

SUMMARY RECORD OF THE SIX HUNDRED AND EIGHTEENTH MEETING

Held on Monday, 8 July 1968, at 3.30 p.m.

Chairman:

Mr. MESTIRI

Tunisia

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ONE HUNDRED AND TWENTY-EIGHTH REPORT OF THE SUB-COMMITTEE ON PETITIONS
(A/AC.109/L.484)

The CHAIRMAN suggested that the Committee should adopt the report of the Sub-Committee on Petitions (A/AC.109/L.484), the provisional text of which had been circulated.

If there were no objections, he would take it that his suggestion was acceptable to the Committee.

It was so decided.

QUESTION OF EQUATORIAL GUINEA: HEARING OF PETITIONERS (A/AC.109/284 and Add.1, 285, 286, 289; A/AC.109/L.443 and Add.1, L.453; A/AC.109/PET.910 and Add.1 and 2, 911 and Add.1-3, 919 and Add.1, 920, 968 and 994)

Mr. HUNEEUS (Chile) observed that in one of the communications mentioned in the 128th report of the Sub-Committee on Petitions, namely the cable dated 2 July from Mr. Atanasio N'Dong, General-Secretary, MONALIGE, which was being reproduced as document A/AC.109/PET.910/Add.3, the petitioner stated as follows: "We are at the disposal of the Committee of Twenty-Four to explain directly the official position of MONALIGE".

In view of the fact that on 2 July the Committee had extended an invitation to another group from Equatorial Guinea, further to their expressed readiness to appear before the Committee, he suggested that the Committee should also invite Mr. Atanasio N'Dong and his associates to appear before the Committee.

The CHAIRMAN said that, if there were no objections, he would take it that the Committee agreed to inform Mr. Atanasio N'Dong and his associates from the MONALIGE Party that it would welcome their appearance before it as soon as possible.

It was so decided.

The CHAIRMAN in accordance with the decision taken at the 616th meeting, invited the representative of Spain to take a place at the Committee table.

At the Chairman's invitation, Mr. de Pinies, representative of Spain, took a place at the Committee table.

The CHAIRMAN informed the Committee that Mr. Francisco Macias and the other authors of the petitions in document A/AC.109/PET.911 and Add.3, who had requested a hearing, would be at the Committee's disposal on 11 July.

At the Chairman's invitation, Mr. Atanasio N'Dong, General Secretary of MONALIGE and Messrs. Evita, Ibongo and Malango took places at the petitioners' table.

Mr. N'ICNG (General Secretary, MONALIGE) said that on 27 June 1968, the Committee representing MONALIGE in the United States had asked him to request a /...

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hearing before the Special Committee in order to explain the results of the Constitutional Conference, following various contradictory telegrams sent to the Committee by the representatives of Equatorial Guinea at the Madrid Conference.

The second phase of the Constitutional Conference had opened on 17 April under the presidency of the Foreign Minister of Spain. In his opening statement the Minister had reaffirmed, on behalf of the Spanish Government, that the object of the Conference was, on the one hand, to respect the political wishes of the people of Guinea and therefore to seek to harmonize all views expressed with the aim of achieving independence for Equatorial Guinea, and, on the other hand, to respect the wishes of the legislator, i.e. the Spanish Government. MONALIGE, which had always tried to interpret faithfully the political wishes of the people of Guinea, had attended all the meetings. The Guinean representatives had been able throughout to express opinions on such matters as unity and the administrative régime of Fernando Póo.

On 27 May 1968, the Spanish delegation to the Conference had proposed the adoption of a procedure which would achieve the objectives of the second phase. That proposal had been adopted after constructive discussions among the members of the Guinean delegation and a Working Group composed of Guinean and Spanish jurists had subsequently been set up. The Working Group's task had been to draft a text which responded to the political and geographical conditions existing in Equatorial Guinea. It had held sixteen meetings, during which Guineans and Spaniards had held very fruitful debates. The role of MONALIGE in the Group's work had been to try to reconcile the political demands of the people of Equatorial Guinea with those of the Spanish Government.

MONALIGE considered that the Constitution drawn up in Madrid corresponded to the wishes of the Guinean people since it made Guinea a democratic republic, recognized and guaranteed the rights of the individual and stipulated that officials would be elected on the basis of universal suffrage. The principle of the separation of powers would be upheld, the Legislative Assembly would be elected by the people, and judicial power would be based on the democratic principles of legality, autonomy, the irremovability of judges and responsibility. A Constitutional Chamber would pass decisions on any jurisdictional conflicts which might arise between the high State officials and would also determine the

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constitutionality of laws and governmental actions. Under the Constitution, Equatorial Guinea would maintain excellent relations with other nations, particularly those belonging to the same geographical area, and would seek to achieve the well-being of the national community by applying the principles of law and justice.

MONALIGE would have liked Equatorial Guinea to achieve independence on 15 July 1968, in accordance with the wishes of the people and with the provisions of General Assembly resolution 2355 (XXII), but that would not now be possible because of the delaying tactics used by certain representatives at the Conference. MONALIGE wished the people to vote overwhelmingly in favour of the new Constitution, which granted independence to the country. It would like the administering Power to fix 12 October 1968 as the date for independence. The referendum would take place in the first two weeks of August and general elections during the first two weeks of September.

Mr. COLE (Sierra Leone) asked whether the petitioner and his associates had decided, before they took part in the second phase of the Constitutional Conference, what they were going to request from the administering Power.

Mr. N'DONG (MONALIGE) replied that the decisions taken by political parties of Equatorial Guinea, or by MONALIGE at least, had been reached in advance, even before the first phase of the Conference.

Mr. COLE (Sierra Leone) explained that the object of his question had been to determine why differences of opinion had arisen within MONALIGE. In communication No. 1836, addressed to the Committee, the petitioner had indicated that it would be impossible to proclaim independence by 15 July because of the delaying tactics used throughout the Conference "by those very persons who claim to speak as authentic national leaders before the United Nations". He asked whether Mr. N'Dong could be more explicit on the subject.

Mr. N'DONG (MONALIGE) said that he, Mr. Evita and Mr. Ibongo had attended the Conference. One of the cables addressed to the Committee was signed by Mr. Francisco Macias who had rallied to the defence of a form of nationalism of which MONALIGE disapproved.

Mr. IBONGO (MONALIGE) said that the reasons for the divergent views within MONALIGE included the difficulty of reaching unanimous agreement on basic

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questions, particularly where economic interests were concerned and, more especially, on a constitution - the study of which called for specialist knowledge. Five of the forty-four persons present at the Conference had raised objections to the Constitution proposed. The referendum would reveal the percentage of electors supporting that Constitution which inevitably, had some shortcomings.

Having studied the Constitutions of twenty-eight African States, he was convinced that perfection was impossible to achieve and thought that the Constitution proposed was a valid compromise. The various organs of government were autonomous and power was divided between the President and Vice-President, who must not originate from the same region of the Territory.

Whatever the objections to which the Constitution gave rise, however, the principal outstanding problem was that of the date of independence, which was to be proclaimed before October 1968. Equatorial Guinea hoped to be represented at the United Nations during the next Assembly.

Mr. COLE (Sierra Leone) asked whether the manoeuvres being executed to protect certain financial interests were strong enough to impede the Territory's attainment of independence by the date desired.

Mr. N'DONG (MONALIGE) suggested that the Sierra Leonean representative should rather put questions on economic matters to the representative of Spain, who was better able to answer them.

Mr. PEJIC (Yugoslavia), referring to the evident dissent among the political representatives of the Guinean people who had taken part in the Constitutional Conference at Madrid in April, asked the petitioners to explain the basic differences between the positions of those involved.

Mr. IBONGO (MONALIGE) said that there had been three distinct tendencies within the Guinean delegation: a separatist tendency on the part of Fernando Póo, whose representatives had refused integration with the Guinean geo-political entity; and a second tendency, diametrically opposed to the former, favouring the institution of a highly centralized, unitary government - the position taken by the authors of the cables to the Secretary-General (A/AC.109/PFT.911/Add.3). Between those positions was a third tendency, represented by the petitioners themselves,

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which, favouring a compromise solution, advocated independence for the Territory as a political and geographical unit, combined with respect for the autonomy of the Territory's various regions. The nationalists had been working towards the latter formula since 1962 and the Spanish Government had guaranteed its application in its Declaration of Intent. That formula had also been embodied in the Constitution adopted during the second phase of the Constitutional Conference, which he considered to offer the best chance of safeguarding independence.

It was not the first time in history that the establishment of a new State had given rise to divergent viewpoints; economically fortunate areas had always favoured decentralization whereas densely populated regions inclined towards centralization. The only way to safeguard independence was to adopt a compromise which would ensure the protection of the ethnic minorities fearful of being overwhelmed by the majority, remove the possible fears of Fernando Póo and allow the islands far removed from Fernando Póo, where the capital was situated, to defend their own interests. That compromise lay in the institution of a central government and a régime providing for the autonomy of the various regions of the Territory. That was the democratic solution which those who had taken a stand differing from the majority of the Party had failed to understand.

Mr. EVITA (MONALIGE) said that the Guinean delegation had been moved to attend the Constitutional Conference by concern for the national interest. The Spanish Government, for its part, had contributed to the success of the Conference by co-operating with MONALIGE and, if there had been manoeuvres, they had not been the work of that Government which, while it might have been involved indirectly, had given proof of its good faith by helping to prepare the Constitution which had been adopted.

Mr. N'DONG (MONALIGE) said that the Guinean delegates to the Constitutional Conference at Madrid had wanted to negotiate the modalities of Equatorial Guinea's independence with the administering Power and that the Party had been represented faithfully by all its members attending the Conference. He had condemned the pressure which had been brought to bear on some members of

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the Party to ensure that certain proposals submitted to the Constitutional Conference were adopted, as had Mr. Macias who was a signatory of the cables addressed to the Secretary-General and who, although he had been present on the occasions in question, had stated his opposition to such manoeuvres.

The fact that the Guinean delegation had gone to the Constitutional Conference unanimously wishing to settle the question of independence did not exclude disagreement within the nationalist movement.

Mr. PEJIC (Yugoslavia) thanked the petitioners for the extensive explanations which they had given to the Committee, which would thus be able to form a clearer opinion on the issue before it.

His delegation was also interested to know why, in the opinion of Mr. N'Dong, who had provided relevant information, there should be one whole month between the general election and the proclamation of independence.

Mr. N'DONG (MONALIGE) explained that the delay was to enable the country to organize celebrations and ceremonies to mark Equatorial Guinea's accession to independence and to make the necessary practical preparations to receive delegates taking part in such ceremonies.

Mr. ESFANDIARY (Iran) asked the petitioners whether the Party had taken any position on the ideological differences which had emerged between the majority of MONALIGE and the small group advocating a more centralist form of government.

Mr. N'DONG (MONALIGE) said that there were different tendencies within the Party but no ideological divergences.

Faced with two draft constitutions which the two extremist groups - the Fernando Póo separatists and the group advocating a single, highly-centralized government - wished to impose on the Conference while refusing to discuss them and rejecting any compromise, the nationalist MONALIGE Party, a very considerable segment of IPGE, MUNGE and other African groups from Guinea who were, in fact, willing to talk, had proceeded to negotiate among themselves. They had combined their draft constitutions, attempted to reconcile them and, basing their work on the different texts and all the amendments variously proposed, had endeavoured to select constructive principles which could be applied against the background of

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political reality in Guinea. They had finally evolved the compromise formula embodied in the text adopted by the Conference. While not perfect, the Constitution thus prepared was a sufficient basis for further progress.

Mr. MALANGO (MONALIGE) said that no undue significance should be attached to possible differences which necessarily existed within a political party in whatever circumstances. The individual's right to defend one or another opinion was basic to democracy. Nevertheless, those who were now expressing opinions differing from those of the majority could not prevent the latter from taking action to guide the country towards independence, whatever pressures were brought to bear upon them.

Mr. ESFANDIARY (Iran) agreed that any political party must accept a certain degree of division of opinion among its members at times, but he felt that in the present instance something more than the unhampered working of democracy was involved. Serious charges had been levelled against the administering Power, which had been criticized for its attitude during the Constitutional Conference. It was for the petitioners to state whether it was true that the administering Power had intervened and on what grounds that charge was based.

In order to enable him to form an opinion, he asked the petitioners to tell the Special Committee whether the provisions of General Assembly resolution 2355 (XXII) had been taken into account in the preparation of the Constitution that had been adopted. Naturally, the resolutions of the General Assembly did not seek to influence the decisions which the peoples of Territories administered by foreign Powers might take with regard to their future status; however, since it had been ascertained as the result of a visit by a sub-committee of the United Nations to the Territory that the population was inclined towards the establishment of a unitary State, it was legitimate to ask whether the recommendation made by the General Assembly that the Territory should accede to independence as a single political and territorial entity had been taken into account. At first glance it would appear that the resolution had been taken into account with regard to that specific point, for the Constitution which had been adopted recognized the indivisibility of the Republic of Equatorial Guinea. However, he asked the

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petitioner to give the Committee more detailed information on the provisions of the Constitution concerning the autonomy of the different territorial units, with regard to which some groups apparently had strong reservations.

Mr. IBONGO (MONALIGE) replied that the unity of the Territory was guaranteed by the Constitution, which defined the Republic of Equatorial Guinea as a sovereign and indivisible, democratic and social State and ensured that the autonomy of the country's different political and territorial units would be respected and safeguarded.

Resolution 2355 (XXII) had also been taken into account in connexion with several other points. For example, the question of the date of independence, referred to in that text, had been mentioned in the Constitution; that was, indeed, the reason for the petitioners' appearance before the Special Committee. With regard to the question of respect for democratic freedoms, mentioned in operative paragraph 5, he felt that at the time of the referendum the United Nations should be represented in the Territory so that its presence would ensure freedom of speech and of the Press. The question of a United Nations presence during the referendum and the general elections and at the other stages of the decolonization process also figured in the resolution and, in that connexion, he recalled that when he had addressed the Special Committee in March he had requested a United Nations presence at the Constitutional Conference itself. Lastly, the question mentioned in the resolution - the transfer of powers to the Government resulting from the elections - was obviously secondary to that of the organization of general elections.

He wished to stress again that at that stage the essential task was to set a date for independence; the United Nations would be present during the referendum and the general elections and, in supervising the transfer of power, it would be able to determine whether democratic freedoms were being respected.

With regard to the second question put by the representative of Iran, he said that the Constitution gave administrative autonomy to the different territorial units; specifically, that meant that the island of Fernando Póo, a province 300 miles from Río Muni, would have a provincial council enjoying specific powers under the Constitution; the island would be represented in Parliament by twelve members elected on the basis of universal suffrage and by secret ballot; the

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administration of the province would be entrusted to a President whose decisions could be overruled by the President of the Republic, who would have the right of veto.

The islands of Annobón, Corisco and Elobey, which were sparsely populated and were situated at a considerable distance from the rest of the Territory, would enjoy local autonomy.

The main problem which had had to be considered in the preparation of the Constitution had been that of the distribution of financial resources. The fiscal system established under the Constitution would be national in scope, applying to the entire Territory, and taxes would be determined in accordance with general economic development requirements rather than the economic development needs of each province. That formula had been devised to prevent Fernando Póo, where Spanish influence on the economy was strong, from benefiting at the expense of the rest of the Territory. Under that formula, a committee of the Assembly would make a study every year or every two years, depending on the budget cycle, of the country's economic resources; then, after determining the general obligations of the State in respect of defence, foreign affairs and the army, and the amount of the resources to be devoted to them, it would allocate to each province the resources it required. Thus it would be the State rather than the provincial authorities which would apportion resources to each province.

Mr. ESFANDIARY (Iran) thanked the petitioner for the detailed explanation he had given the Special Committee on the relationship that would exist between the autonomous territorial units and the central Government.

Mr. AKE (Ivory Coast) asked the petitioners what was the Spanish Government's reaction to the selection of 12 October as the date of independence.

Mr. IBONGO (MONALIGE) said that no agreement had been reached at the Constitutional Conference; because of the disagreements referred to earlier, it had not been possible to discuss the date of independence.

The petitioners did not yet know how the Spanish Government would react to the choice of 12 October; they hoped that the representative of Spain in the Special Committee would be able to clarify that point.

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Mr. N'DONG (MONALIGE), supplementing that statement, said that whenever its representatives had appeared before the United Nations, MONALIGE had followed the practice of establishing a date.

Mr. AKE (Ivory Coast) assured the petitioner that his delegation would do everything in its power to help the people of Equatorial Guinea attain their goal, but he was surprised that the date of 12 October had not been raised at the final stage of the Conference. He asked the petitioners if they had proposed the date of 12 October to the administering Power at the end of the Conference.

Mr. N'DONG (MONALIGE) said that the report in the international Press to the effect that most of the Guineans had walked out of the Conference and that it had been a failure was erroneous, and that those who had signed the cable had themselves been present in the conference room. As to the date of independence, it might well be asked how a date could have been decided upon jointly with the administering Power when some participants had not even been prepared to recognize the national flag.

Mr. AKE (Ivory Coast) said he understood that since some of the representatives of Equatorial Guinea had expressed disagreement on certain points there had not been sufficient time to discuss the question with the Spanish Government. In any case, the date was less important than was accession to independence itself. Nevertheless, it was surprising that when an agreement had been reached the Spanish authorities had not been informed of the date on which it was desired that accession to independence should take place, namely 12 October.

Furthermore, the Committee had received a cable stating that the texts adopted had been imposed at the Constitutional Conference, without vote or agreement. He would like one of the petitioners to indicate how the Constitution and the electoral law had been adopted. It appeared that there had been forty-four negotiators, five of whom had signed the cable expressing their disapproval. Should it be assumed that the thirty-nine others had fully approved the texts adopted by the Conference?

Mr. IBONGO (MONALIGE) said that the Madrid Conference had not been a constituent assembly. The participants had not been elected by the people. The Spanish Government had felt that groups representing the different economic, social and political trends of opinion should be designated or invited to attend the Conference. As no elections had been held, it was impossible to determine

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quantitatively the representative character of each participant. The Spanish Government had invited four members of each group representing trends of opinion or political group: one delegation representing the autonomous Government, one the Assembly, one the Guinean members of the Cortes and the Spanish National Council, one the ethnic minorities and one the economic interests of the country. MONALIGE and the other political groups which had struggled for independence had been inadequately represented, and the problem for the Conference had been to reach a consensus. When the Constitution had been proposed, five representatives had rejected it and the remaining thirty-nine had hailed it, thereby expressing their approval. No vote had actually been taken.

Mr. N'DONG (MONALIGE) said that during the second phase of the Conference Guinean nationalism had been truly represented by twelve persons, all the other delegates being either persons holding posts in the autonomous administration of Guinea or Guinean members of the Spanish Cortes.

Mr. AKE (Ivory Coast) asked whether those who had endorsed the texts of the Constitution and the electoral law had put their signatures to those documents.

Mr. N'DONG (MONALIGE) replied that that would not have been consistent with the practice followed in such cases.

Mr. AKE (Ivory Coast) took note of the petitioner's reply.

The Special Committee had been informed that two judges and four other persons had been designated by the Spanish Government to supervise the referendum. Since the referendum would be the first constitutional act to take place, he asked the petitioners whether they had been consulted or whether the names of those persons had been communicated to them and what had been the petitioners' reaction. If those persons had not yet been designated, he would like to know whether the petitioners intended to express an opinion concerning the list to be drawn up.

Mr. N'DONG (MONALIGE) said that the purpose of the work at Madrid had been the drafting of a constitution and that the electoral law itself had merely been mentioned in the course of the discussions. The drafting of that law had not been the business of the Guinean delegates. He had no information concerning the

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persons designated by the Spanish Government to supervise the referendum and he thought that question should be put to the representative of Spain.

Mr. AKE (Ivory Coast) observed that by saying that it had not been their business to consider the electoral law the petitioners seemed to be confirming the allegation, made by one group, that the text had been imposed from above.

Mr. N'DONG (MONALIGE) said that the political will of Guinea had been respected from the time when the Constitution had been under consideration, but that the Conference had not been a constituent assembly and had not been called upon to take a decision concerning the electoral law.

Mr. IBONGO (MONALIGE) said that, for reasons of political realism, the petitioners had considered that the technical elaboration of the electoral law was not the business of the Conference. The political parties would provide scrutineers who would be Guineans. Spaniards living in Guinea would not participate in the election and could not stand as candidates. Moreover, the United Nations presence would constitute a minimum guarantee of objectivity.

Mr. N'DONG (MONALIGE) said that at the closing ceremony of the Conference the first to applaud had been Mr. Francisco Macias, the Vice-President of the autonomous Government.

Mr. EVITA (MONALIGE) said he believed that the Ivory Coast representative was asking those questions for a very definite purpose, and suggested that he should explain to the petitioners the circumstances in which his country had attained independence.

The CHAIRMAN reminded the petitioner that the agenda item under consideration was the question of Equatorial Guinea.

Mr. AKE (Ivory Coast) said that he was ready to describe to Mr. Evita, outside the Committee, the process by which his country had attained independence. With regard to the questions asked by his delegation, it should not be forgotten that some representatives of Equatorial Guinea questioned the justice of certain decisions.

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Mr. HUNEEUS (Chile) expressed his support for the people of Equatorial Guinea and his hope that they would accede to independence in harmony and on the date considered appropriate by their representatives, namely 12 October 1968.

Mr. SHAW (United Kingdom) asked for a clarification of the exact role to be played by the United Nations prior to independence. The presence of United Nations observers was provided for both in General Assembly resolution 2355 (XXII) and in the resolution adopted by the Special Committee on 1 April. On the other hand, according to the letter addressed to the Secretary-General by the representative of Spain (A/AC.109/284/Add.1 (Part I)), two Spanish judges and four other persons would have the task of supervising the election machinery. He would like to hear the views of the petitioners concerning that apparent contradiction.

Mr. N'DONG (MONALIGE) expressed the hope that the Spanish Government, in its capacity as the administering Power, would invite United Nations observers to co-operate with the persons designated by Spain. The people of Equatorial Guinea wanted a United Nations presence. MONALIGE hoped that the United Nations would assume the task of supervising the election in co-operation with the administering Power.

Mr. SHAW (United Kingdom), noting that the Constitutional Conference had been a long and complicated process and an event of major importance for the population of Equatorial Guinea, asked the petitioners if, in their opinion, sufficient information on the progress of the Conference had been given to the people of the Territory.

Mr. IBONGO (MONALIGE) said that there had been full freedom of expression at the Constitutional Conference. With regard to the publicity given to the proceedings of the Conference, he said that MONALIGE had published several articles, containing extracts of statements, in the Guinean Press. It had transmitted all the relevant information and all the records of the Conference to the Central Committee of the Party at Santa Isabel and to the Regional Committee at Bata. The various MONALIGE committees had given publicity to the Conference in accordance with instructions from the Central Committee. Of course, the press media in Guinea were limited and were, moreover, controlled by the autonomous Government, which was not very favourably disposed to independence. MONALIGE had made known to the

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population its position at the Conference and had published the text of its statements, in particular at Río Muni, where the majority of the population of Equatorial Guinea was concentrated. The position of those who had not accepted the Constitution had been stated in the Press.

Mr. N'DONG (MONALIGE) added that, in addition to the liaison between the MONALIGE delegation and the Committees in Fernando Póo and Río Muni, the two MONALIGE Committees had been in direct correspondence with the officers of the Conference. MONALIGE thus had a permanent system of communications.

Mr. N'Dong, Mr. Ibongo, Mr. Evita and Mr. Malango withdrew.

ORGANIZATION OF WORK

Mr. SHAW (United Kingdom) asked when the documents containing the text of the Constitution proposed for Equatorial Guinea, the electoral law, the declaration of intent by the Spanish Government and the draft law submitted to the Cortes which was mentioned in document A/AC.109/284/Add.1 would be distributed.

The CHAIRMAN said that he thought those documents might be ready the following day. He asked whether the members of the Committee wished to have them before holding another meeting.

Mr. AKE (Ivory Coast) said that he would prefer to have the documents before hearing the statement by the representative of the administering Power. However, he suggested that in the interval the Committee might hear the petitioners who wished to address the Committee.

Mr. ESFANDIARY (Iran) suggested that, in order to expedite its work, the Committee might hear the representative of Spain the following day, 9 July.

The CHAIRMAN reminded members that the other petitioners would probably be unable to appear before the Committee before Friday, 12 July, and suggested that the next meeting should be held in the afternoon of Wednesday, 10 July.

It was so decided.

The meeting rose at 6.30 p.m.

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