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Chairman: **Mr. Enrique de MARCHENA (Dominican Republic).**

AGENDA ITEM 34

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/3105 to 3109, A/3110 and Corr.1, A/3111 and Add.1 and 2, A/3112 and Add.1 and 2, A/3113 and Corr.1, A/3114 and Corr.1 and Add.1, A/3115, A/3127) (*continued*):

(*c*) General questions relating to the transmission and examination of information (A/C.4/331 and Add.1, A/C.4/346; A/C.4/L.467) (*continued*)

1. Mr. GRIECO (Brazil) said that, in accordance with his delegation's consistent attitude, it would be unable to support the joint draft resolution (A/C.4/L.467). Broadly speaking, it was moved by the same reasons which had led it to declare that Portugal's statement that it was not responsible for the administration of any Non-Self-Governing Territories should be accepted without question, as had identical statements made earlier by other Member States. He was glad to note that the draft resolution related not only to Portugal but to all the newly-admitted Member States. At the same time he stressed that the new Members, and indeed all the Members of the United Nations, were entitled to be treated equally, since they had the same duties and rights deriving from the principle of sovereign equality laid down in Article 2, paragraph 1, of the Charter. Moreover, as he had emphasized at the 617th meeting, a Member State had the full right to determine the constitutional status of a Territory under its sovereignty. If that principle had not been fully recognized there would have been no necessity to consult the new Member States; that had been done because only the States concerned were competent to clarify the issue according to their own constitutional texts.

2. It was clear from the wording of the second paragraph of the preamble of the draft resolution that the Members' right to enumerate the Territories in question was recognized, that they must be guided by certain principles in enumerating those Territories, and that the General Assembly was competent to express an opinion on those principles. What was of paramount importance was the implication that it was the right of the Members to determine which Territories should be enumerated; the decision whether or not to follow the principles referred to was left to them.

3. When the Egyptian representative had introduced General Assembly resolution 334 (IV) as a draft resolution at the 124th meeting of the Fourth Committee, he had pointed out that the number of Territories for which information was transmitted had been reduced from seventy-four in 1946 to sixty-two in 1949, and had added that the General Assembly was entitled to know whether that decrease was due to any change in the constitutional position and the status of such Territories. The Egyptian delegation had declared that its draft resolution completed the procedure initiated by resolution 222 (III) and would enable the General Assembly to discharge its responsibilities in respect to the transmission by the Administering Members of information under Article 73 e of the Charter. The Brazilian delegation had supported the Egyptian draft resolution, recognizing thereby the competence of the General Assembly in cases of cessation of transmission of information, and since then it had remained faithful to that principle. The Brazilian delegation recognized the great importance of the Egyptian initiative of 1949, which had been a step on the road to the adoption of the list of factors. In all the texts to which he had referred it was clear that the Non-Self-Governing Territories had been enumerated "in accordance with the declarations of the responsible Governments". Hence there was recognition in official texts, approved by the General Assembly, of the full sovereign value of the statements of the Member States concerned.

4. Since 1946, it had been the view of the Brazilian delegation that the General Assembly was competent to judge whether or not a Non-Self-Governing Territory enumerated in resolution 66 (I) had attained a full measure of self-government. In all those cases the Members concerned, enjoying all the privileges of their sovereignty and having in mind all pertinent constitutional considerations, had voluntarily enumerated the Territories that in their judgement fell within Article 73 e. That might be recognized as a kind of covenant between the General Assembly and the Administering Members. As with any bilateral agreement, obligations assumed could not be unilaterally evaded. Once a State had voluntarily declared itself responsible for the administration of Non-Self-Governing Territories, it was under an obligation to produce evidence before the United Nations could relinquish the right to receive information concerning them. That, in his delegation's view, had been the intention of General Assembly resolutions 222 (III) and 334 (IV). A number of other delegations, including those of Saudi Arabia, India, the Philippines and Syria, had expressed similar views at the fourth session of the General Assembly.

5. The second paragraph of the preamble of the draft resolution referred to "the Administering Members", whereas General Assembly resolution 334 (IV) spoke of "the Members concerned". That was a point to which his delegation attached some importance. In its view "the Members concerned" were chiefly, if not exclusively, those alluded to in the three paragraphs of the preamble of resolution 334 (IV), namely, Members which, having or assuming responsibilities according to Article 73 e of the Charter and having enumerated Territories under their administration whose peoples had not yet attained a full measure of self-government, had ceased, or declared their intention to cease, transmission of information in respect of certain Territories which were enumerated in resolution 66 (I). In view of the history of the question, his delegation was of the opinion that the chief aim of General Assembly resolution 334 (IV) was to ensure the establishment of a procedure to enable the General Assembly to act in cases of cessation of transmission of information. Hence, it considered that the expression "Administering Members" was in accordance neither with the letter nor with the spirit of resolution 334 (IV).

6. With regard to the third paragraph of the preamble, he recalled that seventy-four Non-Self-Governing Territories had been enumerated in 1946 "in accordance with the declarations of the responsible Governments", as stated in resolutions 222 (III) and 334 (IV). Hence, there was a definite mechanism: first a State was admitted; secondly, it formulated its declaration whether or not it administered Non-Self-Governing Territories; thirdly, the General Assembly noted the enumeration. His delegation considered that the newly admitted Members were entitled to enjoy the same system that had applied to other Members, and it did not think there was any need to set up an *ad hoc* committee to study the application of the provisions of Chapter XI of the Charter. The new Members' replies (A/C.4/331 and Add. 1) to the Secretary-General's letter of 24 February 1956 supplied sufficient grounds for the General Assembly to take action as it had done in a similar situation in 1946. Any other step might be interpreted as discrimination with regard to the newly-admitted Members, who might accordingly declare that they did not feel bound by any such decision.

7. In his delegation's view, the action proposed in operative paragraph 2 of the draft resolution was unnecessary, since the new Members had already transmitted to the Secretary-General whatever they deemed relevant on the question.

8. With regard to operative paragraph 3, his delegation did not see how a Member of the United Nations could accept a suggestion to revise a positive answer it had given to a question put to it by the Secretary-General; that being so, the proposed *ad hoc* committee would not be in possession of any new information and would therefore be unable to make any recommendation whatsoever to the General Assembly.

9. The Fourth Committee was not only the right place to debate the provisions of Chapter XI of the Charter but also the proper organ to study any appropriate recommendations. If the Fourth Committee was unable to examine the answers given by the new Members, no *ad hoc* committee with such vague terms of reference would be better able to do so. To set up such a subsidiary organ would mean mere duplication of effort and useless postponement.

10. The reasons he had given had convinced his delegation of the uselessness of the *ad hoc* committee envisaged in the joint draft resolution. His delegation reserved its position regarding any future developments in the matter, bearing in mind the exceptional importance of the principles involved.

11. Mr. SOWARD (Canada) said that his delegation would be unable to support the joint draft resolution. Its objections were based mainly on a question of principle which had been repeatedly argued during the debate. The Canadian delegation had always held the view that under Chapter XI of the Charter there did exist bilateral agreements between the United Nations on the one hand and the Member States on the other concerning the transmission of information on the Territories enumerated in 1946, and that such agreements could not be varied without the full consent of both parties. That had been the view of the Canadian delegation when General Assembly resolution 334 (IV) had been adopted, and it saw no reason to depart from that position.

12. The voluntary nature of the arrangement was, however, obscured, no doubt unintentionally, by the terms of the first paragraph of the preamble of the draft resolution. It would be more accurate to state that the General Assembly had taken note of the list of Territories submitted by the administering Powers. The basis for agreements concluded under Chapter XI was the understanding that the national sovereignty of Member States over their respective Territories could not be open to question: that fact precluded any interference by the United Nations with the definition of the constitutional status of a given Territory presented by the administering Power. The joint draft resolution advanced the thesis that it was within the responsibility of the General Assembly "to express its opinion on the principles which have guided or which may in the future guide the Administering Members. . .". Surely, however, there was a great difference between an expression of opinion and the authority to define what Territories were not self-governing. It followed that attempts to stretch the authority of the General Assembly by submitting a sovereign State to questions or investigation, through the device of setting up an *ad hoc* committee such as was proposed in the draft resolution, was open to serious objection. He could not agree that it was the right of the General Assembly to give advice to the administering Powers on how to define the constitutional status of their Territories. The principle of sovereignty had been left unchallenged in the relevant articles of the Charter.

13. In his delegation's opinion, the *ad hoc* committee might be foredoomed to sterility from the outset of its activities. He failed to see that it could achieve anything more than had been contemplated in the Fourth Committee itself. According to the terms of the draft resolution, it would reopen the question of the answers transmitted by the new Members on the applicability to them of Chapter XI of the Charter. When the Member State concerned had already provided a negative answer to the question raised in the Secretary-General's letter, nothing useful or constructive would be achieved by attempting to impose the General Assembly's views on that State. He would not enlarge upon that aspect of the problem, which had already been commented upon admirably by the representative of Cuba, who had also wisely pointed out that it would be well to avoid sharpening the issues which had already arisen between administering and non-admin-

istering Powers and taxing to too great an extent the goodwill of any Member State.

14. Moreover, the Canadian delegation had more than once expressed the opinion that the unwarranted proliferation of committees within the United Nations was a tendency which must be resisted. For that reason, and because it sincerely believed that co-operation towards the goal of self-government for all peoples could only flourish in an atmosphere of mutual respect and confidence, and that persistent endeavours to stretch the meaning of the terms of the Charter beyond its clear intent must be harmful to the United Nations, his delegation would be compelled to vote against the joint draft resolution.

15. Mr. ROLZ BENNETT (Guatemala) observed that, owing to the importance of the matter and the questions of principle it raised, it was necessary once again to consider the interpretation of certain aspects of Chapter XI of the Charter and to decide how its provisions applied to the case in point. He emphasized that his remarks would apply to the question in general and not to any new Member State in particular.

16. While the Fourth Committee's debates on subjects connected with the Non-Self-Governing Territories had made constant reference to the interpretation of a number of the most important principles of Chapter XI of the Charter, they had been particularly thorough and far-reaching in connexion with such questions as the establishment and continuation of the Committee on Information, cases of the cessation of the transmission of information, and, above all, the establishment of the list of factors.

17. General Assembly resolution 9 (I) drew attention to the fact that the obligations accepted under Chapter XI of the Charter were already in full force. In June 1946, the Secretary-General had asked Member States to enumerate the Non-Self-Governing Territories under their administration and to indicate what factors in their opinion should bring a Territory within the scope of Chapter XI. The fact that eight States had transmitted information on Territories under their administration, or declared their intention of doing so, had made it less urgent for the time being to decide on the responsibility for determining which Territories came within the provisions of Chapter XI. General Assembly resolution 66 (I) had therefore merely noted that information had been transmitted, or would be transmitted, by the various Administering Members. That did not mean that the General Assembly had renounced its right or its competence to decide which Non-Self-Governing Territories came within the provisions of Chapter XI. In the view of his delegation, that Chapter was not a unilateral declaration of goodwill by the administering Powers but an integral part of the Charter, whose provisions were equally binding on all Member States. It could not be seriously maintained that the General Assembly would have adopted an attitude of passive acceptance if in 1946 the colonial Powers had replied to the Secretary-General's letter that they had no Non-Self-Governing Territories under their administration, or if any of them had refused to place some or all of those Territories under the system provided in Chapter XI.

18. At its first session the General Assembly had considered the possibility of defining the meaning of the term "Territories whose peoples have not attained a full measure of self-government" and had considered a number of suggestions made by various delegations, but had finally decided not to attempt to reach a definition at that time. Later, after thorough discussion in the General Assembly and the *Ad Hoc* Committee on Factors, resolutions 648 (VII) and 742 (VIII), relating to the list of factors, had been adopted. In those resolutions the General Assembly had affirmed its competence to decide on the continuation or cessation of the transmission of information, while in resolution 334 (IV) it had affirmed its competence to express an opinion on the principles which had guided, or might in future guide, the Members concerned in enumerating the Territories for which an obligation existed to transmit information.

19. During the current debate it had become apparent that many delegations doubted whether the replies given by some new Members were in accordance with their obligations under the Charter, and that there was a general feeling that not enough information was available yet to take action on the substance of the question.

20. His delegation did not consider that it was in possession of all the information necessary to reach a final conclusion. For that reason, it favoured a formula like that in the draft resolution, which would enable the Committee to fill the gaps in its knowledge and would provide a useful means for seeking a just and satisfactory solution. From the point of view of efficacy, it would have preferred a formula which would give the delegations concerned the opportunity to reflect more fully on their original attitude, and which would make it easier to reconcile that attitude with that of the United Nations; nevertheless, it would support the draft resolution.

21. Mr. MESTIRI (Tunisia), introducing the amendments proposed by his delegation (A/C.4/L.468), said that the problem before the Committee raised two questions: firstly, what was meant by the term "Non-Self-Governing Territory", and, secondly, whether a State could incorporate a Non-Self-Governing Territory into its own territory by unilateral action. His delegation considered that the answer given by the representatives of Yugoslavia and Syria to the first question was correct; what was beyond all doubt, however, was the fact that the General Assembly was competent to decide the question. With regard to the second question, it agreed that interference by the United Nations with the constitutions of Member States was dangerous, but it also considered that to permit Member States to use their constitutions as a means of regulating international relationships would be to provide them with too easy a method for the annexation of Non-Self-Governing Territories.

22. In his delegation's opinion, the draft resolution was open to the charge of discrimination, since the refusal by France to transmit information regarding Algeria constituted a precedent for the Portuguese reply, and if the United Nations now asked Portugal to transmit information it would be violating the principle of the equality of Member States. The amendments proposed by his delegation were designed to remedy that defect in the draft resolution.

23. In conclusion, he wished to point out to Administering Members that their obligations under Chapter XI in no way impeded their administration of the Non-Self-Governing Territories, and that the transmission of information concerning those Territories in no way prejudged their status. For example, France had transmitted information about Tunisia but not about Algeria: that had not, however, prevented the French

delegation from arguing that neither Algeria nor Tunisia was a Non-Self-Governing Territory.

24. Mr. BARGUES (France) said that the Territories for which France had not transmitted information did not fall within the scope of Article 73.

25. Mr. MAKSIMOVICH (Ukrainian Soviet Socialist Republic) said that in 1946, when the system implementing Chapter XI of the Charter had first been established, there had been no need to define the term "Non-Self-Governing Territories", since all the colonial Powers then Members of the United Nations had freely assumed the obligations of administering Powers. Now, however, as a result of the new Members' answers to the Secretary-General's letter, that need had arisen. Although it was well known that Portugal was a colonial Power, and that both Spain and Portugal administered Non-Self-Governing Territories, the United Nations was being asked to believe the opposite. If the United Nations was to be guided by the spirit and letter of the Charter, it could not leave unprotected ten million people who had no political rights whatsoever. The proper solution to the problem was quite obvious, and in his delegation's view the draft resolution would only serve to delay that solution. Nevertheless, since a majority of the Committee favoured a detailed examination of the question, his delegation would support the draft resolution. It did not find the draft resolution discriminatory, for it considered that if the rights of all Member States were equal their obligations were also equal. It was pleased to note that the co-sponsors of the draft resolution had accepted the Czechoslovak suggestion that operative paragraph 4 should be deleted.

26. Mr. BOZOVIC (Yugoslavia) noted that at the 620th meeting the Portuguese representative had continued to base his argument on the constitutional reservation contained in Article 73 e of the Charter, and had cited Professor Kelsen in support of that argument. Professor Kelsen had, however, interpreted the limitation in a much narrower sense, saying that it might refer to a temporary limitation of the information transmitted but not to the transmission of information itself. His delegation considered that the matter should be treated as one of judicial interpretation, for, if it was made a political question and rigorously upheld, any State would be able to evade the transmission of information simply by changing its internal legislation. In that connexion, he was glad to learn that the Portuguese interpretation of the reservation had not prevented Portugal from collaborating with the United Nations in its efforts to promote the welfare of dependent territories.

27. The Portuguese representative had said that the United Nations Charter provided for three kinds of co-operation: that embodied in the Trusteeship System, that contained in the provisions relating to Non-Self-Governing Territories, and that established in Chapters IX and X of the Charter. In the Charter itself, however, those three systems were laid down in the reverse order, and with good reason, for Chapters IX and X were concerned with international co-operation in general, while the provisions of Chapters XI and XII were considerably more specific. If the delegations represented at the San Francisco Conference had thought that Chapters IX and X provided an adequate system for dealing with the colonial territories there would have been no need for Chapter XI.

28. His delegation agreed with the Mexican representative that the co-operation of all Member States was necessary if the problem was to be settled satisfactorily. It would prefer the General Assembly to adopt a solution which would be acceptable to all the parties concerned rather than to make a recommendation which would then be ignored.

29. Two interpretations of the question had been presented: some delegations considered that only the Administering Members were competent to decide what constituted a Non-Self-Governing Territory, while others considered that only the United Nations had that competence. His delegation considered that a third solution was possible, namely, a negotiated agreement or, failing all else, the submission of the question to the International Court of Justice.

30. Mr. THORP (New Zealand) said that during the debate there had been a number of references to the status of the two Territories about which New Zealand transmitted information. He wished to draw attention to the fact that the Tokelau Islands had, since 1949, enjoyed a status similar to that of the Cook Islands, which were integral parts of New Zealand. Information was transmitted on these territories as an earnest of the New Zealand Government's willingness to respect the spirit notwithstanding the limitations expressed by the letter of the Charter. New Zealand had hoped that that example would be followed by other Member States having within their metropolitan boundaries, including islands off their shores, peoples of different ethnic origins or cultural levels who were administered under special provisions. Nevertheless, the position of the New Zealand Government had always been that the transmission of information under Article 73 e was a matter for individual decision by each Member State. The draft resolution before the Committee was predicated on a contrary interpretation of the Charter, and his delegation would consequently oppose it.

31. Mr. BENLER (Turkey) said that in its reply to the Secretary-General's letter (A/C.4/331) the Portuguese delegation had stated that Portugal did not administer Territories falling under the category covered by Article 73 e of the Charter. In spite of the fact that that communication required no further clarification, coming as it did from a sovereign State which was a Member of the United Nations, the Portuguese representative had volunteered to give pertinent information on the constitutional basis of Portugal's reply. His delegation had accepted that clarification with appreciation, and could find no legal basis for entering into a discussion of the constitutional status of a Member State.

32. His delegation considered that every Member State was competent to decide upon its obligations under Article 73 e of the Charter. It was fully aware of the limitations of Chapter XI, but it also recognized the appropriateness of the delicate balance which had been set up for the benefit of dependent territories, and it agreed with the representative of Iraq that the machinery had on the whole worked in favour of the peoples of Non-Self-Governing Territories and their evolution towards greater political liberty as well as in the interests of world peace and security.

33. The problem before the Committee raised grave questions of principle, and any decision on it might have serious consequences. Any attempt at a general interpretation—which would be tantamount to a revi-

sion—of one of the principal Chapters of the Charter would require the most careful consideration.

34. It was his delegation's view that the Portuguese representative's second statement (620th meeting) should be sufficient to dispel any doubts that Portugal's stand on the question before the Committee was in conformity with the principles and provisions of the Charter.

35. Mr. JAIPAL (India) said that, since the Yugoslav representative had replied to the arguments presented by Portugal, he would confine himself to a statement of the opposing point of view, which was based on the Charter and on what might be called United Nations "case law" in the form of a series of General Assembly resolutions. As far as the Charter was concerned, he noted that the title of Chapter XI had led certain Member States to interpret it as calling for a unilateral declaration by States which voluntarily agreed to transmit information. The actual intent of the Chapter was, however, to be found in its contents rather than its title. Chapter XI was an integral part of the Charter, and must therefore be considered to be an international instrument setting forth obligations no less binding than those stipulated in other Chapters. It applied equally to all Non-Self-Governing Territories, the distinction between such Territories and metropolitan Territories being clearly indicated in Article 74. In determining who was to judge which Territories came within the scope of Chapter XI, it must be remembered that the obligation to transmit information arose not from a unilateral declaration but from the provisions of a multilateral treaty of an international character. The United Nations was thus fully competent to examine the matter and make recommendations in accordance with its own procedures: in fact, Article 10 conferred the necessary competence upon the General Assembly.

36. With regard to the resolutions adopted by the General Assembly in the matter, he noted that resolution 9 (I) had asserted that the obligations specified in Chapter XI were in full force and were contingent upon nothing other than the Charter itself. In resolution 66 (I) the General Assembly had enumerated certain Non-Self-Governing Territories, thereby asserting its competence to do so. Hence it was clear that the enumeration of Non-Self-Governing Territories was a matter for international agreement and not for unilateral determination. In resolution 222 (III) the General Assembly had asserted its right to be informed of constitutional changes which might lead to the cessation of transmission of information. The three cases in which information had ceased to be transmitted were examples of the exercise of that right. In the case of Surinam and the Netherlands Antilles, the Assembly had requested that information should continue to be transmitted until a final decision had been taken; it had not allowed constitutional considerations to prevent it from so doing. If the General Assembly was competent to decide when the transmission of information should cease, it was equally competent to decide when it should begin. In the view of the Indian delegation, the provisions of resolution 334 (IV), concerning the Assembly's responsibility to express its opinion on the principles guiding Member States in the enumeration of Non-Self-Governing Territories, clearly indicate the Assembly's competence to examine the replies of the Administering Members and express its opinions regarding them. The five-Power draft resolution envisaged the establishment of machinery for examining those replies.

37. The constitutional limitation which had been cited as precluding the application of Chapter XI to certain Non-Self-Governing Territories appeared only in sub-paragraph e of Article 73, and did not affect the matters dealt with in the other sub-paragraphs. The reason for the inclusion of the limitation had been a practical one relating only to the physical process of the transmission of information by Administering Members. He understood that the United Kingdom had insisted on its inclusion as a safeguard in the case of Territories such as Malta, which, while not fully self-governing, had acquired responsibility for economic, social and educational matters. As in such cases the Administering Member no longer controlled those matters, it would be difficult for it to transmit information on them. That constitutional consideration was therefore of very limited significance and could not be invoked to support the argument that a Member State with a unitary constitution automatically fell outside the scope of Chapter XI. The real test was not the nature of a Member State's constitution but rather the existence of Non-Self-Governing Territories, which was readily ascertainable by the application of the list of factors annexed to General Assembly resolution 742 (VIII).

38. The Canadian representative had stressed the voluntary character of the agreement to transmit information on Non-Self-Governing Territories. Any agreement, however, including the Charter itself, was by its very nature voluntary. The United Nations surely had the right to determine the obligations assumed under the Charter; that was what the five-Power draft resolution sought to enable it to do. If there was any discrimination, it was not against new Member States, as some delegations had contended, but against the Non-Self-Governing Territories themselves, some of which had been brought within the scope of Chapter XI of the Charter while others were in danger of being excluded. The purpose of the draft resolution was to obviate such discrimination.

39. Mr. LOOMES (Australia) stated that the question raised by the five-Power draft resolution was mainly one of principle. The debate had shown the desire of certain Members to look beyond the replies received from new Members and investigate the reasons underlying them. The clear implication was that the General Assembly should seek to interpret the constitutions of certain Member States for the purpose of determining the applicability of Article 73 e. It would be improper for any Member, and therefore improper for the General Assembly as a whole, to call into question the constitutional provisions of another Member, a view which was confirmed by the limitation imposed in Article 73 e. The replies received from the new Members had undoubtedly been based on the interpretation and application of the relevant constitutional provisions obtaining in each case, yet it had been suggested that one of those replies was inaccurate or even untruthful. In the view of his delegation, each Government was entitled to interpret and apply its own Constitution in determining whether it had any obligations under the terms of Article 73 e.

40. It was not clear just what the task of the *ad hoc* committee proposed in the draft resolution would be. Perhaps it was envisaged as a study group to consider the principles relating to the interpretation and application of Chapter XI in general; in that case, it would

seem to duplicate the functions of the earlier Committee on Factors. Perhaps, on the other hand, its task would be to examine the constitutional provisions of each new Member State, for, although Portugal was the State so far singled out, the wording of the draft resolution suggested that the Constitutions of all new Members might be examined. As a matter of principle his delegation could not agree that a committee might exercise such a function. Operative paragraph 2 of the draft resolution, which invited the new Members to transmit further statements to the Secretary-General, seemed to cast doubt on the veracity of their earlier statements, and was therefore unacceptable.

41. Mr. BALAY (Uruguay) explained that his delegation would vote in favour of the draft resolution because it considered the General Assembly responsible for deciding which Territories were non-self-governing and whether information should be transmitted concerning them. The question was not one of formal rules, but of the legal obligations incumbent upon the administering Powers and of the rights of the other Member States to examine the information transmitted. The adoption of the draft resolution, which was of a procedural nature, would be a step towards an amicable solution of the problem. He hoped that the administering Powers would offer their co-operation so that the principles of the Charter could be more adequately implemented.

42. Mr. SELAND (Norway) said that his delegation would vote against the five-Power draft resolution, which touched upon a matter of principle and constituted an important test case. The adoption of the draft resolution, which implied that the answers submitted to the Secretary-General by the newly-admitted Member States were not to be believed, would constitute a radical departure from the procedure hitherto followed, for the General Assembly had never before questioned the credibility of such answers, but had limited itself to noting the statements made. Nor had the question of the Assembly's competence to decide whether a Territory had attained a full measure of self-government been raised before. In their replies to the Secretary-General in 1946, various Member States had stressed the extreme difficulty inherent in any attempt to define Non-Self-Governing Territories, and the Fourth Committee, noting their observations, had concluded that it should not take it upon itself to make such an attempt. The General Assembly had subsequently accepted the answers of Member States to questions concerning the administration of Non-Self-Governing Territories.

43. His delegation held that, as in the past, the Assembly should leave it to the Member States to decide which Territories fell within the category of Non-Self-Governing Territories. What the Assembly could and should do was to recommend that all Member States, old and new, should do their utmost to comply not only with the legal but also with the moral commitments implied in the Charter. It was proper that new Members should be asked whether they administered Territories falling within the scope of Chapter XI of the Charter, but the United Nations had no competence to examine the constitutional provisions of any Member State. The Assembly should not depart from a practice which it had consistently followed for eleven years, but should treat all Member States equally, in accordance with the traditional practice of the United Nations. To question the validity of the answers submitted by new Member States might involve the examination of national constitutions, and could lead to discrimination between old and new Members.

44. Mr. DE SILVA (Ceylon) wished to reply to what he considered an unjust criticism of the draft resolution co-sponsored by his delegation. The Norwegian and Australian representatives had interpreted the draft resolution as casting doubt on the veracity of the replies submitted by the new Member States. The draft resolution did not impugn the honesty of any Member. The General Assembly, however, had the right to question whether a statement submitted by a Member was in accordance with the provisions of the Charter. A case in point had been the Committee's discussion concerning Togoland under French administration, during the course of which many Members had expressed doubt with regard to the accuracy of the statement made by the French delegation.

45. Mr. BARGUES (France) wondered why the veracity of the Portuguese Government's answer to the Secretary-General's letter should be doubted, when all other statements received in the past ten years in reply to the same question had been accepted without discussion. While he was convinced of the sincerity of those delegations which had expressed such doubts, the fact remained that, by expressing them, they were impugning the accuracy of statements made by administering Powers. In referring to the discussion on Togoland, the Ceylonese representative seemed to have overlooked the distinction between a Trust Territory and a Non-Self-Governing Territory. The French delegation had always endorsed measures to safeguard the sovereignty of Member States, and had repeatedly declared that in the exercise of their sovereignty Member States alone were competent to decide whether they administered Non-Self-Governing Territories. The Tunisian representative had proposed that the terms of reference of the *ad hoc* committee envisaged in the draft resolution should be expanded to cover all Member States, and that previous findings should be reconsidered. Even if the Tunisian amendments were adopted, the position of principle taken by the French Government on the substance of the problem would not change. While it might be conceded that the General Assembly, acting guide and counsellor of the Member States, could give advice regarding Territories falling within the scope of Article 73 e, as implied by the reference in the draft resolution 334 (IV), that was as far as it could go. In particular, it was not competent to decide whether a territory was self-governing or to impose upon any Member the obligation to transmit information. If the draft resolution was adopted, Member States might subsequently find themselves in the position of having to carry out resolutions which were at variance with the original provisions of the Charter. In signing the Charter, the Member States had accepted Article 73 as it stood. To question the good faith of certain Members and inquire whether they had in fact complied with their obligations under Article 73 would be to create an atmosphere of suspicion and mistrust. His delegation would therefore be unable to support the draft resolution.

The meeting rose at 6 p.m.

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