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Held at Headquarters, New York,
on Monday, 8 July 1957, at 2.30 p.m.

President: Mr. HOOD (Australia)

1. Examination of conditions in the Trust Territory of Western Samoa: annual report on the administration of the Trust Territory of Western Samoa /4f/ (continued)

2. Report of the Committee on Procedures regarding Petitions /9/

Note: The Official Record of this meeting, i.e., the summary record, will appear in provisional mimeographed form under the symbol T/SR.835 and will be subject to representatives' corrections. It will appear in final form in a printed volume.

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EXAMINATION OF CONDITIONS IN THE TRUST TERRITORY OF WESTERN SAMOA: ANNUAL REPORT ON THE ADMINISTRATION OF THE TRUST TERRITORY OF WESTERN SAMOA (T/1330; T/L.781) /Agenda item 4f/ (continued)

At the invitation of the President, Mr. T.R. Smith, special representative of Western Samoa under New Zealand administration, took a place at the Council table.

General debate (continued)

Sir Leslie MUNRO (New Zealand): Before the President calls on the special representative, I have only a few observations to make.

I take it as a tribute to the state of affairs in Samoa that the discussion of conditions in the Territory begun last Monday should have concluded in all its phases by the following Friday, notwithstanding the very proper suspension of activities during that significant anniversary, the Fourth of July. Almost all representatives have shown appreciation of the extent to which the people of Western Samoa have already advanced to self-government and of the steps now being taken to accelerate that progress. Having assessed and given their blessing last year to the decisions made by the Administering Authority -- in consultation, of course, with the Samoan people -- as to the direction of constitutional change, members of the Council, I think, have been justified in noting that events in this field are taking their due course, as indeed they are. One delegation apparently remains unsatisfied -- and, if it is unconvinced, that perhaps occasions no surprise.

I have appreciated also the almost universal acceptance of the attitude taken by the Samoan representatives at the Constitutional Convention, and concurred in by the Administering Authority, that it would be neither practicable nor desirable to make any forecasts beyond the stages already agreed on. I examined this matter in considerable detail at the eighteenth session and I do not think I need to dwell upon it now.

The legislature in Western Samoa is now competent to legislate on most matters which intimately concern the daily lives of the people. In other words, the legisture is responsible for such vital matters as finance and education and has in fact exercised that responsibility. The High Commissioner gives them guidance, but theirs is the responsibility.

(Sir Leslie Munro, New Zealand)

The executive is not, as was suggested by one representative, the creature of the High Commissioner. I venture to say that nobody would be more surprised by such a suggestion than the leaders of the Samoan people themselves or their constituents. I believe, too, that with one exception representatives here appreciate that the High Commissioner's power to act in urgent or minor matters will not be abused and cannot be abused, and, indeed, in respect of urgent matters, the necessity for its use has not yet arisen.

The special representative will discuss at some length the question of the independence of the judiciary in Samoa. All that I wish to point out, as a lawyer of some experience, is that in the British system judges invariably enjoy independence of the executive and the legislature. There must, however, be some provision for the termination of their office if they are guilty of misconduct -- a matter almost unheard of. Such provision exists, so far as judges of superior jurisdiction are concerned, by virtue of a statutory enactment to the effect that such judges are removable only by an address of both Houses of Parliament. In other words, the termination of their office rests with the legislature. Judges of inferior jurisdiction are removable by the executive. This would be the case with the Chief Judge of the High Court of Samoa -- from whom, I should mention, an appeal lies to the Supreme Court of New Zealand. No such judge has ever been removed.

In the circumstances of this debate, a large measure of attention has -- very properly, of course -- been devoted to matters of economics.

There is one aspect of this discussion on which I should like to comment. New Zealand, in concluding the Trusteeship Agreement, accepted responsibility, in effect, for endowing Samoa with a soundly based and properly constructed government. To be soundly based, the government should not only be provided with a tried and workable constitution and with an administrative machinery efficiently and loyally operated by its servants; government must also inherit a sound and stable basis of finance.

When I listen here to proposals -- which may, on occasion, amount almost to demands -- for immediate expansion of services to the people in every field of human effort, I find it clear that an unsupportable and continuing burden would be placed on the local budget if they were all accepted. I know that members

(Sir Leslie Munro, New Zealand)

of the Council are aware of this. We cannot do everything. I mention the point only to emphasize that the Administering Authority does not intend to advise the Samoans to load their budget with charges which it cannot bear. After all -- and this is a measure of the degree of self-government attained by the Samoans -- the decision, when they have obtained proper advice, is really one for them. The course of debate on economic conditions in the Trust Territory of Somaliland at this current session encourages me to believe that this approach is, in fact, shared by a large majority, if not all, of the members of this Council.

(Sir Leslie Munro, New Zealand)

That this is not a negative attitude is, I think, apparent from the Administration's record in Samoa in the planning of economic development. As the United States representative, for example, recognized, long-range planning depends on the conclusion of basic surveys and the adequate staffing of technical departments. These surveys must include, for primary producers such as those in Samoa, a survey of markets.

Those representatives who have expressed a hope that there will be planning may rest assured that these expensive and difficult technical works and surveys -- let me enumerate them: the aerial survey and mapping, which makes Samoa one of the relatively few countries comprehensively photographed; the investigations into soil types and land use; the geological survey aimed at locating water supplies; and the development of an all-weather road system -- have not been undertaken aimlessly.

Finally, I submit to the Trusteeship Council that the very substantial advance towards self-government during the thirty-eight years -- and it has been only thirty-eight years -- of mandate and trusteeship is a considerable achievement, in which the Samoan people can take pride and the New Zealand Government can take satisfaction.

I should like to thank the representatives round this table, who have been very kind to me and to the special representative during the course of the present debate.

Mr. SMITH (Special representative): It has been an enjoyable privilege for me to be here during this session of the Trusteeship Council. I shall take away with me many happy memories of the courteous way in which I have been received and questioned and of the stimulating discussion here.

In the picture of the past year's administration of the Trust Territory of Western Samoa which I have tried to present, the facts speak for themselves. The projected main lines of development, defined always in close consultation with the representatives of the Samoan people, have been before this Council previously and have been approved. This year, we report that progress has been maintained and that all of our goals are being achieved in due order. It was therefore very pleasing to hear the many appreciative comments which members of this Council have so kindly made.

(Mr. Smith,
Special representative)

Some differing views have been expressed on the subject of reserved enactments, although most members have agreed that substantial progress has been made in reducing any effect such enactments may have on the attainment of local autonomy. It is perhaps not realized by all members that the existence of those reserved enactments is closely related to the Administering Authority's formal responsibilities under the Trusteeship Agreement -- responsibilities which the Administering Authority intends fully to discharge. To do that, it is necessary to protect the basic laws relating to the Territory; otherwise, the local legislature would be in a position to make changes which could cramp or check the Administering Authority's actions in carrying out its trusteeship obligations. Certain important sections of the basic laws are therefore designated as reserved enactments.

May I stress what I tried to explain during the questioning period: the local legislature is free to make laws on the subjects covered by those enactments, but not to make laws which are repugnant to the basic legislation; the latter would be in effect to amend that legislation. Nevertheless, the Administering Authority did find it possible during 1956, because of the progress that had been made in constitutional development, to extend the powers of the Legislative Assembly in this field. As still further progress is made in the transfer of authority, a progressive reduction in the list of reserved enactments will follow. I assure the Trusteeship Council that this reduction will be rational and related to the political changes which are contemplated and are known to members of the Council.

Although the list of reserved enactments seems, as the representative of Guatemala has pointed out, to be rather a long one, the actual restrictions on the powers of the Legislative Assembly are not extensive. Furthermore, the limitations of the Assembly's powers in regard to finance which the Soviet Union representative described in his statement do not exist. If he were to consult the record of the Assembly's transactions for last August and September from which he quoted, he would see that members of the Assembly do propose both additions to and reductions in the estimates of expenditure as submitted. He is also mistaken in his belief that the estimates are placed before the Assembly

(Mr. Smith,
Special representative)

by the High Commissioner. The estimates for each department are prepared under the direction of the member of the Executive Council who heads that department, and the separate departmental estimates are co-ordinated into one budget by the Council. Each member then, with the assistance of the Treasurer, presents his estimates to the Legislative Assembly, which has power to amend, reject or approve them.

My country has always taken pride, and I think justifiable pride, in the fact that it supplies the fullest possible information on all aspects of its administration. The factual record is there for all to see, and nothing is concealed. It is therefore a matter for some surprise that the Soviet Union representative should have gone beyond the factual record and quoted from the assertions of a certain elected European member to support his thesis. Comment in the Legislative Assembly is quite free, and members of the Assembly at times take full advantage of that freedom, thereby gaining greater emphasis for the causes they advocate. I note from their statements and questions that other members of the Trusteeship Council, who will be familiar with the varied patterns of debate which occur in democratically-constituted legislatures, have apparently found no difficulty in interpreting these incidents in the Legislative Assembly. For the benefit of the Soviet Union delegation, however, I shall supply a little more detail.

Naturally, I would prefer in this Council not to refer to the inevitable and normal differences of opinion in the local Assembly. But, since a member of that Assembly, Mr. Gurau, has been quoted here, I wish for the sake of the record to explain that Mr. Gurau, a European member of the Assembly, trades in Samoa as the agent of a West German export organization. He is one member of a group of local opinion which objects to the entry into the Samoan market of new trading enterprises.

(Mr. Smith, Special representative)

In 1955, a new company domiciled in Samoa was formed and registered in the Territory. It was, in every legal and ordinary sense of the term, a Samoan company, although its membership included, in addition to several local residents, two Australians, who contributed a substantial block of the company's capital. Several weeks later the company applied for a licence to trade in the Territory. The requirement that such a licence be obtained prior to beginning to trade is basically a revenue precaution to ensure that the taxing authority has an accurate record of traders who are subject to taxes, but it has been frequently regarded as a means for restricting the entry of new traders. It was proposed that it be so used in the case of the company which I have just mentioned and which was described by those who advocated that course as a "foreign" company. The Executive Council considered the point on more than one occasion without reaching a decision, but finally, on a majority decision, advised the Acting High Commissioner not to issue the licence. That advice was at first accepted, but the decision was later reviewed on legal grounds, when it became clear that the decision to refuse the licence did not have sufficient legal backing and that legal proceedings initiated by the company against the Government could not fail.

Members of this Council, with their knowledge of democratic processes and their respect for established law, will realize readily that even the High Commissioner, backed by a majority in the Council, cannot defy a law or influence a judge.

But the group inspired by Mr. Gurau protested to the New Zealand Government against the issue of the licence. That Government, after examining the case, found that the decision taken in Samoa could not be disturbed and so informed the protesting group. When the members of that group say that their protest was ignored, they probably mean no more than that it did not succeed. Unfortunately, that is not the literal meaning of what was said and the representative of the Soviet Union has been misled by the words used.

The representative of the Soviet Union has also been misled in another context. He said in his final statement that large areas of land were being leased to Europeans or to companies by the Administering Authority without the agreement of the indigenous inhabitants or their representatives. The Administering Authority owns no land other than the airport and the observatory site, and these are not leased. No one can grant a lease

of Samoan land except its owners. The only power which the High Commissioner has in relation to the lease of Samoan land is to veto a projected lease when it is not advantageous to the Samoan owner. The words which misled the representative of the Soviet Union were spoken in criticism of the Acting High Commissioner for not using the veto power to prevent a new trader from gaining a footing. Of course, it could not legally or morally be used for that purpose, and it was not so used. There is no foundation at all for the assertion that either the Administering Authority or the High Commissioner is granting leases of Samoan land.

Other statements by the representative of the Soviet Union which are also to be found in the records of the eighteenth session -- such as those that imply that the Administering Authority controls the local administration through appointments of senior officials, and that the export trade is in the hands of companies controlled by Europeans -- will not bear examination. I refuted those assertions adequately in the statement which I made last year, and I do not wish to weary the Council by repeating them.

Several representatives have stressed the necessity for the judiciary to be independent of the executive arm of the Government, and the Administering Authority is in complete agreement with their views. The New Zealand Government is, and always has been, very conscious of the principle that the courts should not be susceptible to influence by the executive Government, and the only scope for differences of opinion can be in the means of providing safeguards. The present law is contained in sections 64 and 67 of the Samoa Act 1921. Section 64 reads as follows:

> "The High Court shall consist of one judge, to be called the Chief Judge, and of such other judges, commissioners and Faamasino, or Samoan judges, if any, as the Minister of Island Territories may from time to time think necessary. The judges and commissioners of the High Court shall be appointed by the Minister and shall hold office during his pleasure and shall receive out of the Samoan Treasury such salaries and allowances as he determines."

(Mr. Smith, Special representative)

Section 67 reads as follows:

"The High Commissioner may appoint such Samoan judges as he thinks necessary, who shall hold office during his pleasure and shall receive out of the Samoan Treasury such salaries and allowances as he determines."

The Minister of Island Territories is, of course, not directly involved in the executive government of Samoa. In appointing judges, he is normally advised by the New Zealand Attorney-General, who is closely enough associated with the New Zealand legal profession to be able to choose men distinguished by the necessary qualities of learning, character and experience. Neither the High Commissioner nor any local politician is in a position to influence the judge in any way, and they do not do so.

Samoan judges, who are not legally trained but who are required, as matai, to be learned in Samoan custom and its administration, are nominated by the Fono of Faipule and appointed by the High Commissioner, in consultation with the Fautua, for a three-year term. That is in line with the practice in other countries where judges are appointed by the Head of State with the concurrence of the appropriate advisers.

Clearly, new arrangements to suit the changed conditions of the Territory's Government will have to be worked out in the near future, and the Constitutional Convention in 1954 was consulted on this point. The Convention passed no resolution on that subject, and the New Zealand Government's subsequent memorandum contained the following passage, which was approved by the joint session of the Legislative Assembly and the Fono of Faipule:

"While there has been much discussion about the necessity for the independence of the Public Service Commissioner, the necessity for the independence of the Judiciary has never been questioned -- and rightly so. Indeed, it is noticeable that the Constitutional Convention made no recommendation on the question of the Judiciary, which does not seem to be a live issue in the Samoan mind. This is undoubtedly a recognition of the necessity for the independence of the Judiciary and an acknowledgement of the fact that, headed as it is by a New Zealand judicial officer of high standing, it does possess that quality today. The New Zealand Government believes that this is another important aspect in which the Samoan Government would be well

advised to continue for an indefinite period to accept the services of a nominee from New Zealand. As in the case of the Public Service Commissioner, the New Zealand Government believes that no change in the method of appointment of the Chief Judge should take place at least for the duration of the first and second steps."

(Mr. Smith,
Special representative)

The views of the Administering Authority on the desirability of broadening the basis of the suffrage is as it was when I made my statement last year. The Council's resolution, passed at the eighteenth session, was brought to the attention of the Legislative Assembly and was discussed there, but the Samoan attitude has not changed. The issue is a lively topic of discussion in Western Samoa still but is overshadowed by the great importance in Samoan eyes of preserving the social values of the matai system and the Samoan way of life. The Administering Authority sympathizes with the Samoan determination to preserve the customs which have held the people together and preserved their national spirit, and it is confident that the good sense of the Samoan people will in time lead them to find a way of absorbing the democratic practices of other nations without impairing the socially valuable characteristics of their own system.

The representative of China has pointed out that the provision for dealing with possible differences of opinion between members of the Executive Council and the most senior officials is an unusual one. I can assure him that it is a transitory provision only, designed to take care of unusual situations which could arise when men with little previous experience of government or administration are placed in a position of authority over men with wider experience who, though lower in status, have some responsibility for helping their superiors to learn.

In the nine months that have elapsed since the beginning of the member system, that provision has not been invoked and I do not expect that it will be. It is not a permanent feature of the legislation and the time will come when it will not be renewed.

Local government was another subject which was brought to the attention of the Council, particularly by the representative of China and also by others. The Administering Authority has several times stated its firm belief in the value of the soundly based system of local and regional government, and both the establishment of the District and Village Government Board and the definition of Administrative Districts are evidence of a determination to promote the growth of a sound local government system. It must be remembered, of course, that Samoan custom provides a very good system of Village Government by which the Council of matai directs and controls the affairs of each village, including the maintenance of law and order, the orderly control of village life, the building of village roads and so on.

(Mr. Smith,
Special representative)

Furthermore, effective Women's Committees capably look after village sanitation and the care of the sick. In addition, ad hoc water supply committees have been established in many districts and the Samoan people have shown a ready aptitude at all times to organize for the management of their own affairs.

The District and Village Government Board, the ordinary membership of which is wholly Samoan, has advised on the definition of administrative districts and has worked for some time on the preparation of thirteen regional government plans which are in various stages of completion. It has helped in the organization of water supply committees and has advised the Government on other local matters. It has quite clearly aimed not at a spectacular show of progress but, with Samoan thoroughness, has concentrated on providing a firm basis for district government.

It has been pleasing to hear commendation from almost all members of this Council for the steps taken by the Administering Authority and the local administration in the establishment of the Western Samoan Trust Estates Corporation. It is impossible to agree with one assertion made here that the Corporation is controlled by the High Commissioner and the Minister of Island Territories or that the Legislative Assembly should be given the right to control its activities. The Corporation was established as an independent body and the responsibility has been laid on it to manage the valuable assets entrusted to its care and to maintain them as a revenue earning proposition for the benefit of the Samoan people. The Legislative Assembly was established for other purposes than the management of a trading and planting organization and the consequences, if it were permitted to intervene in the daily management of the estates, could be disastrous to that management.

It has been the experience of most modern developed countries that matters affecting the working conditions of officials, and particularly concerning their recruitment, dismissal and promotion should, if public administration is to be free from political influence and the danger of corruption, be removed from political control. That freedom is being maintained in Western Samoa by methods which New Zealand experience has shown to be most effective and, as the representative of Australia pointed out, the competence of the legislative and executive organs in relation to the Western Samoan Public Service is now in most matters parallel with the competence of similar organs in New Zealand in relation to the New Zealand Public

(Mr. Smith,
Special representative)

Service. Notwithstanding these facts, which are accepted by almost all members of this Council, one member has advocated the intervention of the Legislative Assembly and the Executive Council in questions affecting working conditions and the recruitment and dismissal of officials. Therefore, I should like to dwell a little longer on this subject.

The policy of the Administering Authority has been stated in two documents from which I should like to quote. In his message to the Acting High Commissioner of 15 June 1955, the Minister of Island Territories said:

"It is envisaged that the future self-governing state of Western Samoa will control its own Public Service, subject only to such separate arrangements relating to seconded officers as may be agreed on. The New Zealand Government will be concerned to see that whatever system is introduced will ensure the maintenance of efficient, impartial and loyal service to the State".

The New Zealand Government's memorandum of 26 December 1955 contained this passage:

"The New Zealand Government considers that the present method of appointment of the Public Service Commissioner is appropriate under existing circumstances and should remain for the duration of at least the first and second steps proposed. After that, the Government of Western Samoa would in this respect be wise to continue to accept help from New Zealand. The position is one which calls for considerable specialized knowledge and for unquestioned capacity to withstand local sectional pressures. A country like Samoa, with limited population, will find such qualities more easily in someone nominated by the Government of New Zealand, although in time the actual appointment would be made by the Samoan Government. New Zealand would, of course, continue for as long as is necessary to make available suitable specialized officers for the Samoan Public Service, and the Public Service authorities, in both New Zealand and Western Samoa, will need to consider what steps may be necessary to safeguard the position of seconded officers as further constitutional developments take place".

The present position is that public servants are appointed by the Public Service Commissioner who also prescribes their conditions of employment.

(Mr. Smith, Special representative)

The Public Service Commissioner himself was appointed by the Minister of Island Territories who consulted the Samoan Executive Council before he made the appointment. The Public Service Commissioner is required to observe any policy directions of the Government communicated to him by the High Commissioner. His annual report and his annual list of employees and their salaries must be furnished to the Legislative Assembly for their information and discussion. He cannot approve any salary rates above the sum of £1,450 per annum without the agreement of the High Commissioner, and, of course, the High Commissioner acts on the advice of the Executive Council. Individual officials are responsible in every department to a senior official, who himself is subject to control and direction by a member of the Executive Council whose policy he must carry out.

By the methods which I have mentioned, the Public Service is subject to the greatest possible measure of control by Samoan authorities, consistent with the need to insulate it from local political influence. The Public Service Commissioner controls recruitment, appointment, working conditions and so on. He also has certain powers of enquiry and discipline in cases of improper action by officials. It was these powers, followed later by public proceedings in the High Court, which the High Commissioner invoked in the case of the enquiry into conditions in the Public Works Department, to which one representative referred. As I said in my reply on the subject, the High Commissioner did not reject the request for an enquiry, but he had it conducted by a more appropriate and effective method than the one first proposed. There was certainly no denial of the desired information.

The Public Service Commissioner also, of course, has the responsibility of directing the training of staff, and in this connexion I should like now to mention one point which I omitted in my opening statement. During the current month, the senior European official who has been for more than twenty years the Resident Commission on the island of Savai'i will retire, and will be replaced by a Samoan official who has been trained to succeed him.

As was pointed out by the representative of France and by others, although the fall in the price of the Territory's exports has resulted in a small deficit in the budget, the financial position is still healthy. The Territory has no public debt and the accumulated cash surplus from previous budgets is £443,000. This sum is being drawn on to meet the small deficit occasioned by development expenditure and

(Mr. Smith, Special representative)

the Administration is taking steps to bring expenditure within the limits of current income. The declared profits of the Western Samoa Trust Estates will in future provide an addition to income, but, in reply to the comment made by the representative of Guatemala, I should add that these moneys are to be kept in a separate fund to ensure that they will not be absorbed in current maintenance expenditure, but will be used only for developmental services.

Much advice and comment on labour matters have been offered during this session and will be conveyed to the Territorial Government. As I mentioned in my opening statement, a select Committee of the Legislative Assembly, made aware of the wishes and recommendations of this Council and also of local conditions and needs, has reported on action which should, in its opinion, be taken. Its recommendation for Wages Councils legislation has been accepted and implemented and further study is being made.

I do not need to dwell here on the subject of public health in which the progress made during the past twelve months has been well recognized by the Council. The representative of Guatemala , in particular, discussed public health developments ably and in a manner which showed that he was very well informed. Nevertheless, I know of no evidence which would support his statement that the supplies of hospital beds, equipment and medicines fall far short of the needs of the Territory. The requests of the Health Department for funds have not been refused.

Elementary education has been compulsory and free in New Zealand for eighty years and we naturally wish to reach the same state in Samoa as soon as possible. As was noted by the Visiting Mission last year, very great progress has been made during the past eleven years in the provision of schools and trained teachers, but the rapidly increasing numbers of children of school age have kept just ahead of the growth in facilities. It is unfortunately not yet possible to bring in compulsory education for all, but that goal is continuously sought. The legislation which has been drafted includes the necessary legal provision for the introduction of compulsory education for all, district by district, as the facilities are available.

(Mr. Smith, Special representative)

Some members of the Council have stressed that the legislation should also provide that all elementary education must be free, but, in Samoan conditions, that is considered by the people themselves to be neither necessary nor desirable. The Government does not make a charge for schooling, but non-Government schools do. Provided that those schools comply with the requirements of the Education Department, attendance at these would satisfy the compulsory attendance requirements of the law. If parents prefer to send their children to these schools, and to pay the fees, there could and should be no objection. But I can assure the Council that any requirement that fees are paid, will not prevent any child from receiving schooling in the Territory.

It can be seen by reference to the figures quoted in appendix XXII to the annual report, that without counting those in the vocational schools and the Mission Theological Colleges, where instruction at the secondary school level is given, there were 493 students enrolled in secondary schools in 1956. That is more than three times the number quoted by one member in his final statement and it undermines the validity of his comments. Facilities are being extended to keep pace with growing needs.

As I stated in answer to questions, teaching facilities at Samoa College are being extended as they are required and any decision to send children to school in New Zealand will be determined by reference to the educational advantages to those children and not to any difficulty in providing instruction.

(Mr. Smith,
Special representative)

In fact, four children are at the present time being prepared at Samoa College for the New Zealand University entrance examination at form VI level.

It is a fact that there are at present no institutions of higher learning in the Territory, but it would be unrealistic yet to think of providing professional or academic facilities for a Territory with a total population of less than 100,000. It is better in every way to provide scholarships to enable prospective students to attend established institutions of higher learning overseas and the Administration will continue to provide adequate funds for that purpose. There were twenty-one students receiving assistance from scholarship funds and enrolled at institutions of higher learning overseas in 1956.

That concludes my statement and I should like to thank members of the Council for their patience in listening to me.

Mr. Smith withdrew.

Appointment of Drafting Committee on Western Samoa

The PRESIDENT: I would nominate the following countries as members of the Drafting Committee on Western Samoa: China, Italy, Syria and the United States of America.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) (interpretation from Russian): May I ask the President to put these candidates to the vote.

The PRESIDENT: In accordance with the request of the representative of the Soviet Union, I will put these nominations to the vote individually.

The nomination of China was approved by 9 votes to 3, with 2 abstentions.

The nomination of Italy was approved by 13 votes to none, with 1 abstention.

The nomination of Syria was approved by 12 votes to none, with 2 abstentions.

The nomination of the United States of America was approved by 13 votes to none, with 1 abstention.

The PRESIDENT: The Council has approved the nomination of the following countries as members of the Drafting Committee on Western Samoa: China, Italy, Syria and the United States of America.

REPORT OF THE COMMITTEE ON PROCEDURES REGARDING PETITIONS (T/L.777, L.787) /Agenda item 9/

The PRESIDENT: The report of the Special Committee on Procedures regarding Petitions is contained in document T/L.777 which the Council has had before it for some little time. In this connexion, I draw the attention of the Council again to a draft resolution in the name of India and Syria contained in document T/L.787. The draft resolution proposes a method of handling of the report of the Committee to the Council.

In order to avoid possible procedural difficulties, I would propose to the Council in the first instance that we regard the draft resolution submitted by India and Syria as an amendment to the draft resolution proposed by the Committee itself in section E on page 8 of the Committee's report. I invite the representative of India to introduce his amendment.

Mr. JAIPAL (India): Before introducing this draft resolution I should like to recall briefly the views of my delegation in regard to the revision of petitions procedures. When this review committee was set up a few weeks ago, we expressed the opinion that the rules of procedure seemed to us to be adequate and that no changes were justified. I think we also said that we would be prepared to consider any ad hoc procedures which might be necessitated by special circumstances. That is substantially our present position.

When we examined the report of the review committee we indicated that, while we were in agreement with its recommendations, we were against any suspension or amendment of the rules. We were inclined rather to look upon the procedures proposed by this committee as purely temporary and as not disturbing the functions of the Standing Committee on Petitions. Since then, we have had the advantage of listening to the opinions expressed by other members of this Council. One striking fact is

(Mr. Jaipal, India)

the large area of common ground between members of the Council who have so far spoken on this report; for example, the position taken by the representative of Syria is substantially the same as the Indian position. Like him, we also are concerned that the right of petition should be maintained. Like him also, we believe that there should be no suspension or alteration of the rules of procedure. We also agree with his view that the formula devised by the review committee could be improved to suit the circumstances that might be created by the arrival of large numbers of petitions on the same subject.

We are much obliged to the representative of Syria, as well as to the other members, for their comments and, on the iniative of the representative of Syria, the resolution has been drafted taking into account this common ground of agreement. I am much obliged to the representative of Syria for this iniative and for the conciliatory spirit which he has shown.

As members will have seen, the draft resolution follows closely the main lines of the recommendations proposed by the review committee; indeed, the annex to the draft resolution is practically a reproduction of paragraph 25 of the review committee's report.

(Mr. Jaipal, India)

But we have naturally introduced some amendments to bring out more clearly the following points: firstly, that the provisional classification of all communications shall be carried out in accordance with the rules of procedure; secondly, that the new procedures for reproducing the contents of the petitions will apply only when unusually large numbers of petitions are received; thirdly, that the Classification Committee itself will be responsible for the provisional classifications of petitions, and not the Secretariat.

These three points seem to be in conformity with the thinking of the review committee, but we have felt that they should be made clear in the annexure.

As regards the draft resolution itself, we have thought it desirable to suggest that the new Committee of two members should be established as a temporary measure and subject to review at the end of one year. Furthermore, we think that it is necessary to stress that this decision will not in any sense prejudice the existing rules of procedure. These points are brought out in the first operative paragraph of the draft resolution.

What we are in effect proposing is a new procedure for dealing with large numbers of petitions on the same subject. It is generally agreed that it is really a waste of effort and money to circulate in full each one of these large numbers of petitions. It would be far more efficient to have them summarized in a suitable form and dealt with in one United Nations document. The reason for a new procedure is simply the fact that the existing rules of procedure do not provide for handling large numbers of petitions on the same subject. It is therefore unnecessary, in our opinion, to suspend any rule of procedure or even to alter the rules in order to meet a situation which is temporary in character.

I have read with considerable interest the statement made by the representative of the Soviet Union on this question. I think he makes one important point, which is that there is no need to set up a permanent committee for classification of petitions. I believe that we have met his point to some extent by suggesting a temporary committee of one year's duration in the first instance.

I believe that the representative of the Soviet Union also suggested that the present procedure whereby the Secretariat classifies the petitions is quite satisfactory. As I said on an earlier occasion, we have the fullest confidence in the Secretariat's work on classification but, apart from the fact that the Secretariat finds itself in a difficult position, we must also keep in mind the

(Mr. Jaipal, India)

requirements of the rules of procedure. I have examined the rules very carefully and I find that the Secretary-General's responsibility under the rules is to circulate petitions and not to classify them. I agree, however, that there is no special machinery in the rules for classification of petitions, and, in the absence of such machinery, the circulating authority, namely, the Secretary-General, has been obliged to function also as the classifying authority. However, this is not a completely satisfactory situation. Furthermore, a reference to rule 90, paragraph 3, will show that it is the Standing Committee on Petitions which shall decide on the classification of petitions, and not the Secretariat.

We are therefore inclined to think that the establishment of a small committee for the purposes of classification will be entirely in accordance with the spirit of our rules of procedure. This committee's functions in terms of the draft resolution will be twofold. Firstly, it will classify provisionally all communications in accordance with the rules of procedure and submit its report to the Petitions Committee. Secondly, when unusually large numbers of petitions on the same subject arrive, the Committee will, with the help of the Secretariat, summarize them suitably and reproduce them in one United Nations document which will be published.

The representative of the Soviet Union has said quite pertinently that there is really no need for such a proposal, as we are not now faced with unusually large numbers of petitions which require to be studied, classified and reproduced. I agree with him entirely, and it may appear that what we are now trying to do is to lock up the stables after the horse has fled.

However, it must be borne in mind that we were faced with similar situations in the past, and it is therefore not altogether imprudent to propose a procedure for the future.

I have tried to show that there is in fact a large area of agreement between the members of the Council on this question, and the draft resolution seeks to bring out this common ground. There is nothing more that I would wish to say at present except to express the hope that the draft resolution will be given a full measure of support.

One last point remains to be considered, and that is the 1,000 petitions that are still on our agenda. The majority of these petitions concern the Trust Territory of the French Cameroons. We feel that, since these petitions have

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already been classified and reproduced, they have now to be examined by the Petitions Committee as quickly as possible. This is a matter that should be left to the Petitions Committee, the Secretariat and the Administering Authority concerned. We do not intend to make any suggestions formally, but obviously if the 1,000 petitions relate to similar subjects and questions it should be possible to sort them into kindred groups and to examine them together. This, of course, is a matter for the Petitions Committee itself to determine. We would simply express the hope that the examination of these petitions can be completed by the end of this year.

I have nothing more to say at the moment except that the sponsors of this draft resolution did not envisage it to be in the nature of an amendment but as a separate draft resolution which has emerged after examination of the report of the Committee on Procedures. We should like it to be treated as such.

The PRESIDENT: I shall defer for the moment the point just raised by the representative of India.

Mr. ASHA (Syria): Before I make my short statement, I should like to thank the representative of India for his kind references to our desire to meet the points of view of all members of the Council and to arrive at a suitable agreement which, in the opinion of the Syrian delegation, will maintain the right of petition. Secondly, as the representative of India has just stated, our draft resolution was not intended to be an amendment but simply a new draft resolution which emerged, as he put it, from the discussion and from the remarks and observations made in this Council.

On Tuesday, 25 June, I made a short statement giving the preliminary remarks of my delegation on the report submitted by our able colleague from Haiti. I want to assure Ambassador Dorsinville and members of his Committee that our remarks were in no way intended as a criticism of their findings and conclusions. We were only motivated, as I am sure all members of the Council are, by the fact that we did not think that any change in the rules of procedure, either in the form of amendment or in the form of suspension, should take place when such circumstances arise as the receiving and arrival of large numbers of petitions.

(Mr. Asha, Syria)

We believed, and we still believe, that the existing rules of procedure are adequate and that no permanent change should take place. Nevertheless, in order to shorten the debate, I personally have worked with Mr. Jaipal and together, with his understanding and our appraisal of the problem, we have arrived at this draft resolution (T/L.787).

I do not wish to repeat what has been said; I wish only to summarize the point of view of the Syrian delegation. First, we believe that there should be no suspension or amendment of the existing rules of procedure. Secondly, we have agreed to the establishment of a classification committee for one year on a trial basis. This provision is a safeguard for our existing methods of operation. We believe that the classification committee should operate only in certain circumstances when a large or an unduly large number of petitions arrive from one Territory on the same subject. We felt that the classification committee might have difficulties of its own. As we know, this committee is to be composed of two members, one representing the Administering Authorities and one representing the non-Administering Authorities. We wondered how the committee's differences would be resolved if there should be a difference in classifying petitions. In view of the temporary nature of this procedure, we trust that the two members will work in harmony for the sole benefit of those who have the right of petition.

We wish to go on record in stating that we do not believe that the Secretariat should be asked to undertake by itself the question of classification. There are a number of political problems involved, and perhaps the classification committee might help to relieve the Secretariat of a task which has not been assigned to it. As the representative of India stated, in view of the fact that our rules of procedure do not make any provision on the question of classification for any particular body except the Committee on Petitions, it is our belief that on a trial basis the classification committee might produce results and might save time and money.

Therefore, I commend this draft resolution with its annex to the Trusteeship Council, and I hope that it will meet with the full support of the Council.

(Mr. Asha, Syria)

One final point concerns the method of disposing of the 1,000 petitions which are now before the Council. The representative of India has suggested that this question should be left to the Committee on Petitions. While I do not disagree with him on this point, I do hope that members of the Council will make their contributions today, if possible, so that we may find ways and means of disposing of these petitions as soon as possible. I do not wish to make any formal suggestion, but I believe that if the Committee on Petitions would study the question and report to the Council before the end of the session, the problem might be resolved satisfactorily.

Mr. DORSINVILLE (Haiti) (interpretation from French): My delegation has seen the draft resolution (T/L.787) presented by the delegations of India and Syria. This draft resolution anticipates the approval of certain recommendations made by the Committee which was instructed to examine the procedure dealing with petitions. According to this draft resolution and its annex, it is not those which have been strictly proposed by the Committee on Procedures; my delegation is prepared to accept the draft resolution and the annex submitted by the delegation of India.

In submitting the report to the members of the Trusteeship Council, we were certainly prepared to have our work examined and criticized. Although we have been somewhat surprised by some of the criticisms, I feel that upon reflection it may be seen that the work done by the Committee on Procedures was of value and that the conclusions and recommendations indicated in the report may be borne in mind by the members of the Council.

I was therefore very pleased to hear the statements made this afternoon by the representatives of India and Syria. These statements indicate that we are not very far apart on the proposals that have been made. I note that there has been no desire to accept a suspension of some of the rules of procedure. My delegation does not object to having the recommendations applied by the Committee on the basis of a special decision, without suspending certain of the rules of procedure. We ourselves have indicated that we worked on the basis of the suspension of rule 107 of the rules of procedure, because this enabled us to show the Trusteeship Council that what has been proposed should be the subject of a trial, following which the Council could take a final decision on the permanent revision of rule 107 of the rules of procedure.

(Mr. Dorsinville, Haiti)

Therefore, we have no difficulty in accepting the draft resolution which has been submitted, and we are quite prepared to vote for it. As I have just pointed out, there is no basic discrepancy between the delegations of Syria and India and the delegation of Haiti on the draft resolution and on the recommendations that have been made.

Mr. SMOLDEREN (Belgium) (interpretation from French): I should like to begin my statement in the manner in which the representative of Guatemala began his statement at the 824th meeting:

> "I do not propose to take up the defence of the report of the Committee on Procedures, of which my delegation was a member. We would have preferred, of course, not to be a member of that Committee, for it is always much easier to await the results of any effort and then to judge them than to participate in the work. However, here in the Council we try to distribute among the members the heavy responsibilities which we are called upon to assume, and it is in this spirit that my delegation accepted membership on the Committee on Procedures."

(Mr. Smolderen, Belgium)

The fact is that my delegation also would like to make reservations in regard to this document. First of all, and in a general way, I am convinced that the Administering Authorities, if they listened only to the voice of selfishness, would have good reason to be satisfied with the present procedure, which involves a considerable delay in the consideration of petitions. The right of petition is, no doubt, a very useful right for the inhabitants of the Trust Territory. But it is also a right which can be abused. The petitioners either are mistaken as to the scope of that right or use it for unlawful purposes, which runs the risk of paralysing the administration of the Territory. The inhabitants who are satisfied keep quiet, and it is always those who have grievances -- that is, what is called the opposition in independent countries -- who come to us insistently. This imbalance in the source of the communications transmitted to us runs the risk of distorting the Council's judgement.

This obviously involves an indisputable danger. However, I must admit that, alongside that, there may be very valid, legitimate and constructive petitions. Certain inhabitants are very familiar with the situation in their regions, and they make useful suggestions to the Council. But all the petitions, unfortunately, are not of equal interest.

If, therefore, we had listened only to the voice of selfishness and had followed the easy way, the way of safety, we would certainly have opposed certain novelties. But we have signed the Charter and the Trusteeship Agreements, which consecrate the right of petition, and we insist on honouring our obligations. I am among those who think that the best policy in this field is honesty.

I am gratified to note that the initiative in the matter of a revision of procedure came precisely from one of the Administering Authorities, namely, the United States. To that delegation belongs the merit of having clearly set forth the problem for the first time -- without, however, imposing its view on the Council as to any particular solution which it would have preferred. In that connexion, may I be permitted to say how sorry I am that the Council can no longer enjoy the participation of that representative whose participation would have been most valuable.

(Mr. Smolderen, Belgium)

The Belgian delegation attempted to contribute to this Committee its co-operation, which was intended to be constructive. We voted in favour of the report -- and here I would repeat once again the words of the representative of Guatemala -- in a spirit of conciliation, because the report was far from being entirely satisfactory from our point of view. It is not that I have much to say on its contents. I criticize it, above all, for its timidity, its restrictions and its reservations. That is what is wrong with it; that is its great weakness.

Many things which I would have liked to see included were not adopted by the Committee. Let me give some examples:

I begin, first of all, with the problem of the time-limits for supplying observations. It is known, in general, that the observations of the Administering Authorities are sent in within a certain time-limit. But, when an Administering Authority has more than 1,000 petitions before it, coming from a single Territory, can it really reply seriously to all those petitions within a time-limit of three months? I think that that is open to doubt, and I would have hoped that the Committee would have been able to review its rules in regard to that time-limit of three months and make them more flexible. However, the Committee did not agree with me in that view.

Then comes the question of the report of the Classification Committee. In the report of the Committee on Procedures regarding Petitions, it has been decided that the report of the Classification Committee would be given directly to the Committee on Petitions, which would have the right to change it, and it would come in the second place to the Trusteeship Council. Of course, there were probably good arguments in favour of that solution, arguments which the Committee finally adopted -- namely, that that solution would not change the present rules of procedure. But there were also very good arguments for sending the report of the Classification Committee directly to the Trusteeship Council, without its going through the Committee on Petitions. In paragraph 18 of the report of the Classification Committee, we are told that it is not very logical for a committee not to report directly to the body which set it up. Indeed, it is rather illogical to have a double jurisdiction.

(Mr. Smolderen, Belgium)

But there is something even more. The Committee on Petitions, during the nineteenth session, spent more than eight or nine meetings on the classification of petitions. If the report of the Classification Committee went directly to the Council, the Committee on Petitions could certainly devote the 25 per cent of its time which is now spent on classification to the consideration of the substance of petitions, and that would represent a very considerable saving of time.

Finally, I have thought of setting up two committees on petitions, which would have quite distinct functions -- because I think that is the only way to set up two committees. There would have been one committee which would have dealt solely with classification, which would have specialized in that task, and there would have been a committee on petitions to deal with the substance of petitions. In that way there would have been two equal committees which would have been directly subordinate to the Council, and subordinate only to the Council. We would thus have achieved the aim of those who wish to see the work of the Committee on Petitions shared or split.

I do not think there is any other way to do that, because we cannot have as many special representatives as we would like from the Territories, and we cannot have two times six members of the Council sitting in the Committee on Petitions. I therefore think that that would have been the only possible way. However, I was not supported in that view by the Committee and, out of a spirit of conciliation, I bow to that decision.

But I would like to say here that, if the situation with which we are familiar is prolonged, we will have to come back some day to the solution which I support. The Classification Committee would gain in importance in spite of you and in spite of itself. Its increase in self-government -- if we can use the language used here -- would be dictated by necessity and logic. It would not be created for the pleasure of adding another committee to the already lengthy list of committees. It would be called upon to exercise real functions which are urgently required, and it would fill a vacuum. Its creation is not urged only in order to lighten the task of the Committee on Petitions, but in order to cover the Secretariat in the work which was not carried out heretofore by the Committee

(Mr. Smolderen, Belgium)

on Petitions. It was not therefore done in order to supply a kind of maid-of-all-work to the Committee, but rather to supply it with an associate.

The support which I would like to give to the conclusions of the report --- and, of course, they would have to be presented as the Committee wanted -- is therefore a support which is based on resignation. I think it is rather like that of the delegation of Guatemala. In this rapprochement of views, we have to understand that the conclusions of the Committee do not satisfy each of us in all particulars, but they constitute an acceptable compromise. I say this for the benefit of the representative of Syria, who, at a previous meeting, seemed to think of other solutions which appeared to him preferable. However, I do not think it is a matter of what we prefer. We must admit that the solution proposed is the only one which can be accepted now by the majority of the members of the Council.

I now come to the study of some particular points and, first of all, to the question of the right of petition which has been raised in this connexion. Some representatives fear that the measures envisaged may impair the right of petition. In reality, this is not the right of petition, but the exercise of that right, as the Chairman of the Committee emphasized in his introductory statement. A fundamental distinction must be drawn between the right of petition, which is defined in the Charter and the Trusteeship Agreements, and the organization of that right, which is provided for in the rules of procedure. Legally, these rules of procedure are binding only on the members of the Council, and not on the petitioners. Who would dare to claim that the right of the petitioners arises from our rules of procedure, which are always subject to suspension or revision under rules 106 and 107?

Our rules of procedure, as the representative of India said, are not a straitjacket. He could have added that neither are they intended to strangle the right of petition. I think that this is the point, and I think that Mr. Dorsinville saw that when he stated that, if the procedure were applied in accordance with the rules of procedure, and applied strictly, the consideration of a great number of petitions in a reasonable time would become impossible and the exercise of the right of petition would therefore be seriously jeopardized.

(Mr. Smolderen, Belgium)

I turn now to the question of the reproduction of documents, particularly the financial aspect, to which reference has been made. Some representatives have expressed the idea that all financial considerations should be completely eliminated from our debates. I agree with the representative of Syria that there are bodies in the United Nations which have competence in financial questions, and I, too, have in mind the Fifth Committee of the General Assembly. But the general rule of economy in the reproduction of documents is valid for the Trusteeship Council as well.

I do not, however, think that that is the point. I believe that the financial argument of the Committee on Procedures regarding Petitions has been misinterpreted. As may be seen in paragraph 15 of the Committee's report, the members of the Committee viewed this argument as an ancillary one. If the intention had been to prejudice the cause of the petitioners -- I do not say the right of the petitioners, since they have only the right defined in the Charter and the Trusteeship Agreements -- the arguments used by the representative of Syria would be valid, and I would accept them. I do not, however, think that he has completely grasped the idea of the Committee, which was quite different.

If one refers to annex III to the Committee's report, one will see that from 1952 to 1956 the total number of documents published was about 4,000, and the total number of pages in those documents was about 13,000. I would ask this question: Has any representative in the Trusteeship Council read and studied 13,000 pages of petitions during these six years? Has any member of the Fourth Committee of the General Assembly had the time to read and study 13,000 pages of petitions in six years? And if the members of the United Nations no longer read these petitions, who does read them? I do not think that the petitioner himself is well served by this state of affairs. What is important to the petitioner is that his petition should be read, not merely published. I think that the representative of Guatemala has replied very well on this point.

What must be done is to facilitate the reading of the petitions by the members of the Trusteeship Council. This is in the interests of the petitioners themselves, and the savings entailed will be not at the expense but to the benefit of the petitioners. I think that that was the idea of the Committee on Procedures regarding Petitions.

(Mr. Smolderen, Belgium)

I shall next refer to the question of summaries. One member of the Council -- I believe it was the Soviet Union representative -- told us at the Council's 824th meeting that the Secretariat was already preparing summaries, and that that had not so far prevented the publication of the petitions themselves as United Nations documents. I would say the following in reply to that point. It has never been a question of putting an end to the publication of petitions. The Classification Committee would still have the right to consider whether the publication of a petition in extenso was required, and the Standing Committee on Petitions and the Trusteeship Council would have the authority to order such publication. The summary would not be used in every case, but only when there was an extremely large number of petitions.

I think that the summaries which the Committee had in mind are something quite different from the summaries of one or two pages appearing at the end of the annual reports. In the summaries referred to by the Committee, petitions would be individually listed, and there would appear the names of the authors of the petitions, the places of origin of the petitions, the dates of transmission, the nature of the arguments, and so forth -- but in a shorter and more readable form. I think that the suggestions made in paragraph IV of the annex to the draft resolution of India and Syria furnish some useful clarification on this point.

The Soviet Union representative also said that these summaries should refer to questions that had been the subject of petitions which had been considered by the Committee on Petitions but on which the Committee had made no recommendations and taken no action because it expected that the Trusteeship Council itself would make recommendations during its consideration of the Administering Authority's report. I must point out that this problem was dealt with by the Committee on Procedures regarding Petitions. Indeed, the Committee dwelt at length on what I call "mixed" petitions -- that is, petitions which are both specific and general in nature. I think that we have settled the problem referred to by the Soviet Union delegation by the selection which we urge between these two types of documents.

(Mr. Smolderen, Belgium)

Another question which we should ask ourselves is whether or not the committee should be established on a permanent basis. Some members seem to have objections to a permanent committee. If the committee is not to be permanent, it will be a special committee, an ad hoc committee. Obviously, such a committee's terms of reference are temporary. What would be the terms of reference in this particular case? Would the committee be asked to consider only petitions to be received in the future, or would it also be asked to consider petitions presently on the agenda of the Standing Committee on Petitions? If the answer to the latter part of that question is in the affirmative, then it should be so stated in the draft resolution before the Council.

I have already stated on several occasions in the Council why I do not like special committees. In the first place, the establishment of such committees by the Trusteeship Council involves a certain loss of time. I think that a permanent committee would enable us to gain three to six months in the consideration of petitions. In the second place, these special committees introduce an element of discrimination in the study of petitions.

Are the standards drawn up so carefully by the Committee on Procedures regarding Petitions to be valid only when there are a very large number of petitions? And why should they not be valid for all communications reaching us from the Trust Territories? By what right are we to exercise discriminatory treatment based on the number of documents received? Will a petitioner who is caught in the flurry of petitions from his country agree that an emergency procedure should be used to examine his petition instead of the regular procedure? I think that there is a psychological aspect to the question which should not be overlooked. We must be logical and consistent and must adopt standards which will apply to all cases.

I come now to the controversial question of retroactivity. The Soviet Union representative complained that the Committee on Procedures regarding Petitions had only posed the problem of the thousand petitions whose consideration was still pending. Now, what could the Committee do except raise the problem? I think that to raise it is in fact to solve it. In this connexion, I should like to give some technical details.

(Mr. Smolderen, Belgium)

The classification of specific petitions and their inscription in the agenda have never been the subject of any decision by the Standing Committee on Petitions or the Trusteeship Council. Classification is presently carried out by the Secretariat, and this is only a provisional decision which the Standing Committee and the Council may very well modify. Furthermore, the inclusion of a specific petition in the agenda does not result from a decision taken by the Council, but from the terms of paragraph 1 of rule 86 of the rules of procedure, which states that:

> "Written petitions will normally be placed on the agenda of a regular session provided that they shall have been received by the Administering Authority concerned directly or through the Secretary-General at least two months before the date of the next following regular session".

Thus, the petitions are automatically included in the agenda.

The Committee on Procedures regarding Petitions considered that it was not up to it to deal with this practical question, which was outside its terms of reference. The Committee's terms of reference consisted solely of reviewing the procedures. It is quite obvious, however, that if we wish to overcome the present difficulties the very first measure which we must take is to apply the standards proposed by the Committee to petitions already on the agenda. Otherwise, the Committee on Petitions would not be able to deal with its backlog for a certain number of years. The most magical formulas to avoid such situations in the future would remain dead letters if we refused to normalize the existing situation.

I would be very much surprised if that approach could still be disputed. It is evident from the verbatim records of the discussions during the Council's nineteenth session that almost unanimous agreement had been reached on two points: first, the necessity of normalizing the existing situation, and, secondly, the necessity of preparing measures designed to eliminate a recurrence of such difficulties in the future.

(Mr. Smolderen, Belgium)

This draft resolution states that, as a temporary measure, a committee of two members would be established to determine the provisional classification of all communications received. What communications? Only those which are going to reach us later, or those which are now being classified? I understand from the statement of the representative of India that it would not apply to the thousand petitions which are still on the agenda.

In the second place, it is stated in the draft resolution that the Council "Approves the procedure set forth in the annex to the present resolution".

I would not wish to propose any amendments, but I would draw the attention of the sponsors of the draft resolution to the fact that it would have been clearer to say: "Approves the procedures set forth in the annex in the present resolution and the suggestions contained in the report of the Committee on Procedures relating to petitions".

Moreover, the sponsors of the draft resolution know very well that paragraph III of the annex to the draft resolution states that the new committee "shall bear in mind the suggestions appearing in the report of the Committee on Procedures regarding petitions (T/L.777.)". The Committee on Procedures did not put everything in its conclusions; it was rather concise and concluded that certain standards which it proposed were already included implicitly in the rules of procedure and should not betset down in definitive form. It confined itself to mentioning those meeaures or standards in the body of its report. But, in its recommendations, it wished the classification committee also to take account of the standards already implicit in present procedure. Nevertheless, I would not stress this point too much, since reference to it has been made in the annex.

In the third place, I regret that paragraph V of the annex to the draft resolution does not repeat the terms of paragraph 6 of the in the Committee's report; I believe that the latter is clearer.

I regret, as I have already said, the lack of transitory measures with respect to the petitions which are still on the agenda of the Committee on Petitions. From my point of view, this is a great gap in this draft resolution. If such a provision could be included, I believe that I would be able to support it. The representatives of India and the Soviet Union have told us that, at the present time, there is not a great number of petitions and that, therefore, the creation of

(Mr. Smolderen, Belgium)

a classification committee is not immediately required. If I have been informed correctly, there are now in the Secretariat more than 200 petitions awaiting classification -- that is, more than 200 which have come in since the number of petitions stated in annex I and annex II to the report of the Committee on Procedures. Two hundred is a rather large number. I believe that I am correct in this, but the Under-Secretary or the Secretary will, no doubt, be able to inform the Council on this point.

I wish to reserve the right of my delegation to speak again during this debate if it becomes necessary.

U PAW HTIN (Burma); My delegation had wished to speak at the last meeting at which the Council took up the report of the Committee on Procedures Regarding Petititions (T/L.777) which is now before us, but, in view of the late hour, I refrained from making any comments out of consideration for the convenience of representatives. I am grateful for the opportunity which I now have to express the views of my delegation on this matter, and I should like, first, to deal with the Committee's report and then take up the draft resolution (T/L.787).

Before speaking on the substance of the matter, I wish to thank the Chairman of the Committee on Procedure for his interesting report and his presentation of it.

I need hardly repeat that it was with the same objective -- that of safeguarding the exercise of the right of petition and accelerating the examination of petitions -- that my delegation originally accepted in principle the establishment of a committee of four to review the present procedures regarding petitions. In my intervention at the last session I stated that "the need for a review of the existing procedure has been precipitated by the fact that there has been such a large flow of petitions from one Trust Territory. A situation has arisen... for which the rules of procedure have not been adequately drafted and cannot, therefore, be expected to deal with". (T/PV.772, page 8) This, in essence, is the view of my delegation.

If it had not been for the number of petitions received from one Trust Territory during this year and the last, the present procedure, in our opinion, would have been adequate. It would not have become necessary, therefore, for the

(U Paw Htin, Burma)

Council to review the present procedure or to adopt some new machinery in order to cope with the situation. In fact, if I may say so, in the past we did set up a machinery to take care of such a contingency; the ad hoc committees which were established, in the opinion of my delegation, served the purpose satisfactorily. But I should not like to presume that a similar situation will arise in the future.

I should like now to comment on the recommendations contained in the report of the Committee on Procedures. The Committee has recommended the establishment of a committee of two members, which would determine, with the assistance of the Secretariat, the provisional classification of all communications received. Secondly, it would be entrusted with the task of analyzing, reproducing and distributing in summary form those large numbers of petitions which concern general problems of the same Trust Territory, as well as those concerned with the same specific instance or grievances. Therefore, this committee would be concerned primarily with two functions: one, classification; and the other, reproduction and distribution.

We know that the first of these functions has always been handled by the Secretariat, except in cases of an unusually large number of petitions. Unusually large numbers of petitions have been handled jointly by the Secretariat and an ad hoc Committee set up by the Council. Therefore, the necessity of establishing such a committee merely to classify communications provisionally seems to us questionable. The Secretariat, in fact, has been doing this job for many years with the greatest efficiency, and the Standing Committee on Petitions has found that procedure satisfactory. However, my delegation can well understand that the Secretariat does not wish to bear the brunt of this responsibility any longer.

We note also that the report of the classification committee is to be submitted to the Committee on Petitions, according to paragraph 18 of document T/L.777. This, no doubt, is a deviation from the normal procedure under which a committee reports to its parent body. However, such a procedure is not without precedent.

(U Paw Htin, Burma)

But my delegation is concerned about the possibility that the Petitions Committee may find itself in disagreement with the report of the Classification Committee. I do not wish to sound pessimistic. We have hope as a result of the establishment of this Committee although, as pointed out by the representative of India earlier, it is a sort of housewife to the Petitions Committee, yet at times there may be some diffficulty in the home. This may not be in the interests of the principles on which the Committee on Procedures had based its recommendations. However, we do not believe that there will be any controversy or difficulty even in a committee of two.

There is one point which concerns my delegation. We are concerned whether it will be necessary for this Classification Committee to attend to those communications needing classification, which come into the United Nations Secretariat in dribs and drabs. It is quite all right, if I may say so, for this Committee to address itself to a large number of petitions for classification. But is it also going to be bothered with every petition that comes in? If this is the case, it seems that this Committee will have no end of meetings to attend.

I now come to the next function of this Classification Committee, as proposed in the report, and which relates to the reproduction and analysis of the large bulk of petitions of a general nature and those concerning specific grievances or complaints. I must say that monetary considerations should in no way be an objection to the reproduction of petitions. For that matter, I agree both with the representatives of Syria and Guatemala. I further agree with the representative of Guatemala that the problem of reproduction and classification rests not only on administrative machinery, but also on how satisfactorily the members of the Petitions Committee or the Council could read and attend with care these numerous petitions. We are, for that matter, quite in agreement with the recommendation contained in the report that the Classification Committee, with the help of the Secretariat, should undertake to reproduce in summary form, in one document, those large numbers of petitions which concern general problems of one and the same Trust Territory. In fact, we can go along with the procedure proposed in chapter D, sub-paragraph 6 of paragraph 25, regarding the large number of petitions concerned mainly with the same specific incident or grievance. In this way the focus of the complaint or attention of the grievance will be drawn

(U Paw Htin, Burma)

into one single document, giving a rather detailed account of the substance, and it could thereby be attended to most effectively and expeditiously by the Council. We are afraid primarily that the exercise of the right of petition might be lost in the morass of petitions, which has often tended to be the case.

These are the observations which my delegation wish to make today.

Before I conclude, I should like to make one final comment. In my previous statement during the nineteenth session during consideration of this item, I had suggested that the Council might consider the desirability of having two Committees on Petitions meet concurrently, with a membership of four. This was also suggested by the representative of Syria and mentioned somewhat similarly by the representative of Belgium earlier. However, this suggestion, it appears, has not found favour. However, for the time being, I could at least regard the establishment of the Classification Committee as the next or close alternative to this suggestion. I am indeed aware of the principles which have motivated the establishment of such a Committee, but I feel that at first it should be established on a trial basis. Procedures can very well be drafted on paper, but they often falter in their application. For that matter, no procedure, I may say, is fool-proof, and I am therefore prepared to give it a trial.

The draft resolution submitted in the names of India and Syria, contained in document T/L.787, therefore seems acceptable to us. Furthermore, it does not in any way introduce either changes in the existing rules of procedure nor their suspension. Therefore, my delegation will support this draft resolution.

Mr. KOCIANCICH (Italy): I should like to say a few words on the draft resolution contained in document T/L.787.

First of all, I should like to deal very briefly with the procedural question that seems to have arisen here. The question is whether the draft resolution proposed by the delegations of India and Syria is to be treated as an amendment to the draft resolution proposed by the Committee on Procedures or as a draft resolution. It is of course up to the Council to decide in its wisdom how to treat this draft resolution. I would submit, however, as a personal opinion that the draft resolution as it was contained in the report of the Committee could not possibly be voted upon as it stands now because the third section of this draft resolution reads:

(Mr. Kociancich, Italy)

"Approves the recommendations contained in the report." (T/L.777, para.26)

The recommendations of the Committee are contained in section D of the report, but they are worded in such a way as not to be, strictly speaking, recommendations. It is sufficient to cast a glance at section D of the report in order to realize that the wording is not the wording of recommendations. So, even if no changes were made in the substance of the recommendations of the Committee, the need would arise to have them undergo a change in the form. Thus I submit that in any case the draft resolution, even if it is proposed in document T/L.777, would need to be revised before being voted upon.

To sum up, my opinion is that the Indian and Syrian draft resolution should be treated as a draft resolution and not as an amendment. However, as I said, this is up to the Council to decide.

Coming to the substance of the matter, my delegation, which has served in the Committee on Revision of Procedures, is pleased to know that the draft resolution submitted by India and Syria substantially accepts the conclusions that were reached by the Committee. And my delegation is prepared to support it.

There is one major change with respect to the original recommendations of the Committee, and that is to say that the Committee on Classification will not be a standing committee but a provisional one. We believe that it was the intention of the sponsors of this draft resolution to make it possible to put the effectiveness of the new procedure suggested to a test. If this is so, we are of course prepared to accept such a suggestion.

(Mr. Kociancich, Italy)

There is one more point to which I would like to draw the Council's attention. The Committee has examined the question of the treatment to be given a large number of petitions from one Trust Territory which are still awaiting examination by the Council. This question was discussed in the Committee, although, as was rightly pointed out by the representative of Belgium, it fell outside the terms of reference of the Committee. The Committee decided, therefore, to leave it up to the Council to decide whether the new procedures should apply retroactively to these petitions or not.

We believe that it was primarily the fact that a large number of petitions from the French Cameroons was awaiting examination by the United Nations that gave rise to the decision by the Council to find ways and means to deal with any large numbers of petitions within a reasonable time, so that the right of petition, which all of us want to be upheld, would not remain a dead letter, as would be the case for many petitions if action on them were taken many years after they had been received by the United Nations. In view of this fact and in order that primary action might be taken by the United Nations on these one thousand petitions, or whatever the number is, of having them examined by the Council, in order to safeguard the meaning of the right to petition, we would like the new procedure suggested by the Committee to be applied to those petitions.

Therefore, my delegation would like to suggest the addition of a third paragraph to the draft resolution sponsored by India and Syria (T/L.787). This paragraph would read as follows:

"3. Decides that the procedure referred to in paragraph 1 above shall be applied to those petitions still remaining on the agenda of the Council."

My delegation earnestly hopes that the sponsors of the draft resolution before us will find it possible to accept this addition and that it will meet with the Council's approval.

The PRESIDENT: As I see it, the position is that there are before the Council two draft resolutions, one in the name of the Committee and the other in the name of India and Syria. In my own view, and I will put this quite frankly, these contain somewhat different propositions and in spite of what the representative

(The President)

of Haiti said earlier, as I understood him to say, it might put the Council in a false position if we proceeded as it were, to vote on both draft resolutions with a possibility that both might be adopted, because I think there is a difference of intention, if not of substance, between the two. Furthermore, the representative of Italy has now proposed an amendment to the second draft resolution in the name of India and Syria.

Members may wish an opportunity to reflect on this. I would hope that we could in fact vote one way or another on this proposition this afternoon.

Mr. DORSINVILLE (Haiti) (interpretation from French): Mr. President, you stated that I had proposed to the Council that we should vote upon both draft resolutions, namely the one contained in document T/L.777 and the one submitted by India and Syria. I think there is some mistake. I myself constantly referred to the draft resolution submitted by India and Syria and stated that my delegation would be prepared to consider this draft resolution. This meant that my delegation withdrew its support of the draft resolution contained in document T/L.777. Now my proposal is made on the basis of comments given here, and annex II, to a great extent, covers the suggestions made by the Committee on Procedures Regarding Petitions. In the light of this, my delegation was prepared to consider the draft resolution submitted in document T/L.787 and the amendment of the represent representative of Italy for the addition of a third paragraph. But my delegation had implicitely withdrawn its support of the draft resolution found in document T/L.777, because if it were adopted, it would mean that we could no longer consider both draft resolutions, since all the recommendations and suggestions contained therein would be ratified by the Council.

Mr. ASHA (Syria): I would like to ask for one further clarification from the representative of Italy who has suggested an additional third paragraph. If I heard him correctly, he spoke about petitions still remaining on the agenda. These petitions not only include the one thousand petitions, but, as was stated by the representative of Belgium, there are two hundred petitions now.

(Mr. Asha, Syria)

I hope that the representative of Italy will be specific by referring only to the petitions mentioned in paragraph 23 of the report of the Committee, because we cannot say "all the petitions on the agenda". That would include much more than he had in mind. I would like to have some clarification on that point.

The PRESIDENT: I think the point is probably covered in paragraph 23 of the report of the Committee. I took the representative of Italy to refer to that reference in paragraph 23.

Mr. KOCIANCICH (Italy): Thank you, Mr. President. That is correct. The petitions I had in mind were exactly those referred to by the Committee in paragraph 23, the petitions already reproduced and awaiting examination.

The meeting was suspended at 4.50 p.m. and resumed at 5.05 p.m.

The PRESIDENT: Before calling on the next speaker in this discussion, I call on the Under-Secretary to make a statement.

Mr. COHEN (Under-Secretary in charge of the Department of Trusteeship): The representative of Belgium asked whether the Secretariat could furnish information as to the actual number of petitions which have come in since the document setting forth those which are now on the agenda was prepared. The exact number is 197 petitions, so he was quite close in using the round figure of 200.

May I also take this opportunity to say, in connexion with the statement made by the representative of Burma that the Secretariat was now in a way trying to shed the responsibility of classifying petitions, that the Council should bear in mind the fact that the nature of the petitions which now come to the United Nations has changed enormously. In the early days those petitions referred mostly to individual claims, complaints or grievances against administrative action or against some action taken by the local authorities. Now most of them refer to political development, to the institutional growth of some of the Territories and contain conflicting opinions as to this kind of political development or are based on the results of serious civil disturbances which may have affected collectivities or individuals who then express their views and grievances in petitions.

It is in dealing with this second kind of political petition that the Secretariat feels that it cannot discharge its duty with absolute neutrality and impartiality unless the matter can be handled in conjunction with political representatives of States which are members of the Council. That is the only reason why the Secretariat has felt that there is a need for some assistance on the part of the Council to effect this classification in manner which will not jeopardize in any way whatsoever the neutrality and impartiality of the Secretariat.

Mr. ARENALES CATALAN (Guatemala) (interpretation from Spanish): I shall be very brief. First of all, it is a pleasure for me to have heard the statement made by Mr. Smolderen of Belgium because it was a tribute to him personally and to his delegation. He brought out in the Council what had been shown in the Committee on Procedures, namely, his great desire to use his fine intelligence and the profound knowledge he has of this question of petitions. I believe that his statement, in addition being a tribute to his delegation, has also brought to the attention of the Council the minute way in which this question was dealt with by the Committee on Procedures ... how carefully it was examined. If this minuteness was not seen in some of the conclusions of the Committee, this was not due any lack of consideration but rather to the need to seek a common basis of agreement among members of this Committee.

With reference to the draft resolution submitted by India and Syria, we feel that this is an intelligent effort. We feel that it is drawn up in perhaps more simple and clearer terms than some of the paragraphs of the report submitted by the Committee and that in this sense and also to the extent that it implies an attempt to improve it and an attempt at conciliation, it deserves our favourable support.

(Mr. Arenales Catalan, Guatemala)

We feel that this is so, and we should like to have the record show this, that on the one hand this draft resolution is generally in keeping with the viewpoints expressed in the report submitted by the Committee on Procedures, and perhaps the difference is not very substantial, because it does not go as far as the Committee on Procedures went.

For example -- and I give this only as an example -- I do not believe that the basic difference would consist in the fact that there is a standing committee on classifications or a provisional temporary committee. If we interpret correctly the intentions of the Committee on Procedures, it would be up to the Council to decide the temporary nature this standing committee would have to have, perhaps as a preliminary step, so that observation of the committee in practice might lead to a more definitive position with reference to procedures so far as the Council is concerned. Therefore, whether we call it a standing committee established provisionally or merely a provisional committee, the practical result would be the same. I am using this as an example only. I repeat that, generally speaking, the draft resolution submitted by India and Syria perhaps does not go as far as the conclusions of the committee.

I shall not go into details concerning the statement made by the representative of Belgium, who very carefully dealt with many of the points in which the proposal by the representatives of India and Syria might differ from the conclusions which we reached in the Committee on Procedures in attempting to achieve a conciliation. There is one point perhaps on which my delegation would not be in full agreement with the intent of some of the statements made by the representative of Belgium, but this is not a vital matter. I am referring to the apparent relationship existing between the text of the draft resolution proposed by India and Syria and the final clause of paragraph III of the annex, in which mention is made of bearing in mind the suggestions appearing in the report of the Committee on Procedures. My delegation interprets this -- and I am sure that the representative of Belgium would generally agree with this -- as giving greater flexibility to the very same conclusions that were reached by the Committee on Procedures, in view of the fact that bearing in mind these suggestions and approving them fully are different matters. I am making these comments with the primary intention of having this included in the record, because I feel that the main

(Mr. Arenales Catalan, Guatemala)

value of this draft resolution presented by India and Syria and the main value of the studies and recommendations of the Committee on Procedures consist of the experimental character which is being given to these new ways of dealing with a large number of petitions. It is on this basis and in the hope that experience will illustrate for the Council what to do in the future that my delegation will give its support to the draft resolution.

Mr. KOCIANCICH (Italy): I have now before me the text of the addition to the draft resolution of India and Syria proposed by my delegation, and I think it has been circulated among the members of the Council. I should like to clarify one point. I said before: "The Council decides that the procedure referred to in paragraph 1 above ...". That is not correct, as the procedure set forth in paragraph 2 of the Indian-Syrian draft resolution. So I think that we could finally word my proposed addition by deleting the words "in paragraph 1", so that it would read: "Decides that the procedure referred to above shall be applied"to the petitioners mentioned in paragraph 23 of the report of the Committee on Procedures regarding Petitions.

U PAW HTIN (Burma): I asked for the floor merely to reply to the Under-Secretary, who made some reference to my delegation. Perhaps there has been some misinterpretation or misunderstanding of the statement I made earlier. I wish to assure the Secretariat that I had not the slightest intention of making any insinuation about the responsibility being shouldered by the Secretariat. In fact, in my statement I had commended the Secretariat for the work it had done regarding the classification of petitions. I hope that this explanation will clear up all doubts regarding the point I raised in my statement.

Mr. ASHA (Syria): Mr. President, in your explanations to the Council about the draft resolution submitted by India and Syria, I think you referred to it as an amendment. Of course, I think you said,"in the nature of an amendment". You are perfectly correct in your assumption that it is in the nature of an amendment.

(Mr. Asha, Syria)

With respect to the amendment suggested by the representative of Italy, I regret that my delegation is not able to accept it. I should like to propose, leaving aside the 1,000 petitions for the time being, in order not to confuse the two issues, that we vote first on the Indian-Syrian draft resolution, and then, if we cannot come to an agreement, a separate draft resolution might follow later on. The two problems, although very closely connected, are of an entirely different nature, and ways and means can always be found for dealing with them.

(Mr. Asha, Syria)

For example, I might make a very informal suggestion, such as the following. The Committee on Petitions might meet in the early part of September and examine the petitions. It could do its work until the Fourth Committee began to meet. I am merely citing an example of how we could resolve the problem without confusing the two issues.

I appreciate the efforts of the representative of Italy. However, in order to expedite the work of the Council, I suggest that we follow the procedure which I have just outlined.

Mr. JAIPAL (India): I should like to say a few words about the amendment proposed by the representative of Italy. As I see it, the practical result of that amendment is to require this committee of two to summarize the contents of the 1,000 petitions still remaining on the agenda. We do not think that any particular advantage can be secured by such a procedure. All that remains to be done is for the 1,000 petitions to be examined. There is no particular need to have them summarized, since they have already been reproduced and circulated fully. We rather think that the Petitions Committee itself could now take up the consideration of these 1,000 petitions in groups, depending upon the subject matter of the petitions. In those circumstances, we shall not be able to support the amendment proposed by the representative of Italy.

Mr. KOCIANCICH (Italy): I have listened with great attention to the statements just made by the representatives of Syria and India. As regards the substance of the matter, I agree fully with the observation of the representative of India that these petitions to which my proposed addition refers have already been circulated and reproduced. However, this is a provisional classification, as I understand it, which was made by the Secretariat. Although summarizing the petitions would mean that the petitions which have already been reproduced would have to be withdrawn and not used, it would also mean a great saving of time for the Committee on Petitions and for the Council when the time arrives for their examination.

Furthermore, if the proposed committee on classification were to deal with these petitions from the French Cameroons and if it could meet shortly after the closing of the Council's session, I believe that it could dispose of them in a few

(Mr. Kociancich, Italy)

weeks. The requests for information could be sent out at once to the Administering Authorities and replies received. The petitions could be dealt with as soon as possible without any long wait.

I understand the point of view of the sponsors of the draft resolution. They believe that as the petitions have been reproduced, this would amount to a duplication of work and to a waste of money, the money which has been spent for their reproduction. Although this is true, the saving of money is not one of the reasons which should prompt our action. This has already been recognized by the representatives of Syria and India. My point is that even if some money has been wasted in the reproduction of these petitions, if we can further save the time of the Standing Committee on Petitions and of the Trusteeship Council in the examination of these petitions so that they can be examined with a very short delay, we shall have accomplished something as far as upholding the right of petition is concerned.

I regret that the sponsors of the draft resolution are not able to accept my suggestion. I should therefore like it to be considered as an amendment to the draft resolution submitted by India and Syria.

The PRESIDENT: The representative of Italy wishes to maintain his amendment to the draft resolution of India and Syria, and it will be so treated.

Mr. SMOLDEREN (Belgium) (interpretation from French): I am sorry that there is still some confusion concerning this complex subject of petitions, and this is particularly evident with respect to the amendment of the delegation of Italy. The representative of India understands that this is a question of summarizing in a new form the 1,000 petitions which are still on the agenda. Nothing could be further from the case. The draft drawn up by the Committee on Procedures stated that no summaries would ever be made of specific petitions and that the specific parts of all petitions would be published verbatim in extenso. Therefore, there was never any question of summarizing something from specific petitions. It is merely a question of presenting them in a different way. However, that is not the only point.

(Mr. Smolderen, Belgium)

The real point is the reclassification of petitions, or rather the classification of petitions, since they have never been so classified. Under the present procedure, the Secretariat merely submits to the responsible bodies, the Committee on Petitions and the Trusteeship Council, a draft classification. It has always been said that the Committee on Petitions could reject the classification prepared by the Secretariat. In the past we have seen petitions published, petitions on which we had the observations of the Administering Authority, which were purely and simply rejected by the Committee on Petitions because it felt that they were in fact not specific petitions.

We are now confronted with about 1,000 petitions, some of which go back very far, some of which are anonymous or almost anonymous -- I do not think it is necessary to return to this question. Some of the petitions, for example, do not comply with rule 81 of our rules of procedure.

Would it not be possible during the subsequent period to carry out a rational classification of the 1,000 petitions on the basis of the new standards which we have drawn up? I think that is the point. It is not a question of summarizing the petitions; it is a question of reclassifying them and then of submitting them appropriately and conveniently so that the Committee on Petitions may be able to examine them properly. Five hundred will remain or 200 will remain, and they will be placed in groups. The real parts of specific petitions would be placed in a separate document to facilitate their consideration. I think that is the point.

We should ask: what is the competent organ? Would it be the Committee on Petitions, which considers the substance of petitions, or the new classification committee? It would obviously be the new classification committee. One could not imagine setting up a specialized classification organ which would begin its work in three, four or six months. It would be perfectly normal, if we set up that classification committee at the end of the present session, for it to begin its work immediately.

(Mr. Smolderen, Belgium)

Why should we mobilize six members of the Committee on Petitions during a vacation period, when the Classification Committee of only two members was set up precisely for that purpose? It appears perfectly obvious that it is the new Classification Committee which should carry out that task. And I believe that its task will consist of classifying definitively, once and for all, those thousand pending petitions on the basis of the standards contained in paragraph V of the Annex to the draft resolution presented by the delegations of India and Syria. That is where you find the standards applying to specific petitions, and it is on the basis of those standards that the new Committee will work.

I therefore think that the problem is very simple and that there is no ground for misgiving. I do not understand why the Committee on Petitions should carry out a task of classification when we are setting up a special Classification Committee for that purpose.

Mr. JAIPAL (India): I am most obliged to the representative of Belgium for throwing additional light on the meaning to be attached to the Italian amendment. I was under the impression that the question involved was one of summarizing the contents of these thousand petitions. It appears now that the question really is one of reclassifying these petitions, which have already been provisionally classified by the Secretariat. I fail to see the need for this committee of two again to classify these petitions provisionally and then submit its report to the Petitions Committee. It seems to me to involve a certain amount of unnecessary labour.

At this point I should like to consult the representatives of Belgium and Italy as to what they think of my suggestion, which is in the nature of a compromise. Would it not be better at this stage, since these petitions have already been provisionally classified by the Secretariat, to leave it to the Standing Committee on Petitions to classify and examine these thousand petitions in accordance with the procedure outlined in the Annex to this resolution? If they accept that suggestion, I would like to propose that we could have another paragraph which would take the place of the Italian amendment and which would simply read:

(Mr. Jaipal, India)

"Requests the Standing Committee on Petitions to classify and examine the petitions mentioned in paragraph 23 of the report of the Committee on Procedures regarding Petitions, in conformity with the procedures set forth in the Annex to the present resolution."

The acceptance of that suggestion would do away with a further intermediate step of reclassifying the petitions provisionally. It amounts to doing away with a double provisional classification.

The PRESIDENT: I would say to the representative of India that, while this is perhaps not an actual sub-amendment, it is to be considered as such for the reflection of the representative of Italy. If he cares to give an opinion now, this could be dealt with. If not, I think the Council is entitled to an interval for consideration.

Mr. SMOLDEREN (Belgium)(interpretation from French): I must ask again what is the point of having a Classification Committee of two members which we will create for one year only. Most of the speakers have emphasized the fact that we are setting up this Classification Committee precisely because there are a great number of petitions coming from a Territory, petitions which are loading down the Petitions Committee. If, just after having voted such a resolution, we are going to give the burden to the Petitions Committee, what is the point of having set up a Classification Committee? The Classification Committee is a committee made up of two members. Why? Because we felt that such a task was not possible unless the Committee was made up of a very small number of representatives.

As a matter of fact, it is a question of carefully examining each petition not in so far as the substance is concerned but in so far as the form is concerned, studying them from the point of view of the rules of procedure -- of submitting, so to speak, a draft which would take into account both classification and publication.

Now, for the first time, we are going to apply a standard; we are going to have it applied by the Petitions Committee. I must ask why. I should like

(Mr. Smolderen, Belgium)

to point out to the representative of India that, as a matter of fact, what should be done from the technical point of view is to reclassify all the petitions already published, because there are a certain number of petitions among them which are anonymous, petitions which are marked with one or two asterisks by the Secretariat. In other words, these petitions which were received by the Secretariat have been the subject of acknowledgement, and this acknowledgement of receipt has come back to New York because the petitioner no longer lives at the address indicated. Therefore, it is quite probable that our draft resolution will not reach the petitioners.

Secondly, there are mixed petitions ---petitions which are both general in nature, which are of concern to the Trusteeship Council, and also specific petitions, which should be examined by the Petitions Committee, and therefore they must be resubmitted, republished, by making a breakdown of them. Will it be the Petitions Committee that will do this? I think this is very difficult -- with six members.

Thirdly, there are petitions which contradict rule 81, involving judgements given by courts.

All these petitions, which normally are rejected by the Petitions Committee, could be put aside immediately by a two-member committee, which would work much more easily than by loading down a Petitions Committee of six members -- and with particular reference to mixed petitions, petitions which deal with many different subjects, petitions which are so difficult to classify.

Therefore, it would be necessary for the Secretariat, in very close contact with only a few members, to deal with these petitions, reproducing them in a different form.

An objection has been raised that these petitions have been published, as well as the comments of the Administering Authority. But this has always been so, even when the Petitions Committee decided not to accept the classification of a provisional nature. The principle is the following: It is better that the Administering Authority should supply too many comments, rather than to have too few comments. It is better for them to send them immediately, within a very short time, rather than to have to wait several months, even if these comments were to be useless later on.

(Mr. Smolderen, Belgium)

It seems to me that we have to be very explicit and formal. If we want to do something useful, obviously we must have it done by the Committee which is set up for that purpose -- this small Committee of two members, which is much more flexible and better set up than the Petitions Committee. I do not see any point in having this work done by the Petitions Committee.

(Mr. Smolderen, Belgium)

If this work is to be done by the Committee on Petitions, why should we establish a classification committee? A classification committee would have no purpose other than to carry out such work. Obviously, the committee will deal with cases arising in the future, but why should a procedure which is good for the future not be good for the present? Why should the rules which we accept for application to petitions which will come to New York in the future not be applied to petitions which have already been received in New York? Some of these petitions were perhaps interesting in 1954, but they are certainly no longer interesting in 1957. For example, in the Committee on Petitions we dealt, quite recently, with petitions asking that a legislative assembly should be established in the Cameroons and that power should be turned over to the indigenous inhabitants. Now, these steps have already been taken. Thus, petitions which were interesting in 1954 have been exceeded by the events in 1957.

We are in favour of the solution advocated by the representative of Italy, because we think that the classification committee would be in a better position to do this work logically and consistently. We think that that solution is the only logical one. If we did not accept the solution, we should have once and for all to forsake the idea of establishing a classification committee.

The PRESIDENT: Before calling on any further speakers, I wish to say the following. The Council can of course vote on the specific text of an amendment now before it in the name of the delegation of Italy. We have not as yet heard the views of the representative of Italy on the counter-proposal put forward by the representative of India; I imagine that we shall hear those views in a moment. I would, however, draw attention at this point to paragraph 23 of the report of the Committee on Procedures regarding Petitions, which, after all, is a committee of the Trusteeship Council. That paragraph states:

> "The Committee lastly discussed whether its recommendations should apply retroactively to the large number of petitions already reproduced and awaiting examination. It would be for the Council to decide on such action after it had adopted the Committee's specific recommendations, a list of which follows". (T/L.777, paragraph 23)

(The President)

It appears to me that there may be a certain area of agreement between the representative of India and the representative of Belgium, at least -- agreement which might in fact disappear if a vote were pursued immediately on the amendment of the representative of Italy.

I merely put that idea forward as a possible way out of the present difficulty. In other words, the Council would be competent to vote on the draft resolution presented by India and Syria and, in the light of that vote, to express itself on the Committee's report as a whole -- leaving aside for the moment the question of subsequent action which would have a retroactive effect.

Mr. KOCIANCICH (Italy): I wish very briefly to reply to the representative of India.

Of course, I appreciate the spirit of compromise of the representative of India, and I realize that he has tried to meet my position half way. However, for exactly the reasons so ably set forth just now by the representative of Belgium, we fail to see why the Committee on Petitions should be charged with the task of applying the rules of procedure that we have established for the classification committee. For that reason, I should like to have my amendment stand.

Mr. ASHA (Syria): When the meeting was resumed after the recess, I made a suggestion which was identical with the summing up of the present situation which has just been made by the President. I think that the best interests of the Council would be served if the two matters before us were to be separated. I formally move that the Council should now vote on the draft resolution presented by India and Syria, leaving the other matter for subsequent discussion.

The PRESIDENT: I think that that motion must be taken up with little delay.

Mr. JAIPAL (India): I have listened very carefully to the observations of the representatives of Belgium and Italy. I am sorry to say that I have not been impressed by the reasons given for the necessity to

(Mr. Jaipal, India)

reclassify petitions that have already been provisionally classified by the Secretariat. In our opinion, all that remains is for the Committee on Petitions to accept or reject the Secretariat's provisional classification. There is, in our opinion, no need for a provisional reclassification of a provisional classification. In order, however, to clear the air, I shall not move my amendment.

Mr. SMOLDEREN (Belgium)(interpretation from French): As regards the order of voting, I think that under rule 62 the Council should vote first on the Italian amendment, which is an amendment to an amendment. Furthermore, it would be very difficult for me to vote on the Syrian-Indian draft resolution as a whole without knowing what action the Council would take on the Italian amendment. If we were to vote first on the Syrian-Indian draft resolution, that vote should not be considered as a vote on the draft resolution as a whole. My vote on the draft resolution as a whole would depend on the action taken on the Italian amendment. I think that under rule 62 the representative of Italy is entitled to ask for priority in the voting for his amendment.

The PRESIDENT: The representative of Belgium is right, up to a point.

Mr. JAIPAL (India): I am wondering whether the representative of Belgium is entirely correct. It will be remembered that the Chairman of the Committee on Procedures regarding Petitions made it quite clear that it was outside that Committee's terms of reference to go into the question of the 1,000 petitions. The Indian-Syrian draft resolution deals only with the Committee's report -- in other words, with matters arising out of that Committee's terms of reference. Hence, to include any matter outside those terms of reference -- that is, to include any reference to the 1,000 petitions -- would really be to go beyond the purpose of the Indian-Syrian draft resolution.

Furthermore, I would draw the President's attention to rule 56 (g) of the rules of procedure, which says that a motion to postpone discussion of a question shall have precedence over a motion to amend. I would be inclined to regard the motion just made by the representative of Syria as a motion to postpone

(Mr. Jaipal, India)

discussion of a question which is quite separate from the question dealt with in the draft resolution. In those circumstances, I think that the motion deserves priority over the other motion to amend, the latter motion falling under rule 56 (h).

The PRESIDENT: What the representative of India has stated -- and I take it that this is also the intention of the representative of Syria -- is that rule 56 should be applied to the present position.

Mr. ARENALES CATALAN (Guatemala)(interpretation from Spanish): The Council, the Secretariat tells us, never makes a mistake when a question of procedure is involved. Unfortunately, we are now dealing with something much more important: a question of substance.

My delegation fears that if we try to impose our own points of view, our own criteria, we shall not find a common agreement on substance -- and it is the substance in which we are interested.

I do not wish to refer to the last procedural argument put forward by the representative of India. I would only say that a motion to postpone discussion has priority over an amendment when the discussion and the amendment refer to the same matter. In this case, the representative of India himself has pointed out that the two do not refer to the same matter. The question of priority therefore is not involved. That is my delegation's point of view.

(Mr. Arenales Catalan, Guatemala)

I would suggest to the representative of India that, if he were to press his amendment, I believe that it could become the basis of a common agreement. I was not convinced by the arguments of the representative of Belgium. The facts which he mentioned are quite true, but my delegation would take the liberty of drawing a different conclusion from his, to the effect that the problem is unquestionably a complicated one and our interest is in finding a solution to the question of the thousand petitions. I believe that, although it is true that the classification committee could improve on the provisional classifications made by the Secretariat, it is also true, as the representative of Belgium himself pointed out, that they have shown a detailed knowledge of these petitions and the Standing Committee on Petitions would have no great difficulty in deciding whether or not it would accept these provisional classifications by the Secretariat. Therefore, although this is not to imply a motion on the part of my delegation, I believe, without going into questions of procedure, that we might ask the representative of India to press his amendment, and, in the light of the discussions held, I am sure that the majority of the Council would give their approval and the question of procedure and substance would be solved in a conciliatory manner.

The PRESIDENT: In the light of what we have just heard, I think that I must still regard the formal motion of the representative of Syria as in order because the draft resolution which we are discussing refers specifically to the recommendations of the Committee. The Committee made no recommendation on this matter, which is the subject of the amendment by the representative of Italy. On the other hand, the Committee did say that it would be for the Council to decide on such action. I think that a motion at this stage to postpone decision or discussion of this matter would be in order, and I must put the motion of the representative of Syria to a vote.

Mr. JAIPAL (India): I should like to say a few words in reply to the representative of Guatemala. First of all, my delegation agrees that rule 56 (g) applies here because the subject matter of the Syrian motion and the subject matter of the Italian amendment relate to one and the same question; and, therefore, rule 56 (g) must have priority over any motion to amend under rule 56 (h).

(Mr. Jaipal, India)

Therefore, so far as that goes, we are entirely in agreement. I had not introduced my amendment formally because I did not see any favourable reaction from the other members of the Council, but now that there is a sign of that, I should like to consult you, Mr. President, as to whether I shall be in order in introducing my amendment now. However, Sir, I notice that you wish to put the Syrian motion first of all, and I would, therefore, wait until that question is settled.

Mr. THORP (New Zealand): I do not know whether I am alone among the members of the Council who are confused by the procedure which we appear to be following. It seems to me that the Council, having received a report from the Committee on Petitions, is not bound in its discussion of the report of that Committee to what the Committee conceived to be its terms of reference. Certainly when this Committee was set up, my delegation believed it to be within the terms of reference of the Committee to consider the fate of these thousand petitions; and to that extent, we would not agree that the Committee would have gone beyond its terms of reference in considering that point. Therefore, it does not seem that there can be any limitation on the right of a delegation to move an amendment to a draft resolution contained in the report of that Committee. If we look at rule 56 (g), according to which discussion of a question is postponed to a certain day, then the question is the review of the procedures, and not necessarily the question of the report of the Committee. I would ask that we might consider this a little further before we decide that the representative of Italy may have his amendment set aside on the grounds that it does not apply to the Syrian amendment but does apply to the question of the review of procedures as covered in the report. I must repeat here that it was the belief of my delegation that the Committee would have been within its terms of reference in considering this point.

The PRESIDENT: I must ask the representative of Syria whether he wishes to press his motion.

Mr. ASHA (Syria) (interpretation from French): When I came to the Council this afternoon I came in a spirit of conciliation, co-operation and understanding, but I see that some of my colleagues are not willing to contribute to that kind of understanding. I thought that you had made a rulling, Mr. President. However, if you feel that my proposal will impede the work of the Council, I shall certainly withdraw it.

The PRESIDENT:: My opinion -- it was not exactly a ruling -- was that the motion of the representative of Syria was in order and I am anxious to put it to the Council if he maintains it.

Mr. ARENALES CATALAN (Guatemala) (interpretation from Spanish): I would beg the representative of Syria to withdraw his proposal so that we might consider the amendment put forward by the representative of India, which would clear up all our problems in two minutes. If he is not willing to withdraw his motion, I would then propose that we discussed the question of procedure.

The PRESIDENT: I have a motion before me based on rule 56 (g) for postponement of the discussion of the question which is the subject of the amendment in the name of the representative of Italy. I shall put this motion to the vote.

Mr. KIANG (China): (I must say that I support the view expressed by the representative of New Zealand. Rule 56 (g) takes into account the question which is, in a sense, the whole report, including the new draft resolution. For that reason I cannot agree with you, Mr. President, in putting that kind of motion to a vote. Therefore, I shall not take part in such a vote.

Mr. JAIPAL (India): Surely the question is, in terms of rule 56 (g), what it is said to be by the mover of the motion who moves under rule 56 (g). The representative of Syria has made it quite clear that the question which he refers to is the question of how to dispose of 1,000 petitions. I do not see that any other question comes into the picture at all. Paragraph 23 of the Committee's report

(Mr. Jaipal, India)

makes it quite clear that it was not prepared to make any recommendations on this particular question. If it was competent to do so, I am quite sure that it would have done so and, therefore, I respectfully submit that the Syrian motion is perfectly in order, and if he were to maintain it, I think the sooner we put it to the vote the better.

Mr. DORSINVILLE (Haiti)(interpretation from French): I hesitate to join the discussion we are having here because I do not see any specific reason for continuing this discussion on the present basis. We have a draft resolution to which an amendment has been proposed. The representative of Syria has submitted a motion asking for a vote on the original draft and leaving the amendment for a later decision.

You yourself, Mr. President, have mentioned paragraph 23 of the report of the Committee on Procedures, and paragraph 23 does say that a decision on the one thousand petitions should come when the Council had taken a decision on the recommendations of the aforesaid report. Under these circumstances, I understand that the representative of Syria should press for a vote on his motion, and in that case I would point out that paragraph 2 of rule 56 states:

"Any motion for the suspension or for the simple adjournment of a meeting shall be decided without debate."

I think that in this case the representative of Syria can ask for an immediate vote on his motion, and I am prepared to vote on that. I would say immediately that, considering paragraph 23 of the report of the Committee on Procedures, my vote could only be in favour of the Syrian motion although, when the question comes up again for discussion and when the representative of Italy re-proposes his text dealing with retroactivity of the procedure, the application of the procedure to the one thousand petitions, I will vote in favour of the Italian proposal since our feeling is that the Council should take a decision on this question.

The Committee on Petitions has before it a mass of petitions, and I do not see when the Committee on Petitions will be able to cope with its task.

That is the position of my delegation on these two points, the motion of Syria and the Italian amendment.

Mr. THORP (New Zealand): Let me assure you, Mr. President, that my intention in intervening is not to upset the spirit of conciliation in which the representative of Syria has approached this meeting nor to confuse the meeting nor to stand in the way of the Chair's reaching a decision. But let me read the introduction to rule 56. It says:

"The following motions shall have precedence in the order named over all draft resolutions or other motions relative to the subject before the meeting;"

(Mr. Thorp, New Zealand)

In my view, the discussion of the question referred to in paragraph (g) is that the word "question" is used as an alternative to "subject". How can we postpone the motion of Italy as being relative to the subject and at the same time deny that it is the question referred to in paragraph (g)?

My second question is: If the motion of Syria is rejected by the Council, we then have the motion of Italy before us. What do we do then? It is still before us. Are we in an impasse or is there some solution to that problem? We still have the motion that we have refused to defer, the amendment of Italy; we still have it before us. Do we then vote it? If so, why did we decide the procedural motion in that way?

The PRESIDENT: It is not possible for me to go into these questions at the moment. I must deal with the motion of the representative of Syria which, in the view of the Chair, is within the terms of rule 56.

Mr. HAMILTON (Australia): Mr. President, before you put the motion of the representative of Syria to the vote, I must explain that my delegation will vote against it.

To be reasonably frank, the motion has been put forward by a sponsor of a text who has already rejected the amendment and who has declared that he is not prepared to see the amendment incorporated into his text. One of the sponsors of the India-Syrian draft resolution is in effect reserving the right to put up, if necessary, an alternative amendment to this text. But I do not find any fault with certain interpretations of rule 56 (g). I do believe that the representative of Syria might perhaps define the question in this way and the Council might decide, although I would not necessarily agree with it, that his interpretation of the rule of procedure was valid. But the question is not a procedural question that we should be discussing but a substantive question: whether it is appropriate at this time to amend the draft resolution which has been put forward by the representatives of India and Syria in the manner proposed by the representative of Italy. In the view of my delegation it is entirely appropriate to amend it in that way.

(Mr. Hamilton, Australia)

Some play has been made with the provisions of paragraph 23 of the report. But the language of this is purely technical and has no political sense or procedural sense in some degree. It states here:

"It would be for the Council to decide on such actions after it had adopted the Committee's specific recommendations".

The word "after" is used of course because it could not decide on that question until it had adopted the Committee's recommendations or some variant of them.

The subject of the Indian-Syrian draft resolution is simply and frankly stated at the top of the draft resolution "Review of Procedures Regarding Petitions". Does not the amendment relate to the procedures regarding petitions? In the view of my delegation it relates directly to the procedure regarding petitions and it has an immediate importance. The question is in point of fact a substantive question, and the question which my delegation would urge the Council to return to is whether the amendment should be adopted or not, and not whether a given rule of procedure may be raised as a device for getting rid of the amendment. My delegation's view would be that the amendment is perfectly valid and justified, and we have heard no substantive arguments which are directed against this. Indeed, surely it must be desirable when we decide to establish an over-all system of procedures and principles which shall apply to the petitions which come before the Council, surely it is appropriate that these procedures and principles should be applied to all petitions before the Council. Therefore, if there are one thousand petitions, which it would be possible for the Committee to deal with, it would be entirely appropriate for the Committee to start off by dealing with them. Indeed, the Indian and Syrian draft resolution would only be adopted at this time or its adoption would only be justified if indeed the Italian amendment were adopted because it is said in the Indian and Syrian draft resolution that this whole procedure is to be subject to review at the end of twelve months. If that is the case, one must remember that since there are one thousand petitions outstanding, indeed nothing of this procedure will have effectively been applied twelve months hence and there will be nothing to review twelve months hence. The Council and the Petitions Committee will have been exclusively exercised for the next twelve months with the one thousand petitions which are already before us. Therefore,

(Mr. Hamilton, Australia)

it would be far too early to review this procedure twelve months hence as laid down in the draft resolution. We could indeed afford to defer the adoption of this draft resolution for twelve months, maybe two years or three, if we are to reject the Italian amendment.

The PRESIDENT: I think we cannot allow the discussion to range too far. I am dealing or attempting to deal at the moment with a procedural motion by the representative of Syria, and I am anxious to put it to the vote of the Council. It is still before the Council and it is still in order.

I call on the representative of India on a point of order.

Mr. JAIPAL (India): Mr. President, I should like to draw your attention to one seeming anomaly here. The amendment is to extend to one thousand petitions a procedure which has not yet been accepted or adopted by the Council, and that is precisely why the Review Committee suggested that the procedure should be adopted first and then the question of its retroactive application should be considered.

Secondly, I should like to explain to my Australian colleague that we are not against the Italian amendment. I thought I made it clear that we could not support it, and I think I indicated my reasons.

(Mr. Jaipal, India)

Furthermore, the review Committee has drawn a distinction between the petitions procedures on the one hand and their application to these one thousand petitions, and I think it would be logical to maintain that distinction.

Lastly, I submit that the subject before us, in terms of rule 56, is the disposal of one thousand petitions. There are two motions relative to that subject. We have, on the one hand, the Syrian motion to postpone discussion and, on the other hand, we have another motion which is in the nature of an amendment, and in our opinion, under rule 56, the Syrian motion has priority, quite clearly.

Mr. ASHA (Syria): I do not know whether the representative of Australia was sitting on that Committee or not.--I forgot the membership of that Committee because of the lengthy discussion -- but I think that the Chairman of that Committee made it very clear to us, in his last intervention, why this Committee was unable to pronounce itself on paragraph 23, and why it did not make any recommendation.

Secondly, I would also like to repeat what the representative of India said. I did not say that I would vote against the Italian amendment; I said that I would not support it. There is a great deal of difference between not supporting and voting against. I do not know how the representative of Australia understood it.

Thirdly, I am not trying to get rid of an amendment submitted by the representative of Italy. Far be it for me to suggest such a thing. I only wanted to expedite the work of the Council and, as the representative of India has also stated, we cannot vote on that amendment before we adopt the procedure. The procedure is still before the Council without any decision. Therefore, I do hope that my motion will be put to the vote immediately.

The PRESIDENT: We shall now vote on the procedural motion.

Mr. ARENALES CATALAN (Guatemala) (interpretation from Spanish): Point of order. I would like to know whether the motion made by the representative of Syria is to postpone the matter to a certain time or sine die.

The PRESIDENT: I will say that my understanding of the motion, which is moved under rule 56, is to postpone discussion of the question which is the subject of the amendment in the name of the representative of Italy. There is no mention in the rule of a specific date or of sine die.

Mr. ASHA (Syria): My motion was to postpone it until we vote on the draft resolution only.

The PRESIDENT: That is a specific proposal in the name of the representative of Syria. The Council will now vote on this proposal.

The proposal was rejected by 7 votes to 5, with 1 abstention.

The PRESIDENT: We shall now proceed to discuss the amendment of the representative of Italy in the light of the counter-suggestion of the representative of India.

Mr. ARENALES CATALAN (Guatemala) (interpretation from Spanish): I wish to explain my vote. The motion made by the representative of Syria, which was interpreted likewise by the representative of India, referred, as a matter of fact, in the opinion of my delegation, exclusively to the amendment submitted by the representative of Italy, because it was thus limited by the sponsor. It did not refer to the entire matter. Therefore, in this sense the representatives of India and Syria, in our opinion, were quite correct.

In the second place, I should like to state that, unquestionably, a motion of this nature, submitted with reference to the amendment of Italy, or rather the matter which Italy tried to amend, implied not the consideration of an amendment, but actually the consideration of a substantial part of the amendment. It was not a mere question of procedure; it was a question of substance as well. My delegation was not in agreement with this question of substance. My delegation feels that the draft resolution of India and Syria can very well be improved by means of an amendment similar to that submitted by the representative of India.

(Mr. Arenales Catalan, Guatemala)

That is why, because of this question of substance, we felt that it was proper to abstain with reference to the proposal made by the representative of Syria.

Sir Andrew COHEN (United Kingdom): I only wanted to say, also in explanation of my vote, that my vote is solely due to the fact that I believe that the question means the whole question and not part of the question. As you know, we have in our language a quotation: "To be or not to be, that is the question". This seems to be a discussion of the question or not the question. Which is it to be? It seems to me quite clearly that when an amendment is moved, it must be treated as part of the question. Therefore, when a question is delayed, it must be the whole question, including the original motion, namely the motion of India and Syria. Therefore, I think that my vote was a vote in favour of the discussion of the voting on the Italian amendment.

The PRESIDENT: Unless the representative of India formally presents his further amendment to the draft resolution, we shall vote now on the amendment of the representative of Italy to the draft resolution of India and Syria.

Mr. JAIPAL (India): I should like to move my amendment formally.

The PRESIDENT: In that case, I must ask the Council if they are ready to express themselves upon it now. Is there any objection to this?

Mr. SMOLDEREN (Belgium) (interpretation from French): I am not a master of procedure, but I think that amendments to amendments should have priority; that is, the amendments of Italy and India. But one may ask what the order should be. In fact the Italian amendment is further from the original text and as such should be put to a vote first. Even if that procedure is not accepted, it must be noted that the Italian amendment was submitted first and therefore should be voted upon first too. I would be in favour of voting first on the Italian amendment and then on the Indian amendment.

(Mr. Smolderen, Belgium)

I think that this is in keeping with the thought of the representative of Guatemala when he asked the representative of India to bring back his draft resolution. This would be a kind of substitute which would, I think, be accepted by all if the Italian amendment were to be rejected.

Mr. ARENALES CATALAN (Guatemala) (interpretation from Spanish): I fear that this time the representative of Belgium did not understand me fully. The intention of my delegation to find some sort of conciliation did not imply that this conciliation should be sought by those who were opposed to the Italian amendment, but rather should be found on both sides, by those who were opposed and by those who, like the representative of Belgium, supported this amendment.

Therefore, before voting upon what some of us objected to and what some of us supported, I thought that it would be appropriate -- and I requested the representative of India to do so and he agreed -- for us to find some sort of text which would obtain the general support of the Council, and here we are on common ground with the Belgian representative. Our proposal is not to divide, but rather to see if we can find some sort of common agreement.

In the light of the statement made by the representative of Belgium, I should like to bring to the attention of the President -- and he pointed this out very well -- that the amendment submitted by Italy does not differ greatly from the text. It is very close to the text of the resolution, but because of this very reason and because the Indian amendment is much further removed from this text, we feel that, in application of our rules of procedure, it should be voted upon before the Indian resolution, which is furthest removed from the original text.

The PRESIDENT: I am not prepared to say which text is further from the original text. I am prepared to hear arguments about it. If there are no arguments, I propose to take first the amendment in the name of the representative of India as having been the last put forward. This, I admit, is an ad hoc decision and there is no guidance for me in the rules of procedure. Is there any objection?

Mr. SMOLDEREN (Belgium) (interpretation from French): Everything depends on the way in which the Indian representative puts his amendment. If he incorporates it as paragraph 5 of the Syrian and Indian draft, it is obvious that the Italian amendment should be voted on first. If he does not incorporate it, I would be in favour of the Italian amendment being put to a vote first because it came in first.

Mr. JAIPAL (India): I think it will be obvious which will be furthest from the text of the draft resolution. The draft resolution refers to a classification committee, its functions and its powers. The Italian amendment seeks to give to that classification committee additional functions. On the other hand, my amendment to the Italian amendment is something very far removed from it. It is to invest the Standing Committee on Petitions, which is a body quite separate from the one we have been talking about, with certain additional functions; and I therefore suggest that my amendment to the Italian amendment is further removed from the subject matter.

The PRESIDENT: If I hear no further comments I shall put to the vote first the amendment in the name of the representative of India.

Mr. THORP (New Zealand): It is not clear to me how the representative of India, who is sponsor of the resolution to which Italy has moved an amendment, can move an amendment to an Italian text which has not been adopted without incorporating it in the resolution as a sponsor. There is no Italian amendment until such time as an Italian amendment is part of the resolution, presumably. I do not quite follow how this can be moved as an amendment. Can the sponsor move an amendment to his own resolution?

The PRESIDENT: It is quite possible, as I understand it, for the sponsor of a resolution to propose an addition to his original text and as I take it to be the intention of the representative of India it must be treated procedurally, of course, in the form of an amendment, but I think this makes no difficulty and I will now put it to the vote.

The Indian amendment to the Italian amendment was rejected by 7 votes to 5, with 2 abstentions.

The PRESIDENT: I will now put to the vote the amendment in the name of the representative of Italy to the draft resolution proposed by India and Syria.

The Italian amendment was adopted by 9 votes to 3, with 2 abstentions.

The PRESIDENT: I will now put to a vote the draft resolution as amended, as a whole, which -- I repeat -- should properly be considered as in the nature of an amendment to the draft resolution proposed by the Committee. We can deal with that later when we come to it.

The draft resolution contained in document T/L.787, as amended, was unanimously adopted.

The PRESIDENT: We must now consider how to dispose of the draft resolution submitted to the Council by the Council's own Committee. I must consult the Council upon this because it is not within the authority of the Chair to withdraw a resolution proposed by a Committee to the Council.

Mr. DORSINVILLE (Haiti) (interpretation from French): The decision taken by the Council concerning the amended resolution really cancels the resolution contained in document T/L.777 and I do not think this resolution should be voted upon.

Mr. ARENALES CATALAN (Guatemala) (interpretation from Spanish): I would not agree that it has been cancelled in view of the fact that the text is here and the report of the Committee is still in effect. Nevertheless, I feel it is unnecessary to vote on the draft resolution as the matter has been ruled upon by a previous resolution of the Council. The Council should have voted prior to the resolution to the contrary, but in view of the fact that no one objected to the vote my delegation considers that this is quite appropriate now and that we should follow the action of the Council.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) (interpretation from Russian): The Soviet delegation attaches great importance to the right of the inhabitants of Trust Territories to state their views and cmmplaints to the United Nations. We also attach great importance to the duty of the United Nations to consider such petitions received from inhabitants of Trust Territories with cmmplete objectivity, with a view to promoting the aims of the Trusteeship System. We also consider that petitions received should be considered in good time and that concrete recommendations should be adopted on them by the Trusteeship Council.

We have already stated our views on the question set forth in the report of the Committee nn Procedures. However, taking into account the explanations made by the representatives of India and Syria when they submitted their draft resolution on this question; and also considering that their proposal would not alter in any way the existing rules of procedure for considering petitions; and considering that the Syrian and Indian draft resolution was of a provisional nature, we did find it possible to vote for that proposal.

Mr. ASHA (Syria): I regret that I have to ask for one clarification from the Chairman of the Committee nn Procedures. My question is very simple. In paragraph III of the annex to document T/L.787 we read:

"It shall bear in mind the suggestions appearing in the report of the Committee on Procedures regarding Petitions." (T/L.787, Annex, p.1)

Turning to paragraph 20 of the report of the Committee, we read:

"The Committee next discussed the question of communications which bore insufficient indication of the signatory's identity or address. It suggests that the Administering Authority should be asked to include in its observations any information concerning the identity and address of petitioners. If the Administering Authority is unable to identify a petitioner, this fact should be stated and the Standing Committee on Petitions could then review the classification proposed by the Classification Committee in respect of such petitions." (T/L.777, para. 20)

(Mr. Asha, Syria)

My delegation is not altogether clear about the use of the words "unable to identify a petitioner". If it is unable to identify a petitioner, what action can be taken? I trust that the Chairman of the Committee can clarify the matter for my delegation.

The PRESIDENT: Let me be clear what we are discussing at the moment. We have to take some action on the report as a whole and I was about to suggest that the Council should take note of the report. On a point of clarification, the representative of Haiti has been asked a question by the representative of Syria.

Mr. DORSINVILLE (Haiti) (interpretation from French): With regard to paragraph 20, the meaning of the paragraph is as follows: petitions or communications may be received here without it being possible to identify the signatory; sometimes the signature is illegible or the exact address is not known.

(Mr. Dorsinville, Haiti)

Sometimes, as has been pointed out, there is a change of address, and then it is impossible to find the person who sent the communication.

The text of the communication would be referred to the Administering Authority. The Administering Authority, having every opportunity to inquire as to the address of a petitioner, could tell the Committee on Petitions or the Classification Committee that it was unable to identify the petitioner or to locate the individual. In that case the Committee on Petitions would take note of that fact, and it would then be possible for the Committee on Petitions to modify the classification as proposed by the Classification Committee. It would be treated as an anonymous petition. That is the explanation.

The PRESIDENT: I think that the position has been reached in which, in fact, having regard to the adoption of the resolution that the Council has just approved, we could agree to take no further action in respect of the proposals contained in the report of the Committee, inasmuch as the resolution just adopted indeed covers the recommendations of the Committee. If this is agreeable to the Council, I think on reflection we can agree to settle the matter in this way.

It was so decided.

The PRESIDENT: There is a further point arising out of the resolution just adopted. It will become necessary to appoint the Committee on Classification. I would suggest that the question of the membership of this Committee be taken up at the end of the present session.

The Council will hold one meeting tomorrow, at 3 p.m., when the first item to be taken will be the report of the Drafting Committee on the Trust Territory of Tanganyika.

The meeting rose at 6.35 p.m.