

GENERAL  
ASSEMBLY

## SEVENTH SESSION

## Official Records



## FOURTH COMMITTEE, 294th

## MEETING

Friday, 5 December 1952, at 3 p.m.

Headquarters, New York

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Chairman: Mr. Rodolfo MUNOZ (Argentina).

**Administrative unions affecting Trust Territories:  
special report of the Trusteeship Council and  
report of the Committee on Administrative  
Unions (A/2151, A/2217, A/C.4/L.246, A/C.4/  
L.247, A/C.4/L.248) (*continued*)**

[Item 31]\*

1. Mr. ELIAV (Israel) said that his delegation had studied the two reports on administrative unions (A/2151 and A/2217) with great interest, and wished to congratulate all who had helped to draft them. Useful additional information was also contained in the summary records of the discussions of the Council's Standing Committee on Administrative Unions and of the Assembly's Committee on Administrative Unions, which showed the spirit of conciliation and co-operation in which their members had worked. General Assembly resolution 326 (IV) and Trusteeship Council resolution 293 (VII) laid down a number of principles on the way in which the question should be approached, and thanks to the work of the Secretariat, a great deal of information was now available. It appeared, therefore, that the time was ripe for the General Assembly to reach more final conclusions on the matter.

2. The draft resolution submitted to the Committee on Administrative Unions by the delegations of Brazil and the United States (A/2217, para. 15) enumerated all the important factors in the problem brought to light by the various United Nations organs which had studied the question of administrative unions. That question affected seven out of the eleven Trust Territories and those seven were among the most important from the point of view of area, population and future development. All the African Trust Territories having common frontiers with Non-Self-Governing Territories administered by the same country had been administratively linked with the latter territories or were in some way associated with the metropolitan country. That situation, as the Belgian representative had pointed out, was clearly due to historical reasons; most of the exist-

ing administrative unions had been set up before the inauguration of the Trusteeship System. The delegation of Israel believed that a practical approach should be made to the problem, and that due account should be taken of the circumstances peculiar to each Territory, and not merely of the purely theoretical aspects of the question. Under Article 76 b of the Charter one of the essential objectives of the Trusteeship System was to promote the political, economic, social and educational advancement of the Trust Territories, and their progressive development towards self-government or independence as might be appropriate to the particular circumstances of each Territory and the freely expressed wishes of the peoples concerned.

3. He drew the Committee's attention in that connexion to paragraph 5 of the introduction to the special report of the Trusteeship Council (A/2151), in which the Council said that it could not reach any realistic and satisfactory conclusions without giving in its analysis due regard to the differing ethnic, geographical and historical factors in the Territories concerned, the differing degree of political advancement achieved therein, the practical operation of the administrative arrangements and the individual laws establishing those arrangements. It was unfortunate that sufficient data were not yet available on ethnic, geographical and historical factors. As the Haitian representative had rightly remarked at the 292nd meeting, no study of existing administrative unions should leave out of account the history of the indigenous people of the territories concerned and such affinities as might exist between peoples living on either side of the frontiers resulting from the partition of Africa in the last third of the nineteenth century and the disposal of the German colonies after the First World War.

4. The study of any administrative union should likewise be based on due consideration of demographic, linguistic, cultural and economic factors, and the problem of communications. In addition, an endeavour should be made to ascertain the aspirations of the peoples concerned, and, lastly, to investigate the possibilities of the development of each Territory as a sep-

\* Indicates the item number on the agenda of the General Assembly.

arate political, economic and cultural entity, and any way in which such a development might benefit the interests of the peoples concerned, having due regard to their own sentiments. It might in some cases be in the interests of a Territory to be closely linked with neighbouring territories, subject to the proviso that the association should not impede the Trust Territory's development towards self-government or independence. In that connexion, he did not exclude the possibility of an association between two Trust Territories administered by two different Administering Authorities if all factors ascertained made that desirable. On the other hand, it might be found that certain existing administrative unions could serve only limited purposes and that there was, furthermore, need for some adjustment in their operation, as might be seen from the pertinent conclusions reached in the two reports before the Fourth Committee. Clearly, the same criteria could not be applied in judging administrative unions affecting the Cameroons under British administration and Tanganyika, on the one hand, and the status of the West African Territories under French administration resulting from their membership of the French Union, on the other.

5. That approach was not incompatible with the amendment submitted by Brazil and Iraq (A/C.4/L.246). The Israel delegation was not opposed to that proposal and believed that the possibility of settling the question once and for all by referring it to the supreme international tribunal should be studied. It must not be forgotten, however, that within the legal framework of the Trusteeship System laid down by the Charter and the Trusteeship Agreements, there were human factors which must be dealt with on a practical basis.

6. He suggested that in the draft resolution contained in paragraph 15 of the report of the Committee on Administrative Unions, the last phrase of paragraph 6 of the operative part, "as well as any other matters which the Council may deem appropriate," should be replaced by an enumeration of the specific factors indicated in paragraph 5 of the introduction to the Trusteeship Council's special report (A/2151).

7. Mr. BOZOVIC (Yugoslavia) said that the documents drafted over the last four years by the Trusteeship Council and the Standing Committee on Administrative Unions, with the help of the Secretariat, were an important contribution to the study of the question of administrative unions, and should make it possible to come some decision on the matter and to take practical measures. The Yugoslav delegation thanked the Committee on Administrative Unions and the Trusteeship Council for the work they had done, but regretted that the Council's conclusions were not entirely satisfactory. The Council did not appear to have recommended the guarantees necessary for preserving the separate political status of the Trust Territories and enabling the Council to exercise effectively its functions of supervision over those Territories, in accordance with General Assembly resolution 224 (III). Nevertheless, the Council had stated on a number of occasions that it was not convinced that certain of the constitutional instruments governing the administrative unions, while not legally incompatible with the Charter and the Trusteeship Agreements, were not in practice

likely to harm the future development of the Trust Territories. For example, the Council had noted that certain administrative unions were more and more assuming the character of political unions; that situation might endanger the achievement of the basic objectives of the Trusteeship System. He was therefore unable to give his unqualified support to the special report of the Trusteeship Council and the report of the Committee on Administrative Unions.

8. Even while the Trusteeship Agreements were still under consideration, the Yugoslav delegation had opposed the establishment of administrative unions between the Trust Territories and the Non-Self-Governing Territories, since under the very terms of the Charter those two types of territories had different political and juridical status. The increasingly close political, economic, social and cultural integration which appeared to be a necessary result of such unions was a danger to the future of the Trust Territories, and might well impede the international community in the discharge of the duties it had contracted towards those Territories, not only from the legal but also from the political, moral and humanitarian standpoints.

9. Moreover, the Yugoslav delegation feared that the progressive transformation of an administrative union into a political one might place the Trust Territory concerned beyond the reach of United Nations supervision and protection, particularly as certain of the Administering Authorities denied the United Nations the right of supervision over the functioning of the joint judicial, legislative and executive organs, which in most cases were situated in the Non-Self-Governing Territory forming part of the administrative union. The resultant situation could only favour the aggressive propaganda of certain States, which were exploiting the difficult situation of the peoples of such territories in order to promote their own plans.

10. The Yugoslav delegation was not opposed *a priori* to the establishment of administrative unions, but felt strongly that certain essential conditions should be guaranteed, and particularly that there should be some assurance that the union in question would encourage the development of the territory concerned. Additional factors which should be taken into consideration were religious, linguistic and racial affinities, similarities in historical evolution and geographical situation, the consent of the peoples concerned in accordance with the right of self-determination, and similarities in the legal status and international policies of the territories concerned. The establishment of such unions would even be desirable, provided that the United Nations maintained its supervision throughout the period of trusteeship.

11. On the other hand, the Yugoslav delegation considered that unions between Trust Territories and Non-Self-Governing Territories were not desirable, since experience had shown that they led to unification. If, however, the peoples concerned expressed the desire for such a union and ethnic, historical, geographic and economic conditions were favourable, the proposal might be entertained, but solely with a view to the ultimate transformation of the Non-Self-Governing Territory into a Trust Territory. That possibility was provided for in the Charter itself, and should offer a means for developing the Non-Self-Governing Territories towards independence or self-government. A

union established under those conditions would represent a genuine step forward for the territory concerned, and would cut the ground from under the feet of those who were gambling with the destinies of entire peoples.

12. While it was true that the establishment of administrative, customs and fiscal unions was permitted under the Trusteeship Agreements, it was also true that the conditions under which such unions might be established were limited by those same Agreements, which laid down that the establishment of administrative unions was permissible only to the extent that they were not inconsistent with the basic objectives of the International Trusteeship System and were supported by the inhabitants of the Territories concerned, expressed through the representative organs of their Territory. The responsibility of ascertaining whether those conditions existed rested with the United Nations.

13. During the discussions in the Fourth Committee at the second part of the first session of the General Assembly, many delegations had opposed the provisions of the Trusteeship Agreements which provided for the establishment of administrative unions and the administration of Trust Territories as an integral part of the territory of the Administering Authority. The Committee had decided, in fact, to delete the second of those clauses, but that had been opposed by all the Administering Authorities except New Zealand.<sup>1</sup> The clause on administrative unions had been retained after the Administering Authorities had given an assurance that they did not interpret it as permitting them to establish political unions between Trust Territories and neighbouring Non-Self-Governing Territories under their administration. Under pressure by the delegations of the Administering Authorities, which had expressed the hope that the Member States of the United Nations would prefer to accept the agreements as they stood rather than jeopardize the inauguration of the Trusteeship System,<sup>2</sup> a number of amendments adopted by the Fourth Committee had been rejected by the plenary meeting. At the same meeting, the United Kingdom representative had emphasized that the former mandates system had stressed the rights of the peoples.

14. After six years of the Trusteeship System, was there any reason why the view of the United Kingdom representative should not still hold good? On the contrary, Mr. Bozovic believed that the paramountcy of the rights and interests of the inhabitants of the Trust Territories needed to be still further stressed. The Administering Authorities undoubtedly had the right to establish administrative unions; but whenever the exercise of that right overstepped the bounds set by the Charter and militated against the objectives of the Trusteeship System, the United Nations must be warned at once, since one of its duties was to be vigilant in ensuring respect for the provisions of the Charter. It was for that reason that the General Assembly had asked the Trusteeship Council to keep constantly in touch with the development of administrative unions and to intervene whenever there appeared to be a possibility that such a union would endanger the future of a Trust Territory. That decision by the General Assembly was the logical consequence of the international

community's right to supervise the activities of the Administering Authorities and of its duty to protect the interests of the peoples of the Trust Territories.

15. In connexion with the amendment submitted by Brazil and Iraq (A/C.4/L.246) he considered that, having regard to the documents available to the Fourth Committee and the Trusteeship Council's many decisions on the subject, the General Assembly would be fully justified in requesting the abolition of certain existing unions or inviting the Administering Authorities to bring those unions into line with the terms of the International Trusteeship System. However, he saw no objection to asking the International Court of Justice for an advisory opinion, provided that the Court was at the same time asked whether administrative unions were consistent with the basic objectives of the Trusteeship System; whether the existing unions, account being taken of their practical consequences and the direction in which they were developing, were in fact administrative unions; and whether the creation of joint legislative, executive and judicial organs, the establishment of the headquarters of such organs in the Non-Self-Governing Territories and the centralization of all public, economic and other institutions in those territories where likely to promote the achievement of the objectives of the Trusteeship System.

16. Mr. Bozovic pointed out, in connexion with the Ewe unification problem, that the Administering Authorities used different methods for dealing with the same question. On the one hand, they were trying to set up an artificial union between territories having different juridical and political international status, and on the other hand they were preventing the unification of two Territories having identical status, whose peoples were of the same ethnic composition and had been struggling for many years to achieve their national aspirations. In both cases, neither the right of self-determination nor the obligations assumed under the Charter were being respected. The Yugoslav delegation would therefore be unable to consider the existing administrative unions as consistent with the Charter until the United Nations had decided once and for all that those unions would promote the interests of the indigenous inhabitants and were in accordance with their freely expressed aspirations.

17. He had no intention of dwelling on the draft resolution submitted by the USSR (A/C.4/L.247), in which he could obviously not place the necessary confidence, particularly as its alleged objective was to guarantee the right of each people to develop towards independence without outside interference.

18. Mr. TAJIBNAPIS (Indonesia) joined other representatives in commending the Trusteeship Council and the Committee on Administrative Unions on their work.

19. He supported the amendment of Brazil and Iraq (A/C.4/L.246), to which he would propose two amendments in the interests of clarity, the first being the substitution of the words "existing unions" for the words "administrative unions" in order to avoid prejudging the question on which an advisory opinion was to be requested from the International Court of Justice. It should be specified that the Court's opinion was being requested in regard to existing unions. It would also be useful for the Fourth Committee to know the extent

<sup>1</sup> See *Official Records of the General Assembly, Second part of the first session, Fourth Committee, Part I*, 23rd meeting.

<sup>2</sup> *Ibid.*, *Plenary Meetings*, 61st meeting.

to which existing unions were compatible with the United Nations Charter and the Trusteeship Agreements, not only in law but also in fact, i.e., in the way they operated. He therefore proposed that the last phrase should be amended to read "advisory opinion on the question of the compatibility of the conditions and operation of such unions with the Charter of the United Nations and the Trusteeship Agreements concerned".

20. Mr. CAFIERO (Argentina) pointed out that paragraph 3 of the operative part of the draft resolution contained in the report of the Committee on Administrative Unions (A/2217) merely requested the Administering Authorities to transmit information concerning the operation of administrative unions. The purpose of the amendment which his delegation had submitted jointly with the delegations of Bolivia, El Salvador and Guatemala (A/C.4/L.248) was to request the Administering Authorities also to transmit information concerning the benefits and advantages which the inhabitants of Trust Territories might derive from administrative unions. That was an important aspect of the question and he was convinced that the Administering Authorities would have no difficulty in providing the information requested. The proposed new paragraph should be inserted between paragraphs 3 and 4 of the operative part of the original draft resolution.

21. As regards the joint amendment of Brazil and Iraq, the proposal to refer the question whether existing administrative unions were compatible with the Charter and with Trusteeship Agreements to the International Court of Justice raised an extremely delicate problem, having regard to the nature of the concept of compatibility. While the suggestion was sound in itself, it required a careful and thorough examination, for which the Committee did not have the necessary time. He would therefore suggest that the sponsors of the amendment should amend it so as to request the Trusteeship Council or the Committee on Administrative Unions to study whether it would be advisable to request an advisory opinion of the International Court of Justice, and if so, in what form the request should be worded.

22. Mr. MANI (India) first wished, on behalf of the Committee on the Administrative Unions, to thank delegations which had complimented the Committee on its work. He would repeat that, if the members of that Committee had succeeded in reaching agreement, it was because of their unfailing spirit of conciliation and goodwill.

23. Before dealing with the substance of the question under discussion, he wished to draw the Committee's attention to a recommendation contained in paragraph 10 (c) of the report of the Committee on Administrative Unions. With regard to the administrative union affecting Tanganyika, the Committee had expressed the view that the Trusteeship Council should be requested to continue its study of the question and that the Administering Authority should be requested to consider the possibility of devising procedures to enable the inhabitants to express, in as democratic a manner as possible, their opinion concerning the East Africa Inter-Territorial Organization. That recommendation was highly pertinent to the question under consideration.

24. His delegation had always maintained, particularly in the case of Tanganyika, that it would be in the interest both of the Administering Authorities and of the populations concerned to determine the advantages which those populations might derive from administrative unions, wherever it was possible to do so.

25. He also wished to draw attention to a number of points which had not hitherto been brought out. The members of the Committee on Administrative Unions had, for example, recognized that there were certain advantages to such unions, the credit for which should be given to the Administering Authorities, and they had paid a tribute to the efforts of those Powers. He emphasized the point so that the Administering Authorities would not have the impression that the attitude of some delegations to the administrative unions was invariably critical.

26. As regards the amendment of Brazil and Iraq, he thought that the question of administrative unions had reached a stage at which the Assembly should be given an opportunity of appraising the value of such unions in the light of the obligations imposed by the Charter and the Trusteeship Agreements.

27. General Assembly resolution 224 (III) was relevant in that connexion. A close study of that resolution made it clear that at the time of its adoption the General Assembly had not wished to express an opinion on the question of the compatibility of administrative unions with the requirements of the Charter and the provisions of the Trusteeship Agreements and had reserved a decision on that point to the International Court of Justice, should the Trusteeship Council think it necessary to request the Court for an advisory opinion.

28. The Committee which the Assembly had established to make a preliminary examination of the special report of the Trusteeship Council had had to take into account not only the observations of the Council but also the attitude of the General Assembly on the question of the compatibility of administrative unions with the Charter and the Trusteeship Agreements. His delegation's study of the Council's observations had been undertaken on that basis. It was clear from the special report of the Trusteeship Council (A/2151) that experiments in progress in a number of Trust Territories were resulting in what amounted to the political amalgamation of those Territories with other territories of different status. While such an amalgamation, if kept within bounds, might have advantages for the populations of the Trust Territories, its economic or political usefulness could be assessed only in the light of the General Assembly's desire to preserve the separate political status of the Trust Territories. In its observations, the Trusteeship Council had sought to provide for certain safeguards to that end. But in the case of a number of unions, the process of amalgamation appeared to have gone far beyond the administrative stage and if existing policy was continued, some unions might well develop into fully-fledged political unions.

29. It should also be borne in mind that there was no means of ascertaining the views of the populations concerned in regard to the desirability or otherwise of maintaining administrative unions. That fact greatly increased the responsibility of the Council and of the

General Assembly towards those populations and it was therefore essential to ascertain whether administrative unions were in conformity with the requirements of the Charter and the Trusteeship Agreements. Such a study would be useful both to the Trusteeship Council and to the Administering Authorities. If administrative unions were found to be incompatible with the Charter and the Trusteeship Agreements, the Council's periodic observations might include suggestions for improving their operation. If, on the other hand, some unions were found to be incompatible with the Charter and the Trusteeship Agreements, the Council would be in a position to recommend the safeguards provided in resolution 224 (III) so as to take account of the interests both of the inhabitants and of the Administering Authorities.

30. Such a study would enable the Administering Authorities to act with greater confidence, since they would know whether administrative unions should be developed and strengthened in the interest of the inhabitants or whether, on the other hand, their application should be restricted and the necessary changes introduced.

31. The United Kingdom representative apparently contended that administrative unions were compatible with the Charter and the Trusteeship Agreements. That was, however, a purely legal issue, on which neither the Fourth Committee, the Administering Authorities nor the Trusteeship Council was competent to give a final opinion; only the International Court of Justice was competent to do so.

32. It might be argued that the General Assembly was aware both of the existence of administrative unions and of the provisions of the Trusteeship Agreements; if it had ever found any incompatibility between the two, that fact would have been pointed out. But the Assembly itself had never had occasion to make a detailed study of the question. It had delegated that task to the Trusteeship Council and to its Standing Committee on Administrative Unions. Some administrative unions had already been in existence before the Charter was drafted or the Trusteeship Agreements concluded. It would therefore be difficult to say whether such unions were compatible with the Charter or the Trusteeship Agreements. Point 3, sub-paragraph (e), paragraph 312 of the special report, which dealt with the Cameroons and Togoland under French administration, indicated that the Council, which was fully aware of the facts concerning existing administrative unions and kept itself informed on all aspects of the question, had been unable to express an opinion on the theories of constitutional law supporting the integration of the two Trust Territories with the French Union. The question was extremely complex and it should now be elucidated. The General Assembly should make use of the means at its disposal and should seek an advisory opinion from the International Court of Justice.

33. His delegation therefore welcomed the amendment of Brazil and Iraq, and was not in favour of amending it on the lines proposed by the representative of Indonesia, since it involved a purely legal issue to which precision was essential.

34. As regards the amendment submitted by Argentina, Bolivia, El Salvador and Guatemala (A/C.4/

L.248), he thought no useful purpose would be served by asking the Administering Authorities for the opinion on the advantages and benefits the inhabitants of Trust Territories derived from administrative unions. He therefore proposed that the words "in their opinion" should be deleted.

35. Mr. MUCCIO (United States of America) said that the question of administrative unions was one of the most important questions arising out of the Trusteeship System and had been the subject of numerous analyses and other documents. He was glad that the Fourth Committee had paid a well-deserved tribute to the special report of the Trusteeship Council (A/2151).

36. In its study of questions affecting administrative unions, his delegation had always been guided by certain principles: administrative unions must always respect the status of the Trust Territories until the objectives laid down in Article 76 of the Charter had been attained, and must guarantee the preservation of the original frontiers of those Territories; the powers and functions of joint executive, legislative or administrative bodies established under such unions must be so defined as to preserve the rights and interests of the Trust Territories; the Trusteeship Council must also fulfil its responsibilities under the Charter and must therefore regularly receive statistical and other information concerning Trust Territories participating in administrative unions with other territories.

37. The difficulty did not lie in the existence of administrative unions but in their operation. The Council must exercise continuous supervision to ensure that their operation did not hinder the attainment of the purposes of the Trusteeship System and did not violate the Trusteeship Agreements.

38. The Trusteeship Council had hitherto always been able to secure the information necessary to form an opinion on the operation of administrative unions. Its Standing Committee and Administrative Unions had made an excellent analysis of that information, as the special report before the Committee indicated. That report was a well-balanced document, presenting reasonable and practical conclusions. His delegation supported those conclusions. It also supported the draft resolution contained in the report of the General Assembly's Committee on Administrative Unions.

39. The draft resolution should be sufficient. If, however, the Committee thought it necessary to ask the International Court of Justice for an advisory opinion, his delegation would have no objection. The amendment of Brazil and Iraq seemed to him to be satisfactory in that respect.

40. Mr. MENDOZA (Guatemala) thought that the draft resolution submitted by the Committee on Administrative Unions was acceptable, but was unable to accept the Brazilian-Iraqi amendment. At the present stage the legal aspect of the question of administrative unions was not the most important. Certain established principles, of course, had to be safeguarded: an administrative union should not extend to either legislative or political matters and should not impede the progress of the populations concerned towards independence. There was, however, yet another question, which was not legal, but which was of primary importance

where administrative unions were concerned: whether they served the economic, social, political and educational interests of the population. The Guatemalan delegation felt that that consideration had not been taken adequately into account with regard to administrative unions, and had therefore associated itself with the delegations of Argentina, Bolivia and El Salvador in submitting an amendment to that end (A/C.4/L.248).

41. What was necessary at the present stage was not to ask for a legal opinion, which would only complicate matters since the Committee was not even sure how to phrase the question, but to seek to ascertain what benefits and advantages would be derived by the inhabitants of the Trust Territories from administrative unions in the fields he had enumerated. If an advisory opinion should later become necessary, the General Assembly could ask for it after the wording of the question had been considered by the Sixth Committee.

42. For those reasons, he requested the Brazilian and Iraqi delegations to withdraw their amendment in order not to compel the Guatemalan delegation to vote against asking the International Court of Justice for an advisory opinion.

43. The text of the USSR draft resolution (A/C.4/L.247) was not clear and his delegation was therefore unable to take a stand on it.

44. Mr. RYCKMANS (Belgium) wondered whether the authors of the amendment in document A/C.4/L.246 would not have done better to replace the word "Directs", in their amendment, by the word "Authorizes", which was used in the Charter. Under Article 96 of the Charter, the General Assembly could simply "authorize" the Council to request the Court for an advisory opinion.

45. Moreover, it would be unwise to ask the Court whether the administrative unions were compatible both with the Trusteeship Agreements and with the Charter. If the Court should reply that an administrative union was compatible with the corresponding Trusteeship Agreement but not with the Charter, it would follow that the Agreement was not compatible with the Charter, and grave difficulties would result.

46. With regard to the four-Power amendment (A/C.4/L.248), he remarked that the Administering Authorities, by replying to question 11 of the revised questionnaire, regularly supplied the information the amendment called for.

47. Mr. CALERO RODRIGUES (Brazil) pointed out that at least some of the problems connected with the administrative unions were legal, and that the International Court of Justice was the only organ competent to solve them. The Administering Authorities, which had always maintained that the unions rested on a solid legal foundation, should be the last to oppose a request for an advisory opinion.

48. On behalf of his delegation and that of Iraq, he accepted the Belgian representative's suggestion that the word "Directs" in their amendment should be replaced by "Authorizes".

49. On the other hand, Brazil was unable to accept the Indonesian suggestion that the word "administrative" should be replaced by "existing", that adjective being far too wide. The term "administrative union"

was generally used, without prejudging the real scope of the arrangements in question. Brazil would be ready, however, to insert the word "existing" before the words "administrative unions".

50. Brazil was also unable to accept the second Indonesian amendment, to the effect that the words "the conditions and operation of such unions" should be inserted before the words "with the Charter". The question of the operation of administrative unions was not in the Court's province.

51. With regard to the Argentine representative's suggestions, it was for the General Assembly and not for the Trusteeship Council to decide whether the Court's advisory opinion should be requested. Moreover, he deemed it preferable to allow the Council to word the questions and to send them directly to the Court, without submitting the text to the General Assembly.

52. In reply to the Belgian representative, he remarked that in the highly improbable event that the Court declared a Trusteeship Agreement incompatible with the Charter, the General Assembly would be compelled to revise the text of the Agreement.

53. Brazil would vote for the four-Power amendment, and against the USSR draft resolution because it was ambiguous and appeared to condemn the very principle of administrative unions, which would be contrary to the Trusteeship Agreements.

54. Mr. FORSYTH (Australia) would vote against the USSR draft resolution, which prejudged the entire question. He would be unable to vote for the amendment of Brazil and Iraq because the legal aspect of the problem was in his opinion of secondary importance.

55. He proposed that the main provisions of the four-Power amendment should be embodied in paragraph 3 of the operative part of the draft resolution contained in the report of the Committee on Administrative Unions, in the following manner:

"3. Requests the Administering Authorities to continue to transmit promptly to the Trusteeship Council information as complete as possible concerning the operation of the administrative unions affecting Trust Territories under their administration, indicating what benefits and advantages will, in their opinion, be derived by the inhabitants of the Trust Territories from administrative unions."

56. That text would be more readily acceptable to Australia and the other Administering Authorities because, instead of obliging them to submit a special report on administrative unions, it would simply invite them to reply in greater detail to question 11 of the Questionnaire.

57. Australia would vote for the draft resolution submitted by the Committee on Administrative Unions, thus amended, provided that the Committee rejected the Brazilian-Iraqi amendment.

58. Mr. DE MARCHENA (Dominican Republic) did not think it advisable to give the Trusteeship Council such vague instructions as those in the Brazilian-Iraqi amendment. It would be better to draw up a series of precise and concrete questions to be put to the International Court of Justice. It was customary to ask the Court to give an opinion not only on the main aspect of a problem but also on related subsidiary questions.

Moreover, the Trusteeship Council should first be asked whether the question should be submitted to the Court. If that unofficial suggestion was not accepted, his delegation would abstain in the vote on the Brazilian-Iraqi amendment; it would vote for the four-Power amendment in the form proposed by the Australian representative, and against the USSR draft resolution.

59. Mr. S. S. LIU (China) proposed that the text of the four-Power amendment, as amended orally by the Indian representative, should be included in paragraph 3 of the draft resolution submitted by the Committee on Administrative Unions.

60. Mr. McINNIS (Canada) recalled that Canada had always been in favour of submitting to the International Court of Justice the concrete legal questions which arose in the work of the General Assembly. He doubted, however, that the question of administrative unions fell into that category, and would abstain in the vote on the Brazilian-Iraqi amendment.

61. Mr. MANI (India) was prepared to accept the Australian suggestion.

62. Mr. TAJIBNAPIS (Indonesia) reserved the right of his delegation to reintroduce the Brazilian-Iraqi amendment if it were withdrawn by its sponsors.

63. Mr. CAFIERO (Argentina) accepted the Australian proposal on behalf of his delegation and of the other sponsors of the four-Power amendment.

64. Mr. MENDOZA (Guatemala) supported the wording proposed by India.

#### **Records of the Fourth Committee**

65. Mr. PEON DEL VALLE (Mexico) recalled that under rules 55 and 60 of the rules of procedure the Fourth Committee was entitled to have verbatim records of its debates. He realized that at the present stage of the Committee's work the Secretariat could not be asked to replace summary records by verbatim records. Nevertheless, the translation of summary records into three working languages should be speeded up and delegations should be able to listen to sound recordings of the meetings outside the Committee's working hours.

66. The CHAIRMAN said that the Secretariat would endeavour to satisfy the Mexican representative.

The meeting rose at 6.25 p.m.