

ARTICLE 73

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TEXT OF ARTICLE 73

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:

a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;

b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;

c. to further international peace and security;

d. to promote constructive measures of development, to encourage research, and to cooperate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and

e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

INTRODUCTORY NOTE

1. By Article 73, the Members which have or assume responsibilities for the administration of Non-Self-Governing Territories recognize the principle that the interests of the inhabitants of the Territories are paramount, and accept a number of obligations concerning their political, economic, social and educational advancement. Under Article 73 e, these Members accept a specific responsibility with regard to the United Nations by undertaking to transmit regularly to the Secretary-General, subject to certain conditions, information relating to economic, social and educational conditions in the Territories for which they are respectively responsible other than the Territories to which Chapters XII and XIII of the Charter concerning the International Trusteeship System apply.

2. The obligation contained in Article 73 e has given rise to a number of questions relating to the scope of Chapter XI of the Charter as a whole. These fall under three headings:

- (a) The transmission of information;
 - (b) The examination of information;
 - (c) The determination of the Territories to which Chapter XI of the Charter applies.
3. The following questions have arisen in relation to the transmission of information:
- (a) Which were the Territories whose people in 1946 had not yet attained a full measure of self-government in the terms of the Declaration regarding Non-Self-Governing Territories, and, in concrete reference to the application of Article 73 e, on which Territories in the first instance should information be transmitted?
 - (b) What should be the interpretation of the term "regularly" contained in Article 73 e?
 - (c) What should be the nature of the information transmitted and in what form should it be transmitted?
 - (d) To what extent should other official information prepared by the Administering Members be used to supplement the information transmitted under Article 73 e (supplemental information)?
 - (e) To what extent and for what purpose may information of a comparative nature, originating from countries which are not Non-Self-Governing Territories, be used in the presentation of information under Article 73 e?
 - (f) To what extent, if any, should information of a political character on the governmental institutions of Non-Self-Governing Territories be transmitted to the United Nations?
4. The initial question ((a) above) was found to involve a number of questions of fundamental principle concerning the determination of the Territories to which Chapter XI of the Charter applies. Among these questions were those relating to the factors which should be taken into account in determining what is a Non-Self-Governing Territory in the terms of Chapter XI, and whether there were Territories which fell within the general principle of Chapter XI but to which the obligation to transmit information under Article 73 e did not apply. These questions have arisen, in particular, in relation to that of the circumstances in which the obligation to transmit information comes to an end, and have been most closely examined as a result of the cessation of the transmission of information in respect of certain Territories. These matters will be examined in section C of the Analytical Summary of Practice relating to the principles determining the Territories in respect of which Chapter XI of the Charter applies.
5. The second group of questions is that relating to the examination of information and has arisen in connexion with:
- (a) The treatment of information, involving the preparation of summaries of information on separate Territories, the analysis of information on Non-Self-Governing Territories in general, and special studies;
 - (b) The collaboration of the specialized agencies in the preparation of these studies, and other questions relating to the collaboration of United Nations Councils and of specialized agencies in the consideration of information on Non-Self-Governing Territories;

(c) The creation by the General Assembly of a special committee to assist it in the examination of information;

(d) The nature of the recommendations that may be made in respect of the Territories.

6. The questions relating to the determination of the Territories to which Chapter XI of the Charter applies have usually arisen in connexion with the consideration of the circumstances in which it is legitimate to cease transmitting information, and may be grouped as follows:

(a) The competence of the General Assembly in requesting information on constitutional change and in determining whether a Territory is or is not a Territory whose peoples have not yet attained a full measure of self-government;

(b) The supply and examination of information on constitutional change leading to the attainment of a full measure of self-government;

(c) The definition of a full measure of self-government;

(d) The factors to be taken into account in determining whether a Territory has attained a full measure of self-government;

(e) The existence of Territories which fall within the scope of Chapter XI but to which the obligation of Article 73 e does not apply;

(f) The procedures to be followed in the examination of cases of the cessation of the transmission of information under Article 73 e.

I. GENERAL SURVEY

7. The application and interpretation of Article 73 have been determined largely by decisions taken by the General Assembly in respect of the questions raised regarding the transmission of information under paragraph e of the Article, and the subsequent treatment and examination of this information. In some cases, the decisions are of an operative character in that they request action that can be undertaken by the Secretary-General, or they define the activities of subsidiary organs of the General Assembly created by virtue of Article 22 to assist the Assembly in the performance of its functions. Other decisions have taken the form of resolutions containing requests to the eight Members ^{1/} responsible for the administration of Territories on which information is transmitted. The effects of this last type of decision, which have been of great importance in the evolution of Chapter XI, are not fully shown in the present study, which does not deal with the action taken thereon by the Members concerned.

8. Paragraph e has been central in the practice of the General Assembly under Article 73. The other paragraphs proclaim principles of political, economic and social advancement, but paragraph e, providing for the addressing of information to the United Nations, has been the instrument by which organs of the United Nations have brought the other paragraphs of the Article before them for consideration.

^{1/} These eight Members were: Australia, Belgium, Denmark, France, Netherlands, New Zealand, United Kingdom, United States. In November 1954, however, following the adoption of General Assembly resolution 849 (IX), Denmark ceased to transmit information. See paras. 289 and 290 below.

9. Article 73 e specifies that this information is to be transmitted to the Secretary-General; it does not explicitly provide for any action by the General Assembly. At an early stage, however, the General Assembly, by resolution 9 (I), requested the Secretary-General to include in his annual report a statement summarizing such information as may have been transmitted to him by Members of the United Nations under Article 73 e. By this action of asserting an interest in the information on Non-Self-Governing Territories, the General Assembly made the transmission and subsequent examination of information a matter to be resolved between the General Assembly and the Administering Members.

10. Following the decision of the General Assembly just mentioned, others were taken requiring the particular assistance of the Administering Members, and charging the Secretary-General with a number of duties in relation to the collection and treatment of information. The practice of the Secretary-General in performing these functions, while authorized and defined by General Assembly decisions, has been determined in a number of details by the manner in which the Administering Members have acted upon the basic decisions, and by the nature of subsequent decisions emerging in consequence of situations that have so evolved.

11. As regards the transmission of information, the Members responsible for the administration of Non-Self-Governing Territories have been invited to send to the Secretary-General the most recent information at their disposal. As described below, ^{2/} the data desired are set forth in a Standard Form. While the transmission of information under Article 73 e constitutes an obligation of the Members concerned, they are not bound by the Standard Form. It is an invitation within the terms of which a number of points are left to the discretion of the Members concerned. As a result, the practical situation is not that information is compiled as indicated in the questionnaire annexed to the relevant resolution, but that the information offered takes account, to widely varying degrees, of the outline suggested by the General Assembly in adopting and amending the "Standard Form for the guidance of Members in the preparation of information to be transmitted under Article 73 e of the Charter".

12. In addition to the information so transmitted, the Administering Members, following an invitation of the General Assembly recorded below, ^{3/} have placed at the disposal of the Secretary-General a number of official publications containing further information on economic, social and educational conditions in the Non-Self-Governing Territories. This supplemental information varies substantially according to decisions taken by the Administering Member concerned. The authority granted to the Secretary-General for the use of such supplemental information also varies widely.

13. Similar considerations affect the decisions taken relating to the examination of information. The general framework for this examination is provided by

^{2/} See paras. 34-52 below.

^{3/} See paras. 53-55 below.

decisions ^{4/} of the General Assembly inviting the Secretary-General to summarize and analyse the information transmitted, or approving special studies on economic, social or educational conditions in Non-Self-Governing Territories. General authority for this work is provided in this way, and provision for collaboration with the specialized agencies is embodied in the agreements between the United Nations and specialized agencies as well as in certain General Assembly resolutions. The actual studies, however, and the concrete recommendations contained in them have developed through the responsibilities entrusted to the Secretary-General. This point is illustrated by the argument sometimes invoked against the work of the Committee on Information from Non-Self-Governing Territories to the effect that its work can be adequately performed by the Secretary-General without reference to, or discussion in, the Committee. ^{5/}

14. The main lines of the manner of examination of the information on Non-Self-Governing Territories were indicated by General Assembly resolution 333 (IV). Under this resolution, the General Assembly stated that the value of the work of the Committee on Information would be enhanced if, without prejudice to the annual consideration of all the functional fields enumerated in Article 73 e, special attention were given to one field each year. As a result, a work programme was established providing for a three-year cycle during which special attention was to be given in turn to problems of education, to economic conditions and to social conditions in the Non-Self-Governing Territories. In these cases, no more than general approval has been given by the General Assembly to the broad outline of the annual programmes of study. The programmes have been discussed in the Committee on Information itself, but the details have been left to the Secretary-General, and it has been left to him to secure the help of the specialized agencies in the most appropriate manner. The practice was established, in the main, following a discussion in the Committee on Information in 1951 on its programme for the succeeding session. Working papers were placed before the Committee indicating the lines of study for 1952. After discussion, however, no decisions were taken on these papers and it was agreed, instead, that the

^{4/} In 1946, the General Assembly appointed a committee to examine certain questions connected with the operation of Article 73 e. In 1947, it appointed a second committee, and in 1948, a third. These committees were established on an annual basis and met, respectively, in 1947, 1948, and 1949. In 1949, the General Assembly appointed a committee on a three-year basis which was renewed for a further three-year term in 1952. This committee was set up under the title "Special Committee on Information transmitted under Article 73 e of the Charter" which was the same title as that of the committees established in 1948 and 1949. However, in 1951 this title was changed to "Committee on Information from Non-Self-Governing Territories", and this Committee as established in 1949 will be referred to as such in this study save in respect of bibliographical references and quotations.

The committees have thus been the following:

1. The Ad Hoc Committee on the Transmission of Information under Article 73 e of the Charter; appointed in 1946 (G A resolution 66 (I)); met in 1947.
2. The Special Committee on Information transmitted under Article 73 e of the Charter; appointed in 1947 (G A resolution 146 (II)); met in 1948.
3. The Special Committee on Information transmitted under Article 73 e of the Charter; appointed in 1948 (G A resolution 219 (III)); met in 1949.
4. The Committee on Information from Non-Self-Governing Territories; appointed in 1949 (G A resolution 332 (IV)); renewed in 1952 (G A resolution 646 (VII)); met in 1950, 1951, 1952, 1953, 1954; its term of office comes up for renewal in 1955.

^{5/} G A (VII), 4th Com., 264th mtg., and A/AC.35/ER.67.

Secretariat should be left to draw up a provisional agenda for the next session of the Committee, taking into account all the discussions that had taken place on the subject. 6/

15. The decisions that have to be recorded in respect of the transmission and examination of technical information on Non-Self-Governing Territories thus need to be read with close attention to the practices that have been established through the Secretary-General. On the other hand, in respect of problems relating to the constitutional character of the obligations contained in Article 73 e, the General Assembly has defined its attitude in detailed resolutions 7/ over a period of years. In reaching decisions on the question of the factors to be taken into account in deciding whether a Territory was or was not Non-Self-Governing, the General Assembly entrusted the resulting problems in turn to four different subordinate organs, apart from engaging in general discussions in the Fourth Committee. The question was first considered by the Committee on Information from Non-Self-Governing Territories in 1951. 8/ It was then considered by a sub-committee of the Fourth Committee, also in 1951. By decision 9/ of the General Assembly, an ad hoc committee examined the matter again in 1952. A second ad hoc committee was constituted 10/ for this purpose and met in 1953. Following these studies and the consequent reports, 11/ the General Assembly in 1953 adopted resolution 742 (VIII), under which it set forth in considerable detail its conclusions as to the factors to be taken into account in determining the geographical scope of the application of Chapter XI of the Charter.

16. The concrete application of the general principles thus resulting has so far related to cases in which Administering Members have notified the United Nations that they would cease to transmit information on certain Territories which had attained a full measure of self-government, or which had been integrated on equal terms in the metropolitan country, or in other ways had ceased to come under the provisions of Article 73. The procedures adopted by the General Assembly, notably in considering the cessation of information in respect of Puerto Rico in 1953, and of Greenland in 1954, raised a large number of basic questions of procedure. As a result, in 1954 the General Assembly adopted a further resolution 12/ with a view to perfecting the methods and procedures to be followed in such cases.

17. In summary, the General Assembly has laid down a number of principles providing for the transmission of information and the examination of this information, and for defining the Territories to which the Article applies, but the matters to be given detailed consideration in the information received and the practices connected with the communication and study of this information have developed, under Charter and General Assembly authority, through action taken by the Secretary-General, and, in general, through collaboration between the United Nations, which receives information under Article 73 e on economic, social and educational conditions, and the specialized agencies, which have particular competences and responsibilities in many of the fields to which this information applies.

6/ A/AC.35/SR.50.

7/ Cf. in particular G A resolutions 222 (III), 334 (IV), 448 (V), 567 (VI), 648 (VII) and 742 (VIII).

8/ G A (VI), Suppl. No. 14, (A/1836), paras. 49-59.

9/ G A resolution 567 (VI).

10/ G A resolution 648 (VII).

11/ G A (VI), Suppl. No. 14 (A/1836), part IV; G A (VII), Annexes, a.1. 36, A/2178, and G A (VIII), Annexes, a.1. 33, A/2428.

12/ G A resolution 850 (IX).

18. A basic task in the development of procedures has been the avoidance, on the one hand, of mere routine receipt and filing of information to be given academic consideration and, on the other hand, of the recommendation of programmes of advancement recognizing little or no relation between the problems of Non-Self-Governing Territories and the problems existing in countries with similar natural economic and social conditions.

19. In the decisions taken, practical results have largely emerged where the objective sought has been to secure means by which, while respecting the constitutional limitation of Chapter XI to the Non-Self-Governing Territories, the programmes of the Administering Members and the discussions in the United Nations have been considered part of the general programmes of regional or world advancement. ^{13/} In this way, Article 73 e has established a procedural channel through which information on the peoples of Non-Self-Governing Territories passes from the Administering Members concerned to the appropriate United Nations bodies qualified to discuss this information. The machinery of the United Nations has gradually been adjusted to this objective. The General Assembly, in particular, has consistently emphasized the value of the co-operation of the specialized agencies in contributing towards the fulfilment of the principles contained in Chapter XI. It has also directed the attention of the Economic and Social Council to the problems of the Non-Self-Governing Territories, while the Council itself has included the Territories in a number of its studies and in the discussions on these studies in the light of the principles of Article 55.

20. The Charter basis for this development, apart from Article 73 e, is principally provided by Article 73 d and Article 74. Article 73 d calls for co-operation among the Members responsible for the administration of Non-Self-Governing Territories and between these Members, when and where appropriate, and specialized international bodies, with a view to the practical achievement of the social, economic and scientific purposes set forth in Article 73. By Article 74, the Members of the United Nations agree that their policy in respect of the Territories to which Chapter XI applies, no less than in respect of their metropolitan areas, must be based on the general principle of good-neighbourliness. Accordingly, in establishing detailed procedures under Article 73 for the Territories to which Chapter XI of the Charter applies, these procedures have been made flexible to permit increasing consideration of the information from Non-Self-Governing Territories as part of general programmes applicable to all countries as laid down in the Charter and in the constitutions of the specialized agencies.

II. ANALYTICAL SUMMARY OF PRACTICE

A. The transmission of information

1. *The initial enumeration of the Territories with respect to which information is transmitted*

21. The General Assembly, by resolution 9 (I), invited the Secretary-General to include in his annual report on the work of the Organization a statement summarizing the information transmitted to him by Members of the United Nations under Article 73 e. In order to obtain the necessary information, the Secretary-General addressed a letter ^{14/} to all Members of the United Nations on 29 June 1946 concerning the various

^{13/} The terms of reference of the Committee on Information from Non-Self-Governing Territories refer to "the spirit of paragraphs 3 and 4 of Article 1 and of Article 55 of the Charter."

^{14/} A/74.

immediate questions arising out of Article 73 e. In particular, he invited the Members to give their opinion on the factors to be taken into account in determining which were the Non-Self-Governing Territories referred to in Chapter XI of the Charter, and requested that they enumerate the particular Non-Self-Governing Territories under their jurisdiction.

22. In their replies, 15/ some Members suggested a definition or criteria for a definition of the term "Non-Self-Governing Territory". Other Members expressed the opinion that it would be difficult to arrive at a definition applicable in all circumstances. Another contention advanced by some Members was that the determination of the Territories to which any definition would apply was a matter for the national competence of the State entrusted with the administration of the Territories. On the other hand, as regards the enumeration of Non-Self-Governing Territories, which had been requested in the letter of the Secretary-General, several Members were able to indicate in respect of which Territories they intended to transmit information, and information concerning a number of Territories was so transmitted by the time of the meeting of the second part of the first session of the General Assembly.

23. At this part of the first session. Sub-Committee 2 of the Fourth Committee discussed the question of defining the term "Non-Self-Governing Territory". Various texts 16/ were suggested, but, certain Members having deprecated any attempt at a formal definition, the Sub-Committee merely enumerated the Territories in respect of which the Members with the responsibility for their administration had transmitted information or had indicated an intention of so doing.

Decision

Sub-Committee 2 of the Fourth Committee agreed to note the list of Territories to which Chapter XI applied, but not to attempt a definition of the term non-self-governing peoples for the time being. 17/ Subsequently, the General Assembly, by resolution 66 (I), noted the following seventy-four Territories:

<u>Administering Members</u>	<u>Territories</u>
Australia	Papua
Belgium	Belgian Congo
Denmark	Greenland
France	French Equatorial Africa, French Establishments in India, French Establishments in Oceania, French Guiana, French Somaliland, French West Africa, Guadeloupe and Dependencies, Indochina, Madagascar and Dependencies, Martinique, Morocco, New Caledonia and Dependencies, New Hebrides under Anglo-French Condominium, Réunion, Saint-Pierre et Miquelon, Tunisia
Netherlands	Curaço, Surinam, Netherlands Indies

15/ A/74, annexes I-VIII and A/74/Add.1 and Add.2.

16/ G A (I/2), 4th Com., part III, 2nd mtg., pp. 8 and 9.

17/ Ibid., p. 9.

<u>Administering Members</u>	<u>Territories</u>
New Zealand	Cook Islands, Tokelau Islands
United Kingdom	Aden (Colony and Protectorate), Bahamas, Barbados, Basutoland, Bechuanaland Protectorate, Bermuda, British Guiana, British Honduras, British Somaliland Protectorate, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gold Coast (Colony and Protectorate), Grenada, Hong Kong, Jamaica, Kenya (Colony and Protectorate), Leeward Islands, Malayan Union, Malta, Mauritius, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Helena and Dependencies, St. Lucia, St. Vincent, Sarawak, Seychelles, Sierra Leone, Singapore, Swaziland, Trinidad and Tobago, Uganda Protectorate, Zanzibar Protectorate, High Commission Territories of the Western Pacific (Gilbert and Ellice Islands Colony, British Solomon Islands Protectorate, Pitcairn Island)
United States	Alaska, American Samoa, Guam, Hawaii, Panama Canal Zone, Puerto Rico, Virgin Islands

24. By resolution 66 (I), the Assembly noted certain statements accompanying the enumeration of Territories. The communication from the Government of France transmitted information concerning conditions in the French Territories without prejudice to their future status. The inclusion of the Cook Islands by New Zealand was stated to be without prejudice to any interpretation of the expression "Non-Self-Governing Territories". 18/

25. In connexion with the study of the factors to be taken into account in deciding whether a Territory was or was not a Territory whose peoples had not yet attained a full measure of self-government, a number of Governments expressed opinions on the possibility of defining a concept of a full measure of self-government for the purposes of Chapter XI of the Charter. The action taken by the General Assembly, however, was to enumerate a list of factors, the nature of which will be dealt with below. 19/ Accordingly, the provisional decision reached in 1946 not to attempt a definition has been maintained.

26. The procedures adopted by the General Assembly for the consideration of withdrawals from the above list are treated below. 20/ There have been no additions to the list. Certain minor changes have taken place as a result of modifications in the administration of some of the Territories. The Government of France transmits information on the Comoro Islands which, in the 1946 list, were included under Madagascar and Dependencies. The Malayan Union, enumerated in the 1946 resolution, has since become the Federation of Malaya. Lastly, the cessation of information in respect of Indonesia has been followed by the transmission by the Government of the Netherlands of information on West New Guinea.

18/ A/74.

19/ See paras. 262-264 below.

20/ See paras. 278-290 below.

2. *The meaning of the word "regularly" in relation to the transmission of information under Article 73 e*

27. The problem of the timing of the transmission of information was raised originally in the letter 21/ of the Secretary-General of 29 June 1946. The answers on this point indicated that the information should be furnished "annually".

28. At the second part of the first session of the General Assembly, in Sub-Committee 2 of the Fourth Committee, the discussion indicated that the transmission should be annual, that the information should reach the Secretary-General at a sufficiently early date before the opening of the General Assembly, and that the data should be as recent as possible. 22/ Generally, it was felt that account had to be taken of the fact that reports were compiled at different times in the year. While the date of submission was not to be regarded as rigid, the Sub-Committee proposed that Members should submit by 30 June of each year the most recent information available. No definite period of time to be covered by such information was fixed. The Fourth Committee concurred.

Decision

The General Assembly, by resolution 66 (I), invited the Members transmitting information to send to the Secretary-General by 30 June of each year the most recent information at their disposal.

29. The differing practices in various Territories, where the year for which reports and statistics are compiled may be the calendar year or twelve months ending 31 March or 30 June, made the single date suggested under resolution 66 (I) inconvenient in certain cases.

30. The matter was taken up in 1948 by the Special Committee on Information transmitted under Article 73 e of the Charter in connexion with general questions relating to the transmission of information. A drafting sub-committee with wide terms of reference was appointed. A number of suggestions to provide greater elasticity in the transmission of information and to permit more time for its consideration were studied. These suggestions, however, maintained the annual transmission and introduced a flexible time-limit of six months following the expiration of the administrative year in the Territory concerned. 23/ The Special Committee agreed, and the General Assembly accepted the suggestion as paragraph 1 of resolution 218 (III):

Decision

The General Assembly, by resolution 218 (III), invited the Members transmitting information under Article 73 e to send to the Secretary-General the most recent information at their disposal, as early as possible and at the latest within a maximum period of six months following the expiration of the administrative year in the Non-Self-Governing Territories concerned.

31. During the examination of the question of the revision of the Standard Form in 1951, a communication 24/ was received from the United Kingdom suggesting that, whereas in respect of the larger Territories the arrangements set forth under General Assembly

21/ A/74.

22/ G A (I/2), 4th Com., part 1, annex 21 (A/C.4/68), pp. 280 and 281.

23/ G A (III), Suppl. No. 12 (A/593), appendix B.

24/ A/AC.35/SC.1/L.4.

resolution 218 (III) should continue to apply, in the case of other Territories the transmission of information should be effected every third year. The communication suggested that the Secretary-General be empowered to include official information relevant to the intervening years, but that there would be no formal transmission of information in accordance with the Standard Form. In support of this suggestion, it was pointed out 25/ in the Committee on Information from Non-Self-Governing Territories that in a number of Non-Self-Governing Territories with competent but small administrative services the objective was to carry out the essential functions of government at a minimum cost to the Territories; the administrative officers, being fully occupied with the day-to-day work of administration, had no reserves for tackling the work of providing detailed information on economic, social and educational conditions. While representatives of other Administering Members in the Committee expressed sympathy with the suggestion made by the United Kingdom, there were objections from some Members on the grounds that the Committee was not competent to pronounce on these suggestions and that the receipt of annual information filled a very real need. In the light of this discussion, the suggestions were not formulated in precise proposals.

32. At the same time, action was taken to simplify the existing procedure by means of new instructions given in a revised Standard Form proposed by the Committee and later adopted by the General Assembly as Section B of the Explanatory Preface. In Section B it was suggested that (1) where the points covered related to invariable conditions, they need be given only once; (2) information relating to long-term government policies and administrative organization need normally be provided only once every three years; and (3) information on changing conditions, such as was provided by statistics, should be given in all detail every year.

33. The Fourth Committee and the General Assembly approved the Standard Form including the provisions in it on the spacing of the transmission of information prepared by the Special Committee. 26/

Decision

The Standard Form, as revised in 1951 and approved by General Assembly resolution 551 (VI), provided that (1) information on invariable conditions need not be repeated, (2) information on long-term government policies and administrative organization need normally be provided only once every three years, but that (3) relevant statistics should be supplied "in all detail" every year.

25/ For texts of relevant statements, see A/AC.35/SR.38 and 39.

26/ The work of the Administering Authorities in preparing the information to be transmitted concerning certain Territories was further simplified as set forth below. For some time, it has been a very general practice for the governments of the Territories to prepare annual reports for submission to the metropolitan authorities; these reports cover some of the points embodied in the Standard Form. A recent tendency, however, has been to communicate, as a transmission under Article 73 e, the annual reports prepared for the metropolitan authorities, but to modify these reports so as to cover the points contained in the Standard Form. In particular, this practice has been followed by Australia and New Zealand in respect of the Territories under their administration, namely Papua, the Cook Islands and the Tokelau Islands.

3. Nature and form of the information to be transmitted

34. The question of the nature of the information to be supplied and the form in which it should be transmitted were other points raised in the letter 27/ of the Secretary-General of 29 June 1946.

35. The replies received, and in certain cases the specific information transmitted, indicated in general terms that the Administering Members proposed to supply statistical and other information of a technical nature relating to social, economic, and educational conditions. At the second part of the first session of the General Assembly, the question of the extent to which, in addition, the United Nations would be interested in information relating to the political advancement of the Non-Self-Governing Territories was raised.

36. On the one hand, 28/ it was thought that the nature of the information to be transmitted was governed by the wording of Article 73 e, which stated that it should relate to economic, social and educational conditions. Accordingly, the following would be covered: area, population and vital statistics; occupations, wages and labour organizations; finance and trade; production; social services; and communications. On the other hand, it was thought that information should be supplied on all conditions covered by Article 73, including those relating to political advancement mentioned in paragraphs a and b of the Article. It was, therefore, felt that the information should cover the following topics: economic development, in particular agricultural development; the political situation, and the measures taken to assist the population to reach a higher stage of development and to achieve independence; the level of employment and the methods used to raise the standards of living; education, schools, the fight against illiteracy; public health, sanitation and medical services.

37. No decisions on this point were recommended to the General Assembly, which, however, by resolution 66 (I), appointed an Ad Hoc Committee on the Transmission of Information under Article 73 e of the Charter with a view to making recommendations regarding the procedures to be followed in the future. 29/

38. This Ad Hoc Committee of 1947, having examined the summaries and analyses of information prepared by the Secretary-General, expressed the opinion 30/ that the information received did not give a sufficiently clear picture of the conditions of life of the peoples of the Non-Self-Governing Territories. This led to the question of the directives that might be given for the guidance of Members in the preparation of information to be transmitted. 31/ For this purpose the United States Government, with a view to making the information transmitted under Article 73 e more susceptible of useful comparison, suggested that the Ad Hoc Committee should draw up a brief outline which the transmitting nations might follow, if they so wished, in preparing such information. The Ad Hoc Committee considered the outline suggested by the United States 32/ and commentaries on this outline presented by a number of representatives on the Committee, as well as by representatives of the International Labour Organisation

27/ A/74.

28/ For texts of relevant statements see G A (I/2), 4th Com., part III, 2nd mtg., pp. 12 and 13.

29/ See paras. 139-144 below.

30/ G A (II), 4th Com., annex 4 a (A/385), section IV, p. 206.

31/ For discussion, see A/AC.9/SR.3-5 and A/AC.9/SR.12 and 14.

32/ A/AC.9/W.10.

(ILO), ^{33/} the Food and Agriculture Organization of the United Nations (FAO), ^{34/} the United Nations Educational, Scientific and Cultural Organization (UNESCO), ^{35/} and the World Health Organization (WHO). ^{36/} As a result, the Ad Hoc Committee adopted unanimously a Standard Form for the guidance of Members in the preparation of information to be transmitted under Article 73 e of the Charter in the hope that this Form would be followed to the fullest extent in the preparation of information in the future. ^{37/}

39. The discussions on the adoption of the Standard Form, both in the Ad Hoc Committee and in the Fourth Committee of the General Assembly in 1947, were directed largely to a consideration of the inclusion in the Standard Form of a request for information on political conditions, and to the extent to which the General Assembly might request that such information should be submitted by the Administering Member concerned. This particular question is further examined below. ^{38/} Certain questions of detail relevant to this main question came to the fore in the general examination of the Standard Form in the Fourth Committee of the General Assembly. In particular, proposals ^{39/} were adopted in the Fourth Committee which provided that the information transmitted should be so classified as to show whether in law or administrative practice there was any discrimination based on race, colour or religion, while a passage was included inviting attention to the extent of participation of indigenous and non-indigenous inhabitants in the administrative and judicial services of the Government and in legislative and advisory bodies.

40. The Standard Form for the guidance of Members in the preparation of information to be transmitted under Article 73 e of the Charter was adopted by the Fourth Committee; it was eventually adopted by the General Assembly and became part of resolution 142 (II). As indicated under the resolution, the Standard Form was presented to the Members by way of invitation, and the terms of the invitation indicated that the general information on conditions in the Non-Self-Governing Territories and on their government, which the Standard Form suggested would be advisable, was a matter to which the attention of the Administering Members was directed.

Decision

The General Assembly, by resolution 142 (II), recommended that the Members transmitting information under Article 73 e of the Charter be invited to undertake all necessary steps to render the information as complete and up to date as possible, in order to facilitate the completion of the Secretary-General's summaries and analyses of the information as described in paragraph 2, and, for this purpose, to ensure that the items mentioned in sections II, III and IV of the Standard Form were covered in so far as they applied to the Territories concerned.

41. The procedures followed in the transmission of information and the experience in the use of the Standard Form were reviewed the next year by the 1948 Special Committee on Information transmitted under Article 73 e. The Committee suggested changes in the procedures of transmission which would also affect the form in which the information was

^{33/} A/AC.9/W.27.

^{34/} A/AC.9/W.28.

^{35/} A/AC.9/W.29.

^{36/} A/AC.9/W.30.

^{37/} G A (II), 4th Com., annex 4 a (A/385), section IV, pp. 206 and 207.

^{38/} See paras. 65-75 below.

^{39/} G A (II), 4th Com., p. 216, annex 4 f (A/C.4/109).

supplied. In particular, suggestions for avoiding the compilation and repetition of data previously furnished were considered. 40/

42. Following the report of the 1948 Special Committee and the recommendations of the Fourth Committee, the General Assembly adopted resolution 218 (III), by which it took account of the system proposed by the Special Committee for the Transmission of information.

Decision

The General Assembly, by paragraph 2 of resolution 218 (III), recommended that the Members, in transmitting information on the basis of the Standard Form, should notify such changes in statistics and such other appreciable changes, including the progress achieved in accordance with development programmes, as had occurred in the previous year and as affected the matters covered by Article 73 e of the Charter, bearing in mind that information already furnished on a previous occasion need not be repeated but that reference might be made to the appropriate sources.

43. Apart from the question of the inclusion of political information, it had been noted in the 1948 Special Committee that not all Members transmitting information had provided data under the optional category, which, in addition to "government" included items of a non-political nature, such as geography, history, people and human rights. The two opposing views 41/ were, on the one hand, that information should be submitted on the whole of the optional category, and, on the other hand, that the transmission of information on subjects other than those mentioned in Article 73 e was not required. The Committee was of the opinion that the transmission of information on items listed in the optional section other than "government" could be requested. 42/ This view, as laid down in a draft resolution, 43/ was accepted by the General Assembly.

Decision

The General Assembly, by paragraph 6 of resolution 218 (III), decided that the Standard Form for the guidance of Members in the preparation of information should be retained for the coming year, but that the Secretary-General, in communicating this Form to the Members concerned, should inform them of the comments made in the Special Committee in connexion with the contents of the Form and the information received; and should invite the Members concerned, which had not hitherto provided the general information forming the optional category of the Standard Form, nevertheless to supply such information in relation to the geography, history, people of, and human rights in, the Territories concerned.

44. The discussion on the inclusion of this optional type of information was reopened in 1949. Most of the Administering Members had complied with the invitation contained in sub-paragraph 6 (c) of resolution 218 (III) and had supplied information on questions of geography, history, people and human rights. In the fourth Committee at the fourth session of the General Assembly, a proposal 44/ was made recommending that when the Standard Form was revised, general information on geography, history, people, and human

40/ G A (III), Suppl. No. 12 (A/593), p. 9 and p. 12, appendix B.

41/ For texts of relevant statements, see A/AC.17/SR.3 and Corr.1, and A/AC.17/SR.4.

42/ G A (III), Suppl. No. 12 (A/593), p. 10.

43/ Ibid., p. 16, appendix C, draft resolution I.

44/ G A (IV), Plen., Annex, pp. 111-113. See also A/C.4/L.2.

rights should cease to be classified as optional. This proposal was accepted and subsequently became paragraph 1 of resolution 327 (IV).

Decision

The General Assembly, by resolution 327 (IV), recommended that, when the revision of the Standard Form was undertaken, general information on geography, history, people and human rights should cease to be classified under the optional category of that Form.

45. The question of the revision of the Standard Form had already been raised at the third session of the Assembly in 1948, and the specialized agencies were invited, by resolution 221 (III), to examine the sections with which they were specially concerned with a view to a revision of the Form. ^{45/} For various reasons of convenience, the project was not undertaken until 1951, when a sub-committee appointed by the 1950 Special Committee on Information transmitted under Article 73 e met for that purpose. ^{46/}

46. On the basis of a text ^{47/} prepared by the Secretariat in consultation with the specialized agencies, the Sub-Committee, which convened immediately prior to the meeting of the 1951 Special Committee, approved a revised Standard Form which, subject to minor amendments, was later approved ^{48/} by the Special Committee and incorporated by the General Assembly in resolution 551 (VI). ^{49/}

47. The revised Standard Form requested the transmission of information concerning Non-Self-Governing Territories under the following main headings:

Part I. GENERAL INFORMATION

- A. Geography
- B. History
- C. People
- D. Government (optional category)

Part II. ECONOMIC CONDITIONS

- A. General
- B. Agriculture and Livestock
- C. Forestry
- D. Fisheries
- E. Mining and Mineral Oils
- F. Power
- G. Industry
- H. Transport and Communications
- I. Public Finance
- J. Banking and Credit
- K. International Trade

Part III. SOCIAL CONDITIONS

- A. General
- B. Human Rights

^{45/} See paras. 121-123 below.

^{46/} G A (V), Suppl. No. 17 (A/1303/Rev.1), part one, p. 10, para. 88.

^{47/} A/AC.35/SC.1/L.2.

^{48/} G A (VI), Suppl. No. 14 (A/1836), p. 10, part two.

^{49/} See para. 50 below.

- C. Status of Women
- D. Labour and Employment Conditions
- E. Co-operative Societies
- F. Standard of Living
- G. Town and Rural Planning and Housing
- H. Social Security and Welfare
- I. Prevention of Crime and Treatment of Offenders
- J. Public Health

Part IV. EDUCATIONAL CONDITIONS

- A. General
- B. Educational Administration
- C. Structure of the Educational System
- D. Adult Education
- E. School Buildings and Equipment
- F. Youth Organizations
- G. Cultural Institutions
- H. Protection of Nature: Flora and Fauna
- I. Information on Educational Development
- J. Mass Communications

Part V. ANY PICTORIAL MATERIAL

48. As indicated above, the Standard Form was prepared for the guidance of Members and was not intended to be a rigid questionnaire. Moreover, it aimed at covering the needs of Territories very different in size, development and administrative resources. Accordingly, measures were taken in the revision of the Standard Form to permit the furnishing of information of a simple or complex character according to particular circumstances. As the above list shows, the headings in the part relating to territorial information cover the main aspects of conditions and administration in the Territories. Appendices were added to the Standard Form suggesting, in the case of some types of statistics, a manner of presentation permitting comparisons. It was, however, pointed out in the Explanatory Preface of the revised Standard Form that this presentation was put forward to enable those Territories which deemed it practicable to follow the pattern suggested, but that other Territories were to consider themselves free to provide the information as dictated by their existing resources or practices. A third possibility was also foreseen; in cases where, under the provisions of any general convention, information coinciding with the information requested in the Standard Form was transmitted to a central international agency, the transmission of a copy of such information to the Secretary-General was to be regarded as acceptable in discharge of the obligation in respect of that subject under Article 73 e.

49. A further innovation in the revised Standard Form was the provision of a section requesting information applicable to Non-Self-Governing Territories in general. It had been suggested ^{50/} that the Committee on Information should receive papers showing the general trends in respect of economic, social and educational advancement in the Non-Self-Governing Territories. The Secretariat indicated that the preparation of such a statement would be greatly facilitated if information of this nature could be supplied by the Administering Members concerned, and that without such information a statement by the Secretariat might be open to misinterpretations. Accordingly, the revised Standard Form included a section which, in order to permit the Committee to review the progress achieved in the Non-Self-Governing Territories in the fields covered by

^{50/} A/AC.35/SC.1/L.7, p. 2.

Article 73 e, invited the Members to provide a survey of the principles and practical measures showing general trends in the Territories concerned. Section C of the Explanatory Preface of the Standard Form, as revised in 1951, cited the following points as examples:

- "(a) Advancement in the economic, social and educational fields, including the participation of the inhabitants in the common examination of problems in those fields;
- "(b) Participation of the Territories in regional and functional commissions of the Economic and Social Council, in organs of the specialized agencies, and in regional commissions or conferences, including research organizations;
- "(c) Use of technical assistance of the United Nations and the specialized agencies or from other international sources, including the manner in which such technical assistance has been integrated into long-range development programmes in the Territories;
- "(d) Action for the adoption, ratification or implementation of international agreements of particular concern to the Territories."

50. In approving the revised Standard Form, the General Assembly considered that the information transmitted by the Administering Members was of increasing interest to the General Assembly, and that information compiled on the basis of the existing Standard Form was becoming of increased value. It nevertheless considered that the Standard Form required adaptation in the light of experience.

Decision

The General Assembly, by resolution 551 (VI), decided that the Standard Form annexed to resolution 144 (II) should be replaced by the text annexed to resolution 551 (VI), and invited the Members responsible for the transmission of information to undertake all necessary steps to render information as complete and up to date as possible, and for this purpose to take into account the sections of the revised Standard Form.

51. The revised Standard Form has been used ever since, and the information transmitted has been gradually brought into closer harmony with it. In 1954, certain new considerations were brought forward. In the Committee on Information from Non-Self-Governing Territories, in connexion with the examination of economic conditions, some representatives expressed the opinion ^{51/} that the information requested of the Members and transmitted by them did not provide a picture of the economy of the Non-Self-Governing Territories clear enough to enable the Committee to make a dynamic analysis of their economic development. These representatives felt that the gaps, in so far as they related to the transmission of information, might be filled by additions to the revised Standard Form or by an indication to the Administering Members of the information desired.

52. No proposals were submitted on this point. On the other hand, by resolution 847 (IX), relating to information on problems common to regional groups of Territories, the Committee on Information was requested to examine whether any amplification or amendment of the Standard Form was necessary to assist the Administering Members in providing concrete information on the particular problems common to certain regional groups of Territories.

^{51/} G A (IX), Suppl. No. 18 (A/2729), part two, p. 14, para. 4.

4. *The use of supplemental information*

53. In the course of the discussions in 1946 and 1947 on the transmission of information, it was observed that information could often be found in official publications of the Members concerned and that the Secretary-General might reasonably wish to use these official documents to complete his summaries and analysis of the information transmitted formally under Article 73 e. These documents, such as general and departmental annual reports, laws and statistical digests, often threw a useful light on the information referred to in Article 73 e and might enable the Secretary-General to fill any gaps in the information transmitted under Article 73 e.

54. It was generally recognized that it would be useful if the Secretary-General could have such supplemental information of an official character at his disposal. ^{52/} On the other hand, it was found difficult to determine which official documents should be used, and whether the documents published by regional organizations, such as the Caribbean Commission, and scientific institutions should be included. There were those who felt that the selection of these documents could be left to the discretion of the Secretary-General. Others preferred that the Administering Member concerned should indicate the documents, official and otherwise, which could serve as supplemental information, or should give its consent to the use thereof. Ultimately, the latter view prevailed. ^{53/}

55. These decisions are contained in paragraphs 1, 2, 3, and 4 of resolution 143 (II).

Decision

The General Assembly, by resolution 143 (II), decided:

1. That, in order to present in the best possible manner the summaries and analyses of information transmitted under Article 73 e, the Secretary-General might use official publications of the Members responsible for the administration of Non-Self-Governing Territories, in addition to the information transmitted under Article 73 e, giving appropriate citation of sources;

2. That the Secretary-General's use of data derived from the official publications mentioned in paragraph 1 above should be limited to the subjects treated in the information required under Article 73 e;

3. That only such publications should be used as might be transmitted or notified to the Secretary-General by the Administering Member or Members concerned;

4. That, to the same end, the Secretary-General might use the documents published by inter-governmental or scientific bodies on matters relating to Non-Self-Governing Territories, subject to the provisions of paragraphs 2 and 3 above.

5. *The use of comparable information*

56. In the Ad Hoc Committee of 1947, the proposal was made "That Member States, the territories of which offer a natural basis for comparison with the Non-Self-Governing Territories as to economic, social and educational conditions, be invited on the request of the Secretary-General to supply him with such statistical and other information of a technical nature ... as may serve the purpose of comparison." ^{54/}

^{52/} For texts of relevant statements, see A/AC.9/SR.9.

^{53/} G A (II), 4th Com., p. 212, annex 4 a (A/385), draft resolution II.

^{54/} A/AC.9/W.19.

57. The value of such comparisons was supported on the grounds that economic, social and educational problems were not confined to Non-Self-Governing Territories and could only be evaluated in the light of world conditions, and that comparative data from autonomous countries adjacent to Non-Self-Governing Territories would be of help to the Administering Members. In opposition to this view, the following were the chief arguments advanced. The question was outside the competence of the Committee and the scope of Article 73; it was impossible to make useful comparisons between sovereign States and Non-Self-Governing Territories simply on the basis of statistics; the advantages to be derived from comparative studies of this type should be sought in the work of the Second and Third Committees of the General Assembly and the Economic and Social Council, in application of Articles 55 and 60. Other points advanced were that the information submitted should contain data that would permit comparisons between the local and European populations in the Non-Self-Governing Territories, and between the peoples of the metropolitan countries of the Administering Members and those of their Non-Self-Governing Territories. 55/

58. After further examination, agreement was reached on a text 56/ providing:

"That for purposes of comparison the Secretary-General should be authorized, in addition, to include in his summaries and analyses all relevant and comparable official statistical information as is available in the statistical services of the Secretariat, and as may be agreed upon between the Secretary-General and the Member concerned, giving appropriate citation of sources."

The text was adopted by the Ad Hoc Committee by 12 votes to none, with 2 abstentions.

59. In the Fourth Committee, two amendments were submitted: one amendment, 57/ proposing the deletion of the provision relating to the use of comparable information, was rejected by 20 votes to 19; the other amendment, 58/ authorizing the Secretary-General to use comparable official statistical information for purposes of comparison "between data relating to the various Non-Self-Governing Territories and their metropolitan areas", was approved by 20 votes to 19.

60. In the General Assembly, new arguments were brought forward. 59/ Against comparisons between Non-Self-Governing Territories and their metropolitan countries, it was said that a number of factors such as geography and resources made such comparisons inapplicable. Arguments against the Ad Hoc Committee text were that the work of comparing figures from Non-Self-Governing Territories and independent countries should be carried out according to Article 62 of the Charter by the Economic and Social Council, and that independent countries did not come under the purview of Chapter XI. Following this discussion, the General Assembly reversed the recommendation of the Fourth Committee and adopted the text prepared by the Ad Hoc Committee. 60/

Decision

The General Assembly, by paragraph 6 of resolution 1433 (II), decided that, for purposes of comparison, the Secretary-General should be authorized, in addition, to

55/ For texts of relevant statements, see A/AC.9/SR.8-11.

56/ G A (II), 4th Com., pp. 212 and 213, annex 4 a (A/385), draft resolution II, para. 6.

57/ G A (II), 4th Com., p. 215, annex 4 d (A/C.4/107).

58/ G A (II), 4th Com. p. 217, annex 4 g (A/C.4/110).

59/ For texts of relevant statements, see G A (II), Plen., 108th mtg., pp. 710 and 711.

60/ See para. 58 above.

include in his summaries and analyses all relevant and comparable official statistical information which was available in the statistical services of the Secretariat and which might be agreed upon between the Secretary-General and the Member concerned, giving appropriate citation of sources.

61. The question was reviewed in 1948 by the Special Committee on Information transmitted under Article 73 e of the Charter. At that time, the tendency was to broaden the authority of the Secretary-General to utilize the reports of the specialized agencies and documents issued officially by Members of the United Nations, and it was recommended 61/ that, for purposes of evaluation and comparison, he should be entitled to use all such official statistical information as had been communicated to the United Nations or to the specialized agencies.

62. The text 62/ recommended by the Special Committee subsequently came before the Fourth Committee. During the discussion, it was proposed 63/ to recommend the inclusion of information from both official and private sources, so that the annual summaries

"should include data received from official sources, as well as information received from private persons and local groups or organizations;"

This proposal, however, was rejected, and the original text proposed by the Special Committee was approved. The General Assembly concurred without debate.

Decision

The General Assembly, by paragraph 3 of resolution 218 (III), invited the Secretary-General to extend the use of supplemental information in future years and considered that, in order to provide a means of assessing the information transmitted under Article 73 e, the Secretary-General should be authorized to include in his summaries and analyses all relevant and comparable official statistical information, within the categories referred to in Article 73 e of the Charter, which had been communicated to the United Nations or to the specialized agencies.

63. In 1950, the question was revived both in the Special Committee on Information from Non-Self-Governing Territories 64/ and in the Fourth Committee. In the Special Committee, it was held that the General Assembly, in adopting paragraph 3 of resolution 218 (III), never intended that the internal affairs of sovereign States should be discussed, and that such information should not be included in the Secretary-General's analyses without the consent of the Member concerned. Against this, it was contended that information communicated to the United Nations or to the specialized agencies was available for use by the Secretary-General under the terms of paragraph 3 of resolution 218 (III) which was broader and replaced paragraph 6 of resolution 143 (II). The view was also expressed that the following three types of comparisons would be of benefit to the non-self-governing peoples: comparisons between conditions in Non-Self-Governing Territories and (a) metropolitan countries, (b) non-administering Member countries, (c) other Non-Self-Governing Territories.

61/ G A (III), Suppl. No. 12 (A/593), p. 12, appendix B.

62/ Ibid., p. 16, appendix C, draft resolution I, para. 3.

63/ G A (III), 4th Com., 54th mtg., pp. 22 and 23, A/C.4/134. For texts of relevant statements, see G A (III), 4th com., 54th mtg., pp. 20 et seqq.

64/ G A (V), Suppl. No. 17 (A/1303/Rev.1), pp. 2 and 3, paras. 16-21.

64. In the Fourth Committee, proposals 65/ were accepted which aimed at clarifying the two earlier resolutions, that is to say, resolutions 143 (II) and 218 (III), by inviting the Secretary-General to seek the consent of the Member concerned to the use of comparable information, and by specifying that the comparable information should be representative of the whole region concerned. These proposals were adopted by the General Assembly.

Decision

The General Assembly, by resolution 447 (V), invited the Secretary-General, in making use of comparable information, to obtain the consent of the Member State concerned and to take into account all elements necessary for scientific and objective comparison, and to bear in mind that an objective comparison could be made only if the comparable information was representative of the whole region concerned.

No further action has been taken since that date. However, in the course of discussion in the Fourth Committee at the ninth session of the General Assembly in 1954, it was contended 66/ that the effect of resolution 447 (V) had been to prevent the Secretary-General from presenting comparable information which would render more valuable the information on Non-Self-Governing Territories, and that what was needed was a supply of information, not for purposes of comparison, but to permit the proper assessment of information on conditions in the Non-Self-Governing Territories.

6. The question of the transmission of information of a political character

65. The question of whether or not the transmission of information relating to political matters was required under the provisions of Article 73 came to the fore in 1947, when it was noted in the Ad Hoc Committee that some Administering Members had, on their own initiative, forwarded to the Secretary-General data concerning the development of self-governing institutions in the Territories concerned.

66. As the debate developed in the Ad Hoc Committee, 67/ the Fourth Committee 68/ and the General Assembly, the following arguments emerged.

67. One conception was that Chapter XI contained a unilateral declaration of policy on the part of the Administering Members which did not involve any specific obligation except that set forth in Article 73 e. The obligation contained in Article 73 e was to transmit technical information relating to economic, social and educational conditions in Non-Self-Governing Territories, subject to such limitation as security or constitutional considerations might require. The omission in Article 73 e of any reference to political information was deliberate, since at San Francisco it had been considered that the Administering Members were not required to transmit such information. Even encouragement to do this, it was felt, would be at variance with the decisions taken at that time.

68. A second line of thought was that the transmission of political information was indeed not obligatory, but that those Governments which had done so voluntarily should be encouraged to continue to transmit such information in the future. 69/

65/ G A (V), Annexes, a.i. 34, p. 3, A/C.4/L.110/Rev.1, and A/C.4/L.111. For texts of relevant statements, see G A (V), 4th Com., 188th mtg.

66/ G A (IX), 4th Com., 413th mtg.

67/ For texts of relevant statements, see A/AC.9/SR.12 and 13, and A/AC.9/SR.15 and 16.

68/ G A (II), 4th Com., 42nd mtg., pp. 72-76.

69/ A/AC.9/W.26.

69. A third approach to the question was that there was a definite obligation on the part of the Administering Members to transmit political information. Chapter XI of the Charter was a treaty and had, for that reason, the same mandatory character as other parts of the Charter. The Administering Members had accepted as a sacred trust the obligation of promoting the political advancement of their Territories, of developing self-government and of assisting the peoples of Non-Self-Governing Territories in the progressive development of their free political institutions (Article 73 a and b). Article 73 e could not be separated from the other paragraphs of that Article. Since the Administering Members were obliged under Article 73 to promote self-government, they had assumed the corresponding obligation to transmit information concerning the progress made in this respect.

70. The Ad Hoc Committee followed the second line of thought, and recommended to the General Assembly the adoption of a draft resolution 70/ which would encourage the voluntary transmission of political information, by stating that the voluntary transmission of information on the development of self-governing institutions and the summarizing of that data by the Secretary-General were entirely in conformity with the spirit of Article 73, and should therefore be duly noted and encouraged.

71. In the Fourth Committee, an alternative text, nearer in spirit to the third and more mandatory interpretation concerning the transmission of information of a political nature, was proposed and approved by 20 votes to 19. The text 71/ read as follows:

"Considering that the Members of the United Nations responsible for the administration of Territories the populations of which have not yet attained a full measure of self-government undertake the obligation under Article 73 b 'to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each Territory and its peoples and their varying stages of advancement',

"The General Assembly

"Considers that the transmission of information relating to the results achieved in the matter of the participation of local populations in the work of local organs of administration is entirely in conformity with the spirit of Article 73 of the United Nations Charter and recommends those States responsible for Non-Self-Governing Territories to transmit such information."

72. The General Assembly, however, rejected the draft resolution proposed by the Fourth Committee. Instead, it adopted the text originally recommended by the Ad Hoc Committee.

Decision

The General Assembly, by resolution 144 (II), having noted that some Members responsible for the administration of Non-Self-Governing Territories already had voluntarily transmitted information on the development of self-governing institutions in the Non-Self-Governing Territories, considered that the voluntary transmission of

70/ G A (II), 4th Com., p. 213, annex 4 a (A/385), draft resolution III.
71/ G A (II), 4th Com., annex 4 h (A/C.4/111).

such information and its summarizing by the Secretary-General were entirely in conformity with the spirit of Article 73 of the Charter, and should therefore be duly noted and encouraged.

73. Of the eight Administering Members, three (Belgium, France and the United Kingdom) did not act upon the suggestion contained in the resolutions, and continued to limit the information they transmitted to the subjects specified in Article 73 e. In 1948, there was renewed debate on the subject, 72/ and two new arguments were advanced. It was stated that political information was necessary to show the means by which the ends of economic, social and educational advancement could be achieved; such information might be supplied by the development of understandings or conventions. On the other hand, it was claimed that just as Members administering Non-Self-Governing Territories had accepted the declaration of policy in Chapter XI, so the non-administering Members had undertaken to accept the obligation to respect the limitations of Article 73. After discussing the transmission of information under the optional category of the Standard Form, the Special Committee decided not to request information on "government", and the General Assembly adopted 73/ the recommendations of the Special Committee.

74. A new decision originated from discussions in the Special Committee in 1949. A proposal 74/ was made in which it was noted that, in some cases, the information submitted had included data on the development of self-governing institutions, and the General Assembly was asked to invite "such of the Members as have not done so to include all such information in their reports to the Secretary-General." To this proposal, an amendment 75/ was submitted by which the General Assembly would express itself more explicitly in favour of making the transmission of information on the development of organs of self-government in Non-Self-Governing Territories obligatory, as well as information regarding the degree of participation of the indigenous inhabitants in local organs of self-government. The Special Committee rejected this amendment. The original proposal was then adopted in a revised form, 76/ and was adopted subsequently by the General Assembly.

Decision

The General Assembly, by resolution 327 (IV), noted with appreciation that more Members responsible for the administration of Non-Self-Governing Territories had voluntarily transmitted information on the geography, history, people, government and human rights of the Non-Self-Governing Territories than in the previous year, including in some cases information on the development of self-governing institutions, and recalled the statement made in resolution 144 (II), adopted by the General Assembly on 3 November 1947, that the voluntary transmission of such information and its summarizing by the Secretary-General were entirely in conformity with the spirit of Article 73 of the Charter and should therefore be duly noted and encouraged.

On the basis of the above consideranda, the General Assembly expressed the hope that such of the Members as had not done so might voluntarily include details on the government of Non-Self-Governing Territories in the information transmitted by them under Article 73 e of the Charter.

72/ G A (III), Suppl. No. 12 (A/593), p. 8. For texts of relevant statements, see A/AC.17/SR.14, pp. 11 and 12.

73/ See para. 43 above.

74/ A/AC.28/W.14.

75/ A/AC.28/W.16 and Rev.1.

76/ G A (IV), Suppl. No. 14 (A/923), annex II.

75. In subsequent years, the debate on this issue continued. No further action, however, was taken until the ninth session of the General Assembly in 1954. The Assembly then adopted resolution 848 (IX) by which it gave new emphasis to its interest in the political development of Non-Self-Governing Territories. The first paragraph of the preamble referred to the "functions" of the General Assembly as regards "peoples of Non-Self-Governing Territories under the principles and objectives set forth in Article 73 of the Charter of the United Nations" and considered that "these principles and objectives relate to the political as well as the economic, social and educational advancement of the peoples concerned." The resolution then recalled not only resolutions 144 (II) and 327 (IV), but also resolution 637 B (VII) relating to the right of self-determination.

Decision

The General Assembly, by resolution 848 (IX):

1. Reiterated the view that voluntary submission of information on the political development of peoples in Non-Self-Governing Territories was fully in accord with the spirit of Article 73 of the Charter; and

2. Invited the Administering Members concerned to give the United Nations their utmost co-operation in this regard.

B. The examination of information transmitted under Article 73 e

76. The form in which the information transmitted to the Secretary-General under Article 73 e and the supplemental information placed at his disposal were to be brought before the General Assembly was mainly laid down under resolutions 218 (III) and 333 (IV). In addition, a number of other resolutions drew attention to the questions regarded as of particular importance or asked for special studies.

1. The preparation of summaries, analyses and special reports

77. On the basis of the report of the Preparatory Commission, the Fourth Committee, at the first part of the first session of the General Assembly in 1946, discussed the provisions regarding non-self-governing peoples as embodied in Chapters XI, XII and XIII.

78. The importance of Chapter XI was emphasized, and a proposal 77/ was made that the General Assembly avail itself of the information provided for in Article 73 e and so demonstrate its continued interest in the welfare of the non-self-governing peoples, and foster faith in the United Nations on the part of those peoples. To this end, the Secretary-General was invited to include in his annual report on the work of the Organization a statement summarizing such information as might have been transmitted to him under Article 73 e.

79. The proposal was included in a draft resolution 78/ which was unanimously approved by the Fourth Committee. It was subsequently adopted 79/ by the General Assembly and became resolution 9 (I).

77/ G A (I/1), 4th Com., annex 1 a (A/C.4/10), p. 43; for text of relevant statement, see 4th Com., 8th mtg., p. 27.

78/ G A (I/1), 4th Com., annex 9 (A/C.4/23), pp. 56-58.

79/ G A (I/1), Plen., 27th mtg., p. 376.

Decision

The General Assembly, by paragraph 2 of resolution 9 (I), requested the Secretary-General to include in his annual report on the work of the Organization, as provided for in Article 98 of the Charter, a statement summarizing such information as might have been transmitted to him by Members of the United Nations under Article 73 e of the Charter relating to economic, social and educational conditions in the Territories for which they were responsible other than those to which Chapters XII and XIII apply.

80. In 1946, at the second part of the first session of the General Assembly during the discussion in Sub-Committee 2 of the Fourth Committee of questions relating to Chapter XI, further suggestions were made on the manner in which the information should be presented to the General Assembly at its next session. As is shown in paragraphs 111-138 below, the manner in which the specialized agencies might co-operate in the treatment of the information and, in general, in the development of new procedures for examining the information involved certain questions of principle. 80/ On the concrete question of the task requested of the Secretary-General, a verbal amendment 81/ was submitted to the effect that this information should be "classified and analysed" as well as summarized by the Secretary-General.

81. The draft resolution 82/ which was submitted as a result of this discussion contained the instruction that the information transmitted under Article 73 e "should be summarized, analysed and classified by the Secretary-General and included in his report to the second session of the General Assembly".

82. This text was approved by the Sub-Committee without further debate; nor did this point give rise to discussions in the Fourth Committee or in the General Assembly.

Decision

The General Assembly, by resolution 66 (I), recommended that the information transmitted in the course of 1947 by Members of the United Nations under Article 73 e of the Charter should be summarized, analysed and classified by the Secretary-General and included in his report to the General Assembly at its second session, in order that, in the light of the experience gained, the General Assembly might be able to decide whether any other procedure might be desirable for dealing with such information in future years.

83. The Ad Hoc Committee which was convened in 1947 in pursuance of resolution 66 (I), paragraph 4, examined the summaries and analyses prepared by the Secretariat. Several Members expressed agreement 83/ with the method followed by the Secretary-General in preparing the analyses by subjects. Suggestions were made that analyses should also be prepared on subjects other than those covered by the Secretariat, which related only to labour, education, public health and agriculture.

84. The matter received further attention in connexion with (1) the use of supplemental information, and (2) the adoption of the Standard Form for the preparation of the information transmitted under Article 73 e. 84/ As regards supplemental

80/ See paras. 139-199 below.

81/ G A (I/2), 4th Com., 5th mtg., p. 29.

82/ G A (I/2), 4th Com., part III, annex 2 f (A/C.4/Sub.2/22), pp. 90 and 91.

83/ For texts of relevant statements, see A/C.9/SR.3-8 and G A (II), 4th Com., annex 4 a (A/385), p. 208.

84/ See paras. 34-55 above.

information, on the basis of a report of a sub-committee, the Ad Hoc Committee considered that (a) the Secretary-General might use official publications of the Members responsible for the administration of Non-Self-Governing Territories, giving appropriate citation of sources; (b) the use of such information should be limited to the subjects treated in the information required in Article 73 e; (c) its use should be subject to consent on the part of the Governments concerned; (d) publications issued by inter-governmental or scientific organizations might also be used, provided that such use was limited to subjects treated in Article 73 e and that the responsible Governments gave prior consent. As regards the second point, when drafting the Standard Form, the Ad Hoc Committee agreed also to recommend that in the preparation of the analyses the Secretary-General should follow, as far as practicable, the Standard Form, and should include in the summaries such information as might be transmitted on the participation of local populations in local organs of government. None of these proposals gave rise to debate 85/ in the Fourth Committee. The General Assembly concurred by the adoption of resolutions 142 (II) and 143 (II). 86/

Decision

The General Assembly, by paragraph 2 of resolution 142 (II), instructed the Secretary-General to follow in his analyses as far as practicable the Standard Form, and to include in his summaries any information transmitted on the participation by local populations in local organs of government. By resolution 143 (II), directives were given on the use of supplemental information.

85. In 1947, information was transmitted for the first time on the basis of the Standard Form, and the Secretariat prepared summaries of this information as background papers to the analyses in which economic, health, labour and educational conditions were covered. These papers were laid before the 1948 Special Committee.

86. Once again, some representatives indicated 87/ the value of particular subjects for special studies to be made by the Secretariat, such as land tenure, agricultural indebtedness, and training facilities for agricultural personnel. In general, the discussion led to suggestions 88/ to change the system of annual preparation of summaries and analyses by the Secretariat into one under which (a) full summaries and analyses would be prepared every three years with (b) annual supplements in the intervening years, while (c) a system of annual summaries would be maintained for any material voluntarily transmitted under the optional category of the Standard Form (political information).

87. Although objection was raised to the preparation of summaries and analyses at three-year intervals as retrogressive and contrary to the aims of both Chapter XI and previous General Assembly decisions, these suggestions were embodied in a draft resolution 89/ prepared by a sub-committee and approved by the Special Committee.

88. In the Fourth Committee at the third session of the General Assembly, an amendment 90/ was submitted under which the Assembly would have invited "the Secretary-General to prepare, for the General Assembly and the Special Committee, summaries and

85/ G A (II), 4th Com., 41st mtg., pp. 69 and 71.

86/ For further details, see paras. 53-55 above.

87/ For texts of relevant statements, see A/AC.17/SR.5, China, pp. 8 and 9; India, pp. 5 and 6.

88/ A/AC.17/W.9 and 10.

89/ G A (III), Suppl. No. 12 (A/593), p. 16, appendix C, draft resolution I, para. 4.

90/ G A (III/1), 4th Com., 58th mtg., p. 68.

analyses of information transmitted annually on all the categories of the Standard Form by the Members responsible for the administration of Non-Self-Governing Territories; this information relates not only to the progress made in the economic, social and educational conditions but also to the development of organs of self-government and the participation of the local population in the work of these organs". In opposition to the amendment, it was pointed out 91/ that it was based on the assumption that the submission of information on political developments should be obligatory, which was contrary to the provisions of Article 73 e.

89. The amendment was rejected, and the paragraph as proposed by the Special Committee was approved.

90. No new points were raised during the discussions in the General Assembly, and the Assembly adopted this recommendation as paragraph 4 of resolution 218 (III).

Decision

The General Assembly, by resolution 218 (III), modified the system of the preparation of summaries and analyses by inviting the Secretary-General to prepare for the General Assembly, and for any special committee: (a) full summaries and analyses of the information transmitted during 1949 and thereafter at three-year intervals, showing the progress made over the three-year period in respect of economic, social and educational conditions; (b) in the intervening years annual supplements, showing such changes in statistics and such other appreciable changes as had occurred in the previous year, together with relevant statistics for the previous two years, as well as analyses of different aspects of economic, social and educational conditions to which attention might have been drawn in previous years; (c) annual summaries of any material which the Members might have voluntarily transmitted under the optional category of the Standard Form.

91. At the same session, the General Assembly, by paragraph 2 of resolution 221 (III), invited the Secretary-General to keep in close touch with the secretariats of the specialized agencies with a view to seeking their counsel and assistance in the preparation of his analyses of information. 92/ In 1949, the General Assembly, in the preamble to resolution 327 (IV), recalled that the transmission of information on the subjects included in the Standard Form as optional and its summarizing by the Secretary-General "are entirely in conformity with the spirit of Article 73 of the Charter and should be therefore duly noted and encouraged". 93/ By paragraphs 6 and 7 of resolution 331 (IV), the General Assembly provided further indications to the Secretary-General regarding collaboration with the specialized agencies and the selection by him in his analyses of information of subjects providing appropriate opportunities for collaboration with specialized international bodies. 94/

92. The principal decision, however, affecting the preparation of reports by the Secretary-General was resolution 333 (IV). By this resolution, adopted to provide a programme for the Special Committee on Information transmitted under Article 73 e of the Charter, 95/ constituted for a three-year period, the General Assembly also provided for a three-year cycle of studies, covering, respectively, educational,

91/ For text of statement, see G A (III), 4th Com., 58th mtg., p. 68.

92/ See paras. 111-138 below.

93/ See paras. 65-75 above.

94/ See paras. 111-138 below.

95/ See paras. 161-166 below.

economic and social conditions. The resolution referred, in particular, to problems of education as the subject for special attention by the Committee in 1950, and invited the Secretary-General to consult with UNESCO and other specialized agencies in order to secure their collaboration in the study of educational problems.

93. On this pattern and in conformity with the annual work programme of the Committee on Information, the Secretary-General has, since 1949, concentrated in his report on special studies of the subject principally under consideration. This led to the preparation and consideration by the Committee on Information of special reports on education in 1950 and 1953, on economic conditions in 1951 and 1954, and on social conditions in 1952.

94. Under a number of resolutions 96/ adopted in 1950 and subsequently, the Secretary-General has been invited directly or by implication to pay attention in his summaries and analyses to particular problems. Basically, these resolutions have not affected the system of preparing summaries, analyses and special studies which was brought to its present form through the application of the work programme laid down in resolution 333 (IV).

95. In 1954, when the Committee on Information from Non-Self-Governing Territories considered resolution 789 (VIII) on the control and limitation of documentation, the system was maintained; the representatives participating in the debate explained that they had no suggestions to submit and asked the Secretariat to keep the question under review. 97/

2. The collaboration of United Nations Councils and specialized agencies

96. Under Article 73 d, Members of the United Nations responsible for the administration of Non-Self-Governing Territories undertake

"to promote constructive measures of development, to encourage research, and to cooperate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic and scientific purposes set forth in this Article".

a. RELATIONS WITH THE ECONOMIC AND SOCIAL COUNCIL

97. From an early date, the General Assembly recognized the value of establishing liaison with the Economic and Social Council in order to assist it in the examination of information on Non-Self-Governing Territories. Action by the Economic and Social Council made it clear that the Council would include the examination of conditions in the Non-Self-Governing Territories in its own programmes. In consequence, and accompanying the evolution of the programme of work undertaken by the Secretary-General and the Committee on Information from Non-Self-Governing Territories, there has come to be established a steady interchange of information at the Secretariat level, and, at the policy level, the interchange of reports and recommendations.

96/ G A resolutions 336 (IV) and 445 (V) (technical assistance); 446 (V) (human rights); 645 (VII) (implementation of educational, economic and social policies); 846 (IX) (social conditions).

97/ G A (IX), Suppl. No. 18 (A/2729), part one, paras. 79 and 80; A/AC.35/SR.104.

98. In 1947, when it decided to set up the first Special Committee, the General Assembly included in resolution 146 (II) a provision authorizing the Committee to establish liaison with the Economic and Social Council. At the meeting of the 1948 Special Committee, information was provided showing the work that was being undertaken under the auspices of the Economic and Social Council, as well as by the specialized agencies, which was of interest to Non-Self-Governing Territories. The opinion was expressed ^{98/} that the work of the Special Committee would be particularly useful if, as a result, the needs of these Territories could receive full consideration in the elaboration of programmes of the Economic and Social Council, without regard to the question of the status of the various Territories and countries concerned.

99. Following this discussion and consideration in a sub-committee, the Special Committee adopted a draft resolution concerning liaison between the Economic and Social Council and the Special Committee on Information transmitted under Article 73 e of the Charter. This draft resolution was further examined in the Fourth Committee; it was approved by the Fourth Committee and subsequently adopted by the General Assembly. The sole objection raised in the discussion was that sufficient information was not yet available on the schemes of technical assistance to which reference was made in the resolution.

Decision

The General Assembly, by resolution 220 (III):

1. Invited the Secretary-General to (a) inform any special committee which the General Assembly might appoint of decisions taken by the Economic and Social Council and of studies undertaken under its auspices which included within their scope economic and social conditions affecting Non-Self-Governing Territories; (b) place at the disposal of the Economic and Social Council all relevant information transmitted under Article 73 e and all relevant supplemental information required for the work of the Economic and Social Council;

2. Drew the attention of the Members responsible for the administration of Non-Self-Governing Territories to the arrangements for technical assistance approved by the Economic and Social Council, and invited the Secretary-General to inform any special committee which the General Assembly might appoint of the extent and nature of any such technical assistance rendered to Non-Self-Governing Territories at the request of Administering Members.

100. Following the adoption by the General Assembly of resolutions 146 (II) and 220 (III), the Secretary-General drew the attention ^{99/} of the Economic and Social Council to them. In a paper ^{100/} prepared for the 1949 Special Committee, the Secretary-General stated that the availability of information on Non-Self-Governing Territories to the Economic and Social Council, its commissions and committees was making it possible for the Council, wherever relevant, to consider in increasing detail conditions in Non-Self-Governing Territories in connexion with its studies, reports and related recommendations on general matters, and that it was possible for him to consider information submitted under Article 73 e in general studies undertaken on economic and social problems of relevance to these Territories.

^{98/} G A (III), Suppl. No. 12 (A/593), p. 9.

^{99/} E/851 and E/1143.

^{100/} A/AC.28/W.4, p. 4.

101. On the recommendation of the Special Committee, the General Assembly in 1949 adopted resolution 331 (IV), concerning international collaboration with regard to economic, social and educational conditions in Non-Self-Governing Territories. This resolution treated in some detail aspects of the work of the specialized agencies, and is summarized later in this study. 101/ The General Assembly, having noted aspects of the programmes of the Economic and Social Council which included within their scope economic, social and educational conditions affecting Non-Self-Governing Territories, invited the Secretary-General, in his collaboration with the specialized agencies, to take as a basis the information transmitted under Article 73 e together with any relevant supplemental information and any relevant studies undertaken by the Economic and Social Council and by the Trusteeship Council.

102. The Economic and Social Council, at its eleventh session in 1950, adopted decisions indicating its own interest in the consideration of information from Non-Self-Governing Territories. A note 102/ was submitted by the Secretary-General explaining the relevant activities of the United Nations and the specialized agencies in relation to economic, social and educational conditions in Non-Self-Governing Territories. After discussion, the Council adopted resolution 321 (XI), by which it indicated basic principles in respect of the availability of technical assistance to Non-Self-Governing Territories and the inclusion of these Territories in studies undertaken by the Council.

Decision

The Economic and Social Council, by resolution 321 (XI), took note that under the Expanded Programme of Technical Assistance for the economic development of under-developed countries, the Non-Self-Governing Territories were eligible to receive such technical assistance; drew the attention of the Administering Members to the facilities available for technical assistance in matters of economic development and social welfare services; drew the attention of the Technical Assistance Committee to General Assembly resolution 331 (IV) as a guide in the allocation of funds under the Expanded Programme of Technical Assistance; and decided that in all relevant studies, by or under its authority, social and economic conditions in Non-Self-Governing Territories should be included wherever possible.

103. Subsequently, and particularly in pursuance of General Assembly resolution 333 (IV) defining the work of the Committee on Information from Non-Self-Governing Territories, it has become the practice to inform the Committee of studies undertaken under the auspices of the Economic and Social Council and of decisions of the Council which are of particular interest in Non-Self-Governing Territories. It has similarly become the regular practice for the General Assembly, in approving the special reports on economic, social and educational conditions in Non-Self-Governing Territories, to request the Secretary-General to communicate these reports for consideration to the Economic and Social Council as well as to the Trusteeship Council and the specialized agencies. 103/

104. On the subject of technical assistance the General Assembly, in 1949, adopted resolution 336 (IV) by which it emphasized still further its interest in this phase of the work of the Economic and Social Council as affecting Non-Self-Governing

101/ See paras. 111-138 below.

102/ E S C (XI), Annexes, a.i. 7, p. 1, E/1714.

103/ See resolutions 564 (VI), 643 (VII), 743 (VIII) and 846 (IX).

Territories and, in 1950, it adopted resolution 444 (V), by which it invited the Administering Members in need of technical assistance for their Territories to submit their requests, and asking for information on the position with regard to technical assistance situation.

105. The first of these resolutions had its origin in the 1949 Special Committee to which the representative of Australia submitted a draft resolution 104/ requesting the specialized agencies to inform the Secretary-General of the nature of the technical assistance accorded to Non-Self-Governing Territories with particular reference to regional action. This resolution was supported 105/ as providing a link between the two types of international collaboration covered in Article 73 d. Certain representatives of the Administering Members, on the other hand, considered that the resolution had wide implications and that opportunity should be afforded to study its effects. The representative of Australia was prepared to modify his resolution to provide that the Secretary-General in his reports to the Economic and Social Council should include information on the nature of the technical assistance rendered, but, in view of the difficulties encountered, he withdrew his draft resolution subject to the right to introduce a similar proposal during the session of the General Assembly.

106. In the Fourth Committee, Australia submitted a draft resolution 106/ constituting a revision of its previous proposal. Under this draft, the Assembly would note the decision of the General Assembly establishing an Expanded Programme of Technical Assistance and the decision of the Economic and Social Council regarding co-ordination for the carrying out of technical assistance activities, and would request the Secretary-General to keep the Special Committee informed of technical assistance accorded to the Non-Self-Governing Territories by specialized international bodies. This draft resolution was approved by the Fourth Committee, and became resolution 336 (IV) after the adoption by the General Assembly.

107. The second resolution, 444 (V), was discussed in its draft form at the 1950 session of the Special Committee on Information transmitted under Article 73 e of the Charter. 107/ Representatives drew attention 108/ to Economic and Social Council resolution 321 (XI), and expressed the hope that full advantage would be taken of all facilities of technical assistance for Non-Self-Governing Territories, and that routine delays would be reduced to a minimum. A draft resolution 109/ on this subject was submitted. Doubts were expressed regarding the need for an additional resolution on technical assistance but following discussion on the manner in which any duplication of work between the Committee in the General Assembly could be avoided, amendments were accepted and the draft resolution, as amended, was adopted. 110/

108. The draft resolution, as approved by the Special Committee on Information, was considered in the Fourth Committee, where a substitute text was submitted which did not differ substantially from the first text. This substitute text was approved by the Fourth Committee. It was adopted by the General Assembly and became resolution 444 (V).

104/ A/AC.28/W.21.

105/ For texts of relevant statements, see A/AC.28/SR.18: Australia, pp. 3-11; Belgium, pp. 8 and 9; France, pp. 8-10; India, pp. 8-10; New Zealand, p. 9; United Kingdom, pp. 9-11.

106/ A/AC.4/L.43.

107/ G A (V), Suppl. No. 17 (A/1303/Rev.1), part one, paras. 96-111.

108/ For texts of relevant statements, see A/AC.35/SR.25 and 26.

109/ A/AC.35/L.24.

110/ G A (V), Suppl. No. 17 (A/1303/Rev.1), p. 15, annex II, draft resolution A.

Decision

The General Assembly, by resolution 336 (IV), requested the Secretary-General to keep the Special Committee informed of the nature of the technical assistance which was accorded from time to time to Non-Self-Governing Territories by specialized international bodies. By resolution 444 (V) it noted with appreciation that resolution 321 (XI) of the Economic and Social Council draws the attention of the Administering Members to the facilities available under the Expanded Programme of Technical Assistance. By paragraph 1 of resolution 444 (V), the General Assembly invited the Administering Members which needed technical assistance for the economic, social and educational advancement of their Non-Self-Governing Territories to submit their requests. By paragraph 2, it recommended that the Administering Members include annually in the statistical information transmitted under Article 73 e as full a report as possible on all applications made on behalf of their Non-Self-Governing Territories and on the manner in which technical assistance received from the United Nations and the specialized agencies had been integrated into long-range development programmes in the Territories.

b. RELATIONS WITH THE TRUSTEESHIP COUNCIL

109. As will be shown below 111/ in connexion with the creation of a committee to assist the General Assembly in the examination of information, a proposal was considered in 1946 to send information on Non-Self-Governing Territories to the Trusteeship Council for its examination. Sub-Committee 2 of the Fourth Committee rejected a draft resolution to this effect and, instead, inaugurated the system of creating special committees to consider information from Non-Self-Governing Territories, as distinct from the reports on Trust Territories.

110. Since 1946, there has been a clear distinction between the examination of information on Non-Self-Governing Territories under Chapter XI of the Charter and reports on the Trust Territories under Chapter XII. No problem requiring a General Assembly decision has arisen in this connexion. The current practice is to bring to the consideration of the Trusteeship Council the special reports adopted by the Committee on Information from Non-Self-Governing Territories. By resolution 564 (VI), the General Assembly invited the Secretary-General to communicate the report on economic conditions and problems of economic development in the Non-Self-Governing Territories, which it approved by the same resolution to the Trusteeship Council, as well as the Economic and Social Council and the specialized agencies. The same practice has been followed in the case of the report on social conditions by virtue of resolution 643 (VII), the report on educational conditions by virtue of resolution 743 (VIII) and the second report on economic conditions by virtue of resolution 846 (IX).

Decision

The General Assembly by the resolutions approving special reports of the Committee on Information from Non-Self-Governing Territories has communicated these reports to the Trusteeship Council for its consideration.

111/ See para. 140 below.

c. COLLABORATION WITH THE SPECIALIZED AGENCIES

111. The agreements 112/ between the United Nations and FAO, ILO, and UNESCO, respectively, which came into effect on 14 December 1946, and the agreement between the United Nations and WHO, which came into effect on 10 July 1948, each contain an article whereby the agency "agrees to co-operate with the United Nations in giving effect to the principles and obligations set forth in Chapter XI of the Charter with regard to matters affecting the well-being and development of the peoples of Non-Self-Governing Territories."

112. During 1946 and 1947, the general principles for the strengthening of such collaboration were laid down, and the participation of representatives of certain specialized agencies in an advisory capacity in the work of successive committees concerned with information on Non-Self-Governing Territories has continued through the years. From 1948, attention has been drawn to collaboration in the field of technical assistance to Non-Self-Governing Territories. In the same year, the specialized agencies were invited to assist in the preparation of analyses and the practice has now developed that certain specialized agencies submit to the Committee on Information papers on their own activities which are of interest to Non-Self-Governing Territories as well as analyses in the functional fields. With the development, since 1949, of specialization of the work of the Committee so that attention is given each year to one functional field, collaboration has become still closer, both in respect of the examination of special problems and in respect of the addressing of the special reports as approved by the General Assembly, to the specialized agencies for their consideration.

113. In 1946, at the second part of the first session of the General Assembly, during the discussion in Sub-Committee 2 of the Fourth Committee of questions relating to Chapter XI, the importance of the collaboration of the specialized agencies in this field was generally accepted. Since different views were advanced concerning procedures to be adopted in dealing with the information transmitted, 113/ opinions were also divided as to the way the specialized agencies could best help in the first instance.

114. The main proposals were: (a) to invite the specialized agencies to supply regularly comparative reports on conditions in Non-Self-Governing Territories in the fields covered; 114/ (b) to consult the specialized agencies as to the best way this collaboration could be effected; 115/ (c) to provide for the participation in an advisory capacity of representatives of certain specialized agencies in an ad hoc committee of experts, together with instructions to the Secretary-General to lay before the committee any information received from the specialized agencies; 116/ and lastly, (d) a proposal 117/ which combined the ideas expressed in proposals (a) and (b) and which would request the Secretary-General to consult with the specialized agencies and transmit the information received by him to the agencies, to enable them to place the information at the disposal of their experts and deliberative organs.

112/ United Nations Publications, Sales No.: 1951.X.1.

113/ See paras. 139-199, below.

114/ G A (I/2), 4th Com., part III, p. 89, annex 2 c. This proposal was subsequently withdrawn and incorporated in the final text adopted.

115/ Ibid., p. 90, annex 2 f.

116/ Ibid., p. 88, annex 2 a.

117/ G A (I/2), 4th Com., part III, 5th mtg., p. 29, ibid., p. 90, annex 2 f.

115. The text 118/ adopted by Sub-Committee 2, providing that the information should be summarized, analysed and classified by the Secretary-General and included in his report to the General Assembly, recommended that the Secretary-General communicate the information to the specialized agencies and consult them with a view to formulating proposals to ensure that their advice, expert knowledge and experience were used to the best advantage. The text of the Sub-Committee was amended in the Fourth Committee to provide for the creation of an Ad Hoc Committee. 119/ The attendance of representatives of the specialized agencies at meetings of the Ad Hoc Committee was provided for, and the other provisions concerning the collaboration with the Secretary-General were maintained.

116. The amended draft resolution as a whole, with the reference in the preamble to the value of the association of Non-Self-Governing Territories in the work of the specialized agencies, and the provision in paragraphs 3, 5 and 6 for relations between the United Nations and specialized agencies in this field, was approved by the Fourth Committee. It was subsequently adopted by the General Assembly and became resolution 66 (I).

Decision

The General Assembly, by resolution 66 (I), noted that the value of the association of Non-Self-Governing Territories in the work of the specialized agencies as a means of attaining the objectives of Chapter XI of the Charter had been stressed; recommended that the Secretary-General communicate to the specialized agencies the information transmitted with a view to making all relevant data available to their expert and deliberative bodies; invited the Secretary-General to request the Food and Agriculture Organization, the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization, and the World Health Organization, and the International Trade Organization, when constituted, to send representatives in an advisory capacity to the meeting of the Ad Hoc Committee; and invited the Ad Hoc Committee to examine the Secretary-General's summary and analysis of the information transmitted under Article 73 e of the Charter with a view to aiding the General Assembly in its consideration of this information, and with a view to making recommendations to the General Assembly regarding the procedures to be followed in the future and the means of ensuring that the advice, expert knowledge and experience of the specialized agencies were used to the best advantage.

117. In 1947, in connexion with the proposal to establish a special committee, the Ad Hoc Committee examined the means of ensuring that the advice, expert knowledge and experience of the specialized agencies were used to the best advantage. Under one proposal, 120/ the special committee would be authorized to avail itself of the counsel and assistance of the specialized agencies in such manner as it might consider necessary or expedient. Under a second proposal, 121/ it would invite the Secretary-General to contact the specialized agencies and to examine with them the means for giving effect to the provisions of resolution 66 (I), paragraph 6, relating to the participation of those agencies in the application of Article 73 e. Under a third proposal, 122/ it would invite the specialized agencies to assist the Secretary-General in preparing analyses of information on a functional basis, to make recommendations on the form and content of information transmitted under Article 73 e, and to bring to the

118/ G A (I/2), 4th Com., part I, annex 21 (A/C.4/68), appendix I, pp. 294 and 295.

119/ See paras. 139-160 below.

120/ A/AC.9/W.20.

121/ A/AC.9/W.32.

122/ A/AC.9/W.33.

notice of the General Assembly conclusions as to conditions in the Non-Self-Governing Territories, particularly as to the services which the specialized agencies might make available. The proposal 123/ for the constitution of a special committee having been adopted, the authority of such a committee to avail itself of the counsel and assistance of the specialized agencies was accepted without protracted debate or separate decision, although the objection 124/ was raised that the text was vague.

118. On this particular point, no important question arose in the Fourth Committee and the General Assembly adopted the proposal as formulated in paragraph 2 of resolution 146 (II).

Decision

The General Assembly, by resolution 146 (II), authorized the Special Committee which it constituted, to avail itself of the counsel and assistance of the specialized agencies in such manner as it might consider necessary or expedient.

119. The other two proposals relating to the participation of the specialized agencies in the examination of information transmitted under Article 73 e were generally acceptable to the Ad Hoc Committee, and were merged by their sponsors in a joint text which was submitted to the General Assembly as a separate draft resolution. 125/ The discussion suggested that the Committee did not wish to lay down in any detail the machinery of liaison which should be established, but sought merely to enable the Secretary-General to enter into relations with the secretariats of the specialized agencies in order to obtain their assistance.

120. The draft resolution submitted by the Ad Hoc Committee was unanimously approved by the Fourth Committee. It was adopted by the General Assembly and became resolution 145 (II).

Decision

The General Assembly, by resolution 145 (II), invited the Secretary-General to enter into relations with the secretariats of the specialized agencies in order to allow these agencies:

1. To assist the Secretary-General of the United Nations in preparing analyses of the information required under Article 73 e of the Charter on a functional basis;
2. To make recommendations through the appropriate channels, to the General Assembly with respect to the form and content of the information with a view to incorporating therein the informational needs of the specialized agencies, and
3. To bring to the notice of the General Assembly through the appropriate channels, conclusions based on this information and supplemental information as to the conditions, within their respective fields of interest, of Non-Self-Governing Territories generally and particularly as to the services which the specialized agencies might make available to the administering nations in improving these conditions.

121. Representatives of ILO, FAO, UNESCO and WHO participated in the discussions of the 1948 Special Committee, and the Committee, noting certain of the explanations furnished it by the representatives of the specialized agencies, approved a draft

123/ See para. 144 below.

124/ A/AC.9/SR.16, p. 6.

125/ G A (II), 4th Com., annex 4 a (A/385), p. 213, draft resolution IV.

resolution, 126/ which would invite the Secretary-General to maintain closer collaboration with these agencies and the latter to maintain closer collaboration with the United Nations.

122. In the Fourth Committee, it was claimed 127/ that the suggestion to transmit the information to the specialized agencies concerned was intended to deprive the United Nations of the possibility of reviewing the administration of the Non-Self-Governing Territories.

123. Nevertheless, the draft resolution was approved by the Fourth Committee with no dissenting votes. It was subsequently adopted by the General Assembly and became resolution 221 (III).

Decision

The General Assembly, by resolution 221 (III), noted action taken and information furnished by the World Health Organization, the International Labour Organization and the United Nations Educational, Scientific and Cultural Organization, and in paragraphs 2, 3, 4 and 5, invited the Secretary-General to keep in close touch with the secretariats of the specialized agencies with a view to seeking their counsel and assistance in the preparation of his analyses of information transmitted under Article 73 e of the Charter; invited the specialized agencies to examine the relevant sections of the Standard Form with which they were specially concerned, with a view to the revision of that Form; invited the specialized agencies to inform any special committee which the General Assembly might appoint of the progress of any work undertaken by them which included within its scope economic, social and educational conditions affecting Non-Self-Governing Territories; further invited the appropriate specialized agencies to make such comments on the analyses prepared by the Secretary-General as they might feel would be helpful to the consideration of those analyses.

124. Representatives of FAO, ILO, WHO and UNESCO participated in the discussions of the 1949 Special Committee, and informed 128/ the Committee of action taken by their respective agencies to develop co-operation with the United Nations regarding Non-Self-Governing Territories, and of some of their activities of assistance to the Territories. They indicated that their agencies were ready to assist the Committee, if so requested.

125. Considerable discussion took place on particular problems of education. The Committee, in addition to requesting the general assistance of the specialized agencies, drafted two specific requests to UNESCO. By one request, 129/ UNESCO was invited to undertake an over-all study of the question of developing indigenous languages, particularly their use as a vehicle of instruction in schools. By the other, 130/ UNESCO was requested to communicate to the Administering Members and to the General Assembly information on measures for suppressing illiteracy which would be of service in Non-Self-Governing Territories, and to include in its annual report to the United Nations information on the extent to which its services in campaigns against illiteracy had been provided for any of the Non-Self-Governing Territories at the request of the Members concerned; the Secretary-General was invited to collaborate with UNESCO in any necessary studies.

126/ G A (III), Suppl. No. 12 (A/593), p. 16, appendix C.

127/ For text of relevant statement, see G A (III), 4th Com., 54th mtg., USSR, p. 21.

128/ For texts of relevant statements, see A/AC.28/SR.5: WHO, pp. 8 and 9; A/AC.28/SR.8: UNESCO, pp. 11 and 12; A/AC.28/SR.15: FAO, p. 8; A/AC.28/SR.17: ILO, p. 8.

129/ G A (IV), Suppl. No. 14 (A/923), p. 16, draft resolution C.

130/ Ibid., draft resolution D.

126. In the Fourth Committee, an extended discussion developed on the requests which, under the terms of the draft resolutions submitted by the Special Committee, should be addressed to UNESCO, and also in reference to collaboration with other specialized agencies. Representatives of some of the Administering Members considered 131/ that it would be more correct for such requests to be addressed to UNESCO by the Members responsible for the administration of the Territories, that the United Nations had no responsibility for the application of the principles and objectives set forth in Chapter XI, and that to address specific requests to a specialized agency was beyond the competence of the Committee, since it was for the Member States to examine the steps to be taken to give effect to programmes established by the specialized agencies. Objections against inviting UNESCO to undertake a study of the question of vernacular languages were also raised on grounds of practical difficulties.

127. A number of replies were made 132/ to these arguments, which cited Article 73 d, the agreements between the United Nations and the specialized agencies, and Articles 57 and 58, providing for the co-ordination of the policies and activities of the specialized agencies. It was further contended that it was legitimate for the General Assembly to make definite requests to the specialized agencies, having regard, on the one hand, to the responsibility of the Assembly for making substantive recommendations in respect of Non-Self-Governing Territories, and, on the other, to the plans and fields of action of the specialized agencies. If such a procedure were not followed, the United Nations itself would have to undertake detailed inquiries into specific problems which, by the agreements, should be examined by the specialized agencies.

128. The Fourth Committee, with certain amendments which did not affect the question under consideration here, adopted the draft resolutions. These were subsequently adopted by the General Assembly and became resolutions 329 (IV) and 330 (IV).

Decision

The General Assembly, by resolution 329 (IV), invited the United Nations Educational, Scientific and Cultural Organization (UNESCO) to undertake an over-all study of the question of the use of indigenous languages as vehicles of instruction in schools, taking into consideration the desires of the inhabitants and taking account in such a study of the experience of other States in this matter, and expressed the hope that, in accordance with the obligation accepted under Article 73 d of the Charter, the Administering Members would collaborate with UNESCO in the conduct of such a study. By resolution 330 (IV), the General Assembly invited UNESCO to communicate to the Administering Members full information on measures for suppressing illiteracy which could be applied with satisfactory results in Non-Self-Governing Territories and to communicate annually to the United Nations an account of these measures and of the extent to which its services in campaigns against illiteracy had been provided for any of the Non-Self-Governing Territories at the request of the Members concerned; recommended that the Administering Members continue to co-operate with UNESCO, when and where appropriate, with a view to the practical achievement of the eradication of illiteracy in the Non-Self-Governing Territories; invited UNESCO to take account in its studies of the experience of various States in this matter; and invited the Secretary-General to collaborate in any necessary studies.

131/ For texts of relevant statements, see G A (IV), 4th Com., 118th mtg.: Belgium, para. 53; United Kingdom, paras. 18-21 and 67-75; 119th mtg.: France, para. 50; United Kingdom, paras. 68-76.

132/ For texts of relevant statements, see G A (IV), 4th Com., 118th and 119th mtgs.

129. Two other resolutions relevant to this question were adopted in 1949, one providing general guidance for the collaboration with the specialized agencies and the other relating to information regarding technical assistance accorded to Non-Self-Governing Territories.

130. In the Special Committee, it had been suggested that, in order to provide comparisons with other under-developed areas, the problems of Non-Self-Governing Territories should be studied by the technical bodies of the United Nations. ^{133/} Against this contention, it was maintained ^{134/} that from their general experience the specialized agencies might supplement the information prepared by the Secretary-General. In order, however, to prevent local authorities from being overburdened with more inquiries than they could be expected to answer, the Special Committee should draw the attention of the specialized agencies to those problems in the Non-Self-Governing Territories which required the most urgent attention. ^{135/}

131. In these circumstances, a draft resolution ^{136/} was submitted requesting the Administering Members to co-operate when and where appropriate with the specialized international bodies with a view to the provision of adequate training facilities for indigenous students. The proposal further requested the specialized agencies to take full account of the Non-Self-Governing Territories when undertaking work in topics enumerated in the draft, and invited the specialized agencies to communicate to the General Assembly information on the progress of their work in these fields. The draft also invited the Secretary-General, in his analyses of information on Non-Self-Governing Territories to be submitted in 1950, to select such aspects of economic, social and educational problems as provided for appropriate opportunities of international collaboration in the improvement of such conditions in the Territories. After revision ^{137/} on points of detail, this draft resolution ^{138/} was adopted by the Special Committee for submission to the General Assembly.

132. In the Fourth Committee, it was stated ^{139/} in opposition to the draft resolution that it was redundant, since co-operation of Administering Members among themselves and with the specialized agencies was provided for in Article 73 d. In support of the draft, it was stressed that the General Assembly should ask the specialized agencies to investigate conditions in Non-Self-Governing Territories, bearing in mind the fact that the interests of the populations were paramount.

133. After the approval of two amendments not affecting the basic principle, the Fourth Committee approved the draft resolution as amended. It was subsequently adopted by the General Assembly and became resolution 331 (IV).

Decision

The General Assembly, by resolution 331 (IV),

1. Emphasized the importance of promoting the technical training of the inhabitants of the Non-Self-Governing Territories, and requested the Administering Members to

^{133/} See paras. 56-64 above.

^{134/} A/AC.28/SR.5, p. 3.

^{135/} A/AC.28/SR.15, p. 3.

^{136/} A/AC.28/W.18.

^{137/} A/AC.28/W.18/Rev.1

^{138/} G A (III), Suppl. No. 12 (A/593), p. 17, appendix C, draft resolution IV.

^{139/} G A (IV), 4th Com., 118th mtg.

co-operate when and where appropriate with specialized international bodies with a view to the provision of adequate training facilities for these inhabitants in the fields of economic development, agriculture, education, labour, public health and social welfare;

2. Requested international bodies to take full account of conditions in the Territories in a number of specific parts of the programmes of work undertaken by them in connexion with economic development, the world census of agriculture, the study of soil erosion, the training of public health personnel, the study of problems of nutrition, the application of international labour conventions, the problem of migrant labour in Africa, the development of social welfare services, the prevention and treatment of juvenile delinquency, the study of the most appropriate means of improving housing in tropical regions, and the problems of higher education;

3. Invited the specialized agencies to communicate annually to the United Nations information on the progress of the work indicated in the previous paragraph which would be of service in Non-Self-Governing Territories;

4. Invited them to take account in their studies of the experience of various States in respect of the problems enumerated above;

5. Invited the Secretary-General to bring to the attention of the Administering Members and the specialized agencies the comments made during the discussions in the Special Committee in relation to agriculture, education, labour, public health and social welfare;

6. Invited him to collaborate with the specialized agencies in any necessary studies; and

7. Further invited him in his future analyses of information on Non-Self-Governing Territories to select aspects of economic, social and educational problems providing opportunities for co-operation with specialized international bodies, as provided in Article 73 d of the Charter, with a view to the improvement of economic, social and educational conditions in the Non-Self-Governing Territories.

134. The question of technical assistance accorded to Non-Self-Governing Territories is summarized in the paragraphs relating to the Economic and Social Council. ^{140/} As noted below, by resolution 336 (IV) the General Assembly requested the Secretary-General to keep the Special Committee informed of technical assistance accorded to Non-Self-Governing Territories by specialized international bodies. The use of this phrasing, instead of "specialized agencies" was in accordance with Article 73 d, and was intended to include organizations, such as the regional commissions, having different relationships with the United Nations.

Decision

The General Assembly, by resolution 336 (IV) requested the Secretary-General to keep the Special Committee informed of the nature of the technical assistance accorded from time to time to Non-Self-Governing Territories by specialized international bodies.

135. In 1950, the Special Committee on Information transmitted under Article 73 e of the Charter gave special attention to the problem of education, and recommended that it should, in 1951, consider in particular, economic conditions and development in the Territories.

^{140/} See paras. 111-138 above.

136. By resolution 445 (V) on the work of the Committee, the General Assembly followed the practice of collaboration with the specialized agencies established in 1949. It confirmed its recognition of the importance of international collaboration in regard to economic, social and educational conditions as expressed under resolution 331 (IV), invited the Secretary-General to communicate the special report on education to UNESCO, and invited the specialized agencies concerned to collaborate with the Secretary-General in the study of specific economic problems mentioned in that paragraph, and which the Committee would study at its following session.

137. The general lines of collaboration with the specialized agencies have since remained substantially unchanged. Representatives of four of the specialized agencies regularly attend the meetings of the Committee on Information from Non-Self-Governing Territories, and take part in the discussions. The specialized agencies co-operate with the Secretary-General in the preparation of studies for the Committee and supply information on their activities which are of special interest to Non-Self-Governing Territories; the General Assembly invites the Secretary-General to communicate the special reports approved by the General Assembly to the specialized agencies concerned for their consideration.

Decision

The General Assembly, by resolution 445 (V), requested the Secretary-General to communicate the report on educational conditions approved in the same resolution to the United Nations Educational, Scientific and Cultural Organization for consideration; by resolutions 564 (VI), 643 (VII), 743 (VIII) and 846 (IX), he was similarly requested to communicate the special reports of those years to the specialized agencies concerned.

138. A further step was taken in 1954 in connexion with resolution 845 (IX) relating to fellowships, scholarships and internships for students from Non-Self-Governing Territories. 141/ By this resolution, the General Assembly requested the Secretary-General to establish a simple procedure for the handling of offers and applications, in consultation with the Administering Members and the specialized agencies concerned. It further requested him to transmit details of offers and procedures to the specialized agencies with a view to securing publicity in their appropriate publications.

3. The creation of a committee to assist the General Assembly in the examination of information

a. ESTABLISHMENT OF THE AD HOC AND THE SPECIAL COMMITTEES

139. This question was first raised at the second part of the first session of the General Assembly. The Secretariat had prepared a working paper 142/ on the problems of transmission and organization in respect of information, in which it had drawn attention to the fact that information received from the Governments under Chapter XI promised to be detailed, and that although the Secretary-General would be able to provide a summary of information as requested under resolution 9 (I), points of interest and of importance might be set forth with greater authority if the summary and the information on which it was based could be examined in advance of the meeting of the General Assembly.

141/ See paras. 200-225 below.

142/ G A (I/2), 4th Com., part I, p. 245, annex 14 (A/C.4/29).

140. The Fourth Committee referred the question to its Sub-Committee 2. The procedures 143/ proposed for the examination of information transmitted under Article 73 e fell into three main groups: (1) during the first year at least, no new body should be created, but use should be made of existing machinery provided by the Secretariat and the specialized agencies; (2) the Trusteeship Council should be invited to receive and examine the information; (3) a special ad hoc committee should be appointed, composed in equal numbers of representatives of the Members transmitting information under Article 73 e and of representatives of Members elected by the General Assembly, to meet before the second session of the General Assembly, and, with the assistance of representatives of the specialized agencies, to examine the summary of information prepared by the Secretary-General and the actual information, and to make recommendations regarding future procedure.

141. Draft resolutions embodying the proposals outlined in the second and third groups were rejected by the Sub-Committee. Two drafts on the lines indicated in the first group were replaced by a joint draft resolution 144/ recommending that information transmitted under Article 73 e should be summarized, analysed and classified 145/ by the Secretary-General, and included in his report to the second session of the General Assembly in order that, in the light of the experience gained, the General Assembly could then decide whether any other procedure would be desirable in dealing with the information in future years. This text was approved by the Sub-Committee.

142. When the Fourth Committee considered the report of the Sub-Committee, the proposal to establish a special committee was re-introduced by way of an amendment to the draft resolution submitted by the Sub-Committee. The amendment 146/ would (a) establish an ad hoc committee composed in equal numbers of representatives of the Members transmitting information under Article 73 e and of representatives elected by the General Assembly on the basis of an equitable geographical distribution, (b) invite certain of the specialized agencies to send observers to the meeting of the ad hoc committee, and (c) invite the ad hoc committee to examine the summaries and analyses of information transmitted under Article 73 e and make recommendations to the General Assembly regarding future procedure.

143. In opposition to this amendment, the view was expressed 147/ that it envisaged a new organ not laid down in the Charter, that such a committee was unnecessary since the Secretariat was competent in the matter and the General Assembly, therefore, could give the necessary instructions to the Secretary-General, and that the Assembly could establish subsidiary bodies only for the duration of one session. In reply to these objections, it was pointed out that, according to Article 22 of the Charter and rule 100 of the rules of procedure of the General Assembly, the establishment of an ad hoc committee by the General Assembly was legal. In addition, precedents of such bodies created at one session to prepare the work for the next were cited 148/ during the debate in the General Assembly.

143/ G A (I/2), 4th Com., part III, p. 87, annex 2 (A/C.4/Sub.2/9), and p. 88, annex 2 a (A/C.4/Sub.2/10).

144/ G A (I/2), 4th Com., part III, p. 90, annex 2 f (A/C.4/Sub.2/22).

145/ The words "classified and analysed" were added at the proposal of the United States. For text of relevant statement, see G A (I/2), 4th Com., part III, 5th mtg., p. 29.

146/ G A (I/2), 4th Com., part I, p. 247, annex 14 a (A/C.4/67).

147/ For texts of relevant statements, see G A (I/2), 4th Com., 21st mtg., pp. 124-127.

148/ G A (I/2), Plen., 64th mtg.

144. The amendment and the draft resolution as amended were approved by the Fourth Committee. In the General Assembly, similar arguments were made for and against the creation of an ad hoc committee. The draft resolution was adopted and became resolution 66 (I).

Decision

The General Assembly, by paragraphs 4, 5 and 6 of resolution 66 (I), invited the Secretary-General to convene, some weeks before the opening of the second session of the General Assembly, an ad hoc committee composed in equal numbers of representatives of the Members transmitting information under Article 73 e and of representatives of Members elected by the General Assembly at this session, on the basis of an equitable geographical distribution; invited the Secretary-General to request the Food and Agriculture Organization, the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization, and the World Health Organization and the International Trade Organization, when constituted, to send representatives in an advisory capacity to the meeting of the Ad Hoc Committee; invited the Ad Hoc Committee to examine the summary and analysis prepared by the Secretary-General of the information transmitted under Article 73 e with a view to aiding the General Assembly in its consideration of this information, and with a view to making recommendations to the General Assembly regarding the procedures to be followed in the future and the means of ensuring that the advice, expert knowledge and experience of the specialized agencies were used to the best advantage.

145. The members of the Ad Hoc Committee as Members transmitting information were: Australia, Belgium, Denmark, France, the Netherlands, New Zealand, the United Kingdom, and the United States. In addition, at its 65th and 66th plenary meetings, the General Assembly elected Brazil, China, Cuba, Egypt, India, the Philippines, the Union of Soviet Socialist Republics and Uruguay.

146. At its 16th meeting in 1947, the Ad Hoc Committee considered a proposal 149/ recommending that the General Assembly constitute a committee to examine the information transmitted under Article 73 e, in order to ascertain the economic, social and educational conditions in Non-Self-Governing Territories and to submit a report thereon with such recommendations as it deemed fit, to the General Assembly. Such a committee would meet some weeks before the third session of the General Assembly, and would have a balanced composition of equal numbers of Administering Members and non-administering Members.

147. Arguing against the proposal for the establishment of a committee by the General Assembly, several Administering Members maintained 150/ that it was not appropriate to establish a committee which would have functions belonging to the Fourth Committee of the General Assembly or functions similar to those of the Trusteeship Council. In reply, 151/ it was stated that it was not intended that the Committee should have the same powers as the Trusteeship Council. The information transmitted under Article 73 e was detailed and technical, and what was needed was a technical committee which would assist the General Assembly.

148. During the discussions in the Ad Hoc Committee, a number of amendments were approved, of which the most important were to provide 152/ that the new committee

149/ A/AC.9/W.20.

150/ For texts of relevant statements, see A/AC.9/SR.16, pp. 5 and 6.

151/ Ibid., p. 5.

152/ Ibid., pp. 7-9.

should be constituted by the Fourth Committee and should be empowered to adopt substantive recommendations relating to the "functional fields generally but not with respect to individual territories".

149. On this basis, a text was accepted. In its final form, 153/ it recommended to the General Assembly that the Fourth Committee establish a special committee to examine the information transmitted under Article 73 e, and to submit reports on the information for the consideration of the General Assembly with such procedural recommendations as it might deem fit, and with such substantive recommendations as it might deem desirable relating to functional fields generally but not with respect to individual Territories. The Committee would be composed of Members transmitting information and an equal number of Members elected by the Fourth Committee of the General Assembly on as wide a geographical basis as possible; it would meet as specified by the General Assembly.

150. In the Fourth Committee, an alternative text to that of the Ad Hoc Committee was submitted and approved. 154/ The principal changes were to provide that the new committee would be a committee of the General Assembly, with the Members elected serving for two years, and to permit the committee to make such recommendations as it deemed appropriate.

151. The General Assembly discussed 155/ the item in plenary meeting on the basis of the draft resolution recommended by the Fourth Committee and three amendments thereto. One amendment re-introduced the draft resolution adopted by the Ad Hoc Committee which would establish a committee of the Fourth Committee. The other two amendments provided respectively that a special committee would be established (a) as an experimental measure, and (b) for a period of two years. Several Administering Members appealed to the Assembly to accept the procedure worked out by the Ad Hoc Committee. The proposal of the Fourth Committee, it was maintained, envisaged setting up a semi-permanent organ not provided for in the Charter; it upset the compromise reached in the Ad Hoc Committee between the principle of the entire responsibility for the Non-Self-Governing Territories of the Administering Members which exercised sovereignty over them and the recognition of the legitimate interest of the United Nations in their development. It was contended that it gave unlimited powers to the special committee, its legal basis was doubtful, and it was administratively unsound and unnecessary. Other Members disagreed with this restrictive interpretation of Chapter XI; the Chapter was not merely declaratory, but set forth the obligations of the Members of the United Nations in respect of Non-Self-Governing Territories. The United Nations, therefore, must be concerned with the manner in which the obligations were fulfilled: the draft resolution adopted by the Ad Hoc Committee sought to narrow the functions and activities of the proposed committee and was incompatible with the obligations the Administering Members had assumed under Article 73.

152. Following the debate and a decision that a two-thirds majority would be required in a vote on this question, the General Assembly proceeded 156/ to vote on the texts before it. The amendments to establish the committee as an experimental measure and to limit its duration to two years were rejected, and the text submitted by the Fourth Committee failed to obtain the necessary two-thirds majority. Faced with this situation, the General Assembly turned to the original proposal and adopted the text proposed by the Ad Hoc Committee.

153/ G A (II), 4th Com., annex 4 a (A/385), draft resolution V, p. 214.

154/ G A (II), Plen., vol. II, annex 14 (A/424), draft resolution V, p. 1543.

155/ G A (II), Plen., 108th mtg.

156/ Ibid.

Decision

The General Assembly, by resolution 146 (II), invited the Fourth Committee to constitute a special committee to examine information transmitted under Article 73 e of the Charter on economic, social and educational conditions in the Non-Self-Governing Territories, and to submit reports thereon for the consideration of the General Assembly with such procedural recommendations as it might deem fit, and with such substantive recommendations as it might deem desirable relating to functional fields generally but not with respect to individual Territories; and considered that the new Committee should be composed of the Members of the United Nations transmitting information and an equal number of Members elected by the Fourth Committee on behalf of the General Assembly on as wide a geographical basis as possible, the Committee to meet as the General Assembly might decide.

153. The Fourth Committee elected 157/ the following eight Members of the Special Committee: China, Colombia, Cuba, Egypt, India, Nicaragua, Sweden, and the Union of Soviet Socialist Republics. It decided that the Committee should be convened at a date to be fixed by the Secretary-General, but not less than two weeks before the opening of the third session of the General Assembly.

154. In 1948, the question of the establishment of a committee was somewhat narrowed down. The basic question was whether the Committee should be continued and, if so, whether it should be established from year to year as the occasion required or on a permanent basis. The matter was discussed in the Special Committee on the basis of two working papers. One 158/ assumed the continuation of the Special Committee without change of character. The other 159/ proposed the setting up of a permanent committee which would be composed of twenty-four members elected on a basis of equitable geographical distribution and which would hold two sessions a year.

155. Differences in opinion were expressed 160/ on this point. Among the Administering Members, one view held that it was unnecessary to continue the Committee and a proposal was made that the General Assembly should allocate the information or summaries of information to the respective specialized agencies for study. 161/ Other Administering Members, while opposing a permanent committee, nevertheless felt that the continuation of the Committee for one year or more might serve a special need to further clarify procedures or provide a form for the exchange of ideas and co-ordinate the recommendations made by the specialized agencies. All Members administering Non-Self-Governing Territories felt that if the Committee were continued the composition should be on a parity basis since Administering Members had the right to be represented on such a Committee and had the right to be heard and answer criticisms.

156. In support of a permanent committee, as opposed to the continuation of the Committee for one year only, it was stated 162/ that the problem of Non-Self-Governing Territories was a continuing one as the Non-Self-Governing Territories would not all attain self-government in one year. The Committee had proved its value in assisting the General Assembly; it would be concerned not only with technical questions but questions of a political nature and could not, therefore, complete its task in one year.

157/ G A (II), 4th Com., 48th mtg.

158/ A/AC.17/W.9.

159/ A/AC.17/W.10.

160/ For texts of relevant statements, see A/AC.17/SR.11 and 12.

161/ See para. 122 above.

162/ For texts of relevant statements, see A/AC.17/SR.12.

157. A drafting sub-committee drew up a text 163/ which was eventually accepted by the full Committee. The essential features were a recommendation that in 1949 the General Assembly again establish, without prejudice as to the future, and with the same terms of reference, a special committee composed of those Members transmitting information under Article 73 e and an equal number of Members elected. Most of the Administering Members stated 164/ that they would support the resolution as drafted, although some specified that their support was with the understanding that the Committee was being continued for one year only and that its task would be completed after 1949. On the other hand, several non-administering Members stated that they felt that in principle the Committee should be established on a permanent basis, but that in a spirit of compromise they would support the draft resolution.

158. In the Fourth Committee, most of the Administering Members expressed their support 165/ of the draft resolution. A number of non-administering Members also expressed their support for the draft, as representing a compromise. Another view put forward was that while the Committee should be established on a permanent basis, it should be given at least a three-year mandate. However, an amendment 166/ to set up a permanent committee was rejected as well as an amendment to set up a committee for three years.

159. The Committee subsequently approved 167/ paragraphs 1, 2 and 3 of the draft resolution as submitted by the Special Committee and deleted, as unnecessary, paragraph 4, while the draft resolution as a whole, thus amended, was approved.

160. Introducing the report 168/ of the Fourth Committee in the General Assembly, the Rapporteur indicated that the resolution on the establishment of a special committee was in the nature of a compromise.

Decision

The General Assembly, by paragraphs 1 and 2 of resolution 219 (III), established a special committee to meet in 1949, "similar to that of this year... composed of all the Members of the United Nations which have hitherto transmitted information in accordance with Article 73 e and of an equal number of other Members elected by the Fourth Committee on behalf of the General Assembly, on as wide a geographical basis as possible;" and provided that it should meet not later than three weeks before the opening of the regular session of the General Assembly, at a place to be determined by the Secretary-General, and that it should conclude its work not later than one week before the opening of the session.

b. ESTABLISHMENT OF THE COMMITTEE ON INFORMATION FROM NON-SELF-GOVERNING TERRITORIES

161. Eventually, in 1949, decisions were taken on which the existence of the present Committee is based. During the discussions in the 1949 Special Committee on the question of the continuation of the Committee, three views were expressed: (a) that the Committee should be constituted on a permanent basis; (b) that it should be constituted for a period of two to three years; (c) that it should be constituted for 1950 only.

163/ A/AC.17/W.12, draft resolution I.

164/ For texts of relevant statements, see A/AC.17/SR.15 and 16.

165/ For texts of relevant statements, see G A (III), 4th Com., 54-57th mtgs.

166/ G A (III/1), 4th Com., Annexes, p. 4, A/C.4/137.

167/ Ibid., A/C.4/136, p. 4.

168/ G A (III/1), Annexes, p. 289, A/695.

162. In support of a proposal 169/ which would make the Committee a permanent body, it was stated that so long as information was transmitted there would be a need for a committee, that the Committee represented in a modest way the principle of international accountability and that the creation of a permanent committee would have a favourable psychological effect on Non-Self-Governing Territories since it was evident that Administering Members took into account criticisms and comments made in the Committee.

163. The Members opposing the establishment of a permanent committee said that the Administering Members had not accepted international accountability; that nothing in Article 73 e permitted the discussion of the information, and, therefore, committee was necessary. They pointed out, furthermore, that the specialized agencies were the appropriate bodies to discuss the material; that although Chapter XI was permanent, such considerations had existed when the Charter was drafted at San Francisco and no appropriate organ had been set up; and that the Secretariat could deal with the information. The opinion was also expressed that greater clarity of the functions of the Committee was needed before a permanent committee could be contemplated. Several Administering Members indicated that they would not, however, oppose the continuation of the Committee for one year, and such a proposal 170/ was put forward.

164. In the light of these discussions a compromise was sought in the Special Committee to provide for the establishment of a new committee on a three-year basis. After the rejection of recommendations for a permanent committee and for the continuation of the existing committee for only one year, the compromise was accepted 171/ providing for the constitution, without prejudice to the future, of a committee for a three-year period with the same terms of reference as the 1949 Committee.

165. In the Fourth Committee, the same proposals were discussed. 172/ No new substantial arguments were brought forward. Several Administering Members, opposing a permanent or a three-year committee, were prepared to extend the Committee for one year. Several non-administering Members favouring a permanent committee, were nevertheless prepared to accept a three-year committee as the most practical solution at the time. The Fourth Committee rejected a proposal 173/ to continue the Committee for only one year as well as a proposal 174/ to establish the Committee "as a subsidiary organ".

166. The Fourth Committee approved the constitution of a committee for a period of three years. It accepted a number of amendments of a subsidiary nature, such as a provision 175/ for the election of non-administering Members in such a way as to provide for the retirement of two Members each year and to permit adjustments in case the number of Administering Members should increase or decrease. The resolution as a whole, having been approved by the Fourth Committee, was subsequently adopted by the General Assembly, following a short debate in which no new arguments were advanced.

Decision

The General Assembly, by resolution 332 (IV), constituted a Special Committee for a three-year period composed of those Members of the United Nations transmitting information in accordance with Article 73 e of the Charter and of an equal number of

169/ A/AC.28/W.19.

170/ A/AC.28/W.22.

171/ G A (IV), Suppl. No. 14 (A/923), annex II, draft resolution F.

172/ G A (IV), 4th Com., 120th-122nd mtgs.

173/ G A (IV), Annex, p. 114, A/C.4/L.52.

174/ Ibid., A/C.4/L.46.

175/ G A (IV), 4th Com., 122nd mtg., paras. 28-33.

non-administering Members elected by the Fourth Committee on behalf of the General Assembly, on as wide a geographical basis as possible, the non-administering Members of the Special Committee to be elected for a term of three years. At the first election, however, two Members were to be elected for a term of two years, and two for a term of one year only. In paragraphs 3 to 6 of the resolution, the General Assembly invited the Special Committee to examine, in the spirit of paragraphs 3 and 4 of Article 1 and of Article 55 of the Charter, the summaries and analyses of information transmitted under Article 73 e of the Charter on the economic, social and educational conditions in the Non-Self-Governing Territories, including any papers prepared by the specialized agencies and reports or information on measures taken in pursuance of the resolutions adopted by the General Assembly concerning economic, social and educational conditions in the Non-Self-Governing Territories; considered that the Special Committee should meet in 1950, 1951 and 1952 before the opening of the regular sessions of the General Assembly, at places and dates to be determined by the Secretary-General, in order that it should conclude its work not later than one week before the opening of each session; invited the Special Committee to submit to the regular sessions of the General Assembly in 1950, 1951 and 1952 reports containing such procedural recommendations as it might deem fit and such substantive recommendations as it might deem desirable relating to functional fields generally but not with respect to individual Territories; decided that at its regular sessions in 1950 and 1951 the General Assembly would proceed to any new elections for the Special Committee that might be necessary, and would examine in 1952 the question whether the Special Committee should be renewed for a further period, together with the questions of the composition and terms of reference of any such future Special Committee.

C. RENEWAL OF THE COMMITTEE ON INFORMATION FROM
NON-SELF-GOVERNING TERRITORIES

167. By resolution 569 (VI), the General Assembly decided that the name of the Committee should be changed from the Special Committee on Information transmitted under Article 73 e of the Charter to the Committee on Information from Non-Self-Governing Territories. In accordance with paragraph 6 of resolution 332 (IV), the General Assembly, in 1952, had to decide on the renewal of the Committee. The question was first discussed in the Committee on Information itself. In general, the views 176/ were substantially the same as those expressed in 1949, and ranged from non-renewal of the Committee to the establishment of a permanent committee. 177/ This time no proposal for the continuation of the committee for only one year was submitted, the intermediate views being represented by proposals (a) for the renewal of the Committee for three years 178/ and (b) for the renewal for a period of four years.

168. In support of the proposal for a term of four years, it was stated 179/ that the longer period would more appropriately meet the purpose of resolution 333 (IV) by which the Assembly had requested the Committee to pay special attention to one functional field each year, as enabling the Committee in the fourth year to take a comprehensive view of the information on economic, social and educational conditions.

176/ For texts of relevant statements, see A/AC.35/SR.67-69.

177/ A/AC.35/L.115.

178/ A/AC.35/L.114.

179/ A/AC.35/SR.68, p. 6, and A/AC.35/SR.69, p. 3.

169. The Committee, however, after rejecting the proposal for a permanent committee and the proposal for a renewal for four years, approved the recommendation 180/ for the continuation of the Committee for a further period of three years on the same basis.

170. In the Fourth Committee, 181/ an amendment 182/ to the draft resolution contained in the report of the Committee on Information from Non-Self-Governing Territories proposed the continuation of the Committee on the same basis "for as long as there exist territories whose people have not yet attained a full measure of self-government". A further amendment 183/ to this amendment suggested replacing the words "for as long as there exist territories whose people have not yet attained a full measure of self-government" by the phrase "for a further three-year period, and at the end of that period, unless otherwise decided by the General Assembly, to continue the Committee automatically for additional three-year periods".

171. Following the failure of an attempt to reconcile the two amendments a number of votes were taken, resulting in the approval of an amended draft resolution 184/ recommending the General Assembly to continue the Committee on Information from Non-Self-Governing Territories on the same basis for a further three-year period, and at the end of that period, unless otherwise decided by the General Assembly, to continue the Committee automatically thereafter for as long as there existed Territories whose peoples had not yet attained a full measure of self-government.

172. At the 402nd plenary meeting of the General Assembly, three Administering Members (Belgium, France and the United Kingdom) stated that, as their Governments did not accept any accountability in respect of the Non-Self-Governing Territories under their administration, the continuation of the Committee on Information from Non-Self-Governing Territories on an indefinite or a permanent basis was unacceptable. Their Governments would not participate in the work of a committee established on such a basis. Two of the Members, however (France and the United Kingdom), stated that, in a spirit of good will and co-operation, they were prepared not to object to the continuation of the Committee on the same basis for a three-year period, after which the General Assembly would decide on the future of the Committee.

173. Under these circumstances the representative of Denmark requested a separate vote on the phrase which would have the effect of continuing the Committee indefinitely, beginning with the words "and at the end of that period". In view of the position on the part of Administering Members with respect to the creation of a committee on an indefinite basis, several non-administering Members (Brazil, Iraq, Uruguay and Venezuela) indicated that they would vote in favour of continuing the Committee for three years, but would abstain on the phrase which would result in a continuation of the Committee indefinitely thereafter.

174. Anticipating the possibility that the Committee might be continued only for a three-year period, an amendment 185/ was moved by India to add a new paragraph to the effect that the General Assembly, at its regular session in 1955, would examine the question of the renewal of the Committee together with the question of its composition and terms of reference.

180/ G A (VII), Suppl. No. 18 (A/2219), annex II, draft resolution C, p. 14.

181/ G A (VII), 4th Com., 264th-267th mtgs.

182/ G A (VII), Annexes, vol. I, a.1. 33, p. 2, A/2296, para. 23, A/C.4/212.

183/ Ibid., para. 24, A/C.4/L.223.

184/ Ibid., draft resolution IV.

185/ The wording is substantially the same as paragraph 6 of resolution 332 (IV).

175. Following these declarations and proposals, the General Assembly adopted the first part of paragraph 1 under the terms of which the Committee on Information from Non-Self-Governing Territories would be continued on the same basis for a further three-year period; it rejected the second part of that same paragraph which would have continued the Committee for as long as there existed Territories whose peoples had not yet attained a full measure of self-government, unless the General Assembly decided otherwise, and it adopted the amendment under which the General Assembly would, in 1955, again examine the question of the future of the Committee.

Decision

The General Assembly, by paragraphs 1 and 2 of resolution 646 (VII), continued the Committee on Information on the same basis for a further three-year period and provided that at its regular session in 1955, the General Assembly would examine the question whether the Committee on Information from Non-Self-Governing Territories should be renewed for a further period, together with the questions of the composition and terms of reference of any such future committee.

d. COMPOSITION OF THE COMMITTEE ON INFORMATION FROM NON-SELF-GOVERNING TERRITORIES

176. From the time of the constitution of the Ad Hoc Committee of 1947 onwards, the special committees which have been constituted to examine information transmitted under Article 73 e have been composed of Members of the United Nations transmitting information and an equal number of non-administering Members elected by the Fourth Committee or the General Assembly. Other suggestions have at times been made, including the proposal, made in 1948, for a committee of twenty-four members, 186/ but these suggestions have not been pressed.

177. Up to 1954, there have been eight Members transmitting information on Non-Self-Governing Territories and, accordingly, the committees have consisted of these eight and eight other elected Members. With the cessation of the transmission of information on Greenland, the one Territory under the administration of Denmark, the size of the Committee was reduced to fourteen, seven Administering Members and seven elected Members.

178. By resolution 332 (IV), the General Assembly first constituted the present Committee for a three-year period and the non-administering Members were elected for a term of three years. In order to permit annual elections, the resolution provided that on the first occasion two Members should be elected for a term of two years and two for a term of one year. 187/

179. At the end of the first year of the term of the Committee, the question arose whether Members could be elected for a three-year period when the term of the Committee might come to an end in two years. The Chairman of the Fourth Committee in 1950 suggested that the elections should be for a term of two years. When, however, attention was drawn to the terms of resolution 332 (IV), he said 188/ that the two countries to be elected would be elected for at least two years, and that if the Committee were renewed for a further period, the question of their continuing in office for a third year could be considered. In any event, the intention of the General Assembly had been to set up a body having continuity. It was for that reason that the system of rotation of the non-administering Members had been instituted.

186/ See para. 154 above.

187/ See para. 166 above.

188/ For text of relevant statement, see G A (V), 4th Com., 191st mtg., paras. 93-103.

180. The General Assembly, having renewed the Committee on the same basis in 1952, proceeded in that year to new elections 189/ on the basis of paragraph 2 of resolution 332 (IV). Accordingly, the Members elected in 1950 and 1951 continued to serve on the Committee by virtue of their election for a three-year term, an understanding which has not been questioned since.

181. The Members elected to the Ad Hoc Committee of 1947 were, in accordance with the provisions of resolution 66 (I), elected by the General Assembly in plenary meeting. Since 1947, however, the Members have been elected by the Fourth Committee on behalf of the General Assembly. As described above, 190/ the Ad Hoc Committee of 1947 had recommended that the Fourth Committee establish a Special Committee. In the Fourth Committee itself, the alternative text which was eventually adopted substituted for this provision one that the election should be made by the Fourth Committee, but on behalf of the General Assembly. In accordance with this decision, the elections to the Committee have been conducted in accordance with the rules of procedure applied in elections at plenary meetings of the General Assembly. In particular, no nominations are permitted.

182. By resolution 66 (I), the Assembly provided that the Members should be elected on the basis of an equitable geographical distribution. Under the succeeding resolutions, 146 (II), 219 (III) and 332 (IV), a similar principle was provided in the form of the phrase that they should be elected "on as wide a geographical basis as possible". On occasion, representations have been made 191/ in the Fourth Committee that the provision regarding geographical representation has not been respected. In particular, on the occasion of the elections to the Committee undertaken in 1951, it was suggested that a European country should be included among the elected Members. In opposition to this contention, it was suggested that, since Western Europe had five permanent members on the Committee, its point of view was largely represented. Although the Committee had originally included a non-administering Member from Western Europe, the General Assembly had seen fit to change that situation in the interests of a more equitable political equilibrium.

Decision

The General Assembly, by resolutions 332 (IV) and 646 (VII), following precedents established by resolutions 66 (I), 146 (II) and 219 (III), provided that the committees established for the study of information transmitted under Article 73 e be composed of those Members of the United Nations transmitting information and an equal number of non-administering Members elected by the Fourth Committee on behalf of the General Assembly on as wide a geographical basis as possible. Subject to special provisions for the initial period, the Members were elected for a three-year term.

On the reduction of the number of Administering Members from eight to seven a corresponding reduction was made in the number of elected Members.

183. A second aspect of the question of membership of the Committee on Information has been the question of the direct participation of the Non-Self-Governing Territories in the work of the Committee or their representatives in the delegations.

189/ G A (VII), 4th Com., 306th mtg., paras. 32 and 33.

190/ See para. 149 above.

191/ For texts of relevant statements, see G A (VI), 4th Com., 277th mtg., Belgium, para. 49; Cuba, para. 48; Denmark, para. 47.

184. As first proposed in the Fourth Committee in 1951, it was envisaged that the Non-Self-Governing Territories might be admitted to the Committee as associate members. In this connexion, it was pointed out 192/ that several regional commissions and specialized agencies had established procedures for the direct participation of the Territories as associate members. From the outset, however, the Administering Members have considered that associate membership of the Territories in the Committee would constitute dual representation, and up to 1954, in an effort to seek a solution to the problem while respecting the principle of unity of representation, the only way in which Non-Self-Governing Territories could take a direct part in the work of the Committee on Information has been through representatives of the Territories who have been included in the delegations of the Administering Members from time to time.

185. The draft resolution 193/ submitted to the Fourth Committee in 1951 referred to point 9 of the "Memorandum of points for consideration in the development of a twenty-year programme for achieving peace through the United Nations" of the Secretary-General, 194/ which advocated the use of the United Nations to promote by peaceful means the progress of dependent, colonial or semi-colonial peoples to a position of equality with Member States of the United Nations. It considered that the direct association of Non-Self-Governing Territories in the work of the United Nations and the specialized agencies would be both a valuable experience and an effective means of promoting the progress of the peoples of those Territories towards a position of equality with Member States, and, accordingly, invited the Committee on Information from Non-Self-Governing Territories to examine the possibility of associating the Non-Self-Governing Territories more closely with its work, and to report the results to the General Assembly.

186. Two Administering Members supported this proposal, one representative stating that his Government was anxious to encourage the fuller participation of the Territories in international life. Two other Administering Members opposed the proposal on the ground that it was inappropriate, since Administering Members which wished to send representatives of Non-Self-Governing Territories were always free to do so, and had done so on previous occasions.

187. With minor drafting changes, the Fourth Committee approved the draft resolution which was adopted by the General Assembly and became resolution 566 (VI).

Decision

The General Assembly, by resolution 566 (VI), noted that special provisions existed in the constitutions of the specialized agencies and of the regional commissions of the United Nations permitting, on the proposal of the Administering Member concerned, the admission to those agencies and commissions of Non-Self-Governing Territories as "associate members", commended the practice referred to above and invited the Committee on Information from Non-Self-Governing Territories to examine the possibility of associating the Non-Self-Governing Territories more closely in its work and to report the results of its examination of this problem to its next session.

188. In 1952, the Committee on Information, in pursuance of resolution 566 (VI), examined the methods whereby the closer association of the Non-Self-Governing Territories in its work could be effected, while maintaining the principle of unity of

192/ G A (VI), 4th Com., 218th mtg.

193/ G A (VI), Annexes, a.i. 36, p. 10, A/C.4/L.146.

194/ G A (V), Annexes, a.i. 60, p. 1, A/1304.

representation. A proposal 195/ was made to authorize the Committee to accept, 196/ on the proposal of the Administering Member concerned, the participation in its work of representatives of Governments of Non-Self-Governing Territories the inhabitants of which had attained a wide measure of responsibility for economic, social and educational policies, and to invite the Administering Members to avail themselves of the opportunity so created.

189. Several Administering Members, while considering it desirable that there should be close association between Non-Self-Governing Territories and the United Nations, opposed the foregoing proposal because of its possible implications. Representatives of four of the Administering Members stated 197/ that their Governments considered associate membership in the Committee as a form of dual representation, and that the Charter requirements for membership precluded the creation of associate membership in a committee of the General Assembly. Against this, it was pointed out that Administering Members had often in the past included in their delegations inhabitants of the Territories under their administration, and it was proposed 198/ that the General Assembly would express the hope that "Administering Members will find it appropriate to continue and to extend the practice of associating suitably qualified persons from their Non-Self-Governing Territories".

190. No agreement could be reached, and the Committee rejected 199/ both draft resolutions.

191. In the Fourth Committee, a draft resolution 200/ was submitted, combining, in a spirit of conciliation, the ideas of extending the practice of the Administering Members to include in their delegations to the Committee suitably qualified persons from their Non-Self-Governing Territories and of inviting the Committee to study further the question of "direct association" of representatives of such Territories the inhabitants of which had attained a wide measure of responsibility for economic, social and educational policies. In addition, the Administering Members were invited to send copies of the reports on economic, social and educational conditions, with relevant resolutions of the General Assembly, to authorities of such Territories having legislatures, and to furnish the Secretary-General with the views of the legislatures.

192. In support of the draft resolution, it was pointed out that the Administering Members would select representatives from the Non-Self-Governing Territories, that the participation of these representatives in the work of the Committee might be ensured by their integration in the delegations, or the Committee as a whole might agree to allow certain representatives of institutions or groups to participate as such, and, finally, that the participation envisaged related to deliberations and not to decisions, so that there would be no question of dual representation.

193. The wording of the draft resolution was criticized on the grounds that, in some instances, it was not clear and, in particular, that the statement of principle was expressed in a way different from that in previous resolutions of the General Assembly.

195/ A/AC.35/L.116.

196/ The Committee rejected an amendment (A/AC.35/L.117) to authorize the Committee "to invite the participation, without the right to vote, in its work, of representatives of social, cultural and educational organizations, as well as of representative organs of local self-government".

197/ For texts of relevant statements, see A/AC.35/SR.67-71.

198/ A/AC.35/L.119.

199/ G A (VII), Suppl. No. 18 (A/2219), paras. 87-109.

200/ G A (VII), Annexes, a.1. 35, A/C.4/L.221.

The draft before the Committee spoke of "closer association", but it was felt that the General Assembly should support the idea of the "direct participation" of the Non-Self-Governing Territories in the work of the Committee. Accordingly, an amendment 201/ was submitted to substitute the words "direct participation" for the words "closer association" or "direct association" in the text. This amendment was subsequently accepted by the Committee.

194. With regard to another provision in the draft resolution, objection was raised 202/ against the request to send information to the local authorities and request their comments. After some discussion, an amendment 203/ was accepted to redraft the paragraph and to delete the request that Administering Members include in their annual reports the views of the local authorities on the reports of the Committee and on General Assembly resolutions.

195. Although several Administering Members stated that they did not consider it necessary for the Committee to study further the question of associating the Non-Self-Governing Territories in the work of the Committee, since their respective Governments had already given careful and serious consideration to this problem, an amendment 204/ to delete this request was rejected. The Fourth Committee adopted the draft resolution with these amendments.

196. In the General Assembly, objection was again raised 205/ by some Administering Members to association of representatives of Non-Self-Governing Territories in the work of the Committee, as being unconstitutional, but the recommendation of the Fourth Committee was adopted.

Decision

The General Assembly, by resolution 647 (VII), considered it desirable that there be associated in the work of the Committee on Information from Non-Self-Governing Territories qualified indigenous representatives from Non-Self-Governing Territories, and invited the Administering Members to make such participation possible. It also invited the Administering Members to transmit copies of the reports on economic, social and educational conditions of the Committee on Information from Non-Self-Governing Territories, together with the relevant resolutions of the General Assembly, to the executive and legislative branches of these Territories, and invited the Committee on Information from Non-Self-Governing Territories to study further the question of the direct participation in its discussions on economic, social and educational conditions, of representatives of those Territories the inhabitants of which had attained a wide measure of responsibility for economic, social and educational policies, and to include recommendations on this question in its report to the General Assembly at its eighth session.

197. In accordance with the foregoing resolution, the problem was further examined by the Committee on Information in 1953. A draft resolution 206/ was submitted, which, while maintaining the "principle of unity of representation", would propose that the General Assembly invite the Administering Members to attach to their delegations

201/ A/C.4/L.227.

202/ For texts of relevant statements, see G A (VII), 4th Com., 268-270th mtgs.

203/ A/C.4/L.228, para. 1.

204/ Ibid., para. 2.

205/ For texts of statements, see G A (VII), 402nd mtg.: France, para. 39; United Kingdom, paras. 27-32.

206/ G A (VIII), Suppl. No. 15 (A/2465), para. 93.

indigenous inhabitants, representatives from Non-Self-Governing Territories, the inhabitants of which had attained a large measure of responsibility for economic, social and educational policies. This suggestion was opposed largely on the ground that such representatives might express views which were not in accord with the policy laid down by the Administering Government. As a more practical solution, an amendment 207/ was submitted under which the General Assembly would simply have invited the Administering Members to include in their delegations to the Committee, as members of the delegations, indigenous experts possessing suitable qualifications in economics, social affairs and education. This amendment was rejected. Other amendments 208/ designed to stress the concept of association of indigenous inhabitants in the existing delegations were approved and the draft resolution as amended was approved 209/ by the Committee.

198. At the eighth session of the General Assembly, the Fourth Committee rejected an amendment 210/ to delete the reference to the principle of unity of representation, and approved the addition 211/ of a request to the Committee on Information to study the means of securing a progressive increase in the participation of duly qualified representatives of peoples of Non-Self-Governing Territories in its work. The amended text as approved by the Fourth Committee was adopted by the General Assembly and became resolution 744 (VIII). On the recommendation of the Committee on Information, the Assembly also adopted resolution 745 (VIII), commending the action of those Members which had included specialist advisers in their delegations to the Committee, and expressing the hope that this practice might be extended.

Decision

The General Assembly, by resolution 744 (VIII), invited the Member States administering Non-Self-Governing Territories, the inhabitants of which had attained a large measure of responsibility for economic, social and educational policies, to attach to their delegations, without prejudice to the principle of unity of representation, indigenous representatives specially qualified to speak on these matters as they related to these Territories; requested the Committee on Information from Non-Self-Governing Territories to continue the study of means of securing a progressive increase in the participation of duly qualified representatives of the peoples of the Non-Self-Governing Territories in its work.

The General Assembly, by resolution 745 (VIII), noting that the work of the Committee on Information from Non-Self-Governing Territories, particularly in relation to the special studies of certain functional fields initiated under General Assembly resolution 333 (IV) of 2 December 1949, had been materially assisted by the action of States members of the Committee, including certain non-administering Members, in associating with their delegations persons with special qualifications in the functional fields studied by the Committee:

1. Commended the action of those Members which had included specialist advisers in their delegations to the Committee;
2. Expressed the hope that those Members which had not hitherto found it possible to do so, would find it appropriate to associate with their delegations persons specially qualified in the functional fields within the Committee's purview.

207/ G A (VIII), Suppl. No. 15 (A/2465), para. 95.

208/ A/AC.35/L.154.

209/ G A (VIII), Suppl. No. 15 (A/2465), p. 12, annex II, draft resolution B.

210/ G A (VIII), Annexes, a.i. 32, p. 2, A/C.4/L.284.

211/ A/C.4/L.285.

199. In 1954, the Committee on Information again took up this question. Attention was drawn to the various ways in which the associate membership of Non-Self-Governing Territories in such bodies as the Economic Commission for Asia and the Far East and several of the specialized agencies had developed since 1952. A draft resolution 212/ was submitted requesting the Committee to study ways by which Non-Self-Governing Territories might participate in the work of the Committee other than by association with the delegation of the Administering Members. Nevertheless, in view of the importance of the subject and the short time left the Committee decided to postpone any discussion until its next session when the item would be placed early on the agenda.

4. Recommendations relating to Non-Self-Governing Territories

200. As noted above, 213/ the programme of work concerning Chapter XI, as defined by the General Assembly in connexion with the decisions establishing the Ad Hoc Committee of 1947 and the Special Committees, has in broad outline comprised (a) the preparation by the Secretary-General of summaries and analyses of information from Non-Self-Governing Territories and the preparation by the Secretary-General and the specialized agencies of special studies based on this information or particularly relevant to economic, social and educational conditions in the Territories; (b) the examination of these documents in the first instance by the Special Committees meeting prior to the opening of the sessions of the General Assembly; (c) the submission of reports to the General Assembly including, since 1950, special reports expressing general views and recommendations on educational, economic and social conditions in the Territories; (d) the discussion of the reports and information in the Fourth Committee of the General Assembly and the approval of the special reports by the General Assembly for communication to the Administering Members, the Economic and Social Council, the Trusteeship Council, and the specialized agencies concerned; (e) the approval, in general terms, of the succeeding year's programme of studies, occasionally with special requests addressed to the Administering Members, the Secretary-General, or the specialized agencies in respect of certain particular topics.

201. After this structure was completed, interest was shown in the practical consequences in the Non-Self-Governing Territories of the receipt and examination of information, particularly in respect of the special reports communicated to the Administering Members.

202. Thus, following upon adoption of resolution 445 (V), approving the special report 214/ on educational conditions in Non-Self-Governing Territories, the Committee on Information in 1951 215/ had before it information from the United States concerning the use made of the report in the Virgin Islands. This led to questions in the Committee 216/ as to the action taken by other Administering Members and whether they had communicated the report to the educational authorities in the Non-Self-Governing Territories. The contention was put forward that it was the responsibility of the Committee to learn what measures had been taken to implement resolution 445 (V), in order to know what progress had been achieved regarding the various problems enumerated. In reply, the representatives of Australia and the United Kingdom informed the Committee of action taken to place the special report before various Government offices,

212/ G A (IX), Suppl. No. 18 (A/2729), para. 87.

213/ See paras. 139-199 above.

214/ G A (V), Suppl. No. 17 (A/1303/Rev.1), part two.

215/ A/AC.35/L.47, para. 50.

216/ For the texts of relevant statements, see: A/AC.35/SR.42: Australia, p. 13; Egypt, p. 3; Netherlands, p. 8; Philippines, p. 10; United Kingdom, p. 15; United States, p. 17.

and in the case of Australia, before educational authorities in Papua and New Guinea. The representative of the Netherlands, in relating to the Committee the progress made in various aspects of education, indicated that in specific cases the views expressed by the Committee in its report on education had been taken into account. The representatives of the United States felt that other countries, and particularly the Administering Members, might find it worthwhile to see the extent to which the principles in the reports could be applied in the Territories.

203. In the Committee on Information from Non-Self-Governing Territories, it was again emphasized in 1952 217/ that the Committee should be informed by the Administering Members of the action taken and progress achieved in the Non-Self-Governing Territories in the light of General Assembly resolutions and the recommendations in the special reports of the Committee. It was pointed out that such information could appropriately be conveyed under Section C 218/ of the explanatory preface of the revised Standard Form, and that it would be principally through such information that appraisal could be made of the extent to which principles of Article 73 were being followed, especially in regard to the paramountcy of the interests of the inhabitants of Non-Self-Governing Territories and of their progress towards self-government.

204. Several Administering Members, while affirming that the policies of their Governments in the administration of their dependent Territories were based on principles contained in the Charter, insisted that the administration of these Territories was the responsibility solely of the Administering Members. They recognized, however, that the recommendations contained in the General Assembly resolutions and the general principles enumerated in the special reports of the Committee could serve as useful guides to possible solutions for particular problems; they held that the progress achieved in the functional fields and the extent to which account was taken of such resolutions and recommendations were reflected in the information transmitted by their Governments under Article 73 e. As for the action already taken the representative of New Zealand informed the Committee that the 1950 special report on education and the 1951 special report on economic conditions had been transmitted to the proper authorities, which had studied them thoroughly. The representative of the United Kingdom stated that the special report on economic conditions had been sent direct to all Territorial Governments with a request to take it into consideration when framing policies.

205. In the Fourth Committee, a draft resolution 219/ was submitted according to which the General Assembly would (1) express the hope that Members concerned, in transmitting information under Article 73 e, would furnish annually as complete information as possible on any action taken to bring the reports to the Committee on Information from Non-Self-Governing Territories to the attention of the authorities responsible in the Territories for the implementation of educational, economic and social policy, and on any problems which might arise in giving effect to the general views expressed in these reports; and (2) invite the Committee in its annual reports to the General Assembly, to consider the information transmitted under Article 73 e in the light of the views expressed in the special reports on education, economic and social conditions.

217/ G A (VII), Suppl. No. 18 (A/2219), para. 12, and A/AC.35/SR.53-55.

218/ See para. 49 above.

219/ G A (VII), a.i. 33, p. 1, A/C.4/208.

206. Objection was raised 220/ to the paragraph requesting the Administering Members to transmit information on action taken, on the ground that the information requested pertained to matters within the domestic jurisdiction of the Administering Members. Objection was also raised 221/ to a reference in the draft resolution to the special reports as expressing "general views and objectives to be taken into account in the formulation of policy", as these reports did not give a clear idea of the conditions in the Territories, and it was alleged that the objectives of the Administering Members in the Territories were not those which they claimed in the Committee to be following. An amendment 222/ to delete the reference was, however, rejected.

207. The Fourth Committee approved the draft resolution, which was adopted by the General Assembly and became resolution 645 (VII).

Decision

The General Assembly, by resolution 645 (VII), considering that in 1950, 1951 and 1952 the General Assembly had approved special reports prepared by the Committee on Information from Non-Self-Governing Territories on educational, economic and social conditions, and invited the Secretary-General to communicate these reports to the Members of the United Nations responsible for the administration of Non-Self-Governing Territories for their consideration, and recognizing that these reports expressed general views and objectives to be taken into account in the formulation of policy,

1. Expressed the hope that the Members concerned, when transmitting information under Article 73 e of the Charter, would furnish annually as complete information as possible on any action taken to bring the reports of the Committee on Information from Non-Self-Governing Territories to the attention of the authorities responsible in the Territories for the implementation of educational, economic and social policy, and on any problems which might arise in giving effect to the general views expressed in these reports;

2. Invited the Committee on Information from Non-Self-Governing Territories in its annual reports to the General Assembly to consider the information transmitted under Article 73 e in the light of the views expressed in the special reports on educational, economic and social conditions.

208. The report on economic conditions, 223/ approved by the Committee on Information in 1954, was accepted by the representative of the United Kingdom as a general expression of views of the Committee, and he stated in the Fourth Committee that the report would be transmitted to the Governments of the United Kingdom Territories for their consideration. The representative of Australia, however, felt that the report suffered from a certain degree of obscurity and over-simplification, so that its recommendations might not be entirely applicable to particular circumstances. The representative of Denmark on the other hand, thought that the Committee, while avoiding detailed recommendations on conditions in particular Territories, had also avoided generalizations of merely theoretical value, but he noted that the special reports gave

220/ For texts of relevant statements, see G A (VII), 4th Com., 261st mtg.: Australia, paras. 17 and 18; France, para. 40; United States, paras. 2 and 3; 262nd mtg.: New Zealand, para. 14.

221/ Ibid., 262nd mtg., para. 13.

222/ A/C.4/L.220.

223/ G A (IX), Suppl. No. 18 (A/2729), part two.

considerable emphasis to Africa and expressed some doubts as to whether the reports were as useful for the numerous island colonies in the Pacific and West Indies. 224/

209. In this connexion, the view 225/ was expressed that there seemed to be a need for a change of method of preparation of studies carried out by the Committee on Information so as to enable the United Nations to make constructive and precise proposals or recommendations to the Administering Members on the many and varied problems involved in the development of Non-Self-Governing Territories. A draft resolution 226/ was submitted which would (1) recognize that conditions in the various regions and in particular Territories might present special problems; (2) state that the consideration of these special problems by the General Assembly should provide an opportunity for the expression of views and recommendations of concrete value to the separate Territories or regions; and (3) request the Committee on Information at its 1955 session to examine the manner in which the future reports prepared for the General Assembly might most appropriately be directed to the consideration of information or recommendations concerning particular regions or groups of Territories.

210. Several Administering Members opposed this draft resolution stating 227/ that (1) the provisions in the draft resolution were outside the competence of the Committee on Information and were an attempt to broaden its scope; (2) the draft resolution was premature since the question of the renewal of the Committee would only be discussed in 1955; (3) the wording appeared to prejudge the issue by requesting the Committee to study the "manner in which" rather than whether reports should be prepared on a different basis; and (4) that the proposals were a step towards the discussion of individual Territories and not towards a truly regional approach, for what was important was not the consideration of problems of a group of Non-Self-Governing Territories but the consideration of regions where both Territories and States had similar problems to solve.

211. In reply, other representatives stated 228/ that the fact that the Committee's term would expire in 1955 had no bearing on the question, for the draft resolution would not change the terms of reference of the Committee, but merely enable the Fourth Committee to be in a better position to reach a decision when the renewal of the Committee was discussed, and finally that, even if the draft resolution broadened the scope of the Committee on Information, the Fourth Committee could widen its terms of reference if it so wished since the Committee had been created by the General Assembly.

212. In the light of the objection to the phrase "the manner in which", the sponsors offered to substitute for it the word "whether", but other Members appealed for the retention of the original phrase on the ground that they doubted whether the Committee on Information could decide the question of principle which would be raised by such a change. The sponsors accepted a suggestion to replace the words "concerning the particular regions or groups of Territories" by "concerning the

224/ For texts of relevant statements, see G A (IX), 4th Com., 411th mtg.:
United Kingdom, para. 12; 412th mtg.: Australia, para. 28; 413rd mtg.:
Denmark, paras. 33 and 34.

225/ G A (IX), 4th Com., 422nd mtg., paras. 50-55.

226/ A/C.4/L.346.

227/ For texts of relevant statements, see G A (IX), 4th Com., 422nd mtg.:
United States, para. 69; 423rd mtg.: Australia, para. 6; France, para. 13;
United Kingdom, para. 11; New Zealand, para. 31.

228/ G A (IX), 4th Com., 423rd mtg.

particular problems common to certain regional groups of Territories;". With this change the Fourth Committee approved the draft resolution, 229/ though two Administering Members 230/ did not participate in the vote and reserved the position of their Governments in the event it were adopted by the General Assembly.

213. In the General Assembly, 231/ no new arguments were put forward against the draft resolution. The representative of Belgium stated that he could not take part in the vote and the representative of France asked that the reservation he had made in the Fourth Committee be recorded. The General Assembly adopted the draft resolution, which became resolution 847 (IX).

Decision

The General Assembly, by resolution 847 (IX), considering that the special reports on economic, social and educational conditions expressed general views and recommendations applicable to Non-Self-Governing Territories as a whole, recognizing that conditions in the various regions and in particular Territories might present special problems, and believing that the consideration of these special problems by the General Assembly should provide an opportunity for the expression of views and recommendations of concrete value to certain regional groups of Territories,

1. Requested the Committee on Information from Non-Self-Governing Territories at its 1955 session to study the manner in which the future reports prepared for the General Assembly might most appropriately be directed to the consideration of information or recommendations concerning the particular problems common to certain regional groups of Territories;

2. Further requested the Committee to examine whether any amplification or amendment of the Standard Form was necessary so as to assist the Administering Members in providing concrete information on the particular problems common to certain regional groups of Territories;

3. Suggested that the Committee give full consideration to the views expressed on these subjects during the discussions in the Fourth Committee at the ninth session of the General Assembly.

214. The General Assembly and its Special Committees have also interested themselves in the action that might be taken in co-operation with international institutions to improve economic, educational and social conditions in the Non-Self-Governing Territories. Since 1946, this has been shown in the series of resolutions relating to the work of, and collaboration with, the Economic and Social Council and the specialized agencies, and notably in respect of the extension of technical assistance to the Territories. 232/ In 1954, it was recalled 233/ in the Committee on Information from Non-Self-Governing Territories, that resolution 743 (VIII), recommended that Administering Members make as much use as possible of offers made to them by other Member States for the purpose of facilitating the educational advancement of Non-Self-Governing Territories by measures such as the award of fellowships, scholarships and internships to qualified students from those Territories. It was

229/ G A (IX), Annexes, a.1. 31, p. 2, A/2794, draft resolution III.

230/ G A (IX), 4th Com., 422nd mtg., France, para. 13; Belgium, para. 31.

231/ G A (IX), Plen., 498th mtg., paras. 68-83.

232/ G A resolutions 220 (III), 221 (III), 330 (IV), 331 (IV) and 444 (V); see paras. 96-138 above.

233/ G A (IX), Suppl. No. 18 (A/2729), para. 33.

also recalled that, in pursuance of General Assembly resolutions 557 (VI) and 753 (VIII), a programme for such awards to inhabitants of Trust Territories had been established, and in fact several Member States had already offered scholarships for the current academic year. It was suggested that the Committee might well follow this example and adopt a similar scheme. Accordingly, a draft resolution 234/ was submitted, the main provisions of which were: (1) to invite Member States to extend generously their offers of facilities, not only for study and training of university standard, but in the first place, for study on a post-primary level as well as technical and vocational training of immediate practical value, and to transmit the details to the Secretary-General; (2) to request the Committee on Information to establish a simple procedure to give effect to this scheme; and (3) to invite Administering Members to give publicity to these offers to ensure that the greatest possible advantage would be taken of them, and to request the Secretary-General to include in the United Nations information material, details of all such offers and of the procedures to be followed in submitting applications.

215. Representatives of the Administering Members expressed some doubts on the procedure, the intention of which, it was stated, appeared to be to bring the Non-Self-Governing Territories into line with the Trust Territories for which such a scholarship scheme existed, although there was nothing yet to show that the procedure was one which should be followed.

216. In the light of the interest expressed by Members of the Committee, a revised text 235/ was submitted, maintaining the principal suggestions of the original text. Amendments 236/ were submitted whereby the offer and award of scholarships would be channeled through the Technical Assistance Administration (TAA) instead of through the Secretary-General. The representative of the Secretary-General informed 237/ the Committee that the position would be complicated if these amendments were adopted, as the procedure proposed in these amendments would not fit the normal operations conducted by TAA and, moreover, TAA was a service administratively responsible to the Secretary-General.

217. Nevertheless, these amendments were accepted, and the revised text as amended was approved by the Committee. 238/

218. During the debates in the Fourth Committee, various views were expressed as to the role to be played by the United Nations in this connexion. It was stated 239/ that: (1) any offers of scholarships by Member States to inhabitants of Non-Self-Governing Territories could be taken up without the intervention of the United Nations, but the Secretary-General might be requested to prepare a report, after consultation with the Administering Members, for the information of the General Assembly, giving details of the offers made and the extent to which they had been taken up; (2) TAA should be asked to include such offers and applications in its programmes; (3) the Secretary-General should be requested, in agreement with the specialized agencies, to draw up a simple procedure to enable offers of scholarships and applications to be made through the United Nations; and (4) a simple procedure should be established to enable offers of scholarships and applications to be made through the United Nations but the Administering Members should be consulted at various stages.

234/ A/AC.35/L.179.

235/ G A (IX), Suppl. No. 18 (A/2729), part one, para. 33, A/AC.35/L.179/Rev.1.

236/ A/AC.35/L.181.

237/ A/AC.35/SR.102, p. 3.

238/ G A (IX), Suppl. No. 18 (A/2729), part one, annex II, draft resolution A.

239/ G A (IX), 4th Com., 410th, 421st and 422nd mtgs.

219. In expressing the first view, the Administering Members stated that, while welcoming any assistance, they could not accept the implication of the lack of educational facilities, and they did not feel that there was any justification for the creation of a special programme of scholarships. Some Administering Members indicated that they considered it important for students to receive education in their own Territories and, therefore, the only useful offers of scholarships would be those for courses not available in the Territories. Any offers made should be co-ordinated with the development of educational facilities in the Territories and direct arrangements between the offering States and the Administering Members were preferable.

220. The second view, under which TAA would be invited to incorporate in its programmes offers by Member States of scholarships for Non-Self-Governing Territories, was contained in the draft resolution 240/ submitted by the Committee on Information. Those holding the first view proposed amendments 241/ to delete this request and to ask the Secretary-General, after consultation with the Administering Members, to prepare a report for the General Assembly for its information.

221. Representatives holding the third view opposed the draft resolution as being administratively inappropriate, since it dealt directly with TAA thus by-passing the Secretary-General. They therefore submitted amendments 242/ restoring the text of the draft resolution to that originally submitted in the Committee on Information, while taking into account suggestions which had been made regarding certain details. These representatives felt that the 1950 and 1953 reports on education had shown that educational facilities in many Territories were still inadequate and Member States should be invited to award scholarships, not only of university level, but also for post-primary level and for technical and vocational training. The objective of such a programme was to build up an élite which would play its part in the intellectual, political, economic and social life of a future self-governing country. According to this view, therefore, there was a clear distinction between the proposed scholarship programme and that offered under the programmes of technical assistance under the United Nations and the specialized agencies. Under the programmes of technical assistance, the objective was economic and social development and awards were generally made only to civil servants or persons already engaged in some development scheme.

222. In addition, these representatives also pointed out that the establishment of a special procedure was intended to facilitate international co-operation, and there would be no interference with normal facilities. The amendment conveying the first view was unsatisfactory, as it reduced the function of the Secretary-General to that of reporting, in a minor way, events already covered in reports to the Committee.

223. Representatives expressing the fourth view supported the establishment of a simple procedure whereby offers and applications for scholarships could be made through the United Nations, but, nevertheless, felt that the Administering Members should be consulted at all stages. Two amendments 243/ were submitted, one providing for consultation with the Administering Members by the Secretary-General in establishing a procedure dealing with offers and applications for scholarships, and the other incorporating this idea and in addition providing for observations by the Administering Members to be forwarded together with applications to the offering States.

240/ G A (IX), Suppl. No. 18 (A/2729), part one, annex II, draft resolution A.
241/ G A (IX), Annexes, a.i. 31, p. 2, A/2794, para. 5, A/C.4/L.344.
242/ G A (IX), Annexes, a.i. 31, p. 2, A/2794, para. 4, A/C.4/L.343.
243/ G A (IX), Annexes, a.i. 31, p. 2, A/2794, paras. 6 and 8.

224. In the vote in the Fourth Committee on the draft resolution and the amendments submitted thereto, the fourth view prevailed. In addition, the Committee incorporated in the approved text the amendment requesting the Secretary-General, after consultation with the Administering Members, to prepare a report for the General Assembly on the details of offers of scholarships and applications, and the extent to which they had been taken up.

225. The General Assembly approved the text submitted by the Fourth Committee, which became resolution 845 (IX).

Decision

The General Assembly, by resolution 845 (IX):

1. Invited Member States to extend generously their offers of facilities not only for study and training of university standard but, in the first place, for study at the post-primary level as well as technical and vocational training of immediate practical value;

2. Invited Member States offering facilities, in cases where the languages of instruction differed from the languages of the Non-Self-Governing Territories, to consider the possibility of extending the duration of the facilities offered by a preliminary period of language training and other adjustment to the country of study or training;

3. Invited Member States to transmit the details of such offers to the Administering Members, to the Secretary-General and the appropriate specialized agencies;

4. Recommended that the Administering Members make the greatest possible use of facilities at all levels of education and training, including the field of fundamental education, that might be offered by States Members of the United Nations;

5. Requested the Secretary-General, in consultation with the Administering Members and the specialized agencies concerned, to establish a simple procedure which would enable offers and applications made through the United Nations or the specialized agencies to be brought to the attention of the Administering Members, and thereafter, in the case of applications, to the attention of the offering States concerned, together with any observations the Administering Members might have submitted;

6. Invited the Administering Members to give appropriate publicity in Territories under their administration to offers of study and training facilities, and to take such other measures as would ensure that the greatest possible advantage was taken of the offers;

7. Requested the Secretary-General to include in the United Nations information material details of all such offers and of the procedures to be followed in submitting applications, and further requested him to transmit such details to the specialized agencies with a view to securing similar publicity in their appropriate publications;

8. Requested the Secretary-General, after consultation with the Administering Members, to prepare a report for the information of the General Assembly giving details of the offers made and the extent to which they had been taken up.

C. The determination of the Territories to which Chapter XI of the Charter applies

226. Before summarizing the practices of the United Nations in respect of the determination of the Territories to which Chapter XI applies, there are two introductory points to be made.

227. The first relates to the connexion between Article 73 e and the other provisions of Chapter XI. As explained in the General Survey, 244/ Article 73 e has been the central point in the discussions in the General Assembly of Chapter XI as a whole. It is true that the possibility has been argued 245/ that a Territory may fall within the general terms of Chapter XI, even though the obligation to transmit information under Article 73 e is held to be inapplicable. Apart from this contention, however, which has not been accepted by the General Assembly, the question of the determination of the Territories to which Chapter XI applied has in practice been the same as the determination of the Territories in respect of which the transmission of information is required.

228. The second point relates to the origin of discussions on the present topic in the United Nations. As stated in the Introductory Note, the question of the Territories in respect of which information would be transmitted initially involved a number of questions of fundamental principle, foreshadowed in the letter of the Secretary-General, dated 29 June 1946, to the Members of the United Nations, and in the discussions at the second part of the first session of the General Assembly that led to the enumeration of Territories as set forth in resolution 66 (I). 246/ The particular questions arising in the determination of the Territories concerned thus have their general origins in the 1946 discussions.

1. The question of the competence of the General Assembly to decide whether a Territory is or is not a Territory whose peoples have not yet attained a full measure of self-government

229. This question has presented itself in various aspects, and chiefly in connexion with the problem of the factors to be taken into account in determining whether a Territory is or is not fully self-governing.

230. In the evolution of this question of factors and their application to specific cases where the transmission of information was being brought to an end, the question of competence has been frequently and widely debated. This has led to varying appreciations of the role of the Administering Members and of the General Assembly in making a final determination of the status of any given Territory. Since, in the actual cases of cessation of the transmission of information that arose, no substantial difference of opinion as to the propriety of such cessation existed between most of the Members who emphasized the competence of the General Assembly and those who emphasized the exclusive jurisdiction of the Administering Member concerned, there has been some fluctuation in the degree of clarity with which principles have been enunciated. The final result to date has been for the General Assembly to assert 247/ "the competence of the General Assembly to decide whether a Non-Self-Governing Territory has or has not attained a full measure of self-government as referred to in Chapter XI of the Charter".

231. In 1946, by resolution 66 (I), the Assembly enumerated seventy-four Territories in respect of which the Administering Members had at that time transmitted or undertaken to transmit information in pursuance of Article 73 e of the Charter. In 1947 and 1948, for reasons of constitutional change, information was not transmitted on eleven of these Territories. Attention was drawn to this situation in the Fourth

244/ See paras. 7-20 above.

245/ See paras. 265-277 below.

246/ See paras. 21-23 above.

247/ G A resolutions 748 (VIII) and 849 (IX).

Committee, and the General Assembly, by resolution 222 (III), expressed the opinion that it was essential for the United Nations to be informed of any changes in the constitutional status of the Territories which resulted in the cessation of the transmission of information in those instances, and invited the Members concerned in any such case to send to the Secretary-General appropriate information. For further details, see paragraphs 255-258 below.

232. Following the adoption of this resolution, statements 243/ were made in the 1949 Special Committee on the reasons that had led to the cessation of information. From these declarations, it emerged that the Administering Members were of the opinion that the question of the determination of which were the "Territories whose peoples have not yet attained a full measure of self-government" was exclusively within the competence of the State responsible for their administration. It was also maintained that (1) the granting of self-government within the constitutional framework of the metropolitan State justified the cessation of the transmission of information; and (2) once a Territory became responsible for the conduct of its internal affairs, although not responsible, or only partially responsible for the conduct of its external affairs, the Administering Member concerned was no longer in a position to transmit information on such internal matters.

233. Contrary views 249/ were expressed during subsequent discussions in the Special Committee and in the Fourth Committee. It was argued that the General Assembly had the right to define the nature of a Non-Self-Governing Territory, and that, with the adoption and implementation of the Charter, the relations between a Non-Self-Governing Territory and the metropolitan Power concerned had come within the purview of the international community. Cessation of the transmission of information could be permitted only if the Territory concerned had attained self-government, and the question at what stage this was attained involved legal and constitutional considerations which the General Assembly should decide.

234. In the 1949 Special Committee, a proposal 250/ was made to the effect that no cessation of information under Article 73 e could take place until the Special Committee on Information had considered all the data and had recommended to the General Assembly the suspension of the application of Article 73 e. This proposal was considered to be outside the competence of the Special Committee. In the Fourth Committee, the more general point was made through a draft resolution 251/ by which the General Assembly would claim responsibility to express its opinion on the principles which had guided or which might in the future guide the Members concerned in enumerating the Territories for which the obligation existed to transmit information. Secondly, the draft resolution proposed to initiate a study of the factors to be taken into account in deciding whether a Territory was or was not fully self-governing.

235. The argument was then advanced that the phrase in Article 73 e which reads that the transmission of information is "subject to such limitation as security and constitutional considerations may require" precluded the transmission of information under certain circumstances. In this view, 252/ only the Administering Member concerned was in a position to decide the questions of security considerations and of its own constitutional relationship with each of the Territories for which it was responsible.

248/ For texts of relevant statements, see A/AC.28/SR.2.

249/ G A (IV), 4th Com., 109th, 124th and 125th mtgs.

250/ A/AC.28/W.10 and G A (IV), Suppl. No. 14 (A/923), p. 2.

251/ A/C.4/L.37.

252/ G A (IV), 4th Com., 116th, 117th and 124th mtgs.

It was also said that it was necessary first to formulate a definition of the term "Non-Self-Governing Territory" but even if such a definition were reached, the Assembly would still have no power to decide on the application of the definition to individual Territories. A further contention 253/ was that there were other non-self-governing peoples in Territories or in reservations to which the provisions of Chapter XI might apply, and it was therefore unjust that these provisions should be held to apply only to those Members which had complied with its terms.

236. In support of the draft resolution, it was argued 254/ that, under the Charter, all Members of the United Nations had a responsibility toward Non-Self-Governing Territories, and the draft resolution in question would merely enable the Assembly to discharge these responsibilities. The obligation of Administering Members to transmit information existed until a Territory had attained full self-government, and the Assembly could request Members to observe this obligation. After the Assembly had accepted the list of seventy-four Territories as coming within the terms of Article 73 e, only the Assembly could reduce that number by removing from the list Territories which had become self-governing. With regard to the limitation on the ground of constitutional considerations contained in Article 73 e, it was argued 255/ that the General Assembly had the right to determine whether the constitutional considerations which might be invoked by the Administering Members were or were not well founded.

237. The debate in the Fourth Committee led to the adoption by the General Assembly of resolution 334 (IV) by which the competence of the General Assembly was established in relation to the limited questions of its right to express an opinion on principles relating to the cessation of information and to the initiation of a study of the factors to be taken into account in determining the status of a Territory, without seeking to settle by whom these principles and factors should be applied.

Decision:

The General Assembly, by resolution 334 (IV):

1. Considered that it was within its responsibility to express an opinion on the principles which had guided or which might in future guide the Members concerned in enumerating the Territories for which the obligation exists to transmit information under Article 73 e of the Charter; and
2. Invited the Committee on Information from Non-Self-Governing Territories to examine the factors which should be taken into account in deciding whether any Territory was or was not a Territory whose people had not yet attained a full measure of self-government.

238. The General Assembly took a further step to clarify its position when, in 1950, the Fourth Committee considered a letter 256/ from the Permanent Representative of the Netherlands dated 29 June 1950, on the cessation of information with respect to Indonesia, except in respect of West New Guinea, in which it was also stated that in all probability no further reports would be submitted on the Netherlands Antilles and on Surinam, after 1950, since both Territories would then have acquired an autonomous

253/ G A (IV), 4th Com., 124th mtg., pp. 180 and 181.

254/ Ibid., pp. 178 and 179.

255/ Ibid., pp. 182 and 183.

256/ G A (V), Annexes, a.i. 34, p. 1, A/1302/Rev.1.

status and a full measure of self-government. The consideration of this communication led to the question whether an organ of the United Nations would be entitled to study the constitutional status of a specific Territory in relation to Article 73 e.

239. The question was discussed 257/ on the basis of the second paragraph of a draft resolution 258/ relating to the cessation of information on Indonesia, by which the Committee on Information from Non-Self-Governing Territories would be requested to examine such information as might be transmitted to the Secretary-General in pursuance of General Assembly resolution 222 (III), and would report thereon to the General Assembly. Opposed positions of principle similar to those previously expressed were taken. On the one hand, the objection was made that a discussion in the United Nations of data and documents on the cessation of information with respect to any specific Territory would be out of place, since the decision to cease the transmission was the exclusive responsibility of the Administering Member concerned. On the other hand, the opinion was expressed that once the factors had been defined, as envisaged under resolution 334 (IV), the United Nations could determine whether an Administering Member had acted correctly in ceasing to transmit information on a specific Territory. The Fourth Committee and subsequently the General Assembly endorsed the view that the texts transmitted on the cessation of information could be examined by an organ of the General Assembly.

Decision

The General Assembly, by paragraph 2 of resolution 448 (V), requested the Special Committee on Information transmitted under Article 73 e to examine such information as might be transmitted in future to the Secretary-General in pursuance of General Assembly resolution 222 (III), and to report thereon to the General Assembly.

240. In 1952, the General Assembly arrived at a further demarcation of the question. In the Ad Hoc Committee on Factors which was appointed by resolution 567 (VI) to carry out a further study of the factors which should be taken into account in deciding whether a Territory was or was not a Territory the people of which had not yet attained a full measure of self-government, the question was raised as to what authority had the competence to determine that a Territory had reached a stage of self-government where it fell outside the scope of Article 73 e. Various members of the Ad Hoc Committee recorded their opinion on this point, but it was not considered to be within the terms of reference of the Ad Hoc Committee itself. 258/

241. The question thus raised was later debated in the Fourth Committee during the seventh session of the General Assembly. In general, three views were put forward. One was that it was within the exclusive competence of the Administering Member concerned to determine whether a Territory had ceased to become liable to the obligation concerning the transmission of information. The opposite view was that only the General Assembly could make such a decision. Between the two extremes, a third view was expressed that there was a certain shared responsibility between the Administering Member concerned and the General Assembly.

242. The question was discussed on the basis of a draft resolution 260/ reflecting the intermediate view of a duality of competence between the Administering Member and the General Assembly. The Members who supported this draft resolution contended 261/ that

257/ G A (IV), 4th Com., 183rd-185th and 190th mtgs.

258/ A/C.4/L.115.

259/ G A (VII), Annexes, a.i. 36, A/2178, para. 5 (B).

260/ Ibid., A/C.4/L.231 and Corr.1.

261/ G A (IV), 4th Com., 273rd mtg., p. 160; 274th mtg., p. 167.

the progress achieved in relation to Chapter XI would in practice be fruitless if the continuous fulfilment of the only concrete obligation contracted by the Administering Members under Article 73 e depended exclusively upon their unilateral judgements. The obligations under Chapter XI were as binding as those under the other Chapters of the Charter, and could not be annulled without prior agreement between the parties. The only grounds for a limitation in the information transmitted were security or constitutional considerations, as recognized in Article 73 e, but even in these cases the Charter did not authorize unilateral action by the Administering Member concerned. To admit that unilateral action could be taken on such a constitutional issue would be to imperil the principles recognized by positive international law. Accordingly, the international community would have to weigh carefully the constitutional factors on the basis of which the Administering Member had taken any decision to cease to transmit information. Such intervention would not constitute an infringement of Article 2 (7). Examination by the United Nations of constitutional situations relating to the implementation of provisions of the Charter did not mean that the General Assembly was claiming the right to review national legislation. When laws or administrative provisions entered the international sphere, as in the case of the recognition by a Government of the attainment of self-government, then the United Nations was entitled to study the documents on which the request for such recognition and the request that the United Nations should accept those situations were based.

243. The more absolute view on the competence of the General Assembly was reflected in the argument 262/ that the obligation to transmit information undertaken by the Administering Members was a binding agreement; the international responsibility assumed by those Members could be disposed of only by an international decision of the General Assembly itself, with whom the final decision lay. It was also claimed that Chapter XI set forth principles and imposed obligations which had the force of law for all Members of the United Nations. It was therefore both the right and the duty of the non-administering Members to see that the provisions of Chapter XI were respected. It followed that the decision as to whether a Territory came under Article 73 should be made not by the Administering Members alone, but also by the other Members of the United Nations. Only the General Assembly was competent to say when the transmission of information on Non-Self-Governing Territories should begin and when it should end.

244. It was contended, on the other hand, that the Administering Members had sole competence in the matter and, accordingly, the criticism was voiced that the provisions of the draft resolution tended to establish a degree of United Nations control over the Non-Self-Governing Territories which was contrary to the spirit and the letter of Chapter XI and also to the principles of Article 2 (7). The administration of the Non-Self-Governing Territories and the steps taken to ensure their political development came within the competence of the Administering Members, whose parliaments were the final authority in such matters. Any United Nations intervention in that sphere would constitute interference in matters within the domestic jurisdiction of the States concerned and would involve an inadmissible duality of responsibility.

245. Two subsidiary questions were also touched upon during the discussion. One suggestion 263/ was that the General Assembly might express its opinion, in general terms, on principles, but no resolution should imply that a decision of an Administering Member on which Territory it would transmit information required the approval or disapproval of the General Assembly. On constitutional questions of this nature, no surrender of sovereignty by an Administering Member of the right of decision of that Member had

262/ G A (VII), 4th Com., 274th mtg., p. 164; 277th mtg., p. 192, paras. 50 and 51.

263/ G A (VII), 4th Com., 274th mtg., p. 166.

taken place. It was also argued 264/ that the whole question of competence should be debated on a general basis before any decision was taken. If the General Assembly was competent to decide when information should cease to be transmitted, it was logically also competent to decide when such information should begin to be transmitted, and to that end, to examine the constitutional and factual situation in every Member State.

246. At the conclusion of the debate on this question, the Fourth Committee adopted 265/ the draft resolution before it and subsequently the General Assembly adopted the draft resolution which became resolution 648 (VII), thus establishing that the General Assembly and the Administering Member concerned have a role in deciding whether a Territory has or has not attained a full measure of self-government.

Decision

The General Assembly, by the fifth paragraph of the preamble of resolution 648 (VII), recognized that "in deciding whether a Territory has or has not attained a full measure of self-government, an enumeration of factors would be a useful guide both for the General Assembly and for the Administering Member concerned". By paragraph 1, the General Assembly approved provisionally "the annexed list of factors which may serve as a guide, both for the General Assembly and for the Members of the United Nations which have or assume responsibilities for the administration of Non-Self-Governing Territories, in deciding whether a Territory has or has not attained a full measure of self-government".

247. In 1953, there was a further evolution in the attitude of the General Assembly with respect to the question of its competence. By resolution 742 (VIII), it adopted a list of factors, 266/ which consisted of the list 267/ proposed by the Ad Hoc Committee on Factors of 1953, as subsequently amended 268/ by the Fourth Committee. At the same time, the resolution raised the question of the final competence of the General Assembly in this field.

248. The original draft resolution 269/ before the Fourth Committee used, in paragraph 3, phraseology suggesting the principle of co-responsibility. It recommended that the Administering Member and the General Assembly use the list of factors as a guide in determining whether any Territory was or was no longer within the scope of Chapter XI in order that, in view of the documentation provided under resolution 222 (III), a decision might be taken on the continuation or cessation of the transmission of information required by Chapter XI of the Charter. An amendment 270/ to this text was submitted; it stated that a decision might be taken by the General Assembly on the continuation or cessation of the transmission of information, no mention being made of the Administering Member to which the original draft referred. In addition, the amendment provided for an addition to the preamble specifically referring to "the competence of the General Assembly to consider the principles that should guide the United Nations and the Member States in the implementation of obligations arising from Chapter XI of the Charter and to make recommendations in connexion with them".

264/ G A (VII), 4th Com., 276th mtg., p. 183.

265/ Ibid., 278th mtg., p. 197.

266/ G A resolution 742 (VIII), annex.

267/ G A (VIII), Annexes, a.i. 33, A/2428, para. 41.

268/ G A (VIII), Annexes, a.i. 32, A/2556 and Corr.1, para. 5, A/C.4/L.274.

269/ G A (VIII), Annexes, a.i. 33, p. 7, A/C.4/L.272.

270/ G A (VIII), Annexes, a.i. 32, A/2556 and Corr.1, para. 4, A/C.4/L.273.

249. The debate which followed in the Fourth Committee was, in substance, no different from that of 1952 as regards the general arguments advanced. A new view 271/ was added, however, when it was contended that the Charter should not be regarded as a multilateral agreement establishing certain legal obligations, but as an organic act establishing the competence of the United Nations with regard to the Non-Self-Governing Territories, and giving the United Nations institutional jurisdiction over the transmission of information from the Territories.

250. The Fourth Committee, in separate votes, decided 272/ in favour of the addition of the paragraph in the preamble and of the insertion of the words "by the General Assembly" in the substantive part of the draft resolution.

251. The text submitted by the Fourth Committee was adopted by the General Assembly and became resolution 742 (VIII), 273/ thus introducing into a formal text the concept that a decision might be taken by the General Assembly.

Decision

The General Assembly by the third paragraph of the preamble to resolution 742 (VIII), took decisions, having regard to the competence of the General Assembly to consider the principles that should guide the United Nations and the Member States in the implementation of obligations arising from Chapter XI of the Charter and to make recommendations in connexion with them. By paragraph 3, it recommended that the list of factors should be used by the General Assembly and the Administering Members as a guide in determining whether any Territory was or was no longer within the scope of Chapter XI of the Charter, in order that, in view of the documentation provided under resolution 222 (III) of 3 November 1948, a decision might be taken by the General Assembly on the continuation or cessation of the transmission of information required by Chapter XI of the Charter.

252. In the same year 1953, the question of the competence of the General Assembly was raised in connexion with the concrete case of cessation of information concerning Puerto Rico.

253. The information 274/ transmitted by the United States on the establishment of the Commonwealth of Puerto Rico was first examined by the Committee on Information from Non-Self-Governing Territories, which adopted a text containing no reference to the question of competence. When the report 275/ of the Committee on this point was examined in the Fourth Committee of the General Assembly, a draft resolution 276/ was introduced which recognized that Puerto Rico had attained a status of self-government and considered it appropriate if the transmission of information would cease. This draft resolution also did not refer to the question of competence. The question of competence was introduced in the form of an amendment 277/ which would add a paragraph

271/ G A (VIII), 4th Com., 327th mtg., p. 72.

272/ Ibid., 330th mtg., pp. 90 and 92.

273/ A decision was taken by the General Assembly not to apply the requirement of a two-thirds majority to questions relating to information from Non-Self-Governing Territories (see in this Repertory under Article 18).

274/ A/AC.35/L.121.

275/ G A (VIII), Suppl. No. 15 (A/2465), part one, paras. 27-67.

276/ G A (VIII), Annexes, a.1. 34, p. 2, A/C.4/L.300.

277/ Ibid., a.1. 32, p. 12, A/2556 and Corr.1, para. 64, A/C.4/L.302.

to the preamble stating: "Bearing in mind the competence of the General Assembly to decide whether a Non-Self-Governing Territory has or has not attained a full measure of self-government as referred to in Chapter XI of the Charter". This amendment was adopted by the Fourth Committee and subsequently included by the General Assembly in its resolution 748 (VIII). In both cases, separate votes were taken on this paragraph.

254. This decision was confirmed in 1954, when an identical paragraph was inserted in resolution 849 (IX) concerning the cessation of the transmission of information in respect of Greenland.

Decision

The General Assembly, by the final paragraphs of the preambles to resolutions 748 (VIII) and 849 (IX), declared that it was competent to decide questions relating to the attainment of a full measure of self-government. The paragraphs read as follows:

"Bearing in mind the competence of the General Assembly to decide whether a Non-Self-Governing Territory has or has not attained a full measure of self-government as referred to in Chapter XI of the Charter".

2. The transmission and examination of information on constitutional change

255. As indicated in the part of this study 278/ dealing with the transmission of information, the General Assembly has on several occasions invited the Administering Members to transmit information on aspects of the constitutional situation in the Non-Self-Governing Territories. In addition, in connexion with the problem of the cessation of information the General Assembly has asked for specific information on constitutional change in the case of Territories which were ceasing to come under the provisions of Article 73 e. This point was brought forward in 1948 when, as explained above, the General Assembly adopted resolution 222 (III) on the cessation of the transmission of information.

256. By this resolution, the General Assembly, in order to be informed of the constitutional position and status of any Territory in respect of which the responsible Member thought it unnecessary to transmit information, requested the Members concerned to communicate certain constitutional information to the Secretary-General. When the resolution was being discussed in its draft stage in the Fourth Committee, 279/ certain Administering Members explained their opposition to any commitments in this matter as based on the following general considerations. It was their view that the United Nations was not authorized either to concern itself with political and constitutional questions affecting Non-Self-Governing Territories, or to exercise control over the administration of such Territories. There was no basis in Chapter XI for the request that information on constitutional questions should at any stage be transmitted to the Secretary-General in such a way that it could become a matter for discussion and debate in the United Nations.

257. Subject to a revision proposed by the sponsor, the original draft was approved by the Fourth Committee, and when subsequently adopted by the General Assembly became resolution 222 (III). Accordingly, the General Assembly expressed its right to request information on constitutional change in cases where the Member proposed to cease transmitting information under Article 73 e.

278/ See paras. 65-75 above.

279/ G A (III/1), 4th Com., 60th mtg., pp. 80-92.

Decision

The General Assembly, by paragraph 3 of resolution 222 (III), requested the Members concerned to communicate to the Secretary-General within a maximum period of six months, such information as might be appropriate relating to the constitutional position and status of a Territory on which the transmission of information was considered unnecessary. Such information was to include the constitution, legislative act or executive order providing for the government of the Territory and the constitutional relationship of the Territory to the Government of the metropolitan country.

258. The question of the manner in which information of this nature should be examined arose in the two specific cases of the cessation of information on which the General Assembly has taken decisions since 1948. Information was furnished by the United States Government in the case of the cessation of information on Puerto Rico in 1953, and by the Government of Denmark in respect of Greenland in 1954. As explained in paragraphs 237 and 238 above, the General Assembly decided that it was competent to invite the Committee on Information from Non-Self-Governing Territories to examine this information and to report to it thereon. The Committee on Information, in examining these two sets of communications, established the precedent that it would approve resolutions 280/ in its own name rather than resolutions recommended to the General Assembly for adoption as is customary in other matters before the Committee. It further noted in both resolutions that it was acting within the limits of its terms of reference, and without anticipating the final disposal of the question by the General Assembly. The resolutions, therefore, adopted in these cases by the General Assembly, while based on the examination undertaken by the Committee on Information, have been presented as new resolutions in the Fourth Committee.

Decision

The General Assembly, by resolution 448 (V), having requested the Committee on Information from Non-Self-Governing Territories to examine information transmitted under General Assembly resolution 222 (III), has, by resolution 748 (VIII) in respect of Puerto Rico and resolution 849 (IX) in respect of Greenland, studied the reports prepared by the Committee on Information. It has acquiesced in the procedure by which the examination of information is undertaken by the Committee on Information expressly within the limits of its terms of reference and without anticipating the disposal of the question by the General Assembly.

3. *The question of the definition of a full measure of self-government*

259. The General Assembly, in 1952, adopted resolution 648 (VII), approving provisionally the list of factors as recommended by the Committee on Factors of 1952. At the same time, it established a new Ad Hoc Committee in order to continue and carry out a more thorough study of the factors. The new Committee was invited to take into account not only the list of factors prepared by the previous Ad Hoc Committee in 1952 but also, as an additional element, 281/ "The possibility of defining the concept of a full measure of self-government for the purposes of Chapter XI of the Charter".

280/ G A (VIII), Suppl. No. 15 (A/2465), part one, para. 67; G A (IX), Suppl. No. 18 (A/2729), part one, para. 61.

281/ G A (IX), Annexes, a.i. 33, A/2428, para. 11 (a).

260. The Ad Hoc Committee on Factors of 1953 considered this particular question first, and reported 282/ that it was not possible to find a satisfactory definition of the concept of a full measure of self-government for the purposes of Chapter XI. Even if the concept of self-government could be satisfactorily defined, such a definition would be insufficient unless completed by the definition of "a full measure" of self-government within the framework of Chapter XI. On the other hand, the Ad Hoc Committee agreed that there were a number of features which were helpful in indicating whether a full measure of self-government had been achieved in any particular case. Many of these features were indicated in the list of factors. Others were suggested in the replies of the Governments. It concluded, "Thus, the absence of a satisfactory definition was not a serious disadvantage, since in the examination of any particular case the concept would emerge in its practical application to the facts of that case."

261. Although this conclusion was contested by some Members in the Fourth Committee, 283/ who felt that it was essential to have a definition, no specific proposals were made so that the conclusions of the Ad Hoc Committee have not been modified.

Decision

The General Assembly, by resolution 742 (VIII), took note of the conclusions of the report of the Ad Hoc Committee on Factors (Non-Self-Governing Territories).

The General Assembly, therefore, has not undertaken a definition of the term "a full measure of self-government".

4. The factors determining the attainment of a full measure of self-government

262. As stated earlier, 284/ the question of the factors which should be taken into account in deciding whether any Territory was or was not a Territory the people of which had not yet attained a full measure of self-government was raised in 1946, when the procedures for the transmission of information were initiated; the question became a subject of study by the General Assembly in 1949, when the discussion of cessation of information with respect to certain Territories resulted in the adoption of paragraph 2 of resolution 334 (IV). From 1951 to 1953 the question was under review by a succession of subsidiary organs of the General Assembly. In 1951, the Committee on Information submitted to the General Assembly a report 285/ on factors. Following discussion of the report, the Fourth Committee appointed a sub-committee (Sub-Committee 9) to examine the question further. The Sub-Committee undertook a revision of the factors, and on its report the Fourth Committee adopted a resolution which was subsequently adopted by the General Assembly and became resolution 567 (VI). By this resolution, the General Assembly decided to take as a basis the list of factors as then established and appointed an Ad Hoc Committee to carry out a further study in 1952. This 1952 Ad Hoc Committee on Factors (Non-Self-Governing Territories) recommended in its report 286/ a revised list, and this list was provisionally approved by the General Assembly under resolution 648 (VII) in anticipation of a more thorough study to be undertaken by a new Ad Hoc Committee. The new Committee met in 1953. It considered the list provisionally approved in 1952, and after a few changes of

282/ G A (IX), Annexes, a.i. 33, A/2428, paras. 11-29.

283/ G A (VIII), 4th Com., 322nd-331st mtgs.

284/ See paras. 21-23 above.

285/ G A (VI), Suppl. No. 14 (A/1836), p. 41.

286/ G A (VII), Annexes, a.i. 36, A/2178.

drafting, arrived at a further revised text 287/ which was examined and amended on various points by the Fourth Committee, 288/ and subsequently approved by the General Assembly as an annex to resolution 742 (VIII).

263. By this resolution, the General Assembly, (a) approved the list of factors as adopted by the Fourth Committee; (b) recommended that the list should be used as a guide in determining whether a Territory was or was no longer within the scope of Chapter XI of the Charter; (c) reasserted the declaration of resolution 648 (VII) of 1952 that each concrete case should be considered and decided upon in the light of the particular circumstances of that case, and taking into account the right of self-determination of peoples; (d) reaffirmed that the factors should in no way be interpreted as a hindrance to the attainment of a full measure of self-government by a Non-Self-Governing Territory; (e) instructed the Committee on Information to study, in the light of the list of factors, the documentation supplied under resolution 222 (III) in each concrete case of cessation of information; (f) recommended that the Committee on Information from Non-Self-Governing Territories should take the initiative of proposing modifications at any time to improve the list of factors.

264. The list of factors contained in the annex to the resolution, which bears the title "Factors indicative of the attainment of independence or of other separate systems of self-government", consists of three parts: (1) "Factors indicative of the attainment of independence"; (2) "Factors indicative of the attainment of other separate systems of self-government"; (3) "Factors indicative of the free association of a Territory on equal basis with the metropolitan or other country as an integral part of that country or in any other form". The resolution indicated reasons for the division by stating that the manner in which Territories referred to in Chapter XI of the Charter could become fully self-governing was primarily through the attainment of independence, although it recognized 289/ that self-government could also be achieved by association with another State or group of States if this were done freely and on the basis of absolute equality and that the validity of any form of association between a Non-Self-Governing Territory and a metropolitan or any other country essentially depended on the freely expressed will of the people at the time of the taking of the decision.

Decision

The General Assembly, by resolution 742 (VIII), approved a list of factors indicative of the attainment of independence or of other separate systems of self-government to be used by the General Assembly and the Administering Members in determining whether any Territory, due to changes in its constitutional status, was or was no longer within the scope of Chapter XI of the Charter, in order that, in view of the documentation provided under resolution 222 (III) of 3 November 1948, a decision might be taken by the General Assembly on the continuation or cessation of the transmission of information required by Chapter XI.

287/ G A (IX), Annexes, a.i. 33, A/2428.

288/ G A (VIII), 4th Com., 329th mtg.

289/ See para. 5 above.

*5. The possibility of the cessation of information
for Territories still covered by the general
principles of Article 73*

265. In 1952 and 1953 the General Assembly also expressed itself on this question, which was described by a representative who maintained that there could not be economic, social or educational self-government without political self-government, as the question of the indivisibility of the concept of self-government.

266. The question came before the General Assembly as a result of the decision of the Government of the Netherlands to cease the transmission of information with respect to Surinam and the Netherlands Antilles, in view of the state of self-government reached in those Territories as regards the subjects enumerated in Article 73 e, which, in the view of the Netherlands, rendered it constitutionally impossible to continue the annual reporting on these subjects to the United Nations.

267. A similar situation had previously arisen in respect of Malta following the adoption of resolution 222 (III) of the General Assembly. The delegation of the United Kingdom to the United Nations, by a note 290/ of 16 March 1949, informed the Secretary-General that "Since educational, social and economic conditions in Malta are now the exclusive concern of the Government of Malta, it would be inappropriate, and indeed impossible, for His Majesty's Government in the United Kingdom to continue to transmit information on these matters under Article 73 e of the Charter."

268. The position of the United Kingdom was explained at greater length in the Fourth Committee. 291/ It was not claimed that Malta had attained a full measure of self-government for the purposes of Chapter XI, but that for the following reasons the transmission of information had become impossible. In the evolution of self-government there might frequently be a stage when, although a full measure of self-government had not yet been attained, responsibility for the economic, social and educational matters mentioned in Article 73 e no longer rested with the metropolitan Government but was vested in the government of the Territory. When that stage was reached, constitutional considerations as provided in Article 73 e might preclude the transmission by the metropolitan Government of information on those matters. Since under its 1947 constitution Malta was responsible for its own internal administration including the matters enumerated in Article 73 e, the Government of the United Kingdom could not supply any information regarding them. Against this contention, the following arguments were advanced. It was not correct to assume that because a Territory had become self-governing in social or educational matters information should automatically cease to be transmitted. All that had happened in the present case was that there had been a delegation of powers by the Government of the Administering Member to the local government until a full measure of self-government had been attained, the obligation resting on the Administering Member to transmit information remained intact.

269. At the fourth session of the General Assembly, at which this discussion took place, the Fourth Committee adopted a resolution, which became resolution 334 (IV) and under which the Assembly initiated the study of the question of factors already described. 292/ The particular problem of the possibility of ceasing to transmit information on a Territory which has not yet attained a full measure of self-government was not reflected in any decision at that time.

290/ A/915, p. 2.

291/ G A (V), 4th Com., 124th mtg., pp. 180 and 182.

292/ See paras. 262-264 above.

270. In the letter 293/ from the Permanent Representative of the Netherlands to the Secretary-General, dated 31 August 1951, announcing the cessation of the transmission of information in respect of the Netherlands Antilles and Surinam, one of the points made was that the transmission by the Netherlands Government of information on economic, social and educational conditions could no longer be justified because the Territories had become autonomous in domestic affairs.

271. The question of principle was considered by the 1952 Ad Hoc Committee on Factors to which, by virtue of General Assembly resolution 568 (VI), the communication of the Government of the Netherlands had been referred. Furthermore, under resolution 567 (VI) it had been declared, in the annex, that the extent to which the provisions of Article 73 e continued to apply in the case of Territories which had become neither independent nor fully integrated within another State, but which had already attained a full measure of self-government in their internal affairs, was a question which merited further study. A number of reports 294/ from Governments expressing divergent opinions upon this question of principle were examined by the Ad Hoc Committee, but doubts were expressed whether in the light of its terms of reference it was competent to consider the question. No recommendations were therefore made by the Ad Hoc Committee, and the matter was referred to the General Assembly.

272. In the Fourth Committee in 1952, the question was dealt with by the submission of a draft resolution 295/ declaring that for a Territory to be deemed self-governing in economic, social or educational affairs it was essential that its people should have attained a full measure of self-government as referred to in Chapter XI.

273. The representatives 296/ supporting this draft resolution held that there could not be economic, social or educational self-government without political self-government. Partial self-government in certain respects would be illusory unless there was at the same time political self-government within the meaning of the Charter. In order to be free of its obligation to receive information under Article 73 e, the international community must be in a position to affirm that the political situation in the Territory concerned was such as to permit and create economic, social and educational autonomy. It was also maintained that since the Administering Members had asserted that the international representation of the Non-Self-Governing Territories must be exercised by the metropolitan Governments only, they should assume full international responsibility for what took place in the Non-Self-Governing Territories. Partial self-government was only one stage on the road towards the goal of Chapter XI. Until that goal had been reached, the obligations of the Administering Members under Chapter XI continued.

274. The representatives 297/ opposing the draft resolution maintained that a Territory and a metropolitan country could freely choose the nature of their mutual relationship, and that in such a freely chosen arrangement they could decide that certain matters should be the exclusive concern of the territorial government, and certain others the responsibility of the metropolitan Government. Under such an arrangement, if the territorial government did not wish to submit reports on its economic and social affairs to the metropolitan Government or did not wish them to be transmitted to the United Nations, it would be contrary to the arrangement if it were compelled to do so, and would be depriving the Territory of much of its newly acquired

293/ A/AC.35/L.55 and Corr.1.

294/ A/AC.58/1 and Add. 1-7.

295/ G A (VII), Annexes, a.1. 36, A/C.4/L.231 and Corr.1.

296/ G A (VII), 4th Com., 273rd mtg., pp. 158-160.

297/ Ibid., 274th mtg., pp. 163-167; 276th mtg., p. 183.

self-government. Furthermore, the provisions of the draft resolution tended to establish a degree of control by the United Nations over the Non-Self-Governing Territories contrary to the spirit and letter of Chapter XI and to Article 2 (7), and would involve a duality of responsibility. It was also maintained ^{298/} that the draft resolution contained a declaration by the General Assembly enunciating a principle with regard to self-government, which in practice would render the list of individual factors unnecessary. Self-government was not indivisible; a state in a federal constitution might be fully self-governing in respect of education, while defence and foreign affairs remained within the competence of the federal Government. In the case of a Territory the government of which had acquired political autonomy and full responsibility for all internal matters, including economic, social and educational conditions, the obligation of the Administering Member to report on those matters must end because the objective of Article 73 as a whole would no longer be served by the transmission of such reports.

275. The Fourth Committee adopted, and the General Assembly subsequently adopted the provision contained in the draft resolution, which affirmed that, for the purposes of Chapter XI, and Article 73 e in particular, for a Territory to be deemed self-governing in economic, social or educational matters, it was essential that its people should have attained a full measure of self-government.

276. The question was considered once again as a matter of general principle in connexion with the discussion of factors by the Ad Hoc Committee on Factors in 1953 and by the Fourth Committee. Arguments similar to those advanced in 1952 were put forward in favour of the two contending theses on this question. Following the debate, the General Assembly, by resolution 742 (VIII), reaffirmed the position it had adopted in 1952.

Decision

By paragraph 4 of resolution 648 (VII) and paragraph 8 of resolution 742 (VIII), the General Assembly declared and reaffirmed that for a Territory to be deemed self-governing in economic, social or educational affairs, it was essential that its people should have attained a full measure of self-government.

277. By paragraph 6 of resolution 747 (VIII), the General Assembly requested the Government of the Netherlands to continue to transmit information, as specified in Article 73 e, on the Netherlands Antilles and Surinam. However, this paragraph somewhat emphasized the principle of the competence of the General Assembly to take a final decision in matters of the cessation of information.

6. Procedures in the examination of cases of the cessation of the transmission of information

278. Previous passages have indicated that the main lines of procedure established by the General Assembly in examining cases where the Administering Members decided to cease transmitting information in respect of any of the Territories for which they are responsible have been specified in the following resolutions:

(a) by resolution 222 (III), the Administering Member concerned was requested to transmit to the Secretary-General information on the constitutional change that had taken place; (b) by resolution 448 (V), the Committee on Information from Non-Self-Governing Territories was requested to examine that information and to report thereon to the General Assembly; (c) by resolution 742 (VIII), the Committee on Information was

^{298/} G A (VII), 4th Com., 276th mtg., paras. 10 and 11.

instructed to study the documentation in the light of the list of factors approved by the resolution and other relevant questions which might arise from each concrete case. It has also been shown ^{299/} that in the two instances that have arisen, in which these procedures have been followed, the Committee on Information, after examining the material placed before it, has adopted resolutions in its own name without anticipating the disposal of the question by the General Assembly. On the basis of the reports of the Committee on Information, the cessation of information has been further considered by the Fourth Committee and appropriate resolutions adopted subsequently to be adopted by the General Assembly.

279. In 1954, the Fourth Committee, having had the experience of these procedures in the case of Puerto Rico and Greenland, formulated a draft resolution, which was later adopted by the General Assembly and became resolution 850 (IX), with a view to perfecting the methods and procedures to be followed in each case. Under this draft resolution in the first paragraphs, the General Assembly expressed the opinion that the communications relating to the cessation of information should be examined with particular emphasis on the manner in which the right of self-determination had been attained and freely exercised; in the second paragraph, it considered that a mission, if the General Assembly deemed it desirable, should, in agreement with the Administering Member, visit the Non-Self-Governing Territory before or during the time when the population was called upon to decide on its future status or change in status; and, in the third paragraph, it invited the Committee on Information to study means by which it could draw the attention of the General Assembly to any forthcoming changes. Lastly, the Assembly invited the Committee on Information to include in its report to the General Assembly, at its tenth session, new proposals it considered desirable concerning the implementation of the resolution.

280. It may be noted that, in the debate in the Fourth Committee, ^{300/} the proposal relating to the possibility of a visiting mission was contested as exceeding the functions of the United Nations. Although the text as adopted attempted to meet these objections by providing that any such mission should be undertaken only if the General Assembly deemed it desirable and in agreement with the Administering Member, the objections to the procedure contemplated were maintained.

Decision

The General Assembly, by resolutions 222 (III), 448 (V) and 742 (VIII) established general procedures by which information on the cessation of the transmission of information is communicated to the Secretary-General and examined by the Committee on Information from Non-Self-Governing Territories. By resolution 850 (IX) it invited the Committee on Information to submit other proposals regarding the consideration of communications relating to the cessation of the transmission of information under Article 73 e.

281. Action was taken by the General Assembly in the specific cases of the cessation of information on Indonesia, Puerto Rico and Greenland. When the cessation of information on Indonesia was considered, resolution 222 (III) was already in effect but the other two resolutions governing procedure had not yet been adopted.

^{299/} See paras. 255-258 above.

^{300/} G A (IX), 4th Com., 432nd mtg., paras. 55-85; 433rd mtg., paras. 7-62.

a. INDONESIA

282. In pursuance of resolution 222 (III), the Permanent Representative of the Netherlands, by letter 301/ dated 29 June 1950, informed the Secretary-General that the Government of the Netherlands would no longer submit information on Indonesia to the Secretary-General under Article 73 e, since sovereignty over Indonesia, with the exception of Netherlands New Guinea, had been transferred to the Republic of the United States of Indonesia. As a result, the Government of the Netherlands considered that Chapter XI no longer applied in this case. The matter was considered in the Fourth Committee, where it caused no controversial discussion although the opinion was expressed 302/ that the status of Netherlands New Guinea and its relationship to Indonesia was not clear.

283. Under resolution 448 (V), adopted subsequently, the General Assembly referred to the wording of resolution 222 (III), noted the communication dated 29 June from the Netherlands Government, noted further "that the full independence of the Republic of Indonesia has been followed by the admission of that State to membership in the United Nations", and finally took note with satisfaction of the communication of the Netherlands on the cessation of information.

Decision

The General Assembly, by resolution 448 (V), took note with satisfaction of the communication of the Government of the Netherlands with reference to the cessation of the transmission of information on Indonesia.

b. PUERTO RICO

284. In pursuance of resolution 222 (III), the Government of the United States, by letter dated 19 January 1953, informed the Secretary-General that the Commonwealth of Puerto Rico had been established as a result of the entry into force on 25 July 1952 of a new constitution, and that as a consequence, the Government of the United States considered that it was no longer necessary or appropriate to continue to transmit information on Puerto Rico under Article 73 e. By letter dated 20 March 1953, the text of the Constitution of Puerto Rico and other information were transmitted to the Secretary-General. These documents 303/ were brought before the Committee on Information in 1953 in pursuance of resolution 448 (V). 304/

285. During the debate, 305/ the stages which led to the establishment of the Commonwealth of Puerto Rico were summarized and divergent views expressed. It was held on one side, that Puerto Rico had achieved a full measure of self-government; or that it had achieved almost complete self-government as a result of the freely expressed will of the people, this latter being the most important element; another opinion leading to similar conclusions was that Puerto Rico had attained a degree of internal self-government which satisfied the requirements of the Charter. The most marked conflict of principle was between those who held that the present status of Puerto Rico did not completely comply with any of the elements of an independent or fully self-governing State, and, on the other hand, that it was sufficient for the Committee to know that

301/ G A (V), Annexes, a.i. 34, A/1302/Rev.1.

302/ G A (V), 4th Com., 190th mtg., p. 314.

303/ A/AC.35/L.121.

304/ G A (VIII), Suppl. No. 15 (A/2465), part one, pp. 3-7.

305/ A/AC.35/SR.81-84.

the Government of the United States had, in the circumstances, decided to cease transmitting information under Article 73 e on the Territory.

286. The Committee refused to accept a proposal 306/ by which it would recommend that the General Assembly take note "of the communications and documentation transmitted by the United States pursuant to resolution 222 (III) with respect to the attainment of self-government by Puerto Rico". Instead it adopted a resolution 307/ in which the Committee itself took note "in the limits of its terms of reference, and without anticipating the disposal of this question by the General Assembly - that the information before it indicates that the Commonwealth of Puerto Rico may be considered as falling outside the scope of Article 73 e of the Charter;" and also took note "of the opinion of the United States Government that it is no longer necessary or appropriate to transmit information on Puerto Rico under Article 73 e of the Charter".

287. In the Fourth Committee of the General Assembly the debate centred on a draft resolution 308/ under the terms of which the Assembly would state that "in the framework of their Constitution and of the compact agreed upon with the United States of America, the people of the Commonwealth of Puerto Rico have been invested with attributes of political sovereignty which clearly identify the status of self-government attained by the Puerto Rican people as an autonomous political entity;". The draft considered that the Declaration on Non-Self-Governing Territories and the provisions established under it in Chapter XI were, therefore, no longer applicable to Puerto Rico.

288. Both the general arguments advanced and the question of the competence 309/ of the General Assembly have been examined in previous passages. Here it is only necessary to note that an amendment 310/ suggesting that the Administering Member continue to transmit information on Puerto Rico was rejected by the Committee, and a draft resolution was adopted accepting the contention that Chapter XI no longer applied to Puerto Rico and that it was appropriate that the transmission of information should cease. This draft resolution adopted by the Committee was subsequently adopted by the General Assembly and became resolution 748 (VIII).

Decision

By resolution 748 (VIII), the General Assembly, in paragraphs 6, 7, 8 and 9, considered that, due to these circumstances, the Declaration regarding Non-Self-Governing Territories and the provisions established under it in Chapter XI of the Charter could no longer be applied to the Commonwealth of Puerto Rico; took note of the opinion of the Government of the United States of America as to the cessation of the transmission under Article 73 e of the Charter of information on Puerto Rico; considered it appropriate that the transmission of this information should cease; expressed its assurance that, in accordance with the spirit of the present resolution, the ideals embodied in the Charter of the United Nations, the traditions of the people of the United States of America and the political advancement attained by the people of Puerto Rico, due regard would be paid to the will of both the Puerto Rican and American peoples in the conduct of their relations under their present legal statute, and also in the eventuality that either of the parties to the mutually agreed association might desire any change in the terms of that association.

306/ G A (VIII), Suppl. No. 15 (A/2465), part one, para. 39.

307/ G A (VIII), Suppl. No. 15 (A/2465), part one, para. 67.

308/ G A (VIII), Annexes, a.1. 34, A/C.4/L.300.

309/ See paras. 229-254 above.

310/ G A (VIII), Annexes, a.1. 32, A/2556 and Corr.1, para. 64, A/C.4/L.302.

c. GREENLAND

289. By communication 311/ dated 3 September 1953, the Government of Denmark informed the Secretary-General that, as a result of a constitutional amendment adopted on 5 June 1953, Greenland had become an integral part of the Danish realm with a constitutional status equal to that of other parts of Denmark and that, as a consequence, the Government of Denmark regarded its responsibilities under Chapter XI as terminated and had therefore decided to cease the transmission of information under Article 73 e.

290. This communication was examined by the Committee on Information from Non-Self-Governing Territories in 1954, and by the Fourth Committee at the ninth session of the General Assembly. The procedures adopted by these Committees followed the precedent established in the case of Puerto Rico in 1953; once again the question of competence was introduced by way of amendment. Two points were more clearly marked. In 1953, the United States Government had included in its delegation a member particularly qualified to provide information on Puerto Rico. In the case of Greenland, the Government of Denmark included in its delegation representatives explicitly described as elected by the National Council of Greenland for the purpose of furnishing information on constitutional change in Greenland. This action was commended by the General Assembly under resolution 849 (IX). Secondly, the factors adopted the previous year were for the first time available in the examination of this new case, and resolution 849 (IX) specifically noted that resolution 742 (VIII) provided for the study of documentation in the light of the list of factors approved by that resolution.

Decision

The General Assembly, by resolution 849 (IX):

1. Took note of the conclusions set forth by the Committee on Information from Non-Self-Governing Territories in its resolution;
2. Took note of the opinion of the Government of Denmark that due to the new constitutional status of Greenland the Government of Denmark regarded its "responsibilities according to Chapter XI of the Charter as terminated" and that consequently the transmission of information under Article 73 e of the Charter in respect of Greenland should be brought to an end;
3. Commended the action of the Member State concerned in including in its delegation to the General Assembly representatives elected by the National Council of Greenland for the purpose of furnishing information on constitutional changes in Greenland;
4. Took note that when deciding on their new constitutional status, through their duly elected representatives, the people of Greenland had freely exercised their right to self-determination;
5. Expressed the opinion that, from the documentation and the explanations provided, Greenland freely decided on its integration within the Kingdom of Denmark on an equal constitutional and administrative basis with the other parts of Denmark;
6. Noted with satisfaction the achievement of self-government by the people of Denmark;

311/ A/AC.35/L.155 and Corr.1.

7. Considered that due to these circumstances the Declaration regarding Non-Self-Governing Territories with the provisions established under it in Chapter XI of the Charter could no longer be applied to Greenland;

8. Considered it appropriate that the transmission of information in respect of Greenland under Article 73 e of the Charter should now cease.

7. Other questions

291. There are two questions which have arisen in various forms in relation to the determination of Non-Self-Governing Territories but have led to few clear decisions.

292. On a number of occasions, reservations and counter-reservations have been made where sovereignty over certain Territories is in dispute. In most cases the question has been limited to reservations on the problem of sovereignty. But, on occasion, the inclusion of Territories within the scope of Chapter XI has been challenged.

293. This occurred notably in the case of information on Indonesia transmitted by the Government of the Netherlands in 1948 and 1949. Draft resolutions 312/ were introduced in the Special Committees in both years proposing to withdraw from the Committee's agenda the discussion of the information relating to the Indonesian Republic on the ground that it was an independent State. In opposition, it was contended that sovereignty over the Territory remained vested in the Netherlands until such time as the United States of Indonesia was established. On the general question of principle, one view expressed was that the Secretary-General had no choice but to summarize and analyse any information transmitted to him in virtue of Article 73 e, and that the Committee had no option but to consider the information before it. The question of the competence of the Committee was raised. Although it was submitted that the Committee was competent in this matter, since it would examine whether a Territory was or was not under the non-self-governing category, in both years the Committee decided that it was not competent to consider the draft resolutions.

294. Although several Members reiterated their position in the Fourth Committee and General Assembly, no formal proposals were introduced.

295. The question found a natural solution in 1950, following the transfer of sovereignty to Indonesia by the Netherlands and the admission of Indonesia into the United Nations as a Member. In 1948 as well as in 1949 the Committee on Information declared itself not competent to deal with a proposal aiming at the exclusion from its discussions of information relating to the Republic of Indonesia. 313/

Decisions

By resolution 448 (V), the General Assembly, noting a communication from the Government of the Netherlands stating "that the full independence of the Republic of Indonesia has been followed by the admission of that State to membership in the United Nations", took note "with satisfaction of the communication of the Government of the Netherlands with reference to the cessation of the transmission of information on Indonesia".

312/ A/AC.17/W.11 and G A (IV), Suppl. No. 14 (A/923), para. 21.

313/ G A (III) and G A (IV), Suppl. No. 14 (A/923), para. 29.

296. The second point arises out of the conception of the universality of Chapter XI. During the discussions on the question of the factors, it was emphasized 314/ that Chapter XI appeared to apply to all "territories whose people have not yet attained a full measure of self-government". The benefit of the international obligations assumed by States under Chapter XI was not therefore restricted to the peoples of colonies and protectorates. If the factors were considered fit to serve as a guide in determining whether a Territory was self-governing, they were, conversely, fit to serve as a guide in determining whether a Territory was not self-governing and was hence a subject for the guarantees of Chapter XI. No State which recognized those factors as valid for determining the status of the Territories of other States could dispute their validity for determining the status of its own Territories. There were many peoples in the world who were not yet self-governing and there were, therefore, many States with obligations under Chapter XI. Henceforth, therefore, it would be useless to endeavour to impose the idea that the only States having obligations under Chapter XI were the eight Member States which had recognized those obligations. The present interpretation of Chapter XI limited its application to the overseas Territories of so-called "colonial Powers". It deprived all other backward people of international protection.

297. In reply, it was recalled 315/ that the question had come up at San Francisco during the discussion of the classification of dependent Territories and it had been made quite clear that the "peoples not yet able to stand by themselves under the strenuous conditions of the modern world", referred to in a first draft of what had become Article 73, were not peoples within the metropolitan frontiers of any State. As applying to metropolitan areas, therefore, the theory of the universality of Chapter XI had no legal value. Article 74 made a very clear distinction between Non-Self-Governing Territories and metropolitan territories.

298. In the course of these discussions, it was also contended 316/ that, if the General Assembly was competent to determine whether an Administering Member should be compelled to continue to transmit information, the Assembly had also the right to require other countries to begin to transmit information on non-self-governing peoples under their administration. In particular, certain representatives during meetings of the 1952 Ad Hoc Committee on Factors declared that resolution 334 (IV) applied as much at the beginning as at the cessation of the transmission of information, and that those who recognized the competence of the General Assembly to decide that the transmission of information should be continued should also recognize its competence to decide that information should begin to be sent for a Territory in respect of which no information had yet been transmitted.

299. As has been indicated, the questions relating to the determination of the Territories to which Chapter XI of the Charter applies have been examined very largely in relation to the cessation of information. Aspects of the obverse question have not been formalized. However, resolution 334 (IV) has regard to the obligation to transmit information under Article 73 e accepted by the Members "which have or assume responsibilities for the administration of Territories whose peoples have not yet attained a full measure of self-government", and the same repetition of the phraseology of Article 73 is given in the preamble to resolution 648 (VII) on the study of factors.

300. The General Assembly, in the preambles to resolutions 334 (IV) and 648 (VII) has made reference to the Charter provision by which Chapter XI imposes obligations on Members which "have or assume" responsibilities for Territories whose peoples have not yet attained a full measure of self-government. In other respects, the attitude of the

314/ G A (VIII), 4th Com., 326th mtg., p. 66, para. 62.

315/ Ibid., 4th Com., 327th mtg., p. 71, para. 2.

316/ G A (VII), Annexes, a.i. 36, A/2178.

General Assembly regarding Territories other than those enumerated in resolution 66 (I) has not been defined, so that, apart from the letter of the Secretary-General of 29 June 1946, the Members of the United Nations in general have not been invited to consider whether by the examination of factors or otherwise, areas under their administration should be regarded as falling within the scope of Chapter XI.

