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Chairman: Mr. Adnan M. PACHACHI (Iraq).

AGENDA ITEM 38

Study of principles which should guide Members in determining whether or not an obligation exists to transmit the information called for in Article 73 e of the Charter of the United Nations: report of the Special Committee established under General Assembly resolution 1467 (XIV) (A/4526) (continued)

GENERAL DEBATE (continued)

1. Mr. MORSE (United States of America) recalled that his delegation had voted in favour of General Assembly resolution 1467 (XIV). It had also participated in the work of the Special Committee of Six on the Transmission of Information under Article 73 e of the Charter, established under that resolution, and in the drafting of that Committee's report (A/4526).

2. The United States Government had already applied the principles established by the Special Committee of Six in the Territories under its administration. It had regularly transmitted detailed information; in the case of Puerto Rico, Alaska and Hawaii, it had only ceased to do so when the people of those countries had themselves determined their new status.

3. He hoped that the report of the Special Committee of Six would win the approval of the General Assembly, not only because of the logical, reasonable and practical nature of the principles enunciated but also because they had had the unanimous support of the members of the Committee, which could be considered as representative of the General Assembly as a whole. His delegation supported the report of the Special Committee.

4. He would speak again later, when draft resolutions relating to the report were being considered.

5. U TIN MAUNG (Burma) recalled that the General Assembly had been studying the question of the transmission of information under Article 73 e of the Charter for many years. The attitude of Portugal,

which stubbornly refused to transmit information on the territories under its administration, had been a source of considerable concern to the United Nations for many years. The other Administering Members transmitted more or less complete information on their Non-Self-Governing Territories; Portugal did not fulfil the obligation devolving upon it under Article 73 e, under the false pretext that its African possessions were an integral part of Portuguese territory. In the opinion of his delegation, those territories were indeed colonies; they had rightly been called the "Zone of Silence". In refusing to transmit information, Portugal was trying to evade the obligation placed upon it by Article 73 of the Charter to promote to the utmost the well-being of the indigenous inhabitants.

6. Before passing to the examination of the principles set out by the Special Committee of Six, he stressed that the mere solemn proclamation of those principles would not be enough to help the colonized peoples to attain independence or self-government. Much more radical measures were required and his delegation would endorse any draft resolution which was designed to oblige the colonialist Powers to modify their attitude with regard to the Non-Self-Governing Territories.

7. Some Administering Members advanced a number of arguments to explain their refusal to transmit information. They maintained, for example, that a territory could come under the general provisions of Chapter XI without, however, the obligation to transmit information being applicable to it. The General Assembly had never accepted that point of view. His delegation, for its part, was firmly convinced that the provisions of sub-paragraph e could not be isolated from the rest of Article 73 or from the political declaration that Chapter XI constituted. If that fallacious argument were accepted, the transmission of the information referred to in sub-paragraph e would be the ultimate objective, whereas it was only one of the means of achieving the aims set forth in the Charter.

8. The Administering Members also claimed that it was difficult for them to transmit information on territories whose constitutional development, according to them, was highly advanced. Those territories, they said, managed their own internal and external affairs and it was their Governments which should be asked to supply the information referred to in Article 73 e. That argument, however, was inadmissible for two reasons. First, those so-called self-governing or responsible Governments did not represent sovereign States and they had no seat in the United Nations General Assembly or in any other bodies of the international community. Secondly, Article 73 was a contract agreed on between the Administering Members and the rest of the United Nations. It was therefore the responsibility of the Administering Members to

transmit information, and not that of the so-called autonomous Governments of territories which the United Nations had not yet recognized as having attained a full measure of self-government.

9. It was essential that the Administering Members should transmit information, so that the General Assembly not only could ascertain whether they were fulfilling their obligations to the people of the Non-Self-Governing Territories, but could also judge how close those Territories had come to self-government or complete independence. Only by studying the information transmitted by the Administering Members could the General Assembly ascertain whether they were complying with the obligations imposed upon them by Article 73 a, b, c and d. It was therefore regrettable that, despite the encouragement given by the General Assembly, very few of the Administering Members had agreed voluntarily to transmit political information on the Territories under their administration. Similarly, it was deplorable that some Administering Members agreed to transmit information out of respect for the General Assembly but resented the discreet supervision exercised by the United Nations under the Charter.

10. The obligations of Member States under Chapter XI were not limited to Article 73. Under Article 74, the Member States agreed to respect the principle of good neighbourliness, not only in respect of their metropolitan areas but also in regard to the territories for which they assumed responsibility. At a time when the forces of national liberation were spreading on the African continent and throughout the world, the Administering Members could no longer remain silent and stand apart in an attitude of negation, lest they endanger international peace and security.

11. He went on to consider the principles set forth by the Special Committee in section V, part B, of its report. He thought it highly regrettable that although the Committee had adopted its conclusions unanimously some members had expressed reservations with regard to a number of the principles. Those reservations were tantamount to saying both yes and no. The reservation that the representative of the United Kingdom had made in regard to principle IX (A/4526, para. 13) was particularly serious. Integration was such an important step that the people of a territory should have the capacity to make their choice in full knowledge of the facts; they could only do so if they could freely express their wishes through democratic processes, by means of impartial elections based on universal adult suffrage. To deny the inhabitants of the territories the right to decide their future by universal adult suffrage was an insult to their intelligence. Still referring to principle IX, his delegation agreed with the majority of the Special Committee that United Nations supervision might be desirable in some cases, but was not indispensable.

12. With regard to principle I, he wished only to point out that the General Assembly was competent to decide whether or not information should be transmitted on a given territory. It was likewise competent to decide if a territory had attained a full measure of self-government, as mentioned in principle II.

13. Under principle IV, Portugal could no longer consider itself exempt from the obligation to transmit information in respect of the territories under

its administration, since those territories were geographically separate and ethnically and culturally distinct from the metropolitan country.

14. In conclusion, he stated that the peoples of the Non-Self-Governing Territories were demanding independence more and more vehemently. Africa had recently proclaimed its desire to free itself from the last vestiges of colonialism. Faithful to the noble principles of the Charter, the United Nations was in duty bound to reject the manoeuvres of the colonialists and to promote the liberation of all Non-Self-Governing Territories.

15. Miss SAFFOURI (Jordan) whole-heartedly endorsed the principles set forth in the report of the Special Committee of Six.

16. Her delegation agreed with that Committee that the Charter was a living document and that all the Administering Members must fulfil their obligations under Chapter XI. Moreover, those obligations were not limited to Article 73; the Administering Members were obliged to take into account the provisions of Article 74 also.

17. Without political independence there could be no economic, social or cultural independence. So long as a territory had not attained political independence, the obligations assumed by the administering Power remained valid. The Jordan delegation considered that the contention that no obligation existed for Portugal and Spain to transmit information under Article 73 e was not valid in regard to territories such as Mozambique and Angola, since the integration or association was in fact not free and since the status of the territories, in law and in practice, was not identical with that of the metropolitan countries. Hence the colonial policy of Portugal in that regard was in full contradiction with principles IV, VII and VIII.

18. It was the imperative duty of the United Nations to urge the Governments of Portugal and other Member States to transmit information on the territories under their administration; it should be pointed out, in that connexion, that the General Assembly alone was competent to decide whether a territory was or was not self-governing. The main task of the United Nations in that field was to contribute by every possible means to the speediest attainment of independence of the Trust and Non-Self-Governing Territories and thereby implement the Principles and Purposes set forth in the United Nations Charter with regard to those territories.

19. Lastly, she wished to point out that her delegation considered the principles laid down in the Special Committee's report to be a means and not an end. It approved of them only to the extent that they could accelerate the progress of territories towards independence. Jordan's acceptance of those principles should not be taken to mean that it was prepared to agree to any delay in the attainment of independence by the Non-Self-Governing Territories. On the contrary, the independence of those Territories was the objective of the Fourth Committee.

20. Mr. NOGUEIRA (Portugal) reserved the right to reply later to the representatives who had spoken.

21. Mr. NEKLESSA (Ukrainian Soviet Socialist Republic) declared that the question now under dis-

cussion was not merely a theoretical, academic controversy. It had arisen because two colonial Powers, Spain and Portugal, refused to fulfil the obligations laid upon them by Chapter XI of the Charter. Those two Powers justified their position by claiming that Chapter XI laid no obligations on Member States, since it confined itself to expressing wishes, and that, above all, there were no Spanish or Portuguese colonies. The Ukrainian delegation, like the majority of the members of the Committee, could not accept either that interpretation of the Charter or that fiction. It had repeatedly affirmed that all Member States which administered colonial territories must be guided by the Purposes and Principles proclaimed in the Charter. The Charter laid international obligations on those States, including the obligation to further the well-being of the indigenous peoples, to develop self-government, and to transmit to the United Nations information on conditions in the colonies.

22. As was clear from principles I, II, III and X, the report of the Special Committee of Six confirmed the international character of the obligations deriving from Chapter XI; it also showed, in principles I and IV, how to distinguish those territories to which the provisions of Chapter XI applied. As the Moroccan representative had observed, the Committee had not mentioned any territory by name; it was evident that, since Administering Members made up half of its membership, it had not wished to offend Spain and Portugal. The fact was that the territories administered by Spain and Portugal were colonies and the Fourth Committee had wasted four years in proving that fact.

23. Taking advantage of the slow pace at which the United Nations was moving in the matter, the Spanish Government, which had originally decided to provide information on its colonies, had later changed its attitude and had declared, through its legislative bodies, that those colonies were now "overseas provinces". A change of name was in reality of little significance if colonial methods and the colonial régime did not disappear.

24. Portugal's dependencies, which were of the same area as Europe and had 11 million inhabitants, were among the oldest colonies in the world. The Portuguese colonizers had of course constantly proclaimed that they were fulfilling a "civilizing mission"; in the days of the ancestors of the present Portuguese colonialists that mission had been called the slave trade. In the course of two centuries 30,000 African slaves had been shipped to America each year from Angola alone. In 1939, Prime Minister Salazar himself had stated that the object of the Portuguese policy, which he called a bold one, was to defend the "inferior races" more effectively. In an issue of Foreign Affairs published in 1956, Prime Minister Salazar had expressed the view that most of Africa should remain under the domination of civilized peoples for an indefinite period.

25. What had been the fruits of that "civilizing mission" in the Portuguese colonies? No one could now be ignorant of the wretched system prevailing in Angola and Mozambique: the absence of political rights; restrictions on freedom of movement; a lack of doctors—one to every 80,000 inhabitants in Angola and 149 out of 6 million inhabitants in Mozambique;

almost universal illiteracy, amounting to 99 per cent in Angola; forced labour—Portugal had long refused to sign the ILO Convention concerning the Abolition of Forced Labour; inhuman employment contracts involving the breaking up of families; corporal punishment and the like. Only 30,000 Angolans had been able to satisfy the conditions demanded by the "assimilation" law passed in 1917. At that rate, it would take more than 70,000 years for all the inhabitants of the territory to be assimilated. With its so-called policy of assimilation Portugal was concealing its policy of oppression of 11 million Africans. Moreover, assimilation signified in practice the application of the racist theory of the superiority of the white man and his civilization and the destruction of the African culture, for in order to be assimilated and to acquire the rights of citizenship Africans had to renounce their own culture, read and write Portuguese and adopt the Portuguese way of life. The equality which should theoretically have existed since 1951 between the metropolitan country and its so-called overseas provinces was simply a delusion: the governors and the governors-general had very wide discretionary powers and paid no heed, in practice, to the opinions of the legislative councils, which were composed of equal numbers of elected members and nominated members and included only a few so-called assimilated inhabitants. The Portuguese Government itself acknowledged that its rule in the overseas provinces was a "benevolent dictatorship".

26. In response to the intensification of oppression by the Portuguese colonialists and the foreign monopolies with which they were allied, the peoples of Angola and Mozambique had recently begun to demand more and more insistently the immediate granting of independence to their respective countries; to hold back that movement the Portuguese Government had instituted a reign of terror, arresting and torturing the leaders of the national movements and sending them to concentration camps; it was sending out reinforcements and was starting to construct aerodromes. The Portuguese colonial Press was publishing articles about the "enormous firepower available in the colonies for the purpose of destroying the agents of international communism". The countries of the North Atlantic Treaty Organization gave their support to Spain and Portugal for very obvious reasons: according to The New York Times of 25 October, a former Portuguese Minister for Foreign Affairs had asked the United States to continue to support Portugal in the United Nations, with the very apposite reminder that his country had given the United States military bases in the Azores. At the present time, Portuguese military circles were trying to have United States legislation with regard to military aid amended so that it would be possible to use American arms in Africa. According to a dispatch published in the United States Press at the time of the visit made to Portugal by the President of the United States, the President had stated that the United States and Portugal were working together without any differences of opinion.

27. The CHAIRMAN, intervening on a point of order raised by Mr. NOGUEIRA (Portugal), requested the representative of the Ukrainian SSR to keep to the point under discussion.

28. Mr. NEKLESSA (Ukrainian Soviet Socialist Republic), continuing his statement, said that Portuguese

capital, which had been predominant until recently, was tending to give way to American, British and Belgian capital, invested in the leading branches of agriculture and the mining industries; for example, the American oil company in Mozambique had obtained a huge concession and prospecting licences from the Portuguese Government.

29. The Governor-General of Angola had stated that there could be no question of giving self-government or independence to the territory and that the Portuguese authorities would take care that the present situation was maintained. The indigenous people were well aware, however, that that situation could not go on. There was no doubt that if, on their side, the Spanish and Portuguese Governments, in the face of the events taking place on the African continent, accepted the fact that the complete abolition of colonies was inevitable and took measures accordingly, they would avoid very unpleasant consequences. If they did not, the people of the colonies would themselves throw off the colonial yoke, throw off the shackles of slavery, just as their brothers in the neighbouring colonies had done. The liquidation of colonialism was to be discussed by the General Assembly in plenary session: it was essential that the United Nations should decide upon immediate independence for all colonies, including those of Portugal and Spain. The problem was not merely a theoretical one and it should not be a matter solely for oratorical contests on legal points: it required a practical and immediate conclusion, which could only be the immediate independence of the colonies of Portugal and Spain together with the other colonies, as proposed in the draft declaration submitted by the delegation of the Soviet Union (A/4502 and Corr.1) for consideration by the General Assembly at its fifteenth session.

30. Mr. DIALLO (Mali) expressed his delegation's congratulations to the members of the Special Committee of Six, who had managed to set out in a clear, concise and thorough report the guiding principles which would enable Member States to determine whether or not an obligation existed to transmit the information called for in Article 73 e of the Charter. Spain and Portugal, which refused to transmit information on the territories which they administered, must finally realize that their chauvinistic machiavellianism was a weapon of despair which could no longer protect them. The United Nations had merely requested information in order that it might know what progress was being made in the Non-Self-Governing Territories; by refusing to give that information, Spain and Portugal made it clear that they were not easy in their conscience. Their refusal further increased and intensified the responsibility of the United Nations towards the oppressed peoples which were struggling for freedom and which placed their trust and their hopes in the Purposes and Principles proclaimed in the Charter.

31. The Portuguese Government claimed that Portugal had no colonies. Yet in 1957, 750,000 inhabitants of Angola had been subjected to forced labour; in 1959, three patriots of Angola had been executed merely because they had asked that basic human rights should be respected. The very term "colonies" had appeared in the Portuguese Constitution until 11 June 1951, when it had been replaced by the term "overseas provinces". At the previous meeting the

Ghanaian representative had described the political and social conditions of Africans in the Portuguese colonies. The black population was classified into "non-civilized" and "civilized" persons, the latter being those closest to the Portuguese masters. No indigenous person could be elected; if he had voting rights, they could be used only to elect a Portuguese citizen; the authorities mercilessly imprisoned, tortured, exiled or killed those indigenous inhabitants who had succeeded in acquiring a certain degree of education. The United Nations therefore had a heavy moral and humanitarian obligation towards the liberation movements which had sprung up in the last two years in the Portuguese territories and which were suffering the onslaught of the Portuguese troops; it should be realized, however, that the combined armies of the whole world could never keep a people in slavery.

32. The Mali delegation fully subscribed to the principles and conclusions in the report of the Special Committee of Six; it hoped that the draft resolution that the Fourth Committee would approve would condemn those Powers which refused to supply information on human beings to whose plight the rest of the world could not remain indifferent. Portugal was well aware of that risk, for according to a press dispatch the Administration of Angola had for some time been subjecting political prisoners to strong pressure to compel them to protest against any resolution adopted by the General Assembly. Portugal declared that it would never leave Africa, claiming that its departure would open the door to the exploitation of blacks by blacks. For his own part, he was convinced that Portugal would indeed leave Africa, for it was impossible for one human being, whether black or white, to go on indefinitely exploiting another human being.

33. Mr. KIANG (China) said that the obligation to transmit information presented two problems which the General Assembly had been trying to solve since 1951. The first was to define what constituted a Non-Self-Governing Territory and the second, to determine the point at which such a Territory had achieved self-government or independence. The General Assembly had examined those questions in terms of the factors to be taken into account in deciding whether a Territory had attained a full measure of self-government, and it had been generally agreed that no enumeration of factors could do more than serve as a guide, since each case would have to be considered on its own merits. But what authority was to decide that the transmittal of information should cease? There had been no agreement on that point: the majority of Administering Members maintained that the competence to take that decision lay exclusively with them while the great majority of non-administering Members thought that the General Assembly should have the authority, either exclusively or jointly with the Administering Member concerned, to decide whether a Territory had ceased to be non-self-governing within the meaning of Chapter XI of the Charter. In spite of that difference of opinion all countries admitted that Chapter XI was not only a declaration of principles—which required all Member States to recognize the principle that the interests of the inhabitants of Non-Self-Governing Territories were paramount—but also a declaration of obligations accepted by Member States administering Non-Self-Governing Territories. In order to ensure respect

for those obligations the Administering Members were urged to transmit statistical information, subject to such limitation as security and constitutional considerations might require.

34. His delegation had always believed that it was for the General Assembly to determine collectively the interpretation to be given to the term "Non-Self-Governing Territories" and "territories whose peoples have not yet attained a full measure of self-government". It therefore endorsed the principles laid down in the report of the Special Committee of Six for the guidance of the General Assembly in determining whether or not an obligation existed to transmit information. It would be dogmatic to argue that a definition of those principles was unnecessary. Such a definition would certainly be of value if it had the effect of changing certain rigid positions adopted since 1952 and 1953.

35. Mr. GUARDADO (El Salvador) wished to associate himself with the representatives who had congratulated the Special Committee of Six on its concise report, which would guide the Assembly in its implementation of the fundamental principles of the Charter. The work of that Committee had unfortunately not been in time to prevent certain regrettable developments which ran counter to the ideas proclaimed at the San Francisco Conference. His delegation regretted that the debate had not been confined to a legal study of the principles defined by the Special Committee but had extended to the application of those principles to particular cases like those of Spain and Portugal.

36. Since there had been no criticism of the report of the Special Committee, he moved the closure of the debate under article 118 of the rules of procedure.

37. Mr. KANAKARATNE (Ceylon) expressed astonishment at such a strange proposal so early in the debate. The Committee had not even devoted three full meetings to consideration of the report of the Special Committee of Six, which had only been introduced in the Fourth Committee at the 1031st meeting. His own delegation wished to study closely both the report and the interventions made thus far before stating its views. Any attempt to prevent delegations from speaking on so important a matter would be a serious encroachment upon freedom of discussion. The representative of El Salvador believed that the Committee should confine itself to the legal aspect of the problem. While the Committee must naturally concern itself with the principles laid down by the Special Committee of Six, the item under discussion was not an academic topic but a serious problem which the United Nations had been studying for several years. Sooner or later those principles would have to be applied, and without taking any stand at that stage on the situation in a given territory as depicted by certain representatives, his delegation would submit its views on the manner, time and place of their application. It should be given an opportunity for doing so. For that reason he strongly opposed the motion for closure.

38. Mr. Krishna MENON (India) pointed out that the report of the Special Committee of Six had only been before the Fourth Committee since the previous day. The latter would certainly need as much time to con-

sider the report as the Special Committee had spent on its drafting. If the debate was closed immediately, the Fourth Committee would be unable to approve any draft resolution, as the delegations had had no opportunity to consult each other. That would be all the more regrettable since the item under discussion had been occupying the United Nations for a long time. The Committee should trace the problem back to its origins, namely to the drawing up of the Charter, whose authors had obviously intended to impose on Members administering Non-Self-Governing Territories similar obligations to those imposed on Authorities administering Trust Territories. Since those Members had received a sacred trust, they should be accountable for their actions to the international community. The Committee should not be content with an academic discussion of the principles involved but should decide how and in what circumstances they should be applied in order to avoid any violation of the Charter. He therefore hoped that the Committee would be able to go on with its work in the normal way.

39. Mr. GUARDADO (El Salvador) said that he had merely wished to draw the Committee's attention to the need for concentrating the debate on the principles laid down in the report because he feared that premature discussion of their application to any given country might jeopardize the success of many years' work in the United Nations. He was now confident that he had achieved that purpose and would withdraw his motion.

40. Mr. SALAMANCA (Bolivia) stressed the complex nature of the legal and political problem before the Committee. It was indeed difficult to say what constituted a nation. Certain countries were born weak and gradually gained strength; others had long-standing problems in the shape of minorities or regions difficult to integrate with the national community. A nation was a continual creation and might only represent in effect the will of a certain group to become a nation. The Committee must of course make sure that the will of such groups was not ignored, but it should not approve a draft resolution which would only have the effect of creating a climate of tension.

41. The principles laid down in the report of the Special Committee of Six raised very delicate problems; it might be fair to ask, for instance, how many independent States where the people were completely self-governing were to be found in the world of today. The essential thing was not to try to make all territories independent even if they had only a minute population but to ensure that human rights were everywhere respected. In discussing a report of such vast scope the representatives could obviously quote all the examples and mention all the territories they wished, but they should bear in mind that a general declaration must not be used as a weapon against one or two countries. The value of such a text would lie in its unanimous acceptance. The Fourth Committee would have to adopt the principles of the Special Committee of Six and see how they could be implemented before it could decide whether any given country was right or wrong to refuse to transmit information. For the time being any condemnation was premature.

The meeting rose at 5.30 p.m.