

Authority's action in delegating its powers to a colonial government, the question of integration and the question of indirect rule, because he believed that those questions were fundamental, and explained to a considerable extent, if not fully, the present conditions in the Trust Territory.

95. The PRESIDENT pointed out that the Council had devoted a whole meeting to questions relating to political conditions in the Trust Territory of the Cameroons under British administration. According to the timetable laid down, there was only one meeting left for questions on economic, social and cultural conditions in the Territory. If, as had been agreed the previous day, the Council was to complete its work by 6 April, it was essential that discussion should not be unduly protracted.

The meeting rose at 6 p.m.

247th meeting

FORTY-FIFTH MEETING

*Held at the Palais des Nations, Geneva,
on Wednesday, 8 March 1950, at 10.30 a.m.*

President : Mr. Roger GARREAU.

Present : The representatives of the following countries : Argentina, Australia, Belgium, China, Dominican Republic, France, Iraq, New Zealand, Philippines, United Kingdom, United States of America.

Observers from the following countries : Egypt, Israel, Hashemite Kingdom of the Jordan, Syria.

87. Question of an international regime for the Jerusalem area and protection of the Holy Places (General Assembly resolution 303 (IV) of 9 December 1949) (T/118/Rev.2, T/423, T/L.35, T/L.35/Corr.1, T/L.42, T/L.51, T/L.52, T/L.53 and T/L.54) (resumed from the 43rd meeting)

SECOND READING OF THE DRAFT STATUTE FOR JERUSALEM (T/118/Rev.2 and T/L.35 (continued))

Article 7 : Human rights and fundamental freedoms (resumed from the 40th meeting)

1. The PRESIDENT drew the attention of the Council to a new text (T/L.52) for article 7, submitted by the representatives of Argentina, Australia, the Philippines and the United States of America.

2. Mr. SAYRE (United States of America) said that the new text for article 7 required no explanation. It represented a compromise, in so far as it contained the substance of some of the provisions proposed by its sponsors for inclusion in the article. The new text was an integrated whole. Since all its provisions had been discussed at length by the Council he hoped it could be accepted without further debate.

The new text of article 7 (T/L.52) was provisionally accepted.

3. Mr. JAMALI (Iraq) observed that some parts of the new text of article 7 were repetitive. He hoped that

would be revised before the article was finally adopted.
Article 9 : Citizenship (resumed from the 43rd meeting)

4. The PRESIDENT drew the attention of the Council to the amendment (T/L.51) submitted by the Belgian and New Zealand representatives to replace paragraph 1 of article 9 by the following text :

" 1. Every person who at the date of coming into force of this Statute is a resident of the City within the meaning of article 8 of this Statute shall become *ipso facto* a citizen of the City : Provided that :

" (a) Every resident of the City who, at the date of coming into force of this Statute, is a citizen of any State and who gives notice in such manner and within such period as the Governor shall by order prescribe of his intention to retain the citizenship of that State shall not be deemed to be a citizen of the City."

5. Mr. JAMALI (Iraq) requested the Council to defer its decision on the joint Belgian-New Zealand amendment to article 9 until members had had an opportunity of studying it at their leisure.

It was so agreed.

Article 20 : The Legislative Council (resumed from the 43rd meeting)

6. Mr. SAYRE (United States of America) said that after the Council had provisionally accepted a text for paragraph 1 of article 20 at the forty-third meeting the meaning of the words "governmental authority" had been questioned during an informal conversation. As they might give rise to doubt he proposed that the words "or to some other governmental or judicial authority of the City" be substituted for the words "or to some other governmental authority of the City".

7. Mr. RYCKMANS (Belgium) it would be sufficient to say "any other authority".

8. Mr. SAYRE (United States of America) and Mr. MUÑOZ (Argentina) were in favour of the wording proposed by the Belgian representative.

9. The PRESIDENT suggested that the words "or to any other authority of the City" be substituted for the words "or to some other governmental authority of the City" in the text of paragraph 1 of article 20 as adopted at the forty-third meeting.

It was so agreed.

10. The PRESIDENT said that the Council had before it an amendment to paragraph 3 proposed by the French delegation (T/L.53).

11. Mr. DE LEUSSE (France) stated that his new text was not perhaps exactly what members of the Council might have expected. Certain members of the Council had pointed out to him that a provision for three colleges might make it difficult for certain people who did not belong by religion to any of the three colleges existing in the City to vote. That was why he now proposed that there should be four colleges, the first three electing an equal number of members,

and the fourth electing one member; the total would be thirty-seven instead of thirty-six. The establishment of the fourth college would enable residents of Jerusalem who were neither Jewish, Moslem nor Christian to register and vote.

12. He had attempted to allocate the seats which might be given to the representatives of the religious institutions, as the representatives of the Orthodox Armenian and Greek Churches had suggested. That was a difficult task, and he had not been able to complete it. He merely suggested that the religious communities should propose members, and that the Governor should submit to the Trusteeship Council a plan for the allocation of the seats. He did not think that the Trusteeship Council itself was in a position to make such allocations. As the representatives of the Armenian and Greek Churches had said, and as he himself thought, the allocation should be made, not on the basis of the number of persons belonging to those religions in Jerusalem, but in accordance with the importance of those religions in the world as a whole. He had not the necessary information for that purpose, and had unfortunately not been able to submit a more detailed plan.

13. Mr. RYCKMANS (Belgium) said that he understood the reluctance of the French representative to lay down details concerning the allocation of the non-elective seats in the Legislative Council among the different religions. He himself was not convinced that a representation of twelve members was appropriate. He would prefer a decision in principle, to the effect that the designation of additional members by the religious communities on the basis of equality between the Christian world, the Jewish world and the Moslem world would be studied by the Governor, who would be asked to submit proposals on the subject to the Trusteeship Council. If, for instance, it did not appear possible for the Governor to make an appropriate allocation of the four seats reserved for the Christians, he might propose that there should be five seats for each religion, or only three. The Governor would make a study, and submit proposals to the Trusteeship Council taking account of the religious interests in Jerusalem, of the importance throughout the world of the religious communities composing those interests and, to the extent he thought fit, of traditions.

14. Mr. DE LEUSSE (France) asked the Belgian representative whether he considered that the non-elective seats should be taken from the original quota for each of the three religions, or should be supplementary. He fully understood what the Belgian representative had just said. It might be possible to reduce the number of elective members—for example, to bring it down to ten for the first three colleges, which, counting the member to be elected by the fourth college, would make a total of thirty-one; and a final paragraph might be introduced stating that the Governor would propose a certain number of seats and allocate them among the religious communities, which would then designate their representatives.

15. Mr. RYCKMANS (Belgium) suggested that the text should read: "The Legislative Council shall consist

of twenty-five elective members and a certain number of designated members", and should continue: "The first three colleges shall elect eight members, and the fourth college shall elect one member", concluding with the following paragraph: "The other members of the Council shall be designated by the heads of the principal religious communities: an equal number of members shall represent the Christian world, the Jewish world and the Moslem world. The Governor shall submit to the Trusteeship Council a plan for the allocation of seats among the principal communities of each of the three religions." The Governor would be entrusted with the task of studying what the number of non-elective members should be. After consultation with the population and the various interests, the Governor might conclude that it would be more acceptable to all concerned to have a smaller or a larger representation of the religious interests, and after careful study would submit proposals accordingly.

16. Mr. SAYRE (United States of America) said that although there was much that was commendable in the new paragraph 3 proposed by the French representative, he doubted the wisdom of over-emphasizing religious representation in setting up a Legislative Council for the City, and was inclined to question whether the city would be well governed if the members were chosen to represent religious groups. The main business of the Legislative Council would be to make arrangements for mundane and very materialistic matters which had little connexion with the principle that the three religions should be equally represented in the City. In the United States of America efforts have been made to differentiate between the interests of the State and the churches, in order to promote religious freedom. The churches were primarily concerned with spiritual matters, and the freedom of the churches in the United States of America from material preoccupations was the main source of their strength.

17. If it were laid down in the draft Statute that the three religions should be equally represented on the Legislative Council, the Arabs might be given undue influence over the government of the City, since some of the members representing the Christian religion would probably be Arabs. Moreover, he doubted whether persons belonging to other than the Jewish, Arab and Christian communities would be adequately represented by a single member of the Legislative Council.

18. He did not wish to propose a different arrangement from that outlined in the paragraph submitted by the representative of France, but must urge the Trusteeship Council to consider carefully whether that arrangement would prove practical and whether it would be likely to help in preserving peace in the Holy City.

19. The PRESIDENT indicated that, at the end of 1947, there had been in Jerusalem only 130 persons who were neither Moslems, Jews nor Christians.

20. Mr. RYCKMANS (Belgium) said that he understood the hesitation of the United States representative. He himself had wished to leave open the question of

the direct representation of the religious interests, because he considered that the question called for more detailed study, but the fact remained that in Jerusalem people were distinguished by their religions. Jerusalem could not be compared with a Western State. General Assembly resolution 181 (II) recognized that Jerusalem was a holy city, and not an ordinary State, and even those in favour of the separation of church and State must recognize that the situation in Jerusalem was a special one, and that religious interests had more importance there than in any other country.

21. With regard to the representation of inhabitants who were neither Christian, nor Moslem nor Jewish, it must be remembered that the question of religion in the East had nothing to do with practical observance, nor even with nationality.

22. The United States representative had said that the preoccupations of the Legislative Council would be primarily with questions of hygiene, etc., but it must be remembered that the preoccupations of the inhabitants of Jerusalem were religious to an extent far greater than were those of the inhabitants of the other cities or States of the world.

23. Finally, religious charitable organizations had very important interests in Jerusalem. Those organizations spent enormous sums, collected from all parts of the West, on the welfare of the local population and the upkeep of hospitals and schools. In addition, there was the question of the pilgrims who went to Jerusalem from all over the world, and it was to be feared that the inhabitants of the City registered in the electoral colleges might not pay sufficient attention to the religious interest which the rest of the world felt in the City. If they were too engrossed in questions of hygiene, etc., they would perhaps take less interest in the question of pilgrimages, and might even come to regard such questions purely from a commercial, tourist point of view, whereas the Churches would consider them from the religious point of view — the standpoint adopted by the General Assembly. The principle of the direct representation of the Churches was a sound one, and the method of such representation should be studied by the Governor. The Trusteeship Council could not take a decision after a brief discussion between people who were not fully acquainted with the facts of the local situation.

24. Mr. DE LEUSSE (France) said that he had only one point to add to those raised by the Belgian representative. The United States representative had spoken of work of a municipal character, but it must not be forgotten that the Legislative Council would not be the municipal council of an ordinary town. The International City consisted of a large number of municipalities, each of which would have a municipal council to deal with roads, the police force, etc. The Legislative Council of the *corpus separatum* would have a different task to perform, more like that of a congress than of a municipal council.

25. Mr. HOOD (Australia) said that for the reasons adduced by the representatives of Belgium and France,

he did not consider the arrangement proposed by the latter would prove as artificial as it might appear at first sight. There was justification for the Trusteeship Council's making every arrangement it could to help to uphold the dignity of the religious institutions in Jerusalem. But he agreed with the Belgian representative that the Council might wisely leave open the question of exactly how many members of the Legislative Council should be appointed to represent the religious institutions, until the Governor had submitted recommendations on the subject. It should not be forgotten that, provided article 16, as provisionally adopted by the Trusteeship Council, was not radically changed, the Governor would be assisted by an administrative staff, of which the members would be selected on a non-discriminatory basis, and that that staff would be the body most concerned with the mundane and materialistic matters mentioned by the representative of the United States of America. The interest of the Legislative Council would by no means be confined to the normal business of public utilities and municipal services. The Trusteeship Council would do well to make provision for an arrangement such as that described in the French amendment.

26. Mr. LAKING (New Zealand) said that his delegation had no firm views on the subject under discussion, but that he personally shared some of the misgivings expressed by the United States representative. The task of the Trusteeship Council was to strike a balance between the need for providing adequate municipal services in the Holy City and the need for protecting world-wide religious interests. These interests were, in his view, adequately protected, first, by the institution of an international regime for the City, secondly by the supervision which would be exercised by the Trusteeship Council through the Governor, and thirdly by the proposal that representation in the Legislative Council should be based on the religious communities in the City. He doubted whether it was necessary for the Council to take any steps to ensure that the interests of the three religions would be directly represented on the Legislative Council. While the elected members of the Legislative Council would not necessarily all be practising Christians, Moslems or Jews, it would be safe to assume that most of them would be, and in any event they would certainly be closely connected with religious interests. The normal course would be for religious bodies and organizations to make their views and interests known through the elected members of the Legislative Council. In view of the fact that the General Assembly had instructed the Trusteeship Council to make the draft Statute more democratic, he could not help feeling that religious interests would be sufficiently protected on the Legislative Council by the members elected by Jewish, Arab and other residents of the Holy City, and that the Trusteeship Council would be taking a retrograde step if it laid down in the draft Statute that those interests in Jerusalem were to be represented in the Legislative Council by appointed members.

27. The PRESIDENT asked the French representative, who appeared to have accepted the observations of

the Belgian representative, to submit a new draft of the last sentence of the last paragraph of his proposal, suitably amended.

28. Mr. DE LEUSSE (France) pointed out that it would also be necessary to amend the first paragraph of his amendment to read: "The Legislative Council shall consist of twenty-five elective members and a number of members, to be specified, designated by the religious communities." The second and third paragraphs would remain unchanged. The fourth paragraph should read: "Other members of the Council shall be designated by the heads of the principal religious communities: the number of members representing the Christian world, the Jewish world and the Moslem world being equal. The Governor shall submit to the Trusteeship Council a plan for the allocation of the non-elective seats among the principal communities of each of the three religions."

29. Mr. RYCKMANS (Belgium) thought that the words "Other members" should read "The other members".

30. The PRESIDENT drew attention to the fact that the article under discussion was one of the fundamental articles of the draft Statute. In the absence of comments, he would take it that the majority of the Council was in favour of the text as revised. He did not think it would be necessary to take a vote at that juncture, as a vote would be taken at the third reading.

31. Mr. JAMALI (Iraq) asked whether the Trusteeship Council or the Governor would take the final decision as to how many members of the Council should be appointed to represent the interests of the religious institutions, on the assumption that the text proposed by the representative of France was inserted in article 20.

32. Mr. DE LEUSSE (France) pointed out that the text provided that the Governor would make proposals to the Trusteeship Council, and that it was the Trusteeship Council which would decide.

33. The PRESIDENT said the words "shall submit to the Trusteeship Council for approval..." might be used.

34. M. RYCKMANS (Belgium) considered that the Trusteeship Council did not merely have to approve the proposals. If it were stated that the Governor would "submit for approval", that meant that he would take the decision and the Council would approve or not approve; in point of fact, the Governor would only carry out studies, and the Council would decide, in the light of the results of those studies. He thought it unnecessary to clarify the text on that point.

35. Mr. LAKING (New Zealand) suggested that the words "this Statute" be replaced by the words "this article" in the first sentence of the French text of paragraph 3 of article 20, since amendments might be made to other articles of the Statute without making it necessary to change the composition of the Legislative Council.

36. Mr. DE LEUSSE (France) said that he had taken the text of the 1948 draft. If that article were modified,

the Statute would be modified, as the article formed part of the Statute.

37. The PRESIDENT said that the amended text of the French proposal would be introduced into the draft Statute and submitted as it stood for the final approval of the Trusteeship Council.

Article 21 : Elections to the Legislative Council (resumed from the 43rd meeting)

38. The PRESIDENT said that the Council had before it a French amendment (T/L.53) to paragraph 1.

39. Mr. DE LEUSSE (France) explained that the new draft did not differ in substance from the established text. He had merely adapted the text in the light of his proposal making provision in article 20 for a fourth electoral college.

40. Mr. RYCKMANS (Belgium) thought it was necessary to say: "The *elective* members of the Legislative Council...", because provision had been made for other non-elective members.

It was so agreed.

41. Mr. HOOD (Australia) said that the meaning of the words "proportional representation in each electoral college" was not clear. Did that mean that the parties should be represented in proportion to the votes each obtained in each electorate college? He doubted whether the text in that form would serve any useful purpose.

42. Mr. RYCKMANS (Belgium) explained that the passage concerning proportional representation had been introduced into the original text because a distinction had been made between the Arab college and the Jewish college, and it had been pointed out that there were both Christians and Moslems among the Arabs, and that if one of the communities, either the Christian community or the Moslem community, were more numerous than the other, it should not occupy all the seats of the same ethnic group while the other community had no representation at all. That observation applied equally to the Christian college and to the Jewish college.

43. The PRESIDENT noted that the draft Statute did not say how such proportional representation would be ensured.

44. Mr. DE LEUSSE (France) thought the text was clear. Proportional representation would work in the following manner. For each electoral college, a certain number of lists would be put forward; for instance, in the Christian college there would be the lists of the various communities, or even political lists; as the text stood, each electoral college would elect eight members; several parties might put forward eight candidates; within each college, the members would be elected in accordance with the system of proportional representation from among the lists submitted by the political parties.

45. The PRESIDENT asked whether such proportional representation would not result from the application

of universal suffrage, or whether the French representative meant that proportional representation would be ensured by the provisions of the Statute. As used in the French proposal, the phrase could be interpreted in very different ways.

46. Mr. DE LEUSSE (France) explained that he had again taken the text of the 1948 draft. For the first elections a choice must be made, but there could be no objection to empowering the Legislative Council to decide at some later date to adopt an electoral system other than the system of proportional representation.

47. The PRESIDENT recalled that the Working Committee and the Trusteeship Council had discussed the question at length, and that it had not been possible to reach agreement. The Council had then preferred to leave it to the Governor and the Legislative Council to determine the electoral system at a later stage. For the first election, however, specific conditions had to be laid down. Later on, the Legislative Council could adopt another electoral system, but still on the basis of equality between the three colleges and the existence of the fourth college.

48. Mr. RYCKMANS (Belgium) believed that the Australian representative was right in saying that the provisions in question should not appear in the draft Statute. It would be more democratic to leave the right of drafting the electoral law to the Legislative Council. The transitional provisions might embody the principle that the first elections were to be on the basis of proportional representation. The question could be examined later, when the transitional provisions were discussed. It was essential that a decision should be taken in respect of the first legislature, and it was preferable that the Trusteeship Council should take that decision, rather than leave it to the initiative of the Governor.

49. Mr. JAMALI (Iraq) also did not think that the words "proportional representation" should appear in article 21, since it had been decided that the three religions should be equally represented on the Legislative Council.

50. Mr. INGLÉS (Philippines) said that the General Assembly had laid down in part III, section C, paragraph 5 of the Plan of Partition with Economic Union that the Legislative Council should be "elected . . . on the basis of . . . proportional representation". The Council could only reconcile its decision that the Legislative Council should be elected by four electoral colleges with that provision by ensuring that the number of representatives elected by each college was in proportion to the numerical strength of each community. The words "proportional representation in each electoral college" might lead to numerous complications, if the text proposed by the representative of France were adopted without amendment, since it might be argued that they meant that each trade, each sect or each race, should be proportionately represented. Even for the purposes of the first elections it would be wrong to lay down merely that they should be conducted

on the basis of proportional representation in each electoral college. Such a provision should be omitted from the draft Statute, and it could be left open to the Trusteeship Council to decide later whether there should be proportional representation within each college, and if so, what kind of proportional representation it should be.

51. Mr. RYCKMANS (Belgium), replying to the representative of Iraq, emphasized that at the time when it had been thought that the electoral colleges would be organized on an ethnical basis, the Council had decided in favour of proportional representation of the religions in those colleges. Now that it had been decided that the colleges should be organized on a religious basis, it was logical to ask for proportional representation of the ethnical groups.

52. The PRESIDENT pointed out that such a system would raise a practical difficulty—namely, that of ensuring proportional representation at the first elections to the Legislative Council. The Council should give clear guidance on that point in the Instructions to the Governor, who might otherwise find himself in a difficult position.

53. Mr. RYCKMANS (Belgium) said that article 41 contained a provision relating to the first elections to the Legislative Council.

54. Mr. JAMALI (Iraq) said he had never imagined that the Trusteeship Council would concern itself with such details as those which it was at present discussing. The democratic procedure would be to permit the parties within each electoral college to strive for power without interference by the Trusteeship Council, and it would therefore be undemocratic to insert in the draft Statute specific provisions relating to those matters. The Trusteeship Council could not properly decide how many different points of view held by Christians there would be in Jerusalem and lay down that there should be one Christian member of the Legislative Council to represent such and such a view. Internal arrangements for elections to the Legislative Council should be left to the democratic sense of the colleges.

55. The PRESIDENT recalled that the Working Committee and the Trusteeship Council itself had discussed that question at length and had reached the decisions which were embodied in the Instructions to the Governor.

56. Mr. RYCKMANS (Belgium), although he understood the objections of the representative of Iraq, thought that the question of the mode of election would arise in any case. There were two democratic forms of election: first, the system of proportional representation, which consisted of counting the number of votes and allotting the various parties a number of seats corresponding to the total number of votes they had polled; secondly, the uninominal system which necessitated division into constituencies, a factor of some importance. There was also the majority voting system, which he believed to be much less democratic.

57. The PRESIDENT pointed out that the d'Hondt system had been chosen in the Instructions to the Governor as appearing on the whole best suited to conditions in Jerusalem. The Council was, however, free to adopt another.

58. Mr. HOOD (Australia) repeated that the insertion in the draft Statute of a provision relating to proportional representation in each electoral college was unnecessary, and would give rise to complications.

59. Mr. JAMALI (Iraq) suggested the deletion of the words "and proportional representation in each electoral college" from the French text (T/L.53) of paragraph 1 of article 21.

60. Mr. DE LEUSSE (France) said he could not accept the suggestion of the representative of Iraq. In each electoral college there would be several lists, and each party should be allowed to submit a list.

61. Mr. JAMALI (Iraq) said that the words in the Plan of Partition with Economic Union quoted by the representative of the Philippines meant that there could be proportional representation on the Legislative Council, not of parties of the right or parties of the left, but of Moslems, Christians and Jews. The Trusteeship Council should not prevent any of the electoral colleges from acting jointly or making their own internal arrangements for elections to the Legislative Council. In his opinion, the candidate obtaining the most votes in each ward of each college should become a member of the Legislative Council.

62. The PRESIDENT urged the Council to decide whether the first elections to the Legislative Council should take place in accordance with the system of proportional representation or under the system of majority voting, for to leave the Governor free to decide between the two systems would be to confer on him extraordinarily wide powers.

63. Mr. HOOD (Australia) said that the decision of the General Assembly that the Legislative Council should be elected on the basis of proportional representation was completely covered by the text submitted by the French representative.

64. Mr. LAKING (New Zealand) said that the words "and proportional representation in each electoral college" could be deleted from the text, and some directives could be given in the Instructions to the Governor, concerning the first elections for membership of the Legislative Council.

65. Mr. HENRÍQUEZ UREÑA (Dominican Republic) said that the instructions of the General Assembly had provided for proportional representation; the Council could not depart from them. Each college might include several trends, political or religious, and each of those must be offered the possibility of being represented in the Legislative Council if it polled a sufficient number of votes.

66. Mr. DE LEUSSE (France) considered that the principle of proportional representation must be maintained for the first elections to the Legislative Council, but

that, as had been suggested by the New Zealand representative, the words "... and proportional representation" might be omitted from the body of the draft Statute. That would enable the Legislative Council subsequently to change the mode of election. He agreed that it was for the Council to take a decision concerning the mode of voting in the first elections, but that decision might well be embodied in the transitional provisions, or in the Instructions to the Governor.

67. Mr. RYCKMANS (Belgium) suggested that, in view of the difficulties involved in the question, the words "and proportional representation" should be deleted and that discussion of the matter be deferred for the time being. In the meantime, a small committee could study the problem with a view to obviating unnecessary complications. He personally would prefer the system of proportional representation, with a single constituency for each college and each college electing the full complement of members for its community.

68. The PRESIDENT suggested that in the light of the foregoing discussion the Council might provisionally accept the text (T/L.33) of paragraph 1 of article 21 proposed by the French representative with the deletion of the words "and proportional representation in each electoral college".

It was so agreed.

69. Mr. SAYRE (United States of America) pointed out that the word "only" should be placed after, and not before, the words "be registered at" in the text just adopted.

70. Mr. RYCKMANS (Belgium) said he would have preferred a stipulation in paragraph 2 that the legislation of the City should include an electoral law, and that pending the law's enactment the electoral system as drafted in article 41 would remain in force. Without a provision to the effect that the Legislative Council was competent to draw up the electoral law, paragraph 2 would remain incomplete. The Trusteeship Council should, in fact, decide on the principles on which the first election should be based. There appeared to be agreement that the electoral law should be a part of the legislation of the City.

71. The PRESIDENT suggested the addition of a third paragraph to article 21 to meet the point raised by the Belgian representative which would read: "The electoral law shall be prepared in accordance with the legislation of the City."

The text suggested by the President was provisionally accepted.

Article 21 as amended was provisionally accepted.

Article 20 : The Legislative Council (resumed from above)

72. Mr. DE LEUSSE (France) observed that the Trusteeship Council had just decided that there should be set up in Jerusalem a Legislative Council consisting of both elective and appointed members. However, the first Council could consist of elective members only, as the Governor was required to submit proposals to

the Trusteeship Council, for the latter's approval, in respect of appointed members. A provision should therefore be inserted, either in article 20 or in article 41, preferably in the latter, enabling the first Legislative Council to function before the appointed members actually took their seats—in other words, enabling it to function in the first instance when composed of elective members only.

73. The PRESIDENT suggested that an additional clause to cover the point raised by the French representative might be inserted in article 41.

It was so agreed.

74. Mr. LIU (China) pointed out that in view of the decision just taken by the Council, the words "or appointed" would have to be inserted in the text of paragraph 2 of article 20, after the word "elected". Otherwise, the two texts would be inconsistent.

It was so agreed.

Article 22 : Duration of the Legislative Council (resumed from the 43rd meeting)

75. The PRESIDENT, recalling that paragraph 1 had been provisionally accepted, drew the attention of the Council to a new text (T/L.54) submitted by the representatives of the Dominican Republic and the United Kingdom for paragraph 2, which read as follows :

"2. If, at the end of a four-year term of the Legislative Council, it is the opinion of the Governor that circumstances are inappropriate for the conduct of a general election, the Legislative Council may by legislation prolong the term for a further period not exceeding one year, provided that the Governor shall forthwith report the circumstances to the Trusteeship Council for instructions."

The joint United Kingdom-Dominican Republic amendment (T/L.54) to article 22, paragraph 2, was provisionally accepted.

76. Mr. RYCKMANS (Belgium) recalled the views he had already expressed demonstrating the necessity of empowering the Governor to suspend the Legislative Council, if only for the period between the Governor's submission of a proposal to suspend it and the Council taking action upon such a proposal. He believed that a form of wording similar to that contained in the Belgian Constitution, which gave the head of the State the right to suspend legislative chambers for a maximum period of one month would meet the case. Such suspension could not be ordered for a second time during one and the same legislative period without the consent of the two chambers.

77. He also proposed the deletion of the concluding sentence from paragraph 3 of the original text of article 22, as there could be no purpose in proclaiming that the Trusteeship Council had powers to give orders to the Governor, since it was important that the latter's prestige should be safeguarded and that there should be no public disclosure of the Council's instructions to him.

78. Mr. HENRÍQUEZ UREÑA (Dominican Republic) objected in principle to any idea of suspending the

Legislative Council, and maintained his amendment (T/L.42). The suspension of the Legislative Council by the Governor would, he felt, be derogatory to the dignity of that body as the representative of the people. Accordingly, his amendment provided that the Legislative Council could be dissolved, subject to the consent of the Trusteeship Council, only in the event of a serious political crisis.

79. The contention that the Trusteeship Council might not happen to be in session at the time when the Governor requested authorization to dissolve the Legislative Council had not induced him to modify his opinion, his view being that such dissolution would constitute an exceptional case justifying a special session of the Trusteeship Council.

80. Mr. RYCKMANS (Belgium) urged the Council not to lose sight of the peculiar conditions obtaining in Jerusalem, where racial and religious groups, sometimes violently opposed to each other, lived side by side. It would be disastrous if the Legislative Council, composed of representatives of hostile groups, were to meet in an atmosphere of public unrest. To meet that contingency, the Governor must be empowered to suspend the Legislative Council for a brief period to allow passions to cool down. The Governor might thus be the arbiter of the situation. To grant him the right of suspending the Legislative Council would in no way derogate from that body's parliamentary dignity.

81. Mr. INGLÉS (Philippines) said that if the Council adopted the provision in article 24 that the Governor should have the power to make a bill under discussion by the Legislative Council law in the form and at the time he thought fit, the Legislative Council would be reduced to a mere figure-head. If the Governor also enjoyed the power of suspending the Legislative Council when he thought fit, it would cease even to be a figure-head ; by threatening the Legislative Council with suspension, the Governor could make it completely servile to him. He would be in a position to threaten the Legislative Council with suspension, as a means of preventing it from expressing its views on his policy and of stifling all democratic action by it. Since there could be no crisis within the Legislative Council unless there was a crisis within the City, and since the Governor would enjoy adequate emergency powers for dealing with all crises in the City (article 15), to put the power to suspend the Council into the hands of the Governor would not only be superfluous, but would actually lead to administrative instability, the prevention of which was the main purpose of article 15. He was therefore wholeheartedly in favour of the amendment to article 22 proposed by the representative of the Dominican Republic.

82. The PRESIDENT asked the Council to take a token vote on paragraph 3 and the amendment (T/L.42) submitted to article 22 by the representative of the Dominican Republic.

Five votes were cast in favour of the amendment and 4 against it, with 2 abstentions.

83. Mr. RYCKMANS (Belgium) claimed that the proposal of the representative of the Dominican Republic was in no way compatible with his own. Despite his token vote against it he would be able to vote for the text of the representative of the Dominican Republic which in his view would replace paragraph 4 of the original text if the Council were to adopt his own proposal to delete the last sentence of paragraph 3 of the original text. If that were adopted, he would reverse his vote and would vote in favour of the text submitted by the representative of the Dominican Republic for paragraph 4.

84. Mr. INGLÉS (Philippines) pointed out that the representative of the Dominican Republic had clearly explained that paragraph 3 of his amendment was intended to replace both paragraphs 3 and 4 of article 22 of the draft Statute.

85. The PRESIDENT said that his understanding of the position was the same as that of the Philippines representative. He, too, was of the opinion, after hearing the explanations of the Dominican representative, that the latter's proposal was incompatible with that put forward by the representative of Belgium.

86. Mr. RYCKMANS (Belgium) maintained that his proposal was perfectly compatible with that of the Dominican representative, the proof being that he was prepared to vote in favour of the latter.

87. Mr. LIU (China) said that he had voted in favour of paragraph 3 of the Dominican Republic amendment on the understanding that, if it was adopted, paragraph 3 of article 22 of the draft Statute would be omitted, so that the Governor would not have the right to suspend the Legislative Council.

88. The PRESIDENT thought that, since there was a misunderstanding, a token vote should also be taken on the Belgian amendment to paragraph 3 of article 22 of the draft Statute.

Four votes were cast in favour of the amendment and 3 against it, with 4 abstentions.

89. Mr. RYCKMANS (Belgium), Mr. DE LEUSSE (France) and Mr. HOOD (Australia) then declared their support for the proposal of the representative of the Dominican Republic against which they had voted earlier.

90. Mr. INGLÉS (Philippines) said that in the confusion attendant on the voting which had just taken place, the Council had pronounced itself in favour of a text which he had found so undemocratic that he had urged the Council to delete it; for although it was laid down in the text proposed by the representative of Belgium that the Governor should not suspend the Legislative Council for more than one month, the provision of the text in the draft Statute, that suspension of the Legislative Council by the Governor should be subject to revocation by the Trusteeship Council, had been omitted from the Belgian proposal.

91. Mr. RYCKMANS (Belgium) maintained that the Philippines representative had not correctly interpreted the last sentence of paragraph 3 of article 22 as originally

drafted. Under the terms of that paragraph the Trusteeship Council had not the power to "revoke" an order of suspension issued by the Governor. It could "... either instruct the Governor to revoke forthwith his order for the suspension of the Legislative Council or maintain the suspension of the Legislative Council for such period as it may deem fit".

92. The Council had decided to delete that sentence, as it was superfluous. The Council, of course, had the right to order the Governor to revoke any decision he might take, but there was no need to say so. However, should the Council prefer to insert such a provision in article 22, it should likewise be stated in all the articles of the draft Statute in which reference was made to the Governor, that he was obliged to obey the instructions of the Trusteeship Council.

93. Mr. INGLÉS (Philippines) said the representative of Belgium had in effect stated that the Trusteeship Council should not be allowed to revoke the suspension of the Legislative Council by the Governor unless the Governor asked it to do so.

94. Mr. RYCKMANS (Belgium) disclaimed the words attributed to him by the Philippines representative. He insisted that what he had said was that the Trusteeship Council was fully empowered to give instructions to the Governor, but that it was not necessary to include a statement to that effect in the draft Statute. He considered that it would be preferable, for the sake of the Governor's prestige, that in the event of the Trusteeship Council instructing him to revoke an order of suspension, such revocation should be made by the Governor in his own name. That would enable him to avoid the humiliation of having to admit that he was acting under the instructions of the Trusteeship Council. He would be able to revoke the order for suspension just as if he was doing it on his own initiative.

95. The PRESIDENT suggested that in view of the confusion that had arisen in the course of the debate the Council should take a second vote on the proposal of the representative of the Dominican Republic.

96. Mr. RYCKMANS (Belgium) asked the representative of the Dominican Republic whether he insisted on the retention of the opening words of paragraph 3, reading: "If a serious political crisis arises in the city...". He suggested that it would be better simply to say "If the Governor shall consider it necessary to propose the dissolution of the Legislative Council, he shall report...".

97. Furthermore, he would prefer the dissolution of the Legislative Council to be ordered by the Trusteeship Council itself, and not by the Governor. It was doubtless the understanding of the representative of the Dominican Republic, as it was his own, that the Council intended to reserve itself that right.

98. Mr. HENRÍQUEZ UREÑA (Dominican Republic) felt that, in order to prevent the possibility of abuse, the words "a grave political crisis" should be retained. He agreed with the representative of Belgium that,

as the paragraph stood, the Governor had not the power to dissolve the Legislative Council without the authorization of the Trusteeship Council.

99. Mr. RYCKMANS (Belgium) again maintained that as the Trusteeship Council intended to reserve the right of dissolution to itself, it was not proper to say that the Trusteeship Council authorized the Governor to order such dissolution. The Trusteeship Council itself should take the necessary steps to that end.

100. Mr. HENRÍQUEZ UREÑA (Dominican Republic) agreed that it should not be said that the Trusteeship Council might authorize the Governor to order the dissolution of the Legislative Council. However, as the text of his proposal had been accepted, he proposed to review its wording in the course of the third reading.

101. Mr. INGLÉS (Philippines) said that he had voted in favour of the Trusteeship Council's having the power to dissolve the Legislative Council on the understanding that the Governor would in that event not have the power to suspend it. He would reverse his vote if the question was put to the vote again.

102. The PRESIDENT took a second token vote on paragraph 3 of the text proposed by the representative of the Dominican Republic (T/L.42) for article 22.

Six votes were cast in favour of the amendment and 1 against it, with 4 abstentions.

103. Mr. LIU (China) said that he had abstained from voting, because in the circumstances it would have been incorrect for him to vote either for or against the paragraph. He had voted in favour of it the first time, on the assumption that its adoption would necessarily entail rejection by the Council of the text proposed by the representative of Belgium. He objected to the procedure adopted by the President and regretted that he should have set an unfortunate precedent by putting the text proposed by the representative of Belgium to the vote.

104. The PRESIDENT explained that he had thought it necessary to put the Dominican Republic proposal to the vote first. He did not consider that he had committed an error in procedure, although some misunderstanding had nevertheless arisen. He pointed out, moreover, that when he had proposed that the Belgian proposal should be put to the vote no objection had been raised by any member of the Council.

105. Mr. RYCKMANS (Belgium), quoting rule 62 of the Rules of Procedure, said that he had pointed out, before the text which he had proposed had been put to the vote, that the vote on the text proposed by the representative of the Dominican Republic failed to reveal the Council's opinion of the Belgian text.

106. Mr. INGLÉS (Philippines) said he had assumed that the President had put the text proposed by the representative of the Dominican Republic to the vote before that proposed by the representative of Belgium, because it was farther removed from the original text.

107. Mr. RYCKMANS (Belgium) maintained that the vote on the Dominican Republic proposal in no way ruled out a vote on his own. According to the rules of procedure, he had the right to have his proposal put to the vote. The very fact that the Council had adopted it showed that it did not consider it superfluous.

108. Mr. HENRÍQUEZ UREÑA (Dominican Republic) said that, without wishing to initiate a procedural discussion, he must point out that his proposed paragraph 3 was intended to replace both paragraph 3 and paragraph 4 of article 22 as originally drafted.

109. Mr. INGLÉS (Philippines) agreed with the representative of the Dominican Republic.

110. The PRESIDENT remarked that, as a result of the votes taken, the matter had been to all intents and purposes settled. Furthermore, the voting had been provisional, and the Council would give further consideration to the question at the third reading.

The meeting rose at 1.25 p.m.

248th meeting

FORTY-SIXTH MEETING

*Held at the Palais des Nations, Geneva,
on Wednesday, 8 March 1950, at 3.0 p.m.*

President : Mr. Roger GARREAU.

Present : The representatives of the following countries : Argentina, Australia, Belgium, China, Dominican Republic, France, Iraq, New Zealand, Philippines, United Kingdom, United States of America.

88. Examination of annual reports on the administration of Trust Territories (*resumed from the 44th meeting*)

CAMEROONS UNDER BRITISH ADMINISTRATION, 1948
(T/413, T/461, T/485, T/485/Add.1, T/486 and T/L.47)
(*continued*)

1. The PRESIDENT pointed out that the Council was already behind schedule, and with a view to expediting its work he suggested that members might submit relevant observations on the annual report¹ simultaneously with their question to the special representative on political, economic, social and educational advancement. Those observations could derive from the annual report, from the report of the Visiting Mission (T/461) and from the replies given to the written (T/L.47) or oral questions put to the Administering Authority. On adopting that procedure, which he considered to be the most logical, the Council could deal simultaneously with all the material on the Cameroons under British administration before it, and would lose no time in coming to its conclusions which might be formulated at the last meeting devoted to the annual

¹ See *Report by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the General Assembly of the United Nations on the Administration of the Cameroons under United Kingdom Trusteeship for the year 1948 : His Majesty's Stationery Office, 1949, Colonial No. 244.*

report on that Territory. Thereafter the Drafting Committee on Annual Reports could set to work immediately in preparing the relevant passage for inclusion in the Council's report to the General Assembly.

At the invitation of the President, Brigadier Gibbons, special representative of the Administering Authority for the Trust Territory of the Cameroons under British administration, took his place at the Council table.

2. Mr. HENRÍQUEZ UREÑA (Dominican Republic) reserved his right to submit some general observations at the end of the discussion.

3. Mr. MONOD (France) asked whether the President's intention was that the general discussion on the Cameroons under British administration should be completed at once, without the break after representatives had finished putting their questions which had been originally planned. He also asked whether it was intended that members who proposed to submit questions or observations should not refer separately to the annual report, the report of the Visiting Mission and the petitions respectively, but should put political, economic, social and educational questions, in that order, on the three texts taken as a whole. If such was indeed the procedure proposed by the President, he was convinced that it would definitely enable the Council to expedite its proceedings.

4. The PRESIDENT agreed that that was what he had had in mind. Should the Council agree to adopt that working method, it could devote the rest of the week to the examination of the annual report on the Cameroons under British administration, and take up the annual report on the Cameroons under French administration the following week.

5. Mr. CARPIO (Philippines) had no objections to adding preliminary observations to the questions he put to the special representative, but assumed that that procedure would not preclude the possibility of a general summing-up of comments on the annual report.

6. Oral questions often ranged far and wide, whereas a general summing-up was useful to the Council in considering its draft recommendations. Such a procedure would alone be coherent and logical.

7. The PRESIDENT said he had had no intention of ruling out a general discussion after the annual report had been examined, since such discussion would simplify the work of the Drafting Committee. Members could therefore submit general observations and conclusions during that final stage of discussion and revert to particular points if so desired. However, they might submit preliminary general observations at the same time as questions were put to the special representative.

8. Sir Alan BURNS (United Kingdom) accepted the President's proposals, but drew attention to the fact that it had been decided that the examination of the annual report for the Trust Territory of Togoland under British administration would be begun on 17 March 1950. Since, in accordance with the new

time-table suggested by the President, the examination of the annual report for the Territory of the Cameroons under French administration would only be concluded on 18 March, he assumed that the presence in Geneva of the special representative of the Administering Authority for the Territory of Togoland under British administration would not be required before 20 March.

9. Mr. RYCKMANS (Belgium) thought the Council would save time if each member could state his conclusions during the present discussion, as he himself intended to do. The Secretariat could note the observations submitted and the Council could decide later which of them it wished to adopt.

10. The PRESIDENT said that was the procedure he had wished to propose.

11. Mr. CARPIO (Philippines) pointed out that a number of his questions would be accompanied by preliminary observations, which he would in due course include in his general summing-up. He would request the Secretariat to take due note of those preliminary observations.

12. Mr. HOO (Assistant Secretary-General in charge of the Department of Trusteeship and Information from Non-Self-Governing Territories) drew attention to the fact that the observations of the Administering Authority on the Visiting Mission's report had not yet been received by the Secretariat.

13. Mr. GERIG (United States of America) said that from past precedent he had understood that reports of visiting missions would not necessarily be formally adopted at any particular time by the Council, but should be regarded as sources of information which remained before the Council until another visiting mission to the same territory had drawn up a new report. If he was correct, there was no reason why reference should not be made to the Visiting Mission's report on the Cameroons under British administration without taking any formal action on it, despite the fact that the observations of the Administering Authority were not yet available to the Council. In any case, the special representative had referred in his opening statement to that report. Unless serious objections were raised by the United Kingdom representative, he would suggest that the Council follow that procedure.

14. The PRESIDENT said it was clear that the feeling of the meeting was that the Council could not deal with the report of the Visiting Mission as such until it had received the observations of the Administering Authority. The Council was not obliged to take a decision on the report at that stage; but the information and observations it contained might prove helpful in the consideration of the annual report. The report of the Visiting Mission itself could be dealt with at the next session of the Council if the observations of the Administering Authority upon it did not reach the Council in time for it to be disposed of at the present session.

15. Sir Alan BURNS (United Kingdom) was prepared to accept the United States representative's suggestion, and stated that he hoped that the observations of the

Administering Authority would be available to the Council at its next meeting.

16. The PRESIDENT, on the assumption that the working method he had suggested was acceptable, proposed that the Council should resume its discussion of political conditions in the Trust Territory. He requested members to confine their questions to political conditions.

Political advancement (continued)

17. Mr. CARPIO (Philippines) recalled that at the forty-fourth meeting of the Council the special representative had stated that the Trust Territory now had more or less adequate administrative staff, attributing that situation to the administrative integration of the Territory with Nigeria.

18. He would ask the special representative how many administrative and technical officers there were in the Emirate of Dikwa, which had a population of 250,000, and how it was administered.

19. Brigadier GIBBONS (special representative) said that the situation in the Emirate of Dikwa differed from that obtaining in the southern areas of the Trust Territory, since in the former the administration was largely provided by the Native Authority of the Emirate. The staff was considerable. He was unable to quote the exact figures, which were, however, given in the annual report.

20. The staff of the Administering Authority consisted of one district officer, who from time to time had the help of an assistant. Technical advisers, however, who were stationed at Maiduguri in Bornu Province frequently went to Dikwa to advise the representatives of the Native Authority.

21. Mr. CARPIO (Philippines) drew attention to the statement in the section entitled "Local Government" (page 58) of the annual report for the Territory of Togoland under British administration² in which the gradual devolution of governmental functions to native authorities was described. Was a similar policy, which might provide the foundation for a democratic local self-government, also applied in the Cameroons under British administration?

22. Brigadier GIBBONS (special representative) replied in the affirmative.

23. Mr. CARPIO (Philippines) said that it seemed to him somewhat surprising that such a policy should be applied in an area the economy of which was still in the primitive stage. Surely it was precisely there that the Administering Authority should give the maximum amount of advisory and financial assistance.

24. If, on the other hand, the indigenous population was able alone to handle such tasks as the maintenance of roads, taxation, building, policing, dispensaries, education, etc., he failed to see the necessity for the

integration of the Territory with Nigeria or, indeed, of placing it under Trusteeship.

25. Brigadier GIBBONS (special representative) stated that conditions and progress in the southern and northern portions of the Cameroons under British administration were not comparable, since the former had reached a more advanced stage in the economic field, whereas the latter was more advanced in political matters. For that reason, the Administering Authority was able to rely on the Native Authority to a greater extent in the north than in the south. Indeed, if it did not do so, it would be failing to make proper use of the advantages inherent in the political situation of that area.

26. Mr. CARPIO (Philippines) asked whether the special representative did not agree that certain policies would be applied with greater vigour if they were initiated by and pursued under the aegis of the Administering Authority instead of being left in the hands of the Native Authority.

27. Brigadier GIBBONS (special representative) held that direct efforts by the Administration might be more vigorous, but would certainly be less successful.

28. He denied the allegation that the indigenous population was left to undertake all manner of tasks on its own responsibility. Although there was, as he had previously stated, only one administrative officer in that area, the technical experts stationed in Maiduguri regularly visited the area and advised the Native Authority.

29. Mr. CARPIO (Philippines) asked why the school attendance figures were so low for the Emirate of Dikwa. According to the annual report, only 1% of the population of school age was registered.

30. Brigadier GIBBONS (special representative) stated that very few native children attended western schools, although many attended Koranic schools, because the population of the Dikwa area was Moslem, and there was consequently a strong prejudice against the western type of education. A considerable time must elapse before the number of pupils attending western schools increased. The figures in no way reflected adversely on the work of the Administering Authority in that area.

31. Mr. CARPIO (Philippines) recalled the statement made in the annual report for 1947 to the effect that the people of the northern territories had become conscious of the need and value of education, and that the difficulty of giving them sufficient educational opportunity was largely due to shortage of staff. It would seem to him that that statement invalidated the explanations given by the special representative.

32. Brigadier GIBBONS (special representative) said that he had derived his impression from the one visit which he had paid to that part of the Territory. He would point out that the Visiting Mission had come to a similar conclusion.

33. Mr. CARPIO (Philippines), referring to the Administering Authority's written reply to question 16

² See *Report by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the General Assembly of the United Nations on the Administration of Togoland under United Kingdom Trusteeship for the year 1948*: His Majesty's Stationery Office, 1949, Colonial No. 243.

(T/L.47), which stated that, in 1948, one African from the Cameroons had been promoted to a senior technical post, concluded that the statement in paragraph 6 of the foreword to the annual report to the effect that increased numbers of Africans had been appointed and promoted to senior posts in the Government service related to Nigeria. He hoped that, in future the annual report would not contain ambiguous generalizations of that kind.

34. Brigadier GIBBONS (special representative) pointed out that the paragraph referred to by the Philippines representative referred clearly to conditions in the Protectorate of Nigeria. In view of the fact that the policy of the Nigerian Government and the conditions prevailing in the Protectorate must necessarily influence circumstances and conditions in the Cameroons, the Administering Authority had felt that it would be useful for the Trusteeship Council to have a statement on the policy of the Nigerian Government.

35. As more Africans with proper qualifications became available, more Africans would be appointed to responsible posts.

36. Mr. CARPIO (Philippines) said that the special representative's reply reinforced his conviction that it was difficult for the Trusteeship Council correctly to estimate the conditions and developments in a Trust Territory the administration of which was closely integrated with that of Nigeria.

37. Sir Alan BURNS (United Kingdom) said that it was clear from the context that paragraphs 5 and 6 of the foreword to the annual report dealt with Nigeria. The foreword had been included in the annual report in the hope that it would give the Council a general picture of circumstances. If, however, the intentions of the Administering Authority were to be misconstrued, he would recommend to his Government that in future no such foreword be included in an annual report.

38. Mr. RYCKMANS (Belgium) said that the translation of question 17 (T/L.47) put by his delegation failed to make the meaning of the question clear. That question referred to section 121 (pages 91-92) of the annual report, where it was stated that, in the North, it was the Fulani who still held most of the higher posts in the Native Administration. He wished to point out that he had asked whether the fact that most of the higher posts in the Native Administration were held by people of another culture might not expose the Animists to the risk of having a Koranic law contrary to their local custom foisted on them against their will. The Fulani applied the Koran, whereas the Animists applied their own laws.

39. Brigadier GIBBONS (special representative) replied that the danger to which the Belgian representative had called attention certainly existed. It was constantly kept in mind by the Administering Authority. The powers of review enjoyed by administrative officers in respect of judicial proceedings in the native courts provided an adequate safeguard for the Animist population. The influence exercised by the Administering

Authority on the Moslem leaders of the country had also had good effect.

40. It was indeed true that the danger would not wholly disappear until a large number of persons appointed to posts in the native administration came from the pagan population. For that reason, every effort was being made to bring such persons into the Native Councils. Although he was unable to give precise figures, he could assure the Council that during the past two years a number of pagans living in the hill country in the northern area had been made District Headmen; a number also participated in the Advisory Councils of District Headmen.

41. Mr. RYCKMANS (Belgium) thought the Council should express its approval of the appointment of a Commissioner for the Cameroons under British administration.

42. In the absence of other comments or questions on political advancement, the PRESIDENT invited the Council to pass to the consideration of questions connected with economic advancement in the Cameroons under British administration.

Economic advancement

43. Mr. GERIG (United States of America) asked the special representative to give further information on question 20 (T/L.47) and the reply thereto, relating to the disposal of the future surplus profits of the Cameroons Development Corporation. It was stated in the reply that, for 1948, the Governor had allocated the sum of £42,000 out of a total of £54,352 9s. 2d., to the Southern Cameroons. £35,000 were to be devoted to schemes of local development there. Why had such a high proportion of the profits been allocated to the Southern Cameroons?

44. Section 36 (pages 50-58) of the annual report as well as chapter II (a), section (iii), of the Visiting Mission's report (T/461) gave a full and interesting account of the work of the Cameroons Development Corporation. His own impression, formed during his recent visit to the Territory, was that the use of the Corporation's profits for the benefit of the inhabitants was of the utmost importance for the economic development of the whole Territory. The Corporation controlled some 250,000 acres, of which only 78,000 acres were at present being exploited. The 1948 production of bananas was given as 4,000,000 stems, and a larger output was expected in future years.

45. Had the Governor's decision on the allocation of profits been based on the principle that the people living and working in the immediate vicinity of the Corporation should be the first to benefit from profits, despite the fact that it appeared that the needs of the northern part of the Territory were as great, if not greater, than those of the southern region?

46. Brigadier GIBBONS (special representative) said he felt at liberty to reveal the reasons which had prompted the Governor to take the decision with regard to the allocation of profits described in the answer to question 20. The Governor had felt that, on the occasion of the

first declaration of profits made by the Cameroons Development Corporation, it would be wise to allot a considerable sum for expenditure in the Southern Cameroons, in order more closely to associate the people with the work of the Corporation and so arouse their interest in it.

47. The machinery which would be put into operation for the expenditure of the sum of £35,000 was the following. District Development Committees had recently been established in all administrative districts of the Southern Cameroons, functioning under the chairmanship of the local district officer, and representing the progressive elements of the population, organized in tribal unions and improvement associations. Those committees would also include members of the Native Authority councils, of the voluntary missions, of government departments and of the personnel of the Corporation itself. At the present time, each of those committees was making a survey within its own district, with special reference to such developments as could not be carried out by voluntary effort, and yet would not be included in government estimates. On completion of those preliminary surveys, proposals relating to definite projects and the cost thereof would be put forward. The £35,000 allocated to schemes of local development would then be apportioned according to priorities which would be drawn up in the course of consultations at higher level—namely, between the Commissioner for the Cameroons, members of the provincial meetings, the Chairman of the Corporation, members of the National Federation, etc.

48. He would also note that no decision had as yet been taken concerning the disposal of the remaining £12,000. The Governor was still awaiting proposals from the northern part of the Territory. It was likely that those proposals would enable him to approve the expenditure of the remaining sum in the northern areas.

49. Mr. KHALIDY (Iraq) asked the special representative to inform the Council how the strike, which had occurred in November 1949 among the workers of the Cameroons Development Corporation, had finally been settled.

50. Brigadier GIBBONS (special representative) drew the attention of the Council to the account of the settlement of the strike given in paragraphs 59, 60 and 61 of the observations of the Administering Authority on the petition from the Cameroons National Federation (T/486). He added that, since that account had been written, a number of experimental plantation shops had been opened and had proved highly successful. They had already helped considerably to remove any sense of grievance felt by the workers after the settlement of the strike.

51. Mr. RYCKMANS (Belgium) thought the profit of £9,000,000 on the operations of the Cocoa Marketing Board for the year 1947/48 excessive. He fully realized the need for providing a reserve to take care of bad years, but thought a purchase price which enabled such a profit to be made unfair. Might it not have been better to fix a higher purchase price,

so as to encourage the producer, even if it meant smaller profits?

52. Brigadier GIBBONS (special representative) stated that he could only say that the experts, both European and African, in charge of the Cocoa Marketing Board were convinced that they had struck the proper balance between the price they obtained and the price they paid to the producer, which, he recalled, had for a very long period been maintained only by the payment of subsidies from the funds of the Board. The cocoa producers themselves were very well satisfied with the prices they were receiving, as was shown by the 50 per cent increase in cocoa production between 1947 and 1948 and again between 1948 and 1949. The cocoa produced in the Cameroons amounted, however, to only 3 to 4 per cent of the total Nigerian production—although it should be noted that, as a result of the particularly good prices paid by the Board for such grades, much of the increased production was of the highest grades of cocoa.

53. The Cameroons had also received a handsome share of the Board's capital expenditure grants, which would promote the future production of cocoa. During 1949, they had received £4,725 for the re-alignment of a road from Kumba to Mbonge in the direction of the Calabar Creek, £3,775 for the construction of a road from Tombel on the Anglo-French frontier to Nyasoso to the North, and £5,000 towards the construction of a road southwards from Tombel towards the Falls of the Mungo River, which would prove a new and more economical outlet for the cocoa produced around Kumba, which at present formed the greater part of the Cameroons crop.

54. Mr. DUSSAUT (Argentina) wished to know whether, apart from the development grants just mentioned by the special representative, producers, the working class and the population as a whole benefited from the Board's profits, through social welfare services, for instance.

55. Brigadier GIBBONS (special representative) stated that no grants for any purposes other than road construction had as yet been made by the Cocoa Marketing Board in the Trust Territory. He could not say for what purposes grants had been made by the Board elsewhere in Nigeria.

56. Sir Alan BURNS (United Kingdom) stated that it might be of interest to the Argentine representative to know that in the Gold Coast Colony, where there was a similar cocoa marketing board, considerable grants had been made for social purposes.

57. Mr. CARPIO (Philippines) pointed out that section 36 (b) (page 53) of the annual report revealed that, in 1947 and 1948, the Nigerian Cocoa Marketing Board had made profits amounting to £18,084,226, to which must be added an additional profit for the years 1939 to 1943 of £1,169,906—in all, a profit of £19,254,132. If the British Cameroon's share of Nigerian production was 3 per cent, it would be reasonable to suppose that it should also receive 3 per cent of the profits—namely, £557,624. Yet the special representative had referred

to the British Cameroons securing benefits amounting to little more than £10,000. Did he not think that the Trust Territory was not receiving fair treatment?

58. Brigadier GIBBONS (special representative) could not agree with the representative of the Philippines. A marketing board had necessarily to work on an extremely long-term basis.

59. Sir Alan BURNS (United Kingdom) pointed out that not all the Board's revenue was necessarily spent on road construction or for any other purpose. The bulk of it was accumulated, to provide a reserve fund against bad times, when the price of cocoa fell.

60. Replying to a further question by Mr. CARPIO (Philippines), Brigadier GIBBONS (special representative) stated that he did not know whether taxes were paid by the Marketing Board, but would endeavour to obtain the information for the Council without delay.

61. Reverting to the question of the Cameroons Development Corporation, Mr. CARPIO (Philippines) pointed out that the United States representative had referred to profits of some £54,000. From chapter II (a), section (iv) of the Visiting Mission's report, however, it appeared that the profits for 1947 and 1948 had totalled £521,671.

62. It was also most significant that when the plantations had been under German ownership, the Nigerian Government had derived hardly any revenue from them in the shape of taxes. At the present time, however, when they were supposedly owned by the indigenous inhabitants of the Territory and operated for the latter's benefit, the Nigerian Government obtained from them no less than £367,000, the sum set aside out of profits for 1947 and 1948 by the Corporation for payment of income tax. In view of the Territory's dire need of capital investment, he wondered whether those sums should not be spent in its direct interest.

63. Brigadier GIBBONS (special representative) pointed out that the Visiting Mission had used the word "profits" in the sense of the whole trading profits of the Corporation—namely, the money they obtained for the goods they produced, less the cost of production. However, various charges had to be deducted from those profits: first, taxation levied on the Corporation as a commercial undertaking; secondly, appropriations for the purpose of increasing the efficiency of the Corporation, and therefore its earning power, and for carrying out its statutory obligations as a model employer; and, thirdly, insurance against hurricane damage, to which the banana crop was particularly liable and which no insurance company was willing to cover. What remained was the residual profit, and that had amounted to £54,000. It had been applied directly for the benefit of the people of the Cameroons.

64. With regard to taxation, he pointed out that the sum of £367,000 represented the assessment not for two, but for four financial years, from 1946 to 1950. It was clear from the figures given in tables 13 and 14 (pages 310-313) of the statistical appendices to the annual report that the extent to which Nigeria sub-

sidized the British Cameroons was still considerably in excess of the amount she received in taxation from that Territory.

65. Mr. RYCKMANS (Belgium) asked the special representative whether the sum of £272,800 shown in table 13 (page 312) as the total revenue from the Trust Territory included taxes paid by the Cameroons Development Corporation.

66. Brigadier GIBBONS (special representative) stated that the figures in table 13 did not actually include any tax payments by the Corporation, as it had made none by the time the annual report had been compiled. The first payment of taxes by the Corporation, amounting to some £157,000, had been made at the end of the financial year for 1948/49 and would be reflected in the corresponding table in the annual report for 1949.

67. Mr. CARPIO (Philippines) felt that no matter how great the current deficit in the Nigeria Government budget in respect of the British Cameroons, it would be more than covered by the enormous taxes which the Colony could expect to obtain out of the increasing profits which the Cameroons Development Corporation hoped to make. He asked whether the Administering Authority or the Nigerian Government had ever considered the possibility of applying the profits to redeem the capital investment of £850,000 made by the Nigerian Government for the purchase of the plantations. With profits at their present high level, repayment could be made in four or five years, and profits thereafter earned used for the sole benefit of the Trust Territory.

68. Brigadier GIBBONS (special representative) explained that the present plan for the liquidation of the original debt provided for repayment over a period of 35 years. Payment was being effected under the item which appeared in the annual profit-and-loss account of the Corporation as "Rent, Governor of Nigeria". The annual sum payable was likely to be fixed at about £40,000. Although he was not a member of the Corporation, he understood that it was its view that any attempt to liquidate the debt in a shorter period would very severely cripple the Corporation's immediate activities. Full use was already being made of its revenue for the purpose to which he had already referred. Moreover, he was confident that the Council would agree that it was most important that, even from the outset, the Corporation should be able to apportion large sums for the direct and immediate benefit of the inhabitants of the Cameroons.

69. Mr. CARPIO (Philippines) stated that he found the special representative's reply to be illogical. If the Nigerian Government really intended that the inhabitants of the Territory should benefit by the purchase of the plantations, and did not regard that purchase purely as a business proposition, he saw no reason why it should not forgo the taxes it at present levied on the Corporation, and apply an equivalent sum to the redemption, within six years, of the capital investment.

70. Brigadier GIBBONS (special representative) thought that the taxpayers of Nigeria would certainly object

if the Administration did not adhere to its policy of equal treatment for all commercial undertakings. They had already come to the assistance of the people of the Cameroons by providing very considerable capital, which had enabled the plantations to be purchased, and by arranging for it to be repaid through the operations of the Cameroons Development Corporation over such a long period that the people of the Cameroons would hardly notice the expense of such repayment.

71. Mr. CARPIO (Philippines) pointed out that, out of the total revenue of £272,800 of the Cameroons for the year 1947/48, which was exclusive of profits or business returns from the Cameroons Development Corporation, the greater part had been retained by the Government of Nigeria as payment for the staff services provided to the Territory. For instance, it seemed that in the various Native Administrations half the salary of a chief was in fact paid by the Trust Territory. Apart from the question of the loan made by the Nigerian Government for the purchase of the plantations, the policy of integration might therefore properly be regarded as a business proposition on the part of Nigeria.

72. Brigadier GIBBONS (special representative) stated that since the Nigerian Government and the Cameroons Development Corporation were separate organizations, the latter could not be considered a business proposition on the part of the former. With regard to the question of revenue and expenditure, he pointed out that it was necessary not only to quote the estimated figures of revenue derived from the Trust Territory, but also the estimated figures of expenditure incurred there. Against the figure of £272,800 quoted by the Philippines representative should be set the very much greater sum of £541,080 expended on behalf of the Trust Territory during the same year. If that was a business proposition, it was a poor one from the point of view of Nigeria.

73. Mr. CARPIO (Philippines) asked whether the inhabitants' title to the plantations had been formally established by the Administering Authority.

74. Brigadier GIBBONS (special representative) stated that the inhabitants' title was established in the Ordinances of 1946, by which the Cameroons Development Corporation had been set up.

75. Sir Alan BURNS (United Kingdom) added that copies of the Ordinances had been sent to the Secretariat, and that he understood they would be circulated to members of the Council.

The meeting was suspended at 5 p.m. and was resumed at 5.25 p.m.

76. Mr. CARPIO (Philippines) asked whether, in addition to the £367,000 paid by the Corporation as taxes for two years, the Corporation also paid the Nigerian Government an annual rent of £40,000, plus interest on the outstanding balance of the investment.

77. Brigadier GIBBONS (special representative) recalled that he had previously explained that the sum of £367,000 represented an assessment, not for two,

but for four years. The annual payment for the liquidation of the Nigerian Government's investment still remained to be fixed, as he had already stated, but would probably be about £40,000. It would include all interest on the loan.

78. Mr. RYCKMANS (Belgium) pointed out to the Philippines representative chapter II (a), section (iii) of the Visiting Mission's report described how the proposals, as finally approved and since put into effect, were that the Nigerian Government should purchase the ex-enemy estates from the Custodian of Enemy Property, declare them to be native lands, and lease them to a statutory corporation, the Cameroons Development Corporation, which would operate and develop them, not for private gain, but for the common benefit of the inhabitants of the Territory as a whole. The rate of interest on the investment, to which the Philippines representative had referred, was stated on page 68 of the Mission's report to be 3½ per cent.

79. Mr. CARPIO (Philippines) asked what other revenue the Nigerian Government derived from the Corporation in the form of additional taxes, such as customs or export duties.

80. Brigadier GIBBONS (special representative) stated that those receipts were reflected in the figures of the customs revenue contained in table 13 (page 311) of the statistical appendices to the annual report, but he was not in a position, at that moment, to give a breakdown for them.

81. Mr. CARPIO (Philippines) asked whether it would not be more normal for rent to be paid to the owners of the property, allegedly the indigenous inhabitants of the Trust Territory.

82. Brigadier GIBBONS (special representative) felt that the Philippines representative was surely aware that the item referred in the Corporation's profit-and-loss account as rent represented, in fact, as he had already explained, the amortization of the Nigerian Government's investment together with the interest thereon.

83. Mr. CARPIO (Philippines) stated that it appeared that the Nigerian Government derived from the Trust Territory, through the Cameroons Development Corporation, income tax, which for 1947 and 1948 had amounted to £36,000. It likewise derived £40,000 a year as so-called rent. In addition, it derived customs duties, the amount of which the Council had been unable to find out, and export duties on the products of the Corporation.

84. He asked whether it was not a fact that the reason why the forty-year repayment period could not be shortened was that those benefits would otherwise be completely lost to Nigeria.

85. Sir Alan BURNS (United Kingdom) pointed out that in the first place, although the special representative had repeatedly stated that the income tax referred to was an assessment for four years, the Philippines representative continued to speak of it as an assessment covering two years. Secondly, the annual pay-

ment of £40,000 constituted repayment of the loan made by the Nigerian Government.

86. Mr. CARPIO (Philippines) observed that he had had no answer to his question, and pointed out that his statement that £376,000 had been paid as income tax for the two years 1947 and 1948 was taken from chapter II (a), section (iv) of the Visiting Mission's report. The Administering Authority had apparently subscribed to that finding by its answers to the written questions.

87. He further pointed out that in answer to question 21 (T/L.47) the Administering Authority had suggested that the 1950 price for bananas of £32 a ton f.o.b. provided the maximum benefit to the Territory, and that the Ministry of Food was making hardly any profit in selling the Corporation's bananas in the United Kingdom. Yet it had been stated in an article which had appeared in the *Daily Express* on 6 March 1950 that banana growers in Sierra Leone were dissatisfied because the price paid them by the Ministry of Food was too low in view of the Ministry's retail price in the United Kingdom, which worked out at about £170 a ton. Even if allowance were made for freight and insurance charges and all other expenses, there still seemed to remain a very wide margin of profit. He asked whether the special representative could inform the Council why the Corporation did not take steps to secure a better price for its produce by setting up, if required, a London office and selling direct to wholesalers in the United Kingdom.

88. Brigadier GIBBONS (special representative) observed that presumably the Corporation was satisfied that it was doing as well as it could for itself. He was not an expert in the workings of the banana trade, but would point out that commercial transactions such as that referred to by the Philippines representative were subject to other considerations besides that of the actual price obtained. It was obvious, for example, that one advantage which the Corporation derived from its agreement with the Ministry of Food was that it thereby established itself in one of the most important and permanent banana markets of the world.

89. Mr. CARPIO (Philippines) recalled that the Council had requested¹ the Administering Authority to append the annual reports of the Cameroons Development Corporation to the annual reports on the Territory. In answer to question 28 (T/L.47) it was stated that consideration was being given to the feasibility of incorporating a copy of the annual report of the Corporation in the annual report on the Territory. In view of the fact that the full report and financial statement of the Gold Coast Cocoa Marketing Board was included in the annual report on Togoland under British administration, he did not see the difficulty of acting similarly in the case of the report of the Cameroons Development Corporation. He asked the special representative whether he could give a direct

assurance that that would be done in the annual report for 1949 and subsequent years.

90. Brigadier GIBBONS (special representative) stated that he did not yet know whether that would be possible. In order to ensure that the Council received the annual report on the Territory in time for written questions to be prepared, it had to be sent to the printers late in April. The annual general meeting of the Cameroons Development Corporation also took place in April, and its annual report was only published subsequently, and was not usually available until the end of June. Unless the annual reports of the Corporation were to be included in annual reports on the Territory for the immediately following year, it might therefore be more convenient to the Council if the Administering Authority continued to provide the two reports separately. He himself would find it much more convenient if they were both inside one cover, and if the Administering Authority could find ways and means of arranging it, it would certainly do so.

91. Mr. CARPIO (Philippines) asked the special representative how much profit had been made by the Corporation in 1949, how much of it had been set aside to meet taxation, and how much was to be made available to the inhabitants of the Territory.

92. Brigadier GIBBONS (special representative) stated that those figures would only be made available after the balance-sheet had been laid before the annual general meeting of the Corporation, which, as he had stated, was usually held about the beginning of April.

93. Mr. CARPIO (Philippines) asked whether the Administering Authority had ever considered the possibility of refunding to the people of the Trust Territory the purchase price of the plantations, in view of the facts that before the war practically no taxes had been paid by the German companies then operating them, and that they had been exploited by their German owners without any corresponding benefit to the people.

94. Sir Alan BURNS (United Kingdom) stated that the Administering Authority was bound by the Peace Treaties to pay the amount paid for the plantations into the Allied Central Reparations Fund and had no powers to withdraw it from that Fund.

95. Mr. CARPIO (Philippines) understood that the £850,000 in question would eventually revert to the United Kingdom, as part of its share of general reparations. What he was asking was whether the Administering Authority would not consider paying the equivalent of that sum to the Trust Territory, in view of the fact that the people had received no benefits while the plantations were being operated by German owners.

96. Noting that he received no reply to his question, he stated that in the general field of economic development he found it impossible not to draw a contrast between the tempo of development in the Cameroons under British administration and in the Cameroons under French administration. The Visiting Mission's report on the former gave the impression of a backward land of peasant farmers, little touched by modern

¹ See *Official Records of the Fourth Session of the General Assembly*, supplement No. 4, p. 9.

development, and with inadequate communications. The Mission's report on the latter (T/462), however, gave a very different picture of modern development and great activity. He was bound to conclude that the Cameroons under British administration had been badly neglected between the two wars; its resources had been exploited by foreign plantation and trading companies, with no real benefit to the Territory. It was not surprising that the numerous petitions sent to the Council were loud in their complaints, as was shown in part III (a) of the document prepared by the Secretariat on general questions raised in petitions (T/485).

97. For that reason the Philippines delegation, as indicated in question 33 (T/L.47), considered that the development fund of some £1,500,000, spread over ten years, was far too small a sum to cancel out the debt which the Administering Authority owed to the population of over one million who lived in the Territory. He asked: first, whether it was fair to assume that development of the Cameroons under British administration had been neglected by comparison with the Cameroons under French administration between the two world wars; secondly, whether the Administering Authority, by which he meant the United Kingdom Government and not the Nigerian Government, did not consider that a much greater effort was called for in order to make up the arrears of development.

98. Brigadier GIBBONS (special representative) stated that as his experience of the Cameroons under British administration was limited to the past year, and as he had no experience of the Cameroons under French administration, he hardly felt qualified to answer the Philippines representative's first question. The second, he thought, would be more properly replied to by the United Kingdom representative.

99. Sir Alan BURNS (United Kingdom) said that the reply to the Philippines representative's second question was in the negative.

100. Mr. DUSSAUT (Argentina), recalling the efforts made by France during the previous century to arrive at a common unit of measurement, said that the unit of measurement in question had been the subject of world-wide conventions. He mentioned, in particular, the International Convention on the Metre, signed in Paris in 1875, to which all the States represented had acceded, including Great Britain, which had nevertheless made reservations with regard to the application of that Convention in its own country. He therefore wondered whether in the reports submitted by the United Kingdom Government in respect of Trust Territories under British administration, there would be any inconvenience in indicating measurements in accordance with the universally recognized metric system, as the Visiting Mission had done in its own report. Of course, as far as currency was concerned, it would be necessary to conform to the English monetary system. However, he felt that in a report for the United Nations—that was, in any document which was to be used at international level—it would be desirable to use a universally accepted system when referring to weights and measures.

101. Replying to the PRESIDENT, who asked whether his intervention was an observation or a question, Mr. DUSSAUT said that for the moment it was only an observation which, if the Council agreed, might later be made the subject of a formal proposal.

102. Sir Alan BURNS (United Kingdom) stated that he would submit to his Government the Argentine representative's interesting suggestion, which applied equally to Trust Territories under United States administration. He suggested that it might be possible to meet it by placing the metric figures in brackets after the English measurements.

103. Mr. KHALIDY (Iraq) stated that, after investigation, the Visiting Mission had been satisfied that the agreement concluded between the Cameroons Development Corporation and the Ministry of Food for the purchase of bananas from the Cameroons was in no way prejudicial to the Corporation itself.

104. The Cameroons Development Corporation and the Bakweri land problem were intimately connected. The Bakweris could not be expected to understand the intricacies of modern economics, and they had informed the Visiting Mission that they wanted to regain ownership of the plantations, even if only nominally. The annual report, however, showed that the problem was more complicated than appeared on the surface, and that the working of the plantations by the Corporation was to the ultimate benefit of the indigenous inhabitants. He was sure that the very able Public Relations Officer on the spot had done a great deal to explain that fact, but suggested to the special representative that closer contact between the Administration and the Bakweris, and an even greater effort to explain to them, in general and in detail, the working of the Corporation, would go a long way towards alleviating their grievances and dispelling their suspicions.

89. Programme of work

105. Mr. HOOD (Australia) asked what was the exact position with regard to the *Ad Hoc* Committee on Petitions, which he understood was at present unable to meet owing to the lack of certain services.

106. Mr. HOO (Assistant Secretary-General in charge of the Department of Trusteeship Affairs and Information from Non-Self-Governing Territories) stated that it was impossible at present to hold simultaneous meetings of the Council and the *Ad Hoc* Committee on Petitions, because there were not enough précis-writers. He had cabled to Lake Success the previous day informing Headquarters of the decision taken by the Council to complete its work on 6 April and asking for extra précis-writers and interpreters, who, he hoped, would arrive in three or four days.

107. The PRESIDENT recalled that he had warned the Council that it would be difficult to hold two plenary meetings a day in addition to committee meetings. He had also indicated that if the Council, as it had decided the previous day, wished to complete its work by 6 April, steps would have to be taken to increase the technical staff serving the Council.

108. He wished to point out that he made every reservation with regard to the date of 6 April, which had been fixed somewhat hastily by the Council as the final date for the completion of its work. The second reading of the draft Statute for Jerusalem was progressing slowly, as the points arising required careful examination. Further, in its work on the annual reports on the administration of Trust Territories in West Africa, the Council was already behind schedule. Moreover, in view of the frequency of the meetings, members of the Council seemed to be finding it difficult to study the documents issued with the requisite thoroughness, and the debates were thus undoubtedly being slowed up.

109. Mr. KHALIDY (Iraq) felt that the Council would sooner or later have to consider the possibility of the *Ad Hoc* Committee on Petitions continuing to meet in Geneva after 6 April.

110. The PRESIDENT pointed out that if the *Ad Hoc* Committee on Petitions were to continue its work after the end of the Council's session there was no reason why it should do so in Geneva. In any case, no budgetary provision had been made to cover the Secretariat services which it would require. The Committee would therefore have to sit at Lake Success.

The meeting rose at 6.25 p.m.

249th meeting

FORTY-SEVENTH MEETING

*Held at the Palais des Nations, Geneva,
on Thursday, 9 March 1950, at 10.30 a.m.*

President : Mr. Roger GARREAU.

Present : The representatives of the following countries : Argentina, Australia, Belgium, China, Dominican Republic, France, Iraq, New Zealand, Philippines, United Kingdom, United States of America.

Observers from the following countries : Egypt, Israel, Hashemite Kingdom of the Jordan, Syria.

90. Question of an international regime for the Jerusalem area and protection of the Holy Places (General Assembly resolution 303 (IV) of 9 December 1949) (T/118/Rev.2, T/423, T/L.35, T/L.36, T/L.37, T/L.38, T/L.39, T/L.42, T/L.43, T/L.46, T/L.49, T/L.50, T/L.51, T/L.52, T/L.53, T/L.54 and T/L.55) (resumed from the 45th meeting)

SECOND READING OF THE DRAFT STATUTE FOR JERUSALEM (T/118/Rev.2 and T/L.35) (continued)

Article 23 : Legislation and resolutions

1. The PRESIDENT pointed out that there was no equivalent in the English text of the words " par écrit " in paragraph 3 of the French text.

2. Mr. RYCKMANS (Belgium) having expressed the view that the words were pointless, the PRESIDENT suggested that they be deleted from the French text.

It was so agreed.

Article 24 : Legislation by order of the Governor

3. The PRESIDENT submitted that since the principle of suspending the Legislative Council had been agreed to, the proper step would be to revert to the original text of paragraph 1 and retain the words " or the Legislative Council is suspended ", the deletion of which had been suggested by the representatives of the Philippines, the Dominican Republic and China.

4. Mr. HENRÍQUEZ UREÑA (Dominican Republic) advocated the insertion of a limiting clause to prevent the Governor from promulgating orders which would in effect become permanent laws. He therefore proposed the inclusion in paragraph 1 of a provision to the effect that orders issued by the Governor at a time when the Legislative Council was not in session or was suspended required ratification by the Legislative Council, when re-convened, for them to continue to be law.

5. Mr. HOOD (Australia), proposing that paragraph 2 be deleted, said that it had been inserted in the draft Statute at a time when it had been thought that the composition of the Legislative Council would be such as to give rise to serious danger of deadlock in it. But if its final composition was that provisionally agreed on by the Trusteeship Council at the forty-fifth meeting, there would be little or no such danger.

6. Mr. HENRÍQUEZ UREÑA (Dominican Republic) referred to the fact that his own delegation and those of the Philippines and China had always favoured the deletion of paragraph 2. He was therefore prepared to agree to the Australian representative's proposal. If that proposal were adopted, paragraph 3 would also become pointless.

7. Mr. INGLÉS (Philippines) said that paragraph 1 was intended to be applicable when the Legislative Council was not in session, and paragraph 2 when it was. He himself considered that the whole article should be deleted. However, if the Council decided to delete paragraph 2, but to retain paragraph 1, it should adopt the amendment to the latter proposed by the representative of the Dominican Republic.

8. Mr. DE LEUSSE (France) contended that, whether or not paragraph 2 was deleted, it was necessary to retain paragraph 1. The Governor should, in fact, be able to legislate at all times when there was no Legislative Council.

9. Mr. SAYRE (United States of America) said that the Trusteeship Council should not ignore the directive in General Assembly resolution 181 (II), Plan of Partition with Economic Union, part III, section C, paragraph 5, which said : " The Statute shall . . . empower [the Governor] to promulgate temporary ordinances in case the Council fails to adopt in time a bill deemed essential to the normal functioning of the administration. "

10. Mr. RYCKMANS (Belgium) said he would support the amendment to paragraph 1 proposed by the representative of the Dominican Republic if paragraph 2 of the article were retained, but not otherwise. It was possible to visualize contingencies of several