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**Chairman: Mr. Santiago PEREZ PEREZ (Venezuela).**

**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/2428) (*continued*)**

[Item 33]\*

1. Mr. ABOU-AFIA (Egypt) stressed the importance which the Egyptian delegation attached to Chapter XI of the Charter and recalled the steps it had taken or supported to ensure that the provisions of that Chapter were applied. During the discussion of that question, the representatives of the Administering Members had asserted that the General Assembly was not competent to examine whether a Territory had attained full self-government on the grounds that no text conferred that power upon it. Their point of view had been expressed in the reservations made by the Belgian representative and contained in sub-paragraph (b) of paragraph 40 of the report of the *Ad Hoc* Committee on Factors (Non-Self-Governing Territories) (A/2428), the text of which he quoted. True to the Charter and to its own principles, the Egyptian delegation felt bound to oppose that point of view. Chapter XI set forth contractual obligations to which all Member States had subscribed and which no Member State could evade by a unilateral act or statement. To admit the contrary would enable the Administering Members to waive too easily the provisions of Chapter XI. There was no doubt whatsoever that the meaning of that Chapter was completely divorced from any unilateral interpretation which the Administering Members might give to it.

2. There were no grounds for invoking the provisions of Article 2, paragraph 7, of the Charter. Just as in private law contractual obligations were interpreted as a voluntary restriction on individual freedom, so international commitments constituted a voluntary restriction on the sovereignty of States, with reservations of course as to the object of those commitments. As that

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

principle applied to all international commitments it followed that the restrictions contained in Article 2, paragraph 7, of the Charter were valid only for questions not dealt with in the Charter. That was not the case for Non-Self-Governing Territories since they were dealt with in Chapter XI. The General Assembly therefore had the right and indeed the duty of ensuring that all States which had signed the Charter fulfilled the commitments thereby incurred. In that connexion, the Assembly had taken a series of decisions and had, *inter alia*, set up the *Ad Hoc* Committee on Factors, which had worked out a list of factors.

3. The Egyptian delegation thanked the Committee for the work it had accomplished and considered that the list it had drawn up was generally satisfactory. With the addition of several amendments, designed to strengthen the provisions governing the right of peoples to self-determination, that list could be used for practical purposes, without however absolving the Assembly from examining the special circumstances of each particular case. The Egyptian delegation intended to submit a draft resolution amending the list of factors on those lines.

4. Mr. LANNUNG (Denmark) also thanked members of the *Ad Hoc* Committee and the Secretariat, whose work had clarified the various aspects of the problem and enabled delegations to define their position. The Danish delegation was prepared to approve the report and to accept the list of factors it contained. The classification of those factors into three parts seemed judicious. The work accomplished so far was satisfactory, and consequently there was no need to maintain the *Ad Hoc* Committee.

5. Among the factors enumerated in the Committee's report there was one of primary importance, namely, the opinion of the population of the territory, freely expressed by informed and democratic processes, as to the status or change in status which they desired. The factors applied not only to the cessation of the transmission of information but just as well to the commencement of the transmission of information. All Member States should examine their own position in the light of the list of factors and decide whether they should transmit information on territories on which they had not so far submitted a report.

6. As to the question of competence, the position which the Danish delegation had taken up at previous sessions had not changed. It considered that the State responsible for the administration of a territory had the right to determine the constitutional status of the territory placed under its sovereignty. None of the provisions of Chapter XI could be interpreted as modifying that principle in any way whatever. Denmark had always been ready to transmit to the United Nations information concerning not only the economic, social and educational situation in the territory it administered, but also the political situation and the development of the constitutional status in that territory. Nevertheless it had never considered that the United Nations was thereby

empowered to review or revise any action which had been taken by the constitutional bodies of Denmark.

7. Recalling the stages in the constitutional evolution of Greenland, he said that, as early as 1951, the Danish delegation had announced in the Special Committee on Information transmitted under Article 73 e of the Charter<sup>1</sup> that Greenland wished to be represented directly in the Danish Parliament. In 1952, the National Council of Greenland had unanimously adopted a resolution expressing the desire that Greenland should be associated with Denmark as an integral part of the metropolitan country, with full equality of status with other parts of Denmark and representation in the Danish Parliament. It had also requested that the Danish Constitution should be amended to that effect. The Danish Government and Parliament had recognized those aspirations. The new Danish Constitution, adopted by Parliament and subsequently endorsed by a referendum of the Danish people, contained in its first article a provision to the effect that Greenland had become an integral part of Denmark and thus had acquired equal status with the rest of Denmark. The population of Greenland now enjoyed the same rights as the rest of the Danish population. By virtue of that constitutional change, therefore, Greenland was no longer a Non-Self-Governing Territory under the terms of Chapter XI of the Charter. Thus, in conformity with General Assembly resolution 222 (III), the Danish Government had sent to the Secretary-General a note dated 3 September 1953 in which it informed him of that development and to which was attached an explanatory memorandum, a translation of the Danish Constitution and the records of the meetings in which the National Council of Greenland had considered and then unanimously adopted the changes in question. It was the understanding of the Danish Government that, in conformity with resolution 448 (V), that documentation would be laid before the Committee on Information from Non-Self-Governing Territories at its next session, but the Danish delegation wished to bring it to the immediate notice of the Fourth Committee.

8. The decision of the Danish Government was in complete conformity with the fundamental factor which he had previously stressed, namely, the freely expressed will and opinion of the population of the territory. It had been welcomed by the people of both Greenland and Denmark, who were convinced that the new order would serve the interests of Greenland best, and the Government and Parliament where Greenlanders were now sitting side by side with their fellow countrymen, would continue to do their utmost to promote the welfare of the Greenlanders.

9. Mr. ABOU KHADRA (Saudi Arabia) said that the Committee had heavy responsibilities which it must strive to fulfil in a spirit of co-operation on the basis of Chapters XI, XII and XIII of the Charter and in pursuance of the aims and principles proclaimed in the Charter. It might carry out its functions by seeking solutions in the Charter itself, but all the members of the Committee must also agree on the interpretation to be given to the Articles on which its work was to be based. Too often there had been a tendency to limit the scope of the Committee's work and even its competence by the use of juridical arguments which departed from the real meaning of the Charter and from any strict interpretation of its provisions. If the purposes specified by the Charter were to be attained, the

latter must be interpreted more broadly, and he hoped that the discussion on factors would not lead to serious controversy and that, by showing a spirit of sincere co-operation, the Committee could achieve productive results which would make it possible to bring the views of certain groups closer together.

10. His delegation paid a tribute to the way the *Ad Hoc* Committee had carried out its duties. Yet, whatever the number of factors included, no list could be considered complete or final. The list must therefore remain under constant study and be resubmitted for revision. Hence the General Assembly should refer to the Committee on Information from Non-Self-Governing Territories, in connexion with its normal work and responsibilities, the list of factors, their interpretation and the adjustments to be made in the light of any changes in the situation which might occur. An appropriate draft resolution should be submitted and adopted by the Committee. Moreover, the list of factors could serve only as a guide, a compilation of criteria whereby the stage of development of a given Territory could be ascertained and whereby a decision could be more easily reached on the question whether the Territory had achieved full self-government. In view of the variety of the characteristics of the different dependent territories, those criteria must be applied very flexibly. That point was extremely important.

11. He did not agree with the *Ad Hoc* Committee on Factors that the definition of the notion of full self-government would necessarily raise serious difficulties. To arrive at such a definition it was enough to appreciate the aspirations of the dependent peoples and to rely on two principles: that of the right of self-determination, set forth in Article 1, paragraph 2, of the Charter, and the principle that the interests of the inhabitants of the Non-Self-Governing Territories were paramount, as stated in Article 73. It was easy to define the notion of full self-government, the supreme objective laid down in the Charter, by applying those principles: full self-government meant sovereign independence. When the current popular movements for complete independence were considered, there was reason to doubt that the dependent peoples would freely choose any form of self-government which did not imply full and complete sovereignty. It mattered little whether after achieving independence, a Non-Self-Governing Territory decided to enter into an association with the metropolitan or any other country inasmuch as such association was subsequent to independence. Otherwise there would be serious reasons for doubting whether the dependent territory had exercised a free choice.

12. With regard to the elements for determining whether the principle of self-determination was guaranteed, his delegation accepted the list given in section IV of the *Ad Hoc* Committee's report. It attached particular importance to points D, E and F. If the principle that the interests of the indigenous inhabitants were paramount was to be respected, it was an absolute necessity that the population should be able to express its opinion without any pressure on the part of the administering Powers. Point E (A/2428, para. 15) was an essential supplement to point D, (A/2428, para. 15) because the real aspirations of the peoples concerned could not be determined unless the administering Powers gave the assurance that the views of the inhabitants would be respected. Finally, point F (A/2428, para. 21) was the only factor which could be used in deciding whether a Territory had voluntarily agreed to a limitation of its sovereignty in favour of the metropolitan

<sup>1</sup> See A/AC.35/SR.34.

or any other country. Some areas remained linked to the metropolitan country against the wishes of the inhabitants. The metropolitan countries had always claimed that such association had been effected with the full agreement of the two parties. If such were the case, those countries had no reason to make reservations to point F. If they accepted it, any doubts persisting in certain minds would disappear. The very fact that a Non-Self-Governing Territory was free to change its status by democratic processes, in other words, to withdraw, in a given case, from an association to which it was a party, proved once and for all that the association had not been imposed upon it.

13. He then passed to the list of factors submitted by the *Ad Hoc* Committee (A/2428, section VI). Factor A.3 of the second part, which actually referred to a limitation of sovereignty and independence, should be omitted. While the right of a country to relinquish a part of its sovereignty in favour of a larger entity was one of the attributes of sovereignty, States which had recently acquired their independence were much too jealous of the latter to enter into an agreement which might limit it. The situation in the Middle East, where the elements of one nation, divided to serve the interests of the colonial Powers, were trying gradually to bring about a closer union, was irrelevant. His delegation unreservedly accepted the other factors, on the understanding that the association to which the latter two parts referred had to be effected in accordance with the real aspirations of the people and without pressure.

14. With regard to the question of competence, the General Assembly should be consulted whenever it was to be determined whether a territory had achieved full self-government, because it had to reach a decision on each case individually. Only when a Territory had reached a stage of independence which qualified it for admission to the United Nations could the transmission of the information specified in the Charter cease.

15. Mr. DOBROSIELSKI (Poland) noted that the purely theoretical analyses, which had been made for several years, had not led to a final and complete list of factors. It was to be feared that no substantial progress could be made if the matter continued to be dealt with in a purely academic manner. It was sufficient proof that the list drawn up by the *Ad Hoc* Committee hardly differed from that of 1952 (General Assembly resolution 648 (VII), annex). It was only of value as a collection of general indications. It was difficult to accept some of the factors listed in the second and third parts, to which the Guatemalan and USSR representatives had raised objections (322nd and 323rd meetings).

16. It could be concluded from a study of the history of the problem that the Administering Members were trying to keep the subject on the plane of theory and to prevent the General Assembly from taking the necessary action to change the current situation. That situation was the result of the arbitrary refusal of certain Administering Members, the United States, France, the United Kingdom and the Netherlands, to continue to transmit information on the Non-Self-Governing Territories under their administration, contrary to the obligations which they had assumed under Chapter XI of the Charter. The Administering Members had stopped transmitting information on fifteen of the seventy-four Non-Self-Governing Territories listed in General Assembly resolution 66 (I). The tendency to adopt decisions unilaterally persisted, as proved by the cases of the Netherlands Antilles, Surinam and Puerto Rico. The Administering Members claimed that the Non-Self-

Governing Territories came under their jurisdiction exclusively. The question was international in scope and the United Nations must attach very special importance to the present and future position of the peoples concerned.

17. Hence, without underestimating the importance of a theoretical study of the problem, his delegation considered that practical action should be taken to solve it. It hoped that the General Assembly would very soon compile a list of principles which would make it impossible for the Administering Members to decide unilaterally to stop transmitting information on the territories under their administration. Those Powers were obliged to transmit such information so long as the territories in question were not independent and sovereign States, the inhabitants of which had full executive, legislative and judicial authority. The General Assembly was competent to decide whether a territory had attained full self-government and to rule whether the transmission of information should cease. The Polish delegation would support any positive resolution to settle the matter along those lines.

18. Mr. NAJAR (Israel) said that the Israel delegation had been somewhat concerned to find that the discussion had borne mainly on the question of who should decide whether a Non-Self-Governing Territory had really attained self-government, and when it had become independent. As the question of the cessation of the transmission of information appeared as item 3 on the Committee's agenda, it might have been better if the Committee had paid more attention to factors as such, and less to the use made of the factors, which only led to endless arguments about the interpretation of the Charter. Its time would be better spent if it tried to make some useful contribution to a sane and constructive settlement of the practical political problems facing the United Nations.

19. The Israel delegation did not regard the examination of the factors as absolutely essential since the experience possessed by the sixty Member States practically guaranteed that no aspect of the problems relating to any conceivable type of self-government or independence would be lost sight of when any particular instance was being discussed. The *Ad Hoc* Committee report under consideration merely strengthened that view. One of that Committee's tasks had been to define the notion of a full measure of self-government for the purposes of Chapter XI. The problem had been to ascertain whether the notion fell somewhat short of independence as referred to in Chapter XII and, if so, to decide whether it meant something more than autonomy in economic, social and educational matters as mentioned in Article 73 e. The Committee had decided that it was impossible to arrive at a definition and that the concept would emerge from the examination of each particular case. It had also been the Committee's task to seek criteria to determine whether the principle of the right of peoples to self-determination was guaranteed so far as that Chapter was concerned. The Committee had not come to any definite conclusion or reached any general agreement. Anyone considering the list of factors would be struck by the fact that it failed to reflect the complexity of the problems raised and the positions of the members of the *Ad Hoc* Committee.

20. In considering ways and means of ensuring international respect for the right of peoples to self-determination, there was an unfortunate and growing tendency to overlook individual aspects of that right, although they formed the real basis for it. Historically,

the right of a people to self-determination rested upon the freedom and equality of men bound together by what had been termed the social contract. Nor should it be forgotten that in President Wilson's Fourteen Points, the principle of nationality and the principles of democracy had been identical.

21. The first part of the list of factors dealt with independence. To judge by the heading of the list as given in paragraph 41 of document A/2428, the second and third parts might have been expected to deal with other separate systems of self-government, whereas they dealt with self-government in continuing association with the metropolitan country and with factors indicative of the free association of a territory with the metropolitan or other country as an integral part of that country.

22. It was useless to embed in an extremely complex report a list of factors which seemed to establish the fact that Non-Self-Governing Territories would some day attain independence but that that independence was likely to assume the most varied forms, according to the freely-expressed wishes of the populations concerned. It might well be, therefore, that a more searching analysis of the concepts of self-government and independence might prove a disservice to the right of peoples to self-determination. The study of factors should accordingly come to an end.

23. The *Ad Hoc* Committee's work would, however, have helped to narrow the gap between the administering Powers' ideas and those of the non-administering Powers on an important point, since paragraph 13 of the report stated that the concept of self-government would emerge in the examination of a particular case.

24. One example of the endless debates which the Committee would let itself in for if it constantly discussed problems from the theoretical viewpoint would be the discussion of the Belgian thesis that as there was no restrictive definition of the Non-Self-Governing Territories in Chapter XI of the Charter, the Assembly might discover territories undeclared by the States responsible for them. But it was clear from Article 74 that the provisions of Chapter XI of the Charter could in no circumstances be applied to a metropolitan territory. Would it be wise to engage in a discussion of the concept of a metropolitan territory?

25. Mr. DORSINVILLE (Haiti) welcomed the historical process by which, within a century and a half, the world had progressed from the slave revolt in Santo Domingo to the meeting of the Fourth Committee in which the representatives of free and independent nations were endeavouring to define the requirements that some sixty territories throughout the world, with more than 200 million inhabitants, must fulfil in order to attain self-government or independence.

26. Despite their good intentions, competence and eagerness to comply with their terms of reference, the various subsidiary bodies set up to study the question of factors had not been able either to define the notion of a full measure of self-government or to draw up a list of factors to everyone's entire satisfaction. Document A/2428 was an intellectual exercise without any practical bearing: while admitting that the list of factors was only indicative, it recognized that only specific cases could be considered. The work had not, however, been useless, for it had made it possible to study all the legal, political, economic and social aspects of vast territories whose future was in doubt. There was great wisdom in the following passage in Mr. Pierre Ryckmans' book,

*Dominer pour servir*: "There is as yet no political problem in the Congo. Now is not the time to solve it, but it is already time to think about it, to provide and prepare for the future . . . When the time comes, people will not wait. If we delay, the crisis will not end in emancipation, but in hatred, revolt and separation" (p. 74).

27. It was precisely in order to avoid outbreaks of hatred that the Haitian delegation had always approved the reports submitted on the question of factors and would vote for the adoption of document A/2428, although it believed that the free expression of the people's wishes should have been the only factor listed. Since the Administering Members had accepted a limitation of their sovereignty, they could not arbitrarily withdraw a territory from the jurisdiction of Article 73. It should be possible to ensure that peoples expressed their opinion with complete freedom if the parties concerned showed goodwill and allowed the United Nations to exercise the requisite supervision.

28. In view of the Administering Members' adamant attitude, his delegation feared that Chapter XI of the Charter might soon become a dead letter. It asked, therefore, that development should go forward in the real interests of the peoples of the Non-Self-Governing Territories, and it would vote for the adoption of the report (A/2428) so that each case might be studied in accordance with agreed and accepted guiding standards, although it did not thereby acknowledge that the factors listed would thenceforth be unalterable.

29. Mr. SHTOKALO (Ukrainian Soviet Socialist Republic) said that some Administering Members evaded their commitment under the Charter to transmit information on the territories they administered because they wished to hide the harsh conditions prevailing in them. Many indications showed that those Powers were shamelessly exploiting the people in those territories and that they were merely trying to make the biggest possible profits out of them rather than to ensure their economic, social and educational advancement. It was enough to recall that the petitions and complaints to the United Nations were continually increasing. The working out of factors to determine whether a territory had or had not attained a full measure of self-government should enable the Administering Members to fulfil the commitments imposed on them by the Charter. Factors had been discussed at length without any satisfactory conclusions being reached, and it could be seen that the *Ad Hoc* Committee had once more failed to comply with its terms of reference. The list of factors it had compiled was incomplete and should be improved. Even worse, the Committee had not even succeeded in working out a definition of the concept of a full measure of self-government. It had claimed that the absence of such a definition was not a serious disadvantage. That conclusion was quite wrong, for it would be impossible to list precisely all the factors to be taken into account in deciding whether a territory had attained complete self-government if no one knew what a full measure of self-government meant.

30. The first part of the list approved by the *Ad Hoc* Committee might be regarded as acceptable, although it should be improved. But the second and third parts could not be accepted, since they dealt with a territory's association, continuing or otherwise, with the metropolitan country, a limitation of its independence, rather than with attaining a full measure of self-government. The factors in the third part would entitle

the Administering Members to cease transmitting information. The *Ad Hoc* Committee's work had, therefore led to a result that was exactly the opposite of the terms of reference given it by the Assembly. To adopt the last two parts would be to play the game of the colonial Powers, which were trying to assume the exclusive right to settle the future of the Non-Self-Governing Territories. Their views had been strikingly illustrated by Belgium's reservations reproduced in the *Ad Hoc* Committee's report (para. 40).

31. It was to be hoped that the Committee would amend the list of factors so that the Administering Members would be enabled to fulfil their commitments under the Charter.

32. Mr. CAMPOS CATELIN (Argentina) complimented the *Ad Hoc* Committee on the care with which it had discharged its duties under the chairmanship of Mr. Khalidy.

33. The Argentine delegation unreservedly approved the conclusions set forth in paragraph 9 of document A/2428. The factors enumerated in the present list were merely a guide and in no way final.

34. As the Mexican representative had pointed out (322nd meeting), factor A.4 of the first part of the list of factors was not acceptable. A State could be said to have achieved a full measure of self-government when it was able to take charge of its own national defence, and not merely to participate therein. Moreover, factor A.4 could not apply to the setting-up and use of military bases in a territory. That would imply an infringement of the sovereignty of the country concerned, since national defence was one of its essential attributes.

35. The adjective "continuing" should be omitted from the title of the second part of the list, especially as the association referred to in that part could not be other than what the parties chose to make it; the association should always be to the benefit of the territory voluntarily accepting a limitation of its sovereignty, but such an association might, at a later date, be detrimental to the interests of the territory concerned. Furthermore, the idea of voluntary limitation of sovereignty was highly dangerous and should therefore not appear in the list unless accompanied by the guarantee proposed by the Guatemalan representative, which was set out in paragraph 21 of the report.

36. Some delegations had found it difficult to draft a satisfactory definition of the concept of "people", as the object of the right of self-determination. In that connexion there was a definition by Professor Georges Scelle, in his *Précis de droit des gens*, which said that a people was a collective entity able to exercise the right of self-determination, an indispensable condition of its existence; a people was the aggregate of the wills of the individuals constituting it; that aggregate of wills implied a unity of purpose founded upon a unity of traditions, upon a common historical and spiritual heritage.

37. With reference to paragraph 40 of the *Ad Hoc* Committee's report, the Argentine delegation wished again to refute the Belgian representative's thesis. The Administering Members' acceptance of the provisions of Chapter XI of the Charter placed under international trusteeship only the peoples referred to in that Chapter, and its provisions applied only to territories which had never been an integral part of a metropolitan State or had never been considered a part thereof. Article 2, paragraph 7, could not be invoked in that connexion because matters of that kind were not within the Administering Members' domestic jurisdiction; that was a

position which the Argentine Government had maintained on many occasions. Such matters were connected with the system of international protection of Non-Self-Governing Territories set up by the Charter and freely accepted by the Administering Members. Those Members had assumed an obligation which, in the words of the Charter itself, constituted a "sacred trust" for them. It was for the General Assembly to decide whether a territory had ceased to be non-self-governing or was still non-self-governing within the meaning of Chapter XI.

38. The Argentine delegation wished to repeat that the Government of the metropolitan State had no right to modify the political status of a territory in the event of a dispute or disagreement.

39. Lastly, the Government of the Argentine Republic considered that, as set forth in resolution XXXIII of the Ninth International Conference of American States at Bogotá in 1948, "The historical process of the emancipation of America will not be complete so long as there remain on the continent peoples and regions subject to a colonial régime, or territories occupied by non-American countries".

40. Mr. S. S. LIU (China) felt that the study of factors had been the subject of long and fruitful work, both in the Committee and in various subcommittees. With the compilation of the present list it had reached a stage where, while the list could certainly be perfected and made more precise, no useful purpose would thereby be served for the moment, as paragraph 9 of the *Ad Hoc* Committee's report pointed out. The present list could serve as a useful guide in determining whether a territory had achieved a full measure of self-government or not. It was clear from the terms of resolution 648 (VII), however, that the decision did not rest exclusively with the Administering Member; it was for the General Assembly to decide in the last resort. That thesis was absolutely in accord with the theory of international responsibility now almost universally admitted.

41. The Chinese delegation would cordially welcome the cessation of the transmission of any information on Non-Self-Governing Territories if such cessation were proof that all Non-Self-Governing Territories, without exception, had achieved independence, thereby attaining the purpose of Chapter XI of the Charter. So long, however, as there were territories not yet enjoying a full measure of self-government, the Administering Members should continue to furnish information. That was the only way the General Assembly could ensure the protection of non-self-governing peoples and safeguard their rights and legitimate interests.

42. The Chinese delegation wished to make three observations on the theory, frequently maintained by certain Administering Members, that the provisions of Chapter XI applied not only to the Non-Self-Governing Territories, but also to certain independent States whose populations, or a part of whose populations, did not as yet enjoy a full measure of self-government. In the first place, the very title of Chapter XI indicated that it referred solely to the Non-Self-Governing Territories. Secondly, the Administering Members, which had accused certain non-administering Members of exceeding the bounds of the provisions of Chapter XI, would be ill-advised to try to extend the application of that Chapter without having any legal justification for so doing. Lastly, extension of the scope of Chapter XI could not in any way release the Administering Members from the obligations they had assumed in respect

of Non-Self-Governing Territories to which that Chapter in fact referred.

43. The Chinese delegation was prepared to support any draft resolution based on the conclusions formulated by the *Ad Hoc* Committee; it reserved the right to speak on that matter later.

44. Mr. DE MARCHENA (Dominican Republic) noted with satisfaction that the *Ad Hoc* Committee's report took into account the various juridical questions which the Dominican delegation had raised since the question of factors had first come under study. That study might make it possible to elaborate principles of international law.

45. Chapter XI of the Charter was of very special importance. On the one hand, it gave the populations of the Non-Self-Governing Territories the hope that their aspirations to independence and freedom would one day be realized, and, on the other, it bore witness to the goodwill with which the metropolitan Powers had agreed at San Francisco to assume the sacred trust of promoting the well-being of the populations of the Non-Self-Governing Territories. His delegation had greatly admired the generosity of the Powers which had subscribed to the obligations set forth in Chapter XI.

46. In view of the great importance of Chapter XI, its real scope should be defined. Since the San Francisco Conference it had given rise to many divergent interpretations. Now that the United Nations was contemplating a revision of the Charter in accordance with Article 109, it would be useful to strengthen Chapter XI by incorporating in it a definition of a full measure of self-government. That was a very arduous task, as those who had taken part in the efforts of the United Nations to define aggression well knew. The difficulty resided to a considerable extent in the fact that there were various ideas of what a definition should be: should it be generic, descriptive, enumerative, or should it combine all three of those features? In the first part of the list of factors, the *Ad Hoc* Committee had succeeded in giving an enumerative definition of independence, and it should be congratulated on its brilliant achievement.

47. The list of factors would certainly never be final and complete, but it would always be a guide to the study of each specific case in the light of its own peculiar circumstances. The present list seemed to be completely logical; it filled a gap in the interpretation of Chapter XI and enabled General Assembly resolution 222 (III) to be better implemented. The Dominican delegation felt that the Committee could now recommend to the General Assembly that it should stop studying factors because the results obtained were satisfactory enough for the item to be taken off the agenda.

48. The first part of the list of factors included very valuable criteria for determining whether a people had attained independence. With regard to the other two parts, he emphasized that any collective entity should have the right to dissociate its political and parliamentary institutions from those of the metropolitan country to which it was attached by historical links when it expressed a desire to do so. In the case of an association with the metropolitan or other country, the fundamental criterion was the freely expressed opinion of the population of the territory concerned. It was desirable to adopt flexible formulas, in harmony with modern viewpoints on that subject.

49. The Dominican delegation was prepared to support any proposal recommending the use of the present list of factors as a guide in determining whether a territory was or was not fully self-governing, it being clearly understood that the paramount factor should still be the opinion, freely expressed by democratic means, of the populations of the territories concerned.

50. As his list of speakers on the question of factors was exhausted, the CHAIRMAN proposed that further discussion of the item should be deferred until the following meeting and that the Committee should begin its consideration of the question of information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter.

#### **Information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter**

[Item 32]\*

##### GENERAL DEBATE

51. Mr. HOPKINSON (United Kingdom) recalled that at the seventh session, he had opened the general discussion in the Fourth Committee (251st meeting) on the report of the Committee on Information from Non-Self-Governing Territories (A/2219 and Corr.1) with a broad review of the policies and achievements of the United Kingdom Government in the territories it administered. It would have been his wish to participate in the discussion for a longer period during the present year. But as a Minister at the Colonial Office, he had unfortunately a very heavy programme of work, which would make it necessary for him to leave New York very shortly. It was for that reason that he had asked for the floor at the present stage.

52. Section VI of the report of the Committee on Information from Non-Self-Governing Territories (A/2405) now before the Fourth Committee dealt with educational conditions in Non-Self-Governing Territories, the Committee's main topic for discussion in 1953. In addition, part two of the document contained a special report by the Committee on education in Non-Self-Governing Territories.

53. He had a personal interest in the problem of education, since he was Chairman of the Advisory Committee established by the Secretary of State for the Colonies to advise him on educational questions. That Committee had originally been established in 1929 to advise the Secretary of State on the formulation of educational policy in the British dependencies. As a result of constitutional and other developments in the colonies, the character of the Advisory Committee's work had changed greatly in recent years. Whereas in the past educational policy had been formulated in London, the considerable development of local initiative in educational matters and the growth of the powers and responsibilities of colonial legislatures had substantially modified the Committee's functions. It was still the case that when the local authorities felt the need for an outside opinion, they referred certain questions to the Secretary of State, who arranged for their consideration by the Advisory Committee. But the Committee could now be regarded much more as a panel of experts ready to offer technical assistance of the highest quality at the request of colonial governments. That change illustrated the new relationship which had come into being between the metropolitan Government and the territories for which it was responsible.

54. His delegation accepted the report of the Committee on Information from Non-Self-Governing Territories as the expression of a consensus of views for



which it had respect, and would transmit it to the authorities of the territories under United Kingdom administration in order that it might be taken into account, as those authorities considered appropriate, in the formulation and execution of their educational policies, in the same way as they would take into account the advisory opinions of the Committee of the Secretary of State for the Colonies.

55. He felt obliged, however, to make one mild criticism, namely that, in his opinion, the report perhaps placed too much emphasis on the rapid extension of primary education. While the defeat of illiteracy was of vital importance, the United Kingdom delegation also felt that a territory must preserve some balance at all stages of its educational development. An effective system of primary education was impossible without a satisfactory system of teacher training. Such a system could not be established without an adequate number of secondary schools from which to recruit student teachers. Quality must not be sacrificed to quantity, since that might seriously jeopardize the development of the territories. Unless stress was laid on quality and on the provision of general, professional and technical education, there was no hope of achieving the objectives set forth in paragraph 12 of the special report on education.

56. The fundamental objective of United Kingdom educational policy was the development of the capacity for responsibility. The objectives of Chapter XI of the Charter could not be met without a constant effort on the part of the Administering Members to thrust more and more responsibility on greater and greater numbers of the inhabitants of the territories. That process of the active devolution of responsibility, of which there were several recent and important examples in the United Kingdom territories, could not, however, be followed blindly. The United Kingdom Government did not, for example, believe that just because there existed in any given territory a handful of brilliant and educated politicians, that territory was necessarily ripe to assume complete responsibility for its own affairs.

57. A stable democracy must be broadly based. There must be enlightened competence at all levels of society, with a flow of educated and disciplined talent to fill the places of the few brilliant individuals to be found in the territories, as in most countries of the world. The United Kingdom Government would regard it as an utter dereliction of its duties if it handed over complete power to the peoples of the territories it administered when those territories had acquired no more than a facade of self-discipline and responsibility. In some cases risks had to be taken, but, if they were taken, an error must readily be recognized when it was seen. If caution was not exercised, there might well be, after half a century of the patient construction of democracy, a relapse into conditions of instability, in which the mass of the people would have very little effective voice in the conduct of their own affairs and would be abandoned to the tyranny and inexperience of a local oligarchy.

58. One of the main reasons why the transition from imperial or colonial rule to independence had been carried out so smoothly in a number of United Kingdom territories was that over a long period of years British administration had evolved a trained and competent civil service and an impartial judiciary.

59. The importance of higher education should not be underestimated in the training of leaders, since such

education contributed to the development of a sense of values. In 1952, there had been approximately 3,500 full-time students in the institutions of higher education of the territories administered by the United Kingdom—the three universities of Malta, Hong Kong and Malaya and the university colleges in the West Indies, East Africa, the Gold Coast and Nigeria. The United Kingdom intended to create a university in Central Africa in the near future.

60. No educational system could expand, or even survive, unless it could draw increasing resources from economic prosperity. Since the Committee on Information from Non-Self-Governing Territories would again be turning its attention to the problems of economic development the following year, it might be appropriate to recall that in the territories for which the United Kingdom was responsible, the central problem was the wise use of the land. In countries with an agrarian economy, the people had the great responsibility and necessity of conserving and developing the resources of their land, particularly as the problem of overpopulation was becoming increasingly acute in many countries. There were reasons for that state of affairs as well as for the fact that, despite the resources of modern agricultural science, the yield of the land had not kept pace with the increase of population. As had been wisely said, "Poor soil makes poor people, and poor people make poor soil worse". Land tenure and agricultural practices must be changed and changed in such a way and at such a pace as not to shatter the fabric of society. Demands were sometimes made in some Eastern and Central African territories for small areas of land farmed efficiently for generations by European communities to be turned over to African tribes. Such a step could at best provide only slight and temporary relief for African congestion. Expropriation of that kind, which would hand over properly farmed land for destruction, would be an act not only of injustice but of folly. The United Kingdom Government was at present examining the most promising ways of making use of the large areas of empty or half-empty land still existing in Africa by placing them under efficient and permanent cultivation.

61. Agriculture should not, however, be the only element in the economic prosperity of the territories. Some element of industrialization was essential to absorb some part at least of the excess population. The production of cheap power was essential in any programme of industrialization. Two great schemes of hydro-electric development in Africa might be mentioned in that connexion: the Volta scheme, in the Gold Coast, which would cost 144 million pounds sterling to construct, 57 million pounds of which would be provided by the United Kingdom Government, 42 million pounds by the Gold Coast Government and the remainder by the Canadian aluminium company which was co-operating in carrying out the project; and the dam under construction at the Owen Falls in Uganda. The latter would not only act as a great stimulus to industrial development in Uganda, but would also play a part in controlling the waters of the Nile. The United Kingdom was working on that scheme in close collaboration with the governments of other interested countries, and with the Egyptian Government in particular.

62. Such developments in the economic field inevitably gave rise to social problems such as housing, the transformation of tribal society, race relationships, etc. The concept of partnership between the different races was a valid one; it alone offered any hope of a world in which

racial differences would not be a source of discord but would rather give opportunities for the best in all races to be blended into a strong and harmonious society.

63. Referring to a remark made at the 447th plenary meeting by the representative of the Lebanon, Mr. Hopkinson said he also believed that the conditions of the modern world called for something more than a fragmentation based on the old-fashioned idea of pure nationalism. There could be no doubt that the world was moving towards the creation of larger units and towards the attainment of cohesion and stability through emphasis on the things which bound men together rather than those which separated them. That process was going forward in Europe, and the United Kingdom delegation was convinced that it was an inevitable development in all parts of the world. The United Kingdom attached the greatest importance to the development of international co-operation to ensure the progress of Non-Self-Governing Territories. It would play an energetic part in promoting regional groupings for the solution of common technical problems.

64. The United Kingdom welcomed the interest shown by the specialized agencies of the United Nations in the Non-Self-Governing Territories in connexion with technical assistance. It regarded the promotion of an effective technical assistance programme as one of its cardinal functions in the Non-Self-Governing Territories. The aid it was already extending to its own territories could stand comparison with that available to any other country in the world. It felt however that there was great value in co-operation with the United Nations and the specialized agencies in that field. Financial reasons alone prevented the British territories from participating more fully in the Expanded Programme of Technical Assistance. The requests the United Kingdom had made had exceeded the resources which could be allocated to it. It was well satisfied that the Technical Assistance Administration viewed its requests with sympathy and was equally satisfied with the energy and effectiveness with which it had provided a wide variety of services in the British territories.

65. In conclusion, he would emphasize that the United Kingdom would never subscribe to the view that there must necessarily be two camps in the Fourth Committee, the small camp of the administering Powers, that was to say, of the Powers who, by definition, might be regarded as reactionary and obstructive, and the large camp of the non-administering Powers who, by definition, were considered to have the monopoly of good intentions. The United Kingdom was convinced that their fundamental objectives were the same. It did not believe that problems were always approached without some degree of prejudice and without some degree of ignorance.

66. It was of the utmost importance both for the fruitfulness of the Fourth Committee's work and for the reputation of the United Nations that the Committee's discussions and recommendations should be based on a true assessment of the nature of the problems and on a generous understanding of the difficulties to be faced. For its part, the United Kingdom had consistently done its utmost to send to meetings of such bodies, and notably to the Committee on Information from Non-Self-Governing Territories, representatives who could speak with authority and experience on the problems of the territories administered by the United Kingdom. It might be of great assistance if other Member States would make an effort to do likewise.

67. At some stage of the debate which had just opened, the United Kingdom delegation might put forward concrete proposals designed to ensure that the matters dealt with by the Fourth Committee should be examined, not within a preconceived political framework, but as world-wide problems to the solution of which all countries could contribute.

68. It was impossible to deal with the human problems which confronted that Committee wholly in isolation. Many of them were not solely a matter for the Fourth Committee but also came within the terms of reference of other Assembly committees. They could be judged only against the background of the achievements of each country, for after all, it was only the knowledge a country gained in administering itself that taught it to judge the success or failure of others. If, as the drafters of the Charter certainly intended, Member States could work together as one team, if they could discard some of the doubts and suspicions existing on both sides, if they could contribute to the common task the maximum wisdom and technical knowledge which they had gained individually, there was every likelihood that the Fourth Committee's work would go forward harmoniously and rapidly towards the goal which all nations sought to attain—the political economic, social and educational advancement of the peoples of the territories concerned.

69. Mr. CAMPOS CATELIN (Argentina) said he wished, in the name of his Government, to submit a formal reservation to the effect that the transmission by the United Kingdom Government of information on the *Islas Malvinas*—incorrectly designated as the Falkland Islands in document A/2413—in no way affected Argentine sovereignty over the territory, which had been unlawfully occupied by the United Kingdom by an act of force which the Argentine Republic would never accept. He reaffirmed the inalienable and imprescriptible rights of the Argentine Republic over the *Islas Malvinas*, South Georgia, the South Sandwich Islands and the Argentine sector of the Antarctic, which were an integral part of Argentine territory. He requested the Secretariat to use the term *Islas Malvinas* in all documents issued in Spanish.

70. Mr. HOPKINSON (United Kingdom) replied that his Government was sovereign over the territory in question, the population of which was of purely English stock and spoke only English. He affirmed the United Kingdom's sovereign rights over the islands and requested that the correct title of the islands, namely the Falkland Islands, should be used in all documents issued in English.

#### Records of the Fourth Committee

71. Mr. DE MARCHENA (Dominican Republic) wished to protest against the fact that the summary record of the Committee's 321st meeting devoted only twelve lines to the statement made by his delegation, although the complete text of that statement, which had been handed to the précis-writers, amounted to fifty-five lines in Spanish. He asked that his speech should be included in the summary record concerned without mutilation.

72. The manner in which his statement had been summarized was particularly regrettable because it had dealt with a question of great importance—the request for a hearing by the President of the Puerto Rican Independence Party. His delegation had stated in that con-



nexion that the Dominican Republic had always maintained the best possible relations with the Puerto Rican people. He wondered why someone had seen fit to omit that passage and why his statement had been reduced much more drastically than the statements of other delegations.

73. He also felt that the system of preparing summary records was faulty. The speeches of Spanish-speaking delegations were translated into English or French and then retranslated into Spanish, which gave rise to frequent errors and mistranslations in the summaries of speeches made in Spanish. It was also unsatis-

factory that corrections to the summary records were accepted by the Secretariat only in English or French and not in Spanish.

74. His delegation requested that its complaint should be included in the summary record, and if no action was taken upon it, would be compelled to ask the Chairman to summon the responsible officials before the Fourth Committee.

75. The CHAIRMAN said he was confident that the Secretariat would take whatever action was necessary to satisfy the delegation of the Dominican Republic.

The meeting rose at 6.15 p.m.