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Held at Headquarters, New York,
on Wednesday, 8 May 1957, at 2.30 p.m.

President:

Mr. ASHA

(Syria)

Examination of the annual report on the administration of the
Trust Territory of the Cameroons under French administration:
Note by the Secretary-General dated 6 May 1957 [3c]

Note: The Official Record of this meeting, i.e., the summary record,
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EXAMINATION OF THE ANNUAL REPORT ON THE ADMINISTRATION OF THE TRUST TERRITORY OF THE CAMEROONS UNDER FRENCH ADMINISTRATION: NOTE BY THE SECRETARY-GENERAL DATED 6 MAY 1957 (T/1314) [Agenda item 3c]

Mr. BARGUES (France) (interpretation from French): The French delegation has already informed the Trusteeship Council during the course of the present session of the preparation of a new Statute for the Cameroons under French administration, following a procedure which, having begun with conversations between the Government of the French Republic and Cameroonian parliamentarians, has continued with the examination of the draft text by the Territorial Assembly which had been newly elected by universal suffrage and its approval by the French Parliament.

This procedure has now been completed and the Statute is now formulated in the Decree of 16 April, published on 18 April in the Official Journal of the French Republic. The text has been distributed to members of this Council by the Secretariat, to which my delegation had communicated it.

This Decree has not yet been promulgated in the Territory. This will be done soon. The reason is that, according to a provision in the Statute, the Territorial Assembly in office is to become the Cameroonian Legislative Assembly. Now the members of the present Territorial Assembly have felt that it would be preferable, before carrying out this transformation, to finish the work of the current session which is to end on 10 May. Hence on 11 May the Statute will be implemented; and we may assume that within the next few days the Assembly will be called upon to confirm the first Cameroonian Government.

The text of the Statute has thus been the subject of free discussions. It has been approved by the majority of the Territorial Assembly and the majority of the French Parliament. Consequently we may say that it is the result of an agreement between the people of France and those of the Cameroons.

That agreement will of course subsequently be modified. An article of the Statute makes it clear that it is subject to change. At any rate, the Cameroonian population will be called upon at the proper time to pronounce itself on the final system which it wishes its country to adopt.

(Mr. Bargues, France)

I. For the present, the political structures of the Trusteeship State of the Cameroons must include: a Legislative Assembly, a Government and provincial institutions.

(1) The Legislative Assembly will be composed of seventy members elected by universal suffrage and by secret ballot. It will have legislative powers in all fields concerning the Cameroonians. The Statute enumerates the most important of these matters, without that enumeration being limited.

By way of exception to this general rule, the legislation and regulations pertaining to certain matters relate in a limited way to the central organs of the French Republic. These matters cover: defence, foreign affairs and the system of public freedoms; measures resulting from the belonging of the Cameroons to the franc zone and the maintenance of financial assistance from France; the status of the individuals who come under French law; finally, the programmes of common interest or for which co-ordination is necessary (for example, airlines, appeals procedure, administration programmes and examinations in secondary and higher education).

(2) The Government will consist of a Prime Minister confirmed by the Assembly by a simple majority, ministers (a maximum of nine) and Secretaries of State (there will be a maximum of five), both being appointed by the Prime Minister.

The members of the Government are jointly responsible to the Legislative Assembly.

(3) The administrative regions of the Cameroons may be grouped in provinces which will be introduced in the same way as the Statute, and they will have a moral personality and financial autonomy. A first province has already been created directly by the Statute. That is the Northern Province which includes five regions, and the capital is at Garoua.

(Mr. Bargues, France)

The French Republic is represented in the Cameroons by a High Commissioner. This high official is responsible for the defence and external security of the Trust State; appoints the Prime Minister after having had the usual consultation; presides over the Council of Ministers and is the Chief of the Services coming under the French Republic.

A certain number of special provisions of the Statute should be cited. The French Republic guarantees the integrity of the territorial limits of the Cameroons. By a measure of reciprocity, Cameroonian citizens will, throughout the French Republic, enjoy the same civic and social rights as citizens of France. The Cameroonian population will continue to be represented in the French Parliament, in the Assembly of the French Union and, if applicable, in the Economic Council. The Trust Territory will have the benefit, as in the past, of assistance covered by the law of 30 April 1946 which established the investment fund for economic and social development.

The exercise of Trusteeship implies the intervention of the administering Power in certain phases of political and administrative life. In this connexion, the laws and regulations and the civil and administrative acts of the Cameroonian Government are communicated, before they are promulgated, published or implemented, to the High Commissioner, who may call for a reconsideration. The laws, regulations or administrative acts which are in conflict with the Statute or with international agreements, particularly those which will interfere with the exercise of the Trusteeship System, may be cancelled by decree of the Conseil d'Etat.

The Legislative Assembly can be dissolved only upon the proposal of the Council of Ministers of the Cameroons, but that dissolution is pronounced in a decree of the Council of Ministers of the French Republic.

These are the main provisions of a Statute which aims at bringing the Cameroons closer to the aims defined in the United Nations Charter, while it makes it possible for France to continue to fulfil the obligations which it has assumed as the Administering Power.

Mr. DAVIN (New Zealand): I should like to make a brief comment on the statement just made by the representative of France. We have heard Mr. Bargues, the representative of France, tell us officially that the new Statute for the Cameroons under French administration was enacted in France by a decree of 16 April 1957 and published in the Journal Officiel on 18 April. We have also just seen document T/1314 of 6 May 1957 which contains the English translation of the text of that decree.

We have noted also from the statement of the representative of France that the decree has not yet been promulgated in the Territory but that it will be soon and that the Territorial Assembly is to become the Legislative Assembly, but that it was felt preferable to finish the current session, which I understand will take place on 10 May and the new Statute will therefore be officially introduced as from 11 May.

In my statement to the Council of 5 April 1957, in the general debate on this Territory, I remarked that while the Council did not know the final terms of the Statute, it was clear that it would contain many important and valuable innovations. My delegation is very pleased to know that the final terms of the Statute have now been agreed upon between the local representatives of the Territory and the French authorities and that it has been published and is about to enter into force. The French delegation has recalled that the Territorial Assembly, which has been considering the terms of the Statute and which under the Statute will become the new Legislative Assembly, was elected on 23 December last by universal adult suffrage.

My delegation has not had time to study the Statute in detail, but it is obvious that it marks a decisive advance towards achieving the objectives of Article 76 of the Charter and the Trusteeship Agreement. In particular, it confers formal authority for the establishment of a system of cabinet government headed by a Prime Minister. The legislative powers given to the Legislative Assembly under article 11 are substantial. The Statute also establishes a Cameroonian citizenship.

We believe that the Administering Authority and the Territorial authorities deserve to be congratulated by the Council on the step which has been taken.

These are all the comments I have to make just now, but I would like to reserve the right of my delegation to intervene again if this appears expedient as the result of further discussion in the Council.

Mr. ROLZ BENNETT (Guatemala) (interpretation from Spanish): At this juncture in the debate I would simply like to say how grateful my delegation is to the delegation of France for having felt it possible officially to present to the Council the text of the Statute for the Cameroons under French administration.

Members of the Council will recall that my delegation made a suggestion to the effect that the Drafting Committee charged by this Council with the preparation of the draft text of our report relating to this Territory should await the possible presentation of this Statute by the delegation of France. My delegation is therefore very happy to have received this document in final form and I would reserve my right to make comments later in the debate if we feel it necessary and appropriate.

Mr. McNEGOR (United States of America): The United States delegation welcomes the opportunity afforded the Council to examine the new Statute now applicable to the Cameroons under French administration. While we could have wished that the text had been available earlier, we believe it is altogether appropriate and timely to study it now.

A comparison of the draft Statute as presented to the Assembly in the Territory with the changes suggested by that Assembly and the text of the decree-law No. 57-501 of 16 April, is helpful. For example, it shows clearly, we believe, that the Cameroons Assembly is not only a serious deliberative body but one with a real sense of responsibility. At least this is our interpretation after looking over the list of amendments.

We were also impressed by the extent to which the French Administering Authority appears to have gauged the temper of the people of the Cameroons, for only in the following respects did the Territorial Assembly find it desirable to recommend amendments in substance to the original draft Statute:

First, to change the designation of the political entity from Territory to State;

Secondly, on the matter of parliamentary immunity;

Thirdly, on the competence of the Legislative Assembly to pass on matters of interest purely to the Cameroons;

Fourthly, the dissolution of the Assembly;

Fifthly, the dismissal of the Cabinet;

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Sixthly, in the matter of the authority of the Council of Ministers of the French Republic to dissolve the Assembly;

Seventhly and finally, in article 54 in the matter of the Prime Minister's setting his stamp of approval on the appointment of chiefs of administrative circonscriptions and their assistants.

(Mr. McGregor, United States)

In these seven respects, then, the Cameroonian Assembly suggested amendments in substance. It is proper to ask in this connexion what was the reaction of the experienced parliament of the French Union to the suggestions emanating from one of the newest parliamentary bodies. In all respects the senior body in Paris either agreed to the suggested changes or accepted them with some slight modification. In each case the modification appears to have been in favour of reposing even more trust and authority in the Territorial Assembly.

In some respects, which will be enumerated below, the French Parliament has actually delegated to the Cameroons authorities more power than the Territorial Assembly suggested in its modifications of the present Statute.

I refer to paragraph 25, which gives the Prime Minister authority to impose penal sanctions up to an amount of 36,000 francs, whereas the Territorial Assembly fixed this limit at 24,000 francs. In the matter of expulsion of non-Cameroonian nationals, the French Parliament saw fit to agree that the French High Commissioner, although he may take such action himself, may also do so on the demand of the Cameroonian Government and not on the proposal of or after consultation with the Prime Minister, as suggested by the Territorial Assembly.

We believe that this demonstrates the close and cordial working relationships between the representatives of the people in the Cameroons and the French Authority. We believe further that this Council cannot overlook the fact that it is apparently not the wish of the people of the Territory to terminate trusteeship. Rather we would find in the discussions on the Territory which have preceded our present consideration a desire on the part of the inhabitants to remain under trusteeship.

The United States Delegation would like to suggest that the French Authorities have shown judicious prudence in retaining for the time being under the Statute certain powers while relinquishing others to the elected authorities in the Territory. We believe this shows a proper respect for the responsibilities devolving upon the French authorities by virtue of the Trusteeship Agreement.

In this connexion, we refer to article 41. The disorders which accompanied the elections in December last and which seemed to have been inspired by the same irresponsible elements that provoked the serious riots in May 1955 appear, in our view, to justify the High Commissioner's retaining

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responsibility for public order and the security of persons and property. The Council will note, however, that the High Commissioner may delegate his authority to the Prime Minister of the Cameroonian Government in matters pertaining to city and rural police administration. We do not doubt that this delegation of authority will be made as circumstances permit.

We feel that the Council will approve particularly the reservation contained in article 47, which charges the Administering Authority with full responsibility for carrying out the obligations resulting from Chapters XII and XIII of the Charter of the United Nations and the Trusteeship Agreement of 15 December 1946. It is the view of the United States delegation that this responsibility is properly placed since the United Nations concluded its Trusteeship Agreement with the French Administering Authority and can only deal with that authority in matters pertaining to the intent of Chapters XII and XIII of the Charter. I say this bearing fully in mind that in the eyes of the French Administering Authority certain powers have been passed to the Cameroonian Government.

In the same sense we read article 49, which provides that the French authority may annul any laws in the Territory which are found not to conform with the terms of the Trusteeship Agreement.

Paragraph 59 provides that any modification of this present Statute can only be made by reference to the same procedure as that which brought the original statute into being. My delegation believes that the spirit which has animated the French Government to move forward rapidly in its overseas territories will continue to prompt the same authority to respond to all well-formulated demands of the people of the Cameroons for progressive modification of this present Statute.

With all, my delegation feels that this Statute represents great progress and places squarely upon the duly elected representatives of the Cameroonian people not only a very large measure of authority but a very serious responsibility to prove that the trust reposed in them is well placed even at this early stage in their political development. We believe that the Council, in endorsing the action of the French authority, should make known its considered opinion that the emergence of the Cameroons under French administration from

(Mr. McGregor, United States)

a status of tutelage into one of self-government or independence will largely depend upon the manner in which the Territorial Government discharges the obligations which it is about to assume under this new Statute.

Mr. MUFTI (Syria) (interpretation from French): My delegation has not been able to study in detail document T/1314, which sets forth the text of decree No. 57-501, of 16 April 1957, containing the Statute of the Cameroons, as this document has just been distributed today. During today's meeting this text has already been the subject of several statements which have passed judgement on its substance. It follows, therefore, that the discussion of this text has already begun. My delegation would naturally like to participate in this discussion. However, we should like to reserve our right to intervene at a later meeting, when we have had the opportunity to examine this document in detail. Therefore, my delegation would like to propose formally that the discussion of this text should be postponed until tomorrow.

Mr. JAIPAL (India): We have heard a very interesting statement from the representative of France. We have heard that the Territorial Assembly in this Trust Territory has accepted the new Statute and that the Statute is likely to come into full force with effect from 11 May. Though the Statute for this particular Trust Territory is similar in many respects to the Statute for French Togoland, it seems to us on the face of things that the spirit underlying the effort at political evolution in the French Cameroons is commendably different.

However, we have just received the new Statute and, in our opinion, it is somewhat difficult at this late stage to examine the new Statute in detail. I presume that the current session of the Trusteeship Council should come to an end before the next session begins. We can offer only our preliminary observations on this new Statute tomorrow at the earliest. But I must say that our final observations on this rather important document must await instructions from my Government in New Delhi. I should not like to put forward any proposal, but it seems to me that in the circumstances it might be advisable for the Trusteeship Council to take note of this new Statute and to transmit it to the General Assembly as part of its report.

(Mr. Jaipal, India)

The actual examination of the Statute will no doubt be undertaken at the twenty-first session in the light of the actual practical application of the Statute in the Territory.

I am not making this as a formal proposal but just as an observation at this stage. I have no comment to make on the Syrian proposal to postpone further discussion until tomorrow, but, as I said earlier, we can only offer our preliminary observations on certain parts of the Statute tomorrow. Our final observations will have to wait until a much later date.

The PRESIDENT: The Council has a proposal by the representative of Syria to the effect that we postpone discussion of this item until tomorrow afternoon. Perhaps that will give other members more time to study the documents. Is there any objection?

Mr. ROLZ BENNETT (Guatemala) (interpretation from Spanish): One of the principal effects of the submission of this important document to our Council is that quite evidently we can incorporate it in our report which will be submitted to the twelfth session of the General Assembly, and the Assembly will then be informed of these latest important institutional developments.

You will recall that I have previously drawn attention to the importance of furnishing the General Assembly with the most recent documentation available so that the Assembly might be au courant with regard to the situation obtaining in the Territory at the time when the matter is debated in the Assembly. This was the principal objective of my delegation, and it has been achieved. Therefore, I find a great deal of merit in the suggestion made by the representative of India.

I should like to add one further comment. My delegation works under a disadvantage inasmuch as we must study documents in a language different from our own language -- and this, of course, is the case with other delegations in this Council. Therefore, as regards the important document that has just been circulated, my delegation has not had the opportunity to examine it with the care which it deserves and which my delegation would like to give it. For this reason, we might find some agreement in the Council to follow the informal suggestion made by the representative of India. Now that we have achieved our first objective, I think that we would not be acting lightly if we were to postpone the discussion until tomorrow. Indeed, it would perhaps be appropriate to follow up the suggestion made by the representative of India. I would suggest that members of the Council reflect upon this suggestion and give us their reactions.

The PRESIDENT: As I indicated a minute ago, we have only one formal proposal. The representative of India made a suggestion but he emphasized the fact that he was not making a formal proposal. The proposal before the Council is to postpone the discussion of the Statutes until tomorrow's morning. That certainly does not preclude any delegation from making its views known to the Council at tomorrow's meeting or at any other meetings that may be required. I have put the proposal, and no member objected to it. However, if some members wish to make preliminary statements, I think that the Council could listen to them, but I see no member in a position to do so at the moment, and that leaves the Chair with one alternative: that is, to adjourn the meeting.

Mr. HOOD (Australia): I am not necessarily raising any objection to the specific suggestion that has been made by the representative of Syria but I myself would like to be clear as to the exact procedure to be followed in this matter and also, indeed, as to the exact status of the document that the Council has before it. As I understand it -- and I am subject to correction, of course, by other representatives, including the representative of France -- this is a note, submitted through the Secretary-General for the information of the Council, of a legislative act undertaken by the French Parliament. I wonder whether it is really proper for the Council to engage in a specific discussion of this Statute in the form in which it is submitted. I should have thought, and I say this with deference, that perhaps the better procedure would be -- here I agree with the representative of India -- for the Committee, which is appointed by the Council to draft a report for the Council on this Territory, to take account of this document. The document is for the information of the Council at this stage, and ultimately of course for the information of the General Assembly through the Council. I put that question, sir. Is it your intention -- or is it, indeed, the wish of the representative of France -- that the Council should discuss the Statute in detail?

Mr. BARGUES (France) (interpretation from French): In the first place, I wish to thank the various delegations that spoke. I thank them for the interest they have shown in the Statute that will soon be introduced in the Cameroons.

For reasons which I have already had an opportunity to state in the Council, it has not so far been possible to furnish the final text of the Statute, because

in its present form the text is the result of a lengthy procedure. That procedure began during the last few months of the past year; it continued during the early part of this year; it involved consideration of the Statute by the newly-elected Territorial Assembly; and, finally, the Statute and the amendments suggested by the Assembly were examined by the French Parliament.

Nevertheless, the major outlines of the Statute were stated by myself to the Fourth Committee of the General Assembly and to the Council. Various questions were asked during the current session; they were put to the representative of France and to the special representative. If the details of the Statute in its definitive form have not been thoroughly studied by the various delegations, at least these delegations knew very well the major principles of the Statute and they are familiar with the over-all structure of the new Cameroonian institutions.

In view of this, I believe it would be appropriate for the Council to study the Statute at this session.

As I have said, and as has been said by other speakers, our procedure is somewhat hasty because of the late date at which the Statute was communicated to the Secretary-General, who has distributed it to the members of the Council. However, in this connexion, the suggestion made by the representative of Syria would seem to me to meet the wishes of the majority of delegations that wish to study the Statute in detail. Therefore I associate myself with the proposal of the representative of Syria. I see only advantages in postponing the discussion until tomorrow, but I think that it would be good for the discussion to take place, for a number of reasons.

Firstly, we have, after all, considered the over-all political situation in the Territory. A Drafting Committee was formed; it has begun its work; and it is waiting only for the opinion of members of the Council in order to draw up its recommendations concerning the political questions and the political situation in the Territory.

The second reason as I had said a moment ago is that the Legislative Assembly will be constituted through the transformation of the present Territorial Assembly. The Statute will be promulgated in the Territory. A Cameroonian Government will be installed in a few days. I am certain that if the new Cameroonian Government and if the Legislative Assembly knew the opinion expressed by various delegations in the Trusteeship Council, and if they had the recommendations which would result from these opinions -- recommendations of the Council -- then they would find in these recommendations a certain encouragement for the implementation and introduction of the Statute. Therefore while I feel we should allow the necessary time as was proposed by the representative of Syria, the necessary time for various delegations to study the document, if hastily, it would be appropriate that without further delay until subsequent sessions, and especially before the General Assembly meets again, we should formulate recommendations concerning the new Statute.

Mr. MUFTI (Syria) (interpretation from French): The representative of Australia asks whether discussion of the Statute by the Council was possible. I should like to point out that several delegations have passed judgement on its value. Consequently the discussion has begun as I pointed out in my previous statement. On the other hand my delegation sees no objection to the Indian proposal transferring this matter to the General Assembly; but we feel that this text should at least undergo preliminary comment. Several statements have already been made by some delegations; consequently it would be unfair not to allow all delegations an opportunity to make such statements. The Indian proposal might be examined at tomorrow's meeting once those delegations who desire to make preliminary statements had done so. If the Council were to decide that the Statute should not be discussed during this session my delegation feels that no statement ought to be sent on to the Drafting Committee. That Committee should content itself simply with taking note of this Statute without passing any judgement on its value.

The PRESIDENT: I should like to repeat that what is before the Council is just one proposal. The Syrian proposal requested that the Council postpone discussion of this matter until tomorrow's meeting. I have no other proposal -- all I had were suggestions. Certainly the members can make additional proposals

(The President)

today or tomorrow, but for the moment I have one proposal and I am compelled to put it to the vote. However when I asked whether there were any objections I took it that there were no objections. But for the sake of clarity I shall consult the Council on the Syrian proposal. I see that there is no objection. I take it that the Council agrees to postpone discussion until tomorrow afternoon at 2.30. -

It was so decided.

The meeting rose at 3.15 p.m.