



CONTENTS

	Page
Request for an oral hearing	179
Factors which should be taken into account in deciding whether a territory is or is not a territory whose people have not yet attained a full measure of self-government: report of the <i>Ad Hoc</i> Committee on Factors (Non-Self-Governing Territories) (A/2178, A/C.4/L.231 and Corr.1, A/C.4/L.233, A/C.4/L.234 and Corr.1, A/C.4/L.235) (<i>continued</i>)	179

Chairman: Mr. Rodolfo MUNOZ (Argentina).

Request for an oral hearing

1. The CHAIRMAN announced that a request for an oral hearing had been received from the Union des Chefs du Nord-Togo and the Parti Togolais du Progrès.¹ In the absence of any objection, it would be circulated to the members of the Committee.

Factors which should be taken into account in deciding whether a territory is or is not a territory whose people have not yet attained a full measure of self-government: report of the *Ad Hoc* Committee on Factors (Non-Self-Governing Territories) (A/2178, A/C.4/L.231 and Corr.1, A/C.4/L.233, A/C.4/L.234 and Corr.1, A/C.4/L.235) (*continued*)

[Item 36]*

2. Mr. RIEMENS (Netherlands) said that the report of the *Ad Hoc* Committee on Factors (A/2178) appeared in a different light if it was to be not merely a study, but a guide for future decisions of the General Assembly. That, however, was one of the main points of the joint draft resolution (A/C.4/L.231 and Corr.1) before the Committee.

3. It might be well, as the United Kingdom representative, Sir Alan Burns, had said, to consider how the draft resolution, if adopted, would affect a specific case—for example a large island, surrounded by a number of smaller islands, situated somewhere in an ocean. He would assume that those hypothetical islands, which he would christen the Alan Burns Islands, had been settled as long as three centuries earlier, and that they were inhabited by Scottish, Irish, Scandinavian and African stock, as well as a number of Hindus, some Chinese and some Syrians. The people had enjoyed a measure of self-government for over a century, demo-

cratic institutions had spread to all layers of the population and a general franchise had been established some years previously. Let it be supposed that the United Kingdom had decided after careful consideration to grant a full measure of self-government to the Alan Burns Islands. That decision had been taken after full consultation with the inhabitants through the established mechanism of their Legislative Assembly and their Executive Council and had been greeted with great enthusiasm by both bodies, because it meant that henceforth they would enjoy complete self-government in all internal matters. The Order-in-Council had been signed.

4. Now, if the draft resolution before the Committee had been adopted, the administering Power would have to use the list of factors as a guide. It would naturally consult the Executive Council of the islands, as the highest body representing the interests of the inhabitants, and the Council would turn to the list of factors.

5. That list would undoubtedly strike them as strange, for the *Ad Hoc* Committee had drawn up a list of factors for independence together with, as an exception to the case of independence, a list of factors for "other separate systems of self-government". However, the Executive Councillors would eventually master the list. They would ignore the factors indicative of the attainment of independence, since for so small an area to be independent would be completely unworkable, but they would find that the second part of the list applied at least partially to their case. It was the only part of the list that could possibly apply to them, because they had no desire to become an administrative part of the United Kingdom, which would mean giving up much of the local self-government they had so long enjoyed.

6. The first three factors would cause no difficulty. With regard to the factors determining international status, however, the Councillors would undoubtedly be greatly surprised to find that eligibility for membership of the United Nations was one of them. The

¹ Subsequently circulated as document A/C.4/220.

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

imaginary islands he was describing would certainly be unable to afford either to contribute to the United Nations or to pay for representatives to attend its sessions. Furthermore, a number of sovereign States had been for some time waiting in vain for admission and not a single Non-Self-Governing Territory was among its Members.

7. The conclusion to which the consideration of that hypothetical case led was, therefore, that the list of factors was completely unworkable in the case of a large number of territories which were still not self-governing but which might receive a full measure of self-government in the near future.

8. The representative of India had asserted that only two possible ways were open to such territories if they wished to be no longer non-self-governing: either they would have to become independent, or the administering Power responsible would have to transform them into Trust Territories. The representative of the Soviet Union appeared to hold the same view. He appealed to the members of the Committee to take reality into account. It would be a strange reward for the inhabitants of a territory which was already well advanced on the road towards full self-government to be changed into a territory with a less advanced political status, under the dual tutelage of the administering Power and the Trusteeship Council. It was difficult to see why members who were of that opinion needed any list of factors, since the outcome of their consideration was a foregone conclusion. Moreover, the right of the inhabitants to decide upon their own fate was meaningless if in fact they could merely choose between independence and the status of a Trust Territory when they wished for neither.

9. At the 273rd meeting the representatives of Venezuela and Cuba had made statements containing much with which he whole-heartedly agreed, although certain points required elucidation. While agreeing that there could be no real self-government in economic, social and educational matters without self-government in political matters, he would prefer to change the emphasis and to stress that when genuine self-government existed in those two fields it could only be because a large measure of self-government in political matters had already been granted; in other words, political self-government was a prerequisite. Self-government could not be granted in certain fields and not in others. To what extent it existed was another matter and depended on the definition given to the term "a full measure of self-government"—a definition which so far had not been reached.

10. In the case of a territory which had been granted self-government, whose government had acquired political autonomy and full responsibility for all internal matters, including economic, social and educational conditions, the obligation of the administering Power to report on those matters must end because the objective of Article 73 as a whole would no longer be served by the transmission of such reports; indeed there would be no one to transmit them. The administering Power would no longer have the responsibility nor the necessary knowledge and would have to ask the territorial government to make the report, and it was unlikely that a territorial government which had just acquired self-government would be eager to report to

the United Nations on its economic, social and educational policies and submit to an investigation of them. To impose the tutelage of the United Nations in such circumstances would be a travesty of the intentions of Article 73 and would be tantamount to the creation of a new kind of colonialism. Certain representatives appeared to regret that there were fewer Non-Self-Governing Territories in 1952 than there had been in 1946. It would seem that they were over-eager to continue control where it was no longer needed.

11. The Venezuelan representative held the view that since the territory which had obtained self-government was represented abroad by the administering Power, the latter was responsible for all its acts and could continue to report on its economic, social and educational conditions. That seemed too sweeping a statement; to represent a territory abroad implied responsibility for its external relations only.

12. The same representative had also maintained that the voluntary grant of self-government could not relieve the administering Power of its obligation to report because that freedom might be withdrawn later. That, however, seemed most unlikely except in the most unusual circumstances. Even if that were to happen, the position under Article 73 would simply be that the duty of reporting would be revived.

13. The objective of Article 73 was to promote the well-being of the inhabitants of the Non-Self-Governing Territories, one of the means to that end being the reports called for by paragraph e. There was no point in continuing to send them once they ceased to serve the objective.

14. With reference to the joint draft resolution, he had no comments to make on the first paragraph of the preamble. He felt, however, that the second paragraph was somewhat misleading, since on the one hand it referred to the objectives of Chapter XI as a whole and on the other qualified the obligation under Article 73 e by taking it out of its context and placing it on the same footing as the general obligation under the whole Chapter. As he had already said, the obligation to report was a means to an end which became useless when the territory in question had become self-governing in the matters covered by the reports. He would therefore be unable to accept the paragraph as it stood.

15. With regard to paragraph 1 of the operative part, he asked the sponsors whether the list of factors was to be considered as exhaustive or as an enumeration to which more factors would be added as need arose. He could not admit that the list was exhaustive; for instance, the so-called third case of self-government to which his delegation had frequently called attention and which a resolution (567 (VI)) of the sixth session of the General Assembly had said merited further study had found no place in the list.²

16. The Netherlands delegation's main point, however, was that to place a new and heavy responsibility on the General Assembly at the precise moment when a substantial measure of self-government was being granted to a territory would mean that the General Assembly would be given the right to intervene when there was the least reason for it, i.e., when an essential part of the objective of Chapter XI had been realized.

² See document A/2178, part IV, para. 5 (D).

17. He had no objection to paragraph 2 of the operative part of the draft resolution, provided it was the administering Power in conjunction with the government of the territory, and not the General Assembly, which took the final decision on self-government. He reserved the position of his Government in that connexion.
18. His comments on paragraph 4 were similar to those he had made on the second paragraph of the preamble. Until the General Assembly had been able to define self-government, the paragraph appeared to be meaningless and therefore to serve no useful purpose. Since the General Assembly had been unable to define clearly the concept of self-government, it should obviously be left to the administering Power, in conjunction with the government of the territory, to judge the situation and to make its decisions as to when the stage of a full measure of self-government had been reached.
19. He asked the sponsors what was the meaning of the last clause of paragraph 5. He wondered whether the "other questions" referred to territories which fell within the scope of Chapter XI but on which no reports had hitherto been transmitted, or to the obligations of a more general nature to which allusion had frequently been made by the Belgian and other representatives.
20. He would be compelled to vote against the draft resolution as it stood. He considered the amendment to the joint draft resolution submitted by the Dominican Republic and Peru (A/C.4/L.234 and Corr.1) to be a marked improvement and to strike a happy medium between the divergent views expressed during the debate.
21. Mr. MENDOZA (Guatemala) said that it had been suggested that an attempt was being made to impose new obligations on the Administering Members in connexion with the question of factors. What was being sought in fact was to find a formula which would contribute to the solution of the problem.
22. The need to draw up a list of factors arose from the fact that in the past few years the number of Non-Self-Governing Territories had been diminishing at a speed which threatened to make Chapter XI obsolete. That reduction in number would have been welcome if it had been due to the granting of self-government to the territories in question, but that had not been the case. The reason in most cases had been the unilateral adoption by the administering Power concerned of the thesis of the divisibility of self-government, permitting self-government in the economic, social and educational fields, which would place the territories outside the scope of Article 73, without political self-government. Obviously the majority of the members of the Committee did not accept that thesis, because the Charter required self-government to be complete in all spheres and because there could not be self-government in those three spheres without political self-government, which was the most important.
23. It had also been argued that independence was not the objective of Chapter XI of the Charter. That contention was apparently based on the fact that Chapter XI did not contain the word "independence". Nevertheless, despite the efforts of the administering Powers at San Francisco to have the word omitted, the whole Chapter was instinct with the idea of independence.
24. When a people had to choose between two evils, they naturally chose the lesser, but that did not mean that their choice reflected their real aspirations. In order to ascertain the real wishes of a people, it was necessary to give them the alternative of real and complete independence or, as a second choice, annexation or incorporation in the metropolitan country. If they then chose the latter, it would be clear that the choice represented their real desires.
25. Another thesis which had been maintained and which his delegation could not accept was that it was for the administering Power alone to decide whether a territory was or was not self-governing. A contractual clause could not be subject to the unilateral decision of one of the parties, and Article 73 was a contractual clause.
26. The list of factors was undoubtedly open to improvement, but it did contain much that was useful. Objections had been raised to the inclusion of the geographical factor. His delegation attached great importance to that factor because it not only determined the relations between a Non-Self-Governing Territory and the metropolitan country, but it should also be viewed in the light of the security and overall interests of the region to which the territory belonged. During the last war the American States had been greatly concerned about the possible effect on the European colonies and possessions in America of military operations in Europe. That was why they had signed the Convention on the Provisional Administration of European Colonies and Possessions in the Americas, under which, in view of the difficult situation of the administering Powers, they had agreed to assume responsibility for the administration of any territory which might become a threat to the peace and security of America owing to enemy occupation of the metropolitan country, or for any other reason. That convention was still in force.
27. The representative of El Salvador had referred to another important point—the principle that no administering Power could unilaterally change the status of a territory which was the subject of a claim by another State until a settlement had been reached.
28. With reference to the document submitted by the Dominican Republic and Peru (A/C.4/L.234 and Corr. 1), he could not agree that a proposal to the effect that almost the entire text should be deleted and a new text substituted for it could be called an amendment, and he reserved the right to raise that issue when the vote was taken. He would be prepared to accept paragraphs 2, 3 and 4 of the operative part as proposed in that document if they were to be additions to and not substitutions for the existing paragraphs. The word "temporarily" should be added to paragraphs 1 and 5 in connexion with the application of the list of factors and without prejudice to its further study.
29. Mr. FORSYTH (Australia) wished to make two points in reply to the Philippine representative's reference, at the 275th meeting, to Australia's stand at the San Francisco Conference. First, Australia had certainly accepted at that time, and still accepted, the principle of trusteeship—that promoting the advancement of the dependent peoples was an obligation and a sacred trust. That general principle applied to all dependent territories, but the Charter had drawn a

very clear distinction between Trust Territories and Non-Self-Governing Territories in respect of the methods and procedures to be followed in achieving the objectives. Secondly, the Australian proposals at San Francisco³ for supervision by an expert body and for a colonial conference to decide which territories should come within the scope of the Trusteeship System had been rejected; they were therefore irrelevant to the current discussion in the Fourth Committee. The Charter had been adopted in its existing form and Australia had loyally fulfilled its obligations thereunder.

30. In connexion with the words "Members which have or assume responsibility for the administration of territories whose people have not yet attained a full measure of self-government" in the first paragraph of the preamble to the joint draft resolution, he had noted the Belgian representative's suggestion that the obligation to transmit information had not been fulfilled by all the Members of the United Nations who had accepted it in signing the Charter.

31. He fully agreed with the Canadian representative's statement at the 273rd meeting concerning the second paragraph of the preamble: the obligation, under Article 73 e, to report on social, economic and educational matters might well expire before the attainment of full self-government. He also agreed with the United States representative that self-government was not indivisible and, in that connexion, he cited the example of the state of Victoria, in Australia, which had full sovereignty in certain fields, such as education, while such matters as defence and foreign affairs remained within the competence of the Federal Government.

32. In the nineteenth century, Australia and New Zealand, while not regarded as Non-Self-Governing Territories, had enjoyed self-government in all matters except defence and foreign policy; in due course they had attained self-government in those matters too. Western Samoa seemed to be following the same line of evolution. It was noticeable that some members of the Committee who were willing to take an evolutionary view of the United Nations, and particularly of Chapter XI, would not accept the possibility of evolutionary processes in the Non-Self-Governing Territories.

33. The discussions in the Committee revealed a number of similar contradictions. Those supporting an evolutionary interpretation of the Charter stressed the need for being guided by the spirit rather than the letter. Nevertheless, when the Belgian representative, in the same spirit, suggested that the provisions of Article 73 e should be extended to all peoples who were not fully self-governing, they drew back and said that he was out of order.

34. Many difficulties would be avoided if the Committee adhered to the strict text of Chapter XI, which recognized three groups of rights: first, the rights of the dependent peoples; secondly, the rights and responsibilities of the Administering Members; and thirdly, the right of the United Nations to be informed of economic, social and educational conditions in the Non-Self-Governing Territories. The refusal on the part of many members of the Committee to keep to the strict interpretation of those rights appeared to be based, first, on lack of confidence in the good faith of

the administering Powers. Those delegations were not satisfied with the fact that the administering Powers had fulfilled their obligation to transmit information, but apparently wished to impose Fourth Committee control over the fulfilment of the objectives of Chapter XI. He emphatically rejected that attitude and recalled the United States representative's counsel in the *Ad Hoc* Political Committee on the advisability of avoiding actions which were likely to fail and of leaving the fulfilment of declared objectives to the conscience of the countries concerned and the force of world public opinion.

35. Secondly, some representatives seemed to feel that the United Nations was a world government and should assume the government of all the dependent territories. The United Nations, however, was not a world government; it was not authorized by the Charter to govern dependent territories and would not be capable of so doing. Any "imperialistic" attempt by the Fourth Committee to wrest control of the dependent territories from the administering Powers recognized by the Charter would result not in independence, but in government by the United Nations and in utter chaos. No large international committee was competent to assume the responsibilities which the majority of representatives apparently wished the Fourth Committee to assume. The peoples of the Non-Self-Governing Territories, particularly those familiar with the discussions in the Fourth Committee, would certainly not envisage such a development with confidence and it would deprive them of the guidance and assistance regarded as essential by the Charter.

36. Thirdly, there was a tendency to say that all the dependent peoples should be given independence at once. The advocates of that line of thought seemed unaware that it was contradictory to their argument in favour of United Nations responsibility. Trusteeship had been mentioned as an alternative to independence, but it would be subject to that same defect of unwieldiness as direct international control, not to mention the fact that the Fourth Committee had frequently demonstrated its lack of confidence in the Trusteeship Council and the Trusteeship System. It was not correct to say that independence or trusteeship were the only alternatives, since, by recognizing, in Article 77, paragraph 1 c, that certain territories might be voluntarily placed under the Trusteeship System "by States responsible for their administration," the Charter explicitly recognized another form of administration, namely control by the administering Powers. There was, in fact, yet another alternative, free association in larger areas of self-government.

37. The third paragraph of the preamble of the draft resolution could be extended into a demand for complete information on political development in the Non-Self-Governing Territories, although that was categorically excluded by Article 73 e. In that connexion, he recalled the Danish representative's statement at the 275th meeting that, although his Government would furnish information regarding any change of status in the territories for which Denmark was responsible, it did not consider that its actions in that respect were subject to review or revision by the United Nations.

38. The words "having examined" in the fourth paragraph of the preamble were not strictly true, since

³ See *United Nations Conference on International Organization*, G/14 (1).

there had been scarcely any detailed discussion of the *Ad Hoc* Committee's report.

39. The present list of factors in his view could not be described as "a useful guide", as was suggested in the fifth paragraph of the preamble, since none of the essential terms had been defined. The words "for the General Assembly and for the Administering Member concerned" raised the whole question of competence, which should be debated in full and on a general basis before any decision was taken. If the General Assembly was competent to decide when information should cease to be transmitted, it was, logically, competent to decide when such information should begin to be transmitted and, to that end, to examine the constitutional and factual situation in every Member State. It would be premature to take any decision on competence at that juncture.

40. Paragraph 1 of the operative part also raised the question of competence and was unacceptable for that reason. Furthermore, Mr. Forsyth felt that he had already made it quite clear that in his opinion the existing list of factors would prove a very uncertain guide through the legal and political difficulties which the General Assembly would have to negotiate in deciding whether a territory had or had not attained a full measure of self-government.

41. He had no great objection to paragraph 2, although it seemed somewhat platitudinous.

42. He objected to the implication in paragraph 3 that the administering Powers might use the list of factors to prevent the evolution of the Non-Self-Governing Territories towards self-government. The administering Powers were bound by the obligations of Chapter XI and were working for its fulfilment. He wondered why the word "progressive" had been deleted (A/C.4/L.231/Corr.1) from the phrase "the progressive attainment of a full measure of self-government" in the original text of paragraph 3, when the idea of progressive development was expressed throughout Article 73.

43. His views on paragraph 4 were similar to those that he had already stated in connexion with the second paragraph of the preamble. It was entirely appropriate and in accordance with Article 73 that a stage of development might be reached at which it would be proper for the administering Power to cease reporting on matters for which the territorial government had assumed complete responsibility. That stage might be reached before the territory attained full self-government in all fields. The General Assembly should not at that stage request reports from the territorial government, conceivably against its wishes; such an action would be a complete denial of self-government.

44. Lastly, in connexion with paragraph 5, he had considerable doubts regarding the propriety of recommending that the General Assembly should adopt the list of factors as it stood.

45. The amendments submitted by the Dominican Republic and Peru had much to recommend them. If they were acceptable to the majority, he might be able to support them, though he pointed out that the words "additional elements" raised some extremely complex questions not all of which were necessarily within the scope of the study envisaged.

46. In conclusion, he fully reserved his Government's position with regard to the six-Power draft resolution, should it be adopted.

47. Mr. RIVAS (Venezuela) said that the sponsors of the draft resolution had noted with pleasure the objective and constructive tone of the criticism directed against it by certain of the administering Powers and the other delegations which had expressed reservations in its regard. The various reservations and amendments that had been made seemed to call for some further explanation of the scope of the draft resolution.

48. The representative of the Dominican Republic had dwelt upon the need to define self-government. It was of course true that self-government, like aggression, needed a definition. However, both were extremely difficult to define in a constantly changing situation. The problem was political rather than academic and it would be unwise of the United Nations to engage in prolonged theoretical debate while the practical difficulty went unsolved. It was well-known that the threat in Asia and Africa was growing; the disappointment of the inhabitants of certain Non-Self-Governing Territories might well be used as a weapon against the Western Powers. The security of the West was a matter of concern to Venezuela, which would prefer that the military forces of those Powers did not waste their energies on police duties. Chapter XI of the Charter was intended precisely to prevent the Non-Self-Governing Territories from becoming a threat to international peace and security. The faith of the peoples of the Non-Self-Governing Territories in the United Nations must be maintained and strengthened, and all Venezuela desired in that connexion was that the Non-Self-Governing Territories should not lose confidence in their administrators.

49. The peoples of the Non-Self-Governing Territories needed an assurance that the United Nations could not accept, as self-governing, territories which were not so in all fields—economic, social, educational and political. The representatives of Peru and the Dominican Republic believed that that was impossible without a scientific definition of self-government. However, aggression had not yet been officially defined by the United Nations and yet in June 1950 and January 1951 the acts committed by the authorities of North Korea and the Central People's Government of the People's Republic of China had been officially dubbed aggression. The United Nations had not been able to wait for a scientifically perfect definition of aggression. The position in the colonies was not, of course, as serious as in Korea. However, it was significant that matters which in normal times would have been discussed in the Fourth Committee had now passed to the First Committee. The Fourth Committee dealt with political matters which did not yet constitute emergencies. All General Assembly committees were political in their structure and in their aims, but what differentiated the First Committee from the rest was the degree of urgency of the problems entrusted to it. The task of the First Committee was to deal with crises, while that of the rest was to prevent them from arising. That was the aim of the joint six-Power draft resolution.

50. The Israel representative had objected that the conclusion in paragraph 4 of the operative part of the

draft resolution was premature. However, the actions taken by the administering Powers on the basis of a unilateral and restricted interpretation of the concept of "a full measure of self-government" as referred to in Chapter XI of the Charter was much more premature. It would have been wise for them to wait until a series of factors had been agreed upon, or a satisfactory interpretation of the phrase evolved.

51. The conclusions in paragraph 4 of the draft resolution were not exclusive to its six sponsors. The Special Committee on Information transmitted under Article 73 e of the Charter had agreed at its 1951 session that there were only three systems whereby a Non-Self-Governing Territory could attain a full measure of self-government. Sub-Committee 9 set up by the Fourth Committee during the sixth session of the General Assembly had reached the same conclusion, and the report of the *Ad Hoc* Committee on Factors had put forward those same three systems—*independence*, other separate systems of self-government and the free association of a territory with other component parts of the metropolitan or other country—as points on which the administering and non-administering Powers were agreed. The only advance made since 1951 had been on minor points of detail. That did not mean that the Venezuelan delegation opposed continued study as recommended in the joint amendment of Peru and the Dominican Republic, but the settlement of concrete problems must not be allowed to wait upon the conclusions of abstract argument. A committee might well be appointed to make a scientific and political study of the problem of self-government. The *Ad Hoc* Committee on Factors might be prolonged in order to study the scope of the factors relating to geographical and racial considerations or the factors relating to voluntary limitations of sovereignty. At the same time, however, the United Nations must act.

52. The Venezuelan delegation could not understand the doubts of the delegations of Israel, Peru and the Dominican Republic regarding the power of the General Assembly to establish a criterion. The Israel representative had said that such a criterion would be useless unless it was accepted by the administering Powers. However, the case was different from the dispute over extending the life of the Committee on Information. That had been a question of machinery in which the participation of the administering Powers was essential. The draft resolution on factors, on the other hand, was a functional expression of United Nations opinion. The General Assembly expressed its opinion through the affirmative vote of two-thirds of its Members present and voting. The opinion on the commission of aggression by North Korea and the People's Republic of China had not been unanimous, yet it was, legally and politically, the opinion of the United Nations on events in Korea.

53. The expression of the General Assembly's views on the question of factors would not open new fields for Chapter XI of the Charter. The administering Powers were not being asked to undertake more than they had agreed to at the outset. The aim was that the administering Powers should reflect and halt the negative course which they had adopted. By approving the resolution, the General Assembly would merely say that, in its opinion, economic, social and educational self-government in the Non-Self-Governing Ter-

ritories was not enough to release the administering Powers from the obligations they had contracted under Chapter XI. A clear expression of that view would show the administering Powers that the United Nations did not accept semi-self-government as exempting them from their obligations under Chapter XI, and would always leave the international validity of their decision to suspend information open to question. It was unlikely that States such as the administering Powers, which believed in international law and promoted its development, would wish to oppose the views of the entire international community.

54. Moreover, if the United Nations were denied the right to examine decisions to cease the transmission of information on Non-Self-Governing Territories, that would be tantamount to allowing only one of the parties to an agreement to interpret it. United Nations examination of the problem did not mean that it was claiming the right to review national legislation. It could not advise the people of a Non-Self-Governing Territory that they were not bound by certain metropolitan laws because in the eyes of the United Nations those laws were not just. That would be a flagrant violation of Article 2, paragraph 7, of the Charter. However, when such laws or administrative provisions entered the international sphere, as in the case of the recognition of the attainment of self-government, then the United Nations was entitled to study the documents on which the request for such recognition was based. That was the sense in which the last paragraph of the preamble of the draft resolution and paragraph 1 of its operative part should be read and interpreted. The Venezuelan delegation could not accept the amendment submitted by the Dominican Republic and Peru which sought to delete that point from paragraph 1 of the operative part.

55. The United States representative had suggested the possibility that Non-Self-Governing Territories which had been granted self-government in economic, social and educational matters might not wish the administering Powers to submit information on those matters to the United Nations. Paragraph 2 of the operative part of the draft resolution, which recognized that each case should be considered and decided in the light of its own circumstances, would deal with any such situation. Moreover, a progressive administering Power might use such a refusal by a Non-Self-Governing Territory to transmit information through it as an occasion for seeking direct representation of such a territory in the Committee on Information.

56. Paragraph 3 of the operative part made it clear that neither the list of factors nor the resolution should be regarded as criticizing any advances in self-government or imposing conditions on the Non-Self-Governing Territories. On the contrary, it was the administering Powers which must fulfil those conditions if they wished the international community to recognize that their work was finished and that a dependent territory had become fully self-governing.

57. The draft resolution approved the list of factors as a guide and not as an exhaustive list of requirements. The list was not complete, and some of the factors which were included would not apply in every situation. If the word "Approves" gave rise to doubts, it might be replaced by the phrase "Notes with in-

terest" as proposed by Peru and the Dominican Republic in their amendment.

58. The Indonesian representative had objected to the last phrase of paragraph 5 of the operative part: "or in relation to other questions that may arise concerning the existence of an obligation to transmit information under this article". The phrase was somewhat vague, and the Venezuelan delegation would not oppose the Indonesian suggestion that it should be deleted. The deletion might also give satisfaction to the Australian delegation.

59. The USSR delegation wished to make an addition to the third paragraph of the preamble (A/C.4/L.233). However, one of the chief aims of the sponsors of the draft resolution had been to guard against any appearance of exercising pressure on the administering Powers, and since the USSR amendment introduced a time-limit and required information about constitutions, legislative acts and executive orders, the Venezuelan delegation felt that it would be unwise to add it to the six-Power draft. If the Soviet Union delegation insisted on a vote on its amendment, the Venezuelan delegation would be compelled to abstain. Similar reasons would compel it to abstain from voting on the Polish amendment to paragraph 2 of the operative part (A/C.4/L.235).

60. The draft resolution was not directed against the administering Powers but against the growing danger that the natural impatience of the peoples of the Non-Self-Governing Territories to administer their own affairs might be turned into a threat to international peace and security. Such administering Powers as Denmark, the United States, France, the Netherlands and the United Kingdom had not, in reserving their positions, assumed any intention to discredit them on the part of the sponsors of the draft resolution. That was at least a beginning at understanding. The Venezuelan delegation was sure that countries which were fundamentally friendly and allied on the world political front could differ in their views and yet continue to co-operate. It was the honest belief of the six sponsoring Powers, and more than thirty-five countries represented in the Fourth Committee, that no matter how praiseworthy the intentions of the administering Powers in so doing, the cessation of information on Non-Self-Governing Territories which had not yet attained political self-government would not promote the security of those territories, nor that of the administering Power concerned or of the rest of the world.

61. Mr. LESCURE (Argentina) congratulated the *Ad Hoc* Committee on its work and its very useful report. He associated himself with the statements of the representatives of Venezuela, Cuba, Egypt and India, among others.

62. He interpreted paragraph A, 4, in the first part of the list of factors to refer exclusively to the freedom of a territory to participate in its own national defence and not to refer to the retention of military bases, which might imply a diminution of sovereignty.

63. He agreed with the *Ad Hoc* Committee's statement, in paragraph 5 (C) of its report, that no enumeration of factors could do more than serve as a guide and that each specific case must be determined by the particular circumstances of that case.

64. Some representatives had suggested that the term "self-government" should be defined before trying to determine its constituent elements. Quite apart from the fact that such a procedure seemed the reverse of logical, any definition of that type was extremely dangerous by its very nature. A rigid definition could not possibly cover every conceivable case and might therefore give rise to serious complications. Indeed, the only point on which there seemed to be unanimity in the Committee was that the list of factors could serve only as a guide and should not be considered exhaustive.

65. The texts of Article 73 b and Article 76 b of the Charter had been compared. In his opinion the difference between the phrases "to develop self-government" and "to promote . . . their progressive development towards self-government or independence" was due solely to the fact that Chapter XI referred to Non-Self-Governing Territories, whereas Article 76 was in Chapter XII, which referred to the International Trusteeship System. The inclusion of the word "independence" in Article 76 b did not imply that the authors of the Charter had wished to make any substantive difference between the two categories of territories; if anything, it tended to broaden the scope of the Charter in respect of Non-Self-Governing Territories. The problem had been extensively discussed at San Francisco, where there had been general agreement that self-government was the ultimate goal. Some representatives had wished to include independence as an alternative objective in Chapter XI of the Charter, but that idea had been rejected on the formal understanding that self-government in no way excluded the possibility of independence.

66. The final objective of self-government had been reaffirmed in the inter-American system on numerous occasions. Resolution XXXIII on colonies and occupied territories in America, adopted at the Ninth International Conference of American States, stated that the historical process of the emancipation of America would not be completed so long as there existed on the American continent peoples and regions subject to a colonial régime, or territories occupied by non-American countries.⁴ That concept could be extended to all parts of the world inhabited by indigenous peoples who still required the protection of the United Nations in their struggle towards self-government. The Argentine Government wished to emphasize that no metropolitan government was entitled to change the political status of a Non-Self-Governing Territory which was the subject of dispute with another State.

67. He urged the representatives of the Dominican Republic and Peru to agree that their amendments should be accepted as an addition to, rather than a substitution for, the relevant paragraphs of the joint draft resolution. It would be useful to continue the study of the question of factors.

68. In conclusion, he announced that his delegation's vote would be determined by the considerations he had just outlined, and he reserved his delegation's right to explain its vote if necessary.

69. Mr. PEREZ CISNEROS (Cuba) said that the Cuban delegation had great difficulty in understanding

⁴ See *Organization of American States, Annals*, Vol. I, No.1—1949, Washington, p. 134-135.

the objection that by adopting the draft resolution before the Committee, the General Assembly would be conflicting with the domestic legislation of sovereign States. The sponsors of the draft resolution had been particularly careful to see that there was nothing in the proposal contrary or foreign to the letter and spirit of the Charter. The Charter could not conflict with domestic law because it had itself been ratified by national parliaments, which had contracted definite obligations to the international community by their acceptance of it. There could be no unilateral termination of an obligation of the kind assumed by the administering Powers in Chapter XI of the Charter, and it was clear that there must be agreement on the cessation of information from the Non-Self-Governing Territories.

70. Cuba had argued on several occasions that Article 73 e of the Charter was a contract between the administering Powers and the United Nations. In support of that thesis, he quoted a passage from a speech made by the Uruguayan representative at the 216th meeting of the Fourth Committee, stating that the General Assembly must represent the United Nations and that it was inadmissible that one of the parties involved should decide unilaterally whether or not a territory had attained independence or self-government. Mr. Perez Cisneros had said that it was for the United Nations also to examine the whole situation in each territory and decide whether or not its people had attained a full measure of self-government. A number of factors had been indicated which should be taken into account in deciding whether a territory was or was not self-governing, but it should also be decided what organ would take the decision on behalf of the United Nations in each case. He had been convinced that that organ could only be the General Assembly. It was inadmissible that one of the parties concerned should unilaterally decide whether or not a given territory had attained complete self-government.

71. The Cuban delegation also had some difficulty in understanding why opponents of the draft resolution claimed that the General Assembly's role should be limited to defining complete self-government, when they realized and agreed that no single factor or combination of factors could be applicable in every case. Paragraph 2 of the operative part of the draft made it clear that each case must be considered in the light of its particular circumstances. As each case was to be decided on its own merits, there should be no difficulty in approving the list of factors as a guide.

72. In connexion with the Cuban thesis regarding the indivisibility of self-government, the Israel representative had said that the administering Powers were unanimous in rejecting it. However, that argument had first been used by an administering Power, and the Netherlands representative had just confirmed what his delegation had said on that topic at the sixth session. At the 242nd meeting of the Fourth Committee, the

Netherlands representative had said that he did not believe that economic self-government was possible without political self-government; self-government was one and indivisible.

73. The various elements of self-government were inextricably interconnected, as was proved by the fact that one great State had struggled for its independence on the maxim "No taxation without representation". That showed how closely related economic conditions were to political structure. Self-government was not the average of a number of factors but a total factor with a political basis; a full measure of self-government meant self-government in all fields at the same time.

74. In connexion with the Australian representative's reference to state self-government under a system of federation, he pointed out that in such cases federal intervention in certain matters was defined constitutionally and the constitution of a federal government was a law that had been approved by the component parts of the federation on an equal footing. Subsequently, all the states of the federation were represented in the federal government, and therefore any intervention by the federal government could not really be considered as intervention from outside which had not been freely accepted beforehand.

75. Several representatives had taken exception to the Cuban statement that the question was political rather than legal. It was true that the problem of defining factors was a legal problem that must be approached in a legal spirit. But that was not the real problem which had to be solved. The real problem was that of the cessation of information on definite territories. To judge whether or not they had reached self-government—which was a political status—could only be a political problem. As proof that the application of factors did not always produce clear results, Mr. Perez Cisneros said that, in the course of history, there had been cases of countries considered as completely sovereign, and therefore granted membership in the international community, which nevertheless by their very constitution might have suffered from a certain type of external intervention, at least in certain cases and for a certain time. But the political factor of their sovereignty having been recognized by the international community remained.

76. The CHAIRMAN suggested that in view of the lateness of the hour Mr. Perez Cisneros might prefer to postpone the remainder of his remarks if the Committee were to agree to hold another meeting that afternoon.

The Committee decided by 20 votes to 12 to hold its 277th meeting that afternoon at 3 p.m.

77. Mr. PEREZ CISNEROS (Cuba) agreed to continue his remarks at the afternoon meeting.

The meeting rose at 1.10 p.m.