

## TRUSTEESHIP

## TUTELLE

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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 EIGHTEENTH MEETING OF THE TRUSTEESHIP COUNCIL

Lake Success, New York  
Thursday, 17 April 1947 at 2:00 p.m.

## PRESENT:

The PRESIDENT: MR. FRANCIS B. SAYRE

Mr. Makin	Australia
Mr. Ryckmans	Belgium
Mr. Liu Chieh	China
Mr. Garreau	France
Mr. Khalidy	Iraq
Mr. Padilla Nervo	Mexico
Sir Carl Berendsen	New Zealand
Mr. Thomas	United Kingdom
Mr. Gerig	United States

The PRESIDENT: The Council is in session.

Yesterday afternoon, you remember we were discussing the rules on visits, and at the close of the afternoon we referred to the Drafting Committee three of the rules, asking them to re-draft them so as to embody the conclusions which we reached yesterday afternoon.

The Drafting Committee has been hard at work all morning on the matter and has just given us their draft on Rules 91, 92, and 94 which you see before you in Document T/AC.1/4 of 17 April 1947.

I think perhaps I should read aloud these three rules to see if they are acceptable to the Members of the Council.

'Rule 91, a redraft of the original Rule 46 of Document T/1, reads:

"The Trusteeship Council in accordance with the provisions of Articles 87 (c) and 83.3 of the Charter, as the case may be, and with the terms of the respective trusteeship agreements, shall make provision for periodic visits to each Trust Territory with a view to achieving the basic objectives of the International Trusteeship System."

I take it, unless I hear objections, that Rule 91 as thus drafted is acceptable to the Council.

(No objection voiced)

In the absence of objections, it is so ordered.

Rule 92, as you see in Document T/AC.1/4, reads:

"The Trusteeship Council, acting in conformity with the terms of the respective trusteeship agreements, shall define the terms of reference of each visiting mission and shall issue to each mission such special instructions as it may consider appropriate."

Unless I hear objections, the Council approves that drafting and considers Rule 92 as thus set forth adopted.

(No objection voiced)

You remember yesterday we decided to delete Rule 93 as it appears at the top of Page 32 of Document T/4. Rule 94, which we asked the Drafting Committee to work upon, as you see in this document before you, reads:

"The Trusteeship Council shall select the members of each visiting mission who shall preferably be one or more of the representatives on the Council. Each mission may be assisted by experts and representatives of the local administration. A mission and the individual members thereof shall, while engaged in a visit, act only on the basis of the instructions of the Council and shall be responsible exclusively to it."

Sir Carl BERENDSEN (New Zealand): Mr. President, yesterday I ventured, with respect and with trepidation, to differ on one point with my colleague from Iraq, and today it gives me very great pleasure to raise myself to my proper place alongside him.

I wish to refer, sir, to the comments made yesterday by the representative of Iraq, comments which have borne fruit in the deliberations of the Drafting Committee, concerning the phrase contained in the original text: "The members of the visiting mission shall be chosen for their competence and integrity, preferably from among non-nationals of the administering authority."

The implications of that phrase are obvious and offensive. The implications are clearly these: that no national of an administering authority can be trusted to be competent and honest. Sir, we did have, during the meetings of the Assembly, some occasions upon which that point of view was taken. I resented it then, and I should resent it again.

In this Council -- and it is a very encouraging sign -- there has been no appearance of this suspicion of administering powers, and I have sufficient confidence in the Members of this Council to believe that such a thing never will occur. I think the Drafting Committee is to be congratulated on deleting that clause -- no, I prefer a stronger word -- on "ejecting" that clause, and I sincerely trust that the Council will approve of the good sense of the Committee in deleting it.

Mr. THOMAS (United Kingdom): I have a small drafting point, Mr. President, which I regret I did not notice in the Drafting Committee this morning. In the second sentence there is a slight ambiguity, and I should like to see inserted the word "by" before the word "representatives", so that it will read: "Each mission may be assisted by experts and by representatives of the local administration." Otherwise, it might be thought that the experts were necessarily those of the local administration.

The PRESIDENT: I take it that there is no objection to the slight alteration suggested by the representative of the United Kingdom. Unless I hear objection, we will take the text as thus amended.

(No objection voiced.)

The PRESIDENT: It is accepted.

Mr. MAKIN (Australia): Mr. President, I become quite envious when I hear the gracious references that pass between my distinguished friend, the Vice-President, and my distinguished friend from Iraq. I only wish that in some way I could also get into that very pleasant exchange. However, it is my great good fortune to share the friendship of both these colleagues of mine. I want to say, sir, that I share the view that has already been expressed by the Vice-President that there were features in the rule originally suggested that gave offense somewhat to the administering authority. I am glad that their elimination from the rule is now proposed, and I join with others in congratulating the Drafting Committee on the excellent job that I feel they have done in the reconstruction of this rule.

Mr. EYCKMANS (Belgium) (Interpretation from French): Mr. President, I only wanted to ask for the floor on a point of clarification, but there is no need for it now, since the correction has been made in the text by the representative of the United Kingdom.

Mr. KHALIDY (Iraq): Mr. President, it would be very difficult for me to refrain from throwing at least one flower to both my distinguished colleagues from Australia and New Zealand. May I thank them for their thanks. As regards the point about suspicion which was brought up by our Vice-President, I think he is very right in saying that we never had this evil in this Council. I never had this suspicion so far, and I hope I shall never have it in the future.



AC/EC

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The PRESIDENT: I take it that Rule 9<sup>4</sup>, as presented to us by the Drafting Committee and amended by the representative of the United Kingdom by the insertion of the word "by", in the third line, preceding the word "representatives", is acceptable to this Council. Unless I hear objections, it is so ordered.

(No objection voiced.)

I think this proves afresh the excellence of our Drafting Committee. It proves afresh what fruits they have produced by their arduous labours. They have been working hard and long and very wisely, and I think we owe them a new debt for their able work on these three rules.

That brings us then to Rule 95, that is, Rule 48 of Document T/1. Rule 48 reads:

"To the extent provided in any trusteeship agreement, the Council may conduct special investigations or inquiries when conditions in the trust territory require such action."

As you see, the Secretariat, in their Rule 95, have altered that only by the addition of the word "Trusteeship".

Then we also have before us a slight alteration proposed by the United States delegation, reading:

"To the extent permissible under the provisions of any trusteeship agreement, the Trusteeship Council, at times agreed upon with the administering authority, may conduct special investigations or inquiries when it considers that conditions in the trust territory make such action desirable."

Mr. MAKIN (Australia): Mr. President, so far as I am aware, no trusteeship agreement provides for such special investigations and inquiries and I wonder if it would commend itself to the Council if I were to suggest that this particular rule might be deleted. The Council would be competent at any stage, when possibly an agreement did provide such a condition, to insert a rule into the working procedure of this Council, but I think it might be met possibly by a special resolution at such a time when such conditions prevailed as were thought to warrant special investigation.

However, in view of the fact that no trusteeship agreement, so far as I am aware, contains any provision for such special investigation or inquiries, I wonder whether this rule is really one that is desirable at this time. I do not press it, sir, to a point that I would wish to make an issue of it, but I am just asking myself whether we have not reserved the power at all times to require such an investigation if ever it should be required, without its actually having to appear in the rule.

Sir Carl BERENDSEN (New Zealand): Mr. President, of course this is an obvious and most welcome opportunity for me to take my proper place alongside my colleague from Australia, which I always have great happiness in doing.

I think there is much to be said for the point of view expressed by the Australian ambassador, but although--and I would not press it--I think it might be useful to have such a rule, on the other hand I would agree with him that that power is inherent in the Trusteeship Council. But if we are going to have a rule, then as one who has so frequently held up proceedings and discussions on the various amendments introduced by our colleague from the United States, I would say that he has greatly improved the original rule, in my opinion, and if we are going to have a rule, it should certainly be along the lines proposed by our United States colleague rather than along the lines set out in either of these two documents.

It is true, so far as I am aware, that no trusteeship agreement contemplates or even specifically refers to such a rule, but I think that is no reason why such an inquiry should not be undertaken--presumably at the request of or at any rate with the consent of the administering authority. I can think of many instances where such an inquiry would be useful. If there is any doubt whether we have the power to do that, we should have a rule, and if we do have a rule, the rule should be the United States draft.

The PRESIDENT: In the absence of other comments I think I should put before you the draft which has been proposed by the United States, and ask those in favour of the adoption of such a draft to indicate by raising their right hands. Of course, those who vote against the adoption of the rule will be voting in favour of deleting such a rule. Will that be acceptable?

Mr. RYCKMANS (Belgium) (Interpretation from French): Mr. President, I am not quite clear about the procedure of voting. Suppose someone prefers the text that has been put forward by the Secretariat to that put forward by the delegation of the United States, how is he supposed to vote?

The PRESIDENT: Let me, if that is bothering you, put two separate votes. First, if I may, I will put the proposal of the United States, and second, the proposal of the Secretariat, which you see before you here in Rule 95. A vote against both of those will mean deletion. As I understand it, the United States has suggested amending this proposal of Rule 95 in the Secretariat's draft. We will vote on that first. If that is voted down, we will then vote on Rule 95 as it stands. If that is voted down, there will be no rule. Is that agreeable?

Sir Carl BERENDSEN (New Zealand): Mr. President, I do not want to vote against Mr. Gerig's proposal. I was going to suggest that you might abandon protocol for the moment and take an informal show of hands/<sup>on</sup> first of all, do we want this kind of rule or do we not? Then, if we do want this kind of rule, let us take our choice between the two.

The PRESIDENT: I will be very happy to, if that is agreeable to everyone.

(No objection voiced)

I take it then that we will ask for a show of hands, all those raising<sup>of</sup> their right hand who prefer that we have some rule corresponding to Rule 95/T/4. If we get an affirmative vote on that, then we will decide on whether or not the American proposal or the Secretariat's proposal is more acceptable.

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

The PRESIDENT: Five voted in favour and one against. We will therefore decide to adopt some rule such as Rule 95.

Now if it is agreeable, I will put forward the American proposal which you see before you.

Mr. LIU CHIEH (China): Mr. President, I am not opposed to the American proposal because of the substance, but I will not vote for it because I feel that the additions are unnecessary and are already found elsewhere in the Charter and the Rules of Procedure.

Mr. KHALIDY (Iraq): Mr. President, I have fairly the same misgivings. Perhaps you could meet the point of our colleague from China, and perhaps mine, incidentally, too, by looking into the phrase "...agreed upon with the administering authority..." . I am trying to think as to what the legal position would be, what position we would find ourselves in, and the administering authority too. That is to say, in practice something like this may come up: The Council would want to send a mission there; the President or the Secretary-General would communicate with the administering authority. The administering authority may say: "No, we do not wish you to come at all".

What would then be the position? Is it going to be a matter of negotiation between the Council and the administering authority, or a matter of a gentlemen's agreement, or is it going to be a question of legal right? If it is going to be a question of legal right, who is going to have the overriding word?

My question is mainly in the form of inquiry, only inquiry.

Sir Carl BERENDSEN (New Zealand): Mr. President, I shall be very brief. On the general question of preference between these two drafts, might I call attention to another vicious circle, as I see it, in Rule 95 as proposed by Document T/4. Let me read it:

"To the extent provided in any trusteeship agreement, the Trusteeship Council may conduct special investigations or inquiries when conditions in the trust territory require such action."



"To the extent provided in any trusteeship agreement..." -- now we have already agreed, and I understand that is the case, that there is no provision in any trusteeship agreement for a special inquiry. Therefore, "To the extent provided in any trusteeship agreement...", means to no extent at all and therefore you do not have your special inquiry.

On the second point, the point of real substance raised by the representative of Iraq as to what happens if the administering authority and the Council cannot agree upon the time, I would venture to express the opinion, with due moderation, that such an action as this should really not be undertaken except with the consent or at the request of the administering authority.

Mr. GARREAU (France) (Interpretation from French): Mr. President, in the vote which we took a little while ago I abstained because I was in agreement with the principles which have been pointed out by the representative of Australia. But I think we can imagine that, outside of the general rule by which the trusteeship agreements provide for periodic visits, there may be certain exceptional circumstances in which the Council may deem it advisable to send certain special missions for inquiry or investigation if special conditions of urgency arose on the spot. And I think it would be in the interest of both our rules and the Charter that we should make quite sure that there would be a preliminary agreement between the Council and the administering authority in respect of any visits. In actual principle it is not necessary that the administering authority should accept any inquiry to be made in the territories, but in actual practice it seems that an agreement can generally be fairly easily arrived at with the administering authorities in the territories to be visited.

It seems to me that actually this Rule 95 is not necessary, and as the representative of New Zealand very rightly said, it says: "To the extent provided in any trusteeship agreement..." -- when actually there is no extent provided at all. In other words, we would vote on a rule which would not be in general agreement either with the trusteeship agreements or with the provisions of the Charter.

We are faced with a dilemma, either to lead ourselves into difficulties from the point of view of legal interpretation, or else to be in favour of the deletion of a rule which we have just voted for. For my part, I would be in favour of voting for the proposal of the United States representative, which seems to me to cover this point.

Mr. MAKIN (Australia): There is just one query I should like to put to the honourable representative of the United States in regard to that word, "permissible". I should like to know whether that does carry with it the implication that an administering authority would require to be consulted about or to give consent to the question of such special investigation or inspection as may be suggested under this rule. Is it "permissible" under the trusteeship agreement effected? Perhaps there is no provision in the agreement. I should like to have some clarification of that point before actually voting.

Mr. GERIG (United States): As the Vice-President has pointed out, the language as it stood--"To the extent provided ..."--meant that since it is not specifically provided in any agreement, there was no point in this rule. Therefore, we thought that the language might be changed slightly to open the door somewhat by using the expression, "...permissible under the provision..." That means it is not prohibited; it is possible to do certain things if they are not prohibited.

On the other hand, it seems to us that you have to keep it specified that the visit would be agreed upon with the administering authority. That part is put in to cover balance--a somewhat more liberal approach to the point.

Since in any event a special investigation and inquiry is a form of visit, and since it has been pointed out that no visit can be made under the Charter except at times agreed upon by the administering authority, it would seem that the repetition of that phrase here would give assurance of a type which would make it impossible to abuse the phrase, "To the extent permissible under the provisions of an agreement..." In other words, it is not prohibited by the agreement.

Mr. GARREAU (France) (Interpretation from French): Mr. President, I would like to suggest an improvement on this amendment of the United States delegation in order to meet the difficulty which we have just noticed. I think we might say "in agreement with the administering authority" instead of "at times agreed upon with the administering authority" -- simply, "in agreement with the administering authority."

Mr. LIU CHIEH (China): Mr. President, about the point raised by our Vice-President and replied to by the representative of the United States I think the observation of the Vice-President holds with the new wording by the United States delegation, because if there is no provision in the agreements on this point there cannot be any extent of permissibility either.

I would prefer to adopt the proposed wording of the representative of France in preference to the wording of the United States delegation, because it is not so apparently redundant and also is more consistent with the purpose of the rule, which is to conduct special inquiries and investigations. I mean, if we put it on the same footing as any other visit, there is no point in having a rule there. I think it is generally a bad policy to introduce a rule and then water it down to make it mean very little.

If the Council is to adopt the rule as amended by the United States delegation, I would prefer to see it deleted altogether.

Mr. RYCKMANS (Belgium) (Interpretation from French): Mr. President, I would have gladly voted for the text that has been proposed by the representative for the United States, because for me, words have a very clear meaning. In my opinion, the expression "to the extent permissible under the provisions, . . .", and so on, means that visits will be allowed, if such visits are permitted by the trusteeship agreement.

However, after the explanation we have heard from the representative of the United States it would seem that his interpretation is different from mine. In his interpretation of the word "permissible", this word is an editorial expression for "not prohibited", and under the circumstances I cannot vote for such an interpretation, for if we say that anything that is not prohibited by an agreement is permitted and allowed, then the administering authorities can find no guarantee whatsoever in the agreements they have signed.

Therefore, not because I object to the text but in order not to associate myself with the interpretation given by the representative of the United States, I shall vote against his text.

Mr. GARREAU (France) (Interpretation from French): In answer to the point raised by the representative for Belgium, I would like to point out that the French draft in Secretariat Document T/4 is much clearer in its meaning than the English text. The French text indicates that it is within the measure provided for by the trusteeship agreements which means that visits would only be allowed if they are specifically provided for in the trusteeship agreements; whereas the English text might give rise to various interpretations.

I would, therefore, propose that the English text be changed and that the word "permissible" be replaced by the word "compatible" -- "To the extent compatible with the provisions of any trusteeship agreement...."

The PRESIDENT: May I call upon the representative of the United States, particularly with respect to these two proposals which the representative of France has suggested; that is, in line 1 his suggestion is that the words "permissible under" be changed to the words "compatible with", and in line 2 that the words "at times agreed upon" be changed to the words "in agreement with."

Mr. GERIG (United States): Mr. President, on the second suggestion, "in agreement with the administering authority", I think that is an improvement, and I certainly would accept that.

As to whether the words "compatible with" should be substituted for "permissible under", I think so, because I do not really at first glance see any real difference there, but there is a little difference in the approach that I think we are having to this problem, which should be pointed out.

The representatives of China and Belgium, as I understood them, rather take the position that you can only do what the law provides; you can only do what an agreement provides. In certain parts of the world we look at the law differently. We think that you can do it if the law does not prohibit it; that is, you can do things that are not prohibited by the law; you can do additional things. Therefore, the word "permissible" seemed in that concept to be a little better, but I would also accept the substitution of "compatible with", because I think it means the same thing.



The PRESIDENT: So far as refinements of drafting are concerned, I think we could well leave that matter to our able Drafting Committee. I am anxious, as soon as we can, to get a show of hands on whether, in principle, we agree with this United States proposal or not.

There are several who have asked to speak, but in order to save time I will ask them to speak only on matters of principle, in so far as possible, and leave it to the Drafting Committee, as far as drafting refinements are concerned.

Mr. RYCKMANS (Belgium) (Interpretation from French): Mr. President, I cannot let pass the observation made by the representative of the United States, because here, it appears to me, that a grave question of principle is involved. The representative for the United States said that in this country or in this part of the world it is permissible to do anything that is not specifically prohibited by law. It is also the case in my country, and our juridical conceptions are exactly the same in this respect.

In the matter with which we are now concerned the question is entirely different. The question is now of restrictions being placed on the powers of the administering authorities under the terms of the various trusteeship agreements. What the United States representative wants to imply now is that everything that is not prohibited, any intervention that is not prohibited to the Trusteeship Council by the trusteeship agreement, is permissible, in that the Trusteeship Council can do any amount of interfering in the internal administration of the territory as long as it is not prohibited by the trusteeship agreement.

I cannot agree to that interpretation, Mr. President, and I should be compelled to vote against this text.

Mr. LIU CHIEH (China): Mr. President, I do not think I differ so much from the United States representative in regard to the approach to this question. My point is that, inasmuch as there is no forbidding rule, there is no extent of permissibility. After listening to the debate, sir, I feel that the

minds of the Council may meet by omitting the reference to permissibility under trusteeship agreements. The rule would then read: "The Trusteeship Council may, in agreement with the administering authority, conduct special investigations. . ." and so on. I think that covers everything.

The PRESIDENT: May I ask the representative of the United States whether such a change would be acceptable to him.

Mr. GERIG (United States): Mr. President, I think that constructive suggestion is not only acceptable but is an improvement on the whole draft.

The PRESIDENT: Perhaps this settles all our difficulties.

Mr. KHALIDY (Iraq): Mr. President, in view of the explanation as between the words "permissible" and "compatible", I do not know if my position is going to be compatible or permissible. I believe, Mr. President, that Mr. Gerig is quite right when he explains the law and the word "permissibility". I think he is right, and he is almost compatible with fact. I am not an expert on law, thank God, but what you are not prohibited from doing, you are permitted to do -- unless you are caught, of course. Then, we need not go so far anyway.

I believe the suggestion of our colleague from China is the best one, and we might as well adopt it.

Sir Carl BERENDSEN (New Zealand): Mr. President, I was about to make the suggestion made so ably by my colleague from China, but obviously if we accept the term, "in agreement with the administering authority," and the Council wants to do something and the administering authority wants to do it also, then the earlier phrasing of the draft is surplusage. In other words, if we agree to the principle of agreement, then the earlier words do not matter two hoots -- or, if you prefer Mr. Ivor Thomas' phrase, "it does not matter a tin of fish."

I entirely agree and I think we might even agree to it here without sending it to the Drafting Committee.

Mr. RYCKMANS (Belgium)(Interpretation from French): Mr. President, I quite agree to refer this matter to the Drafting Committee. I think that in its present form, which is no doubt the best, the Drafting Committee will conclude that it is quite useless to specify this point if the Council and administering authority are agreed.

Mr. GARREAU (France) (Interpretation from French): Mr. President, I quite agree with the formula proposed by the representative of China, and I think it has got us out of this vicious circle we have been in for some time. I would suggest we delete that first part of the sentence: "To the extent permissible under the provisions of any trusteeship agreement..." It would then read: "The Trusteeship Council, by agreement with the administering authority, may conduct..." and so forth.

The PRESIDENT: As far as I understand it we are in virtual agreement on the text as thus worked out, reading:

"The Trusteeship Council may, by agreement with the administering authority, conduct special investigations or inquiries when it considers that conditions in the trust territory makes such action desirable. "

If we are in agreement on that, it will not be necessary to refer this to the Drafting Committee now, and unless I hear objections I shall take it we are all in agreement.

Mr. THOMAS (United Kingdom): Need it go to the Drafting Committee?

The PRESIDENT: No, I said I will not refer it to the Drafting Committee, and I will not ask for a show of hands unless somebody asks me to. So far as I can understand it, we are all in agreement with this text as finally reached.

Unless I hear objection, we will adopt the text of Rule 95 as I just read it.

(No objection voiced.)

The PRESIDENT: It is adopted.

We now come to Rule 96, which is that proposed by the Secretariat at the bottom of page 32 of Document T/4, which reads:

"All expenses of periodic visits, special investigations and inquiries, including the travel expenses of the visiting missions shall be borne by the United Nations."

You will see the footnote attached at the bottom of page 32.

Mr. RYCKMANS (Belgium) (Interpretation from French): Mr. President, it seems advisable, in view of the proposal tabled by the representative of the United States the other day, to make this one somewhat more precise. It is, of course, well understood that expenses incurred by such missions ought to be borne by the United Nations. Of course, the United Nations would provide all the necessary secretarial help and pay travel expenses and so on, but if additionally to what has been provided for and decided by the United Nations, a Government wishes to add some personal assistants for the personal use of one of its nationals sent on a mission, these expenses so incurred should not be borne by the United Nations. It should be understood and well defined in this rule that the expenses borne by the United Nations are limited to those expenses incurred by the Members specifically sent by the Trusteeship Council, and limited to the extent that had originally been provided for by the instruction of the Trusteeship Council. If personal assistants or any other supplementary kind of representation are added to the mission, it should not be for the United Nations to bear the expenses thus incurred.

The PRESIDENT: May I ask the representative of Belgium whether he has any formula to suggest, or whether that would simply be an understanding?

Mr. RYCKMANS (Belgium) (Interpretation from French): Mr. President, I have no precise formula to submit. I simply wish to submit the question in principle.

Suppose, for instance, that it is decided that one or several of us should be sent out to some trust territory on a visiting mission. It may happen that half a dozen experts, technicians, interpreters and so forth are added to the mission who had not been specially provided for by us. In that case, is it the United Nations who is supposed to pay for these expenses? Is that the intention of this rule?

Mr. GERIG (United States): Mr. President, I think that is a point here that could very easily be clarified by perhaps adding merely one sentence, something to the effect that any personal assistant or assistants of a representative shall have the expenses borne by that representative or by that delegation. I think that would make it clear, because all others -- representatives, experts, secretaries -- who constitute a part of the mission as such, the whole mission, and serve the whole mission should be paid by the United Nations, but any personal assistant who may be required by a representative should not properly be at the expense of the United Nations.

That would be in line, I think, with the provision for paying expenses of the delegations to the General Assembly, where you keep it within certain bounds.

The PRESIDENT: Would you suggest referring it to the Drafting Committee to draft something to carry out that idea?

Mr. GERIG (United States): Mr. President, I think such a sentence could easily be drafted by the Drafting Committee and it might also have to consider the number of such assistants who might be attached to a mission; otherwise things would get too big to be accommodated in certain territories.

Mr. THOMAS (United Kingdom): The honourable representative of the United States has now made the point I wished to make. I agree that the Trusteeship Council should lay down the composition of the mission and should pay for the persons whom it has named. But beyond that, members of a mission may wish to take personal assistants, and I wanted to point out -- and I know we can anticipate it -- that in the interest of the administering authority there must be some limit to that.

The administering authority will have to give a certain amount of hospitality, and there will be difficulty in arranging hotel accommodations, reservations, railways, where there are railways, and so on. Hotels in some of these territories are non-existent, and that will have to be borne in mind by the Drafting Committee.

Mr. GARREAU (France) (Interpretation from French): Mr. President, I would remind the Council that the implementation of Article 96 will refer us to Rule 67 which provides for any expenses incurred, following upon a resolution of the Council. If the Council decides to send a mission to a given territory, it must first agree on this matter with the Secretary-General, in order that the financial implications of such a mission may be defined. Acting upon this, the Secretariat must establish an estimate of the expenses which it considers will be incurred. Therefore, the composition of the mission should be strictly defined.



Mr. LIU CHIEH (China): Mr. President, before you refer this rule to the Drafting Committee, I would like to invite the attention of the Council to several points. One of the points has already been foreseen by the representative of the United Kingdom when he sought to limit the number of such personal assistants. But the point still remains that you are writing into the rules that representatives so chosen for a visiting mission can bring anyone they like.

Now as far as expense and size is concerned, I feel that in practice it would be for the Council to approve of the composition of the mission, including assistants in such a mission, and as a further safeguard in Rule 67, as just now pointed out by the representative of France. Therefore, <sup>if</sup> any representative who is elected to go on such a mission suggests bringing a personal representative who will be necessary for the accomplishment of his mission, then I think / <sup>his expenses</sup> should be paid by the United Nations. If such a person is not reasonably required in connection with the mission, I suppose the representative would not suggest it, and if he does suggest it, the Council may not agree to it and no expenses would be paid. Therefore, if he wants to bring anyone, I suppose he would have to foot the bill.

In such a case I do not see the desirability of writing into the rules that such a representative can bring any personal assistant at his own expense. That is one point. Another point is, as I said yesterday, that the mission goes on behalf of the Council and if we hold such a representative entirely responsible to the Council, it may be difficult for such a representative to present a budget to his government for a mission which he undertakes on account of the Council. Therefore, with due deference to the Council, should it desire to refer this to the Drafting Committee, I would like to invite attention to these observations.

Mr. KHALIDY (Iraq): Mr. President, a rule ought to be, I think, so tight as to be put into reasonable form, but so loose as to allow for future contingencies.

There are two elements to be taken into consideration -- the element of help on the part of the Secretariat, and the element of help to the personnel of the mission. We always expect, reasonably, the Secretariat to be prompt and efficient, and I do not believe it would be reasonable, if we expect efficiency, to bind their hands. I think it would be unfortunate if the secretarial help going with the visiting mission from here arrived at, say, New Guinea and there found that they needed another helper but had not the liberty to employ someone on the spot. I believe they must have that liberty. It would be more unfortunate if the Secretary-General received a telegram from the Secretary of the mission asking if he could employ a girl as he needed more help. The Secretary must have full liberty to employ his secretarial help.

Then there is the question of a personal assistant to the representative. I believe, if anyone of that nature is going with the mission, he must pay his own expenses. The Council sends a mission of three representatives -- or two representatives -- and the Council should not pay for three more personal assistants to those representatives. The United Nations is paying for the mission, not for the assistants. I believe <sup>there</sup> / ought to be clearly put into this rule something of this nature. I have made a rough draft to this effect: "Any additional personnel accompanying a member of the visiting mission not specified by the Trusteeship Council shall bear his own expenses."

I believe it will be helpful to leave the Secretariat at liberty but to specify for the guidance of the Member States of the Trusteeship

Council that if they want to send additional personnel they will have to bear the expense. Otherwise, they will not know where to start.

Mr. RYCKMANS (Belgium) (Interpretation from French): Mr. President, the observation I made at the beginning of this debate had the sole purpose of saying very clearly that the United Nations was to pay only the expenses that the Trusteeship Council had specifically authorized.

Our colleague from China has, very rightly, pointed out that if we say in our rule that all other expenses will have to be paid by delegations, that may be construed as meaning that in order to have more staff provided, they must pay for it themselves--which we do not agree to. The Chinese representative says that in the circumstances he would prefer to have no special mention of that in the rule, and I agree with that.

I have said that we should be careful not to adopt any provision of which use could be made in the future for purposes which we do not mean to arise. It should be very clear in the instructions that shall be given to the mission that everyone is to pay all supplementary expenses incurred, and the Trusteeship Council should say whether assistants to members of the mission are to be permitted and how numerous the assistants may be. If a member wants to be accompanied by a large staff and gives as his reason that his country is paying for such expenses, even in that case, the Trusteeship Council should not allow such a procedure. We should be very careful to avoid the possibility from now on that many auxiliary staffs may be appointed to the mission, by stating clearly in this rule that all expenses of periodic visits, including the travel expenses of the mission and all personnel sent by the Trusteeship Council, shall be paid by the United Nations, and no other. This will make it clear that the United Nations is going to pay for the expenses of the personnel whom they have sent and for no other.

The PRESIDENT: Rule 96, I take it, so far as the statement is concerned, is approved in principle by this Council. The United States representative has proposed that we add an additional sentence meeting the problem which we have been discussing of those representatives who desire to take with them deputies or personal assistants, and the suggestion has been made that if such deputies or personal assistants should be taken along their expenses should be paid by their own Governments.

The representative for China, I think, has made some very wise observations. I feel confident that if the proposal of the American representative is referred to the Drafting Committee, those observations will be borne in mind.

I wonder if we are ready then to refer Rule 96, plus the proposal which the United States representative threw out, bearing in mind the observations particularly of the Chinese representative as well as those others which have been made -- I wonder if we are ready to refer that rule as thus modified to the Drafting Committee.

Mr. THOMAS (United Kingdom): I submit, Mr. President, that what you are now proposing is a point of principle that we ought to settle here and not leave to the Drafting Committee. The drafting will be quite easy when we settle that principle, and on reflecting over it, I am bound to agree very much with the honourable representative of China and the honourable representative for Belgium that it would be better not to put in any words that would imply the right of Members to take unnumbered assistants with them. I should prefer to have a rule along the lines that we have drafted here by the Secretariat.

The PRESIDENT: That is, if I may interrupt a second, you are suggesting that we adopt Rule 96 as it stands?

Mr. THOMAS (United Kingdom): Yes, unless someone can find some good reason for altering the language.

Mr. PADILLA NERVO (Mexico): Mr. President, I was going to say what was just said by the representative of the United Kingdom.

I do not believe that this addition should be made in the Drafting Committee. I, too, think that, in fact, no Member of the mission should have the right to appoint any personal assistant whatever. Every Member of the mission, whether in the status of representative, or chief of the delegation, or assistant desired for the work of the delegation, should be approved by this Council first; otherwise, there will not be any responsibility in the attitude and the conduct of the mission in a trust territory, which, as we know, may have very important repercussions once they are in the trust territory -- regarding their conduct or their attitude or contacts with the inhabitants.

On the other hand, it would be absolutely inconvenient if the number of <sup>staff</sup> / the Members carried with them would differ according to the means that the Governments have. Some will have with them three, or four, or five <sup>assistants</sup> / and another will not have any.

I think, therefore, that we should approve the rule as it is here, and when the occasion for a visit comes, then we will discuss here what the composition of the mission will be, and not before.

Mr. GARREAU (France) (Interpretation from French): Mr. President, I agree entirely with what has just been said by the representative of Mexico, and consequently I would be in favour of taking the text as it is presented to us in Document T/4, without any addition whatsoever.

Mr. LIU CHIEH (China): Mr. President, I was going to make a slight suggestion of drafting, but, in view of what has just been said, I think I will withhold my suggestion until I know more about the view of the Council.



Mr. RYCKMANS (Belgium) (Interpretation from French): Mr. President, I do not think it would be very difficult for our Drafting Committee--and I believe our President already has a formula up <sup>in</sup> his sleeve--to state very clearly that the Trusteeship Council is going to pay the expenses it has laid down in its composition, and we <sup>are</sup> not, in that formula, say anything about other expenses being paid by delegations, which would imply, practically, that delegations are authorized to send larger staffs on a mission than have been allotted by the Trusteeship Council, if they are willing to pay for these expenses.

What we want to avoid right now is that someone may say in the future, "Well, you have appointed me a member of a visiting mission, but I must tell you that I never travel without my bodyguard and without my private secretary." We must not say that all expenses are borne by the United Nations, if we do not say at the same time that it is the United Nations that is master in the determination of these expenses. We must not say anything that implies an authorization for any delegation to add more staff members on the mission, <sup>even</sup> <sup>are</sup> if they <sup>are</sup> willing to pay for the expenses of that staff.

As to what has been stated by the representative of Mexico, that it should be completely prohibitive for any additional staff to be joined to the mission, I think that may be going too far a little too soon. It can very well be that the representative has been appointed by the Trusteeship Council; but although he is primarily responsible to the Trusteeship Council while he is on the mission, it may <sup>well</sup> be that this representative is some public man who remains in contact with his own Government on some business other than that of the mission. He may receive coded telegrams, for instance, and he may say that he does not want any Member of the Secretariat



of the United Nations to do the deciphering of these telegrams for him, because that has nothing to do with the business of the mission. He may want to have some staff of his own. I think we cannot rule very finely on this point at this stage, but what we should do now is to lay down very clearly that the expenses borne by the United Nations are those incurred by the mission, as the composition of this mission has been laid down by the Trusteeship Council, and that no implicit authorization is given to delegations to send some additional staff on the mission if they pay for those expenses.

Mr. GERIG (United States): Mr. President, I said yesterday, and I meant to repeat it today <sup>after</sup> ~~after~~ understanding what the representative of Belgium had said, that any personal assistants should not be a charge on the United Nations in any case. I thought we had all agreed on that and, therefore, I thought we could send any drafting formulation to the Drafting Committee.

Now it has emerged, I think we are all agreed, that no mention need be made in the present texts. Those texts are sufficiently clear in regard to whose expenses are paid, and we should leave the question merely unstated as to the matter of personal assistants. Therefore, we could proceed at once to adopt this text, without any further reference.

Mr. MAKIN (Australia): Mr. President, it will be remembered that at an earlier stage in the consideration of these rules, we did deal with the question of financial commitments and the fact that this should be subject to review by the Secretariat; furthermore, that the expenditure would receive the approval of the Council.

The rule is Rule 67: "No resolution involving expenditure from United Nations funds shall be approved by the Trusteeship Council unless the

Trusteeship Council has before it a report from the Secretary-General on the financial implications of the proposal..."

That would necessarily bring into consideration the question of the extent of the mission, I presume, and there would be a review, from the standpoint of the Secretariat, first; but, finally, it must be a subject of which we would approve, ourselves. I am just wondering, sir, as to whether that rule really does not cover substantially what we have been endeavouring to understand in terms of a further rule, and whether it would be a sufficient check to safeguard against, possibly, unnecessary personnel being engaged for any of these missions which we might sanction from time to time. I am wondering whether the rule that we have already adopted does not, to a large extent, cover the safeguards that we are seeking to secure at this moment.

The PRESIDENT: In view of the remarks made by the representative of the United States, I believe that the only proposal before us now is the adoption of Rule 96 as it stands.

Mr. LIU CHI EH (China): Mr. President, I was going to suggest a form of words in the light of what the representative of Belgium said, but if you think that any suggestion at this moment would complicate the debate, I would refrain from doing so. On the other hand, if you would like me to throw it out, I shall do so.

The PRESIDENT: My understanding was that the proposal was withdrawn by the representative of the United States, and therefore we have before us only this draft of Rule 96 as it stands.

Mr. LIU CHIEH (China): Very well, sir.

The PRESIDENT: I take it then, unless I hear objections, that we approve Rule 96 as it stands without any further change.

(No objection voiced.)

The PRESIDENT: It is adopted.

I hope that we may dispose of Rule 97, which concludes our discussion on visits, before our recess. Rule 49 of Document T/1 reads:

"The Council shall publish the findings of its agents, unless it decides that publication should be temporarily postponed in the general interest."

You see that the Secretariat has slightly modified that language in Rule 97, at the top of Page 33, in Document T/4.

Mr. KHALIDY (Iraq): Mr. President, I think I prefer the words of the Secretariat draft in this rule. I do not somehow like the word "agents". It gives the idea that we are going to institute an intelligence service or something, which is not the case.

Now there is another point--that phrase saying that "publication should be temporarily postponed in the general interest". I think that is putting it too tightly. We cannot very well foretell the future or the contingencies of the future, and so I propose to eliminate that phrase completely, and substitute for it the word "otherwise", so that the whole rule would read:

"The Trusteeship Council shall publish the findings of each visiting mission unless it decides otherwise."

We cannot control the future and say, "In that case we will postpone," or, "In that case we cannot postpone." Let us just say if we do not publish, we will decide otherwise.

Mr. THOMAS (United Kingdom): Mr. President, as in a previous rule, I should like to suggest that "findings" be altered to "report", as "findings" would give a wrong impression of the work of the mission.

Sir Carl BERINDSEN (New Zealand): Mr. President, I was about to raise the point that the representative of the United Kingdom has mentioned, and I entirely agree with him.

I wish to raise one other aspect, and that is, whether in publishing these reports we should not arrange to publish at the same time any comment on those reports which the administering authority may have to make. I would suggest that that might be an advantage, and we might be able to meet that point if we inserted the words "in consultation with the administering authority" before the word "publish".

Mr. RYCKMANS (Belgium) (Interpretation from French): Mr. President, I was about to make the same remark as has just been made by the representative of the United Kingdom.

I would just point out that in French the translation of the word "findings" is "conclusions", whereas "findings" rather means "constatation".

But what I am wondering is whether it is really necessary to say that the Trusteeship Council is going to publish the report of the mission. Would it not be better to say that the Trusteeship Council is going to publish a report on the mission, because it is not quite certain in advance that the Trusteeship Council will endorse every point made in the report of its mission, and this moreover would adequately cover, as it appears to me, the point raised

by the Vice-President, namely, that the Trusteeship Council, having before it the report of its mission and the comments of the administering authority, may, if it thinks proper, decide to publish a report different from that which had been submitted by the mission.

Furthermore, I agree entirely with what has been said by the representative of Iraq, and lastly, I wonder if it would not be more advisable to include this rule in Chapter XVIII, which deals in a general way with the reports and publications of the Trusteeship Council.

Mr. MAKIN (Australia): Mr. President, in general I agree with what has just been said by the honourable representative of Belgium. Together with the Vice-President, I feel that the administering authority should have some opportunity to offer its comments and be given an opportunity for their inclusion in the report when it is made, and I do feel that we should make some provision for it in that way.

I would like to say that there are two words here that seem to me to be very vague, and they are the two concluding words of this rule, the words "general interest". I do not know whether I could receive some enlightenment in regard to why those two words have been included, and just what is the correct interpretation to be placed upon them.

Other than that, sir, I think that the matter is now really at a stage when it might very well be put into the hands of the Drafting Committee, for I think that the substantial agreement of the Council is that the administering authority should have some right to comment and for this comment to be published when it thinks desirable.

Mr. GARREAU (France) (Interpretation from French): Mr. President, I agree with the various points which have been made by my colleagues in this discussion in the Council. I should just like to draw your attention to one point. The visiting missions have to hand in their report to the Trusteeship Council and it seems to me that publication on the task of each of these missions should be made by the Council. When the reports come in to us in the Council, we shall have to discuss them. We shall have to discuss the findings of the mission. But as has already been said here, the conclusions arrived at by the mission may not be entirely adopted by the Council itself. I would therefore like to suggest a slight modification in the text, which would run as follows:

"The Trusteeship Council, in consultation with the administering authorities, shall publish the reports on the work of each visiting mission, unless...", and so forth.

In this way we might be able to include such items as the comments of the administering authority.

The PRESIDENT: I think there is substantial agreement among us and that the time is ripe to refer this Rule 97 to the Drafting Committee. If I have caught the thought of the Members of the Council, it is in favour of the suggestion by the representative of Iraq, that we substitute the word "otherwise" at the end of the rule, for the words "that publication should be temporarily postponed in the general interest".

I also, if I correctly interpret the thought of the Council, believe that all of us agree with the United Kingdom representative's suggestion that the word "findings" be changed to "report". I take it that the suggestion of the Vice-President that the comments of the administering authority be considered may be incorporated in the suggestions made by the French representative, in some such formula as: "The Trusteeship Council, in consultation with the



administering authority...", and so forth. I think also that the Belgian representative's suggestion that this rule be included in Chapter XVIII on "Reports" should be considered by the Drafting Committee.

I think I omitted to include the suggestion of the French representative, that the opening words should be: "The Trusteeship Council, in consultation with the administering authority, shall publish a report on the work of...".

I tried to summarize those remarks not to bind the Drafting Committee, which should have a free hand on this, but merely to summarize the thoughts expressed in this Council so far as I gathered them.

Mr. KHALIDY (Iraq): Mr. President, I do not know if I am wrong, but I was not aware that the Council was of the opinion generally that we should incorporate the words, "in consultation with the administering authority". I would think more than twice before incorporating those words, because these reports are the conclusions and the property of the Council. We consult the administering authority on a score of things--visits, petitions, all sorts of things--but I cannot see how we could claim the right, within the frame of the Charter and the agreements, to consult them when we want to publish our own reports. After all, they are our own reports. They have nothing to do with the administering authority, except of course that the territory is theirs in trust and we have visited it, but I cannot see how it could be justified that when we have visited a trust territory and come to a conclusion, we have to consult them when we publish our report. It is our report, and I think it would be going far beyond our mandate as a Council.

The PRESIDENT: Although several Members have signified their desire to speak, I think we shall be unable to complete our discussion before our recess. We had better take our recess now and meet again. Can we meet quite promptly at five o'clock and begin then?

Mr. THOMAS (United Kingdom): May I suggest that we meet punctually at a quarter to five?

The PRESIDENT: I would much rather, if you are all willing. Let us meet punctually at a quarter to five.

(The meeting was recessed until 4:45 pm.)

The PRESIDENT: At the close of our meeting just before the recess, you will remember we were discussing Rule 97, Document T/4. Several representatives asked to speak on that rule. I shall now call on those speakers in the order of their requests.

Mr. THOMAS (United Kingdom): Mr. President, I think we are attacking this in an illogical order. We are saying, the Trusteeship Council shall publish the report before we have even decided that there is to be a report. I should like to suggest for the consideration of the Drafting Committee the following text: "Each visiting mission shall make a report to the Trusteeship Council, which may publish the report together with any observations by the administering authority and by the Council."

I think that if the report is published, it is certainly fair that the administering authority should be allowed to make its comments, and the Council itself may wish to make some additions to the report.

Mr. Padilla NERVO (Mexico): Mr. President, although I represent a non-administering State and Sir Carl Berendsen represents an administering State, I find myself very often in agreement with him.

I think the idea he expressed gave me the impression that he did not think it convenient that a report of a visiting mission should be circulated by itself. I do think that the words he suggested -- that is to say, "in consultation with the administering authority" -- probably give a wrong impression. They could give the impression that we -- the Council -- could not publish the report without the agreement of the administering authority, which would give the wrong impression that the administering authority also has the right of veto in this Council.

I think that, as has been suggested just now by the representative of the United Kingdom -- and I was going to make a similar suggestion -- the mission should make a report to this Council. This Council will study that report, and

the comments of the administering authority will be made in this Council. This Council will have to arrive at certain conclusions regarding that report. I think it would be wise, in case the Council decides to publish it, that the report of the mission be published at the same time as the relevant conclusions of the Council in regard to that report. Naturally, in those relevant conclusions there would be the decision of the Council, after the Council had heard the comments of the administering authority. Therefore, those comments would be in the conclusions of the Council, and the whole thing would be published together. For that reason, I do not think the words, "in consultation with", are proper in the text of the rule.

Mr. GARREAU (France) (Interpretation from French): Mr. President, I had asked to speak in order to reply to the various apprehensions which have been given to us by the representative of Iraq, and I wanted to point out that the words "in consultation with the administering authority" did not imply the necessity for any preliminary authorization on the part of the administering authority in order that the Council might publish a report. The Council, naturally, would not have to seek the preliminary authorization of the administering authority, but it seemed to me that it was at the same time an act of courtesy to consult the administering authority and that it would be the right thing to do, inasmuch as we should have to add to the report, not only the comments of the administering authority, but also the conclusions at which the Council itself had arrived after examining the report; and I think this is the most important thing. The thing which is in the interest of the public is not the report itself after the mission has been accomplished, but the result of the examination of this report by the Trusteeship Council, and I think that my friend from Iraq is in a position to understand that naturally we did not intend to indicate that the Council would have to seek any preliminary authorization on the part of the administering authority.

I think in this respect that the proposal made by the representative of the United Kingdom is preferable to the one which I had thrown out in the light of the discussion I had heard in the Council, and I approve the suggestion made by my colleague from the United Kingdom.

Mr. RYCKMANS (Belgium) (Interpretation from French): Mr. President, any intervention on my part would now be useless -- I am entirely in agreement with what the representative of the United Kingdom has suggested.



Sir Carl BERENDSEN (New Zealand): Mr. President, I am, as you know -- as everybody knows -- the most reasonable soul alive. I can say at once there is much force and validity in what the representative of Iraq has told us on this point. I agree entirely with my colleague from Mexico, and with my colleague from France, and I cordially accept the proposal made by the representative of the United Kingdom.

The PRESIDENT: I would like to know what is the desire of the Council. As I see it, the draft which has been circulated here by the representative of the United Kingdom is in accordance with the general desire of this Council. Now it might be useful to refer it to the Drafting Committee to go over in the matter of phraseology. Perhaps that is not necessary. I wonder whether we might not refer this to the Drafting Committee in the light of the remarks which have been made just now approving this in principle. Would that be agreeable to you, Mr. Thomas?

Mr. THOMAS (United Kingdom): Perhaps I am not the person to answer that question, Mr. President. There seems to be fairly general acquiescence in the formula, and I should have thought we could adopt it now, noting only that "observations" should be in the plural.

The PRESIDENT: My only thought, Mr. Thomas, was that in view of the observations of the representative from Mexico, there might be some slight changes in the wording so as to accord with the views which he expressed, with which a number of representatives have agreed.

Now I wonder if I may perhaps turn to the representative of Mexico and ask him his desires.

Mr. Padilla NERVO (Mexico): Mr. President, I wanted to avoid the impression that the report of this mission was something in the nature of a criticism of the administering authority and that we have two sides of

the question -- a plaintiff and a defendant -- for I do not think that is the case. I think that when we receive the report of the mission, the Council will naturally discuss it and make some observations or conclusions, and that the conclusions of the Council would be sufficient, because the opinion of the administering authority will be contained in the Council's conclusions.

For that reason, I thought that it was not necessary to express in the rule that the opinion of the administering authority, given outside the jurisdiction of the Council, should be published there, because we give the impression that it is an accusation or something in the nature of a criticism in the report of the mission, which I do not believe is the case.

That is the only observation that I have on the text submitted by the United Kingdom delegation, but, of course, if the rest of the Members of this Council are agreeable to it, I would not be the only one to be against it.

Mr. KHALIDY (Iraq): The only observation I have, Mr. President, is on the only phrase which/<sup>only</sup>the honourable representative of Mexico has spoken about so far.

I find myself in agreement with him. I cannot fail to observe that the administering authority has many channels and ways to make its point of view known. We do not. We have only this channel. That is point number one.

Point number two -- and that bears repetition -- is that this report is your property and your property alone. After all, the administering authority has a Member on the Council. We can get their point of view, as we <sup>but</sup> always do, with the utmost respect and consideration, you cannot include into your own report the administering authority's own point of view. Then you are mixing a government, a state, with a whole Council. The administering authority is an authority entrusted with a territory. You are entrusted with the International Trusteeship System. I must say that I fail to see the

relation between the two in that case. This is your report and your report only. If the administering authority wishes to comment on it, by all means. They have a hundred and one means and channels. It surprises me -- there is no relation between the two, and I do not see how it could be given here.

Mr. THOMAS (United Kingdom): Perhaps I was wrong, Mr. President, in thinking / there was general acquiescence in this text, and perhaps it should, therefore, go to the Drafting Committee.

With respect to the observations made by the honourable representatives from Mexico and Iraq, I should not dispute the proposition that the Council is entitled to make its own report on the matter. The report is the property of the Council, as the honourable representative from Iraq says, and it can do with it what it pleases. But I think there is a misconception of what will happen. The observations of the administering authority would normally consist of measures taken to give effect to recommendations by the visiting mission, or reasons why such recommendations cannot be carried out, and the Trusteeship Council will wish to have them before it, as well as the report, in making up its own mind on the subject. I do not envisage this as a conflict between a visiting mission and the administering authority, and I am sure that no one else in the Council does, either.

The PRESIDENT: Unless there are objections, Rule 97 will be referred to the Drafting Committee with instructions to take into consideration the rule as drafted by the United Kingdom representative and the remarks which have been made by the various representatives in discussing that draft. Unless I hear objections, it is so ordered.

Mr. GERIG (United States): Mr. President, as to referring it to the Drafting Committee, I wonder if you would agree that they might look at Rule 66 which we adopted the other day and which says: "A statement of minority views may be appended to a report or recommendation of the Trusteeship Council at the request of any Member." That would seem to give a certain amount of opportunity for any administering authority which had any observations to make which differed from those of the Council, and therefore, it might be possible for the Drafting Committee to admit the words, "by the administering authority", having the administering authority, if necessary, rely on Rule 66 or on a minority view. But normally, one would suppose that the observations would be included with those of the Council, and therefore the two would not be included in juxtaposition.

I think there is that difficulty with the draft as it stands, as pointed out by the representative of Mexico. It looks a little bit as if in each case you are expecting an observation, both by the administering authority and by the Council as a whole. I just throw that out for the consideration of the Drafting Committee, not to raise any further discussion.

Mr. KHALIDY (Iraq): Mr. President, I believe the suggestion of the representative of the United States is very worthy of consideration.

I want to say this. May I remind you of a fairly similar case which we discussed the other day when considering visiting missions. We said that it would not be in order to disclose or to give all or part of the report of

a visiting mission on the spot to the local authorities, if I remember rightly, partly because we said the report of such missions is the property of the Council and no one has the right to dispose of it except the Council. Should not that be similar to this case? People would say -- even the whole world would say -- "In that case why do you send a mission if you are in such close touch with the administering authorities, and if you are including the point of view only of your own conclusions, why do you send the mission? You might as well have asked their opinion."

May I assure the Council that I have in no way any idea of suspicion between the Council and the administering authorities; I am quite confident that such cases may never arise. If they did they would be one in a hundred; they would be very rare, I am sure. I envisage in general the most reasonable accord between this Council and the administering authorities. I am sure that otherwise we cannot work, and we shall have to take the administering authorities into our confidence, and vice versa.

It seems to me a question of working within the frame of the Charter and within "reasonableness", if I may be allowed to use this word in general.

Mr. THOMAS (United Kingdom): Mr. President, I shall keep the bulk of my remarks for the Drafting Committee, but I want to say that I do not think Rule 66 can help us in the matter because the administering authority will not be a member of the mission visiting its own territory -- and I hope also it will not be a minority.

Mr. KHALIDY (Iraq): Mr. President, just one word if Mr. Thomas will allow me to say <sup>it</sup> by way of clarification. The administering authority may be a member of a visiting mission -- may be, I think, according to the draft we finished this morning and the point our Vice-President raised.

The PRESIDENT: I take it that we may refer this rule to the Drafting Committee to draft a rule in the light of the observations which have been made.

That brings us to Chapter XVI on the Reports of the Trusteeship Council, and you see before you -- I think I will not take the time to read them -- the rules in Document T/1 on page 18. Those rules, as you noticed, have been revised in a suggestion by the Secretariat which you will find on page 34 of Document T/4 under Rules 98 and 99 in the footnote. I wonder whether it would be agreeable to this Council to take as the basis for our discussion these two Rules, 98 and 99, proposed by the Secretariat in place of the rules drafted by the Preparatory Committee appearing on page 18 of Document T/1.



The PRESIDENT: Unless I hear objections, we will then use as the basis for our discussion Rules 98 and 99 as they are set forth on page 34 of Document T/4 in place of the other rules, concluding with Rule 102 on page 36; that is, Rules 98 and 99 in the footnote on page 34 include the substance of the various rules, including Rule 102 on page 36.

Mr. GERIG (United States): Mr. President, the re-grouping and the formulation proposed by the Secretariat in Rules 98 and 99, I think, are a great improvement over the collection of rules as they stood before.

I should just like to suggest an addition. The Secretariat has circulated in writing, a brief paragraph, and I assure Sir Carl that this is the last one that I am going to circulate to this Council. It pertains to strategic areas. As I have indicated once before on this chapter on reports we would like to suggest the addition of an additional paragraph which is really required under the Charter, because certain reports perhaps may have to be made to the Security Council.

Under Article <sup>83(1)</sup> as has often been pointed out, there are certain functions in this field of strategic areas which are to be performed by the Security Council, and therefore certain reports may have to be made to it with regard to strategic areas.

I think the Council will find no difficulty adding this paragraph.

Mr. THOMAS (United Kingdom): Mr. President, this text of the Secretariat is quite a good working draft, but I think it might be simplified a great deal.

I see a reference to a very large number of separate reports, which, I think, is going to be very confusing to the General Assembly. I am not quite certain what is going to be in the general report or in the annual report if you have to make separate reports dealing with petitions, with visiting missions, and special reports on any matter related to observance

of the Charter. In fact, the general report and the annual report would contain very little, and I should prefer to run some of these things together and make Rule 98 read after this form: "The Trusteeship Council shall present to the General Assembly at each of its regular sessions a general report on its activities and on the discharge of its responsibilities under the International Trusteeship System, which shall include an annual report on each trust territory." That would be the end of my rule.

In the annual report, as I have said, there would be all the other material which is relevant to the trust territory. In the case of Tanganyika, for example, the annual report would be based on the annual report of the administering authority and would include the petitions that we should be dealing with now and a visit, if there were a visit to the territory in question. It would be quite an interesting document and one that the General Assembly could assimilate more easily.

The PRESIDENT: May I interrupt to ask the representative of the United Kingdom: Does he mean the proposal to take the place of both Rules 98 and 99, or simply of Rule 98?

Mr. THOMAS (United Kingdom): I put it forward as taking the place of Rule 98.

I have not yet formed an opinion about Rule 99, and I will reserve judgment on that.

The PRESIDENT: May we have your suggestion circulated then, sir?

Mr. THOMAS (United Kingdom): Yes.

Sir Carl BERENDSEN (New Zealand): Mr. President, as Mr. Gerig has so touchily referred to me, I wanted to take the first opportunity of assuring him that I see no difficulties at all about this last sporting edition.

I am tempted to apply to this the words of the poet on one of our New Zealand cities: "Last, loneliest, loveliest, and last."

On the point raised by Mr. Thomas, on the whole I am inclined to agree that the effect would be more useful if we made one report rather than a number of reports--one report covering all the subjects referred to in this matter.

Mr. RYCKMANS (Belgium) (Interpretation from French): Mr. President, I wanted to make much the same observations as the representative for the United Kingdom and those observations which have been agreed to by the representative from New Zealand.

The Trusteeship Council is to make a report to the General Assembly on its activities. The activities of the Trusteeship Council under Article 87 of the Charter are: "(a) consider reports submitted by the administering authority; (b) accept petitions and examine them...", and so forth, "(c) provide for periodic visits...", and "(d) take these and other actions..." Therefore, I think our report should contain four chapters. The first chapter would be reports from the administering authority; the second chapter, petitions; the third chapter, periodic visits, and so on. Therefore, we would have a full report.

Where I differ with the representative of the United Kingdom is that I fail to see why the report should have a chapter dealing with Ruande Urundi, New Guinea, or Tanganyika. The Trusteeship Council is not entrusted with the administration of these territories. In fact, what the General Assembly wants and needs to have is, on the one hand, the annual report of the administering authority--that the Assembly already has--and, on the other hand, the report of the Trusteeship Council on the examination made by that Council of the annual reports of the authorities.

Therefore, Mr. President, I think that all these rules could easily be condensed into one rule which would include only four lines, drafted after the pattern set by Article 87 of the Charter.

The PRESIDENT: I take it that we are in general agreement with the proposal of the United Kingdom that we condense Rule 98 so as to provide for the making of a general report. Again, I take it that we are largely in agreement with what the representative of Belgium has said: that that report should cover the topics listed in Article 87. I wonder if we would be content to refer this rule to our able Drafting Committee to draft a rule along that line. Do I hear any objections?

Mr. RYCKMANS (Belgium) (Interpretation from French): Mr. President, I do not believe that Rule 99 should be added there. I think Rule 99 ought to come together with Rule 93, under one rule which will have about four lines. I do not see why it has been so set apart.

There is one item, the necessity of which I fail to see: Why is it mandatory that: "This report shall include...suggestions and recommendations for the improvement of the administration in the trust territory..."? Suppose, Mr. President, that the examination by the Trusteeship Council of the report of the administering authority reveals that the Trusteeship Council is satisfied in every respect with what the authority has done in its territory. Why should the Trusteeship Council be compelled to try to find some criticism to make and suggestions to put forward?

I think what the Trusteeship Council should do is what any council does in its report -- that is, to report on its examination of the annual reports by the administering authority, then present its conclusions, and that is all.

Mr. GARREAU (France) (Interpretation from French): Mr. President, I think that the formula proposed by the representative of the United Kingdom could be made shorter by deleting the last words. Those words are: "...which

shall include an annual report on each trust territory." It seems to me that our annual report includes all our activities, including what we may have to say about the trust territories and the various activities carried out during the year. Therefore, I think that this rule should read as proposed by the United Kingdom, but with the deletion of the last ten words.

Mr. THOMAS (United Kingdom): Mr. President, these are questions of presentation of the report, and I am not able to grow enthusiastic about any particular form. What I have in mind would, in fact, be one report with sections on each territory. In that report, under a particular territory -- say, Tanganyika -- you would include remarks based on the administering authority's report, petitions, and visits. But if it were desired to divide the general report under the headings of visits, petitions, or in any other way, that would be quite agreeable to me.

I think that<sup>is</sup>/the suggestion, as I understand it, of the honourable representative of Belgium.

I certainly think we should avoid presenting a very large number of separate reports for all these items. I should like just an annual report, possibly with sections on each trust territory--a single report to the General Assembly which shall include an annual report on each trust territory.



The PRESIDENT: I wonder if I might ask the representative of the United Kingdom the following: In his draft I am not too sure what the word "its" refers to in the second line, whether that refers to sessions of the Trusteeship Council or of the General Assembly.

MR. THOMAS (United Kingdom): Mr. President, I took the words from draft Rule 98, but the same query passed through my mind and I came to the conclusion that it must be the regular session of the General Assembly. It might be better, however, to make that clear by saying, "The Trusteeship Council shall present to the General Assembly, year by year..." or something of that sort to make it clear that it is one annual report.

The PRESIDENT: Doubtless that can be clarified by the Drafting Committee I simply raised the point for their benefit. If it is agreeable to all, I think we can refer Rules 98 and 99 to the Drafting Committee, asking that Committee to prepare a draft somewhat similar<sup>to</sup> or following the proposal of the United Kingdom, and taking into account the various observations which have been made, and also, unless I hear objection, taking care of the suggestion of the United States with regard to strategic areas.

(No objection voiced)

The PRESIDENT: It is so ordered.

That brings us, then, to Rule 57 of document T/1, which reads:

"The reports of the Council to the General Assembly mentioned in Rules 51, 52 and 56 shall be submitted to the Secretary-General at least twenty days before the regular annual session of the General Assembly."

Rule 103 of  
You will see in document T/4, on page 36, that Rule slightly re-drafted into this form:

"The reports of the Trusteeship Council to the General Assembly mentioned in Rules 98, 99 and 100 shall be transmitted to the Secretary-General at least twenty days before the regular annual session of the General Assembly."



Of course the numbers of these rules will have to be changed in accordance with the final number of the Rules.

Are there any suggestions or observations?

Sir Carl BERENDSEN (New Zealand): I do not want to be persistent, sir, and I am rather terrified with what I am about to say, but twenty days, twenty days -- how on earth are the countries represented on the General Assembly going to see this document, consider it, and instruct their representatives to the General Assembly?

Now I am not going to say any more about it except--twenty days!

Mr. RYCKMANS (Belgium) (Interpretation from French): Mr. President, as to the observations just made by the Vice-President, I shall answer very simply that as for the report that the visiting missions submit to the Members of the General Assembly, the Members will have about one day to consider these reports.

Mr. THOMAS (United Kingdom): It will depend surely, Mr. President, on the date we fix for our regular sessions, for these reports are to be drawn up by the Trusteeship Council, and that presumably means by the Council in session. As I understand the tentative plans we have in mind, it will be well in advance of the regular sessions of the General Assembly, so that in practice I should expect there would be a considerable longer interval than twenty days. Of course, it does not matter so much in the case of New Zealand, because New Zealand is so intelligent and can read these reports quickly.

Sir Carl BERENDSEN (New Zealand): If we get them.

Mr. KHALIDY (Iraq): Mr. President, I think once again our Vice-President is very right, and I lose no opportunity, whenever I can, to agree with him to run for it. May I do so now. I think twenty days is much too short a time. If it is meant that it would be sent by whatever means, before the convening of the General Assembly here, well, then, even airmail would take ten days, either to New Zealand or to my country.

It always surprises me why I can come to New York from Bagdad in fifty hours but my letter gets to my mother in ten days. I do not know why. But then we are not a council of postmasters here. That does not concern us. If you want to take <sup>this</sup> into consideration then it takes you ten days at least by mail, but if you want to present it here, then there is no time.

Mr. GERIG (United States): Mr. President, I think we ought to look at this rule, having in mind actually the calendar by which we are going to work. We have not yet decided when we will have the meetings. But assuming that we have them beginning with 15 June, for example, the meetings would probably be over toward the end of July. At the end of that time we will have had, I suppose, to adopt a report by this Council, and therefore the Members from New Zealand and Australia will have helped to adopt a report by the end of July. That report could be put out, I suppose, in a number of mimeographed copies and immediately sent to their own Governments and to all the other Members of the United Nations. That would give us at least seven weeks before the Assembly meets. As the representative for Belgium said, in the Assembly we would have to deal with weighty matters within twenty-four hours in any event.

It seems to me that in practice this should not present too difficult a problem. It is at least twenty days, but we can foresee already seven weeks.

The PRESIDENT: Are there any further observations?

Mr. Padilla NERVO (Mexico): Mr. President, I think we ought to take into account that the Rules of Procedure of the General Assembly oblige the Secretary-General to present to the Members of the Assembly the Provisional Agenda sixty days before the opening of the regular session. The Provisional Agenda always includes as one fixed item, among the reports, the Report of the Secretary-General, the Report of the Security Council, and the Report of the Trusteeship Council.

I believe that at least this report should be sent with the same dispatch as the Report of the Secretary-General on the work of the Organization, and the reports of the other organs of the United Nations, so that the Members of the General Assembly will have the opportunity, at the same time, to examine any one of the main reports of the organs of the United Nations, before coming to the Session.

Mr. THOMAS (United Kingdom): May I ask, Mr. President, if there is any corresponding rule in the other principal organs?

The PRESIDENT: The Provisional Rules for the General Assembly, in Rules 11 and 12, have a bearing on this question, sir. Rule 12 provides that the Provisional Agenda of a regular session shall include, among other things, reports from the Trusteeship Council; and Rule 11 provides, "The Provisional Agenda for a regular session shall be communicated to the Members of the United Nations at least sixty days before the opening of the session..."

I have just asked what the rules are with regard to the Economic and Social Council, and I am told there is no corresponding rule.

Mr. LIU CHIEH (China): Mr. President, I fail to understand the objections to the period allowed in Rule 103 here. As I see it, the report would be one from this Council to the Assembly, and the most appropriate time for it to be drawn up would be at the June session of the Council. Possibly at the end of the June session, the Council could go through that report and approve it, and then the Secretary-General would transmit it to the General Assembly. So, as long as the report is made ready at the end of the Council's June session, the question of submission is one of mechanics by the Secretary-General and it is different from the reports which have to be sent by the administering States for examination. I mean it is a report from this Council to the General Assembly, from one organ of the United Nations to another. I fail to understand the difficulty here.

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Mr. RYCKMANS (Belgium) (Interpretation from French): Mr. President, does the Secretary-General communicate his own report, the one he reads to the General Assembly, at the opening session? Does he communicate this Report to the Member States twenty days before the opening session?

The PRESIDENT: I will ask the Assistant Secretary-General to reply.

Mr. HOO (Assistant Secretary-General): In the Provisional Rules of Procedure for the General Assembly, there is Rule 47 which runs as follows:

"The Secretary-General shall make an annual Report, and such supplementary reports as are required, to the General Assembly on the work of the Organization. He shall communicate the annual Report to the Members of the United Nations at least forty-five days before the opening of the session."

So there is a time limit of at least forty-five days for the first Report, and then, of course, in between the time he has sent out the first Report and the Assembly has been convened, there can be a supplementary Report.

The PRESIDENT: Are there any further observations?

1Mr. GARREAU (France) (Interpretation from French): Mr. President, I do not see the relationship between this time limit of sixty days for the sending of the Provisional Agenda to Members of the General Assembly and the sending out of the Report of the Trusteeship Council. It seems to me that,, whereas the Provisional Agenda provides sixty days because the governments may have to prepare certain questions contained in this Provisional Agenda, our Report, which should be sent out as close as possible to the actual date, can be studied in Committee Four of the Assembly itself.

The PRESIDENT: Are there any further observations?

(No response.)

If not, I wonder if we can ask our Drafting Committee to wrestle with this question, which I think can be resolved without too much trouble. As has been pointed out, presumably we will hold our meeting about the middle of June and conclude it sometime in July. There is ample time between then and the opening of the Assembly to get these Reports out. All of us will be interested in getting them out as soon as possible, so I do not think there is any real problem here apart from the question of the drafting of the rule. If it is agreeable to everyone, I suggest that we turn this over to <sup>the</sup> Drafting Committee as one of its additional headaches to wrestle and bring us a report either tomorrow or at an early date.

It is now almost a quarter past six, and I think we must conclude our discussions for the day.

Tomorrow I hope to conclude our discussions on such rules as remain, and also I hope to adopt the rules as submitted by the Drafting Committee. You remember there are still some of those outstanding which we have not adopted.

I expect to have the Tanganyika examinations begin on Monday, and I think, in view of the whole situation, we will not hold a meeting on Saturday.

I have a brief announcement to make. The Drafting Committee will meet tomorrow at 11 o'clock instead of 10:30 in Conference Room 10.

The Questionnaires Committee will meet at 10:30 in Room 13.

The Council will meet tomorrow afternoon at 2 o'clock.

The meeting is adjourned.

(The meeting adjourned at 6:15 pm)