

United Nations  
**GENERAL  
ASSEMBLY**

**FIFTH SESSION**

*Official Records*



**FOURTH COMMITTEE 181st**

**MEETING**

*Friday, 17 November 1950, at 10.45 a.m.*

*Lake Success, New York*

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*Chairman:* Prince WAN WAITHAYAKON (Thailand).

**Report of the Trusteeship Council (A/1306 and A/1306/Corr.1) (*continued*)**

[Item 13]\*

1. At the request of the CHAIRMAN, Mr. ANKER (Norway), Rapporteur, presented the Committee's draft report (A/C.4/L.103). With reference to the second paragraph of the preamble of draft resolution III, he pointed out that the text should read "shall receive and consider", in order to reproduce the terms of the Charter.

2. In reply to Mr. TAJIBAEV (Union of Soviet Socialist Republics) and Mr. HIMIOB (Venezuela), the CHAIRMAN said the text of the paragraph in question would be revised so as to conform to the terms of the Charter in all languages.

3. Mr. MACAPAGAL (Philippines), referring to the last sentence of section 31, part III of the report, requested the addition, at the end of that sentence, of a clause to the effect that the Philippine delegation reserved its right to introduce the amendment as a separate resolution at the appropriate time and place.

4. Mr. LIU (China) suggested that the name of his delegation should appear in section 53 of the report, since his delegation had submitted an amendment which was referred to in section 54.

5. Mr. LANNUNG (Denmark) thought that section 4 of the report should mention the amendment which his delegation had submitted and which Sub-Committee 8 had considered.

6. Mr. VARASTEH (Iran), referring to the report of the vote on the joint draft resolution on rural economic development of Trust Territories, as mentioned at the end of part V of the report, wished it to be noted that his delegation had voted in favour of the draft resolution as a whole, although it had abstained in the roll-call votes on certain paragraphs and amendments.

7. Mrs. FIGUEROA (Chile) objected to the phrase "in a single text", in section 4 of the report. Her delegation, as a member of the Sub-Committee, had taken the view that the Sub-Committee had been instructed simply to co-ordinate and amalgamate the various proposals before it, but that nothing in its terms of reference had required it to produce a single text. She therefore suggested that the phrase in question should be deleted from section 4.

8. Mr. ANKER (Norway), Rapporteur, recalled that opinions had differed concerning the exact terms of reference of the Sub-Committee. He had no objection to the proposal of the representative of Chile, and accordingly suggested that the end of section 4 should be revised to read "... amalgamating the texts of the proposals falling under groups II and III".

9. Mr. RYCKMANS (Belgium) noted that in subparagraph (b) of the operative paragraph of draft resolution VI, the phrase "to report next year to the General Assembly" was misleading. He suggested that the text should read "to report to the sixth session of the General Assembly".

10. Mr. GARREAU (France) requested that the record of the current meeting should include a notation of his government's express reservations regarding the procedure followed by the Fourth Committee in dealing with petitions relating to the election of representatives of populations of Togoland under British and Togoland under French administration to the enlarged Standing Consultative Commission, which was to examine the claims of a certain part of those populations.

11. Mr. PEREZ CISNEROS (Cuba) suggested that section 50 of the report should include a record of the roll-call vote taken on the draft resolution as a whole, since various other roll-call votes had been so recorded in the report. Moreover, the detailed list of proposals given in section 3 of the report should mention which delegations sponsored the various proposals.

12. Mr. KHALIDY (Iraq) said that if a record of the roll-call vote on draft resolution X was to be in-

\* Indicates the item number on the General Assembly agenda.

cluded in section 50, as requested by the representative of Cuba, that section should also explain that no less than twenty delegations had failed to take part in the voting. For his own part, he wished it to be clear that he had been absent on the day in question through no fault of his own; the meeting had been called unexpectedly, and he had had no opportunity to see the *Journal* for the day, having been in attendance at another official meeting. Nor had he been notified by the Secretariat that a meeting had been scheduled. On the subject of the abolition of corporal punishment in the Trust Territories his delegation held firm views which it would have liked to present in the Committee.

13. If similar cases arose in the future, the Secretariat should ensure that all representatives were notified of meetings called unexpectedly. Moreover, he requested that section 50 should state that his delegation had explained the reason for its absence from the meeting in question and that, if present, it would have voted in favour of the draft resolution.

14. Mr. TURGEON (Canada) agreed with the representative of Cuba that the results of the roll-call vote should be recorded; moreover, the paragraph should mention that at the succeeding meeting the Canadian delegation had explained that its absence during the voting had been unavoidable and that, if present, it would have abstained in the vote.

15. Mr. SALAZAR ROMERO (Peru), Mr. MIKAOUI (Lebanon) and Mr. HIMIOB (Venezuela) supported the views expressed by the representative of Iraq; their delegations also had been absent during the voting on the draft resolution because they had been unaware that a meeting had been called.

16. Mr. DE MARCHENA (Dominican Republic) said the position of his delegation, although slightly different, should also be noted in the report. He had been forced to leave the meeting shortly before the vote was taken, and, immediately upon his return, had explained that his delegation supported the draft resolution and would vote in favour of it in the General Assembly.

17. Mr. ANKER (Norway), Rapporteur, pointed out that the absence of a delegation during a vote did not reflect discredit upon that delegation; it was well known that many of the smaller delegations were unable to attend all the meetings of the Committee. In his opinion, the Committee would be departing from normal United Nations procedure if it included in its report a statement of the reasons for the absence of certain delegations and of the manner in which they would have voted had they been present. Perhaps the representative of Iraq and the other representatives who shared his view would be satisfied with an explanation of their position in the summary record of the current meeting.

18. Mr. FLETCHER-COOKE (United Kingdom) agreed with the Rapporteur that to include in the report a statement such as that requested by the representative of Iraq would establish an undesirable precedent. Nevertheless, to meet the request of the delegations concerned, he suggested that, following the record of the roll-call vote, a statement such as the following might be inserted: "Subsequently, the delegations of

Canada, the Dominican Republic, Iraq, Lebanon, Peru and Venezuela explained that, for reasons beyond their control, they had been prevented from being present during the vote on this draft resolution".

19. Mr. DORSINVILLE (Haiti), Mr. HIMIOB (Venezuela) and Mr. S. RAO (India) approved the suggestion of the United Kingdom representative.

*The United Kingdom proposal was adopted.*

*The draft report of the Fourth Committee (A/C.4/L.103) was adopted as amended and with certain minor drafting changes.*

### Information from Non-Self-Governing Territories (continued)

[Item 34]\*

20. Mr. S. RAO (India) recalled that the Committee had agreed to postpone consideration of the joint draft resolution (A/C.4/L.76/Rev.1) until the time came to discuss the report of the Special Committee on Information transmitted under Article 73 e of the Charter (A/1303 and A/1303/Add.1). Although he had not changed his views as regards the principle of that draft resolution, he now wished to withdraw the resolution from the agenda of the present session, if the other sponsors would agree.

21. Mr. Rao said he was influenced by two considerations. First, the misgivings and fears expressed by certain delegations concerning the wisdom or practicability of adopting the course suggested in the draft had been duly noted. Secondly, nothing would be lost by allowing more time to elapse before considering the proposals suggested in that document.

22. Furthermore, some of the draft resolutions approved in connexion with the report of the Trusteeship Council showed that there was a general trend of action along the lines of the draft contained in document A/C.4/L.76/Rev.1.

23. Mr. TAJIBNAPIS (Indonesia), Qazi Mohammed ISA (Pakistan) and Mr. MACAPAGAL (Philippines) associated themselves with the views expressed by the Indian representative.

24. The CHAIRMAN stated that the joint draft resolution was withdrawn from the agenda of the present session. An explanatory note would be included in the Committee's report.

25. Mr. SANTISO GALVEZ (Guatemala) said that before the Committee began its consideration of the information transmitted by various governments on the Non-Self-Governing Territories, his delegation wished to make certain statements.

26. The summary and analysis of information transmitted by the Government of the United Kingdom to the Secretary-General for the year 1949,<sup>1</sup> and the Secretariat's supplementary document A/1269/Add.2, included information on the Guatemalan territory of Belize, otherwise known as British Honduras. The Guatemalan delegation wished to recall once more, as it

<sup>1</sup> See *Non-Self-Governing Territories, Summaries and analyses of information transmitted to the Secretary-General during 1949*, United Nations Publications, Sales No.: 1950. VI. B. 1. vol. II, chapter VII.

had done at the 114th meeting of the fourth session of the Fourth Committee, that with respect to that territory a controversy existed, and had existed for more than a century, between Guatemala and the United Kingdom. The Guatemalan Government had never ceased to put forth all its efforts to reach a just and peaceful solution of the controversy, but thus far it had not achieved its objective, owing to the fact that it had not met with a similar desire on the part of the Government of the United Kingdom.

27. By reason of the United Kingdom's failure to fulfil one of the most important clauses—a *sine qua non* stipulation—of the 1859 Convention between Great Britain and Guatemala, by which Guatemala had ceded the territory of Belize to the United Kingdom, the Guatemalan Government had found itself obliged to denounce that treaty and to declare that it had expired and was null and void.

28. In 1946 the United Kingdom Government had manifested its willingness to submit the controversy to the International Court of Justice. The Guatemalan Government had appreciated that evidence of good faith on the part of the United Kingdom, but had been unable to accept the proposal owing to the fact that it had been restricted to a purely legalistic decision and to the interpretation of a treaty which had expired and was null and void. For that reason, it was impossible for Guatemala to accept an opinion of the Court under the conditions proposed by the United Kingdom. But the Guatemalan Government, in its turn, had proposed—and it still maintained that proposal—that the two governments should agree to authorize the Court to decide the case *ex aequo et bono*, in accordance with the stipulations of paragraph 2 of Article 38 of the Statute of the Court, and to take into consideration all aspects of the controversy from its beginnings, rather than merely the juridical aspect.

29. That proposal of the Guatemalan Government had been rejected by the United Kingdom Government.

30. The Guatemalan delegation nevertheless wished to state that the Government of Guatemala still cherished strong hope that both countries would, through friendly understanding, be able to find a just solution to the problem, which was of the greatest national importance to the Guatemalan people.

31. On the other hand, Mr. Santiso Galvez must point out that Guatemala had fully reserved all its rights over the territory of Belize, in the United Nations from the date of the creation of the Organization at San Francisco, and in other international meetings.

32. The Guatemalan delegation now firmly repeated its declaration that Belize was Guatemalan territory for sound and unquestionable historical, geographical and legal reasons, and that it was improperly occupied by the United Kingdom.

33. Consequently, the Guatemalan delegation could not agree that Belize, which was in foreign hands for *de facto* reasons and which had consequently been considered as an occupied territory and not as a colony in the classification of Non-Self-Governing Territories of America, drawn up at the Ninth International Con-

ference of American States held at Bogotá in 1948, should appear as British territory in the summary and analysis of information transmitted by the United Kingdom Government to the Secretary-General under Article 73 e of the Charter.

34. Moreover, the Guatemalan delegation wished to state that Guatemala fully supported the position of the Argentine Republic with regard to the *Islas Malvinas* (Falkland Islands).

35. Mr. FLETCHER-COOKE (United Kingdom) wished to place on record once again that the Government of the United Kingdom had no doubts as to its sovereignty over the territory of British Honduras, and its delegation fully reserved its position.

36. Mr. FARRAG (Egypt) observed that some members of the Special Committee had thought that one or more of the administering Powers which had not participated in the election of the Committee the previous year might not participate in the work of that body either; he was glad to note that that had not been the case.

37. He was pleased to note that in the Special Committee the delegations of four administering Powers had included educational experts. The success of the Special Committee in 1950 had justified the policy which his delegation had supported in the past.

38. The report of the Special Committee did not include all the points raised by each and every member but it was nevertheless a satisfactory compromise; it revealed that the Committee had not lost sight of the principle of Chapter XI of the Charter that the interests of the inhabitants of Non-Self-Governing Territories were paramount.

39. Although his delegation reserved its right to consider on their respective merits any comments which might be made in the Fourth Committee regarding the work of the Special Committee, it supported the Special Committee's report in every respect.

40. There were two questions in which the Egyptian delegation was particularly interested. First, with reference to General Assembly resolution 329 (IV) concerning the language of instruction in Non-Self-Governing Territories, he wished to draw attention to the statement in the report of the Special Committee (A/1303/Add.1, paragraph 41) that the first approach to the inculcation of literacy should, wherever possible, be through the mother tongue. Mr. Farrag felt that where the indigenous language permitted, it should be the language both for teaching and administration. The general principles which were laid down in the Committee's report should govern the solution of the technical problems involved. That broader aspect of the question was the responsibility of the United Nations. The technical problems themselves, such as the preparation of suitable textbooks and the training of teachers, were questions which should have the urgent attention of UNESCO. He hoped that a report from that organization would be submitted in due course showing the progress achieved in the solution of those problems.

41. Mr. Farrag referred in that connexion to the passages in the Special Committee's report dealing with

equal treatment in education (A/1303/Add.1, chapter V), and in particular to the general principles on the subject proposed by the Committee. He suggested that one of the most important functions of the Special Committee in the future was to see to it that those principles were translated into law and practice in the educational policies of the Administering Authorities concerned. It was essential to remove even the suspicion that persons of the race or colour of the metropolitan countries were favoured at the expense of the indigenous inhabitants. That was a matter of fundamental human rights.

42. The second question of particular interest to the Egyptian delegation was the one raised in General Assembly resolution 334 (IV), concerning the factors which should be taken into account in deciding whether a territory was or was not a territory whose people had not yet attained a full measure of self-government. As stated in paragraph 112 of the Special Committee's report (A/1303), further study and additional documentation were required. The item had therefore been placed on the agenda of the following session of the Special Committee. In the meantime the International Court of Justice had given its opinion in the question of South West Africa (A/1362). More information was in fact needed, and the Egyptian delegation, fully realizing the importance of the issues involved, hoped that the question would be discussed fully and with care at the following session of the Special Committee.

43. The Special Committee asked the General Assembly to approve its proposed programme of work for 1951, as summarized in chapter XIII of the report (A/1303). Special attention should be given to economic problems and to economic development in the Non-Self-Governing Territories. The debates of the Fourth Committee might give some guidance to the Special Committee. The criterion by which to judge colonial policy was whether the interests of the people were paramount in those territories. For various economic reasons, there were still many doubts on that point and the administering Powers should take careful note of their responsibilities.

44. With regard to the question of comparable information on conditions in independent countries, the Egyptian delegation had submitted a draft resolution

in the Special Committee for the purpose of clarifying the situation. The draft had been withdrawn subsequently, with a view to expediting the Special Committee's work, although it had been expressly understood that the matter would be brought up on another occasion. He quoted General Assembly resolution 143 (II), paragraph 6, and resolution 218 (III), paragraph 3, as being directly relevant. The latter resolution in no way modified the directives given in the former, and the consent of the Member concerned should therefore be obtained before comparable information was submitted to the General Assembly or the Special Committee. In one of the documents prepared for the Special Committee, information had been given on medical training facilities in a number of independent countries (A/AC.35/L.5). The Egyptian delegation had been compelled to criticize the inclusion of that information, although the instructions to the Secretariat were not clear and the action had been taken in good faith. Unless clarified, the terms of the two resolutions were such that the Secretary-General was placed in an embarrassing position.

45. He did not wish to enlarge on the question but he warned the Committee that the discussion of the affairs of independent countries was not only constitutionally unjustified under Chapter XI of the Charter, but would mean that the Fourth Committee was duplicating the work of the Second and Third Committees. He would shortly submit a draft resolution requesting the Secretary-General to take into account all elements necessary for a scientific and objective comparison when making use of the comparable official statistical information. He would make a full statement when he submitted that draft resolution.

46. The controversy concerning the relationship between Chapter XI and Article 2, paragraph 7, of the Charter had split the Fourth Committee into two opposing groups. He appealed to the representatives of the administering Powers to interpret Chapter XI in a liberal and broad spirit. The peoples of the Non-Self-Governing Territories, who had made a substantial contribution to the war for freedom, should not be treated less well than the peoples of the Trust Territories.

The meeting rose at 1.5 p.m.