



TRUSTEESHIP COUNCIL

Eighteenth Session

OFFICIAL RECORDS

Thursday, 9 August 1956,
at 10.20 a.m.

NEW YORK

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President: Mr. Rafik ASHA (Syria).

Present:

The representatives of the following States members of the Trusteeship Council: Australia, Belgium, Burma, China, France, Guatemala, Haiti, India, Italy, New Zealand, Syria, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

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

Examination of conditions in the Trust Territory of Nauru (continued):

- (i) Annual report of the Administering Authority for the year ended 30 June 1955 (T/1247, T/1259);
- (ii) Report of the United Nations Visiting Mission to Trust Territories in the Pacific, 1956 (T/1256)

[Agenda items 4 (c) and 7]

**REPORT OF THE DRAFTING COMMITTEE (T/L.720)
(continued)**

1. Mr. ARENALES CATALAN (Guatemala) recalled that at its previous meeting the Council had been unable to adopt the conclusions or recommendations concerning the attainment of the objective of self-government or independence by the Trust Territory of Nauru. The Council should inform the General Assembly that it had been unable to adopt any of the three amendments submitted to it (T/L.722, T/L.723, T/L.724). He proposed, therefore, that these texts should be included in the Council's report to the General Assembly.

2. Mr. JAIPAL (India) said that the initial paragraphs of annex II of the Drafting Committee's report (T/L.720) were likely to be adopted but their value

would be largely lost through the absence of any recommendations by the Council. Two of the amendments before the Council had had a great deal of merit. If the Council merely sent the General Assembly a report which contained no recommendation the Assembly would have no idea that three different recommendations had in fact been submitted. Under rule 100 of its rules of procedure the Council was required to submit to the General Assembly a report on its activities, in other words, to inform it of the actual situation. Rejection of the Guatemalan proposal would amount to the suspension of rule 100 which, according to rule 106, could be done only by a decision of the Council. There appeared often to be two different attitudes in the Council; the first reflected the view that the Administering Authorities should be asked to do only what they were willing to do, while the second suggested that it was pointless to ask them to do something if they were already willing to do it. Those attitudes were probably practical and realistic but, in his delegation's opinion, they inhibited the normal processes of international supervision. Whatever the merits or demerits of international supervision, it had been freely and voluntarily entered into by all concerned.

3. Mr. CUTTS (Australia) said that his delegation was as concerned as any at the Council's failure to adopt recommendations for that part of the report on Nauru. He did not wish to take issue with the Indian representative's general observations but was anxious that his silence should not be regarded as indicating agreement with them. The Australian delegation would be compelled to vote against the Guatemalan proposal. All that the Council could report to the General Assembly was that it had failed to agree upon any recommendation. He did not agree with the Indian representative that failure to include rejected texts in the report would mislead the General Assembly or inhibit its consideration of the Council's work. Members should reflect very seriously on the possible consequences of establishing a precedent whereby, after failing to agree on any action, the Council would substitute a report of its failures for a report of action. He did not agree that the Council would be contravening its rules of procedure or failing in its duties to the General Assembly if it did not forward the rejected texts; if it had defaulted in that respect it had done so by failing to adopt any recommendations. The action of deciding not to forward any texts was entirely the result of that failure.

4. Mr. DORSINVILLE (Haiti) expressed his delegation's deep regret at the Council's failure to adopt any recommendation. His delegation had made every effort to understand the position of the various delegations but felt that the Administering Authorities must also make an effort to conform to the wishes of the General Assembly, which, by adopting resolutions relating to the attainment by Trust Territories of the objective of self-government or independence, had clearly demonstrated its desire that the Administering Authorities should take steps to accelerate the progress

of the Trust Territories towards that objective. Some Administering Authorities had done so, but as the Indian representative had pointed out, there had developed in the Council an attitude which showed that they did not wish to give the impression that they were conforming to the provisions of those resolutions by informing the Council of the steps they proposed to take in that field. His delegation could not carry its spirit of compromise to the point of giving up hope that General Assembly resolutions would be carried out and that the pertinent recommendations would be included in the Council's report. It therefore supported the Guatemalan proposal which would show the General Assembly that it was not the fault of certain delegations that its resolutions were not implemented in the spirit in which they had been adopted. He agreed with the Indian representative that the report should be as full as possible and accurately reflect the Council's discussions.

5. Mr. SMOLDEREN (Belgium) thought that the Council could in certain cases make observations but was not bound to adopt recommendations on all subjects. The Indian representative had referred to the inhibition of the processes of international supervision but that supervision consisted of a *posteriori* control; it would be difficult to compel the Administering Authority to act in a particular way when, under the Trusteeship Agreement, it had full administrative powers and jurisdiction in the Territory. It was not a question of differing views as to the role of the Administering Authority but of the provisions of the Charter and the Trusteeship Agreement which established the respective powers of the Administering Authority and of the United Nations.

6. Mr. JAIPAL (India) said that he did not contend that the Council was obliged to adopt recommendations in every case. He had merely said that under rule 100 of its rules of procedure the Council was required to submit a report to the General Assembly on its activities and that in the case in question the report should reflect the rejection of the texts of recommendations submitted to the Council.

7. Mr. DOISE (France) also regretted that no recommendation had been adopted. His delegation had voted in favour of the Italian amendment (T/L.724) which seemed to represent a middle path, and took into account the circumstances, realities, and human, economic and geographic problems of Nauru. He could not support a proposal under which texts that had not been adopted would automatically be included in the Council's report. The General Assembly did not study each of the Council's recommendations in detail; it studied the Council's report as a whole. It was the Trusteeship Council, not the General Assembly, which made recommendations about each Territory. If the Council accepted the Guatemalan proposal, it would be agreeing to transfer its powers to the General Assembly. If it did so, it would be setting a dangerous precedent as there would no longer be any reason for the members of the Council to try to find a compromise solution. In that case, the Council would regularly transmit a number of differing texts to the General Assembly. If the General Assembly received the texts at its next session it would take note of them and refer them to the Council at its twentieth session. The Council in its turn would refer them all back to the General Assembly at its next session and the process could go on indefinitely. For all those reasons the French

delegation felt it would be impossible to adopt the Guatemalan proposal.

8. Mr. SEARS (United States of America) said that his delegation had been ready to support the three amendments and that in its amended form the Italian amendment contained a provision inviting the Administering Authority to continue its practice of planning and scheduling some plans with tentative target dates for the development of the Territory. The Council was now in a ridiculous position and his delegation would abstain if a vote was taken on the Guatemalan proposal.

9. Mr. GRILLO (Italy) said that the Council had for several days been debating a purely theoretical problem, the political independence of 2,400 people who would probably be resettled in another Territory and become part of a larger community. His delegation had tried without success to persuade certain members of the Council to recognize that fact and the futility of quarrelling about fixing a time limit. Approval of the Guatemalan proposal would mean nothing but the reiteration of preconceived ideas which could not be changed at the present stage of the discussion by any argument, however sound, or by any factual considerations. He would therefore vote against the proposal.

10. The PRESIDENT felt that the Council should discharge its responsibilities and make a fresh attempt to reach a solution. For that reason he would not put the proposal to the vote immediately but would appeal to members to reconsider the question. He therefore suggested that the Council should defer further consideration of the Drafting Committee's report on Nauru to the next meeting.

It was so decided.

Examination of conditions in the Trust Territory of Western Samoa (continued):

- (i) **Annual report of the Administering Authority for 1955 (T/1243, T/1251, T/1268)**
- (ii) **Report of the United Nations Visiting Mission to Trust Territories in the Pacific, 1956 (T/1261)**

[Agenda item 4 (f)]

REPORT OF THE DRAFTING COMMITTEE (T/L.721)

11. Mr. CUTTS (Australia), Chairman of the Drafting Committee, wished to give some explanations regarding paragraph 9 of the Committee's report (T/L.721). When the Committee was considering the separate section regarding the attainment by the Territory of self-government or independence, the representative of the Administering Authority had pointed out that the text before the Committee did not mention the important policy statement made in the letter of 26 December 1955 from the Minister of Island Territories of New Zealand to the High Commissioner of Western Samoa (T/1243). The representative of France had then proposed that the Committee should include the Administering Authority's statement in that section, indicating its source. It was that statement which was quoted in paragraph 9. Owing to the fact that that amendment had been submitted towards the end of the Committee's work, the Committee had not had time to take a decision and it remained, therefore, for the Council to settle the matter. Moreover, he understood that the French delegation had since decided that it would be preferable to add the text to paragraph 5 of annex II and not to paragraph 1.

12. Mr. DOISE (France) confirmed that he would prefer to add the paragraph to paragraph 5 of annex II.

13. Mr. DORSINVILLE (Haiti) recalled that the Soviet Union representative had proposed that the provision appearing in paragraph 8 of the Drafting Committee's report should be inserted at the end of paragraph 1 of the special section. That proposal had not been adopted. When the new paragraph, quoted in paragraph 9 of the Drafting Committee's report, had come up for discussion, the representative of Haiti had proposed that the USSR text should also be included in order to give a clear picture of the situation. As the discussion had threatened to be lengthy the Committee had taken no decision on that point.

14. The PRESIDENT invited the Council to vote on the first recommendation in paragraph 14 of the Drafting Committee's report to the effect that the Council should adopt the working paper on conditions in Western Samoa (T/L.690 and Add. 1) as the basic text for the chapter on this Territory to be included in the report to the General Assembly.

The recommendation was adopted unanimously.

15. The PRESIDENT observed that in the same paragraph the Committee recommended that the Council should adopt the conclusions and recommendations set out in annex I and include them at the end of each appropriate section or sub-section of the chapter. He invited the Council to vote on each of the paragraphs of annex I.

Paragraph 1 was adopted unanimously.

16. Sir Leslie MUNRO (New Zealand) suggested that the words "and enactments" should be inserted after the words "reserved subjects" in paragraph 2.

It was so decided.

17. Mr. BENDRYSHEV (Union of Soviet Socialist Republics) observed that the translation of the term "reserved subjects" in the Russian text was not always uniform. He drew the Secretariat's attention to that point and asked for the necessary corrections to be made.

18. The PRESIDENT stated that the Soviet Union representative's request would be met.

Paragraph 2, as amended, was adopted unanimously.

In successive votes, paragraphs 3, 4 and 5 were adopted unanimously.

19. Sir Leslie MUNRO (New Zealand) recalled, with regard to paragraph 6, that the New Zealand Government had just made considerable changes in the Public Service of Western Samoa through the Samoa Amendment Act, 1956; in its memorandum of 26 December 1955 (T/1243), the Administering Authority had stressed that the present method of appointment of the Public Service Commissioner was appropriate under existing circumstances and should remain for the duration of at least the first and second steps proposed. Subsequently, the Government of Western Samoa would be wise to continue to accept help from New Zealand. The position of Public Service Commissioner was one which called for considerable specialized knowledge and for unquestioned capacity to withstand local sectional pressures. A person nominated by the New Zealand Government would be more likely to fulfil those conditions although in time, of course, the actual appointment would be made by the Samoan Government. The Government of New Zealand would continue, for as long as was necessary, to make

available suitable specialist officers for the Samoan Public Service and the two Governments would consider what steps might be necessary to safeguard the position of seconded officers as further constitutional development took place. The present legislation provided that the Public Service Commissioner should be appointed by the Minister of Island Territories. The provision that in matters concerning the Government of New Zealand as Administering Authority the Public Service Commissioner must act in accordance with the directives given to him by the Minister of Island Territories had been repealed. Henceforward, in the exercise of his powers, the Public Service Commissioner must have regard to the policies and objectives of the Government of Western Samoa and of the Government of New Zealand as the Administering Authority. Those provisions had been agreed to by the Fono of Faipule and the Legislative Assembly. He hoped, therefore, that in that matter the Council would not ask for more than the Samoans themselves had agreed to. In the circumstances, the New Zealand delegation would vote against the recommendation in paragraph 6 of annex I.

20. In order to prevent any confusion regarding the Administering Authority's intentions, he recalled that in its reply to the recommendations of the Constitutional Convention the Administering Authority had stated that the future self-governing State of Western Samoa would control its own public service, subject only to such separate arrangements relating to seconded officers as might be agreed upon. The Administering Authority attached the utmost importance to public administration; in that connexion, he read out a passage from a letter in which the Minister of Island Territories of New Zealand had transmitted to Western Samoa the memorandum of proposals for constitutional development. In that letter, the Minister had stressed that self-government was no longer a political issue but an administrative problem of great magnitude and that the key to the problem lay in the maintenance of the standard of the public service, largely through the retention and engagement of suitably qualified and experienced officers. It was for that reason that it was necessary to make separate arrangements regarding seconded officers.

21. Mr. JAIPAL (India) suggested that in order to meet the objections of the New Zealand representative paragraph 6 might be redrafted as follows:

"The Council, noting the provisions of the Samoa Amendment Act 1956, relating to the Western Samoan Public Service, expresses the hope that the further competence of the legislative and executive organs in regard to the public service will be developed in consultation with the Samoan people."

22. Sir Leslie MUNRO (New Zealand) found the suggestion acceptable.

Paragraph 6, as amended, was adopted by 11 votes to none, with 3 abstentions.

In successive votes, paragraphs 7, 8, 9, 10 and 11 were adopted unanimously.

23. Sir Leslie MUNRO (New Zealand) considered that the first sentence of paragraph 12 had no meaning in its particular context. Moreover, it dealt with a matter which had not been discussed either by the Administering Authority or by members of the Council. In the context of paragraph 12 it gave a misleading impression of the land policies of the Administering Authority and the Territorial Government. As members

were aware, there was ample legislative provision to protect both the tenure and the future needs of the indigenous inhabitants of Western Samoa. Moreover, as was stated in paragraph 104 of the working paper prepared by the Secretariat (T/L.690 and Add. 1), pressure of population had so far been apparent only on the north coast of Upolu and on Manono where in any case other land was available to those concerned to relieve serious cases.

24. Consequently, he would suggest the transference of that sentence from paragraph 12 to the part of the outline of conditions which dealt with land policy.

It was so decided.

25. The PRESIDENT observed that as a result of that amendment the second sentence would begin "The Council notes with interest . . .". He put to the vote the new text of paragraph 12.

The new text of paragraph 12 was adopted unanimously.

In successive votes, paragraphs 13, 14, 15 and 16 were adopted unanimously.

26. Sir Leslie MUNRO (New Zealand) observed that in the paragraphs already adopted on public health, the Council had made recommendations relating to two complaints appearing in the report of the United Nations Visiting Mission to Trust Territories in the Pacific, 1956 (T/1261), but the situation was different with regard to paragraph 17. The recommendation proposed there was based solely on a statement made during the general debate (729th meeting) by a single member of the Visiting Mission, the representative of Guatemala, and it was doubtful whether the representative of Guatemala himself had anticipated that his remarks would serve as the basis for a formal recommendation of the Council. He did not think the representative of Guatemala would claim to have the medical qualifications to judge the equipment of health centres and clinics sufficiently well to justify a formal recommendation by the Trusteeship Council.

27. He would therefore vote against the proposed recommendation; but he wished to assure the Guatemalan representative that the Administering Authority would take full account of his observations.

28. Mr. ROLZ BENNETT (Guatemala) said that the Guatemalan representative on the Visiting Mission had noted shortages in certain centres, but that in criticizing the equipment of the health centres and clinics, his only purpose had been to make constructive proposals. In any event, it was for the Council to decide whether the recommendation in paragraph 17 should be retained.

A vote was taken on paragraph 17.

There were 7 votes in favour and 7 against.

After a brief recess in accordance with rule 38 of the rules of procedure of the Trusteeship Council, a second vote was taken.

There were 7 votes in favour and 7 against. Paragraph 17 was not adopted.

29. Sir Leslie MUNRO (New Zealand) considered that the recommendation contained in paragraph 18 did not reflect the true situation. The Administering Authority did not have to attempt again to persuade the Legislative Assembly to adopt legislation in the social field designed to ensure the support of aged persons, orphans and invalids; it considered, like the

Samoans themselves, that no comprehensive scheme of social security was needed in the Territory. The *matai* system, under which the great majority of the indigenous inhabitants lived, adequately protected the classes of people referred to in the proposed recommendation, and in addition, there were administrative and other measures to provide for the care of people living outside the *matai* system. If the Council intended to press that recommendation, it might be advisable to re-word the text in order to eliminate the factual error just pointed out.

30. In any event, he requested a separate vote on the words "and legislation in the social field to ensure the support of aged persons, orphans, invalids, etc." and announced that he would abstain.

31. Mr. JAIPAL (India) requested that "etc." should be deleted in the quoted phrase and that the word "and" should be inserted between the words "orphans" and "invalids".

32. The PRESIDENT said that if there were no objections the change would be made.

The last phrase of paragraph 18, as amended, was adopted by 6 votes to 5, with 3 abstentions.

33. Mr. CUTTS (Australia) stated that his delegation would vote against paragraph 18 because no effort had been made to correct the factual error pointed out by the New Zealand representative.

Paragraph 18, as amended, was adopted by 7 votes to 5, with 2 abstentions.

In successive votes, paragraphs 19, 20 and 21 were adopted unanimously.

Paragraph 22 was adopted by 13 votes to none, with 1 abstention.

Paragraph 23 was adopted unanimously.

34. The PRESIDENT proposed to put the special section, contained in annex II of the Drafting Committee's report, to the vote as a whole.

35. Mr. BENDRYSHEV (Union of Soviet Socialist Republics) pointed out that annex II was usually considered as an introduction to the Council's recommendations, and it might be preferable to study those recommendations first.

36. Sir Leslie MUNRO (New Zealand) felt rather that it would be better first to take a vote on paragraphs 1 to 6 of annex II, with due regard to the proposed amendments, and then to consider the recommendations.

37. Mr. CUTTS (Australia), supported by Mr. DOISE (France), drew the attention of the members of the Council to the proposal submitted by France, appearing in paragraph 9 of the Committee's report, and recalled that the following sentence, which would appear at the end of paragraph 5 of annex II, should precede the text of that proposal:

"In this connexion the Council noted the following statement from the letter of 26 December 1955 addressed by the Minister of Island Territories of New Zealand to the High Commissioner of West Samoa, transmitting the memorandum on proposals for further constitutional developments."

38. Mr. DORSINVILLE (Haiti) proposed that the Council should adopt as conclusions and recommendations in annex II the text submitted by the Haitian delegation and appearing in paragraph 11 of the report.

39. Following an intervention by Mr. BENDRY-SHEV (Union of Soviet Socialist Republics), the PRESIDENT said that the amendment proposed by the Haitian representative would be examined first.

40. Mr. CUTTS (Australia) requested a vote on the Australian proposal appearing in paragraph 10 of the report.

41. The PRESIDENT called upon the members of the Council to vote on the amendments submitted by France, Australia and Haiti, appearing in paragraphs 9, 10 and 11 respectively of the report.

42. Mr. DORSINVILLE (Haiti) asked for a vote on the Soviet Union amendment, the text of which appeared in paragraph 8 of the report. The Council would thus note that no information is included about the period of time in which it is expected that the Trust Territory shall attain the objective of self-government or independence; but it would be useful to add to that text the French amendment which appeared in paragraph 9.

The Soviet Union amendment was rejected by 7 votes to 6, with 1 abstention.

The French amendment was adopted by 7 votes to 3, with 4 abstentions.

43. The PRESIDENT called for a vote on the Haitian amendment in paragraph 11.

44. Sir Leslie MUNRO (New Zealand) thought that the voting procedure was somewhat abnormal and that the Council should first vote on the summary before taking up the recommendations. With regard to the manner in which the Soviet Union and Haiti, in their amendments, took the Administering Authority to task for not providing an estimate of the period of time in which the Territory could attain self-government or independence, he pointed out that, in accordance with Article 76 b of the Charter, the objective of the Trusteeship System was to promote the political, economic, social and educational advancement of the inhabitants of the Trust Territories, and their progressive development toward self-government or independence as might be appropriate to the particular circumstances of each Territory and its peoples and the freely expressed wishes of the peoples concerned. The Administering Authority had made it very clear that the date on which the Head of State could assume the proper powers and functions of that office was a subject for discussion between the new Government of Western Samoa and the New Zealand Government. The Administering Authority was not making any unilateral declaration about the timing of self-government; it was following a consistent policy of free discussion with the people of Samoa which the Council had for years endorsed.

45. He therefore asked the Council to treat the situation of Western Samoa on its merits and to set aside the somewhat rigid requirements of the General Assembly resolutions on the attainment of self-government or independence by the Trust Territories.

46. He was prepared to endorse the text proposed by the Australian representative in paragraph 10 of the report and would vote against the Haitian amendment in paragraph 11.

47. - Mr. CUTTS (Australia) noted that the text in paragraph 11 of the report was almost identical with that adopted by the Council in respect of the Trust Territory of the Pacific Islands under United States administration. At the time, he had pointed out (730th

meeting) the shortcomings and fallacies involved in the formula. The fact that it was proposed to apply the formula adopted in respect of another Territory to Western Samoa proved that the question was not being dealt with on its merits. The Haitian representative was approaching the question too dogmatically, and the Council should not vote for a political doctrine without consideration of the facts of the situation to which the recommendations were intended to apply. His delegation would vote against the Haitian amendment.

48. Mr. JAIPAL (India) said he would vote for the amendment of the Haitian representative, not because he wanted to take the Administering Authority to task—in his opinion there was no such implication in the proposal—but because the Council was obliged to comply with the requirements of specific General Assembly resolutions. He hoped that the somewhat rigid provisions could be amended at the next session of the General Assembly.

49. Mr. DORSINVILLE (Haiti) agreed that the text in paragraph 11 was almost identical with that adopted in respect of the Trust Territory of the Pacific Islands and pointed out that the United States, the Administering Authority for that Territory, had had no difficulty in accepting it. His delegation considered that it had approached the examination of conditions in the Trust Territory of Western Samoa objectively each year, and it placed New Zealand on the same footing as the United States, whose enlightened policy it supported by and large.

50. Mr. MULCAHY (United States of America) thanked the Haitian representative for his kind words concerning United States policy in the Trust Territory of the Pacific Islands. New Zealand had carried out its task wholly satisfactorily and was in every sense fulfilling the relevant resolutions of the General Assembly in its use of the device of intermediate target dates. What the Council was facing was the difficulty of language, which might be regarded as offensive to the Administering Authority and a cause of contention in the Council.

51. The text of the Haitian amendment was not appropriate to the present situation in Western Samoa and he would vote against it.

52. Sir Leslie MUNRO (New Zealand) appreciated the idealism of the Haitian representative, and was gratified that New Zealand had been equated in principle to the United States. It was apparent that there was no model form of resolution which could be adapted to each Territory. He would therefore vote against the Haitian amendment.

A vote was taken on the Haitian amendment in paragraph 11 of the Committee's report.

There were 7 votes in favour and 7 against.

After a brief recess in accordance with rule 38 of the rules of procedure of the Trusteeship Council, a second vote was taken.

There were 7 votes in favour and 7 against. The amendment was not accepted.

53. Mr. JAIPAL (India) proposed the following addition to the amendment proposed by Australia in paragraph 10 of the report:

"and expresses the hope that the Administering Authority will continue to keep the Council informed of its further targets and dates in the political, economic, social and educational fields".

54. Mr. CUTTS (Australia) regretted that the Indian representative had introduced the contentious phrase "targets and dates" in his amendment. He would vote against the amendment.

The Indian amendment to the Australian amendment was adopted by 8 votes to 6.

55. Sir Leslie MUNRO (New Zealand) pointed out that the Council had adopted a text which had been rejected only a few moments before in the Haitian amendment.

56. Mr. CUTTS (Australia) said he would be obliged, in the circumstances, to abstain in the vote on his own amendment.

57. Mr. MULCAHY (United States of America) stated that he had voted for the Indian amendment, since he did not find the terms used offensive and he did not feel that any burden was placed on the Administering Authority which it had not already assumed voluntarily.

The Australian amendment in paragraph 10 of the report, as amended, was adopted by 8 votes to 4, with 2 abstentions.

Annex II of the report, as amended, was adopted by 8 votes to 2, with 4 abstentions.

The meeting rose at 12.35 p.m.