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Chairman: Mr. Rodolfo MUNOZ (Argentina).

Draft report of the Fourth Committee on agenda items 33, 34, 35 and 36* (A/C.4/L.232 and Add.1, A/C.4/L.241)

1. Mr. SCOTT (New Zealand), Rapporteur, said that the draft report (A/C.4/L.232 and Add.1, A/C.4/L.241) called for no detailed comment; it followed the same lines as previous reports.
2. The French representative had requested that the final sentence of paragraph 4 should read: "A statement reserving the position of his Government in regard to the consideration of the question of Morocco and Tunisia was made by the representative of France".
3. Furthermore, the Mexican representative wished the following sentence to be added at the end of paragraph 3: "The representative of Mexico stated that in the view of his Government the transmission of information on a Non-Self-Governing Territory by the responsible State did not affect the rights of sovereignty over that Territory which might be claimed by any other State which regarded itself as in a position to do so."
4. At the request of Mr. CAFIERO (Argentina) and Mr. MENDOZA (Guatemala), Mr. SCOTT (New Zealand), Rapporteur, agreed that instead of saying "Falkland Islands (Islas Malvinas)" and "British Honduras (Belize Territory)" in paragraph 3, the order of the names should be reversed in the Spanish text only.
5. The CHAIRMAN pointed out that the names of the members of the *Ad Hoc* Committee remained to be inserted in paragraph 49. He would submit a proposed list to the Committee in the course of the next few days.
6. Mr. MENDOZA (Guatemala), speaking of the draft resolution concerning the factors to be taken into account in deciding whether a territory was or was

not a territory whose people had not yet attained the full measure of self-government (A/C.4/L.232/Add.1), drew attention to paragraph 7 (a) and observed that the Cuban representative had suggested adding, after the words "self-government", the words "(full measure of self-government)".

7. Mr. DE MARCHENA (Dominican Republic) said that originally the proposal had been to insert in parentheses the phrase used in Article 73 of the Charter, "a full measure of self-government".

8. Mr. MENDOZA (Guatemala) said that he would raise the matter in the plenary session of the General Assembly.

The draft report (A/C.4/L.232 and Add.1, A/C.4/L.241), as amended, was adopted.

Administrative unions affecting Trust Territories: special report of the Trusteeship Council and report of the Committee on Administrative Unions (A/2151, A/2217)

[Item 31]

9. Mr. MANI (India), Chairman of the Committee on Administrative Unions, presented that Committee's report (A/2217).

10. In order to keep its report brief, the Committee had decided that it should contain only the recommendations adopted by the Committee, without going into details of the manner in which the draft resolutions and amendments had been presented.

11. The Committee had been greatly impressed by the work done by the Trusteeship Council's Standing Committee on Administrative Unions; its views regarding the work done by the Council in relation to the question were embodied in paragraph 7 of its report. The Committee had decided to examine the special report of the Trusteeship Council (A/2151) chapter by chapter, analysing each chapter and making observations thereon.

* Indicate the item numbers on the agenda of the General Assembly.

12. He drew particular attention to paragraph 15 of document A/2217, which contained a draft resolution, introduced in the Committee by the representatives of Brazil and the United States, for the consideration of the Fourth Committee.

13. He reserved his position as representative of India, which if necessary he would state at a later stage of the debate.

14. Mr. CAFIERO (Argentina) said that if the Committee wished to determine which administrative unions were truly administrative and which merely served as a disguise for political union, it would have to consider a number of factors such as the intentions of the Administering Authority in adopting certain administrative, economic and other measures which might develop into acts of political absorption or annexation. Any attempt at political annexation in the guise of an administrative union must be rejected as incompatible with the Trusteeship System.

15. The Administering Authorities had contended that administrative unions were essential if the economic and social standards of the Trust Territories were to be raised. Nevertheless, they retained the obligations they had assumed under the Charter to administer the Trust Territories in such a way as to achieve the basic objectives of the Trusteeship System. The Trusteeship Council had emphasized that an administrative union "must remain strictly administrative in its nature and its scope" and must not create any conditions which would "obstruct the separate development of the Trust Territory, in the fields of political, economic, social and educational advancement, as a distinct entity" (A/603, p. 17). More statistical and other information was needed if the Trusteeship Council was to be able to examine the practical consequences of the administrative unions and determine whether they tended towards the establishment of a political union. In addition, it would be helpful to have a more precise definition of the term "administrative union"

16. The special report of the Trusteeship Council was a very useful document. His only regret was that it had not been prepared much sooner, since the need for it had been recognized as early as the third session of the General Assembly.¹ It was clear from the special report and the discussion in the Trusteeship Council that the problem required further study.

17. The various Territories involved had differing ethnic, geographical and historical characteristics and the administrative procedures followed varied as a result of varying legislation adopted in the past. Consequently, the administrative unions themselves differed in nature and the same recommendations could not apply to all the Territories concerned. The Trusteeship Council must therefore study the problem carefully and not be content with formal resolutions and requests for reports.

18. In conclusion, he reserved his right to speak on the draft resolution in paragraph 15 of the report of the Committee on Administrative Unions (A/2217) at a later stage.

19. Mr. DORSINVILLE (Haiti) said that it was clear from a study of the special report that while

administrative unions presented certain advantages, they also raised great problems, since in certain cases they might make it very difficult, if not impossible, for a Territory to become an independent State even if, by its size, population, and natural resources, it warranted that status. In other cases, if certain necessary corrections were not made, the administrative union might delay the progressive development of the peoples concerned towards self-government or independence.

20. When, for example, a Trust Territory was subject to the same laws and ordinances as the neighbouring Non-Self-Governing Territory where those laws or ordinances were drafted, the question arose how far the governor of the Non-Self-Governing Territory who was also the head of the administrative union could enact more liberal and progressive measures in the Trust Territory than were possible, at that stage, in the Non-Self-Governing Territory. It was to be feared, therefore, that the political development of a Trust Territory in an administrative union would to some extent be tied to the political development of the adjacent colony and affected by the political and social concepts and political necessities prevailing in that colony.

21. Even with regard to Ruanda-Urundi, where the visiting missions had felt that the distinct personality of the Territory was least threatened by the administrative union, the 1948 United Nations Visiting Mission to East Africa had found it necessary to recommend that the Belgian Government should render the administrative union with the Belgian Congo more flexible, and the United Nations Visiting Mission to Trust Territories in East Africa, 1951, had believed that a higher degree of formal independence was warranted (A/2151, paras. 83, 84 and 97). Those recommendations were clearly justified by the way in which the administrative union affected such issues as the possibility of indigenous inhabitants in Ruanda-Urundi obtaining senior posts in the administration. In the Belgian Congo the administration was divided into two services, European and indigenous. No one could be appointed to a post in the European service unless, *inter alia*, he was of Belgian or Luxembourg nationality. The highest post in the indigenous service was lower than the lowest post in the European service. The administrative services in Ruanda-Urundi were directly under the Governor of that Territory, but they were identical in structure with those of the Belgian Congo, and administrative officials in Ruanda-Urundi were governed by the same regulations as officials in the Belgian Congo. Consequently, if indigenous inhabitants were to be admitted to intermediate and higher posts in the administration in Ruanda-Urundi, an amendment to a Belgian Congo law or regulation would be required. The difficulty was not insuperable; but that example, only one of many, showed the necessity of giving greater freedom of action to the administration of the Trust Territory.

22. More complicated and serious problems were raised by the administrative union affecting Tanganyika. In that Territory the administrative union took the form of an inter-territorial organization under which certain services in Tanganyika and the neighbouring territories of Kenya and Uganda were administered jointly under the East Africa High Commission and

¹ See General Assembly resolution 224 (III).

the East Africa Central Legislative Assembly. The amalgamation of certain services such as customs and railways undoubtedly presented financial and economic advantages from the point of view of Tanganyika, but the fact that the High Commission was responsible for so many services tended to promote the economic unification of Tanganyika and Kenya, which would inevitably lead to the political absorption of the Trust Territory. Measures enacted by the High Commission in certain economic and administrative fields, and with regard to higher education and national defence, had the force of law in the Trust Territory. The 1951 Visiting Mission had noted in its report on Tanganyika (T/946 and Corr.1, para. 127) that the Government of Tanganyika had to some extent abdicated its authority in economic matters in favour of the East African Industrial Council. It was to be feared, therefore, that the Tanganyika Government would eventually be reduced to a sort of provincial government. The situation was still more serious in view of the fact that the common services for the three territories were centred in Kenya, where there was a large and active European community which practised a policy of racial discrimination in all fields. The Trusteeship Council and the General Assembly must therefore be particularly vigilant where the inter-territorial organization was concerned and insist on the increasing participation of Africans in the economic life and government of Tanganyika.

23. In the case of Togoland and the Cameroons under British administration, the respective administrative unions with the Gold Coast and Nigeria took a different form. Instead of being administered as separate entities or administrative sub-divisions retaining their territorial integrity and separate identity, those Territories were divided into regions each of which was attached to a region or province in the Non-Self-Governing Territory in which they were united. In the case of the Cameroons, it had been noted, according to paragraph 206 of the special report (A/2151) that "the administrative integration... deriving from the Nigeria (Protectorate and Cameroons) Order-in-Council, 1946," represented "a complete amalgamation with a common administrative, legislative and judicial system and services". The administrative unions affecting those two Territories rendered impossible their progressive development towards the independence to which they were entitled.

24. Mr. Dorsinville admitted that independence was not the only objective specified in the Charter, Article 76 b of which also referred to self-government. His delegation did not object in principle to the Cameroons and Togoland under British administration entering freely into an association with neighbouring territories which had attained complete self-government. It was regrettable, however, that the administrative unions had been established and were operating in such a way that the populations of the Trust Territories would have no other alternative in the future than political union with Nigeria and the Gold Coast. Had serious study ever been given to the question whether the Cameroons under British administration and the Cameroons under French administration could form a viable independent political entity if they were united? If they could not form such an entity, it might be wise to consider to what extent they formed part

of a natural geographic, ethnic and economic area which should be united to form part of a larger federation with an adjacent territory. In the case of Togoland, it was only the persistent petitions of the Ewe people that had drawn the attention of the United Nations to the questions of the unification of the two Togolands.

25. Apparently the peoples of Togoland and the Cameroons under British administration had never been formally consulted on the existing administrative unions and their logical outcome in the future. Given the progress toward self-government in Nigeria and the Gold Coast during the last two years, he wondered whether the moment had not come for such a formal consultation. Naturally, however, it could not be carried out immediately in the case of Togoland, since the question would be affected by the way in which the Ewe unification problem was settled.

26. In conclusion, he expressed his appreciation of the special report and hoped that the Council would continue to keep the actual operation of the administrative unions under constant review. The Council might publish a separate and more detailed report on each administrative union and its existing and future implications. Such a report might also contain a historical section dealing with the period before the European occupation, and showing the traditional, geographical, ethnic, economic and cultural affinities of the Trust Territories, not only to the neighbouring territories with which they were in administrative union, but to other neighbouring territories too.

27. Mr. CALERO RODRIGUES (Brazil) said that paragraph 9 of the report of the Committee on Administrative Unions (A/2217), which referred to the suggestion made by the representatives of Brazil and India that the matter of all the administrative unions should be referred to the International Court of Justice for an advisory opinion on the question of their compatibility with the Charter and Trusteeship Agreements concerned, raised a very important point. The Trusteeship Council had made a conscientious and careful study of the facts of the situation but had felt that there were certain legal issues with which it was not competent to deal. He quoted from the statement to that effect made by the Brazilian representative in the Committee on Administrative Unions (A/AC.57/SR.9). The Fourth Committee was not equipped to deal with those issues either, and an advisory opinion from the International Court would be very useful to all parties, including the Administering Authorities. It was recognized that there were many practical considerations in favour of the close association of certain Trust Territories with adjacent territories, but the legal aspect of administrative union needed further study. The Brazilian delegation was therefore considering proposing formally that the idea contained in paragraph 9 should go to the General Assembly, possibly as an amendment to the draft resolution proposed in paragraph 15 of the report. Before making such a proposal, however, it would like to hear the views of other delegations.

28. Mr. MANI (India) said that his delegation's views on the matter had been stated in the Committee on Administrative Unions, and could be found in the

record of the Committee's eighth meeting (A/AC.57/SR.8).

29. Mr. KHALIDY (Iraq) said that his delegation would support a request for an advisory opinion from the International Court and hoped that a formal proposal would be submitted as soon as possible. Such a proposal would form a rallying point for the discussion on the question of administrative unions and might even save time, for if an opinion was to be requested, it would be well not to prejudge the issue by prolonged individual statements by delegations.

30. Mr. RYCKMANS (Belgium) said that the Belgian delegation considered that the legal question was already settled. Administrative unions with adjacent territories or with the metropolitan countries were contemplated in the various Trusteeship Agreements, which had been specially drafted to authorize those which already existed or which were envisaged. The real question was one of fact only. He agreed with

the Haitian representative that a constant watch must be kept over the actual operation of the administrative unions, to see that the interests of the peoples of the Trust Territories were not harmed in any way. If a majority of the General Assembly wished to ask the International Court for an advisory opinion on the legal aspect, the Belgian delegation would not oppose it, although it felt that the result was a foregone conclusion.

31. Mr. DE MARCHENA (Dominican Republic) said that his delegation was in favour of the principle of approaching the International Court for an advisory opinion, provided that it was made clear that the chief issue was the compatibility of existing administrative unions with the Charter, for as the first paragraph of the draft resolution proposed in the Committee's report (A/2217) recalled, they were authorized by the Trusteeship Agreements.

The meeting rose at 12.45 p.m.