

GENERAL ASSEMBLY

FOURTEENTH SESSION

Official Records



855th PLENARY MEETING

Saturday, 12 December 1959,
at 11 a.m.

NEW YORK

CONTENTS

	Page
<i>Statement by the President</i>	725
<i>Decision concerning the procedure of the meeting</i>	725
<i>Agenda item 36:</i>	
<i>Information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter: reports of the Secretary-General and of the Committee on Information from Non-Self-Governing Territories:</i>	
<i>(a) Progress achieved by the Non-Self-Governing Territories in pursuance of Chapter XI of the Charter;</i>	
<i>(b) Information on educational conditions;</i>	
<i>(c) Information on other conditions;</i>	
<i>(d) General questions relating to the transmission and examination of information;</i>	
<i>(e) Report of the Secretary-General on new developments connected with the association of Non-Self-Governing Territories with the European Economic Community;</i>	
<i>(f) Offers of study and training facilities under resolution 845 (IX) of 22 November 1954: report of the Secretary-General</i>	
<i>Report of the Fourth Committee</i>	725
<i>Agenda item 59:</i>	
<i>Question of Algeria (continued)</i>	
<i>Report of the First Committee (continued)</i>	731

President: Mr. Víctor A. BELAUNDE (Peru).

Statement by the President

1. The PRESIDENT (translated from Spanish): Before we take up the items on our agenda, I should like to explain, in order to avoid any procedural difficulties regarding the order in which we consider items, that during the closing days of the session it is the practice to list items in the Journal of the United Nations when they are ready for consideration in plenary. Consequently, I would ask representatives not to regard today's agenda as having a fixed order, but simply as a list of items which await consideration. We have already received a formal request from a number of delegations that the election of two members of the Trusteeship Council should not be taken up as the first item but postponed until the afternoon meeting.

Decision concerning the procedure of the meeting

Pursuant to rule 68 of the rules of procedure, it was decided not to discuss the reports of the Fourth Committee.

AGENDA ITEM 36

Information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter: reports of the Secretary-General and of the Committee on Information from Non-Self-Governing Territories:

- (a) Progress achieved by the Non-Self-Governing Territories in pursuance of Chapter XI of the Charter;
- (b) Information on educational conditions;
- (c) Information on other conditions;
- (d) General questions relating to the transmission and examination of information;
- (e) Report of the Secretary-General on new developments connected with the association of Non-Self-Governing Territories with the European Economic Community;
- (f) Offers of study and training facilities under resolution 845 (IX) of 22 November 1954: report of the Secretary-General

REPORT OF THE FOURTH COMMITTEE (A/4343)

2. Mr. KENNEDY (Ireland), Rapporteur of the Fourth Committee: It is my privilege as the Rapporteur of the Fourth Committee to present the Fourth Committee's report [A/4343], on item 36 of the agenda of the General Assembly relating to information from Non-Self-Governing Territories. The report was unanimously adopted by the Fourth Committee at its 993rd meeting on 8 December 1959. In the final presentation of the report, the Rapporteur has taken due note of the observations made and the amendments offered by members concerned.

3. Inclusive of the elections and the approval of the report itself, the Fourth Committee spent twenty-two meetings on item 36, during which, under the general heading of "Information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter", it gave its consideration to the methods of examination of the report on the progress achieved by the Non-Self-Governing Territories in pursuance of Chapter IX of the Charter, educational and other conditions, general questions relating to the transmission and examination of information, new developments connected with the association of Non-Self-Governing Territories with the European Economic Community, and measures connected with scholarships for the inhabitants of Non-Self-Governing Territories.

4. The Committee also held a general debate, during which members who so chose had the opportunity of presenting their views on any of the topics arising from the agenda item under consideration.

5. The eleven draft resolutions, adopted by the Fourth Committee for the approval of the General Assembly, and relating to the various sub-items of item 36 of the agenda, are annexed to the report

which I am now presenting. The adoption by the Committee of draft resolution I is the result of an action initiated by the General Assembly at its tenth and eleventh sessions, when the General Assembly decided that it should consider the progress achieved by the Non-Self-Governing Territories, in pursuance of Chapter XI of the Charter. The present draft resolution has entrusted the Committee on Information from Non-Self-Governing Territories with the initial examination of that report on the progress achieved.

6. The consideration of draft resolutions II, III and IV arises mainly from the fact that, basing its discussions largely on the report of the Committee on Information from Non-Self-Governing Territories [A/4111], which, at its last session, paid primary attention to educational conditions in the Territories, the Fourth Committee devoted a considerable part of its interest to the various aspects of educational conditions.

7. Draft resolution V makes certain recommendations regarding the dissemination of information concerning the United Nations among the inhabitants of Non-Self-Governing Territories. Draft resolution VI concerns itself with the participation of Non-Self-Governing Territories in the work of the United Nations and its specialized agencies. Draft resolution VIII refers to voluntary transmission of information on political developments in Non-Self-Governing Territories. Draft resolution X refers to the effects of the European Economic Community on the development of certain Non-Self-Governing Territories, and draft resolution XI deals with the offers of study and training facilities for the inhabitants of these Territories.

8. Draft resolution VII establishes a special committee of six members, to consider the principles which should guide members in determining the existence of obligations to transmit information under Article 73 e of the Charter, and to use for this purpose a certain type of documentation to be prepared by the Secretary-General. We have been informed by the Chairman of the Fourth Committee that the President will invite the General Assembly in due course to take note of the results of the election to the Committee provided in draft resolution VII. In this connexion, the Chairman of the Fourth Committee has also informed the Committee that, in accordance with rule 154 of the rules of procedure, draft resolution VII, if adopted by the General Assembly, would involve no expenditure except, if printed, the summary and the report would involve an outlay of approximately \$3,500.

9. With this brief introduction, the report of the Fourth Committee, as a purely factual record of events, accompanying the deliberations on item 36 of the agenda, is submitted for the consideration and approval of the Assembly, together with the eleven draft resolutions attached thereto.

10. The PRESIDENT (translated from Spanish): We shall now proceed to vote on the draft resolutions I to XI recommended by the Fourth Committee and contained in its report [A/4343].

Draft resolution I was adopted by 62 votes to none, with 3 abstentions.

Draft resolution II was adopted by 66 votes to none, with 2 abstentions.

Draft resolution III was adopted by 68 votes to none, with 2 abstentions.

Draft resolution IV was adopted by 68 votes to none.

Draft resolution V was adopted by 71 votes to none, with 1 abstention.

Draft resolution VI was adopted by 66 votes to none, with 3 abstentions.

11. The PRESIDENT (translated from Spanish): A roll-call vote has been requested on draft resolution VII.

A vote was taken by roll-call on draft resolution VII.

Ireland, having been drawn by lot by the President, was called upon to vote first.

In favour: Ireland, Israel, Japan, Jordan, Laos, Lebanon, Liberia, Mexico, Morocco, New Zealand, Norway, Pakistan, Philippines, Poland, Romania, Saudi Arabia, Sudan, Sweden, Thailand, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United States of America, Uruguay, Venezuela, Yugoslavia, Afghanistan, Albania, Argentina, Bolivia, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Canada, Ceylon, Costa Rica, Cuba, Czechoslovakia, Denmark, Ecuador, Ethiopia, Federation of Malaya, Finland, Ghana, Greece, Guinea, Haiti, Hungary, Iceland, India, Indonesia, Iraq.

Against: Peru, Portugal, Union of South Africa, Belgium, France.

Abstaining: Italy, Netherlands, Panama, Paraguay, Spain, United Kingdom of Great Britain and Northern Ireland, Australia, Austria, Brazil, Chile, China, Colombia, Dominican Republic, Guatemala, Honduras.

Draft resolution VII was adopted by 54 votes to 5, with 15 abstentions.

Draft resolution VIII was adopted by 50 votes to 13, with 9 abstentions.

Draft resolution IX was adopted by 58 votes to none, with 17 abstentions.

Draft resolution X was adopted by 58 votes to 12, with 10 abstentions.

Draft resolution XI was adopted by 71 votes to none, with 3 abstentions.

12. Mr. MOREIRA (Portugal) (translated from French): My delegation would like to state its views on the resolution which has just been adopted as briefly as is consistent with a clear understanding of its position. Resolution VII, which deals with the general question of the transmission of information relating to Non-Self-Governing Territories under Article 73 e of the Charter, provides for the establishment of a committee of six members to study the principles which should guide Members in determining whether or no they have an obligation to transmit such information.

13. Although a large majority of Member States have expressed themselves in favour of the draft resolution—which is due to the nature of the resolution itself—my delegation was however unable to support it, believing that it is neither desirable nor necessary.

14. In the first place, we regard it as an incontrovertible fact that each Member State is competent to decide whether or not it possesses Non-Self-Governing Territories within the meaning of Chapter XI of the Charter. The title of Chapter XI of the Charter is "Declaration regarding Non-Self-Governing Territories" and a declaration on this subject by a Member State is a unilateral act, of which the General Assembly can only take note, in accordance with the practice consistently followed in the United Nations.

15. Furthermore, under the Charter, even States with Non-Self-Governing Territories—and Portugal is not one of these—need only transmit information if security and constitutional considerations allow. It is clear that each State must be the sole judge of the security and constitutional consideration affecting it.

16. A State which has military installations in its territory cannot be expected to ask the General Assembly to decide whether or not an obligation exists to transmit information. It is often said that the Charter is a political rather than a legal instrument. We think that those who consistently advocate what they describe as a natural evolution of the system must also recognize that the first requirement of politics is realism. It follows that, juridically and politically, decisions on the existence of Non-Self-Governing Territories and on the desirability and feasibility of transmitting information are matters within the domestic jurisdiction of each State and, in the case of States which acknowledge that they have Non-Self-Governing Territories under their administration, are clearly covered by Article 2, paragraph 7, of the Charter. This is why, in our view, the various preambular paragraphs of resolution VII just adopted are nothing more or less than an endorsement of an incorrect interpretation of the Charter and of the resolutions mentioned in the preamble. It is in the interest of all Member States to protect the Charter against violation and it is for this very important reason that we voted against the draft resolution, which is based on what we believe to be an incorrect interpretation of the Charter and which might well, on some future occasion, provide a pretext for acts contrary to international law and perhaps for acts infringing the domestic jurisdiction of Member States.

17. It is not the first time that my delegation has taken this position in the Assembly. At previous sessions, we have defended it and, moreover, it has been accepted by the Assembly and we regard it as res judicata so far as the State of Portugal is concerned. Our vote has not, therefore, been influenced by the fact that some delegations referred during the Committee's debate to what they termed "the Portuguese case" and, I might say, showed in one instance a lack of the sense of responsibility that we are entitled to expect from all delegations. The phrases quoted from the speeches and writings of Portuguese statesmen and publicists merely prove that we have solid grounds for our reservations. Moreover, anyone who took the trouble to collect these quotations in order to use them out of context and in a distorted form must at least have discovered that the position taken by my delegation accurately reflects both the spirit and the letter of our Constitution, which is based on the historic will of our people.

18. Admittedly, it was clearly stated in the Fourth Committee's debate that the newly established com-

mittee is exclusively concerned with principles and has no authority to discuss individual cases, and that statement was not refuted. However, as some States find it difficult to respect the domestic jurisdiction of others, my delegation felt that it was unwise to establish a committee which might create tension among some Member States.

19. Furthermore, the authority to enumerate principles given to the committee might encourage the development of a partisan spirit within the United Nations to the detriment of its character as an organ of international co-operation. It is obvious, for example, that States whose domestic legislation makes no provision for any system of elections might be led to vote for plebiscites in order to further their particular interests rather than to uphold principles, while it is no less obvious that States in which there is no constitution and no safeguards of individual rights might find it expedient to vote against them. Those States—they can be found on all continents—which have always refused to recognize the protection the Charter affords to the Non-Self-Governing peoples and have laboured the concept of a colony, disregarding the very different idea of colonial status embodied in the Charter, might succeed in forming a majority in favour of this or that principle only for the sake of partisanship. A situation of that kind would in no way further the realization of the purposes of the Charter or enhance the prestige and authority of the United Nations. This is yet another reason why my delegation was compelled to vote against this resolution. Although we hope this situation will be avoided, we wish to emphasize the difficult nature of the Committee's task. We need time to find an impartial forum for the expression of such diametrically opposed views on political life, time at least to find a Locke, Rousseau or Madison to grapple with the problem.

20. Lastly, we wish to point out that, because of its importance, this resolution is clearly subject to the two-thirds majority rule prescribed for important questions in Article 18 of the Charter. It obtained the two-thirds majority as a result of the number of abstentions, the situation in regard to the vote not having necessitated advance agreement. In any event the two-thirds majority rule cannot be forgotten and one cannot but invoke it. My delegation's position in this respect is quite clear and we explained the reasons for it in the Sixth Committee [540th meeting] during the twelfth session of the General Assembly. The problems affecting Non-Self-Governing Territories are generally important and we cannot avoid the conclusion that the matter we are now discussing comes within the category of important questions specified in the Charter, not only because of its political bearing on relations among States but also because it closely affects questions within the domestic jurisdiction of States, an infrangible frontier.

21. Sir Andrew COHEN (United Kingdom): I wish to make a very brief explanation of my delegation's vote on two of the resolutions which have just been passed—resolution VII and resolution IX.

22. Resolution VII deals with general questions relating to the transmission and examination of information. This is a resolution on which my delegation has already explained its vote in the Committee, and I will therefore not lengthen the proceedings by giving a further explanation as to why my delega-

tion was able to abstain on this resolution. I would, however, only draw attention to the fact that since the resolution was passed by the Fourth Committee we have been elected as one of the members of the six-Power Committee. I do, however, wish to say something very briefly about the question of the voting procedure to be applied to resolutions of this type. There has, of course, been a good deal of discussion in the past on the question whether a two-thirds majority should be applied to certain questions relating to Non-Self-Governing Territories. There have been a number of occasions in the past when the rule has been applied to the case of the establishment of committees dealing with important matters. On other occasions where a substantial majority had already been obtained in the Committee the request was not specifically made.

23. Now, this resolution was passed in the Fourth Committee by a very large majority, and it has again been passed in plenary by a very large majority, and because of this fact my delegation did not think it necessary to raise before the vote the question of the application of the two-thirds rule.

24. I now pass to resolution IX dealing with the cessation of the transmission of information under Article 73 e of the Charter in respect of Alaska and Hawaii. When this resolution was being discussed in the Fourth Committee the paragraph which appears as the last preambular paragraph was added as an amendment although some of us expressed the hope at the time that this would not be pressed. As a result of the addition of that paragraph and its reference to competence, my delegation, among others, felt it necessary to abstain on this resolution. We did so with a great deal of regret. We felt that this resolution marked the most auspicious occasion in the development of Non-Self-Governing Territories.

25. We would have wished to join with other delegations in expressing our warm satisfaction at the attainment of the goals of Chapter XI of the Charter by the people of Alaska and Hawaii. We would have wished to join with other delegations, by an affirmative vote, in congratulating the people of Alaska and Hawaii and in conveying our congratulations to the Government and people of the United States, who have played so large a part in our deliberations on this matter both here and in the Fourth Committee.

26. I have explained why we felt it necessary to abstain on this resolution; none the less I wish to repeat in the warmest possible terms our gratification at this development, our congratulations to the people of Alaska and Hawaii and to the United States, and our warmest good wishes to these people in their new situation as part of the United States of America.

27. Mr. ESPINOSA Y PRIETO (Mexico) (translated from Spanish): My delegation wishes to explain its vote on draft resolution VII concerning the transmission and examination of information from Non-Self-Governing Territories. The resolution which has just been adopted is a very wise and fruitful one.

28. All United Nations resolutions are important. That which we have just adopted, besides being important, is significant because it settles a problem which has been debated here for many years.

29. This resolution, in view of the category of questions to which it belongs, calls for only a simple

majority. In the fact that this simple majority was greatly exceeded today, my delegation sees further evidence of the atmosphere of cordial and fruitful agreement in which the text of the resolution was drawn up a few days ago in the Fourth Committee.

30. Everyone here knows that the General Assembly had been disturbed and deeply divided over the efforts made by a group of representatives to carry out an adequate examination of the principles which should guide Members in the enumeration of Territories coming under the provisions of Chapter XI of the Charter. A group of representatives, to which the Mexican delegation always belonged and which was particularly concerned to uphold the General Assembly competence in this matter, has since the eleventh session fought for the adoption of a resolution similar to that just voted.

31. For three years various methods were used in order to combat our argument. They included the revival of an issue which had been settled by the General Assembly six years ago. At the 459th plenary meeting, on 27 November 1953, the Mexican delegation had the honour to show that, on the basis of Article 18 of the Charter and of what led up to Chapters XI, XII and XIII of the Charter at the San Francisco Conference, a simple majority was always sufficient in regard to questions falling under Chapter XI. The two-thirds majority rule is applicable to categories of questions determined by the Charter or to be specified in accordance with Article 18, paragraph 3. Such a category was never established for matters coming under Chapter XI. There is no question here of determining whether a resolution is substantive or procedural. Matters for which a two-thirds majority has not been prescribed are always decided by a simple majority. The two-thirds majority, expressly enjoined for questions covered by Chapters XII and XIII, has never been compulsory for those covered by Chapter XI; in other words, the two-thirds majority explicitly prescribed for questions relating to the Trusteeship System, in view of the specific obligations laid down in Chapters XII and XIII, has never been required for questions relating to the Non-Self-Governing Territories, falling as they do under the weak provisions of Chapter XI.

32. This accurate interpretation of the Charter and of what took place at the San Francisco Conference was formally endorsed by the General Assembly in a vote taken at the 459th plenary meeting on 27 November 1953, and remained unchallenged until the matter was brought up again at the eleventh session, on 20 February 1957.

33. As we have engaged in no manoeuvres but had merely put forward a legal interpretation, we proposed, when the question was raised again in 1957, the only method that seemed to us indicated with a view to the fair and cordial settlement of a difference of opinion, between Members of the United Nations, on a purely legal point: we proposed a request to the International Court of Justice for an advisory opinion.

34. There is no need to refer now to all the concern which this proposal of ours in 1957 created, or to the strenuous efforts made to prevent this request being put forward and to nullify the effect of our subsequent reference of the matter to the Sixth Committee. All these facts are on record. What has now come to an end, fortunately, is the atmosphere which at that time so disturbed the General Assembly.

35. All of us here know that on 12 December 1958, [789th meeting] exactly a year ago, when a third attempt was made to use the two-thirds majority rule for the purpose of defeating a draft resolution approved by a large majority in the Fourth Committee, the delegations of Ghana, Iraq, Liberia, Morocco and Mexico checked that attempt by introducing, in plenary meeting, a draft resolution^{1/} requesting the International Court of Justice to give an advisory opinion on the majority required in votes on matters coming under Chapter XI of the Charter. Following the commotion caused by our simple and logical request, we were asked that time be given for the study of our resolution. The representative of Iraq, on behalf of all the sponsors, willingly agreed that representatives should have a whole year to consider our proposal.

36. What has now happened is eminently gratifying. Instead of continuing to argue, all the delegations have consulted together extensively, and each party has shown consideration and respect for the standpoint of the other. The friendly agreement reached has resulted in resolution VII, now adopted by the General Assembly. My delegation is very happy to express its deep appreciation to the delegations which made this understanding possible.

37. One point in this agreement was the proviso that the question of the majority required would not be brought up in any form when draft resolution VII was put to a vote. We agreed on the other hand that, after the vote, each representative would be free to express his opinion on the subject. The United Kingdom representative and, before him, the representative of Portugal, for both of whom my delegation has the warmest sympathy and the greatest regard, have expressed their views. I am now, for my delegation, doing the same. And I wish to repeat that, if at any time in the future a difficulty arises on this point, undoubtedly the best course for us would be to make a joint request to the International Court of Justice for an advisory opinion.

38. Whether the General Assembly is or is not master of its own procedure, whether control of procedure allows us to deviate from the Charter, and whether the International Court of Justice is, or is not, competent to give us an advisory opinion on points involving an interpretation of the Charter, are in my view questions which we should not discuss at random. They have been fully discussed and settled by the General Assembly.

39. The International Court of Justice has stated quite positively that, as the principal juridical organ of the United Nations, it has, among its normal juridical powers, that of giving an interpretation of this kind. It is clear, however, that representatives are mainly concerned to know what opinion the General Assembly itself holds on the matter.

40. To dispel any doubt on this point, representatives may refer to resolution 171 A (II), which was originated by the delegation of Australia and adopted by an overwhelming majority of the General Assembly on 14 November 1947 [113th meeting]. That resolution, considering that it was of paramount importance for the interpretation of the United Nations Charter and the constitutions of the specialized agencies to be

based on recognized principles of international law, and that the International Court of Justice was the principal judicial organ of the United Nations, recommended that organs of the United Nations and the specialized agencies should, from time to time, review the difficult and important points of law within the jurisdiction of the International Court of Justice which had arisen in the course of their activities and involved questions of principle that it was desirable to have settled, including points of law relating to the interpretation of the Charter of the United Nations or the constitutions of the specialized agencies, and should refer them to the International Court of Justice for an advisory opinion.

41. It would be well for representatives to study the speeches which were made in defence of this course in 1947 in the Sixth Committee and at the 113th plenary meeting. The wisest and most eloquent statements made in defence of this argument in the Sixth Committee included that of the United Kingdom representative.

42. Resolution VII, which we have just adopted, enables us to make a serious, technical and high-level study of the principles which should guide Members in the enumeration of the Territories coming under the provisions of Chapter XI of the Charter.

43. Mexico has had the honour of being elected one of the non-administering Members to serve on the Committee set up by that resolution. The Mexican delegation will appoint to that Committee a representative who will contribute to its effectiveness with complete objectivity, in line with the Charter, and in accordance with the position which Mexico has always taken up in the General Assembly.

44. We shall be pleased to co-operate with the representatives of India and Morocco—the other non-administering Members—and with those of the United Kingdom, the United States of America and the Netherlands. Our task will, we know, be discharged with the same cordiality and mutual respect that have led to our fruitful agreement in the present year.

45. In conclusion, I should like to convey an expression of our appreciation and high esteem to Mr. Adnan Pachachi, the permanent representative of Iraq, whose firm and clear-sighted action has from the outset guided this issue in the direction that it has now taken.

46. Mr. KOSCZIUSKO-MORIZET (France) (translated from French): The delegation of France and the French Community wishes to explain its vote on draft resolution IX on the cessation of the transmission of information by the United States in respect of Alaska and Hawaii.

47. We abstained, not because we have any doubts as to the legality of the cessation of information by the United States on Territories which have become States, but because we have always maintained that the United Nations Charter did not authorize the General Assembly to take action in the matter. That is why in cases where the transmission of information relating to Territories which have become independent has ceased we have not considered a General Assembly resolution to be necessary. Having made our position clear, however, we wish to associate ourselves with the congratulations extended to the peoples of Alaska and Hawaii who are now members of the great federation of the United States of America.

^{1/} Official Records of the General Assembly, Thirteenth session, Annexes, agenda item 36, document A/2594 and Add.1.

48. Mr. TOURE (Guinea) (translated from French): My delegation wishes to explain its vote in favour of draft resolution VIII adopted this morning.

49. I would recall that a year ago today on 12 December 1958 the Republic of Guinea was admitted into the United Nations as its eighty-second Member. It is therefore a happy coincidence for us that this Assembly should end on the anniversary of our admission into the international arena and on the day when important draft resolutions have been approved by the Fourth Committee, which may indeed be regarded as the committee that expedites the emancipation of African peoples.

50. The delegations of African countries have always looked upon the Fourth Committee as an instrument which subjects to a full and searching test the understanding and brotherhood between peoples, since the Fourth Committee concerns itself with one of the noblest tasks of the United Nations, which is to help the less developed peoples to perfect their economic, social and political institutions and to regain their lost liberty. The Fourth Committee has always found a way to fulfil its responsibilities, as it has proved once again by approving some very positive draft resolutions during this session.

51. My delegation, representing as it does an African State, particularly wishes to stress that point, together with its conviction that the draft resolutions approved will be of great benefit to the African peoples. We have in mind first of all the resolutions specifying the date for the attainment of independence of two Trust Territories, Togoland under French Administration [resolution 1416 (XIV)] and Somaliland under Italian Administration [resolution 1418 (XIV)]. We further note the resolutions adopted on the future of the Trust Territory of the Cameroons under United Kingdom Administration, one relating to the southern part of the Territory [resolution 1352 (XIV)] and the other to the northern part [resolution 1473 (XIV)]. We also wish to remind the Assembly of the time-table approved for the attainment of independence by Trust Territories and particularly by Ruanda-Urundi [resolution 1413 (XIV)].

52. This question of a time-table is a most important one which delegations will recognize as being the real problem connected with the emancipation of dependent peoples. In discussing that problem, either here in the Fourth Committee or in other United Nations organs, the conclusion inevitably reached is that the most effective way of promoting the political awareness and development of those peoples is to give them liberty and help them to attain independence.

53. We should also like to stress the importance of the draft resolutions approved on technical assistance to Trust Territories and to Non-Self-Governing Territories.

54. My own delegation had the privilege of presenting to the Fourth Committee a draft resolution proposing more direct participation by the Non-Self-Governing Territories in the work of the Fourth Committee and if possible of the United Nations specialized agencies, namely draft resolution VI as amended, approved this morning by a large majority.

55. I should also like to bring to the attention of the Committee draft resolution VIII for which my dele-

gation voted, and which in operative paragraph 5 mentions the need for transmitting information of a political character concerning Non-Self-Governing Territories, a matter which gave rise to passionate discussion in the Fourth Committee. I would point out, however, that fortunately the majority of delegations, including those of the Administering Powers, realize the absolute necessity of supplying information of a political character on the Non-Self-Governing Territories. They were able to understand, as a result of the efforts of the African delegations directly concerned with the problem, that it was impossible to take any active interest in the Non-Self-Governing Territories without facing their political problems and that it was impossible to fulfil the great task entrusted to the Administering Powers by Chapter XI, Article 73 of the Charter by isolating economic, social and cultural problems from the purely political problems which face those peoples and affect all the secondary aspects of their development.

56. My delegation also submitted another draft resolution on this subject which is not among those approved by the Fourth Committee. It invited the Administering Powers to submit time-tables for the attainment of independence not only by Trust Territories but also by Non-Self-Governing Territories. This resolution gave rise to some interesting discussions in the Fourth Committee on this very central aspect of the colonial problem. At the suggestion of friendly delegations and after an amendment had been submitted by the delegation of Iraq to the text of resolution VIII, my delegation agreed not to submit this other draft resolution to the fourteenth session of the Assembly.

57. Nevertheless my delegation reserves the right to raise the question again at the fifteenth session, for it feels sure that many delegations will continue to support us in the view that the fundamental and the noblest task which the United Nations can carry out for Non-Self-Governing Territories deprived of their liberties is to lay down a limit for their attainment of independence and to take all the necessary measures in other respects so that that limit may be observed.

58. My delegation was anxious to make that point clear, but we also take this opportunity of thanking the Fourth Committee for the positive service it has rendered, as I said before, in promoting the emancipation of the African peoples.

59. We should also like to pay tribute to the spirit of understanding which had prevailed in general in the work of the Committee and which has helped to bridge the gap between free and under-developed Africa and the rest of the developed world.

60. We strongly appeal to the Administering Powers in particular to put an end to the violent incidents resulting from a lack of understanding of the irresistible surge of peoples towards the attainment of full sovereignty. Certain Administering Powers do not always show the degree of understanding required, in fact yesterday [1001st meeting] the Fourth Committee had to deal with the matter of a Non-Self-Governing Territory from which news of the most distressing and disturbing nature had reached us.

61. We should like to repeat in conclusion the question stated by President Sékou Touré at the special plenary meeting of the General Assembly on 5 No-

vember 1959 [837th meeting]. The problem for Africa today is not to decide whether her peoples are entitled to their liberty or not, nor is it to decide whether or no they shall attain full sovereignty and national independence. It is to know with whom, that is to say with whose help, these peoples will gain their liberty and against whom, if need be, they will have to struggle for that liberty.

62. I would say to the General Assembly that Africa is holding out to the world the hand of brotherly collaboration on a basis of equality, of mutual respect for the domestic institutions of all States, and of cooperation, so that the gap between non-developed nations and highly industrialized nations may disappear for the greater good of humanity in general.

63. The PRESIDENT (translated from Spanish): I wish to remind representatives that explanations of vote should be confined to concise statements concerning resolutions which have been adopted. I would request them to bear this in mind today, particularly as we are working against time to conclude our work.

64. Miss BROOKS (Liberia): I can assure the President that I shall be quite brief. The representative of Mexico gave the historical development of the struggle of certain groups of States, when speaking in the Fourth Committee [971st meeting] on the question of the principles to be enumerated and which should guide Members of the United Nations in determining whether or not an obligation exists to transmit the information called for in Article 73 e of the Charter of the United Nations.

65. Certain of us here well know what procedural manoeuvres have been made in the past in order to defeat the group of States which feel that the peoples who are non-self-governing should be taken care of, or at least that the United Nations should take an interest in those peoples. We are happy at this time that finally we have not had to invoke the two-thirds majority rule on this question, because those who opposed the views which we have expounded in the past found that we had the two-thirds majority—and more; and therefore if it had come to a vote their group would have been defeated.

66. But the particular aspect I would like to consider here is the fact that in the fourth Committee we decided on the membership of the special Committee on this basis. We are prepared to be impartial and would like to have the views of those who are opposed to the enumeration of those principles in connexion with such territories.

67. Accordingly three Administering Powers—you may call them colonial Powers—and three anti-colonial policy Powers have been elected to give a fair balance of views on this particular aspect.

68. My delegation must reassert the principle that we cannot accept that any unilateral act, taken by constitutional action to embody these particular Territories or the Non-Self-Governing Territories, would justify the plea that they have become an integral part of a particular country and that the rule of Article 2, paragraph 7, of the Charter should be invoked.

69. I turn now to draft resolution VIII. In the Fourth Committee, my delegation attempted to explain its view as to the interpretation of Article 73 e of the Charter in connexion with Article 73 a and b. My

delegation still takes the view that no true interpretation can be made of any provision of the Charter unless the Charter is construed together as an entity. And therefore we believe that political information should be transmitted for the Non-Self-Governing Territories. We find that a practical approach to this problem has been that some of the Administering Powers have seen fit to transmit political information with respect to these Territories, for the ultimate objective of Chapter XI is self-government and independence, as is clearly indicated by Article 73 b. My delegation has maintained, and will always maintain, that the objective of Chapter XI is not only to transmit information of a social, educational and economic nature, but also that of a political nature. We would like to extend our thanks and congratulations to those administering States who have conformed to Article 73 a and b of the Charter and would like to invite those who have not to adopt this procedure.

AGENDA ITEM 59

Question of Algeria (continued)*

REPORT OF THE FIRST COMMITTEE (A/4339) (continued)

70. The PRESIDENT (translated from Spanish): Consideration of this item was deferred two or three times during this week and it had been planned to take it up at the beginning of this meeting, but as the First Committee was compelled to sit this morning, we were obliged to make use of the time allotted to that item.

71. Mr. ZEINEDDINE (United Arab Republic): I arise formally to present a motion of procedure, the motion being to reopen the debate on the Algerian question. I am referring, in particular, to article 68 of our rules of procedure and other articles relevant in this case.

72. It is not at all my intention, at this late stage of our debates, to invite lengthy statements on the Algerian question. Yet, in order to render our discussion orderly, and to render orderly the possibility of considering the new draft resolution [A/L.276] submitted to the General Assembly, I felt bound by the rules of procedure to ask for the reopening of the debate. It is true that we have only a few hours before us, but the Algerian question, being a very important question and one which merits discussion in a final effort to find some form of United Nations action which would be useful and substantial, does call for the reopening of the debate for a brief and useful discussion.

73. The PRESIDENT (translated from Spanish): I shall put to the vote immediately the proposal made by the representative of the United Arab Republic that we reopen the vote on the question of Algeria.

The proposal was adopted by 44 votes to 4, with 19 abstentions.

74. Mr. FEKINI (Libya), Rapporteur of the First Committee (translated from French): I have the honour to submit to the General Assembly the report of the First Committee [A/4339] on the examination of agenda item 59, entitled Question of Algeria.

*Resumed from the 852nd meeting.

75. The report, distributed on 9 December 1959, includes a draft resolution to be submitted to the Assembly for adoption. The First Committee has fully discussed the Algerian question and has examined it in all its aspects. The attention of the Committee was particularly drawn to recent developments in the question, particularly after the French statements of 16 September and 10 November and the Algerian statements of 28 September and of 20 November on the other, which have led to the recognition by both parties of the right to self-determination as a basis for the solution of the problem. Consequently the prevailing mood in the debates of the First Committee has been one of hope that the way will soon be open to a quick settlement of the Algerian question which would enable the Algerians to express their wishes freely on arrangements for their future and would at the same time restore peace in Algeria.

76. In its preamble the draft resolution recalls resolutions adopted by the General Assembly on the Algerian question during its eleventh [resolution 1012 (XI)] and twelfth [resolution 1184 (XII)] sessions and also Article 1, paragraph 2 of the United Nations Charter. The preamble states that the General Assembly recognizes the right of the Algerian people to self-determination, expresses its deep concern with the continuance of hostilities in Algeria and considers that the present situation in Algeria constitutes a threat to international peace and security. Finally the preamble states that the Assembly notes with satisfaction that the two parties concerned have accepted the right of self-determination as the basis for the solution of the Algerian problem. In the only operative paragraph of the draft resolution the General Assembly urges the two parties concerned to enter into "pourparlers" to determine the conditions necessary for the implementation as early as possible of the right of self-determination of the Algerian people, including conditions for a cease-fire.

77. I have therefore the honour to submit this draft resolution which the First Committee has approved, and the adoption of which it recommends to the General Assembly in plenary session.

78. Mr. BAIG (Pakistan): As delegations are aware, the African-Asian group of United Nations Members has been meeting frequently during the past few days since the adoption by the First Committee of the draft resolution contained in its report [A/4339]. The purpose of these meetings was to find an answer to the vexing problem of what the United Nations might do to contribute to a peaceful solution of the question of Algeria.

79. We are all too keenly aware that a certain segment of opinion believes that the least said or done at this session with regard to this question the better it will be. This opinion is strongly opposed to any kind of resolution being adopted, no matter how moderate or conciliatory. There is also a second type of opinion which, while not opposed to a moderate and conciliatory expression on the part of the General Assembly, considers that it would be unwise and inopportune to set forth in specific terms what should be the substance of the "pourparlers" to be held between the parties directly concerned. This latter opinion is also opposed to the words "two parties" occurring in the eighth preambular paragraph and in the operative part of the draft resolution adopted by the First Committee.

80. In an earnest effort to achieve the closest possible approximation to harmony, if not unanimity, the African-Asian group of Member States have decided to make a substantial revision in the text of their original draft resolution which was adopted by the First Committee by 38 votes to 26, with 17 abstentions, on 7 December 1959. The revised text, which is to be found in the new draft resolution [A/L.276] submitted in the name of the Pakistan delegation, represents a whole-hearted effort on the part of the African-Asian nations to go to the fullest possible extent in respecting the views of those delegations which were opposed to certain parts of the First Committee's draft resolution which referred to the scope of the "pourparlers" and the number of parties which were to take part in them. Furthermore, the new draft resolution omits the seventh preambular paragraph of the First Committee's draft resolution, which states "... the present situation in Algeria constitutes a threat to international peace and security". It also omits the eighth preambular paragraph of the draft resolution of the First Committee.

81. I now turn to the substance of the operative part of the new draft resolution. Paragraph 1 represents a mere transposition of the fifth preambular paragraph of the First Committee's draft resolution to a place in the operative part. The General Assembly will recall that this paragraph received the overwhelming endorsement of the First Committee on 7 December 1959 in a vote of 61 to 1, with 19 abstentions. Paragraph 2 in the operative part of the new draft resolution omits any reference to two parties or to the scope or substance of the "pourparlers". All that it concerns itself with is a peaceful solution, a democratic solution and a just solution of the Algerian question. As such, it is in substance a reiteration of General Assembly resolutions [resolutions 1012 (XI) and 1184 (XII)] already adopted by the General Assembly in 1957, which have been set forth in the second and third paragraphs of the preamble of the new draft resolution. These two paragraphs were adopted by the First Committee on 7 December 1959 by 59 votes to 4, with 18 abstentions.

82. My delegation does not consider it necessary to expatiate on the extent to which the members of the African-Asian group have yielded ground in the interests of compromise and conciliation, which interests are most important to the United Nations. The text of the draft resolution submitted by us speaks for itself. This new draft resolution is intended to help and certainly not to hinder the process of "rapprochement" between France and Algeria. It should be considered, we feel, as an endorsement, and as an encouragement by the Assembly, of the stated intentions of one party and the stated wishes of the other with regard to a cease-fire in Algeria and self-determination for the Algerian people. It is our sincere belief that such endorsement and such encouragement would be to the advantage of France as well as to Algeria, for it would help to restore friendly and trustful relations between the two, and promote a future close relationship based on peace, justice, harmony and, above all, mutual confidence and respect.

83. The fact that the new draft resolution has been sponsored by Pakistan alone is due solely to the fact that my country is privileged and honoured to act as Chairman of the African-Asian group, but it has the

support of many delegations represented in the United Nations.

84. There is one additional point which I should like to make abundantly clear. As far as the Pakistan delegation is concerned, I must state in the most categorical terms and with all the emphasis at my command that our sponsorship and support of the draft resolutions on Algeria are not motivated by any feelings against France. We declare from this rostrum that we are for France; but we are also for self-determination. We are faced with the necessity of making a difficult choice between our sentiments for France and our fidelity to a basic principle which has become a moving force of history. We dislike the choice, but we dare not flinch from making it. In conclusion, I move that priority be given to the draft resolution submitted in the name of my delegation over that recommended by the First Committee.

85. Mr. AMADEO (Argentina) (translated from Spanish): During its statement in the debate in the First Committee [1073rd meeting], my delegation announced that it would vote for the twenty-two-Power draft resolution if the reference to "the two parties" was deleted, and that it would abstain if those words were retained. My delegation therefore requested a separate vote on the words in question, and when it was decided in the First Committee to retain them we abstained from voting on the draft resolution as a whole.

86. We now have before us a new draft resolution submitted by Pakistan [A/L.276], in which important changes have been made in the text of the original twenty-two-Power draft resolution. One of the changes made is the deletion my delegation requested in order to permit it to vote in favour of the draft resolution.

87. The reason for its decision to abstain having been removed, the Argentine delegation will now vote for the draft resolution submitted by Pakistan. In stating our intention we wish to stress that our vote is based on Argentina's unwavering support for the principle of self-determination. It would be very difficult for us not to vote in favour of a draft resolution which is essentially concerned with the affirmation of that principle. My country, which achieved its independence through a process of emancipation, cannot refuse to others the right to decide on their own destiny. Our vote therefore is determined by our belief in this inalienable right.

88. Moreover, we shall vote for the draft resolution because we see nothing in the new version which can directly or indirectly injure the interests or even the susceptibility of France. The links which Argentina has with that country and which we desire to maintain and strengthen would prevent us from approving any text which was offensive to France. But we believe that the solemn affirmation of a principle enunciated by the French President himself can not only be considered as in no way harmful to France, but on the contrary should really be looked upon as the necessary response of this Assembly to the declaration of 16 September 1959.

89. The African-Asian countries undoubtedly made a great effort of good will in order to accept the present text. If our vote did not take into account their conciliatory attitude, a large part of the world would experience a deep feeling of bitterness and resentment. It would be possible to say with justice

that the desire for harmony and conciliation receives the same welcome here as stubbornness and intransigence; such a situation would not help the great task which lies before mankind, namely the association of races and cultures for the welfare and peace of the whole human race. For that reason the vote we are about to take has a historical importance which goes far beyond the specific issue of Algeria.

90. It is with those considerations in mind that my delegation intends to vote today not only for a principle which guides its own country's international policy, but also for a better understanding between East and the West. May God grant that this understanding will be furthered by the decision we are now about to take.

91. U THANT (Burma): It will be recalled that at the 852nd plenary meeting, held on 10 December 1959, I proposed adjournment of the discussion under rule 76 of the rules of procedure, with the plea that certain delegations were working on a moderate, helpful and conciliatory draft resolution on agenda item 59. My delegation felt, and still feels rather strongly, that our deliberations should be concluded with a positive contribution to the success of the peaceful settlement of the Algerian problem which we all desire.

92. The draft resolution sponsored by Pakistan [A/L.276] is the result of prolonged and fruitful discussions, as I have indicated in my brief statement of 10 December, and it is the considered view of my delegation that this draft resolution truly reflects the consensus of opinion prevailing in the General Assembly. The implications of this draft resolution hardly need elaboration. The two previous resolutions of the General Assembly, that is, resolution 1012 (XI) and resolution 1184 (XII), are recalled. These two resolutions respectively expressed the hope that a peaceful, democratic and just solution would be found through appropriate means in conformity with the principles of the Charter, and expressed the wish that "pourparlers" be entered into, and other appropriate means utilized, with a view to a solution in conformity with the purposes and principles of the Charter.

93. These basic facts constitute the two preambular paragraphs of the new draft resolution and I would like to recall that the same preambular paragraphs were endorsed by the First Committee on 7 December, by 59 votes to 4. The fourth preambular paragraph, recalling Article 1, paragraph 2, of the Charter, has also been adopted in the First Committee, by 59 votes to 3. The last preambular paragraph expressing the deep concern with the continuance of hostilities in Algeria has also been endorsed by the First Committee, by 58 votes to 3.

94. So, it will be noticed that all the preambular paragraphs of the draft resolution sponsored by Pakistan have been overwhelmingly endorsed by the First Committee and it is the fervent hope of my delegation that similar endorsement will be accorded to them by the Assembly.

95. Now, there are only two operative paragraphs in the draft resolution under discussion. Operative paragraph 1, recognizing the right of the Algerian people to self-determination, is just the juxtaposition of one of the preambular paragraphs of the original resolution which received an overwhelming vote in the First

Committee with 61 votes for and only 1 against. There is no reason to believe that the result of today's vote on this paragraph will be otherwise.

96. Operative paragraph 2 reflects a genuine attempt on the part of the sponsor and its supporters to see the holding of "pourparlers" between the parties directly concerned with a view to arriving at a peaceful solution on the basis of the right to self-determination which has been already endorsed by the First Committee. It is therefore crystal clear that no new element besides the approved provisions has been introduced in the new draft before this Assembly, and I would appeal to the Assembly to give similar endorsement to this new draft resolution.

97. In the course of discussions in the First Committee some delegations have argued that the passage of a resolution would retard and complicate the proposed discussions which the French Government was ready to enter into. Let me assure the Assembly that my delegation would be the first to advocate, even the non-inscription of the Algerian item in the agenda of the next session, much less to discuss or pass resolutions if the circumstances do not warrant such inscription. It is certainly the fervent hope of my delegation that the necessity for the inscription of the Algerian item will not arise next year. Such a state of affairs will take place only if necessary steps are taken now in line with the provisions of the draft resolution under discussion. The Assembly's endorsement of this draft resolution will certainly pave the way to fruitful negotiations between the parties directly concerned, with the inevitable result that there will be no need for any of the delegations to attempt to inscribe the Algerian item in the subsequent sessions of the General Assembly.

98. Let me in conclusion appeal particularly to those delegations which hold the view that no resolution is called for, to ponder once more. The passage of this very helpful and conciliatory resolution, and the early and earnest implementation of the terms of this draft resolution alone can once and for all shut the doors of the United Nations to the very distressing item of Algeria. To achieve this objective my delegation will vote in favour of the draft resolution.

99. Mr. RIFA'I (Jordan): The Jordan delegation does not intend to make a long statement. I only take the floor to explain the position of my delegation on the draft resolution sponsored by Pakistan, and submitted to the General Assembly [A/L.276]. My delegation will vote for this draft resolution. We take this stand because of the following reasons.

100. First, the draft resolution in operative paragraph 1 recognizes the right of the Algerian people to self-determination and allows of no ambiguity in the recognition of this right to the Algerian people. In operative paragraph 2 the draft resolution urges the holding of "pourparlers" with a view to arriving at a peaceful solution on the basis of the right of self-determination. My delegation, among many others, believes that in the present developments of the Algerian problem it is essentially important for the

purpose of ending bloodshed in Algeria that such "pourparlers" be held for establishing peace on the basis of right and justice.

101. The second reason why we support this draft resolution is because we realize that some distinguished delegates outside the African-Asian group who were unable to support the African-Asian draft resolution in the First Committee wanted sincerely to contribute to the efforts of achieving a peaceful solution to the Algerian problem through a resolution acceptable to all parties. They suggested that a conciliatory draft resolution would enable them to do so. We feel that the new draft resolution will accommodate these non-Arab delegations so that they could cast their vote in the affirmative.

102. Thirdly, we believe that through its inaction the United Nations will weaken its prestige and effectiveness. We therefore find it necessary to come out of the debate on the Algerian question with a resolution which will express the concern of the General Assembly and assist in the efforts towards peace in Algeria.

103. Fourthly, we hope that those who opposed the African-Asian resolution in the First Committee will be in a position today, in view of the mild terms of the new draft resolution, to take a favourable stand and manifest an attitude of co-operation. The major responsibilities which some of them assume in world affairs are not expected to fall short of supporting the cause of peace in the Arab homeland and particularly in a problem so grave and serious as the one with which we are dealing today. It is for the sake of the lofty principles in the establishment of which these Member States had shared that we appeal to them to help in the adoption of a fair resolution by this Assembly. It is for securing peace in our area and maintaining harmony and friendship in international relations that we ask them to take a constructive attitude towards the situation in Algeria. Our meeting today is of particular importance—it will determine whether the Members of the United Nations are capable of contributing to peace in the world or whether they will stand indifferent to a tragic war which has already claimed one million victims. Every vote today will carry with it a great responsibility to history and mankind. If it is in the negative, it will serve to prolong war and tolerate suffering. If it is in the affirmative, it will help to spare so many human lives and prevent further destruction.

104. We earnestly hope that the Pakistan draft resolution will be adopted by an overwhelming majority and that it will not face the same difficulties which the African-Asian resolution faced in the First Committee. If, however, it fails to be adopted, it will still be heartening to us to know that it has been supported by Members who rise to defend the cause of right under all circumstances, and the old proverb will always stand true: right is its own support.

The meeting rose at 1.10 p.m.