

**GENERAL
ASSEMBLY**

**ASSEMBLEE
GENERALE**

ORIGINAL: ENGLISH

NON-SELF-GOVERNING TERRITORIES
TRANSMISSION OF INFORMATION BY MEMBERS
UNDER ARTICLE 73(e) OF THE CHARTER

(Item 14 of the Provisional Agenda for the
second Part of the first session.)

Report of the Secretary-General

PROBLEMS OF TRANSMISSION AND ORGANIZATION

I. INTRODUCTION

In the Resolution on Non-Self-Governing Peoples adopted by the First Part of its First Session on 9 February 1946, the General Assembly drew attention to the fact that the obligations accepted under Chapter XI of the Charter were already in full force. It requested the Secretary-General to include in his annual report a statement summarizing any information transmitted to him by Members of the United Nations under Article 73(e) of the Charter.

By letter of 29 June 1946, the Secretary-General drew the attention of the Members to the Resolution and asked for their consideration of certain preliminary problems arising from it.

In particular the letter invited the Members to give their opinions on the following matters:

1. The factors to be taken into account in determining which are the Non-Self-Governing Territories referred to in Chapter XI of the Charter.
2. An enumeration of the Non-Self-Governing Territories subject to their jurisdiction.
3. A general indication of the form in which they may desire to supply information or the form in which they think information may be most usefully transmitted by the Members directly concerned.

By 20 September 1946, in addition to a formal acknowledgment from the

Government of Costa Rica, replies to the letter had been received from the Governments of Australia, Belgium, Chile, Czechoslovakia, Dominican Republic, Egypt, Guatemala*, Honduras, India, Netherlands, Nicaragua, Norway, Turkey, United States of America and the Union of the Soviet Socialist Republics. Except for Australia, Belgium, Egypt, India and the United States of America** none of the above Governments gave detailed replies to the Secretary-General's questions, as not being responsible for the administration of the territories which are covered by Chapter XI.

II. "NON-SELF-GOVERNING TERRITORIES"

The Non-Self-Governing Territories referred to in Article 73 of the Charter of the United Nations are those territories for the administration of which a Member of the United Nations has or assumes responsibilities and whose people have not yet attained a full measure of self-government.

Article 73 contains indications of the nature of the responsibilities of the Members. They involve the obligation to promote the well-being of the inhabitants of the territories, and to this end:

1. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social and educational advancement, their just treatment and their protection against abuses;
2. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples, and their varying stages of advancement;
3. to further international peace and security; and

* Reference is made to the reservation made by the Delegation of Guatemala at the San Francisco Conference in regard to the Belize territory.

** Copies of the replies of these Governments are attached to this report in the Annex. The French reply was received on 21 October.

4. to promote constructive measures of development, to encourage research and to co-operate with other Members and, when and where appropriate, with specialized international bodies, with a view to the practical achievement of the social, economic and scientific purposes set forth.

The authors of the Charter refrained from being more specific with regard to the territories covered. The Committee of the San Francisco Conference (Committee II/4) was concerned with discussing and proposing principles and machinery. It was not within its competence to discuss particular territories*.

Nevertheless, the proceedings of the Committee contain some general indications of the kind of territories it had in mind.

"Dependent peoples", "dependencies", "dependent territories", were terms used throughout the discussions, sometimes also "colonial territories", "colonies". The preliminary draft (working paper) for the future Chapters XI, XII, and XIII of the Charter used the term employed in Paragraph 1 of Article 22 of the Covenant of the League of Nations:

"territories inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world".**

In view of the fact that, as one member observed, militarily and economically few if any countries are able to stand alone at present, the Committee felt "that it was desirable to find new language more suitable to existing conditions than the language employed in - the Covenant of the League of Nations"*** and introduced the phrase "territories whose peoples have not yet attained a full measure of self-government".

The broad general scope of Chapter XI is, however, subject to two limitations. If its wording were taken without regard to common usage and to

* Documents of the United Nations Conference on International Organization, San Francisco, 1945, Volume 10, pages 434 and 446.

** Op.Cit, page 525, Document 892.

*** Op.Cit, page 575, Document 1091.

the discussion within the Committee, it might be asked whether there are not territories comprised within a national frontier whose people are covered by the Chapter. The situation, however, in view of which the Chapter was drafted has consistently been taken to exclude populations forming part of a national state, and in the Committee it was in fact agreed that the peoples within a metropolitan area were excluded. Whether this exclusion will be invariably the case should a non-self-governing territory attain a full measure of self-government, except in respect of any special area for the government of which particular arrangements may be made, can hardly be usefully discussed until the case arises. Secondly, it may also be noted that there may be small outlying territories near the metropolitan area (e.g., islands off the coast) which are regarded as part of the metropolitan area and would seem to be similarly excluded.

Mention should be made here of the point of view of the Government of India, contained in its letter of 31 August 1946:

"The definition of non-self-governing territories is not easy and the criteria to be observed require careful consideration.

"To ascertain the nature of such criteria it is suggested that the fundamental intention of the provisions in Article 73 of the Charter relating to non-self-governing territories should be considered. The status and position of the people of the non-self-governing territories, their economic prosperity, their political freedom, their liberty to enjoy fundamental human rights and the Four Freedoms of the Atlantic Charter - these are the matters with which the United Nations are to concern themselves, and it is on these subjects that the Member States having charge of the administration of such non-self-governing territories are required to supply information in their reports. Non-self-governing territories may therefore be defined to mean and to include territories where the rights of the inhabitants, their economic status and social privileges are regulated by another State in charge of the administration of such a territory. A territory in which there

are internal executive authorities and legislative bodies representing the inhabitants of the territory themselves which are free to regulate the economic conditions and social rights of their people, cannot be said to be non-self-governing even though in some aspects, such as the conduct of foreign relations the territory may be subject to the direction and control of another State. It is suggested, therefore, that the criterion should be whether in any particular territory there is or is not an institution legally established which is responsible for the internal administration and control of the affairs of the inhabitants of that territory: where there is no such institution, the territory should be defined as non-self-governing."

A point of view which reflects certain sociological aspects of the question, is laid down in the letter of the Egyptian Government of 4 September 1946.

"The Egyptian Government considers that since it is the aim of Chapter XI of the Charter to ensure the protection of native peoples against foreign oppression, the determining factor should be the state of dependence of a nation in relation to another with which it has no natural ties. For this purpose, those extra-metropolitan territories should be considered as Non-Self-Governing, in which the peoples are of different language, race and culture from the peoples of the powers which rule them."

The information already formally transmitted by the United States Government under Article 73(e) covers the following territories: Alaska, American Samoa, Guam, Hawaii, Panama Canal Zone, Puerto Rico, the Virgin Islands and the island possessions in the Pacific. The very great variety in the status of these territories will be noted. In particular, the Panama Canal Zone is held under lease. There is also great variety in the state of constitutional development reached in these territories.

In its note of 18 August 1946, the United States Government outlines its tentative views as follows:

"1. In determining which are the non-self-governing territories referred

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to in Chapter XI of the Charter, it is noted that this Chapter relates to 'territories whose peoples have not yet attained a full measure of self-government'. Chapter XI would thus appear to apply to any territories administered by a Member of the United Nations which do not enjoy the same measure of self-government as the metropolitan area of that Member. For this year, however, this Government has submitted information on the foregoing territories on the basis of a purely pragmatic approach in the hope that the experience of the various Members will perhaps reveal more clearly the kind of criteria, if any, that could eventually be agreed upon for making the selection.

"It may be pointed out that the territories under the administration of this Government have already attained varying degrees of self-government and that the political advancement of all of these territories is a matter of special concern to the American people.

"2. With respect to an enumeration of the non-self-governing territories subject to the jurisdiction of this Government the requirements of Article 73(e) of the Charter have been fulfilled by this Government with respect to all of the territories and island possessions under its administration except certain minor island possessions which are uninhabited or sparsely populated."

The problem of the enumeration of Non-Self-Governing Territories does not appear to present difficulties in the case of Australia since its government accepted in its letter of 11 September 1946, the obligations of Chapter XI in regard to Papua; nor in the case of New Zealand which holds a mandate for Western Samoa and which is negotiating a trusteeship agreement in respect of that territory.

The Government of Belgium has stated that it holds itself responsible for the transmission of information under Chapter XI in respect of the Belgian Congo. The variety in the status of the territories administered under the

authority of the United Kingdom of Great Britain and Northern Ireland precludes the examination of all cases. The following generalities and instances, however, are relevant.

In British Imperial policy the phrase "self-government" or "non-self-governing territory" has no fixed and clearly defined meaning in law. When in legal terminology allegiance of certain areas to the British Crown is expressed, use is made of the terms "dominions", "self-governing colonies", "crown colonies", "colonies", "dependencies", etc.

For the purpose of analyzing the term "non-self-governing territory", the changes which have taken place regarding the interpretation of the term "Dominion" seem enlightening. The independent status of Canada, Australia, New Zealand and the Union of South Africa within the British Commonwealth was achieved during the first World War and following years. In 1931 the Statute of Westminster registered established facts. Until then, although on occasions the word "dominion" had been used before in certain Statutes to designate for instance New Zealand or Canada, the official status of the present Dominions was "self-governing colony".

The Statute of Westminster, however, declared the expression "Dominion" to mean any "of the following Dominions, that is to say, the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State and Newfoundland", (s.1) and that "notwithstanding anything in the Interpretation Act, 1889, the expression 'Colony' shall not, in any Act of the Parliament of the United Kingdom passed after the commencement of this Act, include a Dominion or any Province or State forming part of a Dominion". (s.2)

The essential difference between "Self-Governing Colonies" and "Dominions" is indicated in Section 4, which provides that "no act of Parliament of the United Kingdom passed after the commencement of this Act shall extend, or be deemed to extend, to a Dominion as part of the law of that Dominion unless it is expressly declared in that Act that that Dominion has requested, and consented to, the enactment thereof".

Thus the Dominions formally attained their new status in the British Commonwealth at the moment the United Kingdom Parliament refrained irrevocably from its legislative powers with regard to the Dominions in favour of their central legislature. There is probably no shorter statement of what this meant than the earlier Declaration of the Imperial Conference of 1926 in reference to the Dominions: "Every self-governing member of the Empire is master of its destiny", and by way of explanation added: "In fact, if not always in form, it is subject to no more compulsion whatever".

In the case of France and of French Territories, although no definite policy has been adopted as yet for the future, the present constitutional tendency shows aspects different from that of the United Kingdom and of United Kingdom Territories.

It appears that in certain territories under French responsibility an evolution towards autonomous government is possible, while in other French territories the theory of assimilation will remain dominant. In the latter case, political, judicial, and administrative systems are tending towards complete co-ordination as between the metropolitan country and the territory concerned. According to this concept, the process would seem to be complete on the political plane when (1) the electoral qualifications for local assemblies and the powers of these assemblies are the same as in the case of local assemblies in the metropolitan country, and (2) when the conditions of representation in the supreme metropolitan parliament are equivalent for the citizens of the metropolitan country and for the citizens of the territory. On the economic, social and educational plane the theory of assimilation would appear to aim at ensuring by political equality the economic, social and educational advancement of the peoples concerned, as provided for in Article 73(a).

The answer from the Government of the Netherlands states that a reply will be forwarded to the questions contained in the Secretary-General's letter. The Government, however, adds that it intends to submit reports concerning the Netherlands East Indies, Surinam and Curacao in accordance with Article 73(e).

In international relations the following points appear worthy of note.

Article 1, Paragraph 2, of the Covenant of the League of Nations employed the phrase: "Any fully self-governing state, dominion or colony....". The membership of the British Dominions and India, however, was based on Paragraph 1 of that Article (original Members) and not on the second paragraph.

Article 35 of the Constitution of the International Labour Organization provides that Members shall apply to their "colonies, protectorates and possessions which are not fully self-governing" the Conventions which they have ratified subject to the possibility of certain exceptions or modifications.

The Forced Labour Convention 1930, for instance, was ratified by Great Britain in 1931 and the Order in Council specified that the provisions of the Convention were to apply to all "the Colonies, Protectorates and Mandated Territories, which are not fully self-governing a list of which is subjoined". The list comprised the following territories:

Bahamas, Barbados, Bermuda, British Guiana, British Honduras, Ceylon, Cyprus, Falkland Islands and Dependencies, Fiji, Gambia, Gibraltar, Gold Coast, Hong Kong, Jamaica, Kenya, Leeward Islands, Federated Malay States, Unfederated Malay States, Malta, Mauritius, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, Palestine, St. Helena and Ascension, Sarawak, Seychelles, Sierra Leone, Somaliland Protectorate, the South Africa High Commission Territories of Basutoland, Bechuanaland and Swaziland, Straits Settlements, Tanganyika Territory, Trans-Jordan, Trinidad and Tobago, Uganda Protectorate, the Islands of the Western Pacific, the Windward Islands, and Zanzibar.

On the transfer of Aden from the administration of the Government of India to the administration of the United Kingdom this territory was added to the above list.

A different procedure was followed in the case of Southern Rhodesia, and Newfoundland. Declarations of 13 November 1931, in the case of Newfoundland, and of 20 March 1933 in the case of Southern Rhodesia, stated that His Majesty's Government of the United Kingdom accepted the obligations of the Convention with the consent of, and on behalf of, the other two governments.

While ratifications of the Forced Labour Convention registered by other metropolitan countries do not so clearly indicate the nature of Non-Self-Governing Territories, they provide evidence by indicating the territories to which the Convention was applied by virtue of Article 35 of the Constitution of the International Labour Organization.

In the case of Australia, specific mention was made of the mandated territories of Nauru and of New Guinea, of Norfolk Islands and Papua.

The French ratification stated that the Convention was to be applied in French West Africa, French Equatorial Africa, Indo-China, Madagascar, French India, New Caledonia and the territories under "B" Mandate. Other Conventions, however, have been reported upon with reference to the application to other territories:

Algeria, French Guiana, French India, Guadeloupe, Martinique, St. Pierre et Miquelon, Morocco, Tunisia.

In the case of the Netherlands, the statement was to the effect that the convention was to be applied without modification in the European Kingdom, Surinam, Curacao and with certain modifications to the Netherlands Indies.

The last relevant ratification registered, that of Belgium, provides for the application of the Convention to the Belgian Congo and to the Mandated Territory of Ruanda-Urundi.

III. ARTICLE 73(e)

The paragraph of the London Resolution on Non-Self-Governing Peoples referring to the obligations to transmit information requests:

"...the Secretary-General to include in his annual report on the work of the Organization, as provided for in Article 98 of the Charter, a statement summarizing such information as may have been transmitted to him by Members of the United Nations under Article 73(e) of the Charter relating to economic, social and educational conditions in the territories for which they are responsible other than those to which Chapter XII and XIII apply."

In the Secretary-General's letter of 29 June 1946, the problem of timing involved in the useful transmission of information was indicated as follows:

"It is obvious that the information to be collected must refer to a period in the past, and that between the collection and the co-ordination of the information and the preparation of any summary there will be a series of delays. There is, accordingly, the practical difficulty that detailed information will be to a certain extent out of date by the time it is laid before the General Assembly. On the other hand, if an attempt is made to provide the General Assembly only with the most recent information, the problem is whether such information would be sufficiently detailed and co-ordinated to meet the purposes of Article 73(e)."

The Government of India suggests in its letter of 31 August 1946, that "the information should be furnished annually at regular intervals, irrespective of the meetings of the General Assembly"... "within a limited period, say three or four months, after the close of the year to which the report related. It should in addition always be open to the Member States to report to the United Nations any fresh or particularly important development at the time when it takes place, without waiting for the next regular yearly review".

In its letter of 11 September 1946, the Government of Australia observed in this respect that the reports should cover the past year.

Merely by way of example, attention may be drawn to the fact that the Mandates Commission requested the reports of the mandatory powers before 20 May, except for a limited number of reports, not covering the calendar year or coming from a great distance, for which the time was extended to 1 September. These reports usually covered the previous calendar year. As a rule, they were considered by the Commission in its summer and autumn sessions respectively.

The nature of the information to be transmitted is indicated by the wording of Article 73(e). The Members responsible for such transmission will no doubt wish so far as is practicable to establish some uniformity in the form of the information supplied and to secure an adequate examination of the summaries to be made by the Secretary-General.

As regards the first point, the Government of India stated in its letter of 31 August 1946, that the "report should deal with the general conditions prevailing in the territory, the moral and material progress of the people inhabiting it, and any major changes in the administrative machinery of the territory."

The Australian Government, in its letter of 11 September 1946, agrees "that the information supplied on Non-Self-Governing Territories should cover economic, social and educational developments over the past year, and that in the early stages, at least, comparative figures drawn from the previous two or three years' developments in social, economic and educational matters, should be made available to permit appreciation of trends."

The following summary of the contents of the information transmitted this year by the United States Government will be of interest. This information covers statements of general policy; general information regarding geography, history and population; administration and public facilities which include government services, legislature and local government, judiciary, finance; civil rights; health and sanitary conditions; labour conditions; educational conditions; economic conditions, including agriculture, fisheries, forests, mines, communications and public works; measures of protection for special groups of indigenous peoples.

As regards the second question, it will be appreciated that no provision exists for the channeling of the information transmitted through the Trusteeship Council or through the Economic and Social Council. The question, therefore, arises whether the Assembly or a committee or sub-committee of the Assembly will find that it has the time to give any summary the attention which it may merit and which may be thought to be a fitting return for the work involved in the preparation of the information by the administrations concerned. Furthermore, the Secretary-General may need assistance in the preparation of his summary and the Assembly may well wish to examine this summary in the light of the commentary of an expert body.

IV. THE ASSOCIATION OF PEOPLES

The development of self-government and free political institutions in Non-Self-Governing Territories has been a feature of national policy which has been particularly marked in recent years. It has included the development of self-government in regard to internal affairs, the extension of the political franchise and in some cases the increased or new representation of Non-Self-Governing Territories within the national councils.

These developments need not be set out in detail. On the other hand, some attention is necessary in regard to the resulting international implications.

The purposes and principles of the United Nations, as set forth in Chapter I of the Charter, indicate a world organization based on the sovereignty and obligations of Members. Among those obligations, the importance of which no one will deny, is the development of self-government and of free political institutions in Non-Self-Governing Territories, administered by Members. Such a development cannot be far-reaching unless participation is permitted in the preparation, acceptance and execution of international obligations. The closer knit is the world structure, the more extensive will be the responsibilities of Members; therefore the more extensive will become the area of government affected by international responsibilities; therefore the more matters of self-government will also be matters of international co-operation.

Certain international measures and proposals to overcome this difficulty require mention. It is to be noted that internationally measures of increasing self-government are paralleled by attempts which are being made to bring the Governments of Non-Self-Governing Territories into consultation when international questions affecting them are under discussion.

The proposed amendments to the Constitution of the International Labour Organization for instance stipulate that members, who are responsible for the international relations of non-metropolitan territories may appoint, besides the two advisers by whom each delegate may normally be accompanied, for each item on the agenda additional advisers comprising persons nominated by it as representatives of those territories where the subject matter of a convention is within the self-governing powers of the territory, as well as persons nominated by it to advise its delegates in regard to matters concerning other Non-Self-Governing Territories (Article 3. Paragraph 2a).

The Constitution of the World Health Organization opens the possibility for a participation of Non-Self-Governing Territories in the work of that Organization, by providing in Article 8 the possibility of an Associate Membership for territories or groups of territories, which are not responsible for the conduct of their international relations, and by the requirement that representatives of Associate Members should be chosen from the Native population of those territories.

In case such a territory does not become an Associate Member, it would have the right to be represented in and to participate in any Regional Committee of the World Health Organization which might be established in the geographical area of the territory concerned (Article 47).

A similar trend can be noticed in the Philadelphia and Paris Recommendations of the International Labour Conference, concerning social policy in dependent territories.

In order to obtain a degree of local collaboration in the application of these texts, consonant with the stage of development in each territory, the

Philadelphia Conference of 1944 recommended that "each Member of the Organization who is responsible for any dependent territory, should bring this Recommendation before the authority or authorities competent to make effective in each such territory the minimum standards" of social policy, adopted by the Conference. In addition, the International Labour Conference at Paris, in 1945, suggested in Art. 24 of its Recommendation that "the competent (local) authority shall assume responsibility for making widely known the nature and significance of the measures adopted in conformity with the articles" of the Philadelphia and Paris Recommendations "for the information of the workers and their families, and of the employers".

In this connection, mention should also be made of the West Indian Conference, an auxiliary body of the Caribbean Commission in which each territorial government is represented and which is designed as a forum, representative of the Caribbean peoples themselves, to discuss matters of common interest, in particular those of social and economic significance to the Caribbean countries.

In the sphere of workers' relations, it may be noted that the direct representation of non-self-governing territories was assured when, among others, trade unions of Cyprus, British Guiana, Ceylon, Gold Coast, Jamaica, Nigeria, Northern Rhodesia, Puerto Rico and Trinidad became members of the World Federation of Trade Unions.

V. SPECIALIZED AGENCIES AND REGIONAL ORGANIZATIONS

As indicated above, the specialized agencies are concerned with problems of Non-Self-Governing Territories. In order to secure their cooperation in the work of the United Nations itself in this field, a provision has been made in the Draft Agreements between the United Nations on the one hand and the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization, the Food and Agriculture Organization, and the International Civil Aviation Organization on the other hand, by which these agencies agree "to cooperate with the United Nations in giving effect to the principles and obligations set forth in Chapter XI of the Charter with

regard to matters affecting the well-being and development of the people of Non-Self-Governing Territories."*

The importance to the United Nations of this co-operation seems to be self-evident. The particular problems of many Non-Self-Governing Territories in the field of agriculture, food, overpopulation, labour conditions, illiteracy, industrialization and its social implications, illiteracy will make of significance the advice and experience of the specialized international agencies in these fields. The problems of Non-Self-Governing Territories are closely interrelated and no durable results may be expected, if the efforts to solve one of them are not accompanied by complementary measures in other fields.

A new form of international co-operation, which in recent years has developed on a regional basis, requires mention in this connection. This is the Caribbean Commission, originally an Anglo-American organization established in 1942, but since December 1945 joined by France and the Netherlands.

The purpose of the Commission is the encouragement and strengthening of social and economic co-operation among the several metropolitan Governments and their respective possessions, colonies and territories in the Caribbean area, with a view to bringing social and economic advancement to this region. To this end, the members of the Commission concern themselves with matters pertaining to labour, agriculture, housing, fisheries, trade, health, education, social welfare, finance, communications, economics and related subjects. The Commission is a consultative and advisory body. Nevertheless, by the assistance it renders to the metropolitan and territorial governments, by its reports and recommendations covering such a wide range of subjects, it has developed into an auxiliary of social and economic progress.

Its aims parallel those laid down in Article 73 of the Charter. Although at present it has no official relation with the United Nations, co-operation

* Journal of the Economic and Social Council, No. 29, page 489 Article VIII, page 497 Article X, page 505 Article VIII.

between the Commission and the United Nations and its specialized agencies dealing with economic and social matters, would be of interest and value to all parties concerned.

Since the Commission is an advisory body, such cooperation would, of course, not affect the obligations, which its Members have assumed with regard to Article 73 of the United Nations Charter.

With regard to the Pacific, the Australian and New Zealand Governments agreed in 1944 upon the establishment of a similar regional organization, the South Seas Regional Commission, for the purpose of promoting native welfare in the various Pacific Island Territories. The establishment of this Commission is in a preparatory stage. Its creation, however, raises a similar possibility of cooperation in the field of social and economic advancement of the peoples concerned, always subject to the maintenance of the responsibilities of its Members.

ANNEX

The following are the replies to the Secretary-General's letter of 29 June 1946 received from the Governments which have answered the detailed questions raised in that letter.

They are given in order of date of receipt, and any further replies received at a later date will be reproduced in a supplementary note.

I. United States of America.

August 19, 1946.

The Acting Secretary of State of the United States of America has the honor to refer to the letter of June 29, 1946 of the Secretary-General of the United Nations and to transmit to the Secretary-General information relating to economic, social, and educational conditions in Alaska, Hawaii, Puerto Rico, the Virgin Islands, the Panama Canal, Guam, American Samoa, and island possessions in the Pacific. These documents are transmitted for purposes of information pursuant to Article 73(e) of the Charter.

The Acting Secretary of State also takes this opportunity to refer to the three questions mentioned in the Secretary-General's letter, and wishes to outline the tentative views of this Government as follows:

1. In determining which are the Non-Self-Governing Territories referred to in Chapter XI of the Charter, it is noted that this Chapter relates to "territories whose peoples have not yet attained a full measure of self-government". Chapter XI would thus appear to apply to any territories administered by a Member of the United Nations which do not enjoy the same measure of self-government as the metropolitan area of that Member. For this year, however, this Government has submitted information on the foregoing territories on the basis of a purely pragmatic approach in the hope that the experience of the various Members will perhaps reveal more clearly the kind of criteria, if any, that could eventually be agreed upon for making the selection.

It may be pointed out that the territories under the administration of this Government have already attained varying degrees of self-government and that the political advancement of all of these territories is a matter of special concern to the American people.

2. With respect to an enumeration of the Non-Self-Governing Territories subject to the jurisdiction of this Government the requirements of Article 73(e) of the Charter have been fulfilled by this Government with respect to

all of the territories and island possessions under its administration except certain minor island possessions which are uninhabited or sparsely populated.

3. For the purpose of fulfilling the obligation contained in Article 73(e) of the Charter before the September meeting of the General Assembly, this Government is forwarding copies of the latest printed annual reports of the Governors of the territories of the United States and of a special report for Guam, American Samoa, and island possessions in the Pacific. Consideration will be given before the Second Session of the General Assembly to the most useful form in which such information should be transmitted in the future. Special attention will be paid to the form in which similar information is transmitted to the Secretary-General by other Governments and to any suggestions in this regard which the Secretary-General may wish to make.

Enclosures:

1. Annual report of the Governor of Alaska.
2. Annual report of the Governor of Hawaii.
3. Forty-fifth annual report of the Governor of Puerto Rico.
4. Annual report of the Governor of the Virgin Islands.
5. Annual report of the Governor of the Panama Canal, 1945.
6. Report to United Nations on Guam, American Samoa and other island possessions.

Department of State,

Washington.

II. India

From
The Secretary to the Government of India
in the External Affairs Department,

To
The Secretary-General,
United Nations Organisation,
Box 1000, New York 1, N.Y., U.S.A.

Dated New Delhi 3, the 31st August 1946.

Sir,

I am directed to refer to your letter of June 29th, 1946, in which you asked for the views of the Government of India on the following questions:-

(1) The factors that are to be taken into account in determining which are the Non-Self-Governing Territories referred to in Chapter XI of the Charter.

(2) An enumeration of the Non-Self-Governing Territories subject to the jurisdiction of the Government of India.

(3) A general indication of the form in which the Government of India would desire to supply information or of the form in which information might most usefully be transmitted by the Member States directly concerned.

The definition of non-self-governing territories is not easy and the criteria to be observed require careful consideration.

To ascertain the nature of such criteria it is suggested that the fundamental intention of the provisions in Article 73 of the Charter relating to non-self-governing territories should be considered. The status and position of the people of the non-self-governing territories, their economic prosperity, their political freedom, their liberty to enjoy fundamental human rights and the Four Freedoms of the Atlantic Charter - these are the matters with which the United Nations are to concern themselves, and it is on these subjects that the Member States having charge of the administration of such non-self-governing territories are required to supply information in their reports.

Non-Self-Governing territories may therefore be defined to mean and to include territories where the rights of the inhabitants, their economic status

and social privileges are regulated by another State in charge of the administration of such a territory. A territory in which there are internal executive authorities and legislative bodies representing the inhabitants of the territory themselves which are free to regulate the economic conditions and social rights of their people, cannot be said to be non-self-governing even though in some aspects, such as the conduct of foreign relations, the territory may be subject to the direction and control of another State. It is suggested therefore that the criterion should be whether in any particular territory there is or is not an institution legally established which is responsible for the internal administration and control of the affairs of the inhabitants of that territory; where there is no such institution the territory should be defined as non-self-governing.

3. With reference to the second of the questions referred to above, there is no non-self-governing territory under the jurisdiction of the Government of India.

4. With regard to your enquiry as to the form in which information regarding non-self-governing territories should be transmitted by the Member States directly concerned, it is suggested that the information should be furnished annually at regular intervals irrespective of the meetings of the General Assembly. The report should deal with the general conditions prevailing in the territory, the moral and material progress of the people inhabiting it, and any major changes in the administrative machinery of the territory. It might be stipulated that the annual report should be furnished within a limited period, say 3 or 4 months, after the close of the year to which the report related. It should in addition always be open to the Member State to report to the United Nations any fresh or particularly important development at the time when it takes place, without waiting for the next regular yearly review.

I have the honour to be,
Sir,
Your most obedient servant,

/s/
for Secretary to the Government of India.

III. Australia

September 11, 1946

Sir,

I have the honour, on behalf of the Australian Minister for External Affairs, to communicate to you the following reply to your Note of June 29th, concerning Chapter XI of the Charter of the United Nations.

The Australian Government has always stressed the importance of the early and full implementation of the provisions of this Chapter.

My Government agrees that the information supplied on Non-Self-Governing Territories should cover economic, social and educational developments over the past year and that in the early stages, at least, comparative figures drawn from the previous two or three year's developments in social, economic and educational matters, should be made available to permit appreciation of trends.

Australia accepts in regard to Papua the obligations of Chapter XI. So far as Papua is concerned, it will not be possible to supply statistical information for the period 1942-1945, during which time you will recall the territory was a major war theatre in the Pacific. A published report for 1940-1941 can be supplied and it is expected that it will be possible to furnish a general statement on the period of military control 1942-1945 and in respect of the period from resumption of civil control on October 30, 1945 to June 30, 1946.

I have the honour to be
Sir,
Your obedient servant,

Counsellor-in-charge
Australian Mission to the
United Nations.

The Secretary-General,
United Nations,
Lake Success,
Long Island, N. Y.

IV. Egypt.MINISTRY
of
FOREIGN AFFAIRS

Cairo, 4 September, 1946.

Sir:-

Referring to your letter of 29 June, 1946, in which you bring to my attention the Resolution adopted by the General Assembly of the United Nations regarding the application of Chapter XI of the San Francisco Charter, I am glad of the opportunity to recall that Egypt, which has always defended the cause of dependent peoples, attaches the greatest importance to the application of the principles laid down by the Charter, with regard to their protection and their progress towards full political liberty.

In your letter, you draw attention to the difficulties that arise in determining which Non-Self-Governing Territories come within the scope of Chapter XI of the Charter, and you ask me to indicate which factors, in the opinion of the Egyptian Government, should be considered as decisive in this respect.

The Egyptian Government considers that since it is the aim of Chapter XI of the Charter to ensure the protection of native peoples against foreign oppression, the determining factor should be the state of dependence of a nation in relation to another with which it has no natural ties. For this purpose, those extrametropolitan territories should be considered as Non-Self-Governing, in which the peoples are of different language, race and culture from the peoples of the powers which rule them.

In this connection, the Egyptian Government wishes to point out that despite the special features of its administrative system, the Sudan cannot in any respect be considered as a Non-Self-Governing Territory falling within the scope of Chapter XI of the Charter. The Sudan constitutes, indeed, an integral part of Egypt to which it is united by close bonds of language, culture and race, and with which it forms a complete geographic entity.

THE MINISTER OF FOREIGN AFFAIRS.

Secretary-General
of the United Nations Organization,
NEW YORK.

V. Belgium

Brussels, 7 September 1946

Ministry of Foreign Affairs

SIR:

I have the honor to acknowledge the receipt of your circular letter of 29 June last, b, which you were good enough to draw my attention to the passage of the Resolution adopted during the First Part of the First Session of the General Assembly, concerning the peoples of Non-Self-Governing Territories (Chapter XI of the Charter).

In your letter you ask me to indicate the form in which the Belgian Government intended, before each session of the General Assembly, to submit the information which according to Article 73(c) of the Charter, it has undertaken to transmit to you concerning economic, social and other conditions in the territories for which they are responsible other than those to which Chapters XII and XIII apply.

The Belgian Government which is responsible for the administration of the Belgian Congo is among those Governments called upon to transmit such information.

In this capacity it will take measures to conform in the undertaking expected in virtue of Article 73(e) of the Charter and in consequence to transmit to you annually the required information concerning economic, social and educational conditions in the territory of the Belgian Congo.

I am not yet in a position to indicate in a precise manner the means by which the Belgian Government will fulfill this undertaking. I can, however, assure you that all the necessary steps will be taken so that the first set of information will reach you at such time that you can include the necessary information in your Annual Report to be submitted to the Second Session of the General Assembly of the United Nations in 1947.

I have the honor to be, etc.

(signed) P.H. Spaak

VI. Union of Soviet Socialist Republics

Representative of the
Union of the Soviet Socialist Republics
to the United Nations

7 East 61st Street
New York, N.Y.
10 October 1946

Sir:

In reply to your letter of 29 June 1946, addressed to all the Members of the United Nations, in which you request the members of the organization to inform you what non-self-governing territories are subject to their jurisdiction and in what form the governments would be willing to supply information concerning these territories, I have the honour to inform you that, as is generally known, the Soviet Government has no non-self-governing territories.

Yours, etc.

(signed) Andrei A. Gromyko,
Ambassador

VII. Netherlands

New York, 16 October 1946

Sir:

With reference to your letter of 29 June 1946 concerning information from Non-Self-Governing Territories, I have been instructed by the Netherlands Government to inform you that the Netherlands Government will forward a reply to the questions contained in your above mentioned letter as soon as possible and intends to submit reports concerning the Netherlands East Indies, Surinam, and Curacao in accordance with Article 73(e) of the Charter of the United Nations.

I have the honour to be, etc.

(signed) G. Beelaerts van Blokland

VIII. France*

Paris, 17 October 1946

Ministry for Foreign Affairs

SIR:

By your letter of 29 June 1946 you requested me to consider certain preliminary problems arising from the resolution concerning the application of Chapter XI of the Charter adopted in London by the General Assembly of the United Nations.

(1) In the first place you ask me what in the opinion of the French Government were the factors to be taken into account in determining which are the Non-Self-Governing Territories referred to in Chapter XI of the Charter.

These factors arise from the terms of Article 73 of the Charter: dependence in relation to a State Member, responsibility exercised by that State in the administration of the territory, peoples who have not yet attained a full measure of self-government.

(2) Secondly, you ask me to give an enumeration of the Non-Self-Governing Territories subject to the jurisdiction of France. It will be clear that such an enumeration is subordinate to any final definition of Non-Self-Governing Territories. Nevertheless, the French Government holds itself under obligation to point out that in its opinion the determination of the territories to which the definition will apply can only be a matter for the national competence of the State entrusted with the administration of the territories.

Without prejudice to the definition which will be adopted, the French Government proposes to furnish this year all information in its possession on the following territories:

- | | |
|----------------------------------|-----------------------------------|
| French West Africa | Morocco |
| French Equatorial Africa | Tunisia |
| French Somaliland | New Hebrides under Franco-British |
| Madagascar and Dependencies | C Condominium |
| Indo-China | Martinique |
| French Establishments in Oceania | Guadeloupe and Dependencies |
| San Pierre et Miquelon | French Guiana |
| New Caledonia and Dependencies | Reunion |
| French Establishments in India | |

Immediate note should be taken of the fact that a law which will enter into operation on 1 January 1947 confers the status of a metropolitan department on Martinique, Guadeloupe and Dependencies, French Guiana and Reunion.

Moreover, in regard to the other territories the French Government points out that their juridical position within the French system is in process of evolution and that it is not in a position at the present moment to give a definition ne varietur.

(3) Lastly, you ask me to indicate the methods which the French Government desires to follow in preparing and presenting information which it is required to transmit to the General Secretariat in accordance with the provisions of Article 73(e).

The documentation on the Non-Self-Governing Territories, for the administration of which the French Government assumes responsibility, has been assembled by the administrations of these territories and by the ministerial departments concerned and will include the most recent information. However, the time period for the submission of this information does not this year allow the inclusion of as complete and as coordinated a documentation as the French Government would have wished. The necessary measures will be taken so that next year such information will be presented according to the rational plan and will be transmitted at regular intervals.

Although it was not required to communicate this information until 1947 the French Government has nevertheless considered it its duty this year to contribute in this field to the work of the United Nations.

You will, therefore, find attached the information in question.

This information is divided into two parts. The first concerns the period until 1939; the second is for the period up to 1946. In the latter

case, the circumstances resulting from the war and the short time the administrations have had, have not made it possible to obtain information concerning the New Hebrides and the French Establishments in India.

I have the honor, etc.

(signed) G. Bidault

* The above letter was not received in time to permit account being taken of it in the analysis of national situations given in this report.