session by quoting from his experience of inditions in India, but

his good example had not been followed. The meagre results of the Committee could be achieved for less expenditure and without monopolizing the time of representatives who could be more useful elsewhere. The current session had been an unpleasant experience; the traditional co-operation and courtesy maintained at previous sessions had disappeared.

In voting he would reserve the full freedom of his Government to determine what approach it would adopt in the General Assembly in the light of the Committee's work and of other information.

The CHAIRMAN, speaking as the representative of Pakistan, fully supported the Indian and Egyptian representatives. As long as Non-Self-Governing Territ les existed, information on them must reach the General Assembly through machinery established for that purpose.

It was strange that the Belgian representative had divided the Committee into two conflicting groups of protagonists. The Chairman did not believe that such stagonism really existed; if it did it must be construed as a conflict bet. I those upholding their own interests as Administering Powers and those defending the interests of the populations of Non-Self-Governing Territories.

The Indian reprocentative's references to India's difficulties in improving economic and other conditions were meant to show that the difficulties experienced in Non-Self-Governing Territories were not restricted to those territories. But countries such as India, Pakistan, Egypt or Indonesia had governments truly responsible to their own peoples for promoting their advancement; the same could not be said of the on-Self-Governing Territories. Without questioning the good faith of the Administering Powers, he recalled that the Charter described their administration of dependent territories as a "sacred trust" and that it stressed their moral obligation to promote the development and self-government of the indigenous inhabitants. Although not clearly specified in Chapter XI, the principle of moral accountability was implied in Article 73 and the United Nations was entitled to ask the Administering Powers to render account.

The independent countries of Asia and Africa were interested in the fate of the Non-Self-Governing Territories because, having achieved selfgovernment, they considered themselves bound to ensure that the greatest

possible number of peoples in the world attained to independence. The objective of Chapter XI was not just good government by the Administering Powers but the promotion of full self-government.

He believed that the Committee's work justified its continuation. The General Assembly had expressed its satisfaction with the Committee's work and, during the current session, several representatives of the Administering Powers had agreed that the Committee was useful. Even if the material results were small, its psychological effects were far-reaching. The inhabitants of the Non-Self-Governing Territories derived encouragement and hope for an improvement in their conditions from the fact that the Committee existed and that the United Nations was looking after their interests. The Pakistani delegation would therefore vote for the continuation of the Committee for as long as Non-Self-Governing Territories existed.

Mr. MATHIESON (United Kingdom) recalled that the United Kingdom had never been satisfied that there was any justification under the Charter for the establishment of a committee on information from Non-Self-Governing Territories and that, like the French delegation, the United Kingdom delegation had consistently reiterated its reservations on the subject.

When the United Kingdom had signed the Charter and the United Kingdom Parliament had ratified it, those acts had been performed on the clear understanding that nothing in the Charter, and consequently in Chapter XI, established any system of accountability whereby Administering Powers would be accountable to the United Nations for their actions in fulfilling the purposes of Chapter XI. It had recognized certain specific obligations to submit certain clearly defined categories of information and it had been scrupulous in carrying out those obligations.

The Pakistani representative had declared that Chapter XI of the Charter had come to have a deeper and more compulsive meaning and he had spoken of the secred trust assumed by the Administering Powers. The United Kingdom had always accepted the sacred trust of an Administering Power as its duty to civilization and for many decades it had not failed to publish,

both in its own country and before the whole world, accounts of the situation and developments in the territories under its administration. It felt. however, that, as trustee, it should have some say in the choice of its auditors, of whose bona fides it naturally wished to be sure. Without wanting to arrogate to itself all the virtues, it believed in its own good intentions and would like them to be believed in by all. It could not be satisfied that those conditions were to be found at present in the United In its rejection, therefore, of the doctrine of accountability, it Nations. opposed the establishment of machinery for the purpose of administering that doctrine. The Committee had so far limited its considerations to the particular subjects upon which information had been submitted, but the United Kingdom delegation was not entirely satisfied that some members had not ambitions of wider scope. Despite those apprehensions, however, it had participated in the Committee's work during the three years of its existence. for the same reasons as those so ably expressed by the French representative.

He could not share the Egyptian and Indian representatives' opinion that the Committee had been very useful. Its usefulness had admittedly improved with the growing association of the specialized agencies with its work, but the work it had achieved was rendered less valuable by the narrow context within which the different subjects were discussed. The United Kingdom delegation could not believe that economic, social and educational questions were conditioned by the fact of a territory being Non-Self-Governing or otherwise and it considered that attempts to solve the various problems could be more effectively made by the competent specialized agencies or by the Economic and Social Council, where they were discussed as world problems and the experience of all members was pooled.

With regard to the Egyptian representative's commendation of the Committee's excellent report on education, he felt bound to point out that much of the merit of the report had been due to the participation of Mr. Ward, the educational adviser to the United Kingdom Secretary of State for the Colonies, who also represented the United Kingdom in UNESCO; the fact that he had made a double contribution was proof of his zeal, but his efforts had nevertheless been just as effective in UNESCO as in the Johnnittee.

During the two years in which he had served on the Committee, Mr. Mathieson had been disappointed by the limited contribution made by some of the non-administering members. There had been a few notable exceptions, among them the Indian representative, who in a spirit of co-operation had evoked the experience of his own country in the problems under discussion, and the Egyptian representative, who had brought a social expert to address the Committee on certain subjects. It was, of course, inevitable that extensive contributions could be made only by those who had dealt with the same problems in their own countries; furthermore, it was not always possible for non-administering members to bring the necessary experts. Even admitting those limiting factors, however, he had been disappointed that the contributions of the Administering Powers on the Committee had not elicited more co-operation and reaction from their colleagues; in the discussions on items of substance on the agenda, the general atmosphere had been one of friendly apathy.

The Indian representative had declared that without the assistance of the Committee the General Assembly would be unable to fulfil its responsibilitie with regard to the information transmitted under Article 73 e of the Charter. Those responsibilities, however, consisted solely in keeping itself informed, which could be achieved if the Secretariat were authorized to compile summaries and analyses of the information and to circulate them to the The information would be all the more valuable if the General Assembly. Secretary-General were able to use it in relation to information concerning conditions in other territories of a similar geographical position. It could be taken into account in the discussions in the Economic and Social Council, when economic, social and educational conditions were considered on a universal plane; the United Kingdom had always maintained that it was better to examine such matters on a world-wide basis rather than to isolate certain aspects and place them in a political context. Moreover, the information would be of value to the specialized agencies and to other branches of the United Nations Secretariat, such as the Technical Assistance Board and the Department of Social Affairs.

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The Indian representative had suggested that the General Assembly had the further responsibility of seeing whether the Administering Powers had taken into account the measures it had suggested, at the recommendation of the Committee, for the benefit of the Non-Self-Governing Territories. Any action taken upon those recommendations would, however, be easily identified in the annual information submitted by the Administering Powers.

The Egyptian and Indian representatives had stated that the information transmitted was of value, not only to the General Assembly, but also to the peoples of the Non-Self Governing Territories. There was, however, no evidence to prove that those peoples welcomed the work of the Committee. The Indian representative had spoken of correspondence he had received from them; for his part, however, Mr. Mathieson had been more conscious of the impatience of local politicians in the Non-Self-Governing Territories, who had complained that they could not progress towards independence without United Nations agreement and had felt that their evolution was a matter between themsclves and the metropolitan country, which called for no outside interference.

The Egyptian representative had said that Chapter XI of the Charter was not to be regarded as a mere declaration but that it imposed obligations on the Administering Powers. Without fully concurring in that statement, Mr. Mathieson was willing to regard Chapter XI as an international contract. The Administering Powers carried out the obligations and could not yield their responsibilities to the United Nations. There was a tendency in the United Nations to suggest that the Administering Powers could do nothing without the prior authorization of the United Nations: to concede that would be to concede to the United Nations a measure of responsibility that belonged to the Administering Power alone.

The United Kingdom delegation did not, therefore, consider that the fact that the Committee was necessary under the Charter had been established. It could without regret see its work brought to a close with the present session.

Mr. ROSCHIN (Union of Soviet Socialist Republics) stated that before the Committee could decide what to recommend to the seventh session of the General Assembly with regard to the renewal of the Committee, the terms of the Charter must be closely examined. Under Article 73, the Administering Powers assumed various obligations towards the Non-Self-Governing Territories under their administration; the purpose of paragraph e of the same Article, under which they were to transmit information on those territories, was to enable the General Assembly to ascertain to what extent Administering Powers were fulfilling the obligations they had assumed. That was the only interpretation that could be put upon Article 73 e and it should be the guiding principle in any consideration of the future of the Committee.

94 57

> Representatives of some of the Administering Powers on the Committee had questioned the right of the Committee to discuss the information received. The Belgian representative had in fact disputed the USSR contention that the General Assembly had the right to reach conclusions on the subject and to adopt recommendations. Article 10, however, stated that the General Assembly could discuss any matters within the scope of the Charter and could make recommendations to Member States on such matters. It was clear, therefore, that the General Assembly had the right to consider whether obligations assumed under the Charter had been fulfilled; to argue that it was not competent to do so was to place a completely erroneous interpretation on the Charter.

On the question of the competence of the General Assembly to set up a Committee to consider the information transmitted by the Administering Powers, the Egyptian representative had rightly drawn attention to Article 22 of the Charter, which authorized the General Assembly to establish such subsidiary organs as it deemed necessary for the performance of its functions. The arguments of the Administering Powers that the Committee's work had been worthless were quite unconvincing. The United Kingdom representative had declared earlier that the Committee would be better advised not to discuss the subject of racial discrimination: in view of the information transmitted, which showed the immense disparity in Kenya and Northern Rhodesia, for example,

between the average income of an African and that of a European, it was obvious why the United Mingdom preferred that the question should not be discussed. The Belgian representative had said that the Committee could not speak with any competence on such technical subjects as chemical fertilizers, malaria etc.; there were many other subjects, however, which it was well able to discuss and which showed that the Administering Powers were not fulfilling their obligations. It was the Committee's duty to draw the attention of the General Assembly to that fact and to point out that conditions in the majority of the Non-Belf-Governing Territories were far from satisfactory.

With regard to the United Kingdom contention that the information could be better discussed in the Economic and Social Council or its Commissions, it was permissible to ask what value such discussions would have. Members would no doubt remember that, when at its third session the General Assembly had adopted a resolution approving a Protocol amending the Conventions for the Suppression of White Slave Traffic, the United Kingdom had made a specific reservation to the effect that not all its provisions would be applied to the Non-Self-Governing Territories under its administration.

It had been alleged that some of the non-administering members of the Committee had contented themselves with criticizing the Administering Powers, without offering any constructive suggestions. Since, however, many Administering Powers were disregarding both the spirit and the letter of the Charter, it was the Committee's duty to criticize their shortcomings.

There were many fundamental issues which it was the Committee's duty to consider; he reserved the right to enlarge upon them at a later stage of the discussion. In the meantime, the USSR delegation was submitting the following draft resolution on the future of the Committee (Conference Room Paper No. 7):

"The Committee on Information from Non-Self-Governing Territories, constituted for a three-year period by General Assembly resolution 332 (IV) of 2 December 1949, recommends that the General Assembly adopt the following resolution:

'The General Assembly,

Noting that the obligation of Administering Authorities under Article 73 e of the United Nations Charter to transmit information on Non-Self-Governing Territories is a permanent one;

'<u>Considering</u> it necessary that such information should be examined promptly by permanent organs of the Assembly and the results of such examination reported to the succeeding session of the General Assembly,

<u>Resolves</u> to constitute the Committee on Information from Non-Sélf-Governing Territories as a permanent organ of the General Assembly."

The object of the draft resolution was to stress that the obligations assumed by the Administering Powers under Article 73 were permanent and that it would be illogical to have a temporary body to deal with the subject. It was to be hoped that the time would come when there would no longer be Non-Self-Governing Territories or such problems as race relations and low standards of living to be discussed; until then, however, there must be a Committee on Information from Non-Self-Governing Territories and it must be permanent.

The meeting rose at 1 p.m.

17/10 a.m.