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Chairman: Mr. Thanat KHOMAN (Thailand).

In the absence of the Chairman, Mr. Božović (Yugoslavia), Vice-Chairman, took the Chair.

Requests for hearings (A/C.4/355/Add.3) (continued)

REQUESTS CONCERNING AGENDA ITEM 13 (REPORT OF THE TRUSTEESHIP COUNCIL) (A/C.4/355/Add.3) (continued)

1. The CHAIRMAN asked the Committee to consider the request for a hearing submitted by Mr. Ouandié on behalf of the Union des populations du Cameroun (A/C.4/355/Add.3).

2. Mr. KISCZIUSKO-MORIZET (France) said that, in the very words of the Trusteeship Agreement, he represented a country that was responsible for peace, order and good government of the Cameroons under French administration. In that capacity he found himself obliged to oppose Mr. Ouandié's request for a hearing. The French delegation was not opposed to the right of petition, but it was essential to know to whom that right was being granted. The applicant represented the Union des populations du Cameroun (UPC), a party which had been legally dissolved on account of its subversive activities. Those activities had led to disorders and bloodshed, which the Trusteeship Council had itself censured, in resolution 1481 (XVII). The leaders of the UPC, some of whom had been prosecuted for offences under ordinary law, had taken refuge in the Cameroons under British administration until the Administration there, tired of their scheming, had expelled them from the Territory. It was hard to see what useful evidence those men, who had been away from their own country for a long time and were undesirable elsewhere, could give about the Cameroons, which had its own Government, institutions and administration.

3. The French delegation would therefore vote against hearing the representatives of the UPC.

The Committee decided by 32 votes to 11, with 10 abstentions, to grant the request for a hearing submitted by Mr. Ouandié.

AGENDA ITEM 35

Information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter: reports of the Secretary-General and of the Committee on Information from Non-Self-Governing Territories: (A/3601 and Corr.1 and Add.1, A/3602, A/3603, A/3604, A/3605, A/3606/Rev.1, A/3607, A/3608, A/3609, A/3647 and Corr.1, A/C.4/360) (continued):

(c) General questions relating to the transmission and examination of information (A/C.4/357/Rev.1, A/C.4/359 and Add.1, A/C.4/L.504/Rev.2)

GENERAL DEBATE AND CONSIDERATION OF DRAFT RESOLUTIONS (A/C.4/L.504/REV.2) (continued)

4. Mr. RYCKMANS (Belgium) considered that the question under discussion could be summarized as follows: either, as the Belgian delegation held, the General Assembly was not competent to judge of the constitutional links existing between different parts of the territory of a nation; or else, if it was agreed that the General Assembly was competent in that respect, its competence should be admitted for all countries.

5. During the previous meeting, the representative of India had stated that any allusion to the Andaman and Nicobar Islands was out of place. All well and good, but Portugal would undoubtedly make the same claim in the case of Mozambique. What arguments could be used to admit the contention in one case and not in the other? Clearly, the same standards must be applied to all cases.

6. Mr. ROLZ BENNETT (Guatemala) replied to the remarks made at the previous meeting by the representatives of Portugal, Belgium and the Dominican Republic regarding the draft resolution (A/C.4/L.504/Rev.2).

7. The Portuguese delegation had asked why the draft resolution quoted a passage from resolution 334 (IV). The reason was that in that resolution, the General Assembly affirmed its competence in the matter. The Portuguese delegation had also asked if the draft resolution applied to all dependent peoples, wherever they might be and whatever their degree of civilization. The answer was that the draft merely reiterated the provisions of the Charter and therefore referred to "territories whose peoples have not yet attained a full measure of self-government". Lastly, the representative of Portugal had asked if the sponsors of the draft resolution meant that all the replies sent in to the Secretary-General were to be examined. Paragraph 1 stated clearly that what was asked for was the preparation of a summary of the opinions as given in the replies of Members to the communications of the Secretary-General regarding the transmission of information. One of the functions of the committee referred to in paragraph 2 would be to study the question of the transmission of information under Article 73 e of the

Charter. That committee itself would decide whether or not to examine all the replies of Member States.

8. He pointed out to the representative of Belgium that there had always been differences of opinion regarding the interpretation of the provisions of Chapter XI and that it was for that reason that the question should be settled. The Belgian representative had stated that the fourth paragraph of the preamble of the draft resolution did not accurately reproduce the text of paragraph 1 of resolution 334 (IV). It was in fact the second paragraph of the preamble of the draft resolution which reproduced literally the text of paragraph 1; the fourth paragraph merely summarized it. The Belgian delegation had said that it thought it unwise to ask the Secretary-General to prepare a summary. He did not agree: many such summaries had been published and the Secretariat would certainly be able to carry out the task which was to be entrusted to it.

9. Turning to the amendments to paragraph 1 suggested by the representative of the Dominican Republic at the previous meeting, he said that they added nothing to the paragraph and that he would prefer to maintain it as it stood. He would, however, agree to the insertion of the word "legal" between the words "relevant" and "treaties" in paragraph 1.

10. He found it difficult to accept the Dominican amendment to paragraph 2 (A/C.4/L.505), for both legal and practical reasons. As was known, some delegations objected to the Committee on Information from Non-Self-Governing Territories studying political questions. In a spirit of conciliation, the Committee had agreed to work within those limits, although that was not in consonance with the views of several Member States, including Guatemala. As the analysis of the Secretary-General's summary might give rise to discussions of a political nature, the amendment submitted by the Dominican Republic was liable to entail a legal controversy. Moreover, the Committee on Information already had a heavy and complicated task and would find it difficult to undertake a new study.

11. He reserved the right to speak again on the same question.

12. Mr. KIANG (China) thought it would be preferable not to include in the summary the different opinions of the international lawyers on the question at issue, as all knew what the law was.

13. Furthermore, if it was decided that a summary should be prepared, the study of that summary should be entrusted to the Fourth Committee and not to a special committee. The object of studying the summary would be to enable the General Assembly to express its opinion on the principles which had guided or might in future guide the Administering Members in enumerating the territories on which information should be transmitted under Article 73 e. The atmosphere would be much more favourable if the Administering Members participated in a helpful and constructive manner, and the non-administering Members made their contributions to the discussion.

14. Mrs. SKOTTSBERG-AHMAN (Sweden) wondered whether the draft resolution would enable the United Nations to set examples of action which would, as the United States representative had said at the 674th meeting, show the advantage of voluntary and whole-hearted compliance with the provisions of the Charter.

She also wondered whether the Secretary-General would be able to compile the required summary and whether a study of that summary would bring about a change of attitude on the part of a Member which had not yet furnished information or had not replied to the Secretary-General's communication.

15. The opinions to be summarized were already known to all the members of the Committee. Furthermore, the propriety of asking the United Nations Secretariat to make a selection of interpretations of the Charter produced by jurists outside the United Nations was questionable.

16. The Swedish delegation could not see any practical value in such a summary. Moreover, the Committee should bear in mind resolutions 593 (VI) and 789 (VIII) on the control and limitation of documentation, as also the draft resolution adopted by the Fifth Committee at its 617th meeting, calling for a 25 per cent reduction in United Nations documentation. The proposed summary would but serve to increase the volume of documentation.

17. Finally, the study of the various opinions would only confirm the existence of differing opinions on the question, of which the Committee was already aware and the merits of which it was not qualified to judge.

18. The Swedish delegation would therefore vote against the draft resolution.

19. Mr. KADRY (Iraq), replying to the questions put by the representative of Portugal at the previous meeting, pointed out that the draft resolution was intended to settle a question of procedure in the General Assembly. He therefore hoped that Portugal would be in favour of such a settlement. The representative of Portugal had asked if there were any connexion between the draft resolution before the Committee and the statement made by the representative of Iraq at the 687th meeting in which he had advocated an exhaustive general study on the question of transmission of information. That was the study called for in the draft resolution. What had been called the unfinished business of the General Assembly would not be completed until the principles of the Charter were applied in all the Territories. The draft resolution was designed to help the Assembly in that task. In accepting the amendments proposed by other delegations, the sponsors had shown their desire to co-operate with all the members of the Committee.

20. With regard to the Dominican amendment to paragraph 2 (A/C.4/L.505), he felt that there would be some difficulty in referring the summary to the Committee on Information, in view of the volume and the extent of that Committee's work. It would not be the first time that the General Assembly had established a special committee. The study of factors to be taken into account in deciding whether a territory had or had not attained full self-government, of the question of South West Africa and of the examination of petitions had been entrusted to such committees. Moreover, the Committee on Information was due to meet in the spring of 1958 and it might be difficult for the Secretary-General to prepare the proposed summary before that session. Finally, the draft resolution concerned questions outside the terms of reference of the Committee on Information. The task would therefore have to be assigned to another committee.

21. Mrs. BARISH (Costa Rica) said that the number of different opinions showed the need for the study proposed in the draft resolution, which might help to clarify controversial questions and facilitate the future work of the Committee. It was for that reason that her delegation was among the sponsors of the draft resolution.

22. Mrs. SINHA (India) stated her delegation's position with regard to the draft resolution, of which it was a sponsor. As the third paragraph of the preamble indicated, it was primarily the differing opinions expressed during the eleventh session of the General Assembly which had led some delegations to submit the draft resolution. A study of those opinions was necessary in order to put an end to the present confusion regarding the principles governing the transmission of information.

23. The purpose of the draft resolution was limited to the study of those principles; its sponsors had deliberately refrained from widening its scope. The first paragraph of the preamble, however, placed that study in its proper perspective by drawing attention to the provisions of Chapter XI of the Charter. In other words, the purpose of the draft resolution was to initiate a study of principles in the general context of Chapter XI of the Charter. The second paragraph of the preamble recalled General Assembly resolution 334 (IV) merely in order to establish the competence of the Committee to examine those principles and express an opinion on them. Finally, the fourth paragraph of the preamble suggested the desirability of the General Assembly's expressing an opinion on the question.

24. The committee proposed in the draft resolution would confine itself to a study of principles rather than of the decisions of Member States. The draft resolution was clearly not directed against any Member in particular.

25. She considered that the functions of the Committee on Information were already too heavy to allow it to undertake the examination of the summary in question. The draft resolution entrusted the Secretary-General with a task well within his responsibilities; considerations of economy or the reduction of documentation were not strictly relevant and in any event should not stand in the way of the Committee's proper functioning.

26. The reference the representative of Belgium had made at the previous meeting to the Andaman and Nicobar Islands was quite irrelevant to the debate, which at present concerned a draft resolution. Those Islands were administered, as they had formerly been by the United Kingdom Government, as a part of India. The draft resolution was not discriminatory and at some stage of the proposed committee's work the replies of all the Members would be studied.

27. Mr. PERERA (Ceylon) said that the purpose of Article 73, read in the context of the Charter as a whole and having regard to the ideals which had inspired its authors, was to enable the Assembly to know how and to what extent the Administering Members were discharging their obligations towards the Non-Self-Governing Territories. Any other interpretation of the initial paragraph of Article 73 and of paragraph e would be meaningless. Unlike some Members, and in particular certain Administering Members, the sponsors of the draft resolution considered that such was the purpose of Article 73. Differences of opinion there-

fore existed, and were reflected in the third paragraph of the preamble of the draft resolution.

28. The draft resolution was extremely limited in scope and was drafted in very moderate language. It provided for the preparation of a summary of three categories of information and for the establishment of a committee to study that summary. The misgivings felt by some delegations which had feared that the draft resolution raised questions of substance or of principle had been dispelled during the previous meeting. The committee's terms of reference were clearly circumscribed. Members should not read into the draft resolution intentions that had never been in the sponsors' minds.

29. The Belgian representative had pointed out what he described as an inconsistency between the second and fourth paragraphs of the preamble. The second paragraph reproduced the language of General Assembly resolution 334 (IV) in order to establish the competence of the Assembly in the matter of the fourth paragraph expressed the view of the sponsors that it would be desirable for the General Assembly to exercise that competence. There was thus no inconsistency between the two paragraphs, despite the use of the word "underlie" in the fourth paragraph, in place of the words "have guided or may in future guide".

30. The Portuguese representative had asked whether the draft resolution was to apply to all non-self-governing peoples. The answer to that question was to be found in Article 74 of the Charter, which referred to the "territories" to which Chapter XI applied. The provisions of the operative part of the draft resolution would therefore apply to the territories which came within the purview of that Chapter. Hence there was no danger of United Nations intervention in the domestic affairs of its Members.

31. Miss BROOKS (Liberia) said that one of the prerequisites of international peace and security was the political advancement of the Non-Self-Governing Territories, which was interwoven with their economic, social and cultural advancement. That was why it was important that the Administering Members should enumerate the Territories they administered and should transmit the necessary information, in order that the Fourth Committee, by studying that information, might assist the General Assembly in carrying out its functions and making suitable recommendations.

32. Her delegation considered that Article 73e should be interpreted in the context of the Charter as a whole. Since the purpose of the Article was to foster the attainment of self-government by the Non-Self-Governing Territories, it followed implicitly that the Members which had accepted that sacred trust were under an obligation to submit information giving a full picture of the situation, without confining themselves to economic, social and cultural matters.

33. Some Administering Members had undertaken to apply the provisions of Chapter XI, with or without reservation, thus gaining the respect of the international community and improving their relations with the Territories they administered; others, on the contrary, were questioning the sincerity of the motives of those who were seeking to ensure observance of the principles of Chapter XI. Her delegation was aware that in studying the advancement of the Non-Self-Governing Territories the difficulties encountered must not be

overlooked, but it did not think that the Administering Members should show mistrust of countries that did not administer Non-Self-Governing Territories, for each Member State, by the obligations it had assumed, was a symbol in the search for peace and for the realization of human rights.

34. The obligations imposed by Chapter XI should be considered in the context of the basic purposes of the Charter, namely, international peace and security, equal rights and self-determination of peoples, respect for human rights and fundamental freedoms, and the desire to make the United Nations a centre for harmonizing the actions of nations. Article 73 specified that the interests of the inhabitants of Non-Self-Governing Territories were paramount. The Administering Members should therefore transmit information on all aspects of the Territories' development and on the manner in which they conformed to the spirit and the purposes of the Charter, without pleading constitutional considerations or domestic jurisdiction, and without trying to dispute the competence of the General Assembly.

35. She noted the gratifying progress in the Belgian Congo, as described by the Belgian representative at the 685th meeting. Like him, she thought that an Administering Member whose territories could be classified as coming within the purview of Chapter XI was wrong to say that it did not administer such territories. She hoped that the Belgian Government would find it possible to co-operate fully in transmitting information on all aspects of developments in the Territory it administered and collaborating with the Committee on Information.

36. Her delegation considered that the statement made by the Spanish delegation at the 670th meeting should be accepted in all good faith. It did not associate itself with those members of the Committee who had expressed doubts in the matter.

37. With regard to the draft resolution under consideration, she was surprised at some of the fears that had been expressed by members of the Committee. She could not understand why the Secretary-General should be asked to indicate his plans concerning a resolution which had not yet been given final form and why he should not be able to make the study that had been asked for. The Secretariat was known to be competent and the Committee could rely on the Secretary-General's wisdom and judgement. The draft resolution was simple, it took into account the rights of all concerned and it was in accordance with the spirit of the Charter.

38. Mr. MERSINI (Albania) said that his delegation would support the draft resolution. It was convinced that the Secretary-General's report and the subsequent discussion would show clearly that the Administering Members were under an obligation to furnish the United Nations with the necessary information on their Non-Self-Governing Territories to enable it to judge whether they were fulfilling their mission. That was the purpose of Article 73 e. It was also apparent from that Article that the transmission of information was not a matter for the colonial Powers to decide upon as they saw fit: the General Assembly alone was competent to judge whether the transmission of such information should go on or should be discontinued.

39. At the 678th meeting the Albanian delegation had drawn attention to the fact that the Administering Mem-

bers were trying to evade their obligations by contriving new forms of colonial domination. For example, they would change the designation of a territory under their administration or the legal ties which connected it with the metropolitan country, but such subterfuges did not alter the situation and colonies remained colonies.

40. Turning to the case of Spain and Portugal, countries which everybody knew to be colonial Powers, he said that it was to be hoped that the Spanish Government, despite the delaying tactics which it had employed up to that time, would comply with its obligations by recognizing the facts and sending the United Nations the necessary information. In that respect, it was a matter for regret that some delegations, instead of being guided by the principles of the Charter, were actuated by individual interests or by their ties of friendship with certain colonial Powers.

41. The representative of Portugal had maintained that the Portuguese colonies were an integral part of the metropolitan territory. Such a claim was entirely unfounded; history showed that the territories administered by Portugal had been conquered like all other colonies.

42. The Albanian delegation thought that it was high time to put an end to a deplorable situation and that the General Assembly should take the necessary steps to compel the colonial Powers to fulfil the obligations imposed upon them by the Charter, particularly Article 73.

43. Miss DUNNE (United States of America) stated that her delegation would vote against the draft resolution.

44. The draft resolution was unnecessary, because the questions with which it dealt had already been thoroughly covered. After three years of exhaustive work, the Ad Hoc Committee on Factors (Non-Self-Governing Territories) had laid down some useful principles but it had been unable to find a clear definition of a population which was completely self-governing. Rather than go over that ground again, it would be better to leave it to each Government to apply the standards of the Charter according to each case. There were territories which had once been independent but which had lost that status and concerning which the United Nations no longer received information. There were aboriginal populations which, as the representative of Belgium had said, used to have some international protection under the Covenant of the League of Nations and which apparently no longer had the same protection under the Charter. There appeared to be certain islands in various parts of the world which were under the sovereignty of some of the sponsors of the draft resolution but were not included in the list of territories concerning which information was transmitted. It was interesting to hear the reasons given by the representative of India to explain why India did not transmit information on certain territories. It would probably be possible to make a case against the decisions taken by one or another Government.

45. Moreover, the draft resolution was misleading, because it seemed to deal primarily with Members who had replied to the Secretary-General's letter and not with those who had not replied. It attempted to settle the question of the competence to determine the status of a territory and it did so in a way which was unaccep-

table to the United States Government. The United States considered that the Assembly was competent to discuss those questions and to make recommendations concerning them. The sponsors of the draft resolution, on the other hand, seemed to hold that the General Assembly could go further and make decisions.

46. Lastly, the United States delegation did not think that the draft resolution could produce any positive results; there was even a danger that it might lead to altercations and countercharges. It had always thought that Chapter XI should be interpreted liberally and that it was better to trust to the common sense, conscience and good judgement of each of the Member States which had obligations under that Chapter.

47. Mr. DE MARCHENA (Dominican Republic) regretted that the Committee was introducing political factors, which completely distorted the subject, into the most delicate questions of Charter interpretation. Such points as the limitations of the declaration in Chapter XI, the concept of sovereignty, the application of constitutional law and its extension to the field of public international law, and the conflict between political and legal arguments were being brought into play. The Committee seemed to be embarking on an enterprise similar to that of drawing up the list of factors and to be raising problems of interpretation which would not only remain unsolved but would be detrimental to the co-operation that was necessary for the proper application of the provisions concerning the Non-Self-Governing Territories.

48. The delegation of the Dominican Republic considered that the principles embodied in Chapter XI represented a great step in the evolution of the international community, but it had always thought that the right of peoples to self-determination should be exercised by orderly, and not demagogic, procedure and that it was

necessary to recognize the constitutional rules on which the sovereignty of States was based.

49. The delegation of the Dominican Republic agreed with the authors of the draft resolution in thinking that it was advisable to study the concepts and interpretations arising from Chapter XI, since it was undeniable that differences of opinion had been accentuated during the past few years. It saw no need, however, for the study to include ideological criteria which would in no way help to eliminate ignorance, illiteracy, hunger, poverty and the other evils which were holding civilization back. It could not, therefore, support the draft resolution.

50. The authors of the draft resolution had not seen fit to retain the formula proposed by the Dominican Republic, which consisted in entrusting the study of the summary prepared by the Secretary-General to the body which was ordinarily competent to deal with Chapter XI, i.e., the Committee on Information from Non-Self-Governing Territories. The arguments they had advanced were not convincing. The establishment of a new committee, no matter how many members it might include, was a political mistake which ran counter to the purposes of the proposal. Instead of setting up the committee, it would surely be better to authorize the Secretary-General to transmit the summary in question to the Member States three months before the thirteenth session. It seemed unnecessary to complicate the situation by setting up a committee of six privileged members to act as specialists in the interpretation of Chapter XI.

51. The delegation of the Dominican Republic withdrew its amendment (A/C.4/L.505). It would abstain when the draft resolution was put to the vote and it reserved the right to adopt whatever position it considered proper at the plenary meeting.

The meeting rose at 12.55 p.m.