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English

TRUSTEESHIP

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VERBATIM RECORD OF THE NINETEENTH MEETING OF THE TRUSTEESHIP COUNCIL

Lake Success, New York
Friday, 18 April 1947, at 2:00 p.m.

PRESENT:

The PRESIDENT: MR. FRANCIS B. SAYRE

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|-------------------|----------------|
| Mr. Makin | Australia |
| Mr. Ryckmans | Belgium |
| Mr. Liu Chieh | China |
| Mr. Laurentie | France |
| Mr. Khalidy | Iraq |
| Mr. Padilla Nervo | Mexico |
| Mr. Taylor | New Zealand |
| Mr. Thomas | United Kingdom |
| Mr. Gerig | United States |

The PRESIDENT: The Council is in session.

At the close of the session yesterday we had not quite finished our rules concerning the report. There still remains Rule 104 on Document T/4, page 36, a rule suggested by the Secretariat, and reading:

"The Trusteeship Council may designate the President, the Vice-President or another of its members to represent it during the consideration of its reports by the General Assembly."

Are there any remarks or observations on this rule?

Unless I hear objections, I take it we are ready to adopt Rule 104 on page 36 of Document T/4.

(No objection voiced.)

The PRESIDENT: It is so ordered.

The PRESIDENT: That brings us then to Chapter XVII with regard to Other Functions. Rule 58 of document T/1 reads:

"The Council shall perform such other functions as may be provided for in the trusteeship agreements or as may be assigned to it by the General Assembly or the Security Council, including the expedition and consideration of draft trusteeship agreements and the preparation of recommendations thereon for submission to the General Assembly or the Security Council."

You will notice that in Rule 105 on page 37 of document T/4, the Secretariat suggests the omission of the words "or the Security Council", by reason of the Secretariat's suggestion for dealing with strategic areas in Rule 109.

MR. THOMAS (United Kingdom): Mr. President, I think that this Rule could not have been sufficiently considered before it was drafted. It is much too wide as it stands. The essence of the international trusteeship system is an agreement between the United Nations and the administering authority that applies to the drawing up of trusteeship agreements and to almost anything else. But under this draft Rule, the Trusteeship Council could undertake anything that was assigned to it by the General Assembly, and that means that the General Assembly by a two-thirds majority would be able to wish almost anything on the Trusteeship Council. It undermines the essential basis and agreement between the United Nations and the administering authority. I do not think we need such a Rule.

The PRESIDENT: Therefore, Mr. Thomas, I take it you suggest the complete deletion of the Rule.

MR. THOMAS (United Kingdom): I think that would be the simplest matter. Nothing would be lost by the omission of this Rule.

MR. GERIG (United States): Mr. President, I am not quite sure that I think we ought to go quite so far as to delete the entire Rule, especially for the reasons given by the representative of the United Kingdom. I think that under the Charter we are under the authority of the General Assembly, under Article 87, and that therefore, being under the authority of the General Assembly, we, in a sense, at least have to consider the performance of functions assigned to us by the General Assembly. Those cannot, however, be in conflict with the trusteeship agreements which govern the extent of the authority of the General Assembly and of the Trusteeship Council. But I would agree that the words "or the Security Council" ought to be stricken, as suggested by the Secretariat, though not necessarily because we are going to retain Rule 109. We will come to that.

I would also eliminate the words "expedition and" in the third line, in the phrase "including the expedition and consideration..." I think it is enough to say "including the consideration of draft trusteeship agreements..." I am not sure that "expedition" adds anything. With those words eliminated, I think I would be prepared to retain that Rule.

Mr. GERIG (United States): Mr. President, I would like to add that it seems to me that the existing trusteeship agreements mainly define the responsibilities and duties of the administering authority and do not necessarily exhaust all the functions of the Trusteeship Council. Therefore, I think it can be said that the Trusteeship Council may have functions on its own initiative, or assigned to it by the Assembly, which go beyond the existing agreements. Moreover, under Article 85, we must contemplate the possibility of future trusteeship agreements, and it is our duty to approve or to advise the Assembly on the approval of any future trusteeship agreement that may arise. Therefore, if we bind ourselves merely to acting under the authority of the General Assembly for existing agreements, we have not necessarily covered all the functions that may be contemplated for the Trusteeship Council.

Even beyond the scope of present or future contemplated agreements, there are functions in the general field of trusteeship which the General Assembly might consider should be examined by this body, so that I feel there is a certain limitation here. I do not know whether it is necessary to add the rule even then, but I certainly would not be of the belief that it should be tied down to existing agreements. Our functions go much beyond existing agreements.

(Mr. RYCKMANS, representative of Belgium, spoke in French.)

The PRESIDENT: Unless there are further observations, I think I should ask for a show of hands on the various proposals which have been made. I heard first the proposal of the representative of the United Kingdom suggesting the complete deletion of the entire rule.

Mr. THOMAS (United Kingdom): What I suggested was that the rule should not be adopted.

The PRESIDENT: We will ask for a show of hands on the adoption of the rule as set forth in Rule 105, and if that is voted down, your proposal will be affirmatively voted on.

I also heard the suggestion of the Belgian representative.

Mr. RYCKMANS (Belgium): It is not my proposal, sir.

The PRESIDENT: The proposal of the United States representative suggests the deletion of the word "expedition and" in Rule 105, and concurs with the Secretariat's deletion of the words "or the Security Council", as shown in Rule 105.

Finally, I will ask for a show of hands on Rule 105 as it stands at present in Document T/4.

(Mr. RYCKMANS, representative of Belgium, spoke in French.)

The PRESIDENT: In that event, I shall put the question of the United States proposal first, which is Rule 105 with the deletion of the words "expedition and"; next, I shall ask for a show of hands of those who are in favour of Rule 105 as it now stands, and those who vote against it will be, in effect, voting for the proposal of the United Kingdom.

Will that be satisfactory?

Mr. THOMAS (United Kingdom): Yes.

(Mr. RYCKMANS, representative of Belgium, spoke in French)

The PRESIDENT: If I understand you, sir, you would like a show of hands first on the question of whether we shall adopt any rule at all corresponding to Rule 105.

Mr. RYCKMANS (Belgium): Yes.

The PRESIDENT: That is very much the same as voting on its deletion. It is what many people have objected to. However, I am perfectly willing to do that. I take it that you, Mr. Thomas, would be willing to do that.

Mr. THOMAS (United Kingdom): Like the honourable representative from New Zealand, I am agreeable to almost anything. However, I would like to make it clear that I do not object too much to what has been proposed. I should not object to a rule which provided that the Trusteeship Council should perform such functions as may be provided for in the Trusteeship Agreement because that is provided for in the Charter. Nor do I object to saying that the Trusteeship Council should make recommendations to the General Assembly on draft trusteeship agreements because that again is provided for in the Charter. It is these vague words, "...or as may be assigned to it by the General Assembly..." that gives rise to difficulties on my part.

If we want an Article, it would be quite easy to draft one. However, I suggest the non-adoption of this Article as being the simplest way of dealing with it.

The PRESIDENT: Does the representative of the United States wish to say something?

Mr. GERIG (United States): Mr. President, I thought we adopted a rule for voting the other day--that amendments are voted on first and then, principal proposals or principal motions next. You could vote for my amendment to eliminate "expedition and", and you could vote against the whole thing after that if you went to.

The PRESIDENT: That is what I first proposed doing. However, the representative from Belgium expressed the wish that it be the other way.

Mr. THOMAS (United Kingdom): It is easy to see the way out of that procedural difficulty because you cannot amend what does not exist; and the article does not exist at the moment.

The PRESIDENT: Well, in order to cut corners, if it is agreeable to everyone, I think we will vote as the Belgian representative suggested. I will ask for a show of hands as to whether we want a rule such as Rule 105. If the vote is in the affirmative, then I am going to turn it over to the Drafting Committee to draft a rule, taking into account the various observations which have been made.

Unless I hear objections to that proposal--which is somewhat cutting corners and is not strictly parliamentary--we will proceed accordingly.

(No objection voiced.)

The PRESIDENT: All those, then, in favour of adopting some rule such as Rule 105 of document T/4 will indicate by raising their right hands.

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

The PRESIDENT: There are four in favour and five against. Therefore, I take it that it is the desire of this Council not to adopt a rule corresponding to Rule 105.

That brings us, then, to Rule 59, Chapter XVIII on Amendments of Trusteeship Agreements.

Rule 59 provides:

"The Council may submit to the appropriate organs of the United Nations recommendations for alterations or amendments in the terms of any trusteeship agreement, so far as they come within the competence of the Council."

As you see, the Secretariat has not suggested any amendments other than the insertion of the word "Trusteeship".

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Mr. THOMAS (United Kingdom): I am sorry to come in again so soon, Mr. President, but this is a rule where I wish the Secretariat had suggested some alterations.

Provision for the amendment of trusteeship agreements is made in Article 79 of the Charter. I should like to remind the Council what the words are. The Article reads:

"The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the States directly concerned, including the mandatory power in the case of territories held under mandate by a Member of the United Nations, and shall be approved as provided for in Articles 83 and 85."

What can be done, therefore, in the way of amendment is already laid down for us. And I am going to ask myself, what are the appropriate organs referred to in this draft rule? I presume that they are the General Assembly and the Security Council. But even if they were specifically named there, I do not think the draft rule would be right because clearly under Article 79, any proposed modifications of trusteeship agreements should be submitted, in the first place, to the administering power, and must be agreed upon by the States directly concerned.

What I would suggest, therefore, is that the Rule should be altered so as to make it read: "The Trusteeship Council may submit to the administering authority recommendations for alterations or amendments in the terms of any trusteeship agreement, to be made in accordance with Article 79 of the Charter."

Mr. LIU CHIEH (China): Mr. President, I do not think I can bring myself to agree entirely with the observation of the representative of the United Kingdom on this point. I think Rule 106 or Rule 59 in Document T/1 concerns itself with the submission of recommendations for alterations or amendments. Article 79, just read out by the representative of the United Kingdom, deals with the actual agreement of the terms of trusteeship agreements. It is only in the agreement, in the actual finalizing of the agreement, that the agreement of the mandatory power or administering power is required. Now Article 85 states that the approval of the terms of the trusteeship agreements and their alteration and amendment, are functions to be exercised by the General Assembly. Therefore, it is for this Council, if it thinks appropriate, to recommend amendments or alterations to the General Assembly.

If the General Assembly thinks it is necessary or desirable to have any amendment or alteration, then it is for the General Assembly to make arrangements with the administering powers to have such amendments or alterations. Therefore Rule 106, as formulated here, is entirely consistent with both Article 79 and Article 85.

I do not think it is appropriate, as the representative of the United Kingdom suggested, for the Council to make such recommendation to the administering authority, because this Council operates under the authority of the General Assembly, and paragraph 2 of Article 85 states that the Trusteeship Council shall assist the General Assembly in carrying out these functions. The approval of trusteeship agreements and their alteration or amendment is a function exercised by the General Assembly and therefore if this Council makes a recommendation, it should address this recommendation to the General Assembly.

(Mr. GARREAU, representative of France, spoke in French.)

(Mr. RYCKMANS, representative of Belgium, spoke in French.)

Mr. MAKIN (Australia): Mr. President, the Trusteeship Council, under Article 85 of the Charter, is, of course, to assist the General Assembly in the case of non-strategic areas, and the Security Council is to assist the General Assembly in the case of strategic areas, under Article 83, including the approval, alteration or amendment of the terms of the trusteeship agreements. A resolution of the General Assembly and of the Security Council could cover this situation. However, if the Council feels that this rule should be retained, we see no objection to it, provided that it is made more complete by adding provisions as to the terms of new agreements, thus complying with Articles 83 and 85 of the Charter.

I therefore, sir, propose that Rule 59 should read: "1. The Trusteeship Council, in pursuance of the duty imposed upon it by Article 85 of the Charter, may submit to the General Assembly for its approval recommendations within its competence on matters concerning the terms of any trusteeship agreement, including their alteration or amendment. 2. In the case of strategic areas, the Trusteeship Council may discharge ^{similar} functions so far as it is authorized to do so by the Security Council."

I would also submit, sir, that the title of the rule should also be amended to read: "Approval and Amendment of Trusteeship Agreements."

Mr. THOMAS (United Kingdom): Mr. President, I think we are now reaching agreement on this question as a result of the various suggestions that have been made. I need not add to what has been said by the honourable representatives of France and Belgium about the meaning of Article 85. But I think the point made by the honourable representative of China needs to be taken care of somewhere in the rules, and I should like to go back to Rule 105 which we discussed just now. I was forced to vote against that when you put the question to the vote, because there were certain features in it that I found very objectionable.

But I have no objection to several of the propositions that were made, especially that the Trusteeship Council should perform such other functions as are provided for in the trusteeship agreements and that they should also make recommendations. I think it would be appropriate at this point also to bring in the reference to Article 85 made by the honourable representative of China. With that end in view, I have circulated a draft rule which is now before the honourable Members. I wrote that out before the honourable representative of Australia spoke, and I am very glad to see that his mind has been working in the same direction for he has thought of a point that I overlooked. We must, of course, make provision for strategic areas also, which I have not done in this draft.

(Mr. Garreau, representative of France, spoke in French)

Mr. GERIG (United States): Mr. President, I agree with the first part of the proposal of the representative of Australia, also with his proposal that the title might be "Approval and Amendments of the Trusteeship Agreements", and also with the present wording of the proposal laid before us by the representative of the United Kingdom, but I differ with both of them in the reference to strategic areas under Article 83. I think a careful reading of Article 83 will show that the Trusteeship Council has no functions in the matter of approval, alteration or amendment of strategic area agreements, that that is left to the Security Council alone, and that by paragraph one of Article 83 and that under paragraph three of it, the Security Council can avail itself of the assistance of the Trusteeship Council in matters of political, economic, social, and educational advancement, but it very carefully does not say anything about the approval or amendment of strategic area agreements, and therefore the second part of the proposal of the representative of Australia should be omitted.

(Mr. Ryckmans, representative of Belgium, spoke in French)

(Mr. Garreau, representative of France, spoke in French)

Mr. THOMAS (United Kingdom): Mr. President, I was merely trying to make contact with the States directly concerned.

When I circulated a draft rule just now, I was right through inadvertence. I had omitted any reference to the Security Council merely because I forgot about the strategic areas, but after what has been said by the honourable representatives here, and reading the rules carefully, I am convinced we ought to make no reference to the Security Council. Under Article 83 the Security Council, can, if it so chooses, avail itself of the

assistance of the Trusteeship Council, but only on certain matters. Those matters are, "...those functions of the United Nations under the trusteeship system relating to political, economic, social and educational matters in the strategic areas". It could not divest itself of its own responsibility for approving trusteeship agreements for strategic areas, or their alteration or amendment.

Therefore I submit the rule I have drafted to the Council.

Mr. MAKIN (Australia): Mr. President, I think that the second portion of the amendment that I propose is perfectly consistent with the third paragraph of Article 83 of the Charter which reads: "The Security Council shall, subject to the provisions of the trusteeship agreements and without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the trusteeship system relating to political, economic, social and educational matters in the strategic areas."

Surely the Security Council may avail itself of the opportunity of asking the Trusteeship Council to consider those very subjects, as they may relate to agreements with which the Security Council is dealing. I would like the gentlemen who have offered an opinion on this matter to prove, at least, where my view on that is wrong. Unless that is so, I am afraid that I feel it very desirable that this particular second section, the amendment to the rule that I have indicated to the Council, should be included.

As yet, I have not heard enough from other Members of the Council to prove that my contention in this matter is wrong.

Mr. GERIG (United States): Mr. President, this is just a reply to the remarks of the honourable representative of Australia, whom I would like to meet as far as possible--and always do. I do feel that his interpretation of paragraph 3 of Article 83 would be going considerably beyond the actual terminology as it exists there. It does say precisely, "The Security Council shall, subject to the provisions...avail itself of the assistance of the Trusteeship Council...relating to political, economic, social and educational matters in the strategic areas." "...matters in the strategic areas." It does not say, "matters as defined in the agreements." It does not refer to the legal instrument. It refers to matters in the areas.

I think it would be giving a very broad interpretation of that paragraph and would be going much beyond any interpretation I ever heard at the beginning of the drafting of this rule or since, to include a reference there, or to interpret that to include the approval or amendment of the agreement itself. I say that the more confidentially, because in paragraph 1 it does make precise the functions relating to approval and amendment of agreements, which rests with the Security Council.

Mr. LIU CHIEH (China): Mr. President, at this time I am not arguing for the adoption of the proposal by the delegation of Australia, but with reference to the observations of the representative of Australia regarding Article 83, I think that I am entirely able to support his interpretation. It is true, as the representative of the United States pointed out, the approval and alteration of the terms of the trusteeship agreements are functions exclusively within the competence of the Security Council, but insofar as the Trusteeship Council is asked to extend its assistance in those matters--and I may say, matters covering a very wide range--then the Trusteeship Council certainly has a voice in it.

Suppose the Security Council asks the Trusteeship Council to undertake certain duties with regard to political, social, economic and educational matters, and the Trusteeship Council feels that certain provisions in the trusteeship agreement should be so modified as to enable it to carry out its functions? The basic objectives in paragraph 2 of Article 83 of the Charter, also require some more precise expression as to trusteeship agreements. I would say that Article 83 does not prevent the Trusteeship Council from the making of such suggestions and recommendations as it sees fit to the Security Council, just as in the same way the Trusteeship Council has the competence to make such recommendations and suggestions to the General Assembly.

I think that Article 83 prevents the Trusteeship Council from even making suggestions, but requires it to undertake certain duties, which would really be putting the Council under an entirely unfavourable interpretation. As I had occasion to point out, Article 83 is very unfortunately worded. In paragraph 3 of Article 83, the Security Council is required to seek the assistance of the Trusteeship Council in the matters enumerated therein. It says, "...shall...avail itself of the assistance of the Trusteeship Council..." In fact, if I may recall the intentions of the authors of that Article in San Francisco--where Mr. Gerig was also present throughout--I think the idea was that the Security Council should concern itself with strategic areas because of security reasons. However, as far as the basic objectives and the work in regard to educational, economic, social and political matters are concerned, they remain the domain of the Trusteeship Council. Otherwise, it would be defeating the purpose of setting up a Trusteeship Council if most of the provisions take away from that Council the functions it is intended to carry out.

(Mr. RYCKMANS, representative of Belgium, spoke in French.)

The PRESIDENT: In the absence of any further observations, I suspect that we should refer this to the Drafting Committee. However, I wonder whether we ought not to ask for a show of hands or whether the Drafting Committee should follow the United Kingdom proposal or the Australian proposal. Unless I hear any objections, I think, for the benefit of the Drafting Committee, I would like to ask for a show of hands--first on those who approve the Australian proposal; and second, those who favour the United Kingdom's proposal as the basis for the work of the Drafting Committee.

Mr. THOMAS (United Kingdom): Mr. President, if this question is going to the Drafting Committee, I should certainly prefer that the point made by the honourable representative from Australia should be considered. Therefore, I would withdraw my amendment.

If, on reflection, I am convinced that the Security Council ought to be mentioned, I can bring it up again in the Drafting Committee.

The PRESIDENT: In other words, you are content to leave the whole matter to the Drafting Committee?

Mr. THOMAS (United Kingdom): Yes, yes.

(Mr. RYCKMANS, representative of Belgium, spoke in French)

The PRESIDENT: I think in view of what has been said, we should ask for a show of hands, as I first proposed, on the Australian and on the United Kingdom or Belgian proposals. I think we can leave to the Drafting Committee this question of the strategic areas which arises in connection with the Australian proposal, if that is acceptable to the representative of the United States.

In view of the request of the representative of Belgium to divide into two parts the proposal by the delegation of Australia, I shall ask first for a show of hands on the second paragraph of the Australian proposal which you have before you, the second paragraph reading:

"In the case of strategic areas the Trusteeship Council may discharge similar functions so far as it is authorized to do so by the Security Council."

I shall ask those who are in favour of the inclusion of that second paragraph in the Australian proposal, to do indicate by raising their right hand.

Mr. GERIG (United States): Mr. President, I just wanted to say that in regard to that paragraph, I quite agree with the remarks just made by the representative of Belgium, that if the Security Council itself should authorize or perhaps request the Trusteeship Council for an opinion, that would seem to be all right. But if we are asked to vote on the wording of this particular paragraph as it stands, I still feel that there is enough doubt about the whole question and about the general interpretation of Article 83, that it would have been better not to include such a paragraph at all. But if it is decided to include it, I hope that it will not be included exactly as it stands here, but will be made the subject of some verbal alterations which would be suggested in the Drafting Committee.

The PRESIDENT: I take it that this whole rule will be referred to the Drafting Committee and I am asking for a show of hands for the guidance of the Drafting Committee in the performance of their work. I take it that would be

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agreeable to you, Mr. Gerig?

Mr. GERIG (United States): Yes.

The PRESIDENT: Looking then toward the proposal by the delegation of Australia, all those who are in favour of including that second paragraph in the proposal, will/^{so}indicate, after the translation, by raising their right hand.

Mr. THOMAS (United Kingdom): Mr. President, I am not clear about the vote. If it is on the substantive question which we have been discussing now, whether there ought to be a rule here referring to the strategic areas, I must confess I should be unable to vote because we just decided that this must be remitted for further consideration. But if it is simply on the question of whether it is within the competence of the Drafting Committee to consider this point, then I am in favour of having it discussed by the Drafting Committee.

The PRESIDENT: It is a vote in principle. That is, we are referring to the Drafting Committee the whole rule, to be drafted in the light of the indications of desire on the part of the Council. In other words, the Drafting Committee may change the wording.

Perhaps I am not quite answering your point.

Mr. THOMAS (United Kingdom): My point is: If there is a vote in favour of the second paragraph of Rule 59 as drafted by the Australian delegation, does it mean that the Drafting Committee must include such a rule, in different words perhaps, but they must include it?

The PRESIDENT: Yes. It will mean that reference is to be made by the Drafting Committee to the strategic areas.

(Mr. GARREAU, representative of France, spoke in French)

Mr. THOMAS (United Kingdom): Mr. President, I am quite willing to alter the words so that they would read in the English text: "... and in pursuance of the duties imposed upon it by Article 85 of the Charter." The remainder of the language follows the Charter word for word.

The PRESIDENT: In view of this suggestion, I think I should ask the representative of Belgium whether this suggested change will be acceptable to him.

Mr. RYCKMANS (Belgium): Yes.

The PRESIDENT: May we then proceed to the vote on the second paragraph of the Australian proposal, remembering that this whole matter will be referred to the Rules Committee and that those who vote in favour of the inclusion of the second paragraph will mean by that that the Drafting Committee should refer specifically to the strategic areas.

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

The PRESIDENT: Four in favour; one against. Therefore, the Drafting Committee will take strategic areas into consideration in the framing of that Rule.

That brings us then to the first paragraph of the Australian proposal. The first paragraph, as I understand it, reads: "The Trusteeship Council, in pursuance of the duties imposed upon it by Article 85 of the Charter may submit to the General Assembly for its approval recommendations within its competence on matters concerning the terms of any trusteeship agreement, including their alteration or amendment."

Now, I should say that one or two suggestions were proposed. I take it that they can be handled by the Drafting Committee.

We will proceed to a vote as to whether this first paragraph will be referred to the Rules Committee, if adopted.

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

The PRESIDENT: Six in favour; one against. Therefore, we will refer the Australian proposal to the Rules Committee.

(Mr. RYCKMANS, representative of Belgium, spoke in French).

Mr. THOMAS (United Kingdom): As far as I am concerned, Mr. President, I do not see the significance of this vote for the Australian draft. My draft and the Australian draft are two different parts of the same matter. It is obviously going to be open to the Drafting Committee to canvass the relative merits of these two drafts.

Mr. MAKIN (Australia): I just want to bring to the notice of the Council the suggestion that I made that the title should include the word "Approval". That would then read: "Approval and Amendment of Trusteeship Agreements."

The PRESIDENT: That will be referred to the Drafting Committee, if acceptable to you, sir.

I hope we have time before our recess to cover one more rule.

I would like to turn to Rule 60 of Document T/1, entitled: "Relationship with Other Bodies." Rule 60 reads: "The Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council, of the specialized agencies and of regional bodies which may be separately established, concerning matters with which they may be concerned. It shall invite representatives of these bodies, when appropriate, to attend the meetings of the Council."

As you see in Rule 107 of Document T/4, the Secretariat has suggested very little change.

Mr. KHALIDY (Iraq): Mr. President, before I make any observations, I would like to put a question. What is meant by "regional bodies"? Who are the regional bodies?

The PRESIDENT: I suppose that what is meant by that are bodies such as the Caribbean Commission, and you will remember there is another body which is being discussed, the South Pacific Commission.

Mr. KHALIDY (Iraq): In that case, those bodies belong to the United Nations, do they not?

The PRESIDENT: No, sir.

Mr. KHALIDY (Iraq): They do not belong to the United Nations? Very well, then, this is my remark. I thought so.

I think it is rather dangerous for "regional bodies" to be included here. We are breaking new ground really, and for one thing we have no experience of that. So far, the United Nations has been communicating with bodies officially instituted and organized. It seems to me that we ought to be a little careful with regional bodies organized by separate groups on their own. I have in mind, for example, a commission of inquiry. Imagine what great difficulties a commission of inquiry would encounter when they inquire into a special question in a certain area. There would be more than one body, there would be rival bodies, and it would be a difficult problem to begin with which ones to choose and which to hear.

Now, with this precedence in mind I believe we ought to be a little careful. I would like to propose the following text to be attached to the rule under question. It reads as follows:

"In the case of regional bodies, the Trusteeship Council shall take into consideration equally the viewpoint and assistance of rival bodies, should there be such."

I have in mind, indeed, that in a certain area the Trusteeship Council may encounter more than one regional body. On one special question there might be two bodies, and in that case, if you avail yourself of the assistance and hear in one way or another the viewpoint of one, ...

we would be rather failing in our duty under the trusteeship system, under the Charter, and indeed, under the trusteeship agreement. So to close the door against such an unfortunate contingency, I would like something like that to be included so as to be fair -- to have a guidance in fairness -- nothing else.

(Mr. Ryckmans, representative of Belgium, spoke in French.)

The PRESIDENT: Are there any other observations?

(Mr. Garreau, representative of France, spoke in French.)

Mr. THOMAS (United Kingdom): Mr. President, I think that "regional bodies" is a vague phrase, and for that reason the rule probably ought to be deleted. I have not the slightest doubt that what was in the minds of those who drafted it was the Caribbean Commission -- and now the South Pacific Commission would be included, and there presumably could not be any objection to these bodies. But "regional bodies" is a much wider term that might come to include non-governmental organizations as well, and in view of that vagueness, it is probably better to omit the draft rule.

The PRESIDENT: It occurs to me, as I have listened to the remarks, particularly of the representative of the United Kingdom, that we might get around his objections by introducing the words "...and of appropriate inter-governmental regional bodies..." I am not sure that anything is necessary. I merely throw that out as a possibility, and I myself have no brief for one view or the other.

Mr. THOMAS (United Kingdom): It is agreeable to me, Mr. President. I should like to hear what the honourable representative of Iraq has to say, as he raised this matter. I should also like to correct a slip of the tongue. I said omit the whole rule, and I should have said just omit these words. I have no objection to the rule.

Mr. KHALIDY (Iraq): Mr. President, I agree entirely with your suggestion, and I think it is a very happy one.

The PRESIDENT: If I hear no objection, I take it that others are also in agreement with that suggestion, so that we may insert after the words "and of" in the third line of Rule 107, the words "appropriate inter-governmental" and then continue "regional bodies..." and so forth.

Mr. GERIG (United States): Mr. President, I was going to suggest two other changes in this Rule; first, to suppress the last sentence, since we have already adopted in Rule 12 some time ago a provision to invite such representatives to attend our meetings. I would then add an additional sentence. You may recall that when we discussed questionnaires, we had briefly considered the submission of sections of our questionnaires to these bodies and specialized agencies. It was decided to defer the broader question of documentation until we came to this Rule. I would propose the addition of a sentence something like this: "The Secretary-General shall communicate to these bodies such reports and other documents of the Trusteeship Council which may be of special concern to them."

The PRESIDENT: The representative of the United States makes two suggestions. One of the suggestions is that we omit the last sentence of Rule 107, inasmuch as we have already covered the matter in Rule 12, where, you remember, we provided that "Under the terms of the respective agreements between the United Nations and the specialized agencies, representatives of specialized agencies shall be invited to attend meetings of the Trusteeship Council and to participate in deliberations."

Unless I hear objections, I presume that we are in favour of the deletion of that last sentence.

(No objection voiced.)

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The PRESIDENT: /representative of the United States also suggested the addition, at the end of Rule 107 of this sentence: "The Secretary-General shall communicate to these bodies such reports and other documents of the Trusteeship Council as may be of special concern to them." I take it that we are all in agreement and therefore, unless I hear objection, we will consider the Rule adopted as thus modified.

Mr. KHALIDY (Iraq): Mr. President, there is one very small drafting matter that will avoid sending the Rule to the Drafting Committee. On the third line, the word "concerning" occurs and it occurs again on the fourth line. You might substitute the words "relating to" in its place. It is just a small matter of drafting.

The PRESIDENT: Do you wish to change the word "concerning" in the third line to "relating to"?

Mr. KHALIDY (Iraq): Yes, I think the third line would be more appropriate.

The PRESIDENT: I take it that we are all in agreement with that and we need not refer this to the Drafting Committee. We will adopt the Rule as so amended.

It is now almost 4:30. I propose that we ^{now have a recess and} meet very promptly at 4:50, because there is a dinner this evening and I hope that we can conclude a little early so as to give those who want to go home time to get ready.

(The meeting recessed at 4:30 p.m.)

The PRESIDENT: We had just concluded our discussion of Rule 60--Rule 107 in the suggestions of the Secretariat--before the recess. During the recess, it was suggested to me that we may make a refinement on the drafting of that last sentence which had been proposed. The suggestion is that the last sentence should read: "The Secretary-General shall promptly communicate to these bodies the annual reports of the administering authority, and such reports and other documents of the Trusteeship Council as may be of special concern to them."

I take it that this is agreeable to everyone and that we need not refer it or burden the Drafting Committee with that very slight change.

(Mr. RYCKMANS, representative of Belgium, spoke in French.)

The PRESIDENT: I wonder whether the representative from the United States desires to reply to that question.

Mr. GERIG (United States): The language that has just been suggested is a little broader and would cover any of the specialized agencies--I take it this means the specialized agencies that have relations with us--with reference to not only questionnaires but any other documents and reports which may be of special concern to them. The words "special concern" are of special interest here. I think it will cover the point raised by the representative of Belgium, though it is a matter of discretion probably on the part of the Secretary-General. If one of the specialized agencies had a concern and was not getting a report, it would probably write in and ask for one.

(Mr. RYCKMANS, representative of Belgium, spoke in French.)

Mr. GERIG (United States): Mr. President, the original proposal related only to questionnaires because it fitted into a rule relating to questionnaires. Here we are going on beyond questionnaires.

(Mr. RYCKMANS, representative of Belgium, spoke in French.)

Mr. GERIG (United States): Mr. President, I am proposing here that the Secretary-General send the annual reports to specialized agencies, if they are of special concern to them, whether or not they have participated in questionnaire. It is true this goes a little beyond the group that I had indicated in the original drafting in the other rule, but there are not very many specialized agencies that have relations with the United Nations--there can be only eight or nine at best. There are three at present who have relations with the United Nations, and four or five others that may have. If the Council feels that is too broad for us, that is a point that the Council can consider.

The PRESIDENT: Are there any other observations?

(No response.)

The PRESIDENT: May we pass then to a consideration of Rule 61 of document T/1, which, because of its length, I do not think I will stop to read, the hour being fairly late. You will see the slight alteration suggested by the Secretariat on page 38 of document T/1. The whole rule relates to periodic surveys. Are there observations in respect to this rule?

(Mr. GARREAU, representative of France, spoke in French.)

The PRESIDENT: Are there any further observations?

I wonder, Mr. Garreau, are you proposing the deletion of this rule, or proposing that^a/show of hands be taken on whether we desire the rule?

(Mr. GARREAU, representative of France, spoke in French.)

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Mr. KHALIDY (Iraq): Mr. President, I am very sorry to be unable to see the point of view of the distinguished representative from France. It seems to me that one of the main objectives of the trusteeship system is to see to it that development of self-government is looked after in these trust territories as well, and that this development of self-government is one of the goals of the trusteeship system for so-called backward peoples, and it seems to me that this rule takes care of this point. After all, we do not have many objectives, many goals, in the system for which this Council has a charge. I conceive of our charge as being one, in general, of preparing the peoples who cannot stand on their own feet at the present time, preparing them for a better life, and preparing them for self-government and independence.

If you do not put in some stipulation, public opinion of the world would probably have the erroneous impression that this Council is not caring for these objectives, which I am quite confident is not the fact. But it seems to me that it would be a great help if we leave this rule here to denote these objectives, and to show that we are aware of our charge. The objective embodied in this rule is, to me, quite important.

(Mr. RYCKMANS, representative of Belgium, spoke in French).

Mr. THOMAS (United Kingdom): Mr. President, I need not speak at length, because what I had to say, has been expressed, I feel, with great clarity by the honourable representatives of France and Belgium.

I agree completely with the representative of Iraq about the objectives of the Trusteeship System. It is our objective, as the administering powers, to bring these territories towards self-government or independence. Of course, it is necessary to assess periodically the degree in which they have advanced toward that objective. But that is a survey which the administering powers will be carrying on continually, year by year. In effect, every report is a survey of the situation. The Charter itself provides for annual reports, for petitions and visits, and all these are means of carrying out these surveys.

All that is proposed in the draft of the rule, which would make the administering position of the/authority exceedingly difficult -- I might say impossible-- and I very much hope that the Council will not adopt this draft rule, which certainly goes far beyond the intention of the Charter, as expressed in Article 87.

(Mr. GARREAU, representative of France, spoke in French.)

Mr. MAKIN (Australia): Mr. President, in regard to this Rule that we are now considering, I should like to say that no trusteeship agreement provides for such special surveys. This Rule is hardly a rule of procedure in its present form, at any rate.

It does seem to be, moreover, an interference with the responsibilities of the administering authority which can choose and will choose appropriate methods for testing political advancement. Its actions in so doing will, of course, be reported upon annually to the Council, as will the degree of political advancement.

This Rule can well be omitted.

Mr. KHALIDY (Iraq): Mr. President, I believe there is a larger and wider measure of agreement than there seems to be on the surface. I have no doubt that I agree with my honourable colleague from France on many points.

It is also equally true, of course, that the first charge of a trust territory is within that of the administering authority. I do not dispute that for a moment. However, the Rule as it stands may be a little too strict or too loose or too large, and we might care to change it, alter it, or amend it. But to cast it away completely perhaps would be a little unfortunate.

I would like to ask the indulgence of the Members for a moment while I read a few passages of the Charter.

Chapter XI, Article 73 reads as follows:

"Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories..." et cetera.

Then we go to sub-paragraph b, which reads as follows:

"to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement..."

We turn to the next page and Article 76-b reads as follows:

"to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement..."

Now, Mr. President, it is difficult to see how any language could be more clear or indeed better. There are two Articles, two stipulations expressed in the clearest possible way. It is difficult to see how they can be disregarded completely. The Rules of Procedure cannot change, cannot add to, and cannot diminish any stipulations of the Charter nor, of course, of the trusteeship agreements. We cannot go beyond or do less. So, I will not try to wage a battle. Anyway, I am in the minority, so I might as well fight for a good cause.

We cannot change the Charter, but it seems to me a pity to cast away the Rule completely. We might alter it and change it. I agree there are a few entire passages here which ought to be altered.

I think there is -- and that bears repetition -- indeed a greater measure of agreement than appears on the surface. I would be in favour of altering the Rule if it is at all agreeable to the other Members.

(Mr. Ryckmans, representative of Belgium, spoke in French.)

Mr. THOMAS (United Kingdom): I intervene again, Mr. President, only because I should not like it to be thought that there is any difference about the ends of the trusteeship system, do so even though the honourable representative for Iraq quoted two passages, only one of which referred to the trusteeship system, the other being a declaration by administering countries, but not self-governing territories. But there is no disagreement on that.

It is the objective of the administering powers to bring these peoples to self-government or independence. The question at issue is an entirely different one. It is the right of the Trusteeship Council to conduct certain surveys by various methods enumerated here. I should like to repeat here some words I used previously. If the Trusteeship Council does not have this power, it cannot acquire it by a rule of procedure. I object particularly to the words "during such debates the Trusteeship Council is empowered to use various methods." The Trusteeship Council is not empowered to use such methods because it is not given such power under the Charter. The powers are laid down in Article 87 of the Charter and they do not include this power.

With regard to the suggestion of the honourable representative of Iraq, that it might somehow be amended, I am one of those who are inclined to think ^{like} that this is/one of those teeth that has gotten so bad that it is better be taken out, and I do not think there is any stopping that will satisfy it.

The PRESIDENT: With regard to Rule 108, I have heard two proposals; one, by the representative of France, that the Rule be not adopted; a second, by the representative of Iraq, who suggests the adoption in a modified or altered form.

The proposal by the representative of France being furthest removed, I shall put that first, and ask for a show of hands.

Those who are in favour of the representative of France's proposal that Rule 108 be not adopted will raise their right hand.

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

The PRESIDENT: Five Members are in favour and two Members voted against. Rule 108 is therefore not adopted.

That brings us then to Rule 109 on "Strategic Areas", a Rule which we have already had mentioned several times and which, you remember, has been covered by the addition to specific rules, wherever the subject of strategic areas has become concerned. I take it therefore we need not stop for a show of hands on Rule 109, that we are all in favour of its non-adoption.

(No objection voiced.)

The PRESIDENT: It is so ordered.

That brings us to Rule 62 on "Amendments." Rule 62 of document T/1 provides:

"These Rules of Procedure may be amended by the Council. Normally, a vote shall not be taken until four days after a proposal for amendment has been submitted."

That, as you see, has been altered by the Secretariat only by the introduction of the word "Trusteeship."

Mr. KHALIDY (Iraq) Mr. President, of course there is nothing the matter with this Rule except it occurred to me that after the first sentence or in it somewhere, you may care to specify by what type of vote, whether it be majority, two-thirds, or anything like that, in order to make it a little more clear, just in case. I don't know if that is very necessary but I throw it out as a suggestion.

The PRESIDENT: Of course, we are confronted with Article 89 of the Charter, paragraph 2 of which provides: "Decisions of the Trusteeship Council shall be made by a majority of the Members present and voting." So, I take it that disposes of that particular question.

Mr. MAKIN (Australia): Mr. President, I think that you have expressed the view of our delegation on this proposed rule. I have just one slight amendment that I think might be necessary, and that is, the word "normally" appears here again. Is that essential? It seems that the draftsman was anxious to fit that word in as often as possible, but I think there is really no necessity for it.

The PRESIDENT: I suppose the drafters had in mind the possibility that it might be very desirable to change the rules during the last three days of the session. I suppose they did not want to preclude alterations during those last three days of the session.

Mr. GERIG: (United States): I was going to make a proposal in regard to suspension, which may have some relevance here. If this rule were adopted, changes could not take place until four days after the amendment had been submitted. But it has been the experience of the Assembly on one or two occasions -- and most bodies have had the experience -- that occasionally it is thought desirable to suspend a particular rule. That is usually done by unanimous consent and might take care of this matter of two or three days that you just referred to.

My delegation wanted to propose the addition of this sentence, or this new rule: "When the Trusteeship Council is in session, a rule of procedure may be suspended by unanimous consent." That would take care of any possibility of a unanimous desire to suspend a rule.

The PRESIDENT: Do I understand that the representative from the United States proposes that in Rule 110 the word "normally" be omitted and that a second sentence be added, reading: "When the Trusteeship Council is in session, a rule of procedure may be suspended by unanimous consent."

(Mr. RYCKMANS, Representative of Belgium, spoke in French)

Mr. GERIG (United States): I think we do have, of course, to consider Article 89 of the Charter, but that same provision for voting also applies to the Economic and Social Council. I read here, in Rule 69 of the Rules of Procedure of the Economic and Social Council: "A rule of procedure may be suspended by the Council, provided that twenty-four hours notice of the proposal for the suspension has been given. The notice may be waived if no member objects." That really means that you have a departure there from the majority rule. I suppose their legal advisors must have thought that it corresponded all right with the Charter.

Mr. THOMAS (United Kingdom): I think that is satisfactory, Mr. President. I should like to submit what I think would be the procedure. If there is no objection, then I think the Council is not making a decision in the formal sense, possibly, and it is within the terms of the Charter. If someone did object, however, presumably a vote would have to be taken, and that would be decided by a majority.

The PRESIDENT: I wonder whether it would accord with the wishes of everyone, particularly the representative of the United States, who made the proposal, if I divided his proposal in two parts and put first the Belgian proposal that we adopt Rule 110 as it stands, including the word "normally", and then put later, as a separate rule, the United States proposal altered by the suggestion made by the representative of the United Kingdom, so as to read:

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"When the Trusteeship Council is in session, a rule of procedure may be suspended if no Member objects." Would that be agreeable to everyone?

Unless someone expresses the desire to have me do so, I shall not stop for a show of hands. I shall take it, unless I hear objections, that we all agree to Rule 110 in its present form, as it appears in Document T/4, so that the word "normally" does appear in that rule.

(No objection voiced)

The PRESIDENT: I think that it would be wiser to pass on each of these separately, since Rule 110 relates to an amendment, and the American suggestion relates to a suspension of a rule. Therefore, may we look first at Rule 110, and unless I hear objection, Rule 110 is adopted as set forth in Document T/4 on Page 38.

(No objection voiced.)

The PRESIDENT: We will then consider as a separate rule 110 (a), or whatever the number is. The suggestion made by the United States representative reads as follows:

"When the Trusteeship Council is in session a rule of procedure may be suspended if no Member objects."

Mr. KHALIDY (Iraq): Mr. President, I would prefer the original version by the United States delegation, namely, "if a unanimous vote is taken."

The PRESIDENT: "By unanimous consent."

Mr. KHALIDY (Iraq): Yes, "by unanimous consent." I would prefer it that way. It is slightly different.

Mr. THOMAS (United Kingdom): I would prefer it also, Mr. President, if I could reconcile it with the Article of the Charter. If the honourable representative of Iraq could show me some way of doing that, I would be entirely agreeable.

(Mr. Ryckmans, representative of Belgium, spoke in French):

The PRESIDENT: Do you know what number that rule is?

Mr. RYCKMANS (Belgium): Mr. Gerig knows, I do not know.

The PRESIDENT: Rule 70 of the Economic and Social Council is as follows:

"A rule of procedure may be suspended by the Council, provided that

twenty-four hours' notice of the proposal for the suspension has been given.

The notice may be waived if no Member objects."

May I then turn to the representative of the United States, who has proposed this rule, and ask him his desire.

Mr. GERIG (United States): Mr. President, I would also prefer the original wording--"by unanimous consent"--but I think it will get around all difficulties if we say, "if no Member objects", because it really amounts to the same thing, only in two steps, as the United Kingdom representative said. If any Member does object we can take the normal vote and you are/^{on}constitutionnal grounds. I would hope that would meet the wishes of the representative of Iraq as well as my own.

The PRESIDENT: I take it that we are in agreement, and our rule will read:

"When the Trusteeship Council is in session a rule of procedure may be suspended if no Member objects."

Mr. THOMAS (United Kingdom): I am afraid I have contributed towards getting the Council into an illogical and somewhat absurd position. But it undoubtedly is an illogical and absurd position.

Suppose that we have this rule of procedure at present when there are nine Members on the Council. The rule is that a rule should be suspended if nobody objects. I object, and ask for a vote. There is an eight to one vote against me. Under the Charter this is a valid vote, and therefore I am outvoted and the rule is suspended even if somebody does object. I do not see any way out of it, Mr. President.

The PRESIDENT: I must turn again to the representative of the United States who proposed this rule. Shall we put the rule as he suggested, or does he care for any change?

Mr. GERIG (United States): Well, I agree that the position might arise as described by the representative of the United Kingdom. It depends, I believe, entirely upon the way in which the question is put, on the way in which the question is framed by the President. But there may be no way around the difficulty, and in that case suspension would actually require unanimous consent. If you want to give yourself the protection of four days for amendment, if you want to give each Member protection against sudden changes, then I think perhaps the only way you can do it on every occasion would be by unanimous consent.

The PRESIDENT: Do I understand, then, that you are suggesting returning to your original wording to the effect:

"When the Trusteeship Council is in session a rule of procedure may be suspended by unanimous consent"?

Mr. GERIG (United States): No, I had interpreted "if no one objects" to mean a unanimous consent, and the second vote referred to earlier by the representative of the United Kingdom should not be taken. There should be no suspension of the rules of procedure by any vote. If any Member objects then you return to what you had, that it takes four days to amend. That is what I mean.

The PRESIDENT: I am still not quite clear as to just what you propose. I am not clear whether you are proposing that the rule be put, or that the rule be referred to the Drafting Committee to see if they can find some formula; or, that we should have no rule covering this, that you withdraw your proposal. I am not quite clear as to just what you are proposing.

Mr. GERIG (United States): Mr. President, I think it will read better if we use the ending "if no Member objects." I am persuaded to take that position because I see this in the Rules of Procedure of the Economic and Social Council. That gives us a precedent. At any rate, it might be better to use that phrasing instead of "by unanimous consent".

Mr. YU (China): Perhaps there is no need for us to adopt this rule, if that is agreeable to the representative of the United States.

The PRESIDENT: The representative of the United States proposes that we adopt a rule reading as follows: "When the Trusteeship Council is in session, a rule of procedure may be suspended if no Member objects."

I shall ask all those who are in favour of that rule to so indicate by raising their hands.

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

The PRESIDENT: There are six in favour and one against. The rule is adopted.

I realize it is after six o'clock, but I would like very much--if we can do it without running into trouble--to bring the Report of the Drafting Committee before you, which you see in Document T/AC.1/3. That document contains the Rules as suggested by the Drafting Committee. These Rules are: Rule (7) 11; Rule 13; Rule 13 (a); Rule 13 (b); Rule 14; Rule (9) 16; Rule(10) 17; Rules (11) 18, (12) 19, and (13) 21 Combined; Rule 20; Rule (14) 22; Rule 23; Rule (15) 24; Rule 33; Rule (19) 36; Rule (20) 37; Rule (21) 38; Rule (24) 43; Rule (25) 44; Rule (28)48.

If I may, I should like to bring this Report of the Drafting Committee before you and ask you whether or not you approve this Report, remembering that we will still have a final vote when we get all our rules in final shape and that we will have the opportunity to comment upon them.

Are there any remarks or suggestions with regard to these rules appearing in Document T/AC.1/3?

Mr. GERIG (United States): Mr. President, I move the adoption of this whole set of rules, tentatively. However, I would like to suggest one very slight verbal change on page three in Rule (9) 16. The Rule says: "The Trusteeship Council, by secret and separate ballots, shall elect at the beginning of its first regular session of each year..." It is possible that a session might run over from one year to the next and, therefore, it seems to me that it would be clearer to say: "at the beginning of its regular spring session." I would move striking out the word "first" and the words "of each year". That would make it absolutely clear. There is a spring session and an autumn session. It would be at the beginning of the spring session.

The PRESIDENT: It is true that in the case of an unduly prolonged session of the General Assembly, our winter session--which we hope to have, let us say from 15 November to 15 December--might have to be postponed to January. I suppose it is to avoid the kind of problem which would arise if that did take place, as to when the President should be elected, that this proposal has been made. I take it that this is agreeable to the Council. Therefore, if there is no objection, we will change Rule (9) 16 to read:

"The Trusteeship Council, by secret and separate ballots, shall elect at the beginning of its regular spring session a President and a Vice-President... and so forth.

Mr. TAYLOR (New Zealand): Mr. President, I hope I am not being presumptuous but I can see nothing in the Rules to prevent a session of the Trusteeship Council being held in the southern hemisphere, although I would not press that point. However, even assuming that all the sessions will be held in the northern hemisphere, yet I do want to put before you the case of the people from down under who speak a different language from those in the northern hemisphere.

The PRESIDENT: I wonder whether the representative of the United States would agree to some such alteration as this: "...shall elect at the beginning of its regular June or July session...", or is there some better suggestion.

(Mr. RYCKMANS, representative of Belgium, spoke in French.)

Mr. MAKIN (Australia): Would the term "mid-year" overcome the problem. That could mean any month near to the middle of the year. I offer that as a suggestion.

The PRESIDENT: The representative of Australia suggests that we alter the language so that it would read "The Trusteeship Council, by secret and separate ballot, shall elect at the beginning of its regular mid-year session a President and a Vice-President."

I take it that is agreeable to everyone, including you, Mr. Gerig? Unless I hear an objection, we will alter the language in that form.

(No response.)

The PRESIDENT: May I call your attention to very slight typographical error in the middle of page 2, paragraph 2, which reads "...the credentials of representative..." Add an "s" to the end of "representative".

Now, a motion is before us that we adopt these rules as set forth in document T/AC.1/3, as modified by our previous discussion. Unless I hear any objection, I take it that we approve those Rules.

(No response.)

The PRESIDENT: Then, may I place before you T/AC.1/5 containing the Drafting Committee's suggestions submitted to us on 17 April 1947, covering Rules 55, 56 and 57 of document T/4 (Combined); Rule 60; Rule (33) 75; and Rule (37) 80.

Are there any objections or suggestions with respect to those Rules? Unless I hear an objection, I take it that we all agree.

(No response.)

The PRESIDENT: Therefore, it is ordered that those Rules be adopted as our Rules.

Then, may I call your attention to document T/AC.1/6 which is the Drafting Committee's report to us dated 18 April 1947, covering Rules (49) 97; 98 (of T/4) 99 (of T/4); and (57) 103.

Do I hear any objection to those Rules as thus set forth? Unless I hear an objection, we will adopt the Rules as set forth in document T/AC.1/6.

(No response.)

The PRESIDENT: That, I believe, brings us up-to-date on all the Rules, with one single exception. I think we can dispose of that in just a moment.

You will remember we adopted Rule 1 at the very beginning in this language:

"The Trusteeship Council shall meet in two regular sessions each year. The first of such sessions shall be held during the month of blank and the second shall be held during the month of blank."

I wonder if we are ready to fill in that first blank by the word "June"-- "the first of such sessions shall be held during the month of June..." and whether we are ready to fill in the second blank by saying "...the second shall be held during the month of November or December."

Mr. MAKIN (Australia): Mr. President, I doubt whether we can accept the suggestion of November for we will require four months for the preparation of the report. Then, it is to be in the hands of other Members for six weeks which would make it impossible, I think, for the meeting to really be set down for November.

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The PRESIDENT: I wonder if we should not refer that question to the Drafting Committee to consider at its next meeting?

Mr. GERIG (United States): You may wish to submit it to the Drafting Committee. However, I was wondering if the point would not be met by a decision which I thought we took the other day that a report could be considered if it came in during the progress of a meeting. For example, the Australian report might not be ready for the 15th of November but it might be ready by the 8th of December, something like that. Then, it will qualify for consideration.

With that kind of flexibility, I wonder if we could not adopt the time period you mentioned, beginning in November and in June in each case.

The PRESIDENT: If we fill in the second blank by the words "November or December", it gives us freedom to determine the matter according to the circumstances at the time.

Mr. MAKIN (Australia): I think, Mr. President, that your first suggestion was the preferable one. I do not see any urgency in regard to this matter and I think the Drafting Committee should have some talks about it.

Mr. KHALIDY (Iraq): It is not an objection, Mr. President. I think your suggestion is very good. I am not saying that it should not be referred. However, if we go into session in December may that be provided with the understanding that the Council would not be held up because of Christmas or New Years. I just wanted to make that suggestion.

The PRESIDENT: I know that if I were president, I would not dare call a meeting on Christmas and I suspect other presidents will feel the same way.

Mr. KHALIDY (Iraq): No, Mr. President, I did not mean that. I am sorry. I meant that because of Christmas coming, we will be hurried and pressed to finish our work before Christmas. I was trying to avoid that. We may take the Christmas recess and convene again, if you like. I do not mind.

The PRESIDENT: I misunderstood.

I think we should refer this to the Drafting Committee, as requested by the representative of Australia. Unless I hear objection, it is so ordered.

(No objection voiced.)

The PRESIDENT: I want to make an announcement before we adjourn. The Drafting Committee will hold a brief meeting on Monday at 11:30 in Conference Room 10.

The Committee on Questionnaires will meet tomorrow morning, Saturday at 9:30 a.m., at the Secretary-General's office, on the 63rd floor of the Empire State Building. The Committee on questionnaires is working hard and I think we all owe them a debt of gratitude for the earnest way in which they are trying to hurry through, in a satisfactory way, the work so that it can be presented to us next week.

My present expectation, as I previously said, is to begin our examination of the Tanganyika petitions next Monday afternoon. Following them, if the Committee on Questionnaires is ready to report, we shall probably consider the questionnaires; otherwise we may go right into a consideration of the Samoan question. In any event, this Council will meet Monday at two o'clock in this room.

Mr. THOMAS (United Kingdom): May I appeal to my colleagues on the Trusteeship Council, Mr. President, to do everything possible to finish the work of this Council before the special Assembly meets on Monday, 28 April, which means, in fact, finishing on Saturday, 26 April. It would be a great inconvenience to Members of the Secretariat if the Council were meeting while the special Assembly was meeting. I think it would be an inconvenience also to the Members of the Council. It would certainly be a matter of great regret to me personally if I were not able to go to the Assembly when it is dealing with a very important departmental matter on which I hold some interest.

Those of us who were present at the General Assembly last fall are finding this quite easy going in comparison, and I hope that as soon as the Committees finish their work, we shall meet in the mornings as well as in the afternoon and, if necessary, we shall be prepared to meet in the evenings as well, in order to finish before the Assembly.

The PRESIDENT: I am sure that I speak for all when I say that each of us is anxious to complete the work of this session just as soon as we can. Of course, the quality of our work comes first, but we will try to hurry along and, if necessary, have extra sessions. We cannot give any assurance that we can finish up before the Assembly meets. That will all depend on the developments of next week.

Mr. THOMAS (United Kingdom): Possibly the question of simultaneous translation could be gone into, Mr. President,

The PRESIDENT: The meeting is adjourned.

(The meeting adjourned at 6:30 p.m.)