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Chairman: Prince WAN WAITHAYAKON (Thailand).

Report of the Trusteeship Council (A/1306 and A/1306/Corr.1) (*continued*)

[Item 13]*

1. The CHAIRMAN invited the Committee to continue its consideration of the report of Sub-Committee 8 to the Fourth Committee (A/C.4/L.88). In accordance with the decision taken at the 163rd meeting, he requested the representatives to limit their consideration to section A of the draft submitted by the Sub-Committee.

2. Mr. COQUET (Mexico), on a point of order, said that before undertaking a detailed study of the four sections of the draft proposed by Sub-Committee 8, the Fourth Committee should come to a decision on the question of principle as to whether in its opinion it had before it a single draft resolution or four separate drafts.

3. He recalled that, at the time of the establishment of Sub-Committee 8 (153rd meeting), it had been decided that that body would be required to combine the various drafts submitted to it. For its part, the Mexican delegation would prefer to have the draft proposed by the Sub-Committee considered as a single text.

4. The CHAIRMAN thought that, before deciding on the point of order raised by the representative of Mexico, the Committee should vote on the proposal made at the 163rd meeting by the representative of India since that proposal could be considered as an amendment to the motion of the Mexican representative.

5. Mr. PEREZ CISNEROS (Cuba) commented that the Indian proposal related merely to a matter of procedure. It would therefore be preferable to decide first on the Mexican point of order which related to a question of principle.

6. He recalled that he had already explained (163rd meeting) why his delegation would prefer to have the

four sections of the draft considered as four independent drafts: such a procedure would promote a more orderly debate and would enable the Committee to take decisions more rapidly. The Cuban delegation was, moreover, submitting amendments to the various sections of the draft, which it looked upon as four separate texts.

7. He thought that the Committee should first come to a decision on the point of order raised by the representative of Mexico; then it should vote on the Indian proposal in the light of the outcome of its first vote.

8. Mr. S. RAO (India) agreed that the Committee should decide in the first place on the proposal of the representative of Mexico. At the same time, he felt that it was difficult to know at that point whether the Committee would submit to the Assembly four draft resolutions. Consideration of the four sections of the draft submitted by Sub-Committee 8 and the subsequent discussion would show whether it was appropriate to submit a single draft resolution or several.

9. Accordingly, he proposed that the Mexican point of order should be put to the vote in order to determine whether the draft presented by Sub-Committee 8 should be considered as a single draft resolution or as several draft resolutions.

10. Mr. MANTILLA (Ecuador) said that the text submitted by Sub-Committee 8 should be considered in the first place as a working document which the Committee could use and redraft, but on which it was unnecessary to take a definitive decision for the time being.

11. Mr. QUESADA ZAPIOLA (Argentine) asked what had become of the six draft resolutions mentioned in paragraph 2 of the Sub-Committee's report, that had been submitted to Sub-Committee 8 for co-ordination and fusion.

12. The CHAIRMAN explained that the draft resolutions in question had been used by Sub-Committee 8 in the preparation of the draft which it had submitted to the Committee. The authors of the six original draft

* Indicates the item number on the General Assembly agenda.

resolutions could take them up again by presenting them as amendments to the draft of Sub-Committee 8.

13. Mr. RYCKMANS (Belgium) stated that he would abstain from voting on the Mexican point of order because he considered that at the current juncture the question was unimportant. It was his opinion that, once the Committee had reached a decision regarding the four sections of the draft of Sub-Committee 8, it would be time enough to decide whether those four sections should be combined in a single draft resolution or should become separate draft resolutions.

14. The CHAIRMAN invited the Committee to decide whether the draft presented by Sub-Committee 8 should be considered as a single draft resolution or as several separate draft resolutions.

The Committee decided, by 25 votes to 9, with 12 abstentions, to consider the draft submitted by Sub-Committee 8 as several separate draft resolutions.

15. The CHAIRMAN requested the Committee to consider section A of the draft of Sub-Committee 8, which dealt with the general procedure of the Trusteeship Council.

16. He drew attention to the amendment submitted by the United States delegation to the effect that all of paragraph 4 of section A following the word "procedure" should be deleted.

17. Mr. FLETCHER-COOKE (United Kingdom) stated that his delegation was, generally speaking, favourable to the idea on which section A was based. In its opinion, the time had come to review the procedure of the Trusteeship Council; after three years of work, the Council had acquired enough experience to realize that its procedure could be improved and to take steps in that direction.

18. The United Kingdom delegation had no objection to paragraph 2, which was a mere statement of fact; or to paragraph 3, which contained an idea with which the United Kingdom delegation sympathized.

19. Mr. Fletcher-Cooke gave whole-hearted approval to the amendment to paragraph 4 proposed by the United States delegation. If that amendment was adopted, the Trusteeship Council would not have any definite procedure imposed on it, while it would be free to consider the possibility of setting up the standing committee of the whole proposed in paragraph 4.

20. The United Kingdom delegation considered, however, that a standing committee of the whole Council was quite unjustifiable and, if necessary, it would explain its reasons in detail in the Trusteeship Council. He personally wished to state immediately that a standing committee of the whole would have exactly the same functions as the Council; its establishment would therefore lead to useless repetition of debates and work. Moreover, the members of the standing committee of the whole would usually be the alternates for the members of the Trusteeship Council; the latter might well become less informed of the details of the situation in the Trust Territories, for those details would be given more thorough consideration in the committee than in the Council since the Council would meet for a shorter time than the Committee. Furthermore, the establish-

ment of a standing committee of the whole would involve considerable additional expense both for the United Nations and for the States members of the Trusteeship Council.

21. The Yugoslav representative had drawn attention (146th meeting) to the many advantages to be derived, in his opinion, from having a single body responsible for undertaking a preliminary examination of all the questions submitted to the Trusteeship Council. That argument had some validity, but it must be remembered that the Trusteeship Council itself had to examine every question in detail in order to be in a position to take a well-informed decision; his delegation therefore considered that it was better for the Council to have several *ad hoc* committees, each responsible for examining and reporting on a specific question.

22. He drew attention to one particular difficulty to which the existence of a standing committee of the whole would give rise. The provisions of the Charter and of the Trusteeship Agreements authorized the Administering Authorities to send a special representative to the Trusteeship Council when the annual report on each Territory was under consideration. If a standing committee of the whole were established, the special representatives would have to appear before it when the annual reports were considered to answer any questions which the members of the committee of the whole might wish to put to them; they would have to make another appearance before the Trusteeship Council when the Council examined the same reports. The special representatives would thus be obliged to be absent from the Trust Territories for a very long period each year, a contingency which should obviously be avoided at all costs.

23. In conclusion, he stated that his delegation would vote in favour of the amendment submitted by the United States delegation. The main objective should be to leave to the Council as much flexibility as possible. As he had indicated, the United Kingdom was not in favour of setting up a standing committee of the whole but it was, of course, prepared to consider any arguments which might be put forward in the Council in favour of such a proposal.

24. Mr. J. COOPER (United States of America) pointed out that the United States amendment and the statement made by the United States during the general debate on the Trusteeship Council's report (156th meeting) drew their inspiration from the same source. The United States delegation felt that it was advisable to recommend that the Council should re-examine its procedures as a whole, though it would not be advisable to suggest a specific procedure to the Council since that procedure might not prove to be the best possible. When it had studied the question, it was possible that the Trusteeship Council might decide to establish a standing committee of the whole even if an explicit recommendation to that effect were not contained in the General Assembly resolution.

25. The Committee should not forget that the Trusteeship Council had already modified its procedure during the three years in which it had been in existence; it had established the *Ad Hoc* Committee on Petitions and more recently the Committee on Administrative Unions.

That showed that the Council could take the necessary measures when they were required. Consequently, the General Assembly should not make too specific a recommendation and thus prevent the Council from taking any steps which it might consider preferable to those suggested by the Assembly.

26. The United States delegation was not in favour of setting up a standing committee of the whole of the Council. Such a committee would not save the Council much time nor be of appreciable help to it in its work; several *ad hoc* committees were infinitely preferable.

27. In conclusion, he stated that the United States delegation considered that the Trusteeship Council should be left free to select the procedure which it deemed best.

28. Mr. HENRIQUEZ UREÑA (Dominican Republic) supported the United States amendment to paragraph 4. He did not think that the standing committee of the whole proposed in that paragraph could be of the slightest use. The terms of reference proposed would, in fact, mean that the Trusteeship Council was in session throughout the year though it could take decisions only during its regular sessions. The annual reports of the Administering Authorities were transmitted to members of the Council between sessions; members could thus study the reports and be in a position to consider them when the Council met. If the members of the Council did not have time to study the annual reports in that way, it was questionable what use the standing committee of the whole would be in that connexion.

29. The situation was exactly the same with regard to petitions. In 1950, the Council had been swamped by a virtual avalanche of petitions; it had studied them all and had adopted a separate resolution in each case. It was common knowledge that the petitions were very varied: some were collective and of general interest, others were of purely local interest and still others concerned single individuals. The Council had always insisted on considering each petition on its own merits. The question arose of what purpose would be served by a preliminary study by the standing committee of the whole; in all events, that study could not be any more useful than the study which each member of the Council could undertake on his own.

30. He drew the Committee's attention to section D of the Sub-Committee's draft, which concerned the examination of petitions; in sub-paragraph 14 (a) the Council was recommended to consider the possibility of constituting the *Ad Hoc* Committee on Petitions as a standing committee. There would probably be friction, or at any rate duplication of work, between a standing committee on petitions and a standing committee of the whole since, among other things, the latter would have to undertake a preliminary examination of petitions. There was also a Committee on Administrative Unions and the same situation would probably arise in that field too.

31. In conclusion, he considered that section A of the draft, concerning general procedure, would serve no useful purpose and would even be harmful if it were retained as it stood. He therefore proposed that it should be rejected or that, if it were approved, it should

be amended in the way proposed by the United States delegation. Moreover, section A could not be considered other than as a sort of preamble to the draft resolutions contained in sections B, C and D.

32. Mr. S. RAO (India) thought the Committee should pay particular attention to the comments made by the delegations of the United Kingdom, the United States and the Dominican Republic, which were all three members of the Trusteeship Council and therefore in a good position to assess the practical difficulties which would be caused by establishing a standing committee of the whole Council.

33. As the representative of the Dominican Republic had pointed out, section A of the draft was a sort of general recommendation dealing with the examination of annual reports, reports of visiting missions, petitions, and special questions such as administrative unions. However, the succeeding sections, namely B, C and D, dealt respectively with the study of annual reports, reports of visiting missions, and petitions; a special draft resolution would deal with administrative unions. There would therefore seem to be no objection to adopting the United States delegation's amendment to the effect that the whole of the last part of paragraph 4 should be deleted.

34. Consequently he thought the draft resolution relating to general procedure might be given the following form:

"The General Assembly,

"Noting the increase in the volume of work and in the length of the sessions of the Trusteeship Council;

"Considering that for the more effective discharge by the Council of its duties a review of its present methods of work appears necessary;

"Recommends accordingly that the Council undertake a review of its general procedure and make a report on the results of such review to the next session of the General Assembly."

35. Such a resolution would probably be adequate, since the main aspects of the Trusteeship Council's work were dealt with in separate resolutions. Moreover, such a text would leave the Council free to choose the procedure it thought best; it would merely be invited to explain the reasons for its decision to the next session of the General Assembly.

36. Mr. LIU (China) shared the views of all the preceding speakers and supported the amendment submitted by the United States delegation. He drew the Committee's attention to Article 90 of the Charter, which provided that the Trusteeship Council should adopt its own rules of procedure; the Council should therefore be left completely free to decide on its own procedure.

37. The Trusteeship Council had given its closest attention to the matter of its procedure. It had already established two Committees, one dealing with petitions and the other with administrative unions. Those two Committees could be of the greatest service to the Council, but it was not clear what purpose would be served by submitting their studies to a standing committee of the whole before finally submitting them to the Council

itself. The only probable result would be a duplication of work, not to mention the useless repetition of sometimes very lengthy discussions.

38. Since the Trusteeship Council had already examined its procedure, there was no need for the General Assembly to make a special recommendation to it on the subject. The draft resolution as amended by the United States would, however, be just such a recommendation. In its existing form the draft resolution would not be desirable, for it would place the Trusteeship Council in an embarrassing position. If the Council was to respect scrupulously the authority of the General Assembly, the latter should present to it only useful and constructive recommendations.

39. The draft resolution under examination was unnecessary, even in the form proposed by the Indian delegation. However, if the majority of the members of the Committee considered that it should be adopted, his delegation thought it should be regarded as appropriate merely for a preamble.

40. Mrs. FIGUEROA (Chile) supported the amendment submitted by the United States delegation for the reasons already stated by previous speakers, but particularly because it took into account the provisions of Article 90 of the Charter and because there was, elsewhere, a recommendation that the Council should consider the possibility of constituting the *Ad Hoc* Committee on Petitions as a standing committee.

41. If the *ad hoc* committees of the Trusteeship Council were made standing committees and a standing committee of the whole was also established, the Council would have several standing subsidiary bodies doing the same work. It might be argued that, on the one hand, there would be small committees and, on the other, a committee of the whole; but the fact remained that in practice their work would overlap.

42. She pointed out that by its very nature the standing committee of the whole would meet between the Council's sessions; the Council would thus be permanently in session. That would create a somewhat abnormal situation: after preliminary study of a question the Council would report to itself with a view to the final study of the same question. Moreover, rules 1 and 2 of the rules of procedure of the Trusteeship Council would have to be amended, since they provided that the Council should hold two regular sessions each year and special sessions in certain circumstances.

43. It was obviously desirable that the Trusteeship Council should take account of the suggestions and comments made during the discussion in the Fourth Committee. She therefore thought that the United States amendment might be adopted and paragraph 4, thus amended, might end:

“bearing in mind the observations and suggestions made during the discussion of this matter at the fifth session of the General Assembly”.

44. That wording, which her delegation proposed as an amendment to paragraph 4, was similar to the wording adopted (154th meeting) for the third paragraph of the Canadian draft resolution on the report of the Trusteeship Council (A/C.4/L.69).

45. Mr. RYCKMANS (Belgium) thought that all the members of the Trusteeship Council would agree with the remarks made by four of their number, two representatives of Administering Authorities and two representatives of States not administering Trust Territories.

46. He gave an example of the difficulties which would be caused by the existence of a standing committee of the whole. During examination of the annual reports he himself would like to hear the statements of the special representatives; but the Belgian representative on the standing committee of the whole would also wish to hear them. As all members of the Council would be in the same position, obviously the same discussions would be reproduced, in practically identical terms and within the space of a few weeks, in the committee of the whole and in the Council.

47. He did not think it advisable to propose a specific procedure to the Trusteeship Council, since it might devise other equally effective methods; for instance, it might establish an *ad hoc* committee to study the revision of its rules of procedure.

48. The amendment submitted by the Chilean representative would invite the Trusteeship Council to review its general procedure bearing in mind the observations and suggestions made on the subject in the Fourth Committee. No opinion, however, had so far been expressed except by the Yugoslav representative (146th meeting), the author of the original draft resolution submitted to the Sub-Committee (A/C.4/L.70). Therefore, in order to adopt the Chilean amendment, the Committee would first have to consider other ways of amending the Council's procedure.

49. As amended by the United States, section A of the draft under consideration would, as the representative of the Dominican Republic had correctly pointed out, become a statement that was suitable merely in a preamble; but the decision taken earlier by the Committee prevented section A from being regarded as a preamble to the other sections. As a separate resolution, the existing draft as amended would in substance say that the General Assembly thought the Trusteeship Council's work would be improved if its rules of procedure were revised. He would vote in favour of that text if the Committee thought it really necessary, but he himself considered it superfluous.

50. Mr. PEREZ CISNEROS (Cuba) said the recommendation in paragraph 4 of section A of the Sub-Committee's draft should not be interpreted as a criticism of the Trusteeship Council. On the contrary, many representatives had recognized that the Council had made great efforts to finish the task with which it had been faced that year. The Council's working conditions were now appreciably different from what they had been before; the number of Trust Territories had increased and the reports to be considered, like the visiting missions to various Territories, were therefore more numerous. Furthermore, the Council was receiving and studying a much larger number of petitions. Under its rules of procedure the Council was therefore called upon to do more work in connexion with those various activities. The General Assembly would do no more than take note of that situation, and any recommendations it addressed to the Trusteeship Council would be

intended only to encourage and guide the Trusteeship Council in accomplishing its task.

51. Paragraph 4 of section A, however, caused him a certain amount of apprehension, and in the Sub-Committee he had reserved his delegation's position with regard to it. The Cuban delegation therefore supported the United States amendment, which proposed the deletion in that paragraph of everything following the words "its general procedure". The establishment of a standing committee composed of all the members of the Council would certainly be likely to complicate the Council's work considerably and would raise serious practical difficulties for delegations. Moreover, the procedure hitherto applied for studying the reports of visiting missions seemed satisfactory. For the consideration of petitions, the recommendation in paragraph 14 (a) of section D of the draft contained a suggestion which, in the Cuban delegation's opinion, was preferable to that in paragraph 4 (c) of section A.

52. The third paragraph of the preamble to the draft submitted by Sub-Committee 8 stated the legal bases of collaboration between the Trusteeship Council and the General Assembly. The same principle should be proclaimed in paragraph 3 of section A, by stating in that paragraph that a review by the Council of its methods of work appeared to be required, "on the one hand, for the effective discharge of its duties, and, on the other hand, in order to enable it to render to the General Assembly effective assistance in accomplishing the tasks conferred upon the Assembly by Article 85, paragraph 1 of the Charter".

53. The wording of paragraphs 2 and 3 of section A might well be amended. Those paragraphs were really parts of a preamble and should consequently be drafted as such by using the present participle of the verbs with which they began.

54. The Cuban delegation was therefore submitting an amendment to section A of the draft resolution dealing with those various points.

55. Mr. PRICA (Yugoslavia) remarked that as the Trusteeship System developed from year to year, the problems it raised became increasingly complex. Clearly, the Trusteeship Council no longer had time to study effectively all the questions submitted to it. In those circumstances it was desirable that the Trusteeship Council should review its methods of work and adapt them to the situation. The Trusteeship Council had, indeed, already taken steps in that direction, particularly by establishing the *Ad Hoc* Committee on Petitions and the Committee on Administrative Unions; but that solution was not altogether satisfactory. It was necessary to entrust to a single body the task of studying the annual reports of Administering Authorities and the reports of the visiting missions, and of examining petitions from Trust Territories. That body's conclusions should provide the basis for the Trusteeship Council's recommendations. For those reasons the Yugoslav delegation thought that the establishment of a special committee of the whole would facilitate the Trusteeship Council's task.

56. Some representatives maintained that the establishment of such a committee would result in duplication of the Council's work and that the committee of the whole would in fact be reporting to itself; but if that

view were admitted, all committees of the whole would have to be condemned.

57. The Sub-Committee had made some amendments to the draft resolution submitted by Yugoslavia (A/C.4/L.70), but the wording it proposed retained the essence of the Yugoslav proposal. The Yugoslav delegation was nevertheless prepared to accept any amendment likely to improve the new wording.

58. Mr. KHALIDY (Iraq) said that the Trusteeship Council was already revising its procedure. The reason why it had not made any decision in the matter was that it preferred to wait and learn by experience. The Council was fully aware of its responsibilities in the matter.

59. In the opinion of the Iraqi delegation, a committee of the whole could not give good results in practice. The Trusteeship Council had already tried such a committee for the examination of annual reports, and had had to give it up, because the system meant duplication of work. As the representative of Chile had said, the committee of the whole would be the Council itself, and almost the only difference would be that its discussions would not take place in public.

60. The amendment submitted by the United States to paragraph 4 of section A of the Sub-Committee's draft seemed sensible, for the activities mentioned in subparagraphs (a), (b), (c) and (d) of paragraph 4 constituted the whole of the Trusteeship Council's work. It was therefore sufficient to refer to the Trusteeship Council's procedure as a whole.

61. The Indian amendment said well and concisely everything that needed saying. The third paragraph of that amendment was in accordance with the desire of the representative of the United States, who might perhaps agree with the Indian representative on a single text combining the two amendments.

62. Mrs. FIGUEROA (Chile), speaking on a point of order, remarked that the Spanish wording of paragraph 4 of section A of the draft spoke of a *revisión general de sus procedimientos*, which corresponded exactly with the words used by the Iraqi representative in his speech. The English words in the same paragraph were "review of its general procedure", quite a different thing. The wording of the texts should be concorded.

63. Mr. GARREAU (France) had little to add to the statements made by various representatives who were also members of the Trusteeship Council and had first-hand knowledge of the matter.

64. The French delegation supported the United States amendment.

65. The Indian amendment did not seem indispensable, for the Trusteeship Council must in any case report to the General Assembly and it would certainly do so. The French delegation would not, however, oppose that amendment.

66. The Chilean amendment was suggested by a draft resolution submitted by Canada (A/C.4/L.69) and already approved by the Committee. The Trusteeship Council would certainly not fail to take account of the discussions that had been held in the Fourth Committee. The French delegation would therefore vote for that amendment.

67. The Cuban amendment was in accordance with the provisions of the Charter and the French delegation would support it.

68. With regard to section A as a whole, he thought, like the representatives of China and the Dominican Republic, that if the amendments submitted were adopted, there would not be much left of the substance of the draft resolution, which would consequently add nothing to what already existed. The Trusteeship Council had always been interested in improving its procedure, and it would not fail at its next session to continue to study means to that end; there was no need for the General Assembly to ask it to do so and thus to remind it of its duty. Section A as a whole, therefore, did not seem necessary. Nevertheless, he would not vote against it.

69. Mr. FLETCHER-COOKE (United Kingdom) said he had listened with much interest to the remarks made by the representative of the Dominican Republic, who was President of the Trusteeship Council. Those remarks had been supported by the representative of China, who had raised a particularly important point. If the General Assembly expected the Trusteeship Council to give its recommendations proper attention, it must avoid addressing too many detailed recommendations to the Council; the Committee should not lose sight of that principle. If, however, the Committee desired to adopt yet another resolution, the United Kingdom delegation would not oppose it.

70. The amendments submitted by the United States and India were not appreciably different. The former was an amendment to the Sub-Committee's draft; the latter was really a new draft resolution. If, however, the United States amendment were adopted, the Committee must, in order to be consistent, also delete the last part of the third paragraph of the new draft resolution submitted by India.

71. Under the amendment submitted by Cuba, a reference to paragraph 2 of Article 85 of the Charter would be inserted in paragraph 3 of section A of the draft. That reference would fit better in section B than in section A, which dealt only with general procedure. Moreover, it seemed more appropriate to refer to paragraph 1 of Article 90 of the Charter than to paragraph 2 of Article 85.

72. To the delegation of the United Kingdom the Indian draft resolution seemed generally satisfactory.

73. Mr. J. COOPER (United States of America) said that the Trusteeship Council was continuously revising its methods of work. Nevertheless, since the General Assembly had never made a recommendation to the Trusteeship Council on that subject, the United States delegation thought that section A of the draft was not without value.

74. The delegation of the United States was prepared to accept the Indian draft resolution. It would, however, like to see the word "necessary" in the second paragraph replaced by the word "desirable". It would also like the results of the investigation required of the Trusteeship Council to be given not in a special report but only in a section of the Council's report.

75. The United States delegation willingly accepted the Chilean amendment.

76. It considered, however, that the Cuban amendment was not necessary. The Trusteeship Council might be presumed to appreciate its duties under the Charter, and there seemed to be no need to remind it of them.

77. The CHAIRMAN asked the Indian representative whether he accepted the suggestions made by the United States representative and the verbal amendment to the second and third paragraphs of his draft resolution submitted by the representative of Chile.

78. Mr. S. RAO (India) accepted those amendments. His draft resolution so amended would read as follows:

"The General Assembly,

"Noting the increase in the volume of work and in the length of the sessions of the Trusteeship Council;

"Considering that for the more effective discharge by the Council of its duties a review of its present methods of work appears desirable;

"Recommends accordingly that the Council undertake a review of its general procedure bearing in mind the observations and suggestions made during the discussion of this matter at the fifth session of the General Assembly and include the results of such review in its report to the next session of the General Assembly."

79. In reply to an observation made by Mr. TREBINJAC (Yugoslavia), the CHAIRMAN proposed that the Committee should regard the Indian draft resolution as an amendment to section A of the draft of Sub-Committee 8, so that each paragraph of the Indian text would be put to the vote as an amendment to the corresponding paragraph of the Sub-Committee's text.

80. Mr. PEREZ CISNEROS (Cuba) noted that the Indian draft resolution had implicitly become the text under debate. He saw no objection to that, and felt that his amendment to the Sub-Committee's text could very well apply to the Indian draft resolution.

81. Speaking of the Cuban amendment, the United Kingdom representative had said that he did not understand the Cuban representative's reasoning; he himself could say the same thing to the United Kingdom representative. He felt that his amendment was quite logical. The Trusteeship Council could certainly adopt its own rules of procedure and settle its procedural questions, but it was equally certain that it acted under the authority of the General Assembly; the reference to Article 85 of the Charter therefore seemed in order.

82. In view, however, of the attitude adopted by those members of the Committee who were also members of the Trusteeship Council, he was prepared to withdraw his amendment.

83. Mr. MACAPAGAL (Philippines) felt he should clarify his delegation's position since the withdrawal of the Cuban amendment referring to Article 85 of the Charter. Clearly, in accordance with Article 90 of the Charter, the Trusteeship Council should be free to adopt whatever rules of procedure it considered necessary for the performance of its task; but, as the Chinese representative had pointed out, the Council enjoyed such discretion only with respect to its rules of procedure and to general procedures. No distinction could be made between that class of the Trusteeship Council's functions and the whole of the functions

which, as the agency responsible for applying the Trusteeship System, it was required to exercise under the authority of the General Assembly, as stated in Article 85 of the Charter. The Council was free to adopt whatever decisions it chose with regard to its rules of procedure, but nothing prevented the General Assembly from proposing a special procedure to the Council with a view to improving its methods of work.

84. His delegation felt, however, that the establishment of a standing committee of the whole should not be regarded as a special procedure. It had listened with great interest to the statements made by the representatives of Iraq, the United States and the Dominican Republic opposing the establishment of such a committee. He would therefore vote in favour of the United States amendment.

85. Mr. MANTILLA (Ecuador) thought that the Committee had complicated a matter which was really quite simple. Provisions already existing empowered the Trusteeship Council to alter its methods and procedures, and it could have done so if it had thought fit. A special recommendation by the General Assembly in that regard would do no harm, but it should be remembered that Article 90 of the Charter provided that the Trusteeship Council should adopt its own rules of procedure and should meet as required in accordance with its rules, which were to include provision for convening meetings on the request of a majority of its members. Moreover, rule 107 of the Council's rules of procedure provided that it could amend its rules of procedure; and rule 66 authorized the Council to set up such committees as it deemed necessary, define their composition and refer to them any questions on the agenda for study and report. He therefore felt that a long discussion on a text of doubtful importance could easily have been avoided if the existence of those provisions had been borne in mind. He would abstain from voting on the draft resolution under discussion, as he regarded it as unnecessary.

86. Mr. HIMIOB (Venezuela) thought that the discussion had continued long enough and that the members of the Committee should be in possession of all the information they needed to vote on section A of the draft resolution. He therefore moved the closure of the debate, in accordance with rule 76 of the rules of procedure.

87. Mr. LIU (China) wished to make clear, for the benefit of the Belgian representative, that he had not said that he would support the draft resolution. He had merely stated that he would not vote against it if the United States amendment were adopted. He would accordingly abstain from voting.

88. Mr. QUESADA ZAPIOLA (Argentina) said that his delegation would vote in favour of the Indian proposal as amended.

89. The CHAIRMAN called for a vote on the Indian proposal, as amended during the discussion, replacing section A of the draft submitted by Sub-Committee 8.

The Indian draft resolution was adopted by 43 votes to none, with 4 abstentions.

90. The CHAIRMAN invited the Committee to consider section B of the draft submitted by Sub-Committee 8.

91. Mr. FLETCHER-COOKE (United Kingdom) admitted that the Trusteeship Council's report was a lengthy document and that persons not very familiar with the Council's work would find it especially difficult to use. An attempt to improve the form of that report would be desirable, and he therefore approved the whole of paragraph 5 of section B of the Sub-Committee's draft.

92. With regard to paragraph 6 (a), he had no objection to the inclusion, in the Trusteeship Council's report, of a reference to the statements contained in petitions, but he felt that the Council should make a clear distinction between official information communicated by the Administering Authorities and information taken from petitions, which might not be accurate.

93. Moreover, there was a suggestion in paragraph 6 (a) for the inclusion of observations of individual members of the Trusteeship Council. He did not intend to oppose incorporation, in the Trusteeship Council's report, of those individual observations, but he felt that, as indicated by a number of delegations in the Fourth Committee, to include those observations in great detail would merely lengthen the report unnecessarily, since they already appeared, in condensed form, in the summary records of the Council's meetings.

94. With regard to the Cuban amendment (A/C.4/L.89), he felt that the General Assembly had a greater right to indicate to the Council the form of its annual report, which, after all, was prepared for submission to the General Assembly, than it had to make specific recommendations regarding the Council's rules of procedure and methods of work. The establishment of the Council's procedure and methods of work was a matter of exclusive concern to the Council itself.

95. He felt that the third paragraph of the Cuban amendment was quite superfluous and out of place and he suggested that the Cuban representative might be willing to withdraw it.

96. Mr. PEREZ CISNEROS (Cuba) said that he would not be able to reply to the United Kingdom representative's suggestion properly until he had heard what other delegations had to say about his amendment. The question should first be considered in greater detail. He fully appreciated why the United Kingdom representative had felt, with regard to section A, that it was unnecessary to refer to the powers of the General Assembly; on the other hand, he himself thought it essential to do so in section B. He also thought that the third paragraph of his amendment should be retained, since, if it were deleted, the Committee might later find itself faced with contradictory proposals.

97. There was no doubt that rules 100 and 101 of the Trusteeship Council's rules of procedure contained certain provisions relating directly to the preparation of the Council's report. Nor was there any doubt that Article 90 of the Charter dealt more especially with certain particular functions of the Trusteeship Council; that Article could not however, be altogether dissociated from Article 85 of the Charter, which placed the Council under the authority of the General Assembly.

98. He was glad that the United Kingdom representative had no serious objection to make to his amendment. He could not, however, agree to delete the third paragraph of that amendment.

The meeting rose at 5.50 p.m.