

## TRUSTEESHIP

## TUTELLE

T/P.V.17  
16 April 1947  
English

NOTE: Any corrections made according to the suggested revision of Provisional Rules of Procedure T/4, Rule 46, for the Trusteeship Council should be submitted in writing within forty-eight hours to Mr. E. Delavenay, Director, Editorial Division, in Room CC-87 at Lake Success. Corrections cannot be accepted unless they are accompanied by, or incorporated in, a covering letter on the notepaper of the delegation. The envelope containing the corrections should be marked "Urgent" and bear the appropriate document symbol number.

## VERBATIM RECORD OF THE SEVENTEENTH MEETING OF THE TRUSTEESHIP COUNCIL

Lake Success, New York  
Wednesday, 16 April 1947, at 2:00 pm.

## PRESENT:

The PRESIDENT: MR. FRANCIS B. SAYRE

Mr. Makin	Australia
Mr. Ryckmans	Belgium
Mr. Yu	China
Mr. Garreau	France
Mr. Khalidy	Iraq
Mr. Padilla Nervo	Mexico
Sir Carl Berendsen	New Zealand
Mr. Poynton	United Kingdom
Mr. Gerig	United States of America

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The PRESIDENT: The Council is in session.

## CONTINUATION OF DISCUSSION ON ITEM 7 OF THE AGENDA

The PRESIDENT: We take up this afternoon the rules on the examination of annual reports.

Rule 38 of Document T/1 provides: "During its regular sessions the Council shall undertake a separate examination and discussion of the annual report and any other documents submitted by each administering authority in respect of a trust territory not designated as a strategic area, and likewise of any documents in respect of a strategic area on which its advice has been asked for by the Security Council."

As you see before you in Rule 81 of the Secretariat's draft, those latter words have been omitted.

Are there any observations or discussion with regard to this Rule? I think if there is no objection we may use as the basis for our discussion the Secretariat's suggestion.

Mr. GERIG (United States): Mr. President, I would like to support the draft of this Rule as revised by the Secretariat with the omission of those last two and a half lines.

Mr. RYCKMANS (Belgium, (Interpretation from French)): Mr. President, I wonder if this Rule is still necessary in view of the vote which was taken on the second paragraph of Rule 79? I wonder if it is necessary to have a special chapter for the examination of reports, if we could not preferably have one chapter both for the sending in and the examination of reports?

The PRESIDENT: I wonder what the views of the Council are with respect to those two suggestions?

The Rule which we adopted yesterday, Rule 79, reads: "The annual report of an administering authority on the basis of the questionnaire formulated by the Trusteeship Council shall be submitted to the Secretary-General within four months from the termination of the year to which it refers.

"Each report of an administering authority shall be considered by the Trusteeship Council at the first regular session following the expiration of six weeks from the receipt of the report by the Secretary-General."

In other words, that second paragraph says that the report shall be considered. I suppose that those words might be distinguished from the examination provided for in Rule 81, although that is open to question.

Mr. POYNTON (United Kingdom): Mr. President, I do not think it greatly matters whether the Rule is in or not. I think it is redundant. But I would also like to draw attention to Rule 8 in Document T/4, page 8, as we adopted it, <sup>which</sup>

says that "The provisional agenda shall include a consideration of such annual reports and other documents as may have been submitted by the administering authorities." That also seems to make this unnecessary.

Mr. RYCKMANS (Belgium) (Interpretation from French): Mr. President, if that might be useful, I formally propose the deletion of this Rule.

The PRESIDENT: Are there any other suggestions or remarks?

(No response voiced.)

The PRESIDENT: If not, I will ask for a show of hands on the proposal to delete Rule 81. I speak with a few tremors because of our discussion about motions for deletions, but this is a proposal to delete Rule 81 of T/4, or Rule 38 of T/1.

Mr. RYCKMANS (Belgium) (Interpretation from French): No, Mr. President. In order to avoid confusion, I would withdraw my proposal to delete this Rule and I would suggest to my colleagues to vote against it when we come to the vote.

Mr. GARREAU (France) (Interpretation from French): Mr. President, with respect to the point that has just been made by the representative of Belgium, I just wanted to ask for a decision as to whether we were to adopt this Rule or not.

The PRESIDENT: The proposal has been made that we ask for a show of hands on whether or not to adopt Rule 81. Now I take it, Mr. Ryckmans, that the first proposal you made, that is, suppressing the entire Chapter, is dropped for the time being, and we will just take a vote on whether or not we desire to adopt Rule 81.

Mr. RYCKMANS (Belgium): Well sir, if the Council decides not to adopt Rule 81, it will make one argument more for the suppression of the separate Chapter.

The PRESIDENT: The question of the Chapter will depend on how we dispose of the other Rules.

Mr. RYCKMANS (Belgium) (Interpretation from French): I wish to make the point that what I was suggesting was to place the whole of this part of the text under one chapter, with one heading, "Reports."

Mr. MAKIN (Australia): Mr. President, I would like to give notice, sir, that if this Rule is adopted, I would wish, at a subsequent stage, to move an amendment. I wish to give notice of that at this stage, sir.

The PRESIDENT: Very well.

I will then ask for a show of hands as to whether or not Rule 81 Of document T/4 shall be adopted. Those in favour of its adoption<sup>will</sup> indicate, after the translation, by raising their right hand, which, of course, will mean



that those who desire its deletion will vote "No."

Mr. KHALIDY (Iraq): A point of order, Mr. President. I doubt whether you could follow this procedure, since there is no formal proposal for its deletion. The Rule figures in the document, and you need not ask for a show of hands on the raison d'être of the Rule. If you had an amendment you could ask for a show of hands in the normal way, as you used to do in the past, but there is no formal proposal for this deletion. So I cannot see how you can ask for a show of hands on the raison d'être of the Rule.

The PRESIDENT: I think we need not be bothered by too refined technicalities. We are, remember, now determining whether or not to adopt these Provisional Rules as embodied in document T/1. One of those Provisional Rules is Rule 38, and it seems to me in order, to ask for a show of hands as to whether Rule 38 or its amended form in Rule 81 is desired by this Council. If it is so desired, then the representative of Australia desires to propose an amendment. So that unless there is objection, I think we should follow the practice which we have been following right along, of asking for a show of hands on these Rules proposed by the Preparatory Committee. Unless there is objection, I will then ask for a show of hands.

(No objection voiced.)

(A vote was taken by a show of hands.)

The PRESIDENT: There are seven against, one in favour, and therefore the proposal of Rule 81 is not adopted.

Now I would suggest, Mr. Ryckmans, if it is agreeable to you, that we proceed to look at Rules 82 and 83, and if we adopt them, either one of them, then we can leave it to the Drafting Committee to determine whether there should be a special chapter or not.

Mr. RYCKMANS (Belgium): That is what I was going to suggest, sir.

The PRESIDENT: May we turn to Rule 39, which reads as follows:

"To assist the Council in the examination and discussion of annual reports, the administering authority shall be entitled normally to be represented before the Council by one or more special representatives. They shall be well informed on the territory under consideration and shall normally include a responsible official of the local administration of the territory, in order to afford any supplementary explanations or information which the Council may request."

You see before you the changes suggested by the Secretariat in the form of Rule 82 on page 28 of Document T/4. Are there any observations?

Sir Carl BERENDSEN (New Zealand): Mr. President, I am a little at a loss to understand what the effect of this word "normally" is. You will observe it appears in both editions. The implication surely is that the administering authority shall, in the ordinary course of events or something of that nature, be entitled to be represented, but there will be occasions on which the administering authority should not be entitled to be represented.

I should imagine that that is not in our thoughts at all. If it is, I may say that the administering authority should be entitled, as a right, always to be represented.

Mr. MAKIN (Australia): Mr. President, in regard to this rule, we feel that the administering authority should have a complete right to determine the representation that shall be required to answer in respect to any aspect of the administering of those territories under its trusteeship. It may not be convenient to arrange for persons to be withdrawn from the territories concerned, especially to come and give evidence, but surely the responsibility is upon the administering body to satisfy this Council regarding any information that it desires.

That being so, it should be left to the administering authority to determine how that information can be supplied best to this Council. It would seem desirable to us that the administering authority should have complete discretion as to whether the person selected as being "well-informed on the territory under consideration" should come from the central administration or from the local administration in the territory itself.

Many, if not all, of our local administration officials in New Guinea are now, and will be for some time, heavily engaged in the task of reconstruction, following the devastation caused by war in that territory. It might be quite impracticable and undesirable for them to be withdrawn from the territory on any particular occasion in the near future. Of course, that is not meant to suggest that we would not do our utmost to have our best-informed representatives available, whether they be of the central or of the local government officials.

But, sir, we think that basically it is the responsibility of the administering authority to determine as to who it feels can best answer the questions that are likely to be submitted by this Council to it. That being so, we suggest that this rule, in its present form, does not give us that discretion which we think certainly should reside with the administering authority, and that the responsibility be placed upon such a body to see that information sought or desired by this particular Council should be afforded in the proper order and in a full and complete sense, to explain any of the situations that are required to be known to this Council for its administration purposes.

Mr. GARREAU (France) (Interpretation from French): Mr. President, I would venture to suggest to the Council that it should adopt, in respect of this Rule 82, the same drafting as was adopted for Rule 17 which appears in Document T/AC.1/2, in respect of petitions, as follows:

"In the examination of all petitions the administering authority concerned shall be entitled to designate and to have present a special representative who should be well informed on the territory involved."

In effect, this rule was approved by the Drafting Committee and has been adopted. Instead of "petitions", we would mention the word "reports". I think this would answer the points raised by the representatives of New Zealand and Australia, with which I agree.

Mr. RYCKMANS (Belgium)(Interpretation from French): Mr. President, I agree with the remarks which have been made so far, and I would best express my opinion by proposing the deletion of the second part of Rule 82, from the words "In order to afford any supplementary explanations."

I think we should organize this right for the administering authority to be represented by any special representative for the discussion of a report. But I would remind the Council that the Charter provides for the sending in of an annual report and not simply for an oral statement.

I think that complete latitude should be left to the administering authority to decide when and where it wishes to send its special representatives. I would, therefore, propose simply the complete deletion of the second part of Rule 82.

Mr. GERIG (United States): Mr. President, I would agree to the deletion of the word "normally" in the second line, as suggested by the representative of New Zealand, and also the deletion of the second sentence. In doing so, however, I would like to call attention, as a matter of historical record, to the fact that the Council of the League of Nations at one point decided to adopt a resolution suggesting that this very thing be done; that since it was very helpful very often to have special representatives who had direct familiarity with the territory in question, they saw fit to pass a resolution suggesting that that be the normal practice.

Therefore, in suppressing that second sentence, I would like to place on record that it might be desirable for this Council to express a view by resolution at some time to that effect, which, I think, would meet everybody's requirements.

The PRESIDENT: I have heard three suggestions. The first suggestion was that of the Vice-President, who suggested deleting the word "normally" at

the end of the second line in Rule 82. The second suggestion was made by the French representative, suggesting that we substitute the wording in Rule 17 of our Petitions Rules for the wording in the second sentence of Rule 82. The third suggestion, made by the representative of Belgium, was that the second sentence of Rule 82 be deleted.

May I ask the representative of France whether, in view of these later proposals, he still wishes his suggestion to be put to a show of hands.

Mr. GARREAU (France) (Interpretation from French): Mr. President, I consider that the drafting as it appears in Rule 17 replies to all the objections and remarks which have been made by my colleagues here. I would, however, not insist on a show of hands on this matter, if you do consider that Rule 82 can be modified to meet all the remarks which have been made.

The PRESIDENT: So far as the President is concerned, it is not<sup>an</sup> insistence one way or another; it is simply to try to ascertain the desires of all. I think, in view of what you say, I will put your suggestion to a show of hands.

I will then ask for a show of hands, first, on the French proposal, which is to the effect that the second sentence of Rule 82 should be modified by adopting the language which appears in Rule 17 of our petitions procedure. Remember, the language of Rule 17 reads: "In the examination of all petitions the administering authority concerned shall be entitled to designate and to have present a special representative who should be well informed on the territory involved." You will find that in Document T/AC.1/2 on page 7.

Mr. PARRILLA NERVO (Mexico): Mr. President, I understood that the proposal made by the representative of France was to substitute the entire Rule 82 by the wording of Rule 17, with the exception that the word "petitions" should be substituted for by the word "reports". But, as it was stated later by you, sir, you said that the proposal of the representative of France was to



sentence.  
substitute the second/~~and~~ and to add that wording of Rule 17 to the first sentence of Rule 82.

It seems to me that would be a repetition of the same statement.

The PRESIDENT: So that there may be no mistake as to this, I shall ask the representative from France whether I have correctly understood his idea.

My understanding was, sir, that you would take Rule 82, leave the first sentence as it stands -- although we will later vote on whether the word <sup>have it</sup> "normally" shall be deleted or not -- then, for the second sentence you would/ read in some such form as this: "In order to afford any supplementary explanations or information which the Trusteeship Council may request, the administering authority concerned shall be entitled to designate and to have present a special representative who should be well informed on the territory involved."

Is that a correct statement of your proposal?



Mr. GARREAU (France) (Interpretation from French): No, Mr. President, my idea was the one expressed by the representative of Mexico, that is, to replace the whole of Rule 82 by a draft similar to that of Rule 17.

The PRESIDENT: May we then put that proposal to the vote.

(A vote was taken by a show of hands.)

The PRESIDENT: There are eight in favour and one against. The proposal has been carried.

I take it then it is not necessary to put the other proposals which have been suggested, and therefore the Council adopts the proposal of the French representative. I take it that that word "petitions" would, of course, be changed to "annual reports". Is that your thought, Mr. Garreau, that the word "petitions" should be changed to "annual reports"?

Mr. GARREAU (France): Yes.

The PRESIDENT: It is so ordered.

That brings us to Rule 40 of Document T/1, which reads:

"The special representatives of the administering authority shall participate freely in the examination and discussion of a report, except in a discussion directed to specific conclusions concerning it, but shall not at any time have the right to vote."

You will see that the Secretariat has made no suggested changes in that Rule.

Mr. RYCKMANS (Belgium) (Interpretation from French): Mr. President, to me it seems/that since we are faced with the vote which has just been taken this Rule becomes useless, since in the text of Rule 86 as modified by the

Drafting Committee, it specifies that the task of the representative would be "to consult with the Trusteeship Council", etc.

Mr. KHALIDY (Iraq): Mr. President, concerning the point raised by the honourable representative of Belgium just now, although he may be justified, I feel the wording is slightly different here, and although the idea might<sup>not</sup>/be completely different, here there is the element of voting and the element of participating in the discussion, and I, for one, would be in favour of leaving it as it is.

There is one small point which is in the interest of good drafting--not in the interest of good English--which I should like to raise. The word "freely" is too free here, I think. There is no need to use it--not that I object in principle to the idea, but I believe "to participate freely" is much too common a language. It is not quite the language for the Rules of Procedure, so I believe it would be better to delete the word "freely".

The PRESIDENT: Your suggestion is that we delete that word "freely"?

Mr. KHALIDY (Iraq): Yes. Participate means participate--there is no restriction.

Mr. GERIG (United States): Perhaps it would also help the position of the special representative if, in the first line, it were "may" instead of "shall", so he is not absolutely compelled to talk freely.

The PRESIDENT: I take it that we need not ask for a show of hands on these slight verbal alterations. Unless I hear any objections, we will adopt this Rule as it stands, with the two changes suggested, that is, with the word "shall" on the first line changed to "may", and the word "freely" on the second line deleted. Unless I hear objections, it is so ordered.

Mr. RYCKMANS (Belgium) (Interpretation from French): Mr. President, I apologize for speaking again but I wonder if it is really necessary to state here that the special representative has no right to vote. It seems to me that we all know that the only persons entitled to vote are the representatives of Governments accredited in the Trusteeship Council. It seems to me that we should not have to state that a special representative, a petitioner, a representative of the International Labour Organization, or anyone else has no right to vote. It seems to me that is rather childish.

The PRESIDENT: I have just asked the Secretary what practice we followed when we were dealing with the representatives of the specialized agencies. If my memory serves me correctly, we did specify that they should not have the right to vote.

I am informed by our Secretary that in Rule 12 we did provide that these representatives of specialized agencies should be invited to attend meetings of the Trusteeship Council and to participate, without vote, in deliberations. We inserted the words "without vote".

I think there is virtue in following a more or less uniform practice in this respect, and if it is agreeable to the representative from Belgium--

Mr. RYCKMANS (Belgium): I do not mind, sir.

The PRESIDENT: Then I take it that we do adopt Rule 40 of T/1 or Rule 83 of T/4, with the two changes which have been suggested.

Mr. POYNTON (United Kingdom): I was just wondering, Mr. President, whether it might in some way meet / Mr. Ryckmans' point, if instead of stating it so emphatically in a clause of its own, in eleven words "but shall not at any time have the right to vote", we could just put in the words "without vote" after the word "participate". Then we could just take it in our stride as we go along, so to speak.

The PRESIDENT: That seems to me to be an excellent suggestion. I suspect that would take care of many of your troubles, Mr. Ryckmans.

Mr. RYCKMANS (Belgium): Of many of them, sir, yes.

The PRESIDENT: Not all of them but a good part of them.

Mr. KHALIDY (Iraq): Mr. President, I quite agree with the suggestion. There is one small matter of principle. The principle is whether this representative should possess or does possess the right to vote. Could we add: "without the right to vote"? I do not think there would be any objection to that, because the principle is whether he has the right or not. It will make it more explicit to state it this way.

The PRESIDENT: May I say, Mr. Khalidy, that in Rule 12 we used only the words "without vote". I think this should be uniform with what we adopted in Rule 12.

Mr. KHALIDY (Iraq): I do not insist.

The PRESIDENT: Rule 40 then is adopted with the two changes that have been suggested.

I think, in order to prevent any mistake, I should read it in the form/which we have adopted it. The Rule as adopted reads as follows:

"The special representatives of the administering authority may participate without vote in the examination and discussion of a report, except in a discussion directed to specific conclusions concerning it."

Mr. GARREAU (France) (Interpretation from French): I would like to draw the attention of the Council to the fact that in the French text the word "special" before the word "representatives" has not been placed in the Rule. It should be added.

The PRESIDENT: I take it that the Secretariat will attend to that. Thank you for calling our attention to it.

We pass then to Chapter XV of Document T/1, Rule 46. Rule 46, which has been changed somewhat by the Secretariat, reads as follows:

"The Council shall make provision for periodic official visits, for information or enquiries or for any other purposes within the Charter, by its representative or representatives to each trust territory within the competence of the General Assembly, and, at the request of the Security Council, to strategic areas, in accordance with the provisions of paragraph 3 of Article 33 of the Charter and with the terms of the trusteeship agreements for those areas. At least one month in advance of each proposed visit, the Council shall notify the administering authority of the intention of the Council to sponsor a visit to that territory. The administering authority may indicate its preference for some other date. In that case, the date of the visit shall be determined by agreement between the President of the Council and the administering authority."

Now, as you see in the Document T/4, the Secretariat suggests omitting those words having to do with strategic areas, because of the catch-all Rule, number 109, on page 38, having to do with strategic areas.

Mr. GERIG (United States): Mr. President, as I said before in connection with petitions, my delegation feels that the single blanket rules on strategic areas, 109, is insufficient for the purpose. We would like to restore a reference in Rule 46 to strategic areas. We would like to have them treated as was done in Document T/1. We have prepared a paper on this.

The PRESIDENT: Yes, that paper is being circulated now.

Mr. GERIG (United States): In our paper we suggest the revision of this Rule as follows:

"The Trusteeship Council shall make provision for periodic official visits, for information or enquiries or for any other purposes within the Charter, by its representative or representatives as follows:

"(a) To each trust territory within the competence of the General Assembly, and

"(b) To strategic areas, in accordance with the provisions of paragraph 3 of Article 83 of the Charter and with the terms of the trusteeship agreements for those areas."

We felt that it was not necessary to continue beyond that in this Rule as to the details of the visits, since that is really taken care of by the first sentence: "The Trusteeship Council shall make provision for periodic official visits. . . ."

The PRESIDENT: May I interrupt a moment to ask whether you mean this proposal to be complete. How about the second half of the proposed Rule 91?

Mr. GERIG (United States): Mr. President, we thought that the last three sentences of Rule 46, beginning, 'at least one month...', were really not necessary since the Charter itself says that these visits have to be arranged "at times agreed upon with the administering authority." It might be one month; it might be more than one month in advance, perhaps, and it is a detail which is not necessary in a rule.

Mr. GARREAU (France) (Interpretation from French): Mr. President, the general drafting of this Rule 91 does not seem to me to correspond to the text and spirit of our Trusteeship agreements, at any rate, in respect of the Trusteeship agreements concerning France. It seems to me, first of all, that for the time limit of one month before/advising the administering authority of a visit to be made is totally insufficient. Moreover, in our agreements concerning the Trusteeship territories we have the following provisions: "The French Government undertakes to facilitate periodic visits, if necessary, in the Trust territories which the General Assembly or the Trusteeship Council might wish to organize and to agree with these bodies, on the dates at which these visits should take place and should also agree with them on the questions which might be raised by the organs for carrying out these visits."

Consequently, I would wish to suggest two changes in this rule: First of all, that we should extend the time limit, and I would suggest a time limit of two months instead of one. In other words, the administering authority would be informed at least two months in advance of any visit which would be contemplated. In the second place, the administering power would examine the advisability of the visit which is suggested, and would submit its conclusions to the Trusteeship Council. In other words, there would be direct negotiations in the preliminary stage between the Trusteeship Council and the administering



authority before a visit would be carried out.

It seems to me that this is in conformity with the Trusteeship agreements.

Mr. RYCKMANS (Belgium) (Interpretation from French): Mr. President, I agree with the remarks which have been made by the representative of the United States as regards the second part of this rule, and I would prefer the solution suggested by him to that suggested by the representative of France; that is, to delete the second part which is covered both by the Charter and by the Trusteeship agreements. But I would like to ask the representative of the United States why he divided his reference to these Trust territories into two categories: First, the ordinary territories of which no special mention is made; and second, the strategic areas for which he specifies that they should be in accordance with the provisions of Paragraph 3 of Article 83 of the Charter and of the terms of the Trusteeship agreements.

It seems to me that the other visits, the ordinary visits, should also be made in accordance with the provisions of Paragraph 3 of Article 83, and I am surprised that the United States representative has left in the words, "for information or inquiries or for any other purposes within the Charter", because it seems to me that no mention is made in the Charter of this question of visits for information or inquiries. It seems to me it would be simpler to state <sup>it</sup> as follows: "The Trusteeship Council shall make provisions for periodic official visits by its representatives to each Trust territory in accordance with the provisions of Paragraph 3 of Article 83 of the Charter and of the terms of the Trusteeship agreements for these territories."

Sir Carl BEREENDSEN (New Zealand): Mr. President, we have all been so enlivened by the delightful picture conjured up by our colleague from Iraq of the special representative appearing with a broad smile like Dickens's Bailey Junior, leading the laughter and joining in the conversation, that I wonder if we are in a fit mood to put our minds down to something serious.

Now we have here another of the very welcome suggestions from our United States colleague. He has a fertile mind, and he produces these amendments -- useful amendments -- like a rabbit out of a hat, and I have not the remotest doubt that this is a very good rule and that I shall entirely agree with it when I have had an opportunity to consider it.

Quite clearly, sir, my first point is this, that we are not going to decide here and now on a substantial alteration in the draft which we have been considering. On the whole, I am inclined to agree with my colleague from Belgium that we could make the thing more simple and less liable to misconstruction if we shortened the term of words and imported the words of the Charter.

I want to make one point, and one point only, in substance, that I think the phrase in the suggested Rules and in the United States proposal, "or for any other purposes within the Charter," really goes too far. It must surely be confined to any other purposes within the Charter relating to the Trusteeship Council.

I suggest <sup>that</sup> this Council has no authority at all to go beyond the purposes of the Trusteeship Council.

I would wish to express general agreement with the proposal put forward by our United States colleague, but with a firm preference for the simply proposal of the representative of Belgium. I suggest that when we have had our general discussion -- which I suggest should not be prolonged -- we refer the rule to the Drafting Committee to get the proper form of words.

Mr. MAKIN (Australia): Mr. President, I agree with the expressions just made by our distinguished Vice-President. I feel that the view he has set forth is substantially the view that I would have wished to have expressed on behalf of Australia. But I would like to indicate that the amendment as suggested by the honourable representative of the United States does generally find my acceptance, and I certainly will support it.

But I wish to say that the proposed Rule, however, as drafted, does not reflect precisely the terminology of Article 87c. The rule states, for instance, that the Trusteeship Council shall make provision for periodic visits, whereas, the Charter simply states: "The General Assembly and, under its authority, the

Trusteeship Council, in carrying out their functions, may:... provide for periodic visits..."

I will not press that matter, but it is a point that I would wish just to be noted.

Then again, the Rule as drafted refers rather vaguely to the visits being made, for information or inquiries or for any other purposes within the Charter. It would seem desirable to indicate more specifically that the purpose of such visits is to facilitate <sup>the</sup> achievement of the objectives of the international trusteeship system and not to define the objectives in wider terms.

I think possibly this might, after such discussion as we may think proper, be referred to the Drafting Committee on the basis of the suggestions that have been made, and a very suitable and appropriate Rule no doubt could be framed from it.

The PRESIDENT: I think the suggestion which has just been made by both the Vice-President and the representative of Australia is sound. I think that there has been a virtual unanimity of opinion on the fundamentals and that we may refer this Rule to the Drafting Committee for such changes, in accordance with the opinions expressed here, as they may see fit to make.

Mr. RYCKMANS (Belgium)(Interpretation from French): Mr. President, I do not consider that the Drafting Committee would have sufficient indications, based on the discussion which we have had here, and I would ask you, if it is convenient, to request the United States representative to state whether the form that I had suggested as a modification of his amendment is satisfactory to him. The proposal I made gives the United States representative every guarantee in respect of strategic areas, since I also used this expression: "in accordance with the provisions of paragraph 3 of Article 83 of the Charter and of the trusteeship agreements for those territories." I ask for the same guarantees in respect of the other territories.

It seems to me that the Drafting Committee should have an indication of the opinion of this Council as regards the deletion which I had suggested of the words "for information or inquiries or for any other purposes in the Charter", because it seems to me that there is no question in the Charter of this matter of information or inquiries. The Charter simply provides for periodic official visits.

Mr. GARREAU (France)(Interpretation from French): Mr. President, I should like to say, for the use of the Drafting Committee, that the proposal made a little while ago by the United States representative fully answers the points I made and I agree with it. I refer especially to Rules 47 and 48

Mr. GERIG (United States): Mr. President, I think all these suggestions that have been made have been very useful. As to the suggestion of the representative of Belgium that the terms of trusteeship agreements certainly should apply both to non-strategic as well as <sup>to</sup> strategic areas, there is no question on that.

as to Article 83, of course that would apply only to strategic areas, since it is concerned only with strategic areas. There is just a little phrasing that could be worked out.

Mr. RYCKMANS (Belgium): No; no. It would be Article 87, paragraph (c).

Mr. GERIG (United States): For the non-strategic areas it would be Article 87 and the terms of the trusteeship agreements that should regulate. I would certainly accept that.

As for the phrase "for information or inquiries or for any other purposes", that, as everybody knows here, was brought over from London and we merely retained that. I think the argument is a very good one for deleting it or else substituting the kind of language that the representative of Australia threw in, which I hope the Drafting Committee would consider as a possible substitute.

The PRESIDENT: I take it that we may now refer this Rule 46 of T/1 or Rule 91 of T/4, with the suggested changes proposed by the United States and the various comments which have been made, to the Drafting Committee for their consideration and recommendation to us at a later date.

(No objection voiced)

The PRESIDENT: It is so ordered.

That brings us to Rule 92, a rule which was suggested by the Secretariat and which you see at the bottom of page 31 on Document T/4:

"The Trusteeship Council shall define the terms of reference of each visiting mission and shall give to the members of the mission such special instructions as it may consider appropriate."

Is Rule 92 satisfactory in its present form?

Mr. RYCKMANS (Interpretation from French): Mr. President, I would ask that we add, in order to be in conformity with the trusteeship agreements, the words "in agreement with the administering power."

The PRESIDENT: May I ask where you would put that?

Mr. RYCKMANS (Belgium) (Interpretation from French): Mr. President, I would like to add it after the words "shall define"; so that we shall have the text reading:

"The Trusteeship Council shall define, by agreement with the administering power, the terms of reference of each visiting mission..."

Mr. Padilla NERVO (Mexico): Mr. President, I do not have with me the text of the trusteeship / <sup>agreements,</sup> so I do not know to which particular clause the representative of Belgium has referred. But I should consider that since the terms of reference for the visiting mission have to be approved by the Council, and the administering Member concerned has to state his opinion in the Council and approve or disapprove the terms of reference, it would not be necessary to state in the rule that the terms of reference cannot be given to the visiting mission without the agreement of the administering authority, since, as I said, the administering authority, in each particular case, would be represented by the respective Member in this Council; also, because Article 87, paragraph (c) reads:

"provide for periodic visits to the respective trust territories at times agreed upon with the administering authority..."

That is from the Charter, and the only thing the administering authority has to be consulted on is the time of the visit. Nothing is said in the Charter regarding the terms of reference of that visiting mission which, of course, ought to be decided and / <sup>defined</sup> time, by the Council itself. For that reason I do not think the addition of those words are necessary or convenient, Mr. President.



(During the above remarks Mr. Liu Chieh, representative of China, replaced Mr. Yu at the Council Table.)

Mr. RYCKMANS (Belgium) (Interpretation from French): The fact is, Mr. President, that there is not only the Charter, but we also have to take into account the trusteeship agreements. I would be quite prepared to give satisfaction to my colleague from Mexico in that we should not necessarily specify that the consent of the administering authority should be obtained. There may be trusteeship agreements where this is not provided for and is not necessary.

I would like to state that as regards the agreements made in respect of Ruanda Urundi, for instance, it is specified that the administering authority should arrange, in consultation with the Assembly and the Trusteeship Council, the dates of any visits that may be contemplated, and settle all matters in respect of these visits in consultation with the Assembly and Trusteeship Council. In this case I would ask the Council that they agree that this should be negotiated with us.

Mr. GERIG (United States): Mr. President, I wonder if we could meet all points by using these words instead of the ones that had been suggested by the representative of Belgium. If you add the words, "in accordance with the respective trusteeship agreements", after the words "The Trusteeship Council shall...", you could meet all points. They may vary. I think they do vary a little bit in this respect, and naturally they would have to be taken into account by the Trusteeship Council.

I suggest that as a substitution for the words "by agreement with the administering authority", since there will be some variation in the trusteeship agreements. In any case, I think it would be unfortunate if we gave the impression that the terms of reference of a visiting mission, sponsored and set up by

this Council should have any other restrictions on it than the ones which are agreed to in the trusteeship agreements, because surely we would not wish to give the impression that this Council as a whole was unable, or did not have the wisdom and common sense to define the terms of reference which are appropriate to any visit in any territory. Therefore, I would like to suggest a substitution of the words "in accordance with the respective trusteeship agreements."

Mr. GARREAU (France) (Interpretation from French): Mr. President, I agree with the proposal made by the representative of the United States. The draft which he suggests answers the various points which I made a little while ago, concerning the implementation of trusteeship agreements.

Mr. LIU CHIEH (China): Mr. President, the proposed addition is one of those redundant things which, I suppose, is very difficult to object to. The provision of Article 87 says, "...take these and other actions in conformity with the terms of the trusteeship agreements."

If the Council feels it is necessary to add this, sir, I do not think that my voice would be strong enough to object to the addition of it. But I also find it not only redundant and unnecessary, but also meaningless, because I do not recall any provision in the trusteeship agreements that has any bearing on or anything to do with periodic visits, at least in the terms of reference of periodic visits.

The PRESIDENT: May I ask the Belgian representative whether the suggestion made by the United States representative is acceptable?

Mr. RYCKMANS (Belgium): Entirely.

The PRESIDENT: I take it that we are agreeable to the suggestion made by the United States representative to the effect that we insert after the words, "The Trusteeship Council shall", the words "in accordance with the respective

"trusteeship agreements", and then go on in the words appearing before us. Unless Mr. Liu Chieh, you desire a show of hands, I take it that the Council approves that suggestion.

Mr. POYNTON (United Kingdom): I would like to speak just on a point of clarification, Mr. President.

Perhaps the Drafting Committee can check it over, but the words "in accordance with the respective trusteeship agreements" must qualify the second part of the sentence about giving the "members of the mission such special instructions as it may consider appropriate", as well as the first half of the sentence, which says, "define the terms of reference." I am not sure that the second part is not even more important than the first.

Secondly, with regard to that second part of the sentence, that drawing up of the special instructions is, of course, a thing that the Council must do itself and must not delegate. We must have it all done here while we are all here.

The PRESIDENT: In view of the words of the representative from the United Kingdom, I think we should refer this rule also to the Drafting Committee.

I take it that will be agreeable to you, Mr. Poynton?

Mr. POYNTON (United Kingdom): Yes.

The PRESIDENT: It is so ordered.

Rule 93 again is a rule suggested by the Secretariat, which you see at the top of page 32 in Document T/4: "All periodic visits, special investigations or inquiries shall be conducted in conformity with such regulations as may be approved by the Trusteeship Council."

Mr. MARTIN (Australia): Mr. President, this is just a substitution of a word, but I think it would be more appropriate if we used the word "instructions" instead of the word "regulations."

I suggest that amendment be made.

Mr. GERIG (United States): Mr. President, I think that if we take the word "instructions" instead of "regulations", we are back nearly to the rule we have just now adopted, where we agreed to have special instructions, etc., and I was going to suggest, in any event, that Rule 93 seems to me of doubtful wisdom, whether we want to have a set of rather precise regulations on visits of this kind.

It seems to me that small visiting missions of this kind must be trusted to have a certain amount of experience and common sense in going into any country, that they would do things which are proper and convenient. I personally doubt whether we need to have a whole set of regulations to determine every move that the visiting mission might make and just how to make it in the territory. It seems to me that is getting down to details which are quite excessive and unnecessary. I would like to see this rule dropped out.

Mr. POYNTON (United Kingdom): I was just going to make the same suggestion as Mr. Gerig.

Mr. GARREAU (France) (Interpretation from French): I agree, too.

The PRESIDENT: The Vice-President says, "Moi aussi".

It is suggested then that Rule 93 be deleted. Unless I hear objections, it is so ordered. (No objections voiced)

Rule 47 of Document T/1: "The Council may designate, as its agents for the purpose of its periodic visits, one or more representatives of members of the Council or officials of the Secretariat, who shall report to the Council on their findings. It may also call upon the services of experts. Its agents shall be chosen for their competence and integrity, preferably from among non-nationals of the administering authority."

The Secretariat, as you see in Rule 94 on page 32 of Document T/4, has made certain changes, which I will not stop to read because you have them before you.

Mr. GERIG (United States): Mr. President, in this paper that was circulated a few moments ago -- I had hoped to circulate it separately, but it is on the same paper -- we have made a suggested revision of this rule, which is self-explanatory. There is one new sentence in the middle which perhaps is a new element: "Each representative may, with the consent of the Council, designate deputies to assist in the work, whose expenses shall be paid by their respective governments."

Apart from that, it represents only a slight modification.

Mr. KHALIDY (Iraq): Mr. President, there is, of course, as the representative of the United States said, a slight difference between the two versions.

I personally would prefer the version of the United States representative. May I take it as a basis?

I have a few suggestions, mainly a matter of form rather than substance. I am taking as a basis the United States proposal. The first one is in the second line, "one or more representatives." I think it ought to be "Members of the <sup>Trusteeship</sup> Council." I am aware that the United States representative meant it to be the representatives, whom he would prefer to see chosen on the basis of their personal merit.

If the question is a matter of principle and meant to be like that, may I be allowed to differ in point of view? I think that the question is a question of the Member of the Council, and the Member of the Council may designate whomever he likes. We cannot restrict, we cannot bind the hands of the Members of the Council to send a particular man. They must send the man they like. We must leave it to them to send the best man they think fitted to the job. I think this freedom ought to be left to the Member State sitting on the Council. There is another practical difficulty in this connection. A particular representative -- not a particular Member -- may not be able to go to that territory at that particular time and in those particular circumstances, so we cannot press him <sup>to come</sup>. His Government may need him to serve elsewhere for the next three months, and that would present us with a difficulty. I believe, as a point of principle, that if we leave it to the Members rather than representatives, it would be a more convenient way.

Now on the next line following, we say --

The PRESIDENT: May I interrupt for just one second. You are speaking of the second line?

Mr. KHALIDY (Iraq): Yes.

The PRESIDENT: You would change the words "of the representatives" to --

Mr. KHALIDY (Iraq): "Members of the Council". May I proceed?

The PRESIDENT: Please do.

Mr. KHALIDY (Iraq): On the next line, Mr. President, we say "...normally assisted by members of the Secretariat..." Would it not be better to say "by one or more members of the Secretariat?" I have in mind that a mission may be a very small one, maybe a one-man mission. The Secretariat may deem it adequate to send just one member of the Secretariat and not more, so we could provide for this case by saying "one or more members". I do not think that would matter very much.



Now, the sentence beginning "Each representative may, with the consent of the Council, designate deputies..." -- should it not be "a deputy or deputies", "...to assist in the work..." Of course what is meant here is not to assist in the work of the mission. What is meant is to assist the particular representative in his work, and therefore it ought to be "...to assist him in the work, whose expenses shall be paid..."-- I suggest the word "borne" as it is more esthetic than "paid".

The last and final point, Mr. President; I beg to come back to that point of principle that they "shall be chosen for their competence and integrity." I may be allowed to differ slightly from this point of view, as this phrase may carry something of a reflection and I do not think it ought to be mentioned at all. We must take it for granted that all members or representatives are the best we can get, anyway. You cannot do better, and therefore you have to do with, and I suggest we delete "shall be chosen for their competence and integrity". Of course they ought to be competent.

Mr. POYNTON (United Kingdom): Mr. President, the point I want to make just at the moment is mainly a procedural one. The Vice-President just now made reference to rabbits being produced out of hats. I think here the combined efforts of the Preparatory Commission, the Secretariat and the United States delegation have produced a regular rabbit pie with about a dozen different things in it. What I would like to do is to take the United States text as our basis for discussion, but take each sentence separately, as if they were, in fact, different rules, and concentrate our discussion on the individual points. I will make my own points as we come to them.

The PRESIDENT: It has been suggested that, in order to have a more orderly discussion, we take up the American proposal sentence by sentence and discuss it in that order. If agreeable to everyone here -- and I take it that it is -- we shall follow that suggestion.

Now I have on my list here requests from the representatives of China, New Zealand and Belgium, so that those three will have preferred status when we come to the sentences which they seek to discuss.

May we first then throw open for discussion the first sentence, that is: "The Trusteeship Council may designate, as members of its visiting missions, one or more of the representatives on the Trusteeship Council, normally assisted by members of the Secretariat, who shall report to the Trusteeship Council on their findings."

Mr. LIU CHIEH (China): Mr. President, I am not disagreeing with the very practical procedure of discussing a rule sentence by sentence, because that is a very useful procedure when we come to the actual drafting. But you, sir, have usually very wisely allowed certain principles to be debated first, and I think there are more fundamental and conflicting principles enunciated in this rule than in some other rules. Therefore, I will ask your permission to speak briefly on the principles involved in the whole rule.

The PRESIDENT: Please do.

Mr. LIU CHIEH (China): Mr. President, I think I start from a premise that is somewhat different from that which motivated my colleague from Iraq. As I see it, a visiting mission is really representative of the Council. The visiting mission is sent to a trust territory by the Council to investigate and inquire into certain things which the Council wants to know. Therefore, I think the mission does not represent any government; it represents the Council. For that reason, I think it is wise to make the personnel of that mission a choice of the Council rather than of any individual governments. That mission will be responsible not to any individual government but to the Council. It will have to report back to the Council. Therefore, I am inclined to think that the members should be chosen on their personal merit and competence. I do not see how the Council can leave it to any individual government to designate someone the Council has no knowledge of to go to a territory. That member of the visiting mission will not know whether he is responsible to his own government or to the Council or whether he is to report to the Council first or to his own government. That is one thing.

The second point I would like to raise is this: I do not quite understand the purport of the United States amendment to make the respective governments responsible for the expenses of the representatives or deputies, because I feel that, as I said, the visiting mission is representative of the Council and to make an individual government bear the expenses would destroy the international character of the mission.

I notice that in a later rule in T/4 there is a provision that all expenses of periodic visits, special investigations and inquiries, including the travel expenses of the visiting mission, shall be borne by the United Nations. Now, I think that is a very sound rule. I would not like to go into the merits or demerits of that rule, because I do not know what consideration prompted the United States delegation to introduce that amendment. I feel that the question of expenses, although important, is not so important as the maintenance of the integrity of the visiting mission as an international body representing the Council.

Also, from a drafting point of view, sir, I feel that the text in the United States proposal is not quite clear, because I do not know whether it means that some representatives of the Members of the Trusteeship Council can be included in the mission or that they alone can form the mission. As I emphasized the personal competence of the mission, I would be happier if I felt that if no such representative is available, then some international-recognized expert may be asked or appointed by the Council to undertake such a mission, or we can avail ourselves of the experts with the specialized agencies.

I only raise that point because, as the rule is worded now, it seems that only representatives on the Council can be members of the mission, and I am not very clear about that.

Sir Carl BERENDSEN (New Zealand): Mr. President, I shall endeavour to confine myself, in accordance with the admirable suggestion of our colleague from the United Kingdom, to the first sentence of the United States draft. Here again I would like to make this comment: that, despite the frequency of these drafts from our United States colleagues, I have never seen one that did not add some clarification or something useful to our consideration of every subject to which they addressed themselves, as this one does.

We are dealing now with a question of real and fundamental importance. We are turning new ground, and we will all do well to ponder, and ponder, if necessary, at length, to insure that we turn that ground carefully and properly, and that the furrow is straight. It is new ground, and it is delicate ground.

I am in very general agreement--in fact, I think I am in complete agreement--with what the representative of China has just said, which involves, on the first point at issue, that any Member of this special... Council who may be appointed to a visiting mission, shall be the representative himself or a person delegated by the Member. On that point, I am obliged to say that I disagree with the representative of Iraq. I am convinced, as is my friend from China, that the visiting mission is the organ of the Trusteeship Council. It is an international body. It should be chosen, as Mr. Liu Chieh said, from the point of view of competence and integrity, and from no other aspect at all, and we should jealously keep in our own hands the judgment as to who is the most suitable person to go on a visiting mission.

Now, I intend to confine myself, sir, insofar as I physically can, to the first sentence, the question of membership. There, I must confess, I am a little confused as to what is the intention and, indeed, what is the best

object at which to aim. Document T/1 implies that any visiting mission must consist either of some of the Members around this table, or of officials of the Secretariat. It allows no latitude whatsoever on that: Document T/4, owing to a typographical error, I confess I do not understand at all. I do not know if it means to differ from T/1 or not.

We get a third in the very welcome suggestion of the United States in which we see that the proposal is that the visiting mission should consist of the representatives, one or more of the representatives on the Trusteeship Council, normally assisted by Members of Secretariat. I confess, I do not know exactly what the intention there is. Are these Members of the Secretariat under this plan to be Members of the visiting mission, or merely advisers, friends, et cetera, of the Members? However that may be, I suggest that we should allow ourselves the widest possible latitude in appointing Members of the visiting mission. I would think it desirable, myself, that, other things being equal, there should certainly be a representative or several representatives of Members of the Council on any visiting mission. But that I would suggest as a general principle only, and not necessarily compulsory. But we should allow ourselves the opportunity of finding the proper man for the proper job, and they may not be representatives of Members; they may not even be officers of the Secretariat. They could quite easily be officers of the specialized agencies. They could quite easily be experts in the field of colonial administration.

I am inclined to suggest--I am merely thinking aloud, just throwing the ball about--that we should not pin ourselves down to any specified type for appointment as the agents of this Council. We should give ourselves the utmost latitude.

On the question of deputies, perhaps I might go on to that, sir. It is another sentence but really it is one and the same question. Again, I do not understand what the intention is, but in view of what I have said, I should not think there should be any latitude to any person appointed by this Council on a visiting mission, to appoint anybody else. If he wants someone to help him well and good. But the mission should consist solely of the people appointed by this Council.

Now, sir, I have covered the points that arise in the first and second sentences, and if I might have another opportunity for a much briefer word later on, I should be grateful.

The PRESIDENT: May I point out that there has been a slight typographical error in our copies of T/4, in Rule 94. The parentheses on the fourth line should close with the word "official". That is, the third word of the fourth line should contain the word "official" in the parentheses.



Mr. RYCKMANS (Belgium) (Interpretation from French): Mr. President, especially, I think I have more questions to put here. As our Vice-President said, this is a very delicate matter upon which I have no definite and fixed opinion.

I would like to know what the actual significance is which the representative of the United States attaches to his proposal. I mean, in the first sentence he states, "The <sup>Trusteeship</sup> Council may designate...one or more of the representatives on the Trusteeship Council..."

I think this is quite obvious and it goes without saying. But the question is, who else might the Council designate, and might the Council designate anybody else?

Further down, at the end of this rule as proposed by the United States, it is stated, "It may also call upon the services of experts."

The question arises as to whether these experts should be thus considered by the Council as members of the mission, or whether they would be called upon simply to assist the mission in its task.

I must admit that I rather prefer the view as expressed by the representative of China that if the Council is to choose certain Members among us in this Council for a visiting mission, the intention of the Council should rather be to designate a person among us and not just simply one representative of Mexico, one representative of Australia, one representative of France, and one representative of Iraq, and so on.

It seems to me, on the other hand, as regards the intention of the proposal of the United States, I do not quite see how a government would be able to pay for the expenses of any deputies attached to the mission if it were not a representative of the government that were designated.

We will note that the Security Council sent a mission to Greece recently and here the Security Council voted on the representatives of states to be sent in this mission, and not on persons specifically designated.

But, on the other hand, I do not think that if the Security Council is to nominate a governor for Trieste, for instance, it would simply say that it should be a representative of Sweden or Colombia or any other country, but on the contrary, it would designate a specific person.

The PRESIDENT: It is now twenty minutes of five. May we take a brief recess and meet here at five o'clock?

(A recess was taken.)

(Mr. Ivor Thomas, representative of the United Kingdom, replaced Mr. Poynton.)

The PRESIDENT: May we resume our discussion with respect to Rule 47, or Rule 94 in the Secretariat draft.

You remember that we were addressing ourselves to the first sentence of the American draft which raises very fundamental questions. The American draft of that first sentence reads: "The Trusteeship Council may designate, as members of its visiting missions, one or more of the representatives on the Trusteeship Council, normally assisted by members of the Secretariat, who shall report to the Trusteeship Council on their findings."

Are there any observations to be made with respect to that sentence or to the fundamentals which must be decided with respect to that sentence?

Mr. Ivor THOMAS (United Kingdom): The language is a little ambiguous, Mr. President, and for that reason I should like to split up the first sentence into two sentences, and I prefer also to alter "findings" to "visit", because I think the word "findings" gives a wrong impression of what is intended by these visits.

I should like to propose that the sentence now read: "The Trusteeship Council may designate, as members of its visiting missions, one or more of the representatives on the Trusteeship Council, normally assisted by members of the Secretariat. Each mission shall report to the Trusteeship Council on its visit."

The PRESIDENT: I think that so far as the drafting is concerned, perhaps we had better postpone that work until we are in agreement on the fundamentals. Are we all in agreement with the fundamentals underlying this sentence, namely, that the visiting missions shall be composed of representatives of Members on the Trusteeship Council? That is the fundamental question, and I wonder if we

are in agreement. You remember that the representative from China expressed very definite views with respect to that. I hope we may reach agreement on that fundamental before we proceed with the drafting refinements.

Mr. GARREAU (France) (Interpretation from French): Mr. President, our colleague, the representative of China, has rightly stated that the fundamental question here is how to designate the representatives of this Council for visiting missions. I think we are all agreed that these missions are solely to represent the Trusteeship Council as responsible for that task and the question is how to make these nominations. I think perhaps we might see inspiration in the manner in which the Members of the International Court of Justice are chosen. Countries have been designated to present lists of candidates, and I wonder whether we could contemplate designating countries in this way to indicate to the Council what representatives they consider fit for the various missions contemplated. My proposal would join that of the representatives of Iraq and China.

Otherwise, I do not see how we can contemplate this designation of representatives for missions. I think that in view of the representation of countries in the Trusteeship Council we should contemplate this system, and in actual practice, for instance -- I will take an example -- the Trusteeship Council might decide that China, the United States and Iraq should have representatives for some specific mission. The three Governments -- the United States Government, the Chinese Government and the Government of Iraq -- would present to the Trusteeship Council a list of qualified persons whom they consider fit to represent their countries for this mission, and it would be the task of the Trusteeship Council to choose among these persons whom they think appropriate for the mission.

Mr. KHALIDY (Iraq): Mr. President, I wish to say a word, in the nature of clarification, on something which may have entered the minds of some of my colleagues, perhaps unwarrantedly.

I hope nobody will think that I had in mind for a moment that the visiting mission would not be responsible entirely and completely to the Council. No matter how they are chosen, whether they are chosen personally or through their Governments, they will -- and that is what I have always meant -- completely and entirely be the representatives of the Council, the servants of the Council in every single respect. That is to say, they will not be the servants of the police of their Government. I would like to point out that that was always in my mind. They would be completely the servants of the Council.

Now, Mr. President, if I find myself in the minority -- as I do in many cases -- I will gladly accept the view of the majority, naturally, but I am trying to think along practical lines. Now, suppose we are sending a mission to a certain place and the Council has said that it would like to choose Messrs. A, B, C and D as being the most qualified representatives on this Council to go to that place. Very well. Now, suppose Mr. A says, "I am sorry, I cannot make it; I have got something to do in New York." Suppose Mr. B says, "I am sorry; my Government wants me to go somewhere else and I cannot make it." Then, with the best intentions, Messrs. C and D are left on this mission. What will happen? If we want to complete the mission, then we may produce someone we do not know or somebody from the Secretariat. If we do not complete the mission, then only the two Members are left to carry on. Will that really be answering completely the idea of the Council? I do not think so.

Then there is the case of Members not being thought qualified for a certain job. But then, Mr. President, how are you going to specify this sort of qualification? Is it not going a little around the point? How are you going to specify it? It is very difficult to go into this matter without knowing / something about the

experience  
/of the representative. How can you say that Mr. A now sitting on the Council is an excellent man to visit Tanganyika and the same Mr. A is not a good man to visit the Pacific? How can you know that unless you know Mr. A personally?

Then there is the possibility of a change in the representatives. We have among our membership here men of high office and responsibility. They are likely to be changed by their Governments from post to post. What happens if a Government changes its representative on the Council -- and that may happen, of course-- and the man who you have felt is qualified has suddenly disappeared? Then the next man who takes his place may be a more qualified man to visit that territory, but you do not know him. In addition, do you not think the Government may think it a little amiss that you should choose one of its nationals without asking the Member on the Council to present somebody?

As I said, I am trying to think aloud. I do not mind what you do; I will gladly accept the majority view. However, I will leave it to my colleagues to decide.

Mr. GERIG (United States): Mr. President, I think this has been a very constructive and illuminating discussion on all these points.

First of all, I would like to refer briefly to the second sentence, which I think has received perhaps most of the criticism, and to say that we never had anything more in mind than that a representative might feel the need of having a personal assistant and we wondered whether the expenses of a personal assistant should be borne by the United Nations. It is really a secondary point, however, and it might very well be dropped. I think it adds nothing to this rule. It goes without saying that a representative on certain occasions might feel the need of having a personal assistant to do various things which the representative may require. So, I would like to withdraw that sentence, because I do think it is of secondary importance.



Referring then to the first sentence, it seems to me that we are all agreed that the mission, however composed, represents the Trusteeship Council and only the Trusteeship Council. Everybody is agreed on that, no matter how you compose the mission. I think, however, that these missions probably will not be very frequent. I would like to suggest the possibility that a visit to any one territory might perhaps not take place oftener than once every two or three years. We have not discussed this yet but it seems a probability that such visits would not be made to each territory much oftener than that. The territories, grouped as they are at present, fall into three groups: East Africa, West Africa and the Pacific. Therefore, one or two visits a year is all that one foresees for the present. If the situation changes, we can always make a new rule, but that is the kind of situation we are thinking of at present, I believe. Therefore, it seems to me that the hardships that might be worked upon Members of this Council or their qualified deputies should not, in those circumstances, be so great that it would be impossible to find at least one Member of this Council-- if not two or three -- who could take the responsibility, considering especially that some Members of this Council, I think, are serving by appointment for rather a long time. In those circumstances, it would seem strange to me if you could not find at least one Member of this Council who could qualify to conduct a mission, with experts, Secretaries assistants, and so on.



If necessary to resort to the device of nomination so ingeniously mentioned by the representative of France, we could do that too, but I think that would not be the most desirable thing. It is something you can fall back on, if necessary. If it is found that not a single Member of this Council could be found to make one visit one year, then we might have to resort to that kind of device.

Now, as to experts and secretaries, it seems to me they would not be a part of the mission. The mission would ideally consist of one or more -- say two or possibly three -- Members of this Council. They would constitute the mission. Experts and secretaries would be attached to the mission but would not be a part of the mission. That is, the mission consists of representatives and others, however many may be necessary to accomplish the task. That is partly a matter of the accommodations which would be available in a territory. The mission should not, in any case, be very large perhaps, because it would be impossible to do what you want to do in the interior if a mission were too numerous.

Therefore, it seems to me that if the matter is conceived in those terms, the first sentence with slight redrafting should commend itself to the Members of the Council. As far as my delegation is concerned, I accept the suggestion of substituting "visit" for "findings." I think these visits are in the nature not so much of surveyance as they are of learning what the problems and conditions are in a spirit of helpful co-operation, not a matter of surveyance, of looking around behind somebody's back to see what you can find out.

It is not in that nature. If it is, it is apt to be very unsuccessful. Therefore, I think "visit" is the word which is more nearly in line with the concept. If "normally" causes any difficulty, that might very well

be dropped out, because it really adds very little. It would be assumed that one or more Members of the Secretariat would assist a mission except in the most rare instances.

Mr. MAKIN (Australia): Mr. President, one, in following the course of this debate, becomes convinced of the complex nature of our problem. I am somewhat agitated at the moment really as to what might prove the best procedure. I would not like to finally tie myself to any specific idea, but at the moment, my thought runs in a similar vein to that of the Vice-President.

I feel that first of all we acknowledge that whoever is represented to undertake a mission, undertakes it on behalf of the Council. That is very definite.

At the moment, I feel that we should not unduly restrict ourselves in regard to who we may feel to be the proper person to represent the Council on such a mission. It has already been indicated that there might be difficulty in finding someone of the Council who is a Member here to undertake possibly the responsibilities of a mission. I think/certainly that we would find difficulty in getting readily a number who would be available possibly for the purpose of undertaking missions. There is just this about it, that seeing that it is also for the means of providing added knowledge and information to the persons who go to visit these areas, it is very desirable that it should not be really a class of undertaking in which only one or two could find it convenient to undertake.

In other words, if you confine it to Members of the Council, it may be that we might find that there are only one/<sup>or two</sup> that can really give the time to actually undertake successfully the missions in question.

Now, if that be so, then it means that the advantage of that is then only to the one or two who actually have had the time and who are specially qualified to be able to undertake such missions.

I think we have to distribute, if we can, the advantage that these missions bring by reason of the knowledge and experience that they make possible. That being so, that leads me to feel that the diversity of representation is possibly a very desirable objective to have in mind, and that is why I do not feel it desirable at this stage to restrict our selection of persons entirely to that of the Council. There may be persons <sup>from</sup> specialized agencies, there may be persons from the Secretariat, there may be other persons who are peculiarly equipped and suited to be able to undertake such a visit. We should not exclude the opportunity that we might have for utilizing their services.

I feel also that in regard to these visits, we should make some provision for a person of the local administration to be attached in some way to the mission. I have some knowledge of the position as it relates to New Guinea.

Now for a mission to proceed to New Guinea without the aid of some local representative is only to court disaster, from the point of view of the person's own well-being and safety and not from the standpoint alone of anything that there might be in the nature of danger to the man physically. But there are conditions of health to be recognized as having certain phases of difficulty in that, as well as also in regard to the provision of being able to get from place to place, the arranging of carriers, and the provisioning that is essential. All that is a part on which the local administration is much more capable of being able to afford advice upon and give the essential aid, and knowing the very class of people and areas that are to be visited.

Those circumstances do lead me to feel that it is to the advantage of the success of the mission, as well as the personal security and well-being of those who undertake the mission, that someone locally should be attached in some way to any of those missions that go to these areas. For that reason, I hope some provision will be made to include, in whatever may be the definitions we lay down on these matters, the possibility for such aid to be made available from the countries concerned, so as to at least help towards the success of any mission that might proceed to those parts for such investigation and for such knowledge as this Council might seek from time to time.

The PRESIDENT: I think that there has emerged from this discussion two large questions of principle, as well as certain minor questions. Those two large questions of principle seem to me to be these: The first one, shall the Council choose as Members of the visiting teams designated individuals, or shall the Council choose Member States and allow them to appoint their representatives for the visit? That is one question which seems to me to emerge. A second question, also a large question of principle, is,

should the membership of visiting missions be limited exclusively to representatives of Members of the Council, or should the Council have a wider latitude in its choice?

Now I wonder whether it might not aid our thinking if we asked for a show of hands on those two questions, not by way of committing any country to any specific view, but simply to discover what the majority thinking is on those two questions which seem to me the two fundamental ones which must be settled first, before we talk about drafting a rule. I wonder if it would be agreeable to everyone for me to put those questions, with the understanding that the vote on those questions will bind no one.

Mr. RYCKMANS (Belgium) (Interpretation from French): Mr. President, if you are going to put these questions to the vote, I shall be compelled to abstain from participating in the vote, since I must admit that my mind has not been made up definitely in respect to these matters.

As regards the proposal of the representative of the United States, I presume that he has the fact in mind that the members of visiting groups should be Members of the Trusteeship Council itself, and that these visits would have the character of real visits, that is to say, an actual contact between the Members of the Council itself and the local authorities and populations in the trust territories. I think that such actual visits would be advantageous, as in this case, the Members of the Council themselves would have firsthand knowledge of the various local problems which may arise.

I admit that this is an extremely interesting idea. If such were the case, then it could be admitted that you should not simply send representatives of the Trusteeship Council, but that the Trusteeship Council should delegate its own Members for these visits.

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I have also taken/account the remarks of the representatives of New Zealand and Australia, that we should not close all doors in this respect. I have another point in mind, and that is, what would be the situation of a Member of the Trusteeship Council on a visiting mission, if he were to meet another person who is not a member of the Trusteeship Council, an expert attached to the /visiting mission, who is not trusted in the same way we are with the examination of reports in the Trusteeship Council, and with the presentation of these reports to the General Assembly--which is obviously the task of the Members of the Council themselves?

Another question I would like to raise is the question of the relationship between the members of a mission, which would be an actual emanation of the Trusteeship Council itself, with the population of the territories.



When an actual representative of the Trusteeship Council would be sent on a visiting mission, then you can tell the populations of the various territories that they are in the presence of the representatives of the supreme authority, such as was the case with the representatives of the Mandates Commission. The populations saw that they were faced with a supreme authority and they were told that that was the authority above the governor of the territory.

However, I think that if the populations were simply in the presence of what I might call employees of the Council, or simply observers of the Council sent to see what was going on in any territory, then I think there might be a serious misunderstanding between the Trusteeship Council itself and these populations.

Those are all very delicate problems which, I admit, I do not consider I have yet explored sufficiently and therefore, I should not be able to make any decision if the matter were brought to a vote.

Mr. KHALIDY (Iraq): Mr. President, I just want to say a word on the <sup>same</sup> second point you mentioned. My thoughts are running along the/lines as the honourable representative of Belgium.

I believe it would be a great mistake to have a mixed mission between politicians or diplomats on the one hand, and experts on the other hand. That would be a very great mistake. Perhaps I am younger in years than any of the Members on this Council, but I had occasion to serve on an international commission where we were mixed. We had there a few experts in their own lines. I can tell you that we had an awful time. The experience I got out of this commission taught me never to serve on a mixed commission of experts and non-experts.



Then, there is another point. It seems to me that if you bring members of specialized agencies as experts in their own right into that mission, you are somehow placing these specialized agencies above the governments. You do not want to ask the governments to name their own representatives, and yet you ask an expert from a specialized agency to sit on the mission. You will say, "You will represent the Council," but in fact, Mr. President, I assure you that he will not. He will represent himself, if not the agency. You know, experts are always experts. They are nothing else. They just represent themselves.

I thought I would let you know about these things.

The PRESIDENT: I certainly do not want to force a show of hands on those who are not ready to vote, and I think that we must postpone further discussion on this problem until tomorrow. It is a profound problem. It goes deep, and we certainly want to move wisely and carefully.

I wonder whether the representative of Belgium or any of the other representatives have any constructive suggestions for the President as to how best to arrive at a wise procedure for reaching a decision on this matter. I would like to think in terms of the possibility of putting such questions tomorrow as I have suggested, unless someone has a wiser course to suggest in reaching our conclusions.

Mr. THOMAS (United Kingdom): The question raised in my mind, Mr. President, is whether it is necessary for us to make up our minds tomorrow on this question. Clearly there are very big issues involved, and a good deal of attention ought to be given to them.

It may be an advantage to have a fairly flexible rule which would leave us free to settle the question when we have to choose the persons for particular visits, and in the light of the experience we will then gain, we shall, no doubt, establish a satisfactory practice, but if we had to decide tonight, or possibly even tomorrow, I am afraid I should probably find myself in much the same difficulty as the honourable representative of Belgium. I cannot think the difficulty will be resolved tomorrow. I do see advantages in not elaborating our rules too closely.

The PRESIDENT: That is, if I understand you, Mr. Thomas, / your idea would be to adopt, maybe tomorrow or within the next few days, a rule drawn specifically and purposely in so general a form that it would allow us to make our decisions later on, in the light of future developments.

Mr. THOMAS (United Kingdom): Yes, Mr. President, that is my idea.

Mr. RYCKMANS (Belgium): I think that is sound, sir. We will sleep on it, if you do not mind, and think it over until tomorrow.

The PRESIDENT: I feel, as we all do, that we must push forward. We are faced with grave problems, but we must push forward. I am, therefore, going to propose that our two Committees both meet tomorrow; that is, that the Drafting Committee should meet tomorrow morning at 10:30 in Conference Room 10 and also that the Questionnaires Committee will meet tomorrow at 10:30 in Conference Room 13.

I have one other thought. I wonder -- and I would like to turn to you, Mr. Thomas -- whether we might ask the Drafting Committee to try their hand tomorrow drafting some general rule along the line you proposed, which could then be placed before this Council tomorrow afternoon.

Mr. THOMAS (United Kingdom): Yes, Mr. President. Having made the suggestion, I think I had probably this evening better try to do a draft myself.

The PRESIDENT: In that event, I shall ask the Drafting Committee then to try its hand drafting such a rule, and I will ask Mr. Thomas, if he can, to give his suggestions to the Drafting Committee, if he himself is not sitting on that Drafting Committee tomorrow.

Mr. THOMAS (United Kingdom): I shall be on the Drafting Committee.

The PRESIDENT: I have one other short matter, by way of an announcement, in my mind.

In response to the request of the United Kingdom for an early examination of the petitions relating to Tanganyika, I should like, if it meets with the desires and approval of the Council, to set next Monday for a hearing on those petitions; that is, the petitions relating to Tanganyika. I say that with the approval of the United Kingdom.

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Unless I hear an objection, we will set aside next Monday for our examination of the petitions relating to Tanganyika.

(No objection voiced.)

The PRESIDENT: This Council will meet tomorrow at 2:00 o'clock in this room.

The meeting is adjourned.

(The meeting adjourned at 6:10 p.m.)