

# GENERAL ASSEMBLY

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## CONTENTS

	Page
Agenda item 13:	
Report of the Trusteeship Council (continued)	
Consideration of draft resolutions (continued) . . .	443

Chairman: Mr. Thanat KHOMAN (Thailand).

In the absence of the Chairman, Mrs. Skottsberg-Ahman (Sweden), Rapporteur, took the Chair.

## AGENDA ITEM 13

## Agenda item 13:

**Report of the Trusteeship Council (A/3595 and Corr.1, A/3718 and Corr.1, A/C.4/372 and Add.1, A/C.4/L.512/Rev.2, A/C.4/L.515/Rev.2, A/C.4/L.517/Rev.1 and 2) (continued)**

CONSIDERATION OF DRAFT RESOLUTIONS (A/C.4/L.512/REV.2, A/C.4/L.515/REV.2, A/C.4/L.517/REV.1 AND 2) (continued)

1. The CHAIRMAN asked the Committee to consider the joint draft resolution concerning the attainment of self-government or independence by Trust Territories (A/C.4/L.515/Rev.2), which had been further revised by its sponsors so that the words "estimated period of time", in the sixth paragraph of the preamble, had been replaced by "submitted the estimated periods of time."

2. Mr. EILAN (Israel) said that his delegation had had considerable difficulty in deciding on its attitude to the draft resolution because of the conflict which in its view existed between the principle underlying the draft resolution and the way in which it had been worded. It was the policy of his Government to support movements of all subject peoples, especially those of Africa, towards self-government or independence, in accordance not only with the principles of the Charter but also with reality. His delegation, however, was not sure whether the draft resolution reflected reality. It had been for similar reasons that it had not supported General Assembly resolution 1064 (XI).

3. As he had already said in the general debate, the situation in each Trust Territory should be considered on its merits rather than in the light of abstract general principles. He could hardly believe that the sponsors of the draft resolution seriously considered that it was within the realm of practical possibility to fix target dates for all the Trust Territories without exception. Some Territories were progressing rapidly towards self-government or independence, for others that goal was as yet far off, while yet others, such as some of the islands in the Pacific, would perhaps never attain one at least of the

aims of trusteeship, namely independence. That fact should be reflected in the draft resolution. He felt that the censure implied in the words "Noting with disappointment" in the penultimate paragraph of the preamble was hardly justified, since in view of the unrealistic wording of the previous resolutions on the subject it was not surprising that the Administering Authorities had been unable to carry them out.

4. Nevertheless, despite the reservations he had mentioned, his delegation would support the draft resolution because it felt that the speedy achievement of self-government or independence by some Trust Territories, especially in Africa, involved a principle which allowed of no compromise and deserved high priority among the objectives of the United Nations.

Mr. Božović (Yugoslavia), Vice-Chairman, took the Chair.

5. Mr. HERAKLIDIS (Greece) recalled that at the previous meeting the United Kingdom representative had maintained that direct consultations between the Administering Authorities and the peoples of the Trust Territories concerned were the only practical way to achieve a solution which would satisfy the aspirations of the people. His delegation and, he believed, a number of others had not been convinced by that reasoning, because experience had proved to them that for colonialism there was no other policy than that which guaranteed its perpetuation.

6. He would vote in favour of the joint draft resolution.

7. Mr. KOCIANCICH (Italy) said that his delegation would be unable to support the joint draft resolution. It had repeatedly stated its position on the matter both in the Trusteeship Council and in the Fourth Committee. In his delegation's view all resolutions adopted by United Nations bodies on matters relating to the International Trusteeship System should be aimed exclusively at the welfare of the peoples of the Trust Territories. While appreciating the motives that had prompted the draft resolution and others of the same kind, he was convinced that they did not serve the purpose of advancing the attainment of the final objectives of the Trusteeship System. As had been pointed out earlier in the debate, dates established in the past had often had to be altered in the light of subsequent developments. It might even happen that a date established too far in the future would retard rather than accelerate the attainment of self-government or independence by a Trust Territory. On the other hand it was the practice of the Administering Authorities to establish final target dates whenever feasible, usually when the ultimate objectives were already near. Furthermore, intermediate target dates were used by the Administering Authorities in various fields of development in the Trust Territories. In his delegation's opinion no general rule should be

laid down in the matter; conditions in the various Territories differed widely and each case should be considered on its merits. No one was in a better position than the Administering Authorities to take into consideration all the elements of the situation in each Territory and decide what was feasible in the Territory's interest. The systems established in Chapters XI and XII of the Charter had operated satisfactorily during the past twelve years, as was evidenced by the large number of former Non-Self-Governing Territories and Trust Territories which were now represented in the General Assembly. It would be a mistake forcibly to inject a new element which was called for neither by the Charter nor the Trusteeship Agreements and was unlikely to have any influence on the development of the Trust Territories.

8. Mr. KIANG (China) observed that he had already commented on the draft resolution at the 729th meeting, but since then the sponsors had agreed to replace the phrase "fixing time-limits" in the last paragraph of the preamble by "estimating the time required". In his view that was a great improvement, particularly since the Committee had been informed that what the sponsors had in mind was the establishment of intermediate target dates leading to the fixing of final target dates. If that interpretation were correct his delegation was prepared to vote in favour of the draft resolution.

9. He asked that a separate vote should be taken on the words "with disappointment" in the penultimate paragraph of the preamble.

10. Mr. KELLY (Australia) asked whether the Chinese representative's interpretation of the sponsors' meaning was correct.

11. Mr. JAIPAL (India) replied that the penultimate paragraph of the preamble was quite explicit.

12. Mr. KELLY (Australia) observed that the sponsors had refused to define their meaning and that he would be unable to vote in favour of the draft resolution.

13. The CHAIRMAN put to the vote the words "with disappointment" in the penultimate paragraph of the preamble.

The Committee decided by 34 votes to 24, with 10 abstentions, to retain those words.

The draft resolution (A/C.4/L.515/Rev.2) as a whole, as revised by the sponsors, was approved by 44 votes to 15, with 12 abstentions.

14. The CHAIRMAN asked the Committee to consider the revised joint draft resolution concerning the rural economic development of the Trust Territories (A/C.4/L.517/Rev.1).

15. Mr. JAIPAL (India) entirely agreed with the statement made at the 730th meeting by the United Kingdom representative concerning the importance of rural development. In most Territories the rural areas were the least developed and it was in those areas that the majority of the indigenous people lived. Such a situation naturally gave rise to concern. The machinery set up to study the question, had, however, proved inadequate. The Committee on Rural Economic Development of the Trust Territories had collected a great deal of material but seemed to have difficulty

in analysing it, owing, it had been suggested, to lack of experts. The Trusteeship Council had not so far sought the co-operation of the Food and Agriculture Organization of the United Nations or any other expert body and the sponsors therefore felt it was only proper that the General Assembly itself should do so.

16. The United Kingdom representative had maintained that the draft resolution sought to separate land alienation from the allied questions of land utilization and land tenure. He could not agree with that view; the draft resolution called for a composite study on a piecemeal basis. Experts would study the questions of land tenure and land utilization and the Trusteeship Council would at the same time examine the question of land alienation. Such a method was advisable because land tenure raised questions of customary practice, which was a highly complicated matter. Furthermore, land utilization had technical aspects such as clearing land of tsetse fly, building communications, the provision of irrigation facilities, soil conservation, the use of fertilizers and so on. Such technical questions should be studied separately from land alienation, although there were aspects of land alienation which could not be divorced from land utilization and such subjects would naturally be considered together. There were, however, other aspects of land alienation such as, for example, questions concerning terms of transfer of land, which might be studied by the Trusteeship Council. There were leases of land for ninety-nine years and in some cases for thirty-three years, periods which seemed too long. The compulsory acquisition of land and the re-acquisition of alienated land might also be studied. In some Territories land alienation might be linked with immigration policies: that, too, required examination. All those were non-technical questions which could be examined by the Trusteeship Council and that was the intention of the sponsors of the draft resolution.

17. Lastly, he said that a compromise formula had been found which was satisfactory both to the sponsors and to the delegations of the Administering Authorities. In his opinion, that compromise formula constituted an agreement to deal with the subject in two parts in the preliminary stages and as a whole in the final stage.

18. Sir Andrew COHEN (United Kingdom), while agreeing with much that the Indian representative had said, maintained that land tenure, land utilization and land alienation were parts of the same subject and could not be considered separately in any of their aspects. He then presented the compromise formula accepted by the sponsors and the Administering Authorities as follows: in the fourth preambular paragraph and in operative paragraph 1, the words "and land utilization" would be replaced by "land utilization and land alienation"; in the fifth preambular paragraph, the words "continue to" would be inserted before "devote"; and in operative paragraph 2, the words "it carry ... alienation of land" would be replaced by "through its Committee on Rural Economic Development or by such other means as it deems appropriate, it ensure the early submission of its study of the prevailing policies, laws and practices relating to land tenure, land utilization and land alienation." He was prepared to vote in favour of the draft resolution if amended in that way. However, he

wished to make it quite clear that his delegation regarded it as an essential part of the compromise that the words in paragraph 1 "to submit to the Trusteeship Council" should be maintained. His delegation could not agree to the wording "to submit to the General Assembly" through the Trusteeship Council" proposed by the Philippine representative at the 729th meeting.

19. He assured the Committee that if the draft resolution were adopted in that revised form the United Kingdom delegation to the Trusteeship Council, and he personally, would do their utmost to ensure that the Committee on Rural Economic Development produced results rapidly.

20. Mr. WELLS (United States of America) said that in view of the compromise that had been reached he would withdraw his delegation's amendments (A/C.4/L.522) and support the resolution in its revised form.

21. Mr. CARPIO (Philippines) said that, although he would have preferred the observations and suggestions of the specialized agencies to be submitted to the General Assembly, in a spirit of compromise he would withdraw his amendment to that effect.

22. Mr. ESPINOSA Y PRIETO (Mexico) said that the sponsors had agreed to accept the amendment proposed by the delegation of the Dominican Republic (A/C.4/L.525) on condition that it should be inserted as the third paragraph of the preamble rather than as a substitute for the existing third paragraph, which should accordingly become the fourth paragraph.

23. Mr. LOVERA (Venezuela) proposed a drafting amendment to what had thus become the fourth paragraph of the preamble. Since the new third paragraph contained the words "entrusted to it" it would be better to delete those words from the fourth paragraph and insert the word "aforementioned" before the word "study".

24. Mr. ESPINOSA Y PRIETO (Mexico) accepted that amendment on behalf of the sponsors of the revised draft resolution.

25. Miss BROOKS (Liberia) thanked the sponsors of the draft resolution and the United Kingdom representative for having achieved a compromise solution which would allow of a unanimous vote. She also appreciated the co-operative spirit displayed by the representative of the Philippines in withdrawing his amendment.

26. The CHAIRMAN said he would put to the vote the new revised text of the draft resolution (A/C.4/L.517/Rev.2), which included the amendments accepted by the sponsors.

27. Mr. PREDESCU (Romania) asked for a separate vote to be taken on the third paragraph of the preamble.

The third paragraph of the preamble was approved by 58 votes to none, with 11 abstentions.

28. Mr. KIANG (China) asked for a separate vote to be taken on the fourth paragraph of the preamble.

The fourth paragraph of the preamble was approved by 50 votes to none, with 24 abstentions.

The draft resolution (A/C.4/L.517/Rev.2) as a whole was approved unanimously.

29. Mr. SMOLDEREN (Belgium) explained that he had voted in favour of the draft resolution in order to associate his delegation with those of the other Administering Authorities in supporting the conciliatory effort made by the United Kingdom and the United States. He wished to make it clear, however, that his vote did not signify any change in his Government's reservations with regard to the General Assembly's intervention in the affairs of the Trusteeship Council.

30. The CHAIRMAN invited the Committee to consider the draft resolution concerning the hearings of petitioners from the Cameroons (A/C.4/512/Rev.2).

31. U PAW HTIN (Burma) recalled that at the 730th meeting the representative of El Salvador, commenting on the amendments of which Burma was a sponsor (A/C.4/L.516/Rev.1), had objected in particular to the third amendment, whereby the Trusteeship Council would be requested to dispatch its next visiting mission at the earliest possible date in 1958, basing his objection on Article 87 of the Charter. The delegation of Burma failed to understand his objection, since Article 87 c left the timing of the periodic visits to the General Assembly to decide; hence the General Assembly was the ultimate authority in the matter. Article 87 c provided also that the periodic visits should take place at times agreed upon with the Administering Authority. He felt confident that, as in the past, the Administering Authorities would be willing to comply with a request from the General Assembly and the Trusteeship Council that the visiting mission should be sent at an early date. There was no question of the draft resolution exerting pressure on the Trusteeship Council: the element of pressure lay in the gravity of the situation in the Territory which demanded the prompt action advocated in the amendments. If, however, the representative of El Salvador felt unable to accept the wording "at the earliest possible date in 1958", in the belief that it had legal implications or imposed pressure on the Trusteeship Council, the delegation of Burma would be prepared to revise or even delete the phrase in order that El Salvador and the other sponsors of the draft resolution might accept the rest of the amendments. He felt sure that the sponsors of the draft resolution would agree that the visiting mission's report should be examined at the next session of the General Assembly.

32. With regard to the Syrian amendments (A/C.4/L.521), he considered the proposed new title of the draft resolution both logical and appropriate. The two Trust Territories of the Cameroons were indeed in the final stages of their constitutional development, and the proposed title would therefore reflect the true situation. Such change of title would at least have the merit of belying any allegation that the Committee had given undue emphasis to the statements made by the petitioners.

33. The second Syrian amendment was also acceptable, since it was of a purely factual nature. He would also be able to vote in favour of the third amendment, the sense of which was little different from that of one of the amendments of which he himself was a sponsor. In the Territory's development towards independence, all constitutional measures, including unification, should be introduced by the freely expressed wishes of the people.

34. Mr. PRADO (Ecuador), speaking on behalf of the sponsors of the draft resolution, said that they had no difficulty in accepting either the first or subparagraphs (a) and (d) of the third Philippine amendment (A/C.4/L.524).

35. Speaking as the representative of Ecuador, he would state his delegation's position with regard to the other amendments. Ecuador had consistently shown its determination to establish the fundamental importance of the principles of Article 76 of the Charter. Believing that those principles constituted the very basis of co-existence in the present age, it had unfailingly supported the principle of self-determination, which it considered the inalienable right of all peoples.

36. He felt that a number of sponsors of amendments had not fully grasped the main objectives of the draft resolution. The amendments proposed by Syria (A/C.4/L.521), in particular, differed radically from the original aims of the sponsors of the draft resolution, which had been clearly conveyed in the title. The draft resolution had been conceived with the sole object of echoing the appeals made by the petitioners in their statements. In two similar cases at the eleventh session the General Assembly had adopted resolutions (1056 (XI) and 1067 (XI)) entitled "Hearings of petitioners..."; the sponsors of the draft resolution under consideration had deliberately reproduced the wording used at that time in order to make their intentions clear. Even so, he felt that the representative of Syria had acted more logically than the other sponsors, whose amendments, without changing the title, substantially altered the substance of the draft resolution.

37. The sponsors of the seven-Power amendments (A/C.4/L.516/Rev.1), seeing that the sponsors of the draft resolution were prepared to accept certain amendments, appeared to have used the opportunity to introduce more far-reaching changes.

38. On their first amendment his delegation's position was quite clear. Although it agreed that every effort should be made to bring about the early attainment of the objectives of Article 76 b of the Charter, it considered the amendment in question incompatible with the draft resolution. Since there had been no suggestion that the Administering Authority was precluding the attainment of independence by the Trust Territory, there was no need to include such a reference, which might only serve to question the good faith of Administering Authorities.

39. He had already explained why the sponsors of the draft resolution could not accept the second seven-Power amendment, proposing the substitution of the phrase "a general political amnesty" for the words "the amnesty law". Since the Administering Authority was responsible for promulgating such laws, the resolution should be worded to conform to French legal procedures. Under French positive law there was no such thing as a general political amnesty although the phrase "general amnesty law" might be used. Since there was no denying that an amnesty was involved and that such an amnesty was unquestionably of a political nature, it was only right to use the French formula. The Administering Authority would provide the necessary information on the manner in which that law would promulgated and applied.

40. The first paragraph of the third seven-Power

amendment proposed a course entirely different from that envisaged in the original amendment (A/C.4/L.516 and Add.1). The word "instruct" had already been accepted by the sponsors, yet the sponsors of the amendments were now proposing to substitute the word "dispatch". He agreed with the objections raised by the representative of El Salvador that such an amendment would have serious legal implications.

41. While he had no objection to the second paragraph of the third amendment, he felt it was quite unnecessary. Moreover, since it was not yet known whether the visiting mission would go to the Territory before the next session of the General Assembly, that paragraph would have the effect of prejudging the situation. Although he admitted that it would be a reasonable addition if the foregoing paragraph were accepted, it would none the less amount to exerting pressure on the Trusteeship Council.

42. Turning to the Syrian amendments (A/C.4/L.521), he said that his delegation could not accept the first amendment because it did not cover the same aspects of the problem as did the draft resolution. The title proposed by Syria would be more suitable for a separate draft resolution. In the present case "Hearings of petitioners..." was sufficient since the petitioners had touched upon a number of aspects of the Territory's problems. The same objections applied to the second amendment, for the draft resolution dealt, not with constitutional developments in the Cameroons, but with the current political situation there. The third Syrian amendment was also beyond the scope of the draft resolution, whose sponsors had singled out a different aspect of the situation as described by the petitioners. The question of unification was a very delicate one which should be dealt with individually and not in a general manner under the headings "Hearings of petitioners".

43. He felt that the draft resolution in its present form provided the only adequate means of improving the political atmosphere in the Territory.

44. Mr. CHAMANDI (Yemen) said that his delegation was in full agreement with the views expressed by the Syrian representative at the previous meeting and would vote in favour of all the amendments he had suggested (A/C.4/L.521). In the general debate the delegation of Yemen had endorsed the view that a unified independent State of the Cameroons should be established as soon as both Trust Territories were ready for self-government and for the Trusteeship Agreements to be terminated. Maintaining that position, his delegation especially approved of the third Syrian amendment.

45. Mr. JAIPAL (India), referring to the Syrian amendments (A/C.4/L.521), recalled his statement at the 730th meeting that if the Cameroons were to be unified it should be as the result of the freely expressed wishes of the peoples in both Trust Territories after they had attained their independence and that it would accordingly be improper for the Administering Authorities to undertake at the present stage to ensure that they would eventually be unified. In the light of that consideration, the third Syrian amendment was premature. If, however, the intention underlying that amendment was simply that the Administering Authorities should ensure that as the Territories progressed towards attainment of the final goal the wishes of the people would be consulted with regard



to all possible alternatives, the amendment proposed by Guatemala (A/C.4/L.526) would be more appropriate and in closer conformity with the provisions of Article 76 of the Charter.

46. In reply to the Ecuadorian representative's objections to the first of the seven-Power amendments (A/C.4/L.516/Rev.1), he pointed out that that paragraph simply recognized that self-government was not an end in itself but should lead eventually to independence, in accordance with the views of the elected representatives of the Cameroonian people as noted by the Trusteeship Council in paragraph 57, page 126, of its report (A/3595 and Corr.1). As the Trusteeship Council had clearly recognized those views he could not understand the Ecuadorian representative's objection to the General Assembly's doing likewise. Moreover, as the petitioners had voiced the request for independence at the present session it was entirely proper to refer to it in a resolution entitled "Hearings of petitioners...".

47. With regard to the third of the seven-Power amendments the Ecuadorian representative had said in effect that the sponsors had not been acting in good faith in making a change in the final drafting of their revised text after the earlier text had been accepted by the sponsors of the draft resolution. The change had actually been due to nothing more than the belated realization that the next visiting mission was not scheduled to proceed to the Trust Territory until December 1958 and that unless the date of its departure was advanced the General Assembly would not be able to discuss the question at its thirteenth session. Hence it seemed reasonable to urge that the visiting mission should be dispatched as early as possible, subject, of course, to the approval of the Administering Authorities.

48. Mr. KARAKARATNE (Ceylon) observed that the Ecuadorian representative's remarks seemed to imply that, whereas the sponsors of the draft resolution had been moved only by concern for the interests of the Cameroonians, the sponsors of the seven-Power amendments had acted from other motives. The Ecuadorian representative had gone still further in violating the rules of propriety in suggesting that the sponsors of the amendments had insinuated a new element into their first amendment when bringing it out in its final form. He wished to express his delegation's resentment at that charge. He did not think, moreover, that there was anything in the final text of the first paragraph of the third amendment to justify the Ecuadorian representative's impression that the new wording altered the entire meaning of the amendment. The only difference was that one version provided that the Trusteeship Council should instruct its next visiting mission to examine the entire situation in the two Trust Territories at the earliest possible date while the other provided that it should dispatch the mission at the earliest possible date. The General Assembly had a moral obligation to take steps to reduce the tension which, as recognized in the draft resolution, existed in a certain area of the Cameroons, for if that tension was allowed to continue it might spread throughout the Territory. If the Ecuadorian representative wished that tension to be reduced and eventually eliminated it was hard to see what objection he could have to the early departure of the next visiting mission.

49. With reference to the second amendment, while it might be true that under French law the term "the amnesty law" meant a general political amnesty the term was too broad to be applicable in the present instance. The use of the word "amnesty" alone might suggest that criminals and other undesirables were to be pardoned, whereas the intention was to bring about an amnesty which would have the effect of reducing the tension and disturbances noted in the draft resolution—in other words, a political amnesty. The intention of the sponsors of the amendments was to lay down a general principle and leave it to the Administering Authority to interpret that principle in conformity with its laws. He was sure that the French representative would agree that there was no danger of ambiguity in the text which they had proposed.

50. In view of the foregoing considerations, he hoped that the Ecuadorian representative would reconsider his observations on the seven-Power amendments.

51. Mr. PRADO (Ecuador) said that he regretted that, owing to what had probably been an error in interpretation, the sponsors of the amendments should have misunderstood his remarks and taken offence where none had been intended. His delegation was in agreement with the Indian and Ceylonese delegations as far as ideals were concerned and differed in the present instance only on matters of procedure, which was logical in an organization such as the United Nations in which the principle of freedom of action prevailed. In reply to the Ceylonese representative in particular he wished to say that his delegation would be only too pleased if the visiting mission could proceed to the Territory at the earliest possible date so that its report could be received in good time by the Trusteeship Council; the difference between their respective delegations' positions in the matter was purely procedural.

52. Mr. ROLZ BENNETT (Guatemala) observed that the difference between the approach advocated by the sponsors of the draft resolution and that taken by the sponsors of the seven-Power amendments was that the draft resolution reflected only one aspect of the hearings granted to the petitioners, namely the political situation in the Territory and the consequent request for a political amnesty, while the amendments reflected other aspects, such as the aspirations of the people for independence and the possibility of eventual unification. Those further aspects had given rise to lengthy statements during the debate and it did not therefore seem out of order to refer to them in the resulting draft resolution.

53. His delegation would have been prepared to vote in favour of the third Syrian amendment (A/C.4/L.521, para.3) but in view of the fact that certain delegations were opposed to it he had drawn up an amendment which he thought might find wider acceptance (A/C.4/L.526). In that amendment the Administering Authorities were invited to ensure that the measures they took would facilitate the free expression of the wishes of the people of both Territories on all possibilities for their future status, including unification. He hoped that the Syrian representative would accept it in place of his own corresponding amendment.

The meeting rose at 5.55 p.m.