

by means of Trusteeship Agreements (a) territories now held under mandate; (b) territories which might be detached from enemy States as a result of the Second World War; and (c) territories voluntarily placed under the system by States responsible for their administration.

The Working Paper had suggested a "conservatory clause" to the effect that, until individual Trusteeship Agreements were concluded, nothing in the provisions concerning the trusteeship system should be "construed in and of itself to alter in any manner the rights of any States or any peoples." The Committee added at the end of this paragraph the following words, "or the terms of existing international instruments." It inserted a new paragraph, however, to the effect that the conservatory clause should be not interpreted as giving grounds for delay or postponement of the negotiation and conclusion of Trusteeship Agreements.

With regard to the terms of Trusteeship Agreements, the Committee accepted with some minor changes the recommendations of the Working Paper. The terms of trusteeship should be agreed upon by the "States directly concerned" and should designate the Administering Authority. In any Trust Territory a strategic area or areas might be designated. All functions of the United Nations relating to Trust Territories, other than strategic areas, should be exercised by the General Assembly, and those relating to strategic areas by the Security Council.

In the course of the discussion the Egyptian delegation proposed: (1) that the General Assembly should have the power to terminate the status of trusteeship of a territory and declare the territory to be fit for full independence; and (2) that whenever an Administering Authority violated the terms of trusteeship, or ceased to be a Member of the United Nations or was suspended from membership in the United Nations, the organization should transfer the territory under trusteeship to another Administering Authority. These proposals, however, were not adopted.

Committee II/4 recommended the creation of a Trusteeship Council as a principal organ of the United Nations. The Council was to consist of: (a) those Members administering Trust Territories; (b) those permanent members of the Security Council which were not Administering Authorities; and (c) as many

other Members elected for three-year terms by the General Assembly as might be necessary to ensure that the total number of members of the Trusteeship Council was equally divided between those which administered Trust Territories and those which did not.

The Committee agreed to the definition of the functions and powers of the Trusteeship Council as suggested in the Working Paper, and wrote several paragraphs on the voting and procedure of the Council.

The provisions on the International Trusteeship System constitute Chapter XII of the Charter, and those on the Trusteeship Council, Chapter XIII.

II. THE INTERNATIONAL COURT OF JUSTICE

Chapter VII of the Dumbarton Oaks Proposals and the report of the Committee of Jurists constituted the agenda of Committee IV/1.

The basic question the Committee had to resolve was whether the Permanent Court of International Justice should be continued as an organ of the United Nations or whether a new Court should be established. After balancing the advantages to be gained and objections to be overcome in adopting either course, the Committee recommended the establishment of a new Court. This was thought to be in keeping with provisions to be proposed in the Charter, under which all Members of the United Nations are ipso facto parties to the Statute of the International Court of Justice and a State not a Member of the United Nations may become a party to the Statute on conditions to be determined by the General Assembly upon the recommendation of the Security Council.

Committee IV/1 recommended that each Member of the United Nations should undertake to comply with the decision of the Court in any case to which it was a party. The Committee added another paragraph to the effect that, should any party fail to comply with the decision of the Court, the other party could have recourse to the Security Council, which might make such recommendations or decide upon such measures as to give effect to the decision.

The Committee of Jurists had presented two alternative texts relating to the nomination of judges, one retaining the system of nomination by national groups, the other instituting a system of nomination by governments. The