



CONTENTS

	Page
Agenda item 17:	
Reports of the Regional Economic Commissions (<i>resumed from the 1342nd meeting</i>)	223

President : Sir Ronald WALKER (Australia)

Present :

Representatives of the following States, members of the Council: Algeria, Argentina, Australia, Austria, Chile, Colombia, Czechoslovakia, Ecuador, France, India, Iraq, Japan, Luxembourg, Senegal, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia.

Representatives of the following States, additional members of the sessional Committees: Cameroon, Ghana, Indonesia, Iran, Italy, Mexico, United Arab Republic, United Republic of Tanganyika and Zanzibar.

Observers for the following Member States: Brazil, Bulgaria, Canada, Central African Republic, China, Ireland, Israel, Pakistan, Philippines, Portugal, Romania, Sweden, Uganda, Ukrainian Soviet Socialist Republic, Venezuela.

Observers for the following non-member States: Federal Republic of Germany, Holy See, Switzerland.

Representatives of the following specialized agencies: International Bank for Reconstruction and Development, International Monetary Fund, World Health Organization.

The representative of the International Atomic Energy Agency.

AGENDA ITEM 17

**Reports of the Regional Economic Commissions
(E/3864/Rev.1, E/3963; E/L.1064)
(*resumed from the 1342nd meeting*)**

1. The PRESIDENT recalled that when the Council had last discussed the report of ECA (E/3864/Rev. 1) at its 1319th meeting, it had decided to leave in abeyance the question of the associate membership of Angola, Mozambique and South West Africa in that body pending the receipt of a legal opinion from the Secretariat on certain aspects of that question, which had been the subject of resolution 94 (VI) adopted by ECA on 28 February 1964 (*ibid.*, part III).

2. The Council had now before it a note (E/3963) by the Secretariat on certain legal aspects of the question, and a joint draft resolution (E/L.1064) submitted by Algeria and Senegal.

3. Mr. CHANDERLI (Algeria) said that in the light of the advice received from the Legal Counsel (see E/3963), his delegation and that of Senegal had submitted a joint draft resolution (E/L.1064) under which the Council would take note of that advice and transmit it to the Executive Secretary of ECA for any action that might be appropriate. His delegation and that of Senegal, with customary African realism, had submitted the joint draft resolution in order to enable the Executive Secretary of ECA to recommend to that Commission any action that might be appropriate to associate Angola, Mozambique and South West Africa with the future work of ECA and enable their representatives to attend its meetings.

4. The problem was of a somewhat special character. The position of the territories in question was anomalous and ECA had been faced with a dilemma. In the circumstances it had adopted its resolution 94 (VI) in which it had recalled the Council's resolution 974 D (XXXVI) under which it had decided to expel Portugal from membership and to suspend the Republic of South Africa from participating in the Commission's work.

5. Under international law, as pointed out in paragraph 3 of the Secretariat's note, the external representation of the territories in question was the responsibility of the States administering them. Since technically those territories were administered by Portugal and the Republic of South Africa, the latter were responsible for their international relations. However, following the Council's decision to expel Portugal and to suspend South Africa from membership of ECA, those States no longer participated in that Commission's work. The purpose of Senegal and Algeria was an eminently practical one; they wished to ensure that the views and interests of the people of Angola, Mozambique and South West Africa should be taken into consideration by ECA when it discussed economic and social problems. It was in that spirit that the joint draft resolution had been proposed. Angola, Mozambique and South West Africa were already associate members of ECA; the problem was how their representation should be adequately assured in ECA so that the matters dealt with by that body, which were directly relevant to the future of the peoples of those territories, could be discussed with the participation of their representatives.

6. The Secretariat's Note was perhaps not sufficiently precise and complete, but it contained elements which

would enable immediate action to be taken with regard to the problem under discussion, until such time as the peoples of Angola, Mozambique and South West Africa had gained their freedom. It was to be hoped that those peoples would soon be the masters of their own destinies and would then be able to participate fully in the work of the United Nations organs to which they belonged.

7. Mr. ARKADYEV (Union of Soviet Socialist Republics) expressed his delegation's satisfaction at the measures adopted by ECA and the activities pursued by that Commission. The States members of ECA were anxious to ensure the speedy admission of all the countries of Africa to full membership in ECA. Unfortunately, Angola, Mozambique and South West Africa were not yet full members of that Commission. His delegation hoped that all the countries and peoples of Africa would soon achieve such membership of ECA, and indeed of the United Nations, by attaining the status of independent States. With regard to the problem of participation by Angola, Mozambique and South West Africa in ECA's work, certain obstacles still stood in the way of its solution. The Secretariat's note did not adequately cover the legal questions involved. It adopted a narrow legalistic approach regarding the relationship between an Administering Member and the territory under its administration. In fact, it was essential to bear in mind the terms of General Assembly resolution 1539 (XV) on participation of the Non-Self-Governing Territories in the work of the United Nations and of the specialized agencies. That resolution called for a speedy solution to the problem of the direct participation of representatives of the indigenous peoples of the Non-Self-Governing Territories in the work of the appropriate organs of the United Nations and invited the Administering Members to arrange for the participation of such representatives of those territories in the work of the organs concerned.

8. It was inadmissible to say that one must wait for the Administering Members to make the necessary arrangements before representatives of the territories in question could take part in ECA's work. By suggesting such an approach in paragraph 5, the Secretariat Note gave a purely abstract solution to the problem, completely ignoring the realities of the situation. As far as Angola and Mozambique were concerned Portugal had been excluded from membership of ECA and was certain not to appoint representatives of those territories to attend ECA meetings. Portugal had consistently refused to comply with its obligations under the Charter to give information regarding its dependent territories, on the pretext that those territories were "overseas provinces" of Portugal. If the Executive Secretary of ECA were to invite Portugal to send representatives of Angola and Mozambique to ECA meetings, he could hardly expect a different attitude. The joint draft resolution, which called for the transmission of the Secretariat note to the Executive Secretary of ECA, seemed to take insufficient account of the tragic situation of those territories whose inhabitants were engaged in a struggle against colonial oppression.

9. As far as South West Africa was concerned, the Republic of South Africa had repeatedly flouted United Nations decisions regarding that territory. He recalled the numerous resolutions that had been adopted by the General Assembly on the question of South West Africa, particularly resolution 1899 (XVIII). The South African Government did not recognize the rights of the United Nations and of its States Members with regard to the question of South West Africa. The territory would appear in fact to have been already annexed and in the circumstances, it was hardly to be expected that the South African authorities would authorize representatives of South West Africa to attend ECA meetings.

10. There again, the draft resolution did not adequately reflect the concern which was certainly felt by its sponsors regarding the tragic conditions in South West Africa. The language of the draft resolution, perhaps for tactical reasons, was not sufficiently explicit.

11. In the light of those considerations, his delegation felt it desirable that operative paragraph 2 of the joint draft resolution should be strengthened by giving a clear indication of the action that would be appropriate in the circumstances. The matter should not simply be left to the Executive Secretary of ECA. His delegation had the fullest confidence in the present Executive Secretary but the Council should give clear guidance on what action was expected of him. It was not sufficient merely to transmit the Secretariat note "for any action that may be appropriate". Such language would appear to suggest that the Executive Secretary might merely conduct consultations or negotiations in the matter, or possibly even call for supplementary documentation. What was needed was a call for action to speed up the process of ensuring the participation of the peoples of Angola, Mozambique and South West Africa in the work of ECA and to promote their struggle for independence and early participation in all United Nations bodies. He urged the sponsors of the draft resolution to take his suggestions into consideration.

12. Mr. CHANDERLI (Algeria) said that he had been somewhat surprised at the suggestion that the joint draft resolution was of an accommodating character. The Soviet Union representative appeared to have gained an inaccurate impression of the draft resolution. Perhaps the Soviet Union representative had been carried away by his devotion to the cause of the liberation of the colonial peoples.

13. Algeria, as a country which had recently liberated itself from the colonial yoke, was particularly sensitive with regard to the struggle of African peoples for independence. Both his delegation and that of Senegal were in the forefront of that struggle.

14. The Secretariat's note, it was true, adopted an abstract approach, but that approach was habitual in documents emanating from jurists. In fact, a means of ensuring the participation of Angola, Mozambique and South West Africa in the work of ECA was indicated in the first sentence of paragraph 7 of that note; "... a regional economic commission or any other body of

the United Nations may seek information within the scope of its competence from sources other than the Government of that territory”.

15. The sponsors of the draft resolution, in drafting operative paragraph 2, had had in mind precisely the action which the Executive Secretary might take to ensure the participation of the representatives of the territories in question in the work of ECA. It should be remembered that the Executive Secretary acted under the authority of ECA, a Commission composed of African States which were mindful of the need to ensure the participation of the representatives of Angola, Mozambique and South West Africa.

16. He regretted that the joint draft resolution should not have met with unanimous approval from the outset and said that his delegation would support any amendment that might be submitted along the lines suggested by the Soviet Union representative.

17. Mr. PACHACHI (Iraq) said that his delegation's attitude to the question under discussion had been adopted within the framework of the Declaration on the granting of independence to colonial countries and peoples embodied in General Assembly resolution 1514 (XV).

18. With regard to South West Africa, the position of the Government of the Republic of South Africa in that territory was open to serious legal question. That Government had not accepted the numerous General Assembly resolutions to place the territory under the international Trusteeship System in accordance with the Charter of the United Nations. In addition, it had failed to implement the Advisory Opinion of 11 July 1950 of the International Court of Justice,¹ in which the Court had held that the Mandate over that territory had not lapsed with the demise of the League of Nations. The South African Government had also consistently violated the principles of General Assembly resolution 1514 (XV).

19. In the circumstances, it was clear that the presence of the South African Government in the territory of South West Africa was not accepted by the overwhelming majority of the States Members of the United Nations. Hence the legal right of that Government to represent the territory of South West Africa in any United Nations organ was open to question.

20. As regards the territories under Portuguese administration, he recalled that in numerous resolutions the General Assembly had clearly indicated that Portugal had failed to carry out the provisions of the Charter in respect of those territories, and had in particular failed to carry out its obligations to transmit information in accordance with the Article 73 of the Charter. Portugal had also withheld its co-operation from the United Nations bodies set up to consider the implementation of the Declaration on the granting of independence to colonial countries and peoples embodied in resolution 1514

(XV). By adopting that attitude, Portugal had violated the Charter, which required all Member States to co-operate with the General Assembly in the discharge of its functions.

21. It was on the basis of those considerations that ECA had decided that the Government of Portugal and that of the Republic of South Africa were not entitled to participate in its meetings or to represent the African peoples whose rights they had systematically denied.

22. It had now been established that ECA had the right to suspend a Government from membership on the ground that it did not genuinely represent the inhabitants of a territory. As a corollary, it followed that ECA had the right to authorize the genuine representatives of that territory to attend its meetings.

23. It was stated in paragraph 6 of the Secretariat's note that where conflicting claims had arisen between groups claiming the right to be recognized as the Government of a territory, the question should be decided by the General Assembly rather than by a subsidiary organ of the United Nations. Those remarks could only apply to the case of an independent State Member of the United Nations which two rival groups claimed to represent. In such a case, the problem was one of credentials and was a matter for the General Assembly. The case under discussion at present was, however, of a totally different nature. The territories of Angola, Mozambique and South West Africa were Non-Self-Governing Territories; the question was not one of the representation of Governments but of the representation of territories in a subsidiary body of the Economic and Social Council. Since ECA could suspend a member from participation because it did not adequately represent the inhabitants of an African territory, it followed that it could invite the representatives of those inhabitants to participate in its work. Those representatives would then not act merely as individuals or as members of a private organization, as paragraph 7 of the Secretariat's note appeared to suggest. For action of that kind, there would be no need for any discussion on the part of the Council, nor was any legal opinion required. It had always been the right of any United Nations body to seek information within the scope of its competence from individuals and private organizations. What was involved was the right to invite certain persons to act as the representatives of their territories. Where ECA arrived at the conclusion that a territory was not adequately represented, it could also decide that certain persons were entitled to act as representatives of that territory on a basis of equality with the other representatives, and not merely in a private capacity.

24. His delegation supported the inclusion of additional wording as suggested by the Soviet Union representative.

25. Mr. ARKADYEV (Union of Soviet Socialist Republics) said that the passage of his statement to which the Algerian representative had referred had been misunderstood as a result of faulty interpretation. He had never suggested that the sponsors of the draft resolution had intended it to be of an accommodating character.

¹ See *International status of South West Africa, Advisory Opinion: I.C.J. Reports 1950, p. 128.*

He fully understood the position of the sponsors of the draft resolution and realized that they were wholeheartedly devoted to the cause of the liberation of the African peoples from colonialism.

26. His point was that operative paragraph 2 of the draft resolution should be strengthened by specifying clearly what action was expected of the Executive Secretary of ECA. He had not proposed any formal amendment but hoped that the sponsors would include in their draft resolution language which would take care of the point which he had raised.

27. He expressed his full agreement with the statement just made by the representative of Iraq.

28. Mr. CISS (Senegal) said that he had little to add to the introductory statement made by the Algerian representative as a co-sponsor of the draft resolution. The intention of the two sponsors had been perfectly clear and was in line with the clear decision adopted by the African countries in resolution 94 (VI) of ECA. That intention was to ensure that representatives of the peoples of Angola, Mozambique and South West Africa should be allowed to participate in the work of ECA not merely as individuals but as representatives of those Non-Self-Governing Territories. In that respect, the intentions of the sponsors and of the Soviet Union representative were identical.

29. In conclusion, he expressed the agreement of the sponsors of the draft resolution with the remarks of the representatives of the Soviet Union and Iraq, and said that the sponsors would gladly agree to any amendment along the lines suggested by the Soviet Union representative.

30. Mr. HIREMATH (India) said that the Indian Government had always done what it could to accelerate the independence of the countries of Africa, and it welcomed the progress so far achieved. It had also done its best to ensure that the peoples of Africa participated in the work of all United Nations bodies and organs in which their problems were discussed. It had welcomed the decision taken by the Council at its thirty-sixth session to expel Portugal from ECA and to suspend the membership of the Republic of South Africa.

31. The realistic approach of ECA to the problems of Angola, Mozambique and South West Africa, to which the Algerian representative had alluded, was most welcome. No doubt ECA would consider the matter more fully in the light of the legal views contained in the Secretariat's note and would investigate the possibilities of ensuring the participation of those three territories in its work. His delegation endorsed the draft resolution submitted by Algeria and Senegal and the USSR representative's suggestion for an amendment.

Mr. KOPCOK (Yugoslavia) said that his delegation was grateful to ECA for having raised the question of the participation of Angola, Mozambique and South West Africa in its work, because it had thereby enabled the Council to see how its own resolutions on the subject were being applied. In its resolution 974 D (XXXVI),

the Council had decided to exclude Portugal from ECA and suspend the membership of the Republic of South Africa in that body, but the problem went beyond the terms of that resolution, since it also touched upon the wider problem of the elimination of all forms of colonialism, to which Yugoslavia and the international community as a whole attached great importance.

33. His delegation was grateful to the Secretariat for its clarification of certain legal aspects of the problem. From the Secretariat's note on the subject, it was clear that even from the legal point of view a solution to the problem was possible, and his delegation hoped that ECA would be able to find a solution so that it could increase the effectiveness of its work.

34. The situation created by Portugal and the Republic of South Africa after the adoption by the Council of resolution 974 D (XXXVI), which deprived Angola, Mozambique and South West Africa of the possibility of participating effectively in the work of ECA was intolerable not only from the legal point of view but also, and above all, from the political point of view. It was an attempt to hold back a development to which the present-day world attached primary importance, namely, the move towards the full and complete liberation of all peoples, towards their total independence and towards their peaceful co-operation in all fields in the interests of peace and general prosperity.

35. When it had adopted resolution 974 D (XXXVI), the Council had not changed the status of the three territories in question as associate members of ECA. The Council should now reaffirm its authority and state that a solution should be found for the problem in the way indicated in paragraph 7 of the Secretariat's note. For that reason, his delegation associated itself with the terms of the draft resolution submitted by Algeria and Senegal. It was also prepared to support the USSR representative's suggestion for an amendment.

36. Mr. ARKADYEV (Union of Soviet Socialist Republics) said that since his suggestion was acceptable to the co-sponsors, he did not consider that it would be necessary for him to make a formal proposal on the matter. The representative of Senegal might suggest a suitable wording.

37. Mr. CISS (Senegal) suggested that to take into account the USSR representative's suggestion, the words "for any action that may be appropriate" at the end of operative paragraph 2 should be replaced by the words "for any action intended to ensure the participation of the representatives or delegations of Angola, Mozambique and South West Africa in the work of the Economic Commission for Africa".

38. Mr. KOLB (Austria) pointed out that the wording used in the preambular paragraph was "representatives" and not "the representatives"; it might be better to keep to the wording already used.

39. Mr. CHANDERLI (Algeria) suggested the following wording: "... for any action intended to invite the re-

representatives or delegations of Angola etc., to participate in the work of the Economic Commission for Africa”.

40. The PRESIDENT suggested that in view of differences in translation, the co-sponsors should prepare a new draft which could be considered by the Council the following day.

41. Mr. GRANT (Ghana) questioned whether such a postponement was really necessary; the members of ECA would know whom to invite as representatives of Angola, Mozambique and South West Africa.

42. The PRESIDENT said that his only concern was that members of the Council should know upon what they were being called upon to vote. The texts in the different languages must mean the same.

43. Mr. PATINO (Colombia) said that there seemed to be more than a question of translation at stake. The intention of the co-sponsors was not quite clear. The first part of operative paragraph 2 dealt with the transmission of a document to the Executive Secretary of ECA, whereas the two different wordings for the last part given by the co-sponsors seemed to refer to action to be taken by ECA itself. If the co-sponsors intended the Executive Secretary to take action along certain lines after the document had been transmitted to him, it would be sufficient to ask him to take into consideration the need to ensure the participation of Angola, Mozambique and South West Africa in the Commission's work, or, in a separate paragraph, to authorize him to take certain specific action. If, on the other hand, the intention was that ECA should itself take action, that should be made perfectly clear. He thought it would be better if the co-sponsors submitted a revised text in which all the difficulties so far mentioned would be clarified.

44. Mr. MIGONE (Argentina) said that the proposed amendment raised a question of substance and not merely one of drafting. The Council, and not ECA, was responsible for deciding the membership of ECA. The latter could not itself decide to exclude a country from membership or to invite a country to become a member; such decisions were within the exclusive competence of the Council.

45. The question whether or not, under the proposed amendment, ECA could invite whom it wished from Angola, Mozambique and South West Africa to participate in its work, should be clarified. His delegation believed that it would be wrong to use the wording “the representatives or delegations”, since that presupposed that official representatives and delegations already existed, which was not the case. The three territories in question could only be represented in a form appropriate to ECA, their representation could be consultative but not political.

46. It appeared that the intention of the amendment was to enable the representatives of the three territories to participate in the work of ECA in a political capacity. That was a very important matter, which ECA could not itself decide. He supported the suggestion that further

discussion should be postponed until the following day; delegations would then be able to consult their Governments.

47. Mr. CISS (Senegal) said that the formula proposed by the representative of Algeria was entirely satisfactory, since it expressed the same intention as the wording he had himself suggested. There was thus no difference of emphasis between the sponsors, whose purpose was to ensure that the representatives of the three territories in question should be invited to participate in the work of ECA as associate members. If members had difficulty in accepting that, they should say so frankly, whereupon the debate could be adjourned so that they might consult their Governments. As the Ghanaian representative had pointed out, there could be no doubt that ECA would invite the representatives concerned to participate fully as associate members, for the solidarity of the African countries on that point was unmistakable.

48. Mr. WILLIAMS (United States of America) said that the present deadlock was the result of efforts to amend, on the floor of the Council, a draft resolution which his delegation had assumed to be the result of careful thought by the sponsors. To avoid additional delays at the present late stage of the Council's work, he therefore suggested that the sponsors should ask for a vote on their original text. His delegation was prepared to support that text.

49. Mr. PONCE Y CARBO (Ecuador) supported the President's suggestion that the debate be adjourned in order to allow delegations to consider the implications of the proposed amendment, which would change the meaning and scope of the draft resolution. According to the Secretariat's note on certain legal aspects of the question, past controversy had led to the conclusion that the General Assembly alone was competent to decide in the case of disagreement as to who should represent a Non-Self-Governing Territory; meanwhile, as stated in paragraph 7 of that document, a regional economic commission was free to seek information from sources other than the Government of a territory, and to hear individuals. But the Council would be departing from that doctrine if it adopted an amendment directing the Executive Secretary of ECA to see to it that persons from the territories concerned participated in its work as actual representatives. While his delegation would have had no difficulty in accepting the original text, it would certainly have to refer the proposed amendment to its Government for instructions. He therefore supported the President's suggestion to adjourn the debate.

50. Mr. WALDRON-RAMSEY (United Republic of Tanganyika and Zanzibar) said that the representatives of Argentina, Colombia and Ecuador had introduced a new element into the debate by trying to show that there were two distinct points at issue, namely, the transmittal, of document E/3963 to the Executive Secretary of ECA, and the effective participation of representatives from Angola, Mozambique and South West Africa in the Commission's work. But even if the original text had been adopted unchanged, the African Governments, at

the seventh session of ECA, would assuredly have interpreted "any action that may be appropriate" as implying action to ensure the effective participation of representatives from the territories concerned. In seeking to amend operative paragraph 2, therefore, the sponsors' purpose was simply to make it quite clear that it was for the Council itself to decide whether or not the participation of such representatives was proper, and if so, to empower the Executive Secretary to invite them accordingly.

51. He wished to put to the Latin-American delegations concerned the following questions: the Council having expelled Portugal from membership in ECA and suspended the Republic of South Africa from participation in its work, did they consider it feasible or just that Angola, Mozambique and South West Africa should have no representation in ECA? If not, did they not agree that the Council should make arrangements for such representation? Some delegations had stated that they needed time to seek new instructions from their Governments, and he therefore supported the President's suggestion that the debate be adjourned until the following day. Meanwhile, he suggested the following new operative paragraph, which was intended to make the intentions of the African countries absolutely clear:

"*Decides* to instruct the Executive Secretary to take such appropriate action as necessary to ensure the effective participation of representatives, of Angola, Mozambique and South West Africa as associate members in the work of the Economic Commission for Africa."

52. Mr. MIGONE (Argentina) denied that he had introduced any new element into the debate; he had simply been impelled by the proposed amendment to seek clarification as to what exactly the Council was being asked to decide. The point was a delicate one, and that was why he had supported the President's suggestion that the debate be adjourned to allow time for reflection. He agreed with the Yugoslav representative that the Council alone was competent to decide whether or not a given country could be a member of a regional economic commission. The representative of the United Republic of

Tanganyika and Zanzibar accepted that interpretation, for it was reflected in the text which he had suggested.

53. The debate had indicated that clarification was indeed necessary. His delegation hardly needed to stress its anti-colonialism, which was by now surely not in doubt. Its intention was simply to remind the Council of the need to adhere to the existing legal texts, to respect the rights of minorities and to preserve the prerogatives of bodies which had been created long before the African delegations had been represented thereon.

54. Mr. APPIAH (Ghana), speaking on a point of order, said that it was hardly necessary for any delegation to remind the African countries of agreements arrived at before they had become independent.

55. Mr. MIGONE (Argentina) said that he had not intended to give offence. The point was that the Council could not be guided by principle alone, because it must follow established practice and procedures. In any case, the text proposed by the representative of the United Republic of Tanganyika and Zanzibar had clarified what had needed clarifying. He hoped that when the debate on the item was resumed, the Council would have before it a formula which would both satisfy procedural propriety and serve to ensure the participation of Angola, Mozambique and South West Africa in the work of ECA.

56. In reply to a question from Mr. WILLIAMS (United States of America), Mr. CHANDERLI (Algeria) said that the text to be submitted by the sponsors would specify that steps should be taken to associate the representatives of the three territories in the work of ECA.

57. Mr. PACHACHI (Iraq) wished to know whether or not the sponsors proposed to include the words "as associate members", a point of cardinal importance.

58. The PRESIDENT said that it should be left to the sponsors to clarify their text and to circulate it as soon as possible.

The meeting rose at 1.5 p.m.