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COMMITTEE ON INFORMATION FROM NON-SELF-GOVERNING TERRITORIES

.Third Session

SUMMARY RECORD OF THE SIXTY-NINTH MEETING

Held at Headquarters, New York,
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/PRESENT:

PRESENT:

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| <u>Chairman:</u> | Mr. ASAD | Pakistan |
| <u>Members:</u> | Mr. LOOMES | Australia |
| | Mr. RYCKMANS | Belgium |
| | Mr. CALERO RODRIGUES | Brazil |
| | Mr. BLANCO | Cuba |
| | Mr. HOLTEN EGGERT | Denmark |
| | Mr. BUSTAMANTE | Ecuador |
| | Mr. FAIFY | Egypt |
| | Mr. PICLON | France |
| | Mr. SHIVA RAO | India |
| | Mr. TAJIBAPIS | Indonesia |
| | Mr. SPITS | Netherlands |
| | Mr. DAVIN | New Zealand |
| | Mr. ROSCHIN | Union of Soviet Socialist Republics |
| | Mr. MATHIESON | United Kingdom of Great Britain and Northern Ireland |
| | Mr. CARGO | United States of America |

Representatives of specialized agencies:

| | |
|---------------|--|
| Mr. GAVIN | International Labour Organisation (ILO) |
| Mr. DESTOMBES | United Nations Educational, Scientific and Cultural Organization (UNESCO) |
| Dr. STOCK | World Health Organization (WHO) |

Secretariat:

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| Mr. BENSON | Secretary of the Committee |
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FUTURE OF THE COMMITTEE ON INFORMATION FROM NON-SELF-GOVERNING TERRITORIES
(A/AC.35/L.83, A/AC.35/L.83/Corr.1, A/AC.35/L.83/Add.1 and A/AC.35/L.85;
Conference Room Papers Nos. 6-9) (continued)

The CHAIRMAN drew attention to the three draft resolutions before the Committee: those presented by the USSR (Conference Room Paper No. 7) and the United States (Conference Room Paper No. 6) concerning the future of the Committee and a third, presented jointly by Brazil, Cuba, Ecuador, Egypt, India and Pakistan (Conference Room Paper No. 8) on the participation of representatives of Non-Self-Governing Territories in the work of the Committee. He proposed that the Committee should deal first with the two draft resolutions concerning the future of the Committee.

He accordingly put the USSR draft resolution to the vote.

The USSR draft resolution was rejected by 8 votes to 7, with 1 abstention.

Mr. FAHMY (Egypt) recalled that the Cuban representative had proposed at the previous meeting that the three-year period mentioned in paragraph 1 of the United States draft resolution for the continuation of the Committee should be changed to four years. Since the Cuban representative did not intend to submit his proposal formally, the Egyptian delegation would submit it as an Egyptian amendment.

Mr. CARGO (United States of America) saw no advantage in the proposed amendment. The further three years his delegation had proposed would afford the Committee ample opportunity to examine economic, social and educational conditions in the Non-Self-Governing Territories in the respective years and to form an opinion on the basis of the information transmitted by the Administering Powers on the progress achieved over a three-year period. Furthermore, the three-year period appeared to be that upon which the Committee could most readily agree.

He would therefore vote against the Egyptian amendment.

The Egyptian amendment was not adopted, 8 votes being cast in favour and 8 against.

/Mr. SHIVA RAO

Mr. SHIVA RAO (India) wondered whether paragraph 2 of the United States draft resolution should not be replaced by paragraph 2 of General Assembly resolution 332 (IV), by virtue of which the present Committee had come into being. Since the Committee's term of office ended during the present year, the repetition of paragraph 2 of the earlier resolution would give the Fourth Committee the renewed authority it needed from the General Assembly,

Mr. CARGO (United States of America) explained that that point had given rise to some difficulty in the preparation of the draft resolution. If the Indian representative's suggestion was adopted, it would mean that all the eight non-administering members of the Committee would have to be elected by the General Assembly, whereas the draft resolution as it stood would necessitate the election of only four non-administering members, to replace the four who had already served a term of three years; a further two would be replaced in 1953 and two more in 1954. The advantage of that system was that it preserved the continuity of the Committee. He would therefore prefer to leave his draft resolution as it stood, but would have no serious objection to the Indian representative's suggestion if it had the general support of the Committee.

Mr. DAVIN (New Zealand) felt that there was some merit in the Indian suggestion, for according to paragraph 2 of the United States draft resolution the Fourth Committee would be called upon to fill vacancies as they occurred among the non-administering members; if members were elected for a period of three years, the effect would be to grant those elected during 1953 and 1954 a term of office extending beyond the life of the Committee.

Mr. BENSON (Secretary of the Committee) recalled that when, at the fifth session of the General Assembly, the two non-administering members who had been elected for two years only, in accordance with paragraph 2 of General Assembly resolution 332 (IV), had been replaced, it had been implied that the new members had been elected for a three-year period, in order to preserve the continuity of the Committee.

The question was whether the Committee was voting on a resolution to extend its term of office or to establish a new Committee: in the former case, paragraph 2 of the United States draft resolution would hold good and four non-administering members would be elected; in the latter, it would be necessary to elect all the eight non-administering members.

Mr. CALERO RODRIGUES (Brazil) agreed that the terms of office for which the non-administering members had been elected in the 1950 and 1951 sessions had not been quite clear but the General Assembly had obviously acted upon the assumption that the Committee might be continued when its three-year term was completed. If it was decided to continue the Committee, it would not be difficult to accept the principle that those who had not yet completed their three-year term of office should remain on the Committee until they had done so.

Mr. DAVIN (New Zealand) stated that, in the light of the Secretary's explanation, he would support the United States draft resolution as it stood.

Mr. FAHMY (Egypt), explaining the vote he was about to cast, expressed his great pleasure that one of the Administering Powers had submitted a draft resolution for the continuation of the Committee. He congratulated the United States delegation on its objective attitude, which showed the spirit of international co-operation and understanding that the world had come to expect of it.

The Egyptian delegation had hoped that the Committee would see fit to adopt the excellent USSR draft resolution. Since, however, it had been rejected, he would support the United States draft resolution, as a means of ensuring the continued existence of the Committee. He reserved the right of his delegation, however, to raise the question again before the Fourth Committee of the General Assembly.

/Mr. TAJIBNAPIS

Mr. TAJIENAPIS (Indonesia), the CHAIRMAN in his capacity as Pakistani representative, Mr. SHIVA RAO (India) and Mr. BUSTAMANTE (Ecuador) associated themselves with the Egyptian representative's appreciation of, and support for, the United States draft resolution, at the same time reserving their delegations' position in the Fourth Committee.

The CHAIRMAN put the United States draft resolution to the vote.
The United States draft resolution was adopted by 13 votes to 3.

Mr. MATHIESON (United Kingdom) wished to clarify a point that had arisen during the discussion the previous day. Many members had expressed surprise at his suggestion that the peoples of the Non-Self-Governing Territories would not welcome United Nations attention to their affairs. The peoples of the Non-Self-Governing Territories believed, as did the United Kingdom Government, that the objectives of Chapter XI of the Charter would have been realized when they had achieved self-government; what caused them some concern was the indication that the achievement of that objective would not receive international recognition until the United Nations had examined the situation and set the seal of its approval upon it. He wished to make it quite clear that there was no suggestion that the inhabitants of the Non-Self-Governing Territories under United Kingdom administration were in any way opposed to the ideals and objectives of the United Nations.

Although he had voted against the United States resolution, he intended to give the matter further serious consideration before it came up for discussion in the Fourth Committee. To that end it would be helpful if the full text of the statements made by the Indian and Belgian representatives at the sixty-seventh meeting could be circulated as documents. Although he was fully satisfied with the summary records, the speeches in question were such classic enunciations of the differing points of view on the subject of the Committee that their reproduction verbatim would be of great value. There was a precedent for such procedure in the case of a Cuban speech in the Fourth Committee that had been dealt with similarly during the sixth session of the General Assembly.

/The CHAIRMAN

The CHAIRMAN invited the Committee to consider the draft resolution submitted jointly by the delegations of Brazil, Cuba, Ecuador, Egypt, India and Pakistan.

Mr. ROSCHIN (Union of Soviet Socialist Republics) drew attention to two points in paragraph 1 of the draft resolution which his delegation found unsatisfactory. In the first place, representatives of Governments of Non-Self-Governing Territories were to be invited to participate in the work of the Committee "on the proposal of the Administering Member concerned"; secondly, there was the qualification of "Non-Self-Governing Territories where the inhabitants have attained a wide measure of responsibility for economic, social and educational policies". Not only would Non-Self-Governing Territories with such a "wide measure of responsibility" no longer be, properly speaking, non-self-governing, but the very use of the word "wide" implied that some of the territories would not be able to participate in the work. The paragraph was therefore of too restrictive a nature to ensure genuine participation in the Committee's work.

He therefore proposed that paragraph 1 of the draft resolution should be replaced by the following (Conference Room Paper No. 9):

"Authorizes the Committee on Information from Non-Self-Governing Territories to invite the participation in its work, without right to vote, of representatives of social, cultural and educational organizations, as well as of representative organs of local self-government, if such exist, in Non-Self-Governing Territories."

The meeting was suspended at 11.20 a.m. and was resumed at 11.40 a.m.

Mr. RYCKMANS (Belgium) recalled that he had opposed consideration of the joint draft proposal (Conference Room Paper No. 8) from the outset because his delegation felt that direct participation of the Non-Self-Governing Territories in the Committee's work would be impractical, contrary to constitutional principle and liable to have harmful effects. Such direct participation was not comparable to associate membership of dependent territories in regional

United Nations bodies engaged in the study of regional problems of direct interest to territorial governments. Moreover, the Non-Self-Governing Territories did in fact take part in the Committee's work, for it was on the basis of the data collected and classified by their governments that the Administering Powers drew up the information transmitted under Article 73 e. The obligation of those Powers towards the Committee was restricted to providing that information while that of the non-administering States - since the General Assembly had so ruled - was to evaluate it. The constitutional subordination of the Non-Self-Governing Territories to the Administering Powers rendered the presence of both parties in the Committee absurd. The Administering Powers actually represented the territories under their administration and bore full responsibility for them. If there was any accounting of that administration to be made to the United Nations - and the Belgian delegation contested that view - the Administering Powers alone were answerable to the international organization. Even assuming that the Committee and the General Assembly were competent judges of the development of dependent territories, their judgment could bear only upon the actions of the Administering Powers. In the circumstances, the local colonial governments, especially those which had attained a wide measure of responsibility for economic, social and educational policies, would be fully justified in refusing to be held accountable for their acts precisely on the grounds that they did not come within the purview of the Committee.

Finally, no special authorization was required to enable the Non-Self-Governing Territories to participate in the Committee's deliberations, since the Administering Powers were free to invite officials or legislative representatives of local governments to do so, and several had already availed themselves of the privilege. The USSR amendment had served to reveal all the implications of the joint proposal; the system it advocated could not operate in practice and would not improve the Committee's work.

Mr. DAVIN (New Zealand) proposed that further discussion of the joint proposal and the amendment thereto should be deferred as he wished to ask his Government for instructions on the issues they raised.

Mr. CARGO (United States of America) felt that it would be convenient to the Committee to postpone further discussion of the question until the afternoon meeting and to proceed instead to the report of the Sub-Committee on Social Conditions and the draft resolution on racial discrimination. His delegation expected to have certain observations to make on the question of associate membership and possibly to submit a draft resolution for the consideration of the Committee.

The CHAIRMAN announced that the discussion of the question of associate membership would be deferred until a later stage and suggested that the Committee should next consider the report of the Sub-Committee on Social Conditions in Non-Self-Governing Territories (A/AC.35/L.111).

REPORT OF THE SUB-COMMITTEE ON SOCIAL CONDITIONS IN NON-SELF-GOVERNING TERRITORIES (A/AC.35/L.111)

Mr. SHIVA RAO (India), Chairman of the Sub-Committee, commended its members upon the spirit of mutual understanding which had characterized their work and paid a tribute to the Secretariat for its invaluable assistance. He placed the report before the Committee for discussion.

Mr. MATHIESON (United Kingdom) also congratulated the Sub-Committee upon the speed with which it had accomplished its task and joined in praising the Secretariat contribution. He approved the report, subject to two amendments which he would introduce in the course of the detailed examination.

Mr. CARGO (United States of America) added his congratulations to the Sub-Committee. His delegation found the report acceptable, subject to minor drafting changes.

Mr. PIGNON (France) associated his delegation unreservedly with the congratulations addressed to the Sub-Committee and the Secretariat.

The report as a whole, however, was not a properly balanced account of the diverse views expressed in the Committee. For example, in the treatment of racial discrimination it stressed the juridical aspects and gave too much weight to the United Kingdom representative's remarks on the various forms of discriminatory legislation. The legal features of the subject should not have been made the point of departure for a conclusion which was unnecessarily /categorical.

categorical. Moreover, certain views had not been included at all. For instance, there was hardly any reference to the need to deal with racial discrimination on a worldwide basis in view of the scope of the problem, rather than within the narrow context of the relationship between the Administering Powers and their dependent territories. Besides, it was still the French delegation's view that legislative and juridical questions relating to human rights should only be dealt with in the competent organs of the United Nations. The Committee was not such a body. Finally, the opinions expressed by only one member of the Committee had been overemphasized, particularly in connexion with trade union development in the Non-Self-Governing Territories and certain dangerous assumptions of a categorical nature had been made, which were not destined to advance the cause of trade unionism in those areas.

Mr. ROSCHIN (Union of Soviet Socialist Republics) would vote against the report because it did not accurately reflect existing social conditions in the Non-Self-Governing Territories. It did not give enough emphasis to the prevalence of racial discrimination and segregation, low standards of living, rising criminality, poor health and educational facilities and other social evils. The USSR delegation could not agree with the Sub-Committee when it attempted to justify the prevailing unsatisfactory conditions. It had done so, for example, by stating that the principle of non-discrimination in public employment was generally accepted, by implying that travel restrictions were made necessary by the differences between customs and actual living conditions of different races and finally, by recognizing that rises in standards of living might even lead to disequilibrium unless social aspirations were satisfied.

The CHAIRMAN invited the Committee to consider the report section by section.

Replying to a question from Mr. CARGO (United States of America) in connexion with the final sentence of the introduction (A/AC.35/L.111, paragraph 9) Mr. SHIVA RAO (India) explained that it was intended to indicate that economic and social standards already existing in sovereign States should be taken into account in fixing the goals to be attained in the dependent territories.

/The CHAIRMAN

The CHAIRMAN invited comment on the section entitled "Race relations". The Secretariat had circulated a revised text of paragraph 21 and the United Kingdom delegation had submitted an amendment to paragraph 29.

The revised text of paragraph 21 was adopted.

Mr. ROSCHIN (Union of Soviet Socialist Republics) objected to the United Kingdom amendment which tended to weaken the existing text.

The CHAIRMAN, speaking as representative of Pakistan, supported the USSR representative.

Mr. MATHIESON (United Kingdom) felt that his amendment did not weaken the original wording, although it might involve a slight change of emphasis. If the report were to state that the abolition in all Non-Self-Governing Territories of all laws, some of which might contain provisions applying to some groups of the population more strictly than to others, was necessary, he could not undertake such an absolute commitment in behalf of his Government. But the United Kingdom Government was in favour of the eventual abolition of discriminatory laws and would endeavour to guide public opinion towards that objective.

Mr. SHIVA RAO (India) remarked that the urgent abolition of discriminatory laws, advocated in the fourth sentence, applied only to practices which conflicted with the Charter and the Universal Declaration of Human Rights. In its report the Committee was concerned only with the enunciation of certain principles and with the achievement of certain objectives. Although the Administering Powers might experience some technical difficulties in implementing those objectives, the Committee was obliged to state them in specific terms on behalf of the United Nations.

Mr. MATHIESON (United Kingdom) agreed that the Committee should include a definition of its aims and principles in its report. For that reason he had suggested the replacement of the word "necessary" by the word "desirable" in his amendment. He was prepared to make his amendment read "the urgent abolition of such discrimination is desirable, particularly ...".

/The CHAIRMAN

The CHAIRMAN remarked that the word "urgently" in the original wording was not synonymous with "immediately" but rather with the phrase "as soon as circumstances permit". Speaking as representative of Pakistan, he intended to vote for the original text.

Mr. ROSCHIN (Union of Soviet Socialist Republics) agreed with the Chairman.

Mr. CARGO (United States of America) found it difficult to believe that disagreement need exist on the point so as to cause one representative to feel obliged to vote against the report, especially since the text had already been adopted by the Sub-Committee. He therefore suggested that a decision on paragraph 29 should be postponed until the afternoon meeting to give the United Kingdom representative and other members of the Sub-Committee an opportunity to work out a generally acceptable compromise text.

It was so agreed.

Mr. MATHIESON (United Kingdom) explained that he had introduced his amendment to paragraph 30, because he considered that the original text represented only one view expressed in the Committee. Practical experience shows that, when legislation was too far in advance of public opinion, it became very difficult for the enforcing agencies to apply it. His amendment would not detract from the force of paragraph 30.

Mr. SHIVA RAO (India) could not accept the United Kingdom amendment. The second and final sentences of paragraph 30 conveyed the same point as that expressed in the United Kingdom amendment without weakening the original intention or opening the way to misinterpretation. The United Kingdom amendment referred to a point of possible interest to the Administering Powers, but it was not a principle to be advocated by the United Nations, as it almost suggested that the authorities in the dependent Territories should be cautious about introducing such legislation.

Mr. CALERO RODRIGUES (Brazil) supported the Indian representative. There was little point in including the general qualification outlined in the

/United Kingdom

United Kingdom amendment, as the Administering Powers would obviously take care not to apply unenforceable legislation. He would therefore vote against the amendment.

The CHAIRMAN, speaking as representative of Pakistan, agreed with the Indian and Brazilian representatives. To include the United Kingdom reservation would be tantamount to impeding progress. Moreover, the term "public opinion" was liable to misinterpretation as it might be taken to refer to the section favoured by racial discrimination, for it was unlikely that the section of the public subjected to discrimination would regard such legislation as unenforceable.

Mr. MATHIESON (United Kingdom) remarked that the Pakistani representative's interpretation of "public opinion" would also apply to the Committee's text. In drafting his amendment he had taken "public opinion" to mean the general opinion of the population of a given Territory. But, taking into account the views expressed and in the interests of unanimity, he was prepared to withdraw his amendment provided that the Rapporteur included in his report a statement to the effect that he had submitted the amendment and that he had withdrawn it for the reasons given.

Mr. CARGO (United States of America) observed that the point referred to in the second sentence of paragraph 22 did not apply to all dependent Territories and suggested the inclusion of the word "most" before the words "Non-Self-Governing Territories".

It was so agreed.

The CHAIRMAN requested the Committee to consider the section entitled "Women's human rights".

Mr. MATHIESON (United Kingdom) suggested that the title should be amended to read "Women's rights".

It was so agreed.

Mr. LOOMES (Australia) remarked that the word "human" in the first sentence of paragraph 41 should consequently be deleted.

/Mr. MATHIESON

Mr. MATHIESON (United Kingdom), referring to the final sentence of paragraph 52, asked whether any particular line of inquiry was intended by the inclusion of the reference to WHO.

Mr. BENSON (Secretary of the Committee) replied that, since the information referred to concerned the administrative structure of public health departments, more continuous co-operation was likely to be maintained with WHO than with the other specialized agencies in that connexion. The Division of Information from Non-Self-Governing Territories, of which he was Director, submitted information regularly to WHO on that aspect of the public health services and WHO had requested that the practice should be continued. Co-operation with WHO had no budgetary implications.

Mr. SHIVA RAO (India) suggested that the words "is co-ordinated" in the final sentence of paragraph 52 should be amended to read "may be co-ordinated".

It was so agreed.

The CHAIRMAN requested the Committee to consider the section entitled "Social welfare and development".

Mr. MATHIESON (United Kingdom) asked for clarification of the phrase "unless the new houses they build are too costly for the people they are intended to house" in the final sentence of paragraph 65.

After some discussion, Mr. BENSON (Secretary of the Committee) suggested that the following wording, as revised by the Rapporteur, should be substituted for the clause referred to: "without building houses which are too costly for the people they are intended to house".

It was so agreed.

The CHAIRMAN requested the Committee to consider the section entitled "Labour conditions".

/Mr. HOLTEN EGGERT

Mr. HOLTEN EGGERT (Denmark), referring to paragraph 74, pointed out that the report submitted by the Danish Government on Greenland stated that Denmark also had accepted in principle the ideas underlined in the Conventions. He therefore asked for the inclusion of Denmark among the countries listed in the fourth sentence.

It was so agreed.

The CHAIRMAN invited comment on the section entitled "International co-operation and assistance" and drew the Committee's attention to the revised version of the third sentence of paragraph 94.

The revised version of the third sentence was adopted.

Mr. GAVIN (International Labour Organisation) wished it to be recorded that three of the subjects enumerated in paragraph 94 came within the purview of ILO: industrial relations, industrial welfare (except its medical aspects) and employment services including vocational training.

The meeting rose at 1 p.m.