

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. The arrangement of this study of the practice of the General Assembly in the application and interpretation of Article 73 corresponds with that in the previous study of Article 73 in the Repertory of Practice of United Nations Organs. The material is presented under the same headings, except for the addition of necessary sub-headings.

GENERAL SURVEY

2. The principal decisions treated in this Supplement are those made at the tenth session of the General Assembly on the modification of the Standard Form, the consideration of points for a report on the progress achieved by the Non-Self-Governing Territories, the renewal of the Committee on Information from Non-Self-Governing Territories and the cessation of information on Netherlands Antilles and Surinam. For the sake of completion a brief recapitulation is included of decisions taken at the ninth session which have already been reported in the Repertory.

ANALYTICAL SUMMARY OF PRACTICE

A. The transmission of information

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

3. In consequence of the admission in December 1955 of sixteen new Members, the Secretary-General, following the practice adopted in 1946 ^{1/} addressed a letter on 24 February 1956 to each of the new Members. He drew attention to the Declaration regarding Non-Self-Governing Territories and invited the new Members to inform him if they administered Territories whose people had not attained a full measure of self-government. He drew attention to General Assembly resolutions 648 (VII) and 742 (VIII) entitled "Factors which should be taken into account in deciding whether a Territory is or is not a Territory whose people have not yet attained a full measure of self-government" and to General Assembly resolutions 218 (III), 551 (VI) and 930 (X) explaining the principles governing the transmission of information.

4. By 10 November 1956, the Secretary-General had received replies ^{2/} from Albania, Austria, Cambodia, Ceylon, Finland, Hungary, Ireland, Italy, Laos, Libya, Portugal and Romania stating that they do not administer Territories which come under Article 73 of the Charter.

^{1/} See in the Repertory, vol. IV, under Article 73, para. 21.

^{2/} A/C.4/331.

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

3. *Nature and form of the information transmitted*

5. The Standard Form which the General Assembly adopted by resolution 551 (VI) has been in use since 1951 without modification. In 1954 the General Assembly considered that the special reports on economic, social and educational conditions should provide an opportunity for the expression of views and recommendations of concrete value to certain regional groups of Territories. By resolution 847 (IX) 3/ the General Assembly requested the Committee on Information from Non-Self-Governing Territories to examine whether any amplification or amendment of the Standard Form was necessary to assist the Administering Members in providing concrete information on matters common to certain regional groups of Territories.

6. In 1955, at the sixth session of the Committee on Information from Non-Self-Governing Territories suggestions 4/ were made during the discussion on social conditions that the Standard Form should be amended to provide for the furnishing of information on various aspects of community development, including, in particular, the central administrative structure, the administrative planning on the local level, action taken for the training of community development officers and local leaders, and the facilities offered to acquaint the people with the objectives and methods of the community development movement. It was suggested that the discussion in the Social Commission 5/ should be borne in mind in drafting any amendments.

7. At the 483rd meeting of the Fourth Committee in 1955 a draft resolution 6/ was submitted to modify the Standard Form to include more detailed information on community development along the lines suggested in the Committee on Information from Non-Self-Governing Territories. 7/ The proposed new section to the Standard Form invited Members responsible for the transmission of information to send up-to-date information on programmes and progress in the field of community development.

8. The proposal was not opposed in substance. Subject to drafting changes the draft resolution was approved 8/ by the Fourth Committee and was later adopted by the General Assembly without discussion as resolution 930 (X).

Decision

The General Assembly by resolution 930 (X) decided to modify the Standard Form annexed to resolution 551 (VI) and invited the Members responsible for the transmission of information under Article 73 e of the Charter to render information as complete and up to date as possible on programmes and progress in the field of community development, and for this purpose to take into account the following text added to part III of the Standard Form.

3/ See in the Repertory, vol. IV, under Article 73, paras. 209-213.

4/ For texts of relevant statements, see A/AC.35/SR.112, Burma, p. 15; A/AC.35/SR.113, Brazil, p. 4; A/AC.35/SR.129, Guatemala, pp. 4 and 5.

5/ E S C (XX), Suppl. No. 9 (E/2758), p. 4; E/CN.5/SR.226-231 and 248.

6/ G A (X), annexes, a.i. 31 and 33, A/C.4/L.392 and Rev.1.

7/ G A (X), 4th Com., 483rd mtg., para. 16.

8/ G A (X), annexes, a.i. 31 and 33, A/3013, para. 54, draft resolution II.

"Community development

"1. Description of basic programmes and progress in the field of community development.

"2. Description of the administrative organization at the territorial level primarily responsible for encouraging and supporting these programmes.

"3. Description of methods used in this field with particular emphasis on new methods and techniques evolved in the Territory and of a few selected projects, at the local level, which have served as experimental pilot projects and demonstration centres.

"4. Training of community development officers, local leaders and community workers and measures for obtaining the co-operation of all officers of the government in the use of community development methods."

4. The use of supplemental information

9. The authority to use in the preparation of the studies "any other information gathered by the Secretary-General from official publications of the Members responsible for the administration of Non-Self-Governing Territories or inter-governmental and scientific bodies" was introduced as an amendment 9/ to the draft resolution 10/ proposing the preparation of a report on the progress achieved by the Non-Self-Governing Territories in pursuance of Chapter XI of the Charter. The amendment was withdrawn 11/ after arguments that its inclusion would weaken the support for the draft resolution as a whole.

5. The use of comparable information

10. Also in connexion with the proposal to examine the progress achieved by the Non-Self-Governing Territories, reference was made to General Assembly resolution 143 (II) on the use of comparable information. It was considered 12/ that the use of comparable information as set out in resolution 143 (II) would lead to a more realistic report, but the amendment was not pressed.

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

11. This question was raised again at the ninth session of the General Assembly. 13/ By resolution 848 (IX) the Assembly gave new emphasis to its interest in the political development of the Non-Self-Governing Territories.

Decision

The General Assembly, by resolution 848 (IX): (1) reiterated the view that voluntary submission of information on the political development of peoples in the

9/ G A (X), annexes, a.i. 31 and 33, p. 11, A/3013, para. 35.

10/ Ibid., para. 33.

11/ G A (X), 4th Com., 487th mtg., para. 30.

12/ Ibid., para. 17.

13/ See in the Repertory, vol. IV, under Article 73, para. 75.

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

12. The question of the competence of the General Assembly to examine information 14/ concerning the Non-Self-Governing Territories was raised during the discussions on the modification of the Standard Form. The draft resolution introduced in the Fourth Committee (see paragraph 7 above) contained in the preamble the phrase "Considering that it would be useful to examine information regarding programmes and progress in the field of community development in Non-Self-Governing Territories". It was suggested that in order not to re-open this question, the words "to receive" might replace the words "to examine".

13. In support of the use of the words "to examine" it was pointed out that this phrase had been used in previous resolutions. 15/ Against the use of this phrase, in addition to the argument that Article 73 e merely provided for the State concerned "to transmit... information" it was argued that the words "to examine" prejudged the question of the renewal of the Committee on which a decision was to be taken at that session. An amendment was suggested 16/ to replace the word "examine" by "if the Members concerned would transmit to the Secretary-General, in accordance with Article 73 e of the Charter".

14. In order to avoid a discussion on the question of competence which related to the question of the renewal of the Committee the sponsor said that he would accept a suggestion to replace the words "that it would be useful to examine" by "the importance of having available", on the condition that the amendment would be withdrawn.

15. The Committee however preferred to reaffirm the competence of the General Assembly to examine the information. The original wording was reintroduced 17/ and was accepted by the Fourth Committee. The draft resolution was subsequently adopted by the General Assembly.

Decision

The General Assembly by the fourth paragraph of the preamble of resolution 930 (X) reaffirmed its competence to examine information concerning the Non-Self-Governing Territories as transmitted under Article 73 e of the Charter.

1. The preparation of summaries, analyses and special reports

16. There has been no major change in the preparation of summaries and analyses of information for the Committee on Information from Non-Self-Governing Territories. However, in 1955, by resolution 846 (IX) the date of the annual meeting of the Committee on Information was advanced from autumn to spring. As a result the three-yearly full

14/ See in the Repertory, vol. IV, under Article 73, paras. 139 et seqq.

15/ See, for example, G A resolutions 146 (II), 219 (III), and 332 (IV).

16/ G A (X), 4th Com., 483rd mtg., para. 34.

17/ Ibid., 484th mtg., para. 24.

summary of information transmitted during 1955 was postponed for submission to the General Assembly in 1956. A further consequence is that the information received by the Secretary-General in the summer months is examined by the Committee at the meeting of the following spring.

17. As regards the three-year cycle of special studies, in 1954 the Committee prepared a special report on economic conditions and in 1955 a report on social conditions. The General Assembly took note of these reports in resolutions 846 (IX) and 929 (X) respectively.

18. In connexion with the studies carried out by the Committee on Information it was suggested in the Fourth Committee in 1954 18/ that there should be a change in the method of preparation so as to enable the United Nations to make more concrete recommendations on the problems involved in the development of the Non-Self-Governing Territories. The discussions led to the adoption by the General Assembly of resolution 847 (IX). In this resolution the Committee on Information from Non-Self-Governing Territories was requested to study at its 1955 session the manner in which 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 and it was suggested that the Committee should give full consideration to the views expressed on these subjects in the Fourth Committee at the ninth session of the General Assembly.

19. In the light of this decision, in 1955 the draft resolution (see paragraph 27 below) introduced to renew the Committee on Information from Non-Self-Governing Territories included a paragraph by which the General Assembly would instruct the Committee to make recommendations on problems common to Territories in a single regional group. This paragraph and other amendments in the same spirit, however, were omitted in the final decision which provided for the renewal of the Committee on the same basis for a further period of three years.

20. At the tenth session during the discussions on Non-Self-Governing Territories in the Fourth Committee a draft resolution 19/ was submitted by which the General Assembly would express the opinion that an examination of this progress based on information received from the Administering Members under Article 73 e would be highly desirable and should make it possible to ascertain the extent to which peoples of the Non-Self-Governing Territories are advancing towards the attainment of the goals set forth in Chapter XI of the Charter. To assist the General Assembly in deciding on the nature and form of the report, it was proposed that the Secretary-General, after consultation with the specialized agencies concerned, should be invited to submit to the General Assembly for its consideration at its eleventh regular session, a report on the main points that might be useful in such an examination. In favour 20/ of the preparation of such a report it was stated that this would permit a comprehensive review and would enable the Fourth Committee to evaluate its own work.

18/ See in the Repertory, vol. IV, under Article 73, paras. 209-213.

19/ G A (X), annexes, a.i. 31 and 33, A/3013, para. 33.

20/ G A (X), 4th Com., 485th mtg., Ecuador, paras. 2 and 3; 487th mtg., Ecuador, paras. 2-5; Lebanon, para. 11; New Zealand, para. 15.

21. A number of questions were asked 21/ in order to ascertain the scope of the proposed report. The sponsors replied that the proposal merely invited the Secretary-General to make suggestions to assist the General Assembly in deciding upon the form and content of the report required in the examination of the progress achieved.

22. A proposal 22/ to amend the draft resolution by suggesting that in the preparation of the report use shall be made of "other information gathered by the Secretary-General from official publications of the Members responsible for the administration of Non-Self-Governing Territories or inter-governmental and scientific bodies on matters relating to these affairs" was opposed 23/ on the grounds that the General Assembly should limit its consideration to information transmitted under the Charter. Since several members of the Committee favouring the amendment thought that its inclusion in the draft resolution would reduce the support for the draft resolution the amendment was withdrawn.

23. The draft resolution as a whole was adopted by the Fourth Committee 24/. It was subsequently adopted by the General Assembly without further discussion.

Decision

The General Assembly, by resolution 932 (X) considering that, by virtue of Article 73 e of the Charter, the Secretary-General has, since 1946, received information on the economic, social and educational conditions in Non-Self-Governing Territories and that, in some cases, Members administering such Territories have voluntarily submitted information on the development of the free political institutions of the peoples of these Territories; that, under the resolutions adopted by the General Assembly from 1946 onwards, this valuable information transmitted by the Administering Members, indicating how and to what extent the principle that the interests of the inhabitants of the Non-Self-Governing Territories are paramount has been implemented, has been implemented, has been analysed and summarized by the Secretary-General and studied each year by the General Assembly: (1) expressed the opinion that an examination of the progress achieved in the Non-Self-Governing Territories since the establishment of the United Nations, based on the information received from the Administering Members under Article 73 e of the Charter, would be highly desirable and should make it possible to ascertain the extent to which the peoples of the Non-Self-Governing Territories are advancing towards the attainment of the goals set in Chapter XI of the Charter; (2) considered that such an examination would require careful preparation, with the assistance of the specialized agencies concerned; and (3) invited the Secretary-General, after consultation with the specialized agencies concerned, to submit to the General Assembly, for consideration at its eleventh session, a report on the main points that might be useful in such an examination.

21/ G A (X), 4th Com., 485th mtg., paras. 6-16 and 487th mtg., paras. 8 and 9. Questions were asked on the significance of the reference in the preambular paragraph to political information; the meaning of the words "indicating how and to what extent the principle that the interests of the inhabitants...are paramount" had been implemented; whether the examination of the progress would include political advancement; the meaning of the word "extent"; the basis on which an examination of the progress would be made; the form and who was to be responsible for drawing it up.

22/ G A (X), annexes, a.i. 31 and 33, A/3013, para. 35.

23/ For texts of relevant statements, see G A (X), 4th Com., 487th mtg: Egypt, para. 29; Guatemala, para. 27; New Zealand, para. 17; United Kingdom, para. 24; Yugoslavia, para. 14.

24/ G A (X), annexes, a.i., 31 and 33, A/3013, para. 37.

2. *The collaboration of United Nations Councils and specialized agencies*

** a. RELATIONS WITH THE ECONOMIC AND SOCIAL COUNCIL

** b. RELATIONS WITH THE TRUSTEESHIP COUNCIL

c. COLLABORATION WITH THE SPECIALIZED AGENCIES

24. During the period under review the general lines of collaboration with the specialized agencies have remained substantially unchanged. In 1955 by resolution 929 (X) the General Assembly considered that it was evident from the special report 25/ on social conditions that valuable contributions to the progress of Non-Self-Governing Territories may be provided through assistance afforded by the Secretariat of the United Nations and by the specialized agencies, and expressed its satisfaction at the increasing co-operation of the Administering Members with the specialized agencies; requested the international bodies, in the work undertaken by them, to take full account of the views expressed in the report; and drew the attention of the specialized agencies to particular sections of the report.

25. In resolution 932 (X) (see paragraph 23 above) the General Assembly invited the assistance of the specialized agencies concerned in the preparation of a report on the progress achieved by the Non-Self-Governing Territories.

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

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

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

26. In accordance with operative paragraph 3 of resolution 646 (VII) the General Assembly in 1955 was required to 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. The discussions this time, both in the Committee and in the Fourth Committee, centred not so much on the question of renewal as on the conditions on which it should be renewed, particularly with a view to giving effect to resolutions 847 (IX), 744 (VIII) and 745 (VIII). 26/

27. As in 1952 the question was first discussed in the Committee on Information from Non-Self-Governing Territories. A proposal 27/ was submitted by which the General Assembly would recognize the value of the constructive work of the Committee and decide, without any mention of the duration of the Committee's life "to continue the Committee on Information from Non-Self-Governing Territories". As regards the terms of reference the Committee would be instructed to submit to the General Assembly "reports containing such procedural recommendations as it may deem fit, and such substantive recommendations as it may deem desirable, relating to functional fields generally, or where common to Territories in a single regional group but not with respect to individual territories".

25/ G A (X), Suppl. No. 16 (A/2908), part II.

26/ See in the Repertory, vol. IV, under Article 73, paras. 208-214; see also paras. 32-35 below.

27/ G A (X), Suppl. No. 16, (A/2908), part I, para. 88, A/AC.35/L.209.

28. In order to assist the Committee in reaching an agreement on the wording of the draft resolution a working paper was introduced, 28/ suggesting that the Committee should be renewed "on the same basis for a further period of three years" with the same terms of reference as set forth in resolution 332 (IV) that the words "or where common to territories in a single regional group" should be deleted but that the Committee should be authorized "in the spirit of resolution 847 (IX)... to make appropriate references in its functional studies to groups or categories of territories having similar problems or features in common as a result of such factors as their stage of advancement, their economic and social structure or their geographic location".

29. Following discussions on the working paper, amendments 29/ were introduced to renew the Committee "on the same basis for a further three-year period" and to delete from the proposed terms of reference the words "or where common to territories in a single regional group". The Committee accepted a proposal to take a separate vote on the words "on the same basis" and "for a further three year period"; it approved the amendments and the draft resolution.

30. In the Fourth Committee suggestions 30/ were again made to widen the scope of the work of the Committee, (1) by re-introducing in substance the proposal that the Committee should be authorized to give attention to problems common to a number of Territories or a group of Territories, and (2) by removing from the terms of reference of the Committee the restriction on its recommendations concerning individual Territories.

31. This led to a statement 31/ by the representative of the United Kingdom that although his Government had consistently questioned the constitutional basis of the Committee, nevertheless it intended to continue to take part in the work of the Committee if the latter were renewed for three years on the same basis. On the other hand, if the proposed amendments were adopted, his Government would not take part in the work of the Committee. After this statement and a debate on procedure, 32/ the Fourth Committee approved the draft resolution as submitted by the Committee on Information from Non-Self-Governing Territories with minor drafting changes and with an additional paragraph which specified that, at its thirteenth session, the General Assembly would again reconsider the question of the renewal of the Committee. The General Assembly adopted the draft resolution in the form submitted by the Fourth Committee.

Decision

The General Assembly, by resolution 933 (X), recognizing the value of further constructive work by the Committee in the interests of the advancement of the peoples of Non-Self-Governing Territories and the attainment of the objectives set forth in Chapter XI of the Charter, decided to continue the Committee on Information from Non-Self-Governing Territories on the same basis as set forth in resolutions 332 (IV) and 646 (VII), for a further three-year period. It also decided that at its thirteenth

28/ Ibid., para. 93.

29/ G A (X), Suppl. No. 16 (A/2908), part I, para. 104, A/AC.35/L.215. For texts of relevant statements, see A/AC.35/SR.123, 127 and 128.

30/ G A (X), annexes, a.i. 31 and 33, A/3013, paras. 41 and 42. At the 487th mtg. it was suggested that a separate vote should be taken on the words "but not with respect to individual Territories".

31/ G A (X), 4th Com., 487th mtg., paras. 44-48.

32/ G A (X), 4th Com., 489th mtg.

session, it will reconsider the question of continuing the Committee on Information from Non-Self-Governing Territories together with the questions of the composition and terms of reference of this or any such future Committee.

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

32. The draft resolution 33/ introduced in the Committee on Information to renew the Committee provided for the same composition as in resolution 332 (IV); this composition had been maintained by resolution 646 (VII) when the Committee was renewed in 1952. In addition, this draft resolution suggested that firstly the General Assembly, on the basis of resolution 745 (VIII), should invite the Members of the Committee to continue to attach to their delegations persons specially qualified in the functional fields within the Committee's purview, and secondly that the General Assembly on the basis of resolution 744 (VIII), should invite the Members administering Non-Self-Governing Territories to attach to their delegations indigenous persons specially qualified to speak on economic, social and educational policies in the Non-Self-Governing Territories; thirdly the draft resolution also suggested that, with a view to implementing the direct participation of the indigenous inhabitants the Committee, with the consent of the Administering Member, should admit as observers persons appointed by the Governments of the Territories, the inhabitants of which had attained a large measure of responsibility for economic, social and educational policies as adopted within their Territories.

33. No opposition was raised against the suggestions incorporating decisions previously taken by the General Assembly. The third suggestion however was held to be unacceptable by several Administering Members, on the ground that it violated the principle of unity of representation.

34. As a compromise, it was suggested 34/ that observers might be appointed by the Administering Members and that the Committee should be authorized to admit them only on the request of the Administering Member concerned. Even so, owing to the objections of the Administering Members, the Committee in the end accepted an amendment 35/ to delete the original paragraph in the draft resolution which referred to the admission of indigenous representatives as observers.

35. In the Fourth Committee, no further amendments were made regarding the composition of the Committee. The draft resolution approved by the Fourth Committee, and subsequently adopted by the General Assembly, renewed the Committee with the same composition as provided in resolution 332 (IV) taking into account at the same time the provisions of resolution 744 (VIII) and 745 (VIII).

Decision

The General Assembly, by resolution 933 (X): (1) decided that the Committee on Information from Non-Self-Governing Territories should continue to be 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 non-administering Members elected by the Fourth Committee on behalf of the General Assembly on as wide a geographical basis as possible; (2) invited the members of the Committee to continue to attach to their delegations persons specially qualified in the functional fields within the Committee's purview; and

33/ G A (X), Suppl. No. 16 (A/2908), part I, para. 88.

34/ Ibid., para. 93.

35/ Ibid., para. 104.

(3) invited the Administering Members to attach to their delegations indigenous persons specially qualified to speak on economic, social and educational policies in the Non-Self-Governing Territories.

4. Recommendations relating to Non-Self-Governing Territories

36. By resolution 845 (IX) the General Assembly (1) invited Member States to extend to the inhabitants of the Non-Self-Governing Territories offers of educational facilities at post primary and university level; (2) invited Member States to transmit details of offers to the Secretary-General; (3) requested the Secretary-General, in consultation with the Administering Members and the specialized agencies concerned, to establish a simple procedure to enable the offers and applications to be made through the United Nations; (4) invited the Administering Members to take such other measures as would ensure that the greatest possible advantage was taken of the offers; (5) 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. 36/

37. In accordance with the above resolution and following consultations with the Administering Members and the specialized agencies a procedure was set up in 1955 as required under point (3). Under this procedure offers of facilities for study are sent to the Secretary-General who communicates the details to the Administering Members concerned, to the United Nations Educational, Scientific and Cultural Organization and to any other specialized agency that might be interested. Applications received are communicated to the Administering Member concerned for observations on the candidate's qualifications. The applications and observations are subsequently forwarded to the offering state.

38. At the tenth session a draft resolution 37/ was introduced in the Fourth Committee to take note of the report 38/ of the Secretary-General and to invite the Secretary-General to prepare for the information of the General Assembly at its future sessions, reports giving further details of the offers of scholarships and the use made of them. In submitting this proposal it was explained 39/ that no attempt had been made to evaluate or analyse the developments inasmuch as the implementation of General Assembly resolution 845 (IX) was in its initial stage and it would be premature to comment on the content of the report.

39. The Fourth Committee approved the draft resolution which was subsequently adopted by the General Assembly as resolution 931 (X).

Decision

The General Assembly by resolution 931 (X) took note of the report of the Secretary-General and invited him to prepare for its information at its future sessions reports giving further details relating to the offers made and the use made of them.

40. The Secretary-General has submitted to the eleventh session of the General Assembly a report 40/ for the period 1 August 1955 to 30 November 1956 concerning the offers of scholarships made and the applications received.

36/ See in the Repertory, vol. IV, under Article 73, paras. 214 et seqq.

37/ A/C.4/L.395.

38/ G A (X), annexes, a.i. 31 and 33, A/2937 and Add.1, 2, 3/Rev.1 and 4.

39/ G A (X), 4th Com., 484th mtg., para. 41.

40/ A/3165 and Add.1.

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

*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*

41. There has been no change in the practice followed by the General Assembly in affirming its competence 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 these obligations. In particular, in 1954 and 1955, in considering communications from the Governments of Denmark and the Netherlands on the cessation of the transmission of information, the General Assembly reiterated the position it had adopted in 1953 in connexion with the communication from the Government of the United States of America announcing the cessation of the transmission of information in respect of Puerto Rico. In all three cases the General Assembly by a paragraph contained in the preambles to the relevant resolutions recorded its view that it was competent to decide whether or not conditions had been attained to justify the cessation of the transmission of information. It was argued ^{41/} in the Fourth Committee that the General Assembly had no such competence and also that the introduction of any such assertion of jurisdiction in the preamble to a resolution was not justified. In each case, however, by separate votes on the preambular paragraph in question the Fourth Committee maintained its position.

Decision

The General Assembly in the final paragraphs of each of the preambles of resolution 849 (IX) concerning the cessation of the transmission of information in respect of Greenland and of resolution 945 (X) relating to the Netherlands Antilles and Surinam declared that it was competent to decide on 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 changes

42. The practice under resolution 448 (V) by which the Committee on Information from Non-Self-Governing Territories examines information transmitted in accordance with resolution 222 (III) on constitutional changes was continued in the case of Greenland

^{41/} For texts of relevant statements concerning Puerto Rico, see G A (VIII), 4th Com: 355th mtg., Belgium, para. 35; 356th mtg., Australia, para. 19; France, paras. 10-12; Netherlands, para. 18; New Zealand, para. 30; Sweden, para. 21.

For texts of relevant statements concerning Greenland, see G A (IX), 4th Com., 430th mtg.: Australia, para. 25; France, para. 28; Sweden, para. 17; United Kingdom, para. 22.

For text of relevant statements concerning the Netherlands Antilles and Surinam, see G A (X), 4th Com.: 523rd mtg., Belgium, para. 42; 524th mtg., Australia, para. 50; 525th mtg., Sweden, para. 36, United States, para. 59; 526th mtg., France, para. 34, New Zealand, para. 31.

See also in the Repertory, vol. IV, under Article 73, paras. 247-253.

and in the final consideration of the information on the Netherlands Antilles and Surinam. In both cases the Committee on Information followed the precedent it had established in its examination of information on Puerto Rico and approved resolutions ^{42/} in its own name instead of following its usual practice of approving draft resolutions recommended to the General Assembly for its adoption.

Decision

The General Assembly, by resolution 849 (IX) in respect of Greenland and 945 (X) in respect of the Netherlands Antilles and Surinam, studied the reports prepared by the Committee on Information from Non-Self-Governing Territories on the constitutional changes in these Territories, and so sanctioned the procedure by which the examination of information is undertaken by the Committee 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*

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

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

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

43. Apart from the consideration of specific cases of the cessation of the transmission of information, the General Assembly has discussed the general question of the procedures to be followed in such cases in the future.

44. In 1954, by resolution 850 (IX) the General Assembly gave indications of the manner in which communications concerning the cessation of information should be examined and invited the Committee on Information from Non-Self-Governing Territories to submit proposals on the implementation of the resolution and on the means by which attention could be drawn to forthcoming changes in the status of a Territory. ^{43/}

45. In 1955, in the Committee on Information, the procedures which had been followed up to that time were discussed. ^{44/} These procedures had provided for the communication of information on constitutional change within a maximum period of six months from the adoption of such change and the examination of the communication first by the Committee on Information and subsequently by the General Assembly through the Fourth Committee. In practice in the three cases that had arisen since the adoption of resolution 222 (III), the Governments concerned, that is, Denmark, the Netherlands and the United States of America, had observed the procedures laid down in resolution 222 (III). They had, moreover, included local representatives in their delegations and given the General Assembly the opportunity of obtaining a full account of the situation in the Territories concerned. In the light of the Committee's experience, it was suggested that the procedure might be improved if the Committee were not required to examine communications unless those communications were received in sufficient time to permit

^{42/} G A (IX), Suppl. No. 18 (A/2729), part I, para. 61; G A (X), Suppl. No. 16 A (A/2908/Add.1), para. 21.

^{43/} This question and the decision taken by the General Assembly in 1954 has been fully reported in the Repertory, vol. IV, under Article 73, paras. 279 and 280.

^{44/} A/AC.35/SR.129.

adequate consideration including, if necessary, reference to the home government. Nevertheless, in view of the wide implications of resolution 850 (IX) and the time at the disposal of the Committee on Information, the Committee recommended that further consideration of the question of procedure might be deferred to the Committee's session in 1956.

46. In the Fourth Committee in 1955 two proposals were submitted: one 45/ for the General Assembly to consider the implementation of resolution 850 (IX) at its eleventh session, the other 46/ for consideration of communications on the cessation of transmission of information first by the General Assembly itself from a general point of view, with particular emphasis on the manner in which the right of self-determination had been attained and freely exercised. The General Assembly would then decide, in each separate case, by what means the information should be examined.

47. It was stated in explanation 47/ of the first proposal that the question of perfecting the methods of procedures should preferably have been studied by an ad hoc committee of the Fourth Committee, but since time did not permit, it should be included on the agenda of the next session of the General Assembly.

48. It was argued 48/ in favour of the second proposal that the cessation of the transmission of information involved the termination of important obligations under the Charter and only the General Assembly was qualified to take decisions on such matters. The Committee on Information from Non-Self-Governing Territories, which had limited functions and membership, had not been able to deal adequately with political matters.

49. With the agreement of the sponsor, the Fourth Committee decided 49/ to refer the second proposal to the Committee on Information from Non-Self-Governing Territories. In these circumstances the sponsor of the first proposal did not press for a vote, on the understanding that the question of the cessation of transmission of information would be included in the Committee's agenda in 1956.

50. In 1956, the Committee on Non-Self-Governing Territories discussed 50/ the proposal set forth in the draft resolution. It was again contended that the Committee should not have to take the first step in examining questions of political judgement. The existing procedure had operated not unsatisfactorily in the case of Territories which had changed their status without achieving full independence. Where on the other hand the transmission of information under Article 73 e came to an end through the achievement of independence and admission to membership in the United Nations the procedure would be inapplicable. The proposal submitted would leave the General Assembly free to take the most appropriate action in each case. Should a detailed examination be found necessary it could then refer any question arising out of the communications to the Committee on Information or to any other committee it might wish to appoint.

51. In opposition it was argued that the procedure already established under General Assembly resolutions should be maintained, particularly the examination of the information in the first instance by the Committee on Information from Non-Self-Governing Territories. The exclusion of this Committee from consideration of the

45/ G A (X), annexes, a.i. 32, p. 11, A/3087, paras. 14-17 (A/C.4/L.425).

46/ G A (XI), Suppl. No. 15 (A/3127), part I, para. 73.

47/ G A (X), 4th Com., 527th mtg., paras. 53 and 54.

48/ G A (X), 4th Com., 527th mtg., paras. 49-52.

49/ Ibid., 543rd mtg., paras. 42-44.

50/ G A (XI), Suppl. No. 15 (A/3127), part I, paras. 73-86.

question whether a Territory was in fact self-governing would not be in the interest of the inhabitants.

52. Following this discussion, the Committee on Information recorded the text of the draft resolution in its report 51/ to the General Assembly in order to permit further deliberation.

a. GREENLAND 52/

53. In 1954 the Committee on Information from Non-Self-Governing Territories and the Fourth Committee examined the communication of the Government of Denmark informing the Secretary-General of the constitutional changes in Greenland as a result of which the Government had decided to cease transmission of information under Article 73 e on Greenland. The procedures adopted by these Committees followed the precedent established in the case of Puerto Rico.

Decision

The General Assembly by resolution 849 (IX) noted with satisfaction the achievement of self-government by the people of Greenland; 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; and considered it appropriate that the transmission of information in respect of Greenland under Article 73 e of the Charter should cease.

b. NETHERLANDS ANTILLES AND SURINAM

54. The question of the cessation of the transmission of information on the Netherlands Antilles and Surinam was first raised in 1950. It was first discussed by the General Assembly at its sixth session; therefore no further information under Article 73 e was transmitted by the Government of the Netherlands on these two Territories. Owing partly, however, to the time necessary to complete the changes in the constitutional status of the Territories no final decision was taken until 1955. In the meantime various issues were raised in connexion with the general principles involved 53/ and, in 1951, 1952 and 1953, the General Assembly took decisions of a preliminary character on the points arising in connexion with the communications from the Government of the Netherlands.

55. In 1951, the Committee on Information from Non-Self-Governing Territories examined a communication dated 31 August 1951 from the Government of the Netherlands. This Committee received a further communication from the Government of the Netherlands dated 30 November 1951. A draft resolution 54/ was then submitted in the Fourth Committee to place the question on the agenda of the seventh session of the General Assembly. According to this proposal the General Assembly should examine the communications of the Netherlands Government in the light of any report prepared by the Ad Hoc Committee which was to be set up to examine the factors determining self-government. The Ad Hoc Committee should take into account whatever new arrangements as to common affairs might be developed by the conference on constitutional arrangements which the Netherlands Government reported would take place in 1952 in the Netherlands between it and the two Territories.

51/ G A (XI), Suppl. No. 15 (A/3127), part I, paras. 73-86.

52/ See in the Repertory, vol. IV, under Article 73, paras. 289 and 290.

53/ See in the Repertory, vol. IV, under Article 73, paras. 270 and 271.

54/ A/C.4/L.197.

56. The suggestion that a decision should wait for the outcome of this conference was opposed on the ground that the results of the conference would not be relevant. The Netherlands Government and the representative bodies of the two Territories believed that the Territories had achieved a full measure of self-government in internal affairs under the Interim Orders and the obligation to transmit information therefore no longer applied.

57. On the other hand it was argued 55/ that self-government in any field was incomplete without political self-government; a Non-Self-Governing Territory had to fulfil all requirements before it could be removed from the list of Territories to which Chapter XI of the Charter applied. It was contended 56/ that, if under the 1948 revision of the Netherlands constitution the Netherlands and the two Territories would become equal partners, the problem of co-operation for the common interests was yet to be solved.

58. The Fourth Committee accepted the view that it was necessary to await the results of the forthcoming conference and adopted the draft resolution with an amendment to ensure that the communications of the Netherlands Government would be transmitted to the Ad Hoc Committee for deliberation.

59. This draft resolution was accepted by the General Assembly and became resolution 568 (VI).

Decision: The General Assembly by resolution 568 (VI):

(1) Reaffirmed the statement contained in paragraph 1 of General Assembly resolution 222 (III) welcoming any development of self-government that might have taken place in Territories previously enumerated as Non-Self-Governing;

(2) Expressed its appreciation to the Government of the Netherlands for communicating full information in compliance with paragraph 3 of General Assembly resolution 222 (III) and decided to transmit this information to the Ad Hoc Committee created by resolution 567 (VI) of the General Assembly;

(3) Considered that in 1952 the General Assembly should examine the communication of the Netherlands Government in the light of any report prepared by the Ad Hoc Committee, and taking into account whatever new arrangements as to common affairs might be developed by the 1952 conference of representatives of the Netherlands and of the Netherlands Antilles and Surinam;

(4) Decided to include in the agenda of the next regular session of the General Assembly the question of the cessation of the transmission of information under Article 73 e of the Charter as regards the Netherlands Antilles and Surinam.

60. In 1952 the General Assembly decided 57/ to establish a new Ad Hoc Committee to study the list of factors 58/ which had been prepared for it by the Committee appointed under resolution 567 (VI). Since in respect of the arrangements for dealing with matters of common interest to the Netherlands and the two Territories, no fundamental

55/ G A (VI), 4th Com., 242nd mtg., para. 23. See also in the Repertory, vol. IV, under Article 73, paras. 270 and 271.

56/ G A (VI), 4th Com., 242nd mtg., para. 27.

57/ G A resolution 648 (VII).

58/ See in the Repertory, vol. IV, under Article 73, paras. 262 et seqq.

change had taken place, this new Committee was entrusted with a further study of the communications from the Netherlands Government. 59/

Decision

The General Assembly, by resolution 650 (VII), decided that the Committee set up to study the factors which should be taken into account in deciding whether a Territory is or is not a Territory whose people have not yet attained a full measure of self-government, should examine carefully the documents submitted by the Netherlands Government relating to the Netherlands Antilles and Surinam in the light of resolution 648 (VII) on factors adopted by the General Assembly, and report to the Assembly at its next regular session.

61. The 1953 Ad Hoc Committee was confronted with two opposing contentions. The Netherlands Government expressed 60/ doubt whether the consideration of the question of cessation of information on the Netherlands Antilles and Surinam would be facilitated by using the list of factors. In addition it informed the Ad Hoc Committee that the Territories themselves opposed the further transmission of information. On the basis of the expressed opinion of the Territories it was suggested that the Committee should submit a draft resolution for the approval of the General Assembly taking note of the statements before it and concluding that in view of the constitutional changes and of the transfer of powers, it appeared no longer feasible or even appropriate for the Netherlands Government to forward information called for under Article 73 e.

62. It was argued against this view that the reasons advanced by the Netherlands were not sufficient to justify cessation of information because they were not in conformity with the provisions of General Assembly resolution 648 (VII). Under resolution 650 (VII) the Ad Hoc Committee should examine the documents before it on Netherlands Antilles and Surinam and make a recommendation.

63. The Ad Hoc Committee accepted a suggestion to refer the problem directly to the General Assembly together with a record of its discussions without any recommendation.

64. When the question came before the Fourth Committee a draft resolution 61/ was submitted according to which the General Assembly would (1) invite the Government of the Netherlands to communicate to the Secretary-General in due course the result of the negotiations; (2) invite the Committee on Information to examine these communications together with the information already transmitted and report to the General Assembly.

65. A number of proposals 62/ representing the different attitudes towards the obligation under Article 73 e were made. Some sought to secure the continued transmission of information; others provided 63/ that the General Assembly should take note of the decision of the Government of the Netherlands that it was no longer possible to continue to transmit information. According to a further amendment 64/ the Assembly was to express to the Government of the Netherlands its confidence that as a result of

59/ G A (VII), 4th Com., 304th mtg., paras. 35 et seqq.

60/ A/AC.67/3.

61/ G A (VIII), annexes, a.i. 34, A/C.4/L.292.

62/ Ibid., a.i. 32, A/2556 and Corr.1, paras. 47-49, 51 and 52.

63/ Ibid., para. 50.

64/ Ibid., para. 47 (1).

the negotiations a new status would be attained by the two Territories representing a full measure of self-government in fulfilment of the objectives set forth in Chapter XI of the Charter.

66. After various amendments the Fourth Committee approved the draft resolution which was adopted by the General Assembly as resolution 747 (VIII).

Decision

The General Assembly, by resolution 747 (VIII), noted with satisfaction the progress made by the Netherlands Antilles and Surinam towards self-government; considered that the new status of the Territories could only be rightly appraised after the negotiations had led to a final result and this has been embodied in constitutional provisions; expressed its confidence to the Netherlands Government that as a result of the negotiations, a new status would be attained by the Netherlands Antilles and Surinam representing a full measure of self-government in fulfilment of the objectives set forth in Chapter XI of the Charter; invited the Government of the Netherlands to communicate to the Secretary-General the result of these negotiations as well as the resulting constitutional provisions; invited the Committee on Information to examine these communications in connexion with the information already transmitted and report thereon to the General Assembly; and requested 65/ the Government to continue to transmit information until such time as the General Assembly took a decision that the transmission of information in regard to these Territories should be discontinued.

67. In 1954 the General Assembly was informed 66/ of progress in the negotiations which had led to full agreement on a new Charter; but as the new Charter had not then been promulgated, the Assembly took no action that year.

68. By letter 67/ dated 30 March 1955 the Permanent Representative of the Netherlands in conformity with resolution 222 (III) and resolution 747 (VIII) communicated to the Secretary-General the Charter of the Kingdom of the Netherlands which had been promulgated and an explanatory memorandum. Under the new Charter the Netherlands Antilles and Surinam had by their own free will entered into a new constitutional order in the Kingdom of the Netherlands, in which they would conduct their internal affairs autonomously and their common interests on a basis of equality.

69. In accordance with resolution 747 (VIII) the Committee on Information from Non-Self-Governing Territories examined 68/ the information transmitted by the Government of the Netherlands. The members of the Committee addressed a number of questions to the representatives of the two Territories with a view to ascertaining how the conditions in the Territories compared with those set forth in the list of factors.

70. On the basis of the new Charter of the Kingdom of the Netherlands a draft resolution 69/ was submitted to express the opinion of the Committee that the transmission of information under Article 73 e of the Charter in respect of the

65/ See also in the Repertory, vol. IV, under Article 73, para. 277.

66/ G A (IX), 4th Com., 430th mtg., paras. 62-69.

67/ G A (X), annexes, a.i. 32, A/AC.35/L.206.

68/ The Committee after briefly discussing the communication decided to postpone consideration until a later date. The Committee resumed discussion of this question after an interval of about four months.

69/ G A (X), Suppl. No. 16 A (A/2908/Add.1), para. 9.

Netherlands Antilles and Surinam was no longer necessary or appropriate. This draft resolution was also supported 70/ on the ground that it was within the sole competence of the Netherlands Government to decide to cease transmission of information.

71. Against the draft resolution it was urged 71/ that the measure of self-government provided in the Charter of the Kingdom of the Netherlands did not warrant its release from obligations under Article 73 e of the Charter. Moreover resolution 747 (VIII) had requested the Netherlands Government to continue to transmit information. The Netherlands Government could not abrogate obligations by unilateral action.

72. With minor amendments, the Committee accepted the resolution 72/ expressing its opinion within the limits of its terms of reference and without anticipating the final disposal of this question by the General Assembly, that on the basis of the information before it the transmission of information under Article 73 e of the Charter in respect of the Netherlands Antilles and Surinam was no longer necessary or appropriate.

73. After some discussion in which no new arguments were advanced, the Fourth Committee accepted a draft resolution 73/ with minor amendments by which the General Assembly would express its opinion that the cessation of information on the Netherlands Antilles and Surinam was appropriate. This draft resolution was adopted by the General Assembly as resolution 945 (X).

Decision

The General Assembly, by resolution 945 (X) took note of the documentation submitted, and of the explanations provided, to the effect that the peoples of the Netherlands Antilles and Surinam had expressed, through their freely elected representative bodies, their approval of the new constitutional order and took note also of the opinion of the Government of the Netherlands; expressed the opinion that, without prejudice to the position of the United Nations as affirmed in General Assembly resolution 742 (VIII) and to such provisions of the Charter as might be relevant, on the basis of the information before it as presented by the Government of the Netherlands, and as desired by the Government of the Netherlands, cessation of the transmission of information under Article 73 e of the Charter in respect of the Netherlands Antilles and Surinam was appropriate.

70/ A/AC.35/SR.132.

71/ Ibid., Iraq, pp. 3 and 4; Peru, pp. 5 and 7.

72/ G A (X), Suppl. No. 16 A (A/2908/Add.1), para. 21.

73/ G A (X), annexes, a.i. 32, A/C.4/L.421/Rev.1.