



TRUSTEESHIP COUNCIL

Nineteenth Session

OFFICIAL RECORDS

Thursday, 9 May 1957,

at 2.30 p.m.

NEW YORK

CONTENTS

	Page
Examination of conditions in the Trust Territory of the Cameroons under French administration (<i>continued</i>):	
(i) Annual report of the Administering Authority for 1955;	
(ii) Hearings of petitioners from the Trust Territory of the Cameroons under French administration (General Assembly resolution 1067 (XI))	
Consideration of the Statute of the Cameroons under French administration (<i>continued</i>).....	269
Inclusion of an additional item on the agenda of the nineteenth session of the Council.....	272

President: Mr. Rafik ASHA (Syria).

Present:

The representatives of the following States: Australia, Belgium, Burma, China, France, Guatemala, Haiti, India, Italy, New Zealand, Syria, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

Examination of conditions in the Trust Territory of the Cameroons under French administration (*continued*):

- (i) **Annual report of the Administering Authority for 1955 (T/1284, T/1304, T/1307, T/1314 and Corr.1, T/L.742);**
- (ii) **Hearings of petitioners from the Trust Territory of the Cameroons under French administration (General Assembly resolution 1067 (XI))**

[Agenda items 3 (c) and 14]

CONSIDERATION OF THE STATUTE OF THE CAMEROONS UNDER FRENCH ADMINISTRATION (T/1314 AND CORR.1) (*continued*)

1. Mr. DORSINVILLE (Haiti) said that his delegation had studied with interest the text of Decree No. 57-501 of 16 April 1957 setting forth the Statute of the Cameroons under French administration, which had been circulated to members of the Trusteeship Council in document T/1314 and Corr.1. His delegation felt that there were two facts which made it possible to consider the situation without anxiety. Firstly, the Cameroons under French administration had not been obliged to choose between the end of the trusteeship and the application of the Statute. Secondly, the Territorial Assembly which had debated the Statute submitted by the French Government had been elected by universal suffrage. The amendments submitted by the Territorial Assembly were evidence of a determination to obtain recognition of the new personality of the Territory and of its Government.

2. He could not see that the powers reserved to the High Commissioner and the central organs of the French Republic differed as between the Cameroons under French administration and Togoland under

French administration to such an extent that the trusteeship should be maintained in one case and not in the other. He was sorry that the clause concerning dual citizenship had been included in the Statute. He did not see the necessity for the High Commissioner to declare by order the confirmation in office of the Prime Minister and the appointment of the Ministers chosen by him. He deplored the inclusion in the Statute of a provision that the provincial assemblies should verify, compile and codify the rules of customary law. He wondered whether the name of the capital had been deliberately omitted from the Statute.

3. On the other hand, there were a number of admirable provisions, such as that which laid down that the Legislative Assembly could be dissolved only on the proposal of the Council of Ministers of the Cameroons, those which dealt with the appointment of the provincial administrators and the *chefs de circonscription* and that which empowered the Legislative Assembly to request the amendment of the Statute.

4. The delegation of Haiti congratulated the Administering Authority on having taken the desires of the Cameroonian people into consideration and on having left the gate to the future wide open. He also congratulated the Cameroonian people on their fidelity to their national aspirations.

5. Mr. KIANG (China) was glad that the new Statute had formally established Cameroonian citizenship. He noted that the Legislative Assembly would have wider powers than the Territorial Assembly had had and would thus be able, as was highly desirable, to acquire a real sense of responsibility. He was glad to note that full political liberties were now guaranteed to the members of the Legislative Assembly.

6. He had some reservations concerning the provincial organization and the immediate creation of the province of Northern Cameroons. He could see no justification for the intervention of the High Commissioner in the appointment of provincial administrators. Moreover, the Chinese delegation was not entirely in favour of the granting of special rights to French citizens, as was done under article 8.

7. Subject to those reservations, his delegation considered that the new Statute represented a step forward in the political advancement of the Territory.

8. Mr. JAIPAL (India) commended the Administering Authority for having held elections by universal suffrage to the Territorial Assembly which was to consider the new Statute. The final text of the Statute, having been approved by a majority of the Assembly, could thus be said to represent the result of an agreement between France and the people of the Trust Territory. The Cameroons, unlike Togoland, would have a legislative assembly elected by direct universal suffrage from the time when the Statute came into force. Another difference was that the Statute for the Cameroons clearly specified the powers transferred to the territorial institutions. The powers reserved to the French Republic were still very extensive but would

no doubt be progressively handed over to the local authorities.

9. With regard to parts I, II and IV of the Statute, he referred to the comments made by Mr. Krishna Menon in the Fourth Committee (592nd meeting), at the eleventh session of the General Assembly during the debate on the corresponding sections of the Statute of Togoland under French administration. With regard to part III, he had been impressed by the extent of autonomy granted to the Territory. Further measures would undoubtedly be necessary from time to time to extend the powers of the Territory's organs until the final goal of independence was reached. He was glad to note that the Legislative Assembly was empowered to request the amendment of the Statute. He hoped, however, that there would be no hasty attempt to consult the population by referendum on the final régime of the Territory.

10. His delegation had reservations with regard to the provincial organization and the creation of the province of Northern Cameroons and hoped that those measures would not encourage separatist tendencies. He noted that a number of government services were regarded as coming under the jurisdiction of the French Republic although the personnel would receive instructions from the Territorial Government in certain matters. It was difficult to see how that arrangement would work in practice. In any event, the important point was that the Africanization of the services should be speeded up to keep pace with the political evolution of the Territory.

11. In conclusion, he paid a tribute to the French administrators and the people of the Territory.

12. Mr. GIDDEN (United Kingdom) considered that the new Statute brought the Territory to a very advanced stage of self-government. The acceptance by the French Government of most of the amendments proposed by the Territorial Assembly was evidence of its wish to establish in the Territory the type of régime desired by the Cameroonian people themselves.

13. The functions reserved to the metropolitan Power, such as defence, external affairs, internal security and the power of veto, could not readily be transferred to the Cameroonian Government as long as the Territory was not an independent State.

14. U PAW HTIN (Burma) regretted that the members of the Council had not had time to study the Statute in detail. He was glad to note the significant reforms that had been introduced, for they marked the beginning of the transfer of sovereignty and were thus a step in the direction of self-government and independence. He supported the proposal made by the Indian representative at the previous meeting, to the effect that the text of the Statute should be embodied in the Council's report to the General Assembly and that the examination of the Statute should be deferred to the twenty-first session of the Trusteeship Council.

15. Mr. MUFTI (Syria) hoped that the examination of the Statute would be postponed to a later date since the document had been circulated too late to allow of a thorough study and there was no indication whether the relevant decree had been published in the *Journal officiel* of the Cameroons and had entered into force.

16. The Syrian delegation had some doubts about the effectiveness of the contemplated reforms. In particular it had reservations concerning the wide powers reserved to the Administering Authority, the ill-defined division

of responsibilities between the Cameroonian Government and the metropolitan Government, the rights granted to French citizens, the creation of the province of Northern Cameroons, the extensive powers vested in the provincial assemblies, the powers of the High Commissioner in connexion with the appointment of the provincial administrators and the terms of article 59 that amendments to the Statute "shall be carried out in conformity with the procedure which governed the establishment of this Statute".

17. Nevertheless the Administering Authority had avoided the mistakes that had been made in Togoland in connexion with the procedure relating to the adoption of the Statute. The end of the Trusteeship System had not been made a condition for the application of the Statute. Moreover, a new Territorial Assembly had been elected. Lastly, certain amendments proposed by the Territorial Assembly had been incorporated in the text of the Decree of 16 April 1957.

18. Mr. SMOLDEREN (Belgium) stressed the important part played by the Territorial Assembly, and hence by the Cameroonian people, in drawing up the present text of the Statute. He drew attention to the method adopted to define the powers transferred to the indigenous authorities, namely, enumeration of them in article 11 of the Statute; the Statute of Togoland, on the other hand, had emphasized the powers reserved to the French Government, the Autonomous Republic of Togoland being invested with only the residual powers. He noted that the people of the Cameroons, unlike the people of Togoland, had expressed the desire to remain under trusteeship for some time longer. The Statute of the Cameroons should therefore be considered merely as a particularly important stage in the Territory's political development. He hoped that the setting-up of the new institutions would have a salutary effect on the Territory's political life and would encourage the representatives of all shades of public opinion to adhere to the principles of democracy.

19. Mr. LOBANOV (Union of Soviet Socialist Republics) regretted that he was unable to comment on the document submitted at the previous meeting by the French delegation. Owing to the great importance attached by the Soviet delegation to that document, it was unwilling to make its observations until it had received and had time to study the text in Russian. He supported the proposal that the text of the Statute should be transmitted to the General Assembly.

20. Mr. ROLZ BENNETT (Guatemala) was glad that the French delegation had been able to communicate the Statute of the Cameroons under French administration to the Council, thus enabling the Council to include the text in its report to the General Assembly. He had noted with deep satisfaction the democratic spirit which had inspired the authors of the Statute and was happy to see that the final text had been drawn up in the light of the observations made by the Assembly of the Territory, elected by universal adult suffrage.

21. Before analysing the Statute in detail, he wished to stress the fact that all the political organizations of the Territory were united in desiring independence or self-government, which was the objective of the Trusteeship System; they differed only in their views on the nature of that independence and the time at which it should be proclaimed. There was room for wondering whether the text in the form in which it was being considered by the Council satisfied those aspirations. His delegation felt that in certain respects the Statute was

already somewhat out of date. It would therefore have to be amended in the near future in the light of the wishes expressed by the people of the Territory.

22. He noted that elected representatives of the Cameroons could participate in the functioning of the central organs of the French Republic, but he did not consider that that provision was of any real benefit to the inhabitants of the Territory. Since the Cameroonian authorities were empowered to adopt laws on all matters within their competence, there was no further justification for the participation of Cameroonian representatives in French legislative bodies. There was even some ground for fearing that that provision might weaken the Territory's legal and political position and result in the future in undermining the inhabitants' right of self-determination.

23. Similar considerations might be advanced in relation to article 8, which granted the Cameroonians dual citizenship, and to the reciprocal clause in favour of French nationals. The text of that article might well be amended.

24. Part III of the Statute was a distinct improvement on the Statute for Togoland under French administration. Nevertheless certain objections might be raised. For example, article 11, sub-paragraph (14), provided that the competence of the Legislative Assembly extended to the organization and development of the economy of the Territory, yet the French authorities and the High Commissioner continued to exercise certain financial and economic functions. Those provisions, which appeared to be irreconcilable, might lead to conflict.

25. Again, under article 42, the High Commissioner was authorized, after consultation with the Prime Minister and the Cameroonian authorities and representatives, to negotiate any conventions, particularly those of a commercial nature, within the limitations of the Government's instructions, and to enter into such conventions subject to their approval by the French Government. He wondered whether the "instructions" in question would be given by the Cameroonian Government or the French Government.

26. The fact was that the French Government still enjoyed certain prerogatives which should henceforth belong to the Cameroonian authorities. In the same connexion he pointed out that the High Commissioner had at his disposal the services of public safety and security and the *gendarmerie* and was responsible for safeguarding or restoring order. Would it not be preferable for the Cameroonian Government to be responsible for the management of the Territory's affairs? It would have difficulty in obtaining compliance with the regulations it was empowered to enact if it did not possess the means of enforcing them. The delegation of Guatemala hoped that the High Commissioner would, as he was empowered to do, delegate some of his functions without delay to the Prime Minister as head of the Cameroons Government.

27. It was the Council's duty to follow the development of the Statute of the Cameroons under French administration with the greatest attention and to express the hope that the Administering Authority would comply with the wishes of the Cameroonian people.

28. Mr. HOOD (Australia) observed that events in the Cameroons under French administration had moved with extraordinary rapidity during the past year. A law adopted in the middle of 1956 had enabled the French Government to introduce institutional reforms in the

Territory, and the Trusteeship Council now had before it the new Statute which would come into force within a few days. It should be stressed that the Statute had been adopted after approval by a Territorial Assembly elected on the basis of universal adult suffrage and that suggestions by that Assembly for modifications in the draft statute had to a very large extent been accepted by the Administering Authority. Furthermore, the Statute explicitly provided that it was open to amendment, which was entirely in accord with the principles of the Trusteeship System, and that the special organization of the Cameroons should continue in force until the inhabitants of the Territory, in conformity with the United Nations Charter and the Trusteeship Agreement, were invited to express an opinion on a definitive régime.

29. The Administering Authority would appear to have fulfilled all the hopes expressed by the Council in respect of the political development of the Territory, but it would naturally be impossible to form a definite opinion concerning many of the provisions of the Statute until it had been put into effect. The Administering Authority would doubtless keep the Council informed about the working of the Statute in practice. In the meantime, the Council should commend the Administering Authority for the great spirit of co-operation it had shown in submitting the text of the Statute, and for the manner in which it was executing the provisions of the Trusteeship Agreement in consonance with the principles of the Charter.

30. The general comments that had already been made on the subject would undoubtedly appear in the records of the Council, and it would be for the Council to decide how far they should be reproduced in its report to the General Assembly.

31. Mr. BARGUES (France) expressed satisfaction that delegations had been able to give their general views on the new Statute or, in other words, on the introduction in the Cameroons of political institutions modelled on those of the Western democracies.

32. The French delegation associated itself with the tribute paid by the representative of Haiti to the Cameroonian people, to the French and Cameroonian political representatives who had contributed to the Territory's development, and to the members of the opposition.

33. The Indian representative had rightly pointed out that the officials of the Administering Authority had played a decisive part in the Territory's evolution by their successful accomplishment of the arduous task of educating the people politically in accordance with democratic principles.

34. Referring to the Guatemalan representative's objection with regard to the representation of the Cameroonian people in the central organs of the French Republic, he maintained that it was only right that Cameroonian representatives should be able to participate in those bodies in the drafting and voting of laws which would be directly or indirectly applicable to the Territory. Representatives of Trust Territories frequently played a very important part in the French Parliament. Article 9 of the *loi-cadre* of 23 June 1956, for example, had been adopted at the suggestion of the Cameroonian representatives.

35. The expression "dual citizenship" used by some members of the Council in connexion with the principle of reciprocity laid down in article 8 of the Statute was inaccurate. The fact that French citizens living in the

Cameroons enjoyed the same civil, civic and social rights as Cameroonian citizens was an advantage relating not to any individual but to the Statute itself, and the principle of reciprocity did not enable French citizens to become Cameroonian citizens: if the Statute was amended or abrogated when the objectives of the Trusteeship System had been attained, the present advantages enjoyed by French citizens would automatically lapse but that would not be so if the principle of dual citizenship had been recognized.

36. The new Statute had been very freely discussed by the people. First of all there had been conversations, in the metropolitan assemblies, between representatives of the French Government and representatives of the Cameroonian people, and then the draft statute had been debated in the Territorial Assembly. That Assembly had proposed about sixty amendments, nearly all of which had been accepted by the Administering Authority and which had resulted in the alteration, the deletion or the addition of thirty-five out of the sixty articles. As the Indian representative had remarked, wide powers were still reserved to the central organs of the French Republic, but those would naturally be decreased as time went on, and the evolution that had been taking place since 1946, when the Territorial Assembly had begun voting on the budget and taxation, would continue in the future.

37. Some anxiety had been expressed about the creation of provinces, but it should be borne in mind that the province of Northern Cameroons had been established at the express request of the majority of members of the Territorial Assembly. The provincial administrators would be appointed by the High Commissioner, because they were representatives both of the French Republic and the Cameroonian Government, but the Statute provided that the concurrence of the Cameroonian Prime Minister was needed.

38. There had been some criticism of the division of responsibility between the central services of the French Republic and the services of the Cameroonian Government. Thus, the representative of Guatemala, referring to article 11, sub-paragraph (14), of the Statute, had pointed out that certain functions connected with the organization and development of the economy of the Cameroons were still exercised by France. The explanation was that since the Cameroons formed part of the franc area, the French Republic was responsible for settling all questions relating to money, foreign currency and foreign exchange. With regard to article 42, the High Commissioner must obviously act as an intermediary between the Cameroonian Government and foreign representatives, whether in the Territory itself or in neighbouring territories, so long as the French Republic remained responsible for external affairs. With regard to article 41, the High Commissioner was responsible for public order, but under an amendment proposed by the Cameroonian Assembly he would now delegate to the head of the Cameroonian Government his powers in respect of urban and rural administrative police.

39. He emphasized that the role of the High Commissioner in the appointment of the Prime Minister was similar to that played by the President of the Republic in the metropolitan country. The High Commissioner designated the Prime Minister after consulting the principal leaders of the Legislative Assembly, the heads of political groups, the chief representatives of public opinion and the leaders of political

parties not represented in the Assembly. The Prime Minister designated by the High Commissioner asked the Legislative Assembly for a vote of confidence and, having obtained it, appointed his ministers. The Cabinet so formed would be jointly responsible to the Assembly. Under a provision adopted at the request of the Territorial Assembly, but not included in the original draft, the High Commissioner would make an order formally declaring the appointment of the ministers.

40. The Indian representative had advised the Administering Authority not to proceed too hastily to the holding of a referendum, but in view of the evolutionary nature of the Statute, it would be necessary sooner or later to ask the people to express a definite opinion about the country's political future and, in particular, about the political régime they wanted. No date was fixed by the Statute, but article 2 provided that the new arrangement would continue in force until the inhabitants of the Cameroons, in accordance with the Charter and the Trusteeship Agreement, were invited to express an opinion on the definitive régime of the Territory.

41. He could assure the representative of Guatemala that the Statute really corresponded to the wishes of the people, since it had been approved by a very large majority in an Assembly elected by universal suffrage. Moreover, the Statute went far beyond the recommendations to the Administering Authority made by the Trusteeship Council at its seventeenth session. France had introduced universal suffrage, but instead of merely setting up an executive council with an indigenous majority, it had given the Territory a genuine Government consisting of Cameroonian ministers responsible to an Assembly having wide legislative powers.

42. In conclusion, he read out a report which the High Commissioner, on behalf of the French Government, had addressed to the Territorial Assembly when that body had been about to begin its debate on the draft statute. The report made it apparent that under the draft statute the management of Cameroonian affairs would be placed in the hands of the Cameroonians themselves, with the exception of certain powers which would have to be reserved to the Administering Authority as long as the trusteeship was maintained, and that the Statute marked a decisive step in the advancement of the Cameroons towards the objectives of the Trusteeship System as laid down in the United Nations Charter.

43. The PRESIDENT proposed that the observations of the members of the Council should be transmitted to the Drafting Committee on the Cameroons under French Administration.

It was so decided.

Inclusion of an additional item on the agenda of the nineteenth session of the Council

44. U PAW HTIN (Burma) proposed that the item "Revision of rule 19 of the rules of procedure of the Trusteeship Council" should be included in the agenda of an early meeting of the Council.

45. Mr. GRILLO (Italy) asked whether the Burmese representative had in mind the suspension of the rule or its amendment in accordance with rules 106 and 107. However that might be, any amendment would mean that the election of the President and Vice-President would be held towards the end of the year or in January 1958. He wished to inform the Council without delay that he would be unable to continue to act as Vice-

President, since in the absence of the representative of Italy to the United Nations he would be obliged to give more time to the general work of the Italian delegation.

46. Mr. BARGUES (France) would like to know the reasons for the Burmese representative's proposal. It involved an important amendment to the rules of procedure and might prolong the current session, since some representatives might wish to consult their Governments on the subject.

The meeting was suspended at 4.45 p.m. and resumed at 5 p.m.

47. U PAW HTIN (Burma) proposed that the word "June" should be replaced by "January" in rule 19 of the rules of procedure. That rule provided that the President and Vice-President of the Council should be elected at the beginning of "its regular session in June"; but when that rule had been adopted, at the Council's first session, rule 1 of the rules of procedure had provided that the first regular session of the Council each year was to be held in June. As the first session was now held in January, the elections should logically take place at the beginning of the year. The term of office of the non-permanent members began on 1 January, so that under the present rule they were unable to take part in the elections until six months had elapsed. Furthermore, there would be difficulties if in the last year of its term of office one of the members was elected President or Vice-President for one year beginning in June, in accordance with the present rules of procedure, when that term of office would expire six months later. The result of that situation was that such members of

the Council had small chance of being elected President or Vice-President.

48. Mr. HOOD (Australia) pointed out that under rule 107 a vote on a proposed amendment could not be taken until four days after its submission; there was therefore a danger that the end of the current session might be delayed.

49. Mr. KIANG (China) asked whether the amendment proposed by the Burmese representative would take effect immediately or, in other words, whether the next election of a President and Vice-President would be held in January 1958.

50. U PAW HTIN (Burma) thought it would take effect immediately.

51. Mr. SMOLDEREN (Belgium) wondered whether the question was in fact sufficiently urgent to warrant its inclusion on the agenda of the present session.

52. The PRESIDENT put to the vote the proposal by the representative of Burma for the inclusion in the agenda of the question of the revision of rule 19, and stated that the Council would decide later when to discuss the new item.

The proposal was adopted by 7 votes to 1, with 6 abstentions.

53. Mr. MUFTI (Syria) said he had voted in favour of the proposal because he thought any item proposed by a member of the Council should be placed on the agenda. His vote, however, was without prejudice to his delegation's attitude when a vote was taken on the substance of the Burmese proposal.

The meeting rose at 5.25 p.m.