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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. PACHACHI (Iraq) recalled that since 1949, when the General Assembly had adopted its resolution 334 (IV), the question of factors had been discussed in detail by two *ad hoc* committees and by the Fourth Committee itself. His delegation had taken an active and, it hoped, a useful part in those discussions, which had led to the preparation of the list contained in the present report (A/2428) of the *Ad Hoc* Committee on Factors (Non-Self-Governing Territories).

2. He wished first to comment on some of the views expressed during the debate. Both in their replies to the Secretary-General and in the course of the discussions in the Fourth Committee and in the *Ad Hoc* Committee, the Administering Members had without exception categorically stated that they alone were competent to decide whether a territory had attained a full measure of self-government. His delegation strongly contested that claim, which was entirely incompatible with the spirit of the Charter and, in particular, with the provisions of Chapter XI, which proclaimed that the obligation to promote the well-being of the Non-Self-Governing Territories was a sacred trust assumed by the international community.

3. If the thesis of the colonial Powers, so dogmatically propounded by the Belgian delegation at the 322nd meeting, must be accepted, Chapter XI would be null and void, since the General Assembly would have to confine itself to confirming the decisions of the Administering Members without so much as discussing them. Chapter XI, however, was more than an assemblage of pious declarations; it was an important stage in man's progress towards one of his primary objectives: freedom for all peoples and all nations. According to the colonial Powers, the United Nations was empowered by Article 73 e to take cognizance only of the economic,

social and educational advancement of the Non-Self-Governing Territories. Those Powers appeared to forget that Chapter XI, and in particular Article 73 b, also dealt with the political advancement of the territories. Moreover, the General Assembly had declared on several occasions that it had the right to express its opinion on the principles governing the status of the Non-Self-Governing Territories.

4. The Committee should also reject outright the Belgian delegation's attempt to apply the provisions of Chapter XI to the inhabitants of certain sovereign States who did not enjoy complete self-government, since that would only complicate the question by introducing extraneous and illegal considerations.

5. With regard to the impossibility of finding a satisfactory definition of the concept of a full measure of self-government, his delegation was prepared to accept the *Ad Hoc* Committee's conclusions, since each individual case would have to be examined separately; but it remained convinced that the best criterion of complete self-government was total independence, both on the domestic and on the international plane.

6. The list of factors contained in document A/2428 was neither complete nor definitive; it should rather be regarded as a collection of guiding principles which would aid the General Assembly in taking decisions on the cessation of the transmission of information. His delegation accepted the present list of factors, which was only slightly different from the list provisionally adopted by the General Assembly at the preceding session (resolution 648 (VII)). The division of the list into three parts was both logical and practical. He hoped that the Committee would adopt that list, admirably drawn up by the *Ad Hoc* Committee in its final form, and transmit it to the Committee on Information from Non-Self-Governing Territories.

7. The differences of opinion which divided the colonial and the non-colonial Powers had been manifested once more in the Committee. The Committee would not, however, permit legal quibbles to divert it from its sacred trust: to help dependent peoples to reach complete self-government by peaceful means.

8. Mr. DOMINGUEZ (Cuba) recalled that his delegation, representing a country which had suffered greatly from colonialism, had constantly endeavoured both in the *Ad Hoc* Committee and in the Fourth Committee to bring the administering and the non-administering Powers closer together.

9. Although a satisfactory definition of the concept of a full measure of self-government could not be given, he stressed that it could not be claimed that a territory which was self-governing economically and socially but not yet politically had attained a full measure of self-government.

10. Referring to paragraph 15 of document A/2428, he said that the absence of any pressure or coercion on the population of a territory (point D) would not suffice to enable that population to decide the future des-

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

tiny of the territory (point A) unless the necessary measures were taken to ensure that the views of the population would be respected (point E); point E therefore appeared to be a cardinal point, since it supplemented the provisions of points A and D and made them capable of application. The Cuban delegation failed to understand why some delegations had felt obliged to make reservations with regard to point E.

11. The Cuban delegation had also, the better to defend the interests of populations of Non-Self-Governing Territories which aspired to complete independence, supported in the *Ad Hoc* Committee the Guatemalan proposal recognizing the freedom of the peoples of Non-Self-Governing Territories which had freely limited their sovereignty in favour of the metropolitan or any other country to change their status by democratic processes (A/2428, para. 21).

12. Contrary to the affirmations of some delegations, the interpretation and application of the obligations assumed by the Administering Members under Chapter XI of the Charter were not within the exclusive jurisdiction of those Powers; in other words, cessation of the transmission of information on any territory required a previous agreement within the international community, which was the United Nations, between the Administering Members and the other Member States. The provisions of Article 2, paragraph 7, of the Charter could not be invoked in the present case, since the fate of a Non-Self-Governing Territory did not depend solely on the country which administered it; colonialism was a doctrine of the past, and modern international law prescribed other principles for the administration of territories which were not yet self-governing. Consequently the United Nations as a whole, and not merely the Administering Members, should be guided by the list of factors in determining whether a territory had attained a full measure of self-government. In its reply to the Secretary-General in pursuance of resolution 567 (VI) (A/AC.58/Add.1), the Cuban Government had already indicated that while cessation of the transmission of information on a Non-Self-Governing Territory could, if necessary in given cases, be decided upon unilaterally by an Administering Member if its security so required, in no case could it be admitted that the transmission of such information should cease as a result of a purely unilateral decision taken for "constitutional considerations".

13. He could not define his delegation's position better than by citing the statement made in the general debate by the Cuban Minister for Foreign Affairs (441st plenary meeting), who had said that, while his country was determined to defend the right of peoples to self-determination, it would exercise great caution in that sphere in order to avoid any basic discord which might weaken the position of the free countries in relation to the totalitarian bloc.

14. The list of factors given in document A/2428 was satisfactory but might well be lengthened. The division into three parts was intelligent. The list was, of course, in no way final or binding, since each case of cessation of the transmission of information would be studied in the light of its particular circumstances. The Cuban delegation would welcome any proposal to supplement and improve the present list.

15. Mr. KUCHKAROV (Union of Soviet Socialist Republics) said that the question of factors had arisen because of the refusal of certain Administering Members—France, the United Kingdom, the United States and the Netherlands—to continue to furnish the infor-

mation they were required to transmit under Article 73 e of the Charter with regard to certain Non-Self-Governing Territories. The attitude of those States was contrary to the Charter and amounted to a refusal to carry out the obligations they had assumed under the Charter with regard to Non-Self-Governing Territories. At the fourth and subsequent sessions of the General Assembly many delegations had indicated that the unilateral decision taken by those States could not be accepted.

16. After reviewing the work that had led to the compilation of the list of factors which the General Assembly had examined at its seventh session (A/2178), the USSR representative stated that the list was a step forward towards the goal set by the General Assembly, but was still far from complete and should be improved.

17. The list now submitted to the Fourth Committee by the *Ad Hoc* Committee on Factors differed little from the one approved by the General Assembly at its seventh session. It contained serious gaps, particularly the lack of a definition of the concept of a full measure of self-government. He could not agree with the *Ad Hoc* Committee that the lack of a satisfactory definition raised no serious difficulty. Indeed, without a precise definition of a full measure of self-government it was very difficult to prepare a list of factors to determine whether a territory had attained that objective. In the view of the USSR delegation, Non-Self-Governing Territories would attain a full measure of self-government when they became independent sovereign States in which the legislative, executive and judiciary powers were exercised by the indigenous population. Until then the Administering Members were bound to transmit information under Article 73 e of the Charter. Those were the criteria for determining whether a territory had attained the goal of a full measure of self-government set by the Charter.

18. Examining the list of factors drawn up by the *Ad Hoc* Committee, he said that the USSR delegation accepted the first part in principle, subject to some clarification and addition. The second and third parts, however, it considered unacceptable, as they did not provide for the accession of the Non-Self-Governing Territories to the status of independent, sovereign States. Thus factor A.3 of the second part dealt with voluntary limitation of sovereignty, whereas it was clear that before speaking of the limitation of sovereignty it was necessary to grant sovereignty and independence to Non-Self-Governing Territories and provide for the right of the indigenous people of those territories to decide for themselves their own destiny. He noted that the second and third parts of the list contained factors which allowed for the control and interference of other States in the internal affairs of the territories.

19. He denied the claim of the Administering Members to exclusive competence in the matter. That attitude was contrary to the Charter and to the General Assembly's resolutions. He hoped that the factors which were being worked out by the General Assembly would constitute an obstacle to arbitrary refusal of the Administering Members to transmit the required information and would contribute to the fulfilment of the provisions of the Charter with regard to the peoples of Non-Self-Governing Territories.

20. Mr. TARZI (Afghanistan) recalled that from the outset the United Nations, true to the spirit of the Charter, had been deeply concerned with the future liberation of the Non-Self-Governing Territories and

with the factors indicating self-government. The question was certainly difficult, and until September 1952 the Afghanistan delegation had doubted whether a fair and sound solution could be achieved, since each Administering Member had taken a different view.

21. Although the 1952 *Ad Hoc Committee* had studied the list of factors drawn up by the General Assembly in accordance with resolution 567 (VI), it had at first seemed difficult, when the question was studied again at the seventh session, to find a body competent to determine whether the new list of factors was complete. It had then been decided that the list should simply be regarded as a guide to whether a territory had attained full self-government, and should serve no other purpose.

22. The factors that the two *ad hoc* committees had proposed to the General Assembly were indispensable for the study of social problems in the Non-Self-Governing Territories. If, however, they and the report of the 1953 *Ad Hoc Committee* were adopted, they might well be deemed contrary to the principle of the right of self-determination of peoples, a right on which the freedom of peoples and nations was essentially based. Though the proposed factors might serve as a guide, the decision whether a territory had attained freedom could not be based on them alone. In deciding that question, the opinion of the people concerned must be asked, and must be expressed under the auspices of the United Nations without interference by foreign interests.

23. Miss ROESAD (Indonesia) said that most representatives seemed to feel that the Fourth Committee could eventually adopt the proposed list of factors. Nevertheless, some delegations felt that the General Assembly was not competent to decide whether a territory was or was not a territory whose people had not yet attained a full measure of self-government. Indeed, the representative of France had stated at the preceding meeting that if the General Assembly decided that it alone was competent to settle that question, no Non-Self-Governing Territory would ever achieve independence. The Indonesian delegation failed to understand the grounds for that opinion. On the contrary, the General Assembly was competent to decide whether Chapter XI of the Charter was applicable to a given territory. There seemed to be no need to repeat the legal arguments on which that opinion was based; the representatives of Guatemala and Mexico had stated them very eloquently at the preceding meeting.

24. Paragraph 5 of General Assembly resolution 648 (VII) showed that the General Assembly was competent to rule on the cessation of the transmission of information under Article 73 e of the Charter. In the Indonesian delegation's view, the General Assembly ought to decide whether the cessation of the transmission of information was justified—in other words, whether the population of a Non-Self-Governing Territory was fully in charge of its own administration.

25. The *Ad Hoc Committee*, which the Indonesian delegation congratulated on its good work, had not seen fit to make, in its report, many changes in the list of factors which the General Assembly had provisionally approved in 1952. The Fourth Committee

therefore could recommend that the General Assembly adopt a resolution approving the existing list subject to the considerations contained in resolution 648 (VII), paragraph 2.

26. Furthermore, the principle set forth in paragraph 4 of that resolution should also be reaffirmed, especially as some governments held that the obligation to transmit information under Article 73 e ceased when the questions listed in that article were within a territory's own jurisdiction. There was an urgent need for the General Assembly to take a stand with regard to that contention; indeed, the Netherlands representative had emphasized it particularly in relation to the cessation of the transmission of information regarding the Netherlands Antilles and Surinam.

27. The declaration in resolution 648 (VII) on the whole question of factors should be reaffirmed.

28. The Indonesian delegation would support any proposal which would improve the suggested list of factors, and reserved its position on any future motion made in the Committee on that question.

29. Mr. L. S. BOKHARI (Pakistan) recalled that the Pakistan delegation had stated in the Committee at the seventh session (277th meeting) that the list of factors was a useful guide and that the case of each territory should be examined in the light of the particular circumstances. It had also stated that the United Nations took an abiding interest in the welfare and future of the Non-Self-Governing Territories, and that the transmission of information on those territories should not be discontinued without its consent. His delegation's attitude remained unchanged.

30. After a careful examination of the *Ad Hoc Committee's* report, his delegation agreed with the view expressed by the Indian representative (322nd meeting) that the Committee had not been able to add much to the list of factors approved by the General Assembly in 1952. Although the list could doubtless be improved, it was fairly complete and nothing would be gained by a new study. His delegation was prepared to accept the *Ad Hoc Committee's* report, reserving the right to speak on any proposal later submitted to the Fourth Committee.

31. Some delegations had made statements on the reduction in the number of territories on which reports were submitted to the United Nations. His delegation had nothing against the reduction, provided that the United Nations was certain that the territories in question had reached a degree of development at which supervision was no longer necessary.

32. Pakistan was impatiently waiting for the day when the General Assembly would no longer have to concern itself with the question because no territories would be administered any longer by a foreign Power. In a sense the Administering Members were on a black list: they had to account to the United Nations for certain of their actions in Non-Self-Governing Territories. They would surely be happy to see their names struck from that list. The Pakistan Government itself would be pleased to see the list grow shorter, but it maintained that the final decision rested with the United Nations, which he asked the Administering Members to trust.

The meeting rose at 4.10 p.m.