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Held at Headquarters, New York,
on Thursday, 9 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] (continued)

Note: The Official Record of this meeting, i.e., the summary record,
will appear in provisional mimeographed form under the symbol
T/SR.791 and will be subject to representatives' corrections.
It will appear in final form in a printed volume.

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] (continued)

Mr. DORSINVILLE (Haiti) (interpretation from French): The delegation of Haiti has taken considerable interest in the study of the Statute of the Cameroons, which was promulgated in the decree of 16 April 1957, as published in the Journal officiel of the French Republic, transmitted to us in document T/1314.

It is not our intention to discuss the Statute at this advanced hour in our work, but we should like to state briefly our view, having now become acquainted with some of the provisions of the Statute. We fear that some of these observations may be repetitious, as we shall be repeating what we stated on 5 April during the general debate on the situation in the Territory. We stated that two things were to be noted which made it possible, in our view, to consider the evolvement in a serene manner. First, the granting of the Statute was not accompanied by any choice between the Statute and the ending of the Trusteeship System. The aspirations of the Cameroonian people made this impossible. Secondly, the assembly which was called upon to study the draft of the French Government had been renewed by means of universal suffrage. We do regret that an amnesty did not take place which would have made it possible for a number of citizens to participate in the voting.

We have said, and we repeat it, that the difference in the methods used by the Administering Authority and the final aims clearly recognized and proclaimed by all the parties which disagree only on the time period by which independence will be reached, are not negligible factors. As far as we are concerned, we see reason to have confidence in the political leaders, both on the side of the Administering Authority and on the side of the Cameroonian people, who have worked so as to allow the Territory to take a major step forward. The delegation of Haiti has not forgotten even among these latter the members of the Assembly who voted against the adoption of the Statute, for in their conscience as free men they felt that they could and should desire more and that it should be obtained immediately.

(Mr. Dorsinville, Haiti)

I know some of those people, and therefore I may be permitted to say that my delegation is convinced of their sincerity. They are not sterile negators. Their part in the debate and their objections even served the cause of the Cameroons. The road on which the peoples of the Cameroons have embarked is one on which they can never return. One of these leaders, in speaking before the National Assembly, told his French colleagues that to grant the claims of the peoples of the Cameroons was not an act of abandon, because the Cameroons, as a Trust Territory, was not under the sovereignty of the trusteeship power.

The forcefulness of the Cameroons will also be noted in the way in which the draft Statute was studied by the Territorial Assembly. All the amendments which were submitted were, of course, not adopted, but we noted the clear indication of the presence of a distinct personality of the Territory. The Trusteeship System was deliberately maintained by choice.

I stated earlier that it would be interesting to compare the final text of the Statute of the Cameroons with the one now in force in Togoland, which we shall be able to do during the coming months. At the moment we are able to say that it does not seem to us that the powers reserved for the central organs of the French Republic and for the High Commissioner are so different in the two Territories that in one it is necessary to maintain for a time international supervision and in the other to desire the suppression of it in stating that the aim of the Charter is achieved.

I now have some points of detail to mention. The Council knows our position on the granting of political rights to persons other than indigenous inhabitants of the Territory. We find the principle of dual citizenship in the Statute of the Cameroons. This is regrettable, for we are moving fast towards the independence of the Territory. To present a reasoning ab absurdo: 3 million French citizens might suddenly go to the Cameroons. What would then happen to this independent State which we hope to see some day in the Cameroons?

The Legislative Assembly might be dissolved by the Council of Ministers of the French Republic, on the advice of the Cameroonian Council of Ministers. This seems to us to be a step forward in comparison with the original text which reserved this privilege to the High Commissioner.

The immunity of the members of the Legislative Assembly is limited, since it applies only to their opinions and to their votes within the Assembly.

As regards the Prime Minister, it is said that he is appointed by the High Commissioner after consultation, but we wonder with whom. That is not indicated.

It is also said that the High Commissioner notes by decree the confirmation of the Prime Minister and the appointment of the ministers chosen by the latter. We do not quite understand what this decree means. Can the High Commissioner refuse to pronounce officially this confirmation? The normal procedure would be for the Prime Minister to appear before the Assembly with his Cabinet and to request confirmation.

(Mr. Dorsinville, Haiti)

Here, it seems that the step is personal and that only after he has been appointed must he choose his Ministers. The delegation of Haiti has already expressed its views and its fears in connexion with the establishment of the province of the Northern Cameroons and as regards the powers attributed to the provincial Assembly of the North. We shall limit ourselves to saying here that members of the Territorial Assembly have expressed similar fears to ours.

In the Statute it is stated that the provincial Assembly notes, drafts and ratifies customs, in particular those concerning the status of persons and customary rights. This is one of the most objectionable provisions to us; it will favour the petrification of customs, for no change will be possible.

My delegation will not dwell on part IV which deals with the office of the High Commissioner, the exercise of Trusteeship and the services of the French Republic. We wish however, to stress once again the lucidity with which the Cameroonian Councillors have studied the Statute and the mark which they have left on it.

The Territory has become a State which will become independent in due course. Two observations must be made in this connexion. It is provided that the seat of the Legislative Assembly and, by implication, of the Cameroonian Government, will be in the capital of the Trust State; but is it by design or otherwise that the name of the capital has not been mentioned? On the other hand, we are told that the High Commissioner resides in the capital city, which is Yaoundé. Is it by design or otherwise that the expression "chef-lieu" is used here instead of "Capital"? We ask these questions because we have noted the care with which all the other articles of the Statute have been drafted and the word "Territory" has been replaced by the word "State" and so forth.

In accepting, for the duration of the Trusteeship System, the rights attaching to French citizenship, the Territory has accepted certain obligations in connexion with military service which will help the Cameroonians to take over national defence. It is recognized that the Cameroonians have further received legislative authority over exclusively Cameroonian affairs.

The provincial administrator as well as the chefs de circonscriptions and their assistants are not appointed, as was envisaged in the original text, after consultation, but after agreement with the Prime Minister. The High Commissioner delegates urban and rural police powers to the Prime Minister, who is immediately

informed of any measures which the High Commissioner considers to be necessary as a matter of urgency.

Finally, by means of resolutions, the Legislative Assembly may ask for the modification of the Statute. I have recalled earlier a comment made by one of the national deputies in the Cameroons, Mr. Mbida, when he addressed the French National Assembly. We already know in what way this modification will be affected.

The Haitian delegation will conclude, as it did during the general debate on 5 April, by congratulating the Administering Authority on having paid attention to the desires of the Cameroonian people and having left open the door to the future. We congratulate the Territorial Assembly, which is soon to become the Legislative Assembly, on having been a lucid interpreter of the immediate possibilities. We congratulate the entire Cameroonian people on having courageously maintained their national aspirations. They have but one goal, which is to achieve the full independence of the Cameroons and we hope that this will soon be achieved.

Mr. KIANG (China): My delegation heard with much interest the statement of the representative of France yesterday when he presented the text of the new Statute for the Cameroons under French administration. We wish to thank the French delegation for having complied with the request first made by the representative of Guatemala by now making the text of this Statute available to this Council. In all fairness this Council should, as suggested by our colleague from Guatemala, hold a brief discussion on the Statute and incorporate the results of such an examination in the report of this Council to the General Assembly.

My delegation will now offer some very brief comments on the text of the Statute as set out in document T/1314. My Delegation, however, would have certainly been in a better position to make such detailed observations as the new Statute deserves, had the document been made available to the members of the Council a little earlier.

First of all, my delegation fully agrees that the new Statute represents a piece of work resulting from very close and cordial relationship between the people of the Cameroons and the French Administering Authority. The new Statute reaffirms the desire of the people of the Cameroons to remain under the Trusteeship System. As regards the status of the inhabitants of the Territory, it is gratifying to note that the new Statute has formally established Cameroonian citizenship.

According to the new Statute, the Legislative Assembly to be elected by direct universal suffrage will have more powers as compared with the Territorial Assembly. It is the belief of my delegation that to grant powers of a genuinely legislative character is not to hold in reserve many of the matters of importance and direct interest to the Cameroons. The earlier the Legislative Assembly acquires a real sense of responsibility the better. It is our belief that with the extension of legislative powers and the process of evolution or transition of the Cameroons under French administration from its present status of Trusteeship to self-government or independence will undoubtedly be accelerated.

On the question of parliamentary immunity, it is gratifying to note that full political liberties are now guaranteed to members of the Legislative Assembly under the new Statute. My delegation has certain reservations on the question of provincial organization and the immediate creation of a province of the Northern Cameroons. We are not certain of the effect which the conferring of a special

(Mr. Kiang, China)

status on a part of the Territory will have on the political evolution of the Territory as a whole.

In the matter of provincial administrators, the appointment of these officers should, in our view, be left to the discretion of the central Government. It is for this reason that the intervention of the High Commissioner in such appointments seems to us not to be in harmony with the whole spirit underlying the new Statute. I would not be frank if I did not say that my delegation has certain reservations in respect of the rights of French citizens as referred to in article 8 to which the representative of Haiti has just alluded.

Having said all this, my delegation does consider that the new Statute represents a step forward in the political advancement of the Territory. We are confident that, while taking this stride in the political reforms in the Territory, the French Administration will continue to exert its efforts of bringing the present Statute into conformity with the times and aspirations of the people of the Cameroons and we believe it is in full anticipation of such an evolution, as we see it, that the new Statute has laid down the provisions set out in article 59.

Mr. JAIPAL (India): As I explained yesterday, my delegation is in some difficulty over offering its final observations on the new Statute for the Trust Territory of the French Camerons. The text of the Statute was presented to us only yesterday and it has to be sent to my Government and studied by it, and then opinions have to be formulated. With this express reservation, my delegation will now make a few general comments which are in the nature of preliminary reactions.

Before looking at the Statute, it is necessary for us to remind ourselves of the circumstances that led up to it. In my earlier statement on this Territory, I think I said that, after the incidents of April and May 1955 and the subsequent dissolution of certain political parties, there was created in the Territory a political vacuum, which began to be filled rapidly by the growing national consciousness of the people in general and of the undissolved political parties in particular. This national consciousness found expression in the formulation of a popular demand for the political objective of independence. Shortly thereafter a national front comprising nearly all political parties was formed and it put forward in very serious terms a demand for national independence as the ultimate goal of this Territory.

It is perhaps unnecessary for me to refer to this in detail, but we have, for instance, the statement of the special representative that all political parties represented in the Territorial Assembly are agreed on independence as their ultimate goal, though some would prefer a more rapid progress than others. The important thing to bear in mind is that this popular manifestation must have had an impact on the Administering Authority, and the response of the Administering Authority is clearly visible in the drafting of the new Statute.

A significant departure made by the Administering Authority in comparison with the procedures adopted by it in the case of French Togoland is that in the present case elections were first held to the Territorial Assembly on the basis of direct universal suffrage, and the Assembly thus elected was then consulted in regard to the provisions of the new Statute. We commend the Administering Authority for having taken this essentially democratic step.

(Mr. Jaipal, India)

The discussions on the Statute in the Territorial Assembly, as we all know, took a serious turn, and several amendments were proposed. It is not my intention at the moment to refer to those amendments, but I think I should admit readily that the Administering Authority has taken them into account in preparing the final Statute. I have no doubt that some of those amendments were accepted by the Administering Authority in a suitably modified manner. Some amendments have obviously not been accepted; but the fact is that, according to the representative of France, the final Statute has been approved by the majority of the Territorial Assembly, which is based on full suffrage. Consequently, we agree with the representative of France that the new Statute is indeed the result of an agreement between France and the people of this Trust Territory.

Now, to take a look at the Statute itself in its final form: I may say at the outset that, though the Statute has been cast in the general mold of the Statute for French Togoland, I cannot help feeling that the spirit that has animated the authors of this Statute is somehow very different, which perhaps explains the refreshingly different final product. For example, the consultations which the Administering Authority held with the Territorial Assembly elected by universal suffrage are a concrete indication of this new and, if I may say so, more chaste, if not chastened, spirit. In the result, the final product too has been influenced by this spirit. For example, this Trust Territory, unlike French Togoland, will have under the new Statute a Legislative Assembly elected by direct universal suffrage, right from the very beginning of the practical application of the Statute.

Another important difference is that in the present case the field of local autonomy and the powers transferred to the territorial institutions are very clearly enumerated and specified in the Statute.

However, the similarities between this new Statute and the Statute for French Togoland are there and must be taken account of, although I might add that these similarities somehow do not overwhelm one in such a manner as to obscure the virtues of the differences. We note that the powers reserved to the French Republic are extensive and we have no doubt that these powers will be progressively handed over to the territorial authorities.

(Mr. Jaipal, India)

For the present we would withhold further comments on Parts I, II and IV of the new Statute, with the brief explanation that our views on these Parts were expressed very fully by Mr. Krishna Menon in the Fourth Committee when he discussed the similar sections in the French Togoland Statute.

With regard to Part III of the Statute, I must confess that we have been quite impressed by the extent of autonomy, though limited it certainly is, which is proposed to be granted to this Territory. This is undoubtedly an important step in the direction of the final trusteeship objective of independence.

Undoubtedly further measures for the development of the Territory's executive and legislative organs and the extension of their powers will be necessary from time to time until the ultimate goal is attained. It is in this connexion that I would refer to the article in the Statute which provides for its amendment. We see that the Legislative Assembly may by resolution request such amendment. We should like to see that the further political evolution of this Territory is undertaken in accordance with the wishes of the Legislative Assembly and we have no doubt that that will be so, but we would like to sound a note of caution about any hasty attempt to consult the population by referendum on the final regime of the Territory. Any premature action in that direction will be bound to frustrate the normal processes of growth within the Trusteeship System towards the final trusteeship goal.

After all, for the first time in the Territory, the people have elected their representatives by direct universal suffrage to a Legislative Assembly which will be given a list of subjects on which it will have the sole authority to legislate.

(Mr. Jaipal, India)

Thus, the beginnings of responsible parliamentary democracy will be established in this Territory. We think that the Territory must be allowed to consolidate these beginnings before the population can be consulted on the final system which it wishes the country to adopt. The need, however, for such consultation is not at all clear, for there can be no mistake about the aspirations of the people, which have been clearly manifested in the Territorial Assembly by the people's representatives in the form of a unanimous demand for independence as the ultimate political goal for the Territory. There are no major differences of view as was the case in former British Togoland, necessitating the holding of a plebiscite there. In the circumstances of the French Cameroons, it seems to us unnecessary even to think of a referendum at this stage, for the Statute does provide a basis for the Territory's evolution towards independence by the progressive transfer of powers from the Administering Authority to the people's representatives.

I do not have very much more to say on the new Statute itself. I feel, however, that I should express our reservations in regard to that part which deals with provincial organization.

We note that, in response to the wish of the majority, a Northern Province has been created. We observe, also, the limited powers granted to the provincial assemblies. We should like to hope that this trend towards the creation of provinces will not provide encouragement to the separatist tendencies within the Territory and will not result, for instance, in the fractionalization of this country. As it is, the Cameroons is a small area with a relatively small population, and it would be a pity to set in train a development which might have disintegrating results. We do hope, therefore, that the Administering Authority will take great care to ensure that the national unity of the State is preserved, and we have no doubt that the experience gained by the people's representatives in tackling common problems together will bring about a greater feeling for national discipline and unity and will help the provinces to subordinate their regional interests to the need for common national action.

(Mr. Jaipal, India)

Another matter on which we should like to offer some tentative observations relates to article 50 of the Statute. We find that a number of services in the Territory are regarded as services of the French Republic, and they constitute a charge on the French budget. But at the same time we see that the personnel will receive their instructions from the Territorial Government in regard to matters which concern that Government. It is not quite clear to us how this will work in practice on the field. What is important, however, is that the Africanization of the services should be speeded up to keep pace with the political evolution of the Territory.

Lastly, we should like to pay our warmest tributes not only to the people of the Territory for their achievement, as represented by the Statute, but also to the large numbers of French administrators past and present, like Mr. Barges and Mr. Deniau, without whose imagination, intelligence and hard work under very difficult conditions the present achievement would not have been possible. We note that this Territory is entering a new phase in trusteeship administration: if I may say so, a period of apprenticeship with the Administering Authority in partnership, actuated by an entirely new and welcome spirit which we hope will continue in the best interests of the Territory and its inhabitants.

Mr. GIDDEN (United Kingdom): I am sure that other delegations will, like my own, have found the study of the final text of the new Statute for the French Cameroons to have been both interesting and instructive. The study has been the more interesting, as the United States representative pointed out yesterday, by reference to the amendments proposed to the original text by the Territorial Assembly and the final version as it has emerged in document T/1314.

Before dealing with certain points of detail upon which my delegation has comments to offer, it is necessary, I believe, for us as members of the Council to endeavour to appraise the effect of the new Statute as a whole. After all, the methods by which an Administering Authority fulfils the obligations assumed by it under Article 76 of the Charter and the Trusteeship Agreement are matters largely for the Administering Authority itself. It is the results of the Administering Authority's actions with which the Council is first and foremost concerned.

(Mr. Gidden, United Kingdom)

As my delegation sees it, the situation which will exist in the Territory contains three essential elements. These are: first, a Legislative Assembly empowered to enact laws for the Territory except in certain reserved fields; secondly, an Assembly elected by universal adult suffrage and thus properly representative of the people; and, thirdly, an executive responsible to the legislature. It is quite clear that these three ingredients represent a very advanced stage of self-government indeed. I do not wish on this occasion to endeavour to assess to what extent, if any, the Statute falls short of self-government itself, since there is no reason for us to attempt to do so. There can be no doubt, however, that the inauguration of the new Statute brings to the Territory a completely new political structure for which the Administering Authority and the representatives of the Territory itself who have helped to elaborate that structure deserve the Council's warmest commendation.

From all we have heard during recent years of this Territory -- as, indeed, of West Africa generally -- it is clear that the people of the Territory have shown themselves most ready to accept major responsibilities, and the Council's main desire will, I am sure, be to express to the new Government of the Territory and its people, as well as to the Administering Authority, our earnest wishes for the successful exercise of their new responsibilities.

As I said earlier, an examination of the Statute itself presents considerable interest. There can be no doubt that the acceptance by the French Government of the major amendments proposed by the Territorial Assembly to the original statute represents a most convincing proof of the desire of the former to establish the form of regime in the Territory which was desired by the elected representatives of the Cameroonian people themselves. Continued benefits are now to accrue to the Territory from the Fonds d'Investissement pour le Développement Economique et Social, following the request of the Territorial Assembly, and the Legislative Assembly is to be dissolved upon the proposal of the Cameroonian Conseil des ministres rather than by the High Commissioner.

There are two small amendments to the original text which strike my delegation as being of particular significance.

(Mr. Gidden, United Kingdom)

It will have been noticed that article 53, dealing with the appointment of the Chefs de province and article 54, dealing with the chefs de circonscriptions, state that the persons concerned can only be nominated by the High Commissioner after the agreement of the Prime Minister. In the original text, it was consultation only, and not agreement, which was required.

(Mr. Gidden, United Kingdom)

Other members will no doubt have reached the conclusion which my delegation has reached in regard to the elaboration of this final text of the Statute and the extent to which the Territorial Assembly's wishes have been met.

With regard to the powers which under the Statute are still reserved to the metropolitan Power, these, apart from certain technical services which it is clearly in the interest of the Territory should at present remain under central control, consist, in the main, of defence, external affairs, internal security and the power of veto. So long as the Territory is not to be an independent State, it is difficult to see how any of these functions could be passed into the hands of the Cameroonian Government.

I do not propose to draw attention to a number of provisions in the Statute which, in the opinion of my delegation, have been very wisely drawn up. Members will have observed, for example, the dispositions regarding the alienation of land. And there are, of course, other important provisions which contain similar specific safeguards.

My delegation believes that the Council, having been seized of the Territory's new political reforms, is now under an obligation to appraise the effect of these new reforms and present its conclusions thereon to the General Assembly. In these brief remarks I have endeavoured to bring the assessment which my delegation has made of the new Statute before the members of the Council.

U PAW HTIN (Burma): It will be recalled that during the general debate on the French Cameroons, on 4 April 1957, my delegation observed that it awaited with interest the publication of the text of the new Statute in respect of the future political development in this Trust Territory. We are happy that the new Statute is now available for our study.

Nevertheless, the Council will no doubt appreciate the inadequacy of the time at the disposal of my delegation and, perhaps in this matter, of other delegations, in order to have it scrutinized by our respective Governments with a view to offering clear observations. We are dealing with a serious matter, namely the political future of a Territory, of which this Council, in no less degree than the Administering Authority, has a special function to perform and a special responsibility to discharge. If any useful contribution is to be made in this discussion of a highly vital document, I must stress that my delegation will need more time than what the Council now seems able to provide.

My delegation wishes to acknowledge the fact that the new Statute is designed to make possible the progressive realization of self-government in the Trust Territory under discussion. But we cannot, however, dispose of such a vital document without detailed examination of the objectives and implications inherent in it.

In so far as a new Statute has been bestowed upon the Territory of the French Cameroons, we welcome the significant reforms embodied therein and regard it merely as a step towards the ultimate achievement of self-government or independence, a step which can be regarded, and I quote the words used by the representative of Burma on 4 April, "as a beginning of the transfer of sovereignty". In such a situation we feel that the only practical thing to do at this late hour, it seems, is for the Council to take note of the Statute and transmit it to the General Assembly as part of its report, as suggested by the representative of India, and that the actual examination of the Statute should be deferred until the twenty-first session of the Trusteeship Council.

Mr. MUFTI (Syria) (interpretation from French): My delegation did not yesterday ask for a postponement of the examination of document T/1314 so that today we might undertake a detailed examination of the French Decree No. 57-501, dated 16 April 1957, setting forth the Statute of the Cameroons. That was not the intention of my delegation and I want once again to emphasize this today so that there may be no misapprehension.

Some delegations made preliminary statements yesterday on the text of the Statute and therefore my delegation felt it necessary to present our views today. Of course, these will not constitute elements for a recommendation as to the political situation in the Territory. There will be no precise directive; there would simply be preliminary remarks, for the following reasons: First, because the only official document which could serve as a basis for the discussion of the Statute in the Council is document T/1314, submitted by the Secretary-General, and this document was not circulated early enough to enable a detailed

study of it; secondly, because the document in question does not indicate whether the text of Decree No. 57-501, of 16 April 1957, relating to the Statute, was published in the Official Journal of the Cameroons. Therefore, this Decree cannot be considered as being actually in force in the Trust Territory if the publication of the Decree in the Official Journal of the Territory is officially required. Thirdly, because the present stage of the debates in the Council will not allow for a lengthy discussion of this text; and fourthly, because most delegations, among them my own, would prefer to have such a discussion as this put off until a later date, because all the elements for judgement will then be available to them.

Having made these remarks, I should now like, as briefly as possible, to make the preliminary comments on the text, which was the object of a statement yesterday by the representative of France. My delegation, first of all, would like to express satisfaction at the efforts made by the French delegation to keep the Council sufficiently informed of the political events which have recently occurred in the Territory of the Cameroons. However, we regret the delay with which the text of the Statute was officially communicated to the members of the Council, a delay which, of course, is involuntary and accidental.

With regard to the text of the Statute itself, my delegation is of the opinion that if this can be considered as constituting an important step in the evolution of the Territory towards self-government or independence, it nevertheless gives rise to certain doubts as to the effectiveness of the reforms set forth. These doubts are due to the large number of powers which are reserved to the Administering Authority; the imprecise distribution of responsibilities between the Government of the Cameroons and the Administering Authority; the rights given to the French citizens in the Trust Territory by invoking the principle of reciprocity, which cannot come into play between two entities which are of equal strength; the creation of the Province of the North, and, subsequently, the powers recognized for the Provincial Assembly with regard to the status of persons and property, powers which allow that Assembly to resist any measure tending to adapt the local customs to the social evolution of the Territory.

(Mr. Mufti. Syria)

This will be a mortal blow to the unity of the Territory, and finally to the powers recognized to the High Commissioner in the designation of the Chief of the Province.

These various powers show very clearly that the Administering Authority is not only determined to keep the Northern Province in a state of particularism, but also to maintain its ascendancy there.

The doubts which my delegation has with regard to the Statute are based finally upon modification of Article 44 which has become Article 59 and which says that such a modification of the Statute "will be carried out in conformity with the procedure which governed the establishment of this Statute", or by the sole will of the Administering Authority.

However, these doubts do not prevent us from recognizing that the Administering Authority has to a certain measure avoided committing, in adopting the Statute of the Cameroons, the errors which it had committed in French Togoland. In effect, this cessation of the Trusteeship System was not an absolute condition for the implementation of the Statute. Furthermore, the Territorial Assembly, which was called upon to pronounce judgement on this Statute, had been previously renewed so as to make it more representative. Finally, certain amendments proposed by the Territorial Assembly were in effect adopted by the Administering Authority and incorporated in the text of the Decree of 16 April 1957.

These facts obviously constitute encouraging signs which authorize us to hope for better days in the Territories under French Administration.

These are the few preliminary remarks which my delegation wanted to make in all haste, without prejudging the position which it will adopt later when the Statute will be the subject of a more thorough and detailed discussion.

Mr. SMOLDEREN (Belgium) (interpretation from French): A superficial study gives me the impression that Togoland and the Cameroons under French Administration now have similar Statutes. Incidentally, I do not see what we could say here on this matter since it is quite normal that Territories about

(Mr. Smolderen, Belgium)

to become self-governing hesitate to embark alone and isolated on this perilous adventure of independence without sufficient experience, without a diplomatic corps already formed to represent them in the outside world, without an army, without the necessary resources and without sufficient credit to make the indispensable investments, without recourse, finally, against all the difficulties which may arise in a population which is suddenly called upon to administer itself.

The two Statutes have, among other common characteristics, that of having been worked out in consultation with the population. As regards the Cameroons, this method was applied by the Administering Authority with particular care. Elections, held for the first time by means of universal suffrage on 23 December 1956, with electoral participation which was more than impressive for Africa, have made it possible to elect a Territorial Assembly which is indeed representative and which has been able for long weeks to discuss paragraph by paragraph the provisions of the new Statute. The latter was amended to such an extent that it is difficult to recognize there the signature of France. Of forty-five articles of the original text, thirty-five have been modified, deleted or added.

I also wish to stress the original method which was used in describing the powers which were transferred to the indigenous authorities. Article 11 of the Decree on the Statute of the Cameroons enumerates, while the Decree relating to the Togoland Statute merely describes the powers reserved to the French Government, thus leaving the balance of powers for the Cameroons themselves to exercise. This last concept, which is more in conformity with the principles of our Western public laws, nevertheless presents the drawback of not having been entirely understood by certain Members of the United Nations, and it has also led to some confusion in the Territories which are not too familiar with juridical techniques. The spirit in which these two Statutes have been conceived mark the difference between them. The Togolese people pronounced themselves unambiguously in favour of ending the Trusteeship System. Their Statute therefore marks the final phase of the development under the control of

(Mr. Smolderen, Belgium)

the United Nations. Subsequently, there will of course be modifications and adjustments, but those will be bilateral acts which concern only the two partners -- the French Republic and the autonomous Republic of Togoland -- who will act on a basis of equality.

The Cameroonians, on the other hand, have come out in favour repeatedly of the maintenance of the Trusteeship System. The relationship therefore of guardian and ward is maintained for a certain period of time.

The Statute which we are studying presently reflects this situation since it is to remain in force until the inhabitants of the Cameroons are called upon to pronounce themselves on a final system. This latter assertion, which is reproduced in article 2 shows us clearly the aim proposed by the Administering Authority, namely, to lead the Territory to a new phase which is particularly important in the political field. Thus it brings closer the moment when the aims defined in Article 76 of the Charter will be achieved.

My delegation wishes to congratulate the Administering Authority and the Cameroonian population on the considerable step forward which has been taken. We also wish to express the hope that the introduction of new institutions will have a salutary effect upon the political life of the Territory and that it will lead the representatives of all shades of public opinion to conform scrupulously to the rules of democracy.

The final date for the termination of the Trusteeship System should be determined before taking due account of the political maturity of the Cameroonian citizens, and we have the firm conviction that the Cameroonian citizens will show themselves able to rise to the height of the constitutional events which have recently taken place in their country.

Mr. LOBANOV (Union of Soviet Socialist Republics) (interpretation from Russian): When it spoke in the general discussion, the Soviet delegation stated its opinion regarding the general principles underlying the Statute for the Cameroons. However, we cannot speak now on this final version of the document which was submitted yesterday by the French delegation. Our silence is not due at all to the fact that we do not attribute significance to this document. Quite to the contrary, the Soviet delegation attributes exceedingly great importance to this document. Unfortunately, however, the Soviet delegation has been deprived of the possibility of studying this document thoroughly which emanates from the French delegation, since to this hour we have not received this document in the Russian language.

I reserve my right to speak in the future after a thorough study of this document. Guided by the desire to appraise the significance of the document correctly, the Soviet delegation supports the proposal put forward here by the representative of India that the Statute on the Cameroons should be referred to the General Assembly for further study.

Mr. ROLZ BENNETT (Guatemala) (interpretation from Spanish): At our meeting on 5 April, when we were debating the situation in the French Cameroons, the delegation of Guatemala took the liberty of drawing attention to the fact that a new constitutional Statute was about to be promulgated for the Territory, that the Cameroons Assembly had debated the draft Statute and introduced several amendments, and that after the Assembly had approved it the text had been presented to the French Union, so that it was possible that the French Parliament might have approved it before the end of the present session of the Council. We asked that if possible the Statute should be presented to us during this session and we left open discussion on that item so that if we did receive the Statute in time -- and I emphasize the expression in time -- we might devote a few meetings to its study and formulate our recommendations to the General Assembly.

The original purpose of the Guatemalan delegation has been achieved, because at least we can send in our report to the General Assembly the text of the new Statute and thus bring the General Assembly up to date on the constitutional changes that have taken place in the Territory. We regret, however, that because of circumstances which are known to all of us, including the fact that the approval of the Statute occurred very late in our present session, we have not had an opportunity to devote to it the amount of time which it deserves. My delegation would like to express its satisfaction that France was able to present the text of the Statute to us, but at present we can only present preliminary remarks on the subject, leaving its fuller examination to a later date.

It is encouraging to observe that the new Statute for the French Cameroons was promulgated by means of procedures which correspond better with democratic methods. In fact, the Statute was promulgated after the election of a Legislative Assembly in the Territory, an Assembly elected on the basis of universal adult suffrage and therefore representative of public opinion in the Territory. That Assembly undertook an examination of the draft Statute and was able to make its observations to the Administering Authority. I believe most of those observations were incorporated in the text which was finally approved. It is indeed encouraging that the Statute was examined by a representative Assembly elected on the basis of universal adult suffrage.

(Mr. Rolz Bennett, Guatemala)

On numerous occasions we have said that the political development of dependent territories, and I refer not only to Trust Territories but to others, at last reaches a certain stage when it becomes necessary to clear the political atmosphere if they are to proceed peacefully towards the attainment of those objectives which we have all in mind, namely, self-government or independence. Such a stage now seems to have been reached in the French Cameroons, and it is appropriate to recall this when we are beginning an examination of the Statute. Public opinion and the degree of political maturity now reached in the French Cameroons, among other things, now demonstrate that all the political organizations of the Trust Territory aspire to independence and differ only in the degree of independence to be reached rather than the date at which it is to be attained. They are all unanimous in asking independence for the Territory.

This is the setting in which any examination of the Statute must take place. The Statute represents progress in the constitutional development of the Territory, but my delegation is not sure that in the form in which it now stands it actually corresponds to the state of public opinion in the Territory. My delegation also has certain doubts that the Statute may have lagged behind the aspirations of the population in regard to their political future. It is for that reason that my delegation feels that the Statute may well have to be modified fairly quickly and brought into closer correspondence with the aspirations of the population.

Turning to a few preliminary remarks of a more particular nature, my delegation would like to point out in the first place that in this Statute a provision is maintained upon which we have already commented in connexion with French Togoland; I mean the provision relating to the participation of the local inhabitants in the organs of the French Republic. We cannot fail to express our concern about this, and I might indeed recall that ever since our meetings of last year my delegation has been stating that the participation of the inhabitants of the Cameroons in French parliamentary organs, as was explained by the Administering Authority on many occasions, has been granted in favour of the interests of the inhabitants and because it is considered preferable for them to have some participation in the legislation which the Administering Authority approves for them.

This however is no longer the case now that the powers enumerated in the Statute have been transferred to the Cameroonian authorities, allowing them to pass laws of a very wide nature. There is therefore no justification for continuing the participation of the inhabitants of the Cameroons in the organs of the French Republic, and while we do not question the sincerity of the Administering Authority's motives we cannot fail to express our concern lest this participation should contribute to a denaturalization of the juridical and political status of the Territory and compromise the free determination by the inhabitants of their future destiny.

We also observe that the second part of the Statute maintains dual citizenship, that is to say, citizenship of Cameroonian nationals in the French Republic and of French nationals in the Cameroons by way of reciprocity. We wish to reiterate the same reservations which we have made in regard to this provision on previous occasions.

(Mr. Rolz Bennett, Guatemala)

We note that in the new Statute certain words are included which leave the door open to the hope that this situation will be modified in the future in conformity with the natural desires which may be expressed at a given moment by the public opinion in the Cameroons.

In the final sentence of article 8 we read: "French citizens shall enjoy in the Cameroons by virtue of reciprocity all the rights attaching to the status of Cameroons citizens." The inclusion of the phrase "by virtue of reciprocity" presupposes the fact that this is a temporary measure which may be changed in conformity with the desires which may be expressed by the local government.

In article 11 we see an enumeration of the powers to be enjoyed by the Legislative Assembly of the Cameroons as the legislative organ of the Territory. These powers are set forth in a more concrete and detailed manner than was the case in the Statute for French Togoland. We must note this progress which has been made. We observe, however, that there are still certain matters which may give rise to some confusion. For the moment I shall mention only economic and financial matters, which are so important to the development of the Territory. Article 11, paragraph (14) states: "Organization and development of the economy of the Trust State of the Cameroons" -- this shall be under the Legislative Assembly. However, in other provisions of the Statute certain financial and economic powers are given to the French authorities and the High Commissioner. There may be difficulties and friction in connexion with this overlapping of authority.

There are certain provisions which are not sufficiently clear to my delegation. For example, in article 42 of the Statute, paragraph 2, we read: "The High Commissioner shall have the authority to negotiate with the said authorities and representatives after consultation with the Prime Minister, any conventions, particularly those of a commercial nature, applicable in all or in part of the Trust State, within the limitations of the Government's instructions, and to enter into such conventions subject to their approval by the French Government."

My delegation is not clear whether the reference to "the Government's instructions" applies to the Cameroons Government or to the French Government. There are limitations or restrictions upon the powers granted to the organs of the Cameroons Government, and my delegation hopes that these powers, which are

(Mr. Rolz Bennett, Guatemala)

still reserved for the French authorities, will be handed over to the Cameroons Government without much delay.

We hope that the evolution of the Statute, which is provided for in part VI of the Statute itself, will proceed without interruption, and will take into account the wishes expressed by the Legislative Assembly. We shall follow closely the resolutions of the Legislative Assembly for the modification of the Statute. We hope that the Administering Authority will observe the desires of the people of the Cameroons as expressed through their legitimate representatives.

In article 41 the High Commissioner is given the authority to maintain public order and the security of persons and property. That is to say that he shall have under him the forces of public order and security, in other words, the gendarmerie of the Territory. My delegation shares the view that in order to allow the Government to manage its own affairs, it must have not only legislative powers but also the practical elements which will allow it to implement and execute the decisions taken by the Legislative Assembly. So long as the Cameroons Government has no authority over the services of public safety and security, that Government will be restricted in the exercise of its powers.

We note that the High Commissioner may delegate his powers in respect of urban and rural administrative police to the Prime Minister as head of the Cameroons Government. My delegation expresses the hope that such delegation will be made and that the Prime Minister will indeed be given these powers which, it would seem to us, are necessary if he is to conduct his Government.

Aside from these preliminary remarks, and certain others which I may present after we have studied the Statute in more detail, my delegation finds encouragement in the provisions of the Statute, and particularly in its spirit. We believe there is a very different spirit here from the one which animates the Statute for French Togoland. We do not hesitate to congratulate the Administering Authority for having undertaken this course in promulgating the Statute for the Cameroons under French administration. These are the preliminary remarks which my delegation wished to present.

Mr. HOOD (Australia): I address myself to some quite general comments on the item of the agenda of the Council which is, in effect, the note by the Secretary-General in connexion with the examination of the annual report on the administration of this Territory. To some extent, the discussion by the Council of the note by the Secretary-General containing a copy of the Statute adopted by the French Government in Parliament, is indeed exceptional.

One need say no more on this point, nor need the Council, I think, be at all rigid in its attitude towards this information supplied by the Administering Authority of the French Cameroons, or in respect of the procedure to be adopted subsequently. As the representative of Guatemala has just rightly pointed out, the submission of this information was partly in response to suggestions from certain members of the Council at an earlier stage of the discussion of the annual report for 1955 on this Territory. The Council should express, and I certainly do express, the warmest appreciation of the action of the representative of France in the submission of this information.

It is not necessary to comment upon the shortness of time available, which has been pointed to by one or two speakers before me, because this was indeed inevitable in the circumstances, and the action of the representative of France should receive the commendation of the Council. It is an action of co-operation and it is an action which will in fact assist the Council in its preparation of the current report.

So what do we have? we have before us the actual content of an intention -- a fulfilled intention on the part of the Administering Power in this Territory -- to expand the institutions of self-government in the Territory. At the seventeenth session, the Council, in commenting on the political development in the French Cameroons, expressed the hope that there would be continued and intensified pursuit of programmes of reforms in the Territory. It viewed with appreciation the promising constitutional and institutional reforms contemplated by the French Government and expressed the hope that those reforms would shortly be enacted into law. It went further, to urge the Administering Authority to take positive and energetic steps to implement its intentions as soon as possible.

Various representatives in the Council, at an earlier stage in the discussion of this report, did indeed note the significant advance, of which the Council was given prior knowledge, in this respect. The adoption of the Statute, its formulation in consultation with the representative population of the Territory and its final endorsement by the Government of the Administering Power -- this is the position with which the Council has to concern itself now -- and I do not think that detailed comments on the provisions of the Statute are called for. What the subsequent handling of this information submitted by the representative of France will be is a matter, of course, for the Council to determine; but I think it would be proper that the views which have already been expressed by very many members of the Council, both yesterday and today, should be duly taken note of and duly recorded in the proper place.

Since a year ago, it cannot be denied that events in connexion with the Territory of the Cameroons under French administration have moved with extraordinary rapidity and two developments are of course of the greatest significance. I have already referred to the adoption of the law in the middle of last year, authorizing the French Government to proceed to widen institutional reforms in the Territory and I have also referred to the adoption, on the basis of this law, of the Statute which in a matter of a day or two -- as I understood the representative of France to have stated yesterday -- will be promulgated in the Territory and thereafter it will be in the course of implementation. An important point, of course, is that the Statute in its present form has been adopted after close consultation with a Territorial Assembly specially elected and elected, of course, on the basis of universal adult suffrage.

(Mr. Hood, Australia)

It is furthermore the case that suggestions by that Assembly for modifications in the draft Statute, as it was then, have to a very large extent been accepted by the Administering Power. This is a point to be taken very careful note of.

It is furthermore the case that the Statute contains an explicit provision for subsequent alteration and change, a provision which has been pointed to but which I think needs again to be emphasized, which is entirely in consonance with the principles of the Trusteeship System. It is stated that this institutional organization shall continue in force until the inhabitants of the Territory, in conformity with the Charter and the Trusteeship Agreement and in particular with the provisions of article 5 of that Agreement, are able to express an opinion on the political regime in the Cameroons.

I submit that in our examination -- if we proceed at a later stage, to a more detailed examination of the provisions of the Statute -- this broad and overriding provision for the possibility of constitutional change should be very carefully borne in mind.

In brief, the Administering Authority -- as my delegation stated in the course of the general discussion a week or two ago -- would appear to have fulfilled in a striking manner the hopes previously expressed by the Council in respect of the political development of this Territory. Many of the implications of the Statute, of course, will not become clear in practice until implementation has been in force for some time and the Council will doubtless expect and will receive from the Administering Authority an account in due form of the working of the Statute in practice. At that stage it would, of course, be incumbent on the Council to examine -- and the Council will no doubt do so -- some of the more detailed provisions in their practical application.

In the meantime, it would, I submit, be right for the Council to express commendation to the Administering Authority; first for the prompt submission of this Statute to the Council at a late stage in its consideration of the report for 1955, which was nonetheless an appropriate act and deserves commendation. Secondly -- and I have no doubt that a majority of the Council will wish to endorse this -- it would be appropriate for the Council to express its satisfaction and indeed its felicitations to the Administering Authority for the execution in fact of intentions which are broadly based on and in consonance with the principles of the Charter and the Trusteeship Agreement and which will without doubt redound to the advancement of inhabitants of this Territory.

Certain of these more general remarks -- and I do not mean mine in particular -- will certainly find their place in the records of the Council and it will be for the Council to decide shortly how and in what form these observations are to find their place in the report of the Council to the General Assembly

Mr. BARGUES (French) (interpretation from French): My original intention was to read these statements to which I have listened after the verbatim record had appeared and only to reply to them then. However, if the Council cares to hear my reply now I will speak right away, although my statement may perhaps not be grammatically perfect, in order to save the Council's time, as we still have a heavy agenda and have already had to prolong our session which has lasted a considerable time.

Incidentally, I have little to say, for I have noted that, generally speaking, most of the delegations have made very few observations concerning the Statute. Some delegations, of course, have formulated reservations and have declared that their observations were of a preliminary nature and they reserved their right to speak before the Council at a later date giving their more detailed opinions on various provisions of the Statute. There is no doubt that the Council will always be able to deal with this question when it considers the question of the Cameroons under French administration in detail when the report of the Administering Authority for the Cameroons is submitted to the Trusteeship Council; there will of course be the necessity to consider this situation and the conditions in which the new institutions have been made to work.

(Mr. Bargues, France)

Nevertheless it is true that even superficial acquaintance with the Statute has made it possible for the majority of the delegations here to formulate pertinent observations on the whole of the structures involved in this new Statute. What would seem to be more important at this time is to know the opinions of the delegations on the very essence of this new Statute, namely, the introduction in the Cameroons of political systems inspired by those of democratic governments along Western European lines. I can therefore limit my observations to a few detailed remarks on some of the reservations made by some members of the Council. Of course, I am motivated merely by the desire to make note of the views expressed and to make known the views of my Government on the questions raised.

I must also say that the majority of my colleagues have expressed considerable satisfaction; they have been good enough to congratulate the Administering Authority on the reforms introduced in the Trust Territory. I wish to thank them on behalf of my Government. They have also, quite rightly, congratulated the population of the Cameroons both on the good sense shown in the study of the problems and on the wisdom with which the Cameroonians have discussed the text of the new Statute which was presented by the Government of the Administering Power.

The representative of Haiti has paid special tribute to this population, which he knows so well because he was in such close contact with it during the mission of 1955. I associate myself with the tribute he has paid to all the political leaders, French and Cameroonian, and also to the opposition, whom he included in the tribute paid to the political leaders of the Territory. I do not doubt his sincerity. Incidentally, the members of the opposition in the Assembly have shown sincerity; they have acted courageously; they have participated in the votes; and they have bowed to the opinion of the majority without in any way yielding their fundamental opinions. In the presence of democratic institutions, they will be able to defend, and perhaps impose their opinions in the Cameroonian assemblies as well as in France, and particularly within the metropolitan assemblies, where some of them are now called upon to sit or might at a later date be called upon to sit.

(Mr. Bargues, France)

Since I am now dealing with congratulations, I must also tell the representative of India that I was most grateful for the congratulations he addressed to the officials of the Administering Power. I am too modest to note what he said about myself, and perhaps he was carried away by the excellent relations which have existed between us for some years. However, may I say, not in my own name but on behalf of my colleagues, that the activities of the administrators have of course played a considerable part in the development of the Territory for a number of years. It is undeniable that these administrators have had to shoulder the delicate job of bringing the development of the Territory to a happy conclusion. They have also had the heavy burden of educating the populations politically in accordance with democratic principles.

The representative of Guatemala has taken up an objection already made by him earlier on the subject of the representation of the Cameroonian population in the parliamentary assemblies of metropolitan France. I can only repeat what I have said before in this regard. As far as France is concerned, because of the legal principles which apply in France, there was a question of good sense as well as of honesty.

The Statute provides that certain questions are reserved for the central organs of the French Republic. In other words, the parliamentary assemblies of France will have to vote laws which will apply to some extent to the Territory of the Cameroons. It is normal that the populations of the Cameroons, which directly or indirectly will feel the effects of these laws, to participate in their formulation and should vote on them. I have repeatedly drawn the attention of the Council to the role, sometimes very considerable, played by the representatives of the Trust Territories within the French Parliament. I might mention an example concerning the Cameroons, which, incidentally, I believe I have already pointed out. Article 9 of the loi-cadre, which applies especially to the Cameroons and which the Statute follows precisely, was voted on the initiative of Cameroonian parliamentarians who imposed their views upon their colleagues in the French Parliament. I believe, therefore, that it is necessary to maintain this

participation by the Cameroonian population in the work of the two parliamentary assemblies in France which are called upon to originate laws which will benefit the Territory.

In this same connexion, I should like to make an observation concerning the provisions of article 8 of the Statute, concerning the principle of reciprocity.

Certain representatives have used the expression "dual citizenship". I do not think that this is juridically correct. In reality, a French citizen and a Cameroonian citizen do not have automatically both citizenship of France and that of the Cameroons. The Statute provides merely that Cameroons citizens who are on French soil should enjoy the civil, civic and social rights of French citizens; it was normal that, reciprocally, French citizens residing in the Cameroons should enjoy the civil, civic and social rights of Cameroons citizens. But this does not mean dual citizenship; it is an advantage which does not attach to the person of an individual; it attaches to the Statute, the text of which says clearly that this principle of reciprocity will apply "for so long as the Trust State administered by France continues to be governed by the provisions of this Statute". Hence, for the period of the validity of this Statute, there will be a measure of reciprocity which will make it possible for French citizens, not to become citizens of the Cameroons but simply to enjoy the rights of citizens of the Cameroons while they are in the Cameroons, and make it possible for citizens of the Cameroons to enjoy the rights of French citizens while in France. This is an important legal distinction. If the Statute should be modified or cancelled when the Trusteeship System is brought to an end, this advantage would be removed. If there were dual citizenship, an individual holding such citizenship could not have it withdrawn from him.

I should like to make a brief observation on a point which has not given rise to criticism; I merely wish to emphasize the fact that this Statute was very freely discussed by the population -- in the first phase, during conversations which took place between representatives of the French Government and representatives of the population of the Cameroons in the assemblies, and then within the Territorial Assembly itself.

(Mr. Bargues, France)

Incidentally, as another representative has recalled, the Assembly proposed about sixty amendments, almost all of which were accepted. Thirty-five articles out of sixty -- that is, more than half -- have been modified, deleted or added.

The representative of India has noted that considerable powers are still reserved to the central organs of the French Republic, and he has expressed the hope that these powers will be gradually reduced. I can assure him that that will be the case. Before this Statute existed, the local organs already had extensive powers. Since 1946, the Territorial Assembly has been voting the budget and the taxes. That is a very important power. The powers of the Territorial Authorities have been increasing and the powers reserved to the Administering authority have been decreasing. The introduction of the new Statute marks only another step in a development which had started previously. Of course, this trend cannot be reversed, and it will certainly continue in the future.

Certain representatives also expressed some concern about the establishment of provinces. Actually, as I have already said on other occasions, the creation of provinces is in conformity with certain local trends which we cannot overlook. At the same time, it gives wider latitude to the Administration. I would point out that in the original text -- incidentally, it is not my intention to go over the Statute article by article, indicating the changes which have been made at the various stages; I think that such a procedure could have only historical interest -- provision was made for a provincial organization which did not call for the immediate establishment of the Northern Province, and this provincial organization was agreed to by the Cameroonians. The Northern Province was created on the insistence of the majority of the Territorial Assembly. It would have been difficult, or even impossible, for the Administering Authority not to accept this amendment of the Territorial Assembly; the desire of the majority of the population of the Territory could not be disregarded.

With respect to political procedures, I must clarify some points in statements made by some members of the Council who are perhaps not always familiar with the political procedures in France. The persons who drafted the Statute -- whether French or Cameroonian -- have, of course, been steeped in French juridical concepts, and, consciously or unconsciously, they have in mind French institutions.

(Mr. Bargues, France)

As I have said, the High Commissioner has the role of Head of State. He designates the Prime Minister, after the usual consultations. Now what do the words "usual consultations" mean? They mean the consultations which are usually undertaken by the President of the French Republic before he designates the Président du Conseil; that is, the Prime Minister. The President of the French Republic, before designating a Prime Minister, consults the principal leaders of the Assembly, the most representative elements of public opinion outside the Assembly and the heads of the political parties, whether or not they are represented in the Assembly. Only after the President of the French Republic has found out from these consultations what are the prevailing tendencies and opinions does he designate the person who has the best chance of being confirmed by the Assembly.

Replying to an observation which was made in this connexion, I would say that first the Prime Minister of the Cameroons will be confirmed in office by the Assembly. Only after that will he appoint his Ministers. This is the system prevailing in France, with the exception that in France the Prime Minister, after having been personally confirmed in office, must ask for the confirmation in office of his Cabinet. Incidentally, this sometimes leads to difficulties in France, when a Prime Minister who has been confirmed in office fails to obtain the confirmation of his Cabinet. Thus, the system to be followed in the Cameroons may be even better than that followed in France. In the Cameroons, the High Commissioner designates the Prime Minister, who, once he has been confirmed in office by the Assembly, appoints the Ministers who will share the burdens of government with him and assume the risks entailed in his policy. Of course, the Cabinet will also be responsible to the Assembly.

Once a Prime Minister has been confirmed in office by the Assembly, the High Commissioner must by order declare that confirmation officially. This is mandatory; it is simply a proclamation of a fact. This provision was included in the Statute at the request of the Assembly; it was not in the original draft. In France, the Prime Minister and his Ministers are appointed by decree of the President of the Republic. It was perhaps because of that rule that the members of the Assembly in the Cameroons requested that some official record should be made of the Assembly's confirmation in office of the Prime Minister.

(Mr. Barges, France)

I said at the outset that my remarks might sound somewhat disconnected; I am afraid that has indeed been proven to be true. I shall now revert to the question of the provinces.

The chefs de province will be appointed by the High Commissioner because they will be called upon to play a dual role. They will represent both the services of the French Republic and the services of the Cameroonian Government. The Statute, however, provides for the concurrence of the Prime Minister, which is a guarantee that the High Commissioner will not be able to appoint a chef de province without the agreement of the Prime Minister.

The representative of Guatemala and some other representatives expressed certain misgivings concerning the distribution of the public services. To reply fully in this respect, of course, would entail a detailed study of the text of the Statute. I would only say, in the first place, that the enumeration in the Statute of the powers of the Legislative Assembly is not a limitative enumeration. The only limitative enumeration is that of the powers reserved to the central organs of the French Republic. For reasons which I have already had occasion to mention in various statements before the Council -- particularly in the statement which I made on the present subject -- certain matters have been reserved to the French Republic, but it must be borne in mind that these matters are limited to legislation and regulation. All measures connected with the organization of the public services and all measures of implementation are within the powers of the Trust Territory of the Cameroons.

The representative of Guatemala referred to paragraph (14) of article 11 of the Statute, which defines the powers of the Legislative Assembly.

(Mr. Bargues, France)

As I said, this list is not limited. Paragraph 14 gives to the Legislative Assembly powers concerning the organization and development of the economy of the Trust State of the Cameroons. The representative of Guatemala has pointed out, however, that certain attributions concerning the organizational development of the economy of the Cameroons have remained among the powers reserved for the central organs of the French Republic. That is true, because to the extent to which certain operations of foreign trade are reserved for the French Republic, it was necessary to provide for its intervention. The organization of the general economy of the Territory is a matter of general policy, which is incumbent upon the Government and the Assembly of the Cameroons. But problems concerning financial assistance by France, or the problem of currency -- and I have said this before, and this is one of the principles of the Statute -- are problems reserved to the French Republic.

There is, therefore, no inconsistency or incompatibility between the two provisions appearing in two different parts of the Statute. There is simply a reservation concerning matters reserved for the French Republic, a reservation which follows from the fact that the French Republic is responsible for all problems concerning money, foreign exchange, and so forth, and because the Cameroons belongs to the franc zone.

A similar observation concerning article 42 was cited by the representative of Guatemala. Article 42 indicates that the High Commissioner assures the communications of the High Commissioner and the Cameroonian Government with the organs of the metropolitan country and, equally, with the authority of foreign countries in Africa and the representatives of the French Republic in these countries, and also with the consular representatives of foreign Governments who are duly accredited and whose jurisdiction extends to the Trust Territory. The article goes on to say:

"The High Commissioner shall have the authority to negotiate with the said authorities and representatives after consultation with the Prime Minister, any conventions ... within the limitations of the Government's instructions."

It is the French Republic which is responsible for external relations. Nevertheless, provision was made for an intervention by the Government of the Cameroons, since the High Commissioner must consult the Prime Minister. Not only

(Mr. Bargues, France)

must he consult with him, but there must be negotiations with him. In other words, there must be permanent contact between the High Commissioner and the Prime Minister. As long as the French Republic will be responsible for external relations, he will be under obligation to serve as the intermediary between the Cameroonian Government and the foreign representatives, either in the Territory or in neighbouring territories.

I should like to make a minor observation concerning the capital. Frankly, I am certain that the location of the capital was forgotten during the different transformations which the article in question has undergone. Article 39 indicates clearly that the capital will remain Yaoundé, until of course there is a further change.

Article 41, which was also cited, provides that in conformity with article 3 of the Trusteeship Agreement, the High Commissioner shall be responsible for public order. But a provision has been inserted concerning the delegation of his powers to the head of the Cameroons Government. As regards urban and rural police, there was a possibility of such delegation. But as a result of an amendment by the Cameroonian Assembly, this delegation of powers is now mandatory. In the original text it was optional. It is clear that once the Statute has come into force, this delegation of powers will be obligatory.

The representative of India has advised the Administering Authority not to hasten too much to have popular consultations. He said that if in British Togoland this consultation was made necessary by the divergence of opinion, the same reason did not prevail in the Cameroons under French administration. But I would point out to him that the referendum is after all one of the procedures which was accepted by the United Nations under the Charter, namely, to determine the aspirations of the population. It is quite evident that since the Statute has an evolutionary character, the time will come when it will be necessary to ask the population to pronounce itself definitively on the direction which it will wish to give the political development of its country. Above all, it will have to pronounce itself on the political system which it wishes to introduce. Therefore, I think the day will come when this consultation will be necessary.

I hasten to add that the Statute does not fix any date. It merely provides that the Statute will remain in force until the inhabitants of the Cameroons, under the Charter and the Trusteeship Agreement, are called upon to take a position on the final political system of the Territory.

(Mr. Bargues, France)

I believe I have replied generally to the detailed observations which were made. If I have omitted some, I should like to convince my colleagues that this was not intentional. I am available for any information which may be required of me by my colleagues, in private conversations, so as not to prolong our debate here. In conclusion, however, I should like to make two observations. I should like to refer to a misgiving expressed by the representative of Guatemala. The representative of Guatemala has wondered whether the Statute really reflected the desire of public opinion. I say "yes", because the Assembly which approved the Statute by a large majority was elected under universal suffrage. It represents public opinion very well. But the question was asked whether the Statute is not out of date in view of the rapid development of thought in Africa.

It sometimes happens that when certain measures are implemented, it is discovered that they have come too late. But may I say sincerely that I do not think that this is the case in the Cameroons. I believe that the majority of my colleagues will share my opinion. We should recall that very little time has elapsed. I think it was last year that the Trusteeship Council presented to the Administering Authority recommendations concerning the political development of the Territory; the Council suggested that, first of all, there should be universal suffrage -- and this has been introduced -- and that then a government council with a Cameroonian majority should be introduced.

The Statute goes far beyond that recommendation, since we not only have a majority of Cameroonians, but we will have a true government composed of Cameroonian ministers, responsible to an Assembly endowed with major legislative powers. Therefore, I think that the Trusteeship Council can only note with satisfaction that the Administering Authority, not being content to meet the recommendations, has gone much further.

In conclusion, to give some clarification concerning the scope of the Statute, which has given rise to the expression of certain doubts or certain expressions of alarm on the part of several members of the Council, I could do no better than to read the report which, in the name of the French Government, was addressed by the High Commissioner to the Legislative Assembly at the time when the Assembly was called upon to study the draft Statute. The High Commissioner said:

"France has undertaken, through article 5 of the Trusteeship Agreement of 13 December 1946, to place the Cameroons under the Trusteeship System, and to take all the necessary steps in order to ensure the participation of the local populations in the administration of the Territory by the development of representative democratic organs.

"In the first phase, France has fulfilled its commitments in achieving, as early as 1946, important reforms including, on the one hand, the representation of the population of the Territory in the Metropolitan parliamentary assemblies, thus enabling that population to participate actively through these representatives in the drafting of laws applicable to the Cameroons and, on the other hand, in the creation of a Territorial Assembly which has wide deliberative powers, especially that of voting the budget.

"Later on, France has called upon the Cameroonians to administer their own affairs locally, and it has introduced this by means of setting up municipal administrative organs.

"A new phase has now been completed in this democratic progress. The law of 23 June 1956, which introduced universal suffrage and the single electoral college in the Cameroons, provides in article 9 that by decree, taking into account the provisions of the Trusteeship Agreement, the Government may, after consultation with the Territorial Assembly and the Assembly of the French Union, proceed with institutional reforms in the Cameroons...

"The Statute specifies that the Trust Territory of the Cameroons will have a specific system, and will not be administered in the same way as other overseas territories. The Statute will be transitional and provisional until the Trusteeship System is terminated. The Cameroonians will be called upon, in accordance with the stipulations of the Trusteeship Agreement of 13 December 1946, to pronounce themselves on their final political system."

The High Commissioner then analysed the various articles of this Statute and the different headings of the Statute and he then concluded. I wish to draw the attention of the Council to these lines in particular because they reflect exactly the intentions of the Administering Authority. He said:

"This draft Statute places in the hands of the Cameroonians all of the powers of administration concerning the affairs of the Cameroons with the exception of those concerned with the maintenance of the Trusteeship System and therefore of the responsibilities which were assumed by France under the Trusteeship Agreement of 1946, which I reserve necessarily for the trusteeship Power. This constitutes a major step of the Cameroons towards the goals defined in the Charter of the United Nations."

The PRESIDENT: May I suggest, now that we have heard all the members of the Council and the representative of France, that, subject to your approval, the observations made by members be referred to the Drafting Committee on the Cameroons under French Administration for its action. I see no objection to this.

It was so decided.

FUTURE PROCEEDINGS OF THE COUNCIL.

The PRESIDENT: I should like to observe that the Council has completed its work for the present session except for the consideration of two reports: first, the report of the Drafting Committee on the Cameroons under French Administration, and the report of the Drafting Committee on Togoland under French Administration. May I express the hope that these Drafting Committees will submit their reports in time for the Council to consider them by next Tuesday at the latest. It is therefore decided, if you approve, that we will meet on Tuesday afternoon in order to finish the work of this session. Is that agreeable to the Council?

It was so decided.

The PRESIDENT: I have a request from the representative of Burma to make a statement.

U RAW HTIN (Burma): At this late hour I wish to propose, with the approval of the Council, the placing on the agenda of one of the next meetings of the Council of the following item: "Revision of rule 19 of the rules of procedure of the Trusteeship Council". The members of the Council will note that rule 19 governs the election of the President and Vice-President of the Council, which election should take place at the beginning of the Council's regular session in June.

For reasons which I shall present later, I will introduce an amendment to the present provisions of the rule. In proposing this item, my delegation is fully aware of the lateness of the hour, and it in no way wishes to prolong the session of the Council any more than is necessary. However, the very nature of my proposal

itself, which has a direct bearing upon the first two items now on the provisional agenda of the next session of the Council, has motivated my delegation to request the Council to take up this item before the present session concludes.

Mr. GRILLO (Italy): I should like to know from the representative of Burma whether he means a suspension of rule 19 or an amendment of the same rule according to rules 106 and 107. In either case, I would understand from what he says that such amendment or suspension would imply that the elections will take place some time later in the year or even in January of next year. I suppose that members of the Council will need time to study the proposal, according to which; I understand, the election of the Vice-President will take place at the same time as the election of the President. If it is adopted I imagine that I shall have to serve as Vice-President until the end of 1957. I am afraid I have to state that I am not prepared to serve as Vice-President of the Council until that time, and for very practical reasons. On 29 May the representative of Italy to the United Nations is leaving for Europe and I shall have to dedicate myself more to the work of the delegation proper than to the work of the delegation to the Trusteeship Council. Before this proposal was made I was planning to serve as Vice-President until the end of this session, to participate in the activities of the Council at the beginning of the next session when the debate on Somaliland will take place, and then leave the daily care of Italy's seat in this Council to some other member of my delegation. If and when the proposal of the representative of Burma comes up for consideration, therefore, the Council will have to take into consideration the fact that there will be no Vice-President as from the end of this session.

The PRESIDENT: In reply to the representative of Italy, what we are discussing now is merely the placing on the agenda of an item. I am not myself aware of the details of what the representative of Burma has in mind; since you have put the question, I should like to call on him.

Mr. GRILLO (Italy): I understand perfectly what we are discussing, but since we are almost at the end of the session, I thought it would be useful for the members of the Council, and especially for the representative of the Administering Authorities to know that I can only serve as Vice-President until the end of this session. I thought it was my duty to give them that information.

U PAW HTIN (Burma): What I made was a proposal that an item be included in the agenda of the present session. I did not wish to go into the substance of the question at this point, but intended to do so when I present the reasons for making such a proposal. At the moment I am merely asking the Council to agree that this item be inscribed on the agenda.

Mr. BARGUES (France) (interpretation from French): I wonder whether it would not be appropriate for the representative of Burma to tell us, at least briefly, the reasons for his proposal? If he does not do so until our meeting on Tuesday next, perhaps some of us will need to consult our Governments, since it is a question of some importance involving a change in the rules of procedure. This might have the effect of prolonging our session. If the representative of Burma could tell us now his reasons, those of us who need to consult our Governments could at least give them an outline of the programme.

The PRESIDENT: I think the suggestion of the representative of France is quite pertinent and I shall recess the Council for fifteen minutes to provide an opportunity for consultation.

The meeting was suspended at 4.45 p.m. and resumed at 5 p.m.

U PAW HTIN (Burma): As it is the desire of some of the delegations in this Council to hear me explain the reasons for my proposal, I am quite prepared to do so, with the President's permission.

My delegation wishes to introduce a proposal which is simple and which reads as follows:

"The Trusteeship Council desires to amend the text of rule 19 of the rules of procedure by substituting the word "January" for the word "June", to comply with the calendar year."

Rule 19 would then read:

"The Trusteeship Council should elect, at the beginning of its regular session in January, a President and a Vice-President from among the representatives of the members of the Trusteeship Council."

With the President's permission, I shall state briefly the reasons for my proposal which I believe are cogent and convincing. I hope that I shall not take too much of the Council's valuable time to make my point clear. I might recall the history of rule 19. We note that the Council approved its rules of procedure during its first session in April 1947. The original text proposed by its Drafting Committee provided that the election of the President and Vice-President of the Council should take place "at the beginning of its first regular session of each year", document T/AC.1/3.

During the discussion of this draft in the Council, the representative of the United States of America suggested that this wording be changed to "at the beginning of its spring session", and the Council finally adopted the wording "at the beginning of its regular session in June".

I wish, however, to emphasize that this final wording did not change the understanding and general agreement of the Council that the election should take place at the first regular session of each year, because rule 1 of the then accepted rules provided that "the first regular session of the Council shall be convened during the latter half of June and the second during the latter half of November". Consequently, the regular June session was the first session of each year. It was later during its fifth session in June 1949 that the Council amended rule 1 by

(U Faw Htin, Burma)

altering the dates of its regular session from June and November to January and June. The change in the regular sessions has been agreed to in consideration of the dates of submission of the annual reports submitted by the various Administering Authorities and the appropriate arrangements of the work of the Council.

It is evident that since that time the June session became the second regular session of each year. Nevertheless, the Council did not take into consideration the effect of the new rule 1 on rule 19, which would have required a logical amendment preserving the original intention of the Council in holding the election during the first regular session of each year.

The original intention was -- and I believe that I interpret it quite correctly -- to enable non-administering members of United Nations elected to the Trusteeship Council by the General Assembly in accordance with Article 86 of the Charter for three year terms, to perform effectively and fully their rights and duties in the Council, including their right of being elected to the Council's offices in according with rule 19.

We know that the election of non-administering members takes place in the General Assembly each fall, and that their terms of office in the Trusteeship Council begin on 1 January of the following year. We are also aware of the practice of the Council that members administering Trust Territories and non-administering members change after each year at the head of our table as Council President and Vice-President. Under the present rule 19, electoral chances of non-administering members during their three year term of office are considerably restricted.

Thus, the non-administering member joins the Council in January, when he attends the Council's first regular session -- the January session. However, the election takes place in the Council in June, during the second regular session of the year. The first six months of the year are consequently lost for him.

Secondly, a difficult situation would be created if a non-administering member were elected during his third and last year of service in the Council; he would be elected at the June session for a period of one year and his term of office would expire on 31 December, six months earlier.

Thirdly, it may be concluded that the electoral chances of non-administering members under the present system are practically and actually restricted to two years only out of their three years' service on the Council.

My delegation has no doubt that the Council took these considerations fully into account when it adopted the provisions of rule 19 which correspond to the original text of rule 1 as adopted in 1946. I believe that it is sufficiently clear that it was the intention of the Council to hold elections during the first regular session of each year; but under the provisions of rule 1 which was amended in 1949, the Council omitted to adopt a corresponding amendment to rule 19. My proposal provides for this evident omission. I do not go beyond this, but simply reaffirm the original idea which motivated the adoption of rule 19 in 1946. I am sure that all members of the Council have clearly understood my reasons for proposing such an item and I hope they will accept my proposal.

The PRESIDENT: The original proposal of the delegation of Burma was to place an item on the agenda. Then the representative of Burma, in order to assist the Council, gave us the substance of his proposal. But the duty of the Council is, first, to put this item on the agenda. Are there any objections to putting this item on the agenda of the present session?

Mr. HOOD (Australia): I have no objection at this stage; I merely wish to ask a question concerning the implication of rule 107 in conjunction with the proposed item regarding rule 19. In rule 107 it is of course laid down that no decision can be taken by the Council on a proposal to amend the rules of procedure until four days after the amendment has been submitted. Has the representative of Burma considered the implication on the business of the Council of this provision?

The PRESIDENT: I take it that if we put this item on the agenda today, four days will have elapsed when the matter is voted upon next Tuesday.

Mr. HOOD (Australia): I accept the President's statement with the question as to the meaning of the word "submitted" in rule 107. Is a proposal submitted until it is actually on the agenda?

U PAW HTIN (Burma): In reply to the representative of Australia, rule 107 is very clear and I have merely asked for the inscription of this item on the agenda. I think, therefore, that the Council should consider whether this proposal should be inscribed on the agenda first and then rule 107 would apply later.

Mr. KLANG (China): I would like to seek some clarification; in fact, I should raise this after the Council has decided to approve this request. However, I think for the information of my delegation I would like to ask the following question: Should an amendment, as proposed by the representative of Burma, be approved by the Council, will that rule, as amended, take immediate effect? In other words, will that amendment, as proposed and approved, affect the present situation in the Council? Does it mean that the Council will elect a President and Vice-President from January 1958?

U PAW HTIN (Burma): All I can say is that it would affect only this calendar year and before I answer fully the question raised by the representative of China, I would ask the President to be good enough to put my proposal to a vote.

Mr. SMOLDEREN (Belgium) (interpretation from French): Before I can take a position on the placing on the agenda of the proposal made by the representative of Burma, I would like to have some information from him regarding the urgency of this question. My Burmese colleague has raised a problem which is undoubtedly of interest, the problem of the possible candidature for the Presidency of members who are not permanent members of this Council. In accordance with tradition, if rule 19 were not amended, the Presidency would normally go to a member of the Administering Powers in this Council. If this were the case, therefore, I do not

see how the present situation could affect the candidature of non-administering members of this Council during this year. The question will arise in 1958, but I do not understand why this question is so urgent that it must be raised during the last few days of a session which has already been considerably delayed. I should like my Burmese colleague to give me some explanation which will bear on my vote.

U PAW HTIN (Burma): I think my proposal was quite clear. I proposed that the Trusteeship Council decide to amend the text of rule 19 of its rules of procedure by substituting the word "January" for the word "June", so that the rule would read:

"The Trusteeship Council shall elect, at the beginning of its regular session in January, a President and a Vice-President from among the representatives of the members of the Trusteeship Council."

In other words, my idea was that this amendment should take immediate effect from the current year.

Mr. SEARS (United States of America): May I ask a question from the point of view of clarification regarding rule 107? I understand that all we are considering now is a matter of putting this item on the agenda. Are we to consider, then, that by putting it on the agenda a proposal for amendment has been submitted, or does it mean that when we meet on Tuesday the proposal will be submitted?

U PAW HTIN (Burma): Since my idea was to put my proposal on the agenda of this session, in accordance with rule 107 I could put my proposal in writing after the Council has considered whether the item should be put on the agenda.

Mr. HOOD (Australia): In that case I think what you said earlier, Mr. President, should be taken very firmly into account because what we have before us now is a proposal to place an item on the agenda. It is not a proposal for anything else of a substantive nature and I think the representative of the United States implied this. Therefore, rule 107 is applicable only from the day of the submission of a substantive proposal in relation to the item which it is proposed to put on the agenda.

The PRESIDENT: I think that the rule is very clear. It stipulates four days from the minute a proposal is submitted. However, what happened in the Council today was that the representative of Burma asked to put an item on the agenda and then he submitted the proposal at the request of some members of the Council. This is a situation which has not been faced before. However, it is up to the Council to decide, as the Council is master of its own rules of procedure.

U PAW HTIN (Burma): Mr. President, I agree with your interpretation of rule 107. I merely asked for the inscription of this item. I have just explained my proposal but I have not introduced it officially in writing.

Mr. HOOD (Australia): Of course, any member of the Council is entitled to ask for the inscription of an item on the agenda, and it would be unusual for the Council to refuse such a request, but there is a subsequent stage: namely, the adoption of the agenda.

The PRESIDENT: What the representative of Australia has said is quite correct. Now we have two thoughts on the matter: first of all, to put an item on the agenda, and then to adopt the agenda. After the item has been placed on the agenda, if the Council considers that it has no time to discuss it, it can certainly take a decision to postpone it until the next session. That is up to the Council to decide, and that would be another decision.

Our first concern today is whether or not we shall place this item on the agenda. Since the representative of Burma has asked me to put that proposal to the vote, it is my duty to do so.

The proposal was adopted by 7 votes to 1, with 6 abstentions.

The PRESIDENT: This proposal is placed on the agenda. I shall not carry this matter any further today. Anything that should be done will be done at our next meeting.

Mr. MUFTI (Syria) (interpretation from French): I should like to explain my vote rapidly. My delegation voted in favour of the inscription on our agenda of this item proposed by Burma. Our reason for doing so was that we wished to be consistent with the principle according to which any point proposed by a member of the Council should be inscribed on the agenda. However, this affirmative vote does not prejudice the position my delegation will adopt when a vote is taken on the concrete proposal that the representative of Burma will present to the Council.

The PRESIDENT: I should like to remind members of the Council that the Standing Committee on Petitions and the Drafting Committee on Togoland under French Administration will meet at 10.30 a.m. tomorrow. The Drafting Committee on the Cameroons under French Administration will meet at 2 p.m. If there are no observations, the Council is adjourned until 2.30 p.m. on Tuesday.

The meeting rose at 5.25 p.m.