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**President: Sir Alan BURNS (United Kingdom of Great Britain and Northern Ireland).**

*Present:*

The representatives of the following States members of the Trusteeship Council: Australia, Belgium, China, Dominican Republic, El Salvador, France, Iraq, New Zealand, Thailand, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

The representatives of the following specialized agencies: International Labour Organisation; Food and Agriculture Organization of the United Nations; United Nations Educational, Scientific and Cultural Organization; World Health Organization.

**Dissemination of information on the United Nations and on the International Trusteeship System in Trust Territories (General Assembly resolution 556 (VI)) (*continued*)**

[Agenda item 14]

1. Mr. HENRIQUEZ UREÑA (Dominican Republic) submitted the revised text of his delegation's draft resolution (T/L.236/Rev.1), which took account of the observations the Iraqi representative and other members of the Council had made at the 387th meeting.
2. Mr. HOO (Assistant Secretary-General) pointed out that in the Secretary-General's opinion it would be possible to take the action suggested in the draft resolution without exceeding the existing appropriations.
3. In reply to a question by Mr. RYCKMANS (Belgium), Mr. HOO (Assistant Secretary-General) said that the pamphlet entitled *The Story of Aman and the United Nations* had been prepared by the United Nations Department of Public Information in consultation with the Department of Trusteeship and Information from Non-Self-Governing Territories. Fifteen thousand copies of the English version had been printed and

six hundred had already been distributed to various governments and institutions. The remaining copies would be sent to addresses in the various Trust Territories provided by the Administering Authorities. Five thousand copies of the French text would be printed.

4. In answer to a further question by Mr. RYCKMANS (Belgium), Mr. HOO (Assistant Secretary-General) added that the Secretariat had not consulted any of the Administering Authorities before publishing the pamphlet.

5. Mr. SAYRE (United States of America) asked the representative of the Dominican Republic whether he did not think it would be better to insert the words "in agreement with the Administering Authorities" after the word "undertake", in paragraph 2 of the operative part of his draft resolution.

6. Mr. HENRIQUEZ UREÑA (Dominican Republic) thought it would be better to keep to the original text so as to avoid making any distinction between Territories such as Somaliland, where the Secretariat distributed documents directly, and the other Trust Territories.

7. Mr. RYCKMANS (Belgium) believed that the purpose of the Dominican draft resolution was not to implement General Assembly resolution 556 (VI), which was addressed to the Administering Authorities, but rather to reaffirm the Trusteeship Council's resolution 36 (III) of 8 July 1948. It had not been established, however, that action on the Council resolution had been inadequate.

8. He would hesitate a long time before supporting a draft resolution the effect of which would be to encourage the issue by the Secretariat of such pamphlets as *The Story of Aman and the United Nations*, a document which did not distinguish clearly between the powers of the Administering Authorities and

those of the United Nations. Moreover, its childish style might astonish educated people in the Trust Territories to which it was addressed.

9. He would abstain during the vote on the Dominican draft resolution.

10. Mr. KHALIDY (Iraq) expressed the view that, if the purpose of the draft resolution was to follow up General Assembly resolution 556 (VI), it was incomplete, for it made no mention either of the action to be taken by the Administering Authorities or of the explanations which the General Assembly had asked the Trusteeship Council to provide on the matter. If, on the other hand, the Trusteeship Council should consider the Dominican draft resolution without reference to the General Assembly resolution, it must first settle the question whether resolution 36 (III) of 1948 had been satisfactorily implemented. It was in any case to the Administering Authorities, and not to the Secretary-General, that the Trusteeship Council should address recommendations on that subject, if it wished to do so.

11. The Iraqi delegation would abstain during the vote on the draft resolution.

12. Mr. HENRIQUEZ UREÑA (Dominican Republic) observed that, since the General Assembly had reverted to the matter and asked that information on the United Nations and the Trusteeship System should be more widely disseminated in the Trust Territories, it was incumbent upon the Council to reaffirm the resolution it had adopted on the subject in 1948.

13. Mr. SAYRE (United States of America) proposed that the words "to undertake" in paragraph 2 of the operative part of the draft resolution should be replaced by the words "by undertaking".

14. Mr. HENRIQUEZ UREÑA (Dominican Republic) accepted that amendment.

*The draft resolution submitted by the Dominican Republic (T/L.236/Rcv.1), as amended, was adopted by 9 votes to 1, with 2 abstentions.*

15. Mr. MATHIESON (United Kingdom) said that he felt able to vote for the draft resolution submitted by the Dominican Republic in view of the fact that it had been made clear by the Assistant Secretary-General that no over-all increase in the expenditure incurred by Secretariat services would be involved, and since it had been clearly understood that dissemination of information as a result of that resolution would be carried out in agreement with the Administering Authorities.

16. He shared the view of the representative of Belgium regarding the defects of *The Story of Aman and the United Nations*, and would add that insufficient care had been taken to distinguish between Trust Territories and Non-Self-Governing Territories in their relation to the Charter of the United Nations, notably on pages 10 and 25 of the pamphlet. Distribution of the pamphlet in the latter type of territory would give rise to serious misapprehensions. He hoped that an opportunity would be presented for further discussion of the pamphlet by the Council since the views of the members would be of undoubted value to the Secretary-General.

### **Arrangements for a periodic visiting mission to Trust Territories in West Africa (continued)**

#### **The Ewe and Togoland unification problem (General Assembly resolution 555 (VI)) (continued)**

[Agenda items 5 and 13]

*The draft resolution proposed by the United States of America (T/L.238) was adopted unanimously.*

17. Mr. RYCKMANS (Belgium) had voted in favour of the draft resolution, but was not sure that it would in fact be possible for the next visiting mission to West Africa to prepare its report in the time prescribed by the resolution.

#### **Participation of the indigenous inhabitants of the Trust Territories in the work of the Trusteeship Council (General Assembly resolution 554 (VI)) (continued)**

[Agenda item 12]

18. Mr. SOLDATOV (Union of Soviet Socialist Republics) introduced the draft resolution submitted by his delegation (T/L.239). Under the Charter the indigenous peoples of the Trust Territories were to play an active part in the administration of their own country and to share in the making of decisions of direct concern to their Territories. Since the Trusteeship Council was the organ specially responsible for helping the Powers administering Trust Territories to carry out the duties of the Organization in matters of trusteeship, participation of the indigenous peoples in the Council's work was of primary importance and would, for example, help the Council to fight against abuses petitioners drew to its attention.

19. He quoted the terms of General Assembly resolution 554 (VI) and recalled that the Soviet Union had made a similar proposal (T/235) at the fourth session of the Council, in 1949; it had then had the support of the non-administering members of the Council. He hoped that the Soviet Union's proposal would be favourably received by all the members of the Council who were resolved that the aims of the Trusteeship System should be fulfilled.

20. Mr. PIGNON (France) said that the resolution before the Trusteeship Council seemed to him the most important of all the resolutions adopted at the General Assembly's sixth session.

21. The record of the Fourth Committee's discussions,<sup>1</sup> in particular the Cuban representative's statement, were enough to show that the resolution in fact proposed the creation of "associate members" who would be called upon not only to supply information, as petitioners did, but also to represent the opinion of the population as opposed to that of the Administering Authorities. In the opinion of the Cuban representative, such a procedure would have the advantage of preparing the peoples of the Territories to assume international responsibilities, which was one of the basic objectives of the Trusteeship System.

22. The French delegation had voted against resolution 554 (VI) and could not accept that point of view.

<sup>1</sup> See *Official Records of the General Assembly, Sixth Session, Fourth Committee, 237th meeting.*

A matter which involved the future not only of the Trust Territories, but of the Trusteeship Council itself, should be given closer consideration than it had received in the Fourth Committee in the relatively short time available.

23. Unlike the Cuban representative, he felt that the provisions of General Assembly resolution 554 (VI) were incompatible with the terms of the Charter. The methods to be used to achieve the purposes of the Trusteeship System had been specified, for the Charter itself clearly defined in Chapters XII and XIII the composition and competence of the organs responsible for supervising the operation of the Trusteeship System and the means which they should use to carry out that task. The Trusteeship Council was one of the principal organs of the United Nations; its powers had been fixed by a multilateral act and could therefore be amended only in accordance with the procedure prescribed in Article 108 for amendments to the Charter.

24. Some speakers had sought to minimize the scope of the resolution, and at the same time to justify it, by saying that the indigenous associate members would to a certain extent be the "counterpart" of the special representatives. That showed a fundamental misunderstanding of the special representatives' task. They were, in fact and in law, members of the delegation of the Power which had appointed them, and as such were subject to the authority of the head of the delegation. Their presence was as useful to the Council as it was to the Power which they represented, and it was no doubt for that reason that arrangements had been made for it in the rules of procedure.

25. In order to justify participation of the peoples of the Trust Territories in the Trusteeship Council's work, some representatives had also referred to the practice of the specialized agencies or the regional economic commissions of the United Nations. Such a comparison was quite unjustified. It was true that the constitution of certain specialized agencies and related regional bodies provided, in various ways, that a non-member State, or a territory which did not conduct its own foreign relations, could be associated in the work of the agencies in certain closely defined cases and for practical reasons. However, it was certainly not a case of "the direct association of the indigenous inhabitants of the Trust Territories" referred to in the fifth paragraph of the preamble of the General Assembly resolution. Moreover, innovations which were regarded as necessary in technical bodies were in no way justified in a political organ such as the Trusteeship Council.

26. It should also be realized of how little practical use, indeed how useless, the participation of the indigenous inhabitants of the Trust Territories in the work of the Council would be. In fact, the interests of the peoples of the Territories were safeguarded, according to specific constitutional provisions, by the examination of annual reports, the supervision by visiting missions and the use of the right of petition. The Administering Authorities made it a point of honour to facilitate the access of petitioners to the Council, and they were always warmly received and assured of complete freedom of expression.

27. It should also be recalled that it was very difficult, and sometimes almost impossible, to choose representatives from the peoples of the Territories, owing to the diversity of races and political groups. The United Kingdom representative in the Fourth Committee had emphasized those difficulties by citing the case of Tanganyika. There might be simpler situations than the situation there, but the same problem would always arise, and any elected assembly would automatically insist that members of the majority should be appointed as the Territory's representatives. Nor could it be blamed for, or prevented from, doing so.

28. The provisions of the resolution were in fact the result of a misunderstanding of one of the most important principles of public and international law: peoples or territories could not have any representation other than that which was exercised by the authorities constitutionally vested with that power. The system in the Trust Territories should not give rise to any illusion; although they had been given special guarantees, the effect of such guarantees must not be to hinder application of the principles of government. A Territory must not be badly administered because it was under the Trusteeship System. Some members of the Fourth Committee had already asked whether, if the Assembly resolution was applied, the presence within the Council of an independent representative side by side with the representative of the Administering Authority might not give rise to deplorable conflicts. That aspect of the problem should be considered and nothing should be done which might deprive the States appointed by the General Assembly of any of their authority and diminish the confidence the indigenous inhabitants felt in them.

29. The debate had gone on too long despite the self-evident nature of those observations, no doubt because there had been a mistaken idea of the nature and duties of the Trusteeship Council. Some would like to regard the Council as a tribunal which dealt with disputes between the Administering Authorities and the peoples administered, and handed down judgments after hearing each of the parties involved. Such an idea was in fact contrary to the letter and spirit of the Charter, which said that the Trusteeship Council was a political organ and not a tribunal. It was fortunate that that was the case, since the interests of the indigenous inhabitants were thus protected from useless disputes. Mr. Pignon was confident that the Council's decision would be based on wisdom and experience.

30. Mr. FORSYTH (Australia) observed that General Assembly resolution 544 (VI) invited the Trusteeship Council to examine the possibility of associating the inhabitants of the Trust Territories more closely in its work and to report on its study to the seventh session of the General Assembly. He proposed to consider whether there were any provisions in the Charter, the Trusteeship Agreements or the rules of procedure of the Council which afforded a basis for such proposal.

31. The composition, functions, voting and procedure of the Trusteeship Council were laid down in Chapter XIII of the Charter. If the Articles in that Chapter relating to representation in the Council and to the Council's relations with the Trust Territories were

studied, it would be seen that Article 86 merely stipulated that each member of the Council should designate one specially qualified person to represent it; Article 87 authorized the Council to consider reports submitted by the Administering Authority, to accept petitions and to provide for periodic visits to the Trust Territories, on the understanding that such actions must be in conformity with the terms of the Trusteeship Agreements; while Article 91 authorized the Council to avail itself of the assistance of the Economic and Social Council and of the specialized agencies in regard to matters with which they were respectively concerned. Although those Articles provided for indirect contact between the indigenous inhabitants and the Trusteeship Council, either in the course of visiting missions, as petitioners, or through participation in a specialized agency, they did not provide for direct participation of those inhabitants in the Council's work.

32. The Administering Authorities exercised their authority under the Trusteeship Agreements; their rights and duties were thus defined in two international treaties — the Charter and the Agreements relating to the Territories under their administration, the texts of which had been approved by the General Assembly after thorough examination. The same was true of the Trusteeship Council's powers, which were derived both from the Charter and from the different Trusteeship Agreements. Neither the Council nor the Administering Authorities could be called upon to take measures for which there was no provision either in the Charter or in the Trusteeship Agreements. A study of the text of the various articles of the Trusteeship Agreement for the Trust Territory of New Guinea, for example, showed that those articles required the Government of the Commonwealth of Australia to administer the Territory in conformity with the provisions of the Charter and to co-operate with the Council in the exercise of all the functions set forth in Articles 87 and 88 of the Charter. Since the Charter made no provision for direct collaboration between the indigenous population and the Council, it followed that neither the Charter nor the Trusteeship Agreements imposed any obligation on the Administering Authorities to secure the participation of the populations they administered in the Council's work (apart from the association arising out of the provisions concerning visits and petitions) and the Council could not validly require or recommend something for which the Charter and the Agreements did not provide.

33. Lastly, there was no clause in the Council's rules of procedure which imposed such an obligation, since rule 18 merely authorized representatives to be accompanied by such alternates and advisers as they deemed necessary, while rule 74 provided for the designation by the Administering Authority of a special representative who was well informed on the Territory involved in order to facilitate the consideration of a particular report.

34. The Administering Authority had complete freedom to designate its representative, subject to article 86, paragraph 2, which provided that such representative should be a "specially qualified person".

35. The provisions relating to petitions and visits established a certain contact between the indigenous

populations and the Trusteeship Council, but that association was what would normally exist between petitioner and tribunal, visitor and visited, and could not be regarded as a precedent for participation in the internal working of the Council.

36. With regard to General Assembly resolution 554 (VI), he recalled the General Assembly resolution (566 (VI)) dealing with the participation of Non-Self-Governing Territories in the work of the Committee on Information from Non-Self-Governing Territories and pointed out that the Trusteeship Council was one of the principal organs of the United Nations, the functions of which had been laid down in the Charter and which was responsible for supervising the administration of the Trust Territories; it was not in any way comparable with the Committee on Information from Non-Self-Governing Territories, which was a subsidiary organ set up by the General Assembly, with no supervisory rights in regard to the administration of the Non-Self-Governing Territories. Moreover, the latter resolution was concerned with the participation of the *territories* in the Committee's work and not with the participation of the indigenous or other *inhabitants* of the territories, a very important difference. It was not for inhabitants but for governments to conduct dealings with international bodies.

37. He did not accept the implied analogy between specialized agencies and the Trusteeship Council; their status and functions were entirely different.

38. The fifth paragraph of the preamble of General Assembly resolution 554 (VI) asserted that such direct participation by the indigenous inhabitants was an effective measure of promoting the progress of the Trust Territories towards a position of equality with the Member States of the United Nations. That assertion was not wholly correct in terms of the provisions of the Charter. While it was envisaged in the Charter that the inhabitants of Trust Territories would attain self-government or independence at some time in the future, the outcome in respect of those which attained self-government would not necessarily be independent statehood.

39. The operative part of the resolution was, moreover, not supported by the provisions of the Charter, the Trusteeship Agreements or the Council's rules of procedure, in which the right to decide the form of their participation in the Council's work was vested in the Administering Authorities alone; the latter were the sole representatives of the peoples of the Territories under their jurisdiction. It was the responsibility of the administering Government, not of individual inhabitants or groups of them, to answer to the United Nations on the administration of the Trust Territory. The Trusteeship Council could presumably make suggestions in that matter but anything in the nature of a recommendation would have no constitutional foundation.

40. Mr. MATHIESON (United Kingdom), Mr. KHALIDY (Iraq) and Prince WAN WAITHAYAKON (Thailand) wished to know the precise meaning of the words "in the name of", which had been used in the USSR draft resolution (T/L.239).

41. Mr. SOLDATOV (Union of Soviet Socialist Republics) said that those words meant that the organizations concerned would be entitled to send representatives to participate, without vote, in the work of the Council referred to in the draft resolution. Such organizations might, for example, be United Nations associations, organizations for the protection of the rights of women and children and representative organs of self-government, however limited their powers.

42. Mr. KHALIDY (Iraq) thought that resolution 554 (VI) was not so radical or unconstitutional as it might appear. It did no more than invite the Trusteeship Council to study the possibility of associating the Trust Territories more closely with its work.

43. It seemed to him that the views expressed could be reconciled and he accordingly submitted a draft resolution (T/L.240) to that end.

44. Mr. RYCKMANS (Belgium) pointed out that the French text of paragraph 3 of the operative part of resolution 554 (VI) incorrectly referred to "the Trust Territories", whereas the text finally adopted by the General Assembly used the words "the inhabitants of the Trust Territories". In that particular instance the English text was therefore authentic.

45. Mr. ALEKSANDER (Secretary of the Council) confirmed that the English text of paragraph 3 was authentic and that the French text would be corrected.

46. Mr. RYCKMANS (Belgium) said that the purpose of the USSR draft resolution (T/L.239) was to give the peoples of the Trust Territories the right to send representatives to take part in the Council's work. The Council was not, however, entitled to give the inhabitants of the Trust Territories a right which was not granted to them either by the Charter or by the Trusteeship Agreements. Only the Administering Authority, which was invested by the Trusteeship Agreements with full legislative and executive powers, would be entitled to grant the inhabitants the right to send representatives to the Trusteeship Council. He made that point independently of the objections of substance which the Belgian delegation had put forward during the discussion in the Fourth Committee.

47. The principle stated in the Soviet Union text was therefore unacceptable even to those who had subscribed to General Assembly resolution 554 (VI).

48. Mr. URQUIA (El Salvador) considered the text of the USSR draft resolution somewhat confused. It was scarcely imaginable that the representatives referred to in that draft represented both the inhabitants and the organizations concerned.

49. Moreover, the draft resolution was not in keeping with the Charter and the Trusteeship Agreements, since its purpose was to grant the inhabitants of the Trust Territories a right which, under the Charter and under those Agreements, belonged only to the Administering Authorities.

50. Furthermore, the objective of General Assembly resolution 554 (VI) was not to grant such rights to the inhabitants of the Trust Territories; it merely contemplated that they should be associated more closely with the Council's work, without implying the right to send representatives to the Council.

51. Various members of the Council responsible for administering Trust Territories had already made their views on the matter clear. The French representative had rightly stated that the procedure contemplated in the Soviet Union draft resolution was liable to make the work of the Trusteeship Council and the United Nations dangerously complicated.

52. The Salvadorean delegation therefore could not vote for the USSR draft resolution. On the other hand, it hoped that it would be able to support the Iraqi draft resolution after it had studied that text.

53. The PRESIDENT proposed that the discussion should be adjourned until a later meeting, so that the members of the Council could study the Iraqi draft resolution.

*It was so decided.*

### **Revision of the Provisional Questionnaire: report of the Drafting Committee on the Questionnaire**

[Agenda item 6]

54. Mr. KHALIDY (Iraq), Chairman of the Drafting Committee on the Questionnaire, in presenting that Committee's third interim report (T/L.237), stressed that the Committee had been unable to fulfil its task because some Administering Authorities had not sent in their observations on the draft revised text of the Questionnaire prepared by the Secretariat (T/AC.32/L.1 and Add.1), and because other observations remained incomplete. The Committee also wished to know the Council's opinion on the nature, form and scope of the new Questionnaire. It was high time for the Trusteeship Council to state its position on the matter.

55. Mr. SAYRE (United States of America) said that his Government had not yet submitted its observations because, in its opinion, it was better to wait until the Committee had drawn up a draft Questionnaire. But it appeared from paragraph 1 of the operative part of the resolution the Committee had adopted (T/L.237) that that body had a different idea of the procedure to be followed. The United States delegation was deeply interested in any revision of the Questionnaire and would not fail to give the Committee its full support, but it felt that it was essential to proceed in the proper sequence and that it was for the Committee to make proposals or recommendations concerning the form and scope of the Questionnaire before requesting the Council's opinion or submitting a draft Questionnaire to it.

56. The PRESIDENT thought that, in order to avoid wasting time, the Committee was justified in asking the Council for specific instructions with regard to the form and scope of the Questionnaire. It was therefore for the Council first to take a decision of principle on the matter.

57. Mr. RYCKMANS (Belgium) preferred that non-administering members of the Council should express their opinions. The Belgian delegation would support the opinion of the majority, although it thought the Provisional Questionnaire was already too long. Of course it was comparatively easy to draw up a long list of theoretical and technical questions, but it would

be dangerous to enter a field in which experts alone were competent. The Questionnaire should therefore be as concise as possible and should be in the form of a table of topics on which the Trusteeship Council wished to have information.

58. Moreover, the reports, as currently drafted by the Administering Authorities, seemed to be fully satisfactory, particularly since each member of the Council was free to ask the special representatives of the Administering Authorities for additional information which did not appear in the reports. In the circumstances, it seemed desirable not to change the Provisional Questionnaire substantially.

59. Mr. HURE (France) agreed with the Belgian representative. France would always be prepared to supply all the information requested by the Council, but it felt that the annual reports as they stood were clear and precise enough. If the Questionnaire was further complicated, the result would be a deterioration in the quality of the information supplied.

60. Mr. MATHIESON (United Kingdom) wished, as a member of the Drafting Committee on the Questionnaire, to supplement Mr. Khalidy's observations. The Committee had considered it impossible to submit more positive suggestions because all the governments administering Trust Territories had not stated their opinions on the draft Questionnaire drawn up by the Secretariat and because some of them had asserted that the draft was based on totally wrong conceptions. The United Kingdom Government considered the draft Questionnaire drawn up by the Secretariat to be satisfactory on the whole. But if the Council wished to simplify the text, the United Kingdom would welcome the suggestion. Moreover, it must be clearly understood that the Council would continue to allow the Administering Authorities to draw up their annual reports in the form of statements and not insist on their drafting them in the form of replies to questions.

61. Mr. RYCKMANS (Belgium) agreed with the United Kingdom representative that reports drafted in the form of statements offered definite advantages over the system of questions and answers. In the latter case, all the questions appeared to be equally important, whereas, by adopting the statement form,

the Administering Authority could lay emphasis on events or achievements of primary importance.

62. Mr. HURE (France) recalled that the French Government had made general comments on 30 May 1951 (T/AC.32/L.5). The French delegation was in a position to make very specific observations on a number of questions forthwith. It considered the Provisional Questionnaire to be generally acceptable because it constituted a convenient working document with which the local authorities were familiar. If any changes were necessary, they should be made only to simplify or to condense the text with a view to improving the quality of the reports and making them more complete.

63. Mr. SOLDATOV (Union of Soviet Socialist Republics) recalled that his delegation had already stated its opinion on the matter at previous sessions of the Council when the annual reports were being considered. It thought that the Provisional Questionnaire should be retained in its existing form and, as far as the nature and scope of the Questionnaire were concerned, it would oppose any change designed to reduce the amount of information requested.

64. Mr. HENRIQUEZ UREÑA (Dominican Republic) was surprised at the procedure suggested by the Drafting Committee, which had surely been set up to find methods of improving the Questionnaire. The recent exchange of views should enable the Committee to continue its work.

65. Mr. KHALIDY (Iraq) again emphasized that the Committee had been unable to fulfil its task because all the Administering Authorities had not sent in the observations requested in Trusteeship Council resolution 342 (IX) and because some Administering Authorities had not given full replies.

66. The PRESIDENT proposed that the discussion should be adjourned until a meeting in the near future in order to enable him to take up the problem with the Chairman of the Drafting Committee on the Questionnaire.

*It was so decided.*

The meeting rose at 6 p.m.