

ARTICLE 84

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TEXT OF ARTICLE 84

It shall be the duty of the administering authority to ensure that the trust territory shall play its part in the maintenance of international peace and security. To this end the administering authority may make use of volunteer forces, facilities, and assistance from the trust territory in carrying out the obligations towards the Security Council undertaken in this regard by the administering authority, as well as for local defence and the maintenance of law and order within the trust territory.

INTRODUCTORY NOTE

1. Article 84 provides that the Administering Authority may make use of volunteer forces, facilities and assistance from the Trust Territory in carrying out the obligations undertaken by it in this regard towards the Security Council, as well as for local defence and the maintenance of law and order within the Trust Territory.
2. During the consideration of the draft Trusteeship Agreements submitted for the approval of the General Assembly under Article 85, the question arose whether the Agreements should permit the establishment in Trust Territories of naval, military and air bases, the erection of fortifications and the stationing and employment of armed forces, without concomitant provision being made for the supervision of such measures by the Security Council.
3. The Analytical Summary of Practice describes the debates on the subject which took place during the consideration of the first eight draft Trusteeship Agreements, the draft Trusteeship Agreement for Nauru, and the draft Trusteeship Agreement for Somaliland. ^{1/}
4. The Analytical Summary of Practice also deals with the discussion in the Trusteeship Council regarding the advisability of including in the Questionnaire of the Council, provided for under Article 88, a question on the armed forces and other defence facilities maintained in the Trust Territory for security purposes.
5. The annex to this study shows the formulations of that question in the various questionnaires of the Trusteeship Council.

I. GENERAL SURVEY

6. Article 84 is closely related to the first basic objective of the Trusteeship System as stated in Article 76 a: "to further international peace and security;" inasmuch as the Administering Authorities are under the obligation to ensure that the Trust Territories shall play their part in maintaining international peace and

^{1/} The question did not arise in connexion with the adoption of the Agreement for the Trust Territory of the Pacific Islands since that Territory was declared to be a strategic area under Article 83 of the Charter.

security. Article 84 also contains a specific reference to the obligations of the Administering Authority towards the Security Council. In this connexion it may be noted that the first paragraph of Article 43 of the Charter reads:

"All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security."

Under Article 84, however, any forces from the Trust Territories which the Administering Authorities may make use of in this connexion must be volunteer forces. The Administering Authorities may also use such volunteer forces, facilities and assistance for the purpose of local defence and for the maintenance of law and order within the Trust Territory itself.

7. The Trusteeship Agreements specifically state the obligations assumed by the Administering Authorities under Article 84, and indicate, in most instances, the means which the Administering Authorities are entitled to employ in order to discharge these obligations.

8. In application of the provisions of Article 84, the Administering Authorities have included in their annual reports on the administration of Trust Territories the information on military and police matters requested in the Questionnaire of the Trusteeship Council formulated in accordance with the provisions of Article 88. 2/

9. Article 84 does not differentiate between strategic and other Trust Territories. Its provisions apply to all Trust Territories and are reproduced in varying forms in all Trusteeship Agreements. 3/ However, there has been no debate concerning the right of an Administering Authority to establish naval, military and air bases, to erect fortifications and to station and employ armed forces in the Trust Territory of the Pacific Islands, which is a strategic area governed by the provisions of Articles 82 and 83.

10. On the other hand, discussion has arisen regarding the right of an Administering Authority to take these measures for the application of Article 84 in Trust Territories that were not strategic areas and for which, according to Article 85, the General

2/ In reply to the questions contained in the Provisional Questionnaire and the revised Questionnaire (United Nations Publications, Sales No.: 1947.VI.A.1, and T C (XI), Special Suppl. (T/1010), respectively), the Administering Authorities have supplied certain information relating to the maintenance of law and order and also to the methods by which military forces, if any, and police forces have been recruited in Trust Territories. For examples see the annual reports for the following Trust Territories: Somaliland under Italian administration, 1952, T/1059, pp. 23, 24, 29 and 30; Ruanda-Urundi, 1952, T/1081, pp. 13 and 14; Tanganyika, 1947, T/170, pp. 29 and 30; Tanganyika, 1950, T/904, p. 23; Cameroons under British administration, 1950, T/906, p. 34; Togoland under French administration, 1952, T/1080, p. 22; Togoland under British administration, 1948, T/357, pp. 52 and 53; Cameroons under British administration, 1952, T/1090, pp. 23-25; Cameroons under French administration, 1947, T/220, p. 21; Nauru, 1 July 1951 - 30 June 1952, T/1046, pp. 10 and 11; Western Samoa, 1 April - 31 December 1950, T/942, p. 16; New Guinea, 1 July 1951 - 30 June 1952, T/1045, p. 23; Nauru, 1 July 1948 - 30 June 1949, T/472, pp. 18 and 19.

3/ See footnote 8/ below.

Assembly, assisted by the Trusteeship Council, exercises the functions of the United Nations.

11. On the three occasions ^{4/} when the General Assembly considered draft Trusteeship Agreements for Trust Territories other than strategic areas, objections were raised to the inclusion in these draft Trusteeship Agreements of provisions allowing the Administering Authority to establish naval, military and air bases, to erect fortifications and to station and employ armed forces in the Trust Territories. It was contended that if fortifications were built in the Trust Territories, the Territories would be transformed into strategic areas and should therefore be placed under the supervision of the Security Council, rather than the General Assembly.

12. After considerable debate, the decision was taken to retain the disputed provisions, and the draft Trusteeship Agreements, with certain minor amendments, were approved largely in the form in which they had been submitted.

13. The Trusteeship Council, accordingly, included in its questionnaires questions designed to elicit information from the Administering Authorities on the application of the provisions of Article 84 relating to local defence and the maintenance of law and order within the Trust Territory. As no questions were included pertaining to the establishment of naval, military and air bases, et cetera, the annual reports of the Administering Authorities on their administration do not furnish information on those matters.

14. The obligations undertaken by the Administering Authority towards the Security Council and arising from the "duty to ensure that the trust territory shall play its part in the maintenance of international peace and security" have not been defined by special agreement. ^{5/}

15. Consequently, the only application of Article 84 which has been considered by a United Nations organ is the maintenance of law and order within the Trust Territories. Information on that subject has been furnished in the answers to the pertinent questions of the various questionnaires of the Trusteeship Council given by the Administering Authorities in their annual reports.

^{4/} The General Assembly approved the Trusteeship Agreements submitted for the following Trust Territories at the second part of its first session by resolution 63 (1): Western Samoa, New Guinea, Ruanda-Urundi, Tanganyika, Cameroons under British administration, Cameroons under French administration, Togoland under British administration and Togoland under French administration. At its second session, the General Assembly approved the Trusteeship Agreement for Nauru by resolution 140 (II) and approved the Trusteeship Agreement for Somaliland under Italian administration at its fifth session by resolution 442 (V).

^{5/} Under Article 43, such agreements "shall be negotiated as soon as possible on the initiative of the Security Council." They "shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided."

16. In those reports, the Administering Authorities have furnished information concerning the strength and organization of police forces and the gendarmerie and in some cases of military forces recruited for local defence. They have also reported, when applicable, instances of collective violence or of disorder which have required the use of police or military forces.

II. ANALYTICAL SUMMARY OF PRACTICE

- A. The question whether the consent of the Security Council was required before naval, air and military bases could be established in the Trust Territories

1. *Consideration of the first eight draft Trusteeship Agreements* 6/

17. The eight draft Trusteeship Agreements considered at the second part of the first session of the General Assembly state the duties of the Administering Authorities with respect to the maintenance of international peace and security and the rights of the Administering Authorities to take specific action with a view to carrying out their obligations under Article 84.

18. At that session, the Fourth Committee of the General Assembly established Sub-Committee 1 to examine the first eight draft Trusteeship Agreements and to make appropriate recommendations. The Sub-Committee, having decided to proceed by considering one draft Agreement first, article by article, to serve as a test case, 7/ selected the draft Agreement for Western Samoa as its starting point. Article X of that Agreement formed the subject of the debate on the question of the establishment in Trust Territories of naval, air and military bases.

19. The text 8/ of Article X of the draft Trusteeship Agreement for Western Samoa, as submitted by the Administering Authority, read as follows:

6/ For the texts of the first eight Trusteeship Agreements, see G A (I/2), Supplement No. 5. This publication appears in English, French, Spanish, Russian and Chinese. The text of the Trusteeship Agreement for the former Japanese Mandated Islands (Trust Territory of the Pacific Islands) is reproduced in United Nations Treaty Series, volume 8, 1947, and appears in English and French and that of the Trusteeship Agreement for the Territory of Somaliland under Italian administration is reproduced in United Nations Publications, Sales No.: 1951.VI.A.1, and appears in English and French.

7/ This decision was, however, subject to the understanding that any conclusions reached would not prejudice the examination of the remaining Agreements.

8/ For the corresponding provisions in the other Agreements, see article 5 (c) of the Trusteeship Agreements for Tanganyika, Camerouns under British administration and Togoland under British administration; article 4 B of the Trusteeship Agreements for the Camerouns under French administration and Togoland under French administration; article 5 (3) of the Trusteeship Agreement for Ruanda-Urundi; article 7 of the Trusteeship Agreement for New Guinea and article 6 of the Trusteeship Agreement for Somaliland under Italian administration.

The corresponding article of the Trusteeship Agreement for New Guinea, however, is couched in more general terms. Article 7 reads: "The Administering Authority may take all measures in the Territory which it considers desirable to provide for the defence of the Territory and for maintenance of international peace and security."

"The Administering Authority shall ensure that the Trust Territory of Western Samoa shall play its part, in accordance with the Charter of the United Nations, in the maintenance of international peace and security. To this end, the Administering Authority shall be entitled:

"1. To establish naval, military and air bases and to erect fortifications in the Trust Territory;

"2. To station and employ armed forces in the Territory;

"3. To make use of volunteer forces, facilities and assistance from the Trust Territory in carrying out the obligations toward the Security Council undertaken in this regard by the Administering Authority, as well as for local defence and the maintenance of law and order within the Trust Territory;

"4. To take all such other measures in accordance with the purposes and principles of the Charter of the United Nations as are, in the opinion of the Administering Authority, necessary for the maintenance of international peace and security and the defence of Western Samoa."

20. Objections were raised to this text in the Sub-Committee on various grounds. It was argued ^{9/} that Article 84 was limited in scope and did not empower the Administering Authority to establish military bases or to station its armed forces in the Trust Territory. The authority to take such actions could be derived only from the reference in Article 84 to "obligations towards the Security Council". Those obligations could refer only to the designation of strategic areas under Articles 82 and 83, and it was only by having a Trust Territory designated as a strategic area that such serious military measures could be taken. If it wished to take those measures, the Administering Authority would have to comply with the provisions of Article 83, by which the terms of Trusteeship Agreements referring to strategic areas were made subject to approval by the Security Council.

21. Accordingly, it was proposed ^{10/} that paragraphs 1 and 2 of the draft article X should be qualified by adding the following paragraph:

"The provisions of paragraphs 1 and 2 of the present article shall be put into effect on the basis of obligations to the Security Council assumed by the Administering Authority under Article 84 of the Charter and defined in the special agreement on strategic areas which is subject to approval by the Security Council according to Article 83 of the Charter."

22. In support of this amendment, the views set forth below were among those developed. ^{11/} (1) The amendment was not intended to deny the right of self-defence to the Trust Territory. (2) It dealt only with paragraphs 1 and 2 of draft article X, although paragraph 4 might also have been questioned. (3) The Administering Authorities had the right, under the Trusteeship System, to use the Trust Territories to further international peace and security, and that was the chief difference between the Mandates System and the Trusteeship System. Under Article 84, however, the Administering Authorities were restricted to the use of "volunteer forces, facilities and assistance" and they were further restricted by their obligations towards the Security Council. Therefore, the use of such volunteer forces, facilities and assistance would be possible only when the Administering Authority was undertaking its

^{9/} G A (I/2), 4th Com., part II, pp. 59 and 60.

^{10/} Ibid., p. 236, annex 4 a (A/C.4/Sub.1/9).

^{11/} Ibid., pp. 71-73.

obligations towards the Security Council. (4) If there were a real need for forces and bases in the Trust Territories, those Territories thereby would become strategic areas, the Trusteeship Agreements for which should be approved by the Security Council under Article 83 and not by the General Assembly under Article 85. The approval of article X of the draft Trusteeship Agreement for Western Samoa would not be in the interests of the people of the Trust Territory, but would be rather in the interests of the Administering Authority.

23. It was further proposed 12/ that paragraphs 1 and 2 of the draft article X should be prefaced by the words: "Only under the authority of the Security Council", inasmuch as these paragraphs related to the maintenance of international peace and security which was a function of the Security Council.

24. In support of that amendment, the views set forth below were among those put forward. 13/ (1) The article as drafted would have the effect of making the Trust Territories bases for the Administering Powers and of removing the basis of trusteeship and of collective peace. (2) A distinction must be drawn between the powers of the Administering Authority with respect to local defence and the maintenance of order and their obligations towards the Security Council. No objections were raised to the provisions relating to the use of military forces and facilities for the maintenance of law and order and for self-defence. If, however, armaments were to be used for other purposes, it should be in conformity with the general security system provided for in the Charter. (3) The only condition under which Trust Territories could become military bases would be if they were necessary for the maintenance of peace and security, and they should then come under the Security Council. Neither the General Assembly nor the Trusteeship Council had the qualifications to deal with military matters.

25. Finally, it was proposed 14/ that paragraphs 1, 2 and 4 15/ should be deleted from draft article X of the draft Trusteeship Agreement for Western Samoa.

26. In support of that amendment, the arguments set forth below were among those advanced. 16/ (1) The Administering Authority, under article III of the draft Trusteeship Agreement, had all the powers it needed to ensure local defence and the maintenance of law and order. (2) Although Article 84 did not define the role of the Administering Authority in the maintenance of world peace and security, all its powers were to be exercised under the control of the Security Council. (3) For the purposes stated in paragraphs 1, 2 and 4 of the text, the Administering Authority would be governed by Article 43, under which it would be for the Security Council to take the initiative in granting power to the Administering Authority to establish military bases et cetera, in the Trust Territory, and in concluding the special agreements envisaged in Article 43. (4) If general peace and security were affected by a provision of the draft Trusteeship Agreement, the Security Council should be the controlling body; if the Trust Territory itself were affected, the General Assembly and the Trusteeship Council should exercise control. (5) If it were necessary to militarize the Trust Territories, there would be no distinction between strategic areas under control of the Security Council and the Territories supervised by the Trusteeship Council. (6) Deletion of the paragraphs in question would bring the article into conformity with the Charter.

12/ G A (I/2), 4th Com., part II, p. 235, annex 4 (A/C.4/Sub.1/15).

13/ Ibid., pp. 60, 61, 70 and 71.

14/ Ibid., p. 62; ibid., p. 239, annex 4 e (A/C.4/Sub.1/10).

15/ The part of the proposal relating to paragraph 4 was later withdrawn.

16/ G A (I/2), 4th Com., part II, pp. 62, 68 and 69.

27. Among the arguments against the adoption of the amendments proposed were those set forth below. ^{17/} (1) Article 82 did not state what constituted a strategic area. Therefore, if military installations were established in a Trust Territory, it did not follow ipso facto that that Territory had to become a strategic area, as had been maintained. That determination was left to the discretion of the Administering Authority. (2) Article 84 was general in its application and there was no suggestion that it was limited to strategic areas. (3) In the evolution of the Trust Territories towards self-government or independence, it was necessary for them to be trained to play their part in the maintenance of international peace and security. (4) It was not necessary to base the exercise of power by the Administering Authorities on any specific Article of the Charter, except where the Charter placed restrictions on the Administering Authority. (5) Article 84 made it not merely the right, but also the duty of the Administering Authorities to ensure that the Trust Territories played their part in the maintenance of international peace and security; agreements made under Article 43 would play an important part in that function. Article 84 was not a restriction on the powers of the Administering Authorities, but rather an extension of those powers; it removed all doubts as to the rights of the Administering Authorities to utilize the capacities of the Trust Territories not merely for local defence, but also in the maintenance of international peace and security. (6) It was generally agreed that military bases could be established in Territories which came under Article 82. However, Article 82 did not grant more specific powers in this regard than did Article 84. The only real difference between the two was that under Article 84 the Administering Authority would be subjected to the supervision of an international majority, whereas under Article 82 the rule of unanimity of the permanent members of the Security Council would apply. The only limitation imposed by Article 84 was that the forces to be used by the Administering Authority must be volunteer and not conscripted forces. (7) The concept that the Administering Authorities should be required to declare as strategic areas the parts of Trust Territories in which military installations were established had been introduced at San Francisco ^{18/} and had been rejected. The approval of such a principle, it had been argued, would lead to the conclusion that all Trust Territories should be strategic areas, which was clearly not the intention of the Charter. (8) Since the Administering Authority had the duty under Article 84 of ensuring participation by the Trust Territory in the system of collective security, it had the corresponding right to the means to discharge that duty. Article X of the draft Trusteeship Agreement for Western Samoa provided those means.

28. When put to the vote in the Sub-Committee, the first proposed amendment was rejected by 10 votes to 5, with 2 abstentions.

^{17/} For texts of relevant statements, see G A (I/2), 4th Com., part II, 9th mtg.: Australia, p. 63; France, p. 68; United Kingdom, p. 61; 10th mtg.: New Zealand, p. 69; United States, p. 67; 11th mtg.: Belgium, pp. 73, 76 and 77; Canada, p. 74; Netherlands, p. 75; New Zealand, p. 78.

^{18/} Documents of the United Nations Conference on International Organization, vol. 10, p. 485, doc. 580, II/4/24. Under an amendment submitted by the representative of Egypt, the pertinent sentence would have read: "to this end the State shall be empowered under the control of the Security Council to make use of volunteer forces, facilities and assistance from the territory in carrying out the obligations undertaken by the state for the Security Council in this regard and for local defence and the maintenance of law and order within the territory." The amendment submitted by Egypt was rejected by a vote of 26 to 2. See in this connexion G A (I/2), 4th Com., part II, annex 18 (A/C.4/40), p. 269 "The question of fortifications and volunteer forces in Trust Territories (Article 84)", memorandum prepared by the Secretariat.

29. The second amendment was rejected by 10 votes to 6, with 1 abstention.
30. The third amendment was rejected by 13 votes to 3, with 1 abstention.
31. The Sub-Committee approved the working text of the draft Trusteeship Agreement for Western Samoa without amendment by 12 votes to 3, with 2 abstentions. The corresponding articles in the seven other draft Trusteeship Agreements were also approved without amendment.
32. The first draft amendment was subsequently reintroduced in the Fourth Committee. 19/ In the main, the same arguments both for and against the adoption of this amendment were adduced. 20/
33. The Fourth Committee rejected this draft amendment by 18 votes to 14, with 6 abstentions. 21/
34. The eight draft Trusteeship Agreements were approved by the Fourth Committee in each case by 35 votes to 8, with no abstentions. 22/
35. The question was raised once again in plenary meeting of the General Assembly during the second part of its first session. The representative who had submitted the first draft amendment reiterated the objections of his delegation to the provisions of the first eight draft Trusteeship Agreements which gave the Administering Authorities the right to establish naval, military and air bases, to erect fortifications and to station and employ armed forces in Trust Territories without at the same time imposing on them restrictions, limits or obligations, especially towards the Security Council. 23/ He submitted a draft resolution 24/ by which the General Assembly would have resolved to reject the draft Agreements as being inconsistent with the Charter. The preamble of the draft resolution contained the following paragraph:
- "... the proposed draft agreements provide as one of the terms for the establishment in Trust Territories of military, naval and air bases, without the Security Council's consent, which is contrary to Article 83 of the Charter, which requires the consent of the Security Council for the establishment of military, naval and air bases in Trust Territories."
36. The General Assembly, in plenary meeting, rejected 25/ this draft resolution by 34 votes to 6, with 11 abstentions.
37. The General Assembly, in plenary meeting, 26/ adopted 27/ by separate vote in each case the first eight draft Trusteeship Agreements.

19/ G A (I/2), 4th Com., part I, 18th mtg., p. 92, and 23rd mtg., p. 139.

20/ For texts of relevant statements, *ibid.*,

23rd mtg.: Australia, p. 144; Belgium, pp. 142 and 143; India, p. 144; Ukrainian SSR, p. 141; United States, p. 144; Yugoslavia, p. 143;

26th mtg.: Canada, p. 173; India, p. 169; Iraq, p. 167; New Zealand, p. 164.

21/ G A (I/2), 4th Com., part I, 23rd mtg., p. 145.

22/ *Ibid.*, 26th mtg., p. 174.

23/ G A (I/2), Plen., 62nd mtg., pp. 1279 and 1280.

24/ *Ibid.*, pp. 1282 and 1283.

25/ *Ibid.*, p. 1286.

26/ *Ibid.*, pp. 1287 and 1288.

27/ G A resolution 63 (I).

2. *Consideration of the draft Trusteeship Agreement for Nauru*

38. The draft Trusteeship Agreement for Nauru was examined by the General Assembly at its second session. Article 7 of the draft Agreement as submitted by the Administering Authority was worded as follows:

"The Administering Authority may take all measures in the Territory which it considers desirable to provide for the defence of the Territory and for the maintenance of international peace and security."

39. In the Sub-Committee established by the Fourth Committee for the purpose of examining the terms of the draft Agreement and any amendments thereto, 28/ several proposals 29/ were made to amend the draft article in question. One of these proposals would have added the words "in accordance with Article 83 of the Charter" after the words "Administering Authority"; another proposal would have substituted the following text for that used in the draft Trusteeship Agreement:

"The Administering Authority may take measures to provide for local defence and the maintenance of law and order in the Trust Territory."

40. The first proposal was rejected by 8 votes to 1, with 2 abstentions. The second proposal was rejected by 6 votes to 2, with 4 abstentions.

41. It was then proposed 30/ to revise the original text to read:

"The Administering Authority may take all necessary measures in the Territory, within the terms of Article 84 of the Charter, to provide for the defence of the territory and for the maintenance of international peace and security."

This suggestion was withdrawn in view of the willingness of the Administering Authorities to revise the article to read:

"In order to discharge its duties under Article 84 of the Charter and article 4 of the present Agreement, the Administering Authority may take all measures in the Territory which it considers desirable to provide for the defence of the Territory and for the maintenance of international peace and security."

42. The Sub-Committee approved this revised wording by 9 votes to 2, with 1 abstention.

43. The second modification to article 7 of the draft Agreement for Nauru, cited in paragraph 38 above, was reintroduced before the Fourth Committee where it was rejected 31/ by 21 votes to 6, with 16 abstentions. The Fourth Committee approved article 7 in the form recommended by its Sub-Committee by 35 votes to 5.

44. Although the sponsor reiterated his objections to article 7 in plenary meeting, he did not formally propose an amendment. 32/

28/ The Fourth Committee of the Assembly set up a sub-committee of twelve members for the purpose of examining the terms of this draft Trusteeship Agreement and any modifications proposed thereto.

29/ G A (II), 4th Com., annex 2 d (A/C.4/127), pp. 130 *et seqq.*

30/ G A (II), 4th Com., annex 2 d (A/C.4/127), p. 132.

31/ G A (II), 4th Com., 46th mtg., p. 104.

32/ G A (II), Plen., vol. I, 104th mtg., p. 570.

45. The General Assembly adopted the draft Trusteeship Agreement for Nauru by 46 votes to 6, with 1 abstention.

3. *Consideration of the draft Trusteeship Agreement for Somaliland under Italian administration*

46. Article 6 of the Trusteeship Agreement for Somaliland under Italian administration is based on the provisions of Article 84 of the Charter. The first paragraph relates to internal order, the second paragraph to the external defence of the Territory. The article reads as follows:

"The Administering Authority may maintain police forces and raise volunteer contingents for the maintenance of peace and good order in the Territory.

"The Administering Authority, after consultation with the Advisory Council, may establish installations and take all measures in the Territory, including the progressive development of Somali defence forces, which may be necessary, within the limits laid down in the Charter of the United Nations, for the defence of the Territory and for the maintenance of international peace and security."

47. At its sixth session, 33/ when the Trusteeship Council was considering the draft Trusteeship Agreement 34/ for Somaliland under Italian administration submitted to it by its Committee for Somaliland, it was stated that divergent views had been advanced in the Committee, certain members having held that the Administering Authority should not establish installations and take such measures as might be necessary for defence without the authorization of the appropriate United Nations bodies, whereas others had been opposed to such a restriction. Article 6 of the draft Trusteeship Agreement represented a compromise between the two points of view whereby the Administering Authority would be allowed to take the action provided for in the second paragraph of the article but only "after consultation with the Advisory Council".

48. The Trusteeship Council adopted draft article 6 without amendment by 10 votes to none, with 1 abstention. The General Assembly in plenary meeting 35/ approved the draft Trusteeship Agreement for Somaliland under Italian administration by 44 votes to 6. 36/

B. The question whether the Questionnaire of the Trusteeship Council should contain a question on the subject of maintaining armed forces and defence bases in Trust Territories

49. At its first session, 37/ when the Trusteeship Council examined the report of its Committee on Questionnaires 38/ it was noted that the Committee left it to the Council itself to take a decision regarding the advisability of including in the Questionnaire a question on the subject of maintaining armed forces and defence bases in the Trust Territories for security purposes. The question, as proposed, read as follows:

33/ T C (VI), 4th mtg., pp. 16 et seqq.

34/ T/449.

35/ G A (V), Plen., vol. I, 316th mtg., p. 550.

36/ G A resolution 442 (V).

37/ T C (I), 24th mtg., pp. 614 et seqq.

38/ T/AC.2/1. The Trusteeship Council decided to appoint a committee composed of the representatives of Australia, Mexico, the United Kingdom and the United States to examine the several draft questionnaires which had been laid before the Trusteeship Council and to formulate a Model Questionnaire for its consideration (T C (I), 15th mtg., p. 393).

"What armed forces and defence bases are maintained for security and what is the annual expenditure on them?"

It was the view ^{39/} of one representative that it was not appropriate to include such a question in the Questionnaire inasmuch as it went beyond Article 88, which authorized the Trusteeship Council to formulate a questionnaire on "the political, economic, social and educational advancement of the inhabitants of each trust territory". In view of the fact that the proposed question was designed essentially to elicit military information, there was no provision for it in the Charter and it should, therefore, be deleted.

50. In opposition to deleting the question, attention was called to the provisions of Article 76 a and Article 84. Article 84 was so worded as to enable the Trust Territory to have armed forces and other military equipment so that it might contribute towards the maintenance of international peace and security. It not only did not forbid, but in fact required the Trusteeship Council to take note of such arrangements. Had that not been the case, the Territory concerned would have come under the Security Council as a strategic area.

51. However, in view of the fact that the Provisional Questionnaire would be revised at subsequent sessions of the Trusteeship Council, by which time certain questions such as disarmament and arrangements with the Security Council might have been resolved, the representatives favouring retention of the proposed question agreed not to insist on its reconsideration at the first session of the Trusteeship Council.

52. The Council decided to delete the proposed question from the Provisional Questionnaire. ^{40/}

53. When the Fourth Committee of the General Assembly considered ^{41/} the report of the Trusteeship Council ^{42/} covering its first session, attention was drawn to the absence of any question in the Questionnaire regarding the size of military contingents stationed in Trust Territories that were not strategic areas.

^{39/} For texts of relevant statements, see T C (I), 24th mtg.: Belgium, p. 641; China, pp. 636, 637, 640 and 643; France, pp. 635 and 638; Iraq, pp. 638-640 and 642; Mexico, pp. 640 and 642; United Kingdom, pp. 635, 637 and 644.

25th mtg.: China, p. 645; United States, p. 644.

^{40/} The Questionnaire (T C (XI), Special Suppl. (T/1010)) as adopted by the Trusteeship Council at its eleventh session contains no question equivalent to the one discussed. See the annex to this study.

^{41/} G A (II), 4th Com., 34th mtg., pp. 23 et seqq.

^{42/} G A (II), Suppl. No. 4 (A/312).

ANNEX

Questions relating to Article 84 contained in the various
questionnaires of the Trusteeship Council

Model Questionnaire
T/AC.2/1

Provisional Questionnaire
United Nations Publications,
Sales No.: 1947.VI.A.1
(T/44)

Questionnaire
T C (XI), Special Suppl.
(T/1010)

- | | | |
|---|--|--|
| 12. What obligations with respect to the Trust Territory has the Administering Authority undertaken towards the Security Council? | 18. Identical. | Deleted, in view of the wording of question 8, namely, "Describe any arrangements which have been made by the Administering Authority regarding the co-operation of the Territory with the United Nations and with the specialized agencies ..." |
| 13. What armed forces and defence bases are maintained for security and what is the annual expenditure on them? | Deleted. See paragraphs 49-53 above. | |
| 14. What forces are maintained for internal order and what is their organization, conditions of service, nationality, equipment and facilities? What is the annual expenditure on the maintenance of internal law and order? What arms and ammunition were imported for local purposes during the year? | 19. Identical, except that after the word "organization" the words "method of recruiting" were inserted. | 12. Give details of police and gendarmerie. State what are the methods of recruitment, conditions of service and nationality of all locally raised forces. |
| 15. Have there been any instances of collective violence or disorder which have required the use of police or military forces? What were the causes of such violence or disorders? What action has been taken to remove the causes as well as to deal with the manifestations? | 20. Identical. | 13. State whether any instances of collective violence or disorder which have required the use of police or military forces have taken place in the Territory. If so, state what were the causes of such violence or disorders and what action has been taken to remove the causes as well as to deal with the manifestations. |