



TRUSTEESHIP COUNCIL

Eighteenth Session

OFFICIAL RECORDS

702nd Meeting

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at 2 p.m.

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

Examination of petitions (T/L.669)

[Agenda item 5]

ONE HUNDRED AND FIFTY-SIXTH REPORT OF THE STANDING COMMITTEE ON PETITIONS: PETITIONS CIRCULATED UNDER RULE 85, PARAGRAPH 2, AND COMMUNICATIONS CIRCULATED UNDER RULE 24, OF THE RULES OF PROCEDURE OF THE TRUSTEESHIP COUNCIL (T/L.669)

1. The PRESIDENT suggested that a single vote should be taken on the recommendations in paragraphs 7, 8 and 9 of the report of the Standing Committee on Petitions contained in document T/L.669.

The recommendations were adopted by 9 votes to none, with 4 abstentions.

Attainment by the Trust Territories of the objective of self-government or independence: report of the Secretary-General (T/1252)

[Agenda item 15]

2. The PRESIDENT drew attention to the two alternatives suggested by the Secretary-General (T/1252, paras. 8 and 9) for the implementation of paragraph 3 of Trusteeship Council resolution 1369 (XVII).

3. Mr. CUTTS (Australia) said that the views he wished to put forward were tentative; they might change as a result of the statements made during the debate.

4. Resolution 1369 (XVII), which the Australian delegation had helped to draft, was not a model of clarity. Paragraph 2 instructed the drafting committees on the Council's annual reports on Trust Territories to prepare appropriate draft conclusions and recommendations concerning the attainment by the Territories of self-government or independence. Paragraph 3 requested the Secretary-General to prepare a separate section of the Council's report to the General Assembly containing the information already included, under paragraph 2 of the same resolution, in the chapters on the individual Territories. The Secretary-General had suggested two alternatives: the separate section might reproduce the information already given in those chapters, or it might include an index referring the reader to the appropriate sections of them.

5. The Australian delegation supported the Secretary-General's view that the duplication involved in the former alternative would be incompatible with General Assembly resolution 789 (VIII) concerning the control and limitation of documentation. At the seventeenth session (687th meeting) his delegation had expressed doubts as to the advisability of including paragraph 3 in resolution 1369 (XVII), but had bowed to the wishes of those who feared that the implementation of paragraph 2 alone would not fully meet the General Assembly's requirements and had felt that reference should be made to the wording of General Assembly resolution 752 (VIII). In requesting a separate section, the General Assembly's purpose had been to ensure that the information on the subject of attainment by the Trust Territories of self-government or independence and the Council's recommendations on it should be easy to find in the report. That purpose was achieved under paragraph 2 of Trusteeship Council resolution 1369 (XVII), as had been proved by the work of the Drafting Committees on the annual reports during the seventeenth session. Paragraph 3 therefore seemed superfluous, and the Council might well decide that there was no longer any need to implement it.

6. His delegation had no strong views on the Secretary-General's alternative suggestion of an index, to which the consideration of limiting documentation did not apply with the same force as to his first alternative, but the same purpose might be achieved more economically by expanding the present table of contents. That would make the information in which the General Assembly was particularly interested easily identifiable. However, he did not feel that even that was strictly necessary.

7. Mr. MULCAHY (United States of America) recalled that the United States had been the original sponsor of resolution 1369 (XVII). His delegation had not yet had time to study the Secretary-General's report (T/1252) in detail, but he had some preliminary remarks to make.

8. Paragraph 3 of the resolution in question had been hastily drafted and it was possible that the word "containing", which was the main cause of the difficulties in implementing it, did not reflect the Council's real intentions. The Council should not be bound by such a text.

9. The duplication of documentation mentioned by the Secretary-General in paragraph 8 of his note was a very real obstacle to the adoption of the first solution he suggested. As the United States had always insisted very strongly in the Fifth Committee that the costs of reproduction and documentation should be kept to a minimum, the United States was unable to support the suggestion made in that paragraph.

10. He agreed that the General Assembly's requirements had been met by the implementation of paragraph 2 of resolution 1369 (XVII). Paragraph 3 might therefore now be dropped.

11. As the duplication of documentation was a fundamental objection to the first of the Secretary-General's suggestions, the choice now lay between an index and an expanded table of contents. He could see no great need for an index as well as a table of contents, but he would bow to the wishes of the majority. In any case, the General Assembly's purpose had been met by the inclusion of separate sections on the attainment by the Trust Territories of self-government or independence in the chapters on the individual Territories.

12. Mr. JAIPAL (India) said that the question was not whether there should be a separate section of the report, but what that section should contain. When resolution 1369 (XVII) had been adopted by the Council, it had not been clear how the Council would implement General Assembly resolution 946 (X) concerning the attainment by the Trust Territories of the objective of self-government or independence, but it was now certain that the information requested by the General Assembly was included in the report in the chapters on the individual Territories. However, as a separate section had been requested by the General Assembly, it should be included in some form, preferably that of an index. If that solution was not satisfactory, the General Assembly would make its views known.

13. Mr. RIFAI (Syria) observed that the Secretary-General's difficulty in giving effect to resolution 1369 (XVII) was that the relevant information was already to be found in the separate chapters on the Trust Territories adopted by the Council at its seventeenth session. It would, of course, be absurd to reproduce that material in full and the Secretary-General's alternative suggestion therefore appeared sound. He did not agree with the Australian representative; paragraph 3 of the resolution could not be ignored and it would be best to draft a separate section in the manner mentioned by the Indian representative, and leave it to the General Assembly to decide what should be done in the future.

14. Mr. GRUBYAKOV (Union of Soviet Socialist Republics) recalled that the Council's resolution 1369 (XVII) derived from General Assembly resolution 946 (X) which had itself been adopted because the Trusteeship Council had failed to implement earlier resolutions of the Assembly on the same subject. The Trusteeship Council had adopted certain recommendations in that connexion at its seventeenth session but his delegation felt that they did not fully meet the General Assembly's request. In his report the Secretary-General had referred to the information which would be included in a separate section of the Council's report but that information answered only a few of the questions asked. What had to be done, therefore, was not simply to repeat information already given but to provide sufficient additional information to satisfy the General Assembly's requirements.

15. Thus, while agreeing that there should be no repetition of material already provided, his delegation firmly

believed that the Council should prepare a fresh report containing new information. Consequently, no hasty decision should be taken: an index was always useful but it was not indispensable and the Council would be guilty of evading the real issue if it were to confine itself to what was, strictly speaking, a purely technical task which the Secretariat might well do in the normal course of its work. Instead, the Secretary-General might perhaps be asked to submit a further memorandum more closely in line with the Council's and General Assembly's resolutions on the subject.

16. Mr. GRILLO (Italy) pointed out that the Secretary-General could not alter the facts nor could he manufacture more information than was available: the only question, therefore, was the purely procedural one of whether to reproduce information given elsewhere or to refer to it by some such means as an index. His delegation supported the Secretary-General's suggestion.

17. Mr. MULCAHY (United States of America) felt that resolution 1369 (XVII) was sufficient evidence of the Council's willingness to comply with the General Assembly's wishes. If more were wanted, the Council could transmit the Secretary-General's report (T/1252) with its report to the Assembly; it would then be for the Assembly itself to make further suggestions.

18. Mr. JAIPAL (India) noted that the General Assembly had asked, not for a separate report, but for a separate section on that subject in its general report on the Trust Territories; in other words, it believed that the Territories' advancement towards self-government or independence was part and parcel of their general progress and not a separate subject. His delegation thought the same. The question then remaining was purely procedural. Before deciding whether an index fully answered the problem, he would like to see it in draft form.

19. The PRESIDENT suggested that the Secretariat should be asked to prepare such an index for consideration by the Council.

It was so decided.

Organization of the Council's work (continued)

REPORT OF THE COUNCIL TO THE GENERAL ASSEMBLY (continued)

20. The PRESIDENT invited the Council to continue its consideration of the Secretary-General's suggestion (701st meeting) that its reports to the General Assembly should in future be submitted in two parts.

21. In reply to Mr. ARENALES CATALAN (Guatemala), Mr. CLAEYS BOUUAERT (Belgium), Mr. CUTTS (Australia) and Mr. JAIPAL (India), Mr. WIESCHHOF (Secretary of the Council) assured the Council that the part of the current year's report which it was proposed that the Secretariat should prepare at once would cover only those topics which had been dealt with at the fifth special session and the seventeenth session. If the Council agreed to the scheme of a two-part report, certain minor adjustments would have to be made in the chapters on individual Territories already approved by it, but those adjustments were purely consequential and should not give rise to any difficulties.

22. Any decision the Council might take at the present session after receiving the report of the Standing Committee on Administrative Unions would, of course, be incorporated in the second part of the report, with

appropriate references to the relevant portions of the first part.

23. Mr. ARENALES CATALAN (Guatemala) said that the Secretary's remarks had cleared up his delegation's doubts about the proposal, and suggested that the Secretariat should be authorized to prepare the first part of the Council's next report to the General Assembly.

It was so decided.

Report of the Committee on Communications from the Cameroons under French Administration (T/L.671, T/L.682)

[Agenda item 10]

24. The PRESIDENT recalled that the Committee on Communications from the Cameroons under French administration had been set up at the seventeenth session of the Council (655th meeting) to study, with the assistance of the Secretariat, the large number of communications which had been received from the Cameroons under French administration and to report to the Council at its eighteenth session. The Committee had submitted an interim report (T/L.647) at the seventeenth session, which stated that it had made a preliminary survey of the communications and had found that the great majority of them raised general questions or referred to the incidents of May 1955 which were then being examined by the Council. In its final report (T/L.671) the Committee stated that, in completing its work, it had concentrated on sorting out communications which, because they contained complaints of a specific or personal nature, might require individual examination by the Council. It had found that there were 629 such communications, 123 of which were, however, either extremely vague or manifestly inconsequential. A summary of the remaining 506 communications was given in the report.

25. A draft resolution on the Committee's report had been submitted by the delegations of China and Haiti (T/L.682). He called upon the representative of Haiti to present that text.

26. Mr. DORSINVILLE (Haiti) said that the history of the question was familiar to all the members of the Council, and he would merely commend the draft resolution to them on behalf of the two members of the United Nations Visiting Mission to the Trust Territories of the Cameroons under British administration and the Cameroons under French administration, 1955, who were members of the delegations of China and Haiti.

27. He paid a tribute to the representatives of Australia and India for the efficient manner in which they had carried out their work on the Committee on Communications.

28. Mr. KIANG (China) endorsed the remarks of the Haitian representative and also paid a tribute to the representatives of Australia and India.

29. Mr. JAIPAL (India) thanked the Secretariat for its valuable co-operation.

30. The Indian delegation would support the draft resolution, the conclusions of which followed logically from the two reports of the Committee on Communications.

31. Mr. HAMILTON (Australia) also expressed his appreciation of the Secretariat's work.

32. His delegation would like to make two suggestions with regard to the draft resolution. He suggested that paragraph 2 should be amended to read:

"Recalls that the general-question communications classified under categories A, D and E of the Committee's report were taken into account during the Council's examination of conditions in the Cameroons under French administration at its seventeenth session."

The Council had at its seventeenth session considered the interim report of the Committee on Communications, which dealt in a general manner with the general-question communications, and nothing had been added to that part of the interim report by the final report. There seemed therefore no reason to reconsider the same material at a later session.

33. Furthermore, he suggested that paragraph 4 (b) attributed greater powers to the Committee on Communications than it had in fact possessed. It had not been empowered to decide or to recommend whether certain documents should be classified as petitions to which the established procedure was applicable. The Committee had indicated clearly in its report that the 506 communications referred to in paragraph 4 (b) were worthy of special consideration and the logical step would now be for the communications in question to be referred to the Standing Committee on Petitions. The classification of petitions was the exclusive function of that Committee. He therefore suggested that paragraph 4 (b) should be redrafted to read:

"That the remaining 506 such communications be circulated by the Secretary-General in an appropriate form and transmitted to the Standing Committee on Petitions for consideration and appropriate action."

34. Mr. DORSINVILLE (Haiti) regretted that he could not entirely agree with the Australian representative's comments on paragraph 2 of the draft resolution. The communications classified under categories A, D and E had not been on the agenda of the Council's seventeenth session. The Committee on Communications had been asked to examine all the communications that had been received; it had done so and had classified the petitions. The Council had not, however, examined them because the question had not been on its agenda. Hence the Council was now called upon to come to a decision on the subject of those communications and that was part of the purpose of the draft resolution before the Council.

35. He also disagreed with the Australian representative with regard to paragraph 4 (b) of the draft resolution, because in his view the report of the Committee on Communications gave a sufficiently clear idea of the nature of the 506 communications in question to enable the Trusteeship Council to come to a decision concerning them without delay. He thought they should be transmitted to the Standing Committee on Petitions as petitions to which the established procedure was applicable and the Standing Committee could then report on them to the Trusteeship Council.

36. Mr. HAMILTON (Australia) disagreed with the Haitian representative with regard to paragraph 2 of the draft resolution. As far as he was aware, no further summary of the contents of the communications referred to in that paragraph would be placed before the Council beyond that which appeared in the interim report of the Committee on Communications. That summary had been before the Council at its seventeenth session, during its consideration of the annual report on the Cameroons under French administration, and had undoubtedly been taken into account by the Aus-

tralian delegation, and he believed by many other delegations, during the debate on that Territory.

37. With regard to paragraph 4 (b) of the draft resolution, he maintained that if the 506 communications referred to therein were in effect classified before being transmitted to the Standing Committee on Petitions, that Committee would be deprived of its exclusive right to make such a classification. In order to meet the representative of Haiti, however, he was willing to insert the words "as petitions" after the words "in an appropriate form" in his amendment.

38. Mr. JAIPAL (India) entirely agreed with what the representative of Haiti had said concerning the first Australian amendment. At the seventeenth session the Council had had before it only the interim report of the Committee on Communications and his delegation, at any rate, had been waiting for the final report before deciding what action to take on the communications. He therefore could not agree that they had been taken into account during the examination of the annual report on the Cameroons under French administration.

39. With regard to the second amendment, he felt it would be unnecessary to entrust the Standing Committee on Petitions, which was already overburdened, with the additional task of classifying the 506 communications in question. He drew attention to paragraph 6 of the final report of the Committee on Communications, which he felt fully justified the application of the established procedure to those communications.

40. In reply to a question by the PRESIDENT, Mr. HAMILTON (Australia) said that the changes he had proposed had been in the nature of suggestions rather than formal amendments.

41. Mr. ARENALES CATALAN (Guatemala) said that while he had no fault to find in substance with the draft resolution submitted by the delegations of China and Haiti, he did not approve of the procedure that had been adopted. In his view the Committee on Communications should have reported to the Standing Committee on Petitions, which in turn should report to the Trusteeship Council. For that reason his delegation would abstain in the vote.

42. Mr. GRUBYAKOV (Union of Soviet Socialist Republics) congratulated the members of the Committee on Communications, who had saved the United Nations about \$500,000 and much time as well. Nevertheless he could not entirely support the draft resolution presented by the delegations of China and Haiti. For example, more than 20,000 petitions and communications had been classified by the Committee on Communications under categories A, D and E as general-question communications. If the Council was to take those petitions and communications into account it must know what they contained. They should therefore be examined by the Standing Committee on Petitions in accordance with the Council's rules of procedure. He could not agree with the representative of Australia that the Council had considered them at its seventeenth session.

43. With regard to paragraph 3 of the draft resolution, he failed to see how Council resolution 1481 (XVII) could be held to relate to the communications classified under category B of the Committee's report, which had not been discussed at the seventeenth session.

44. He had no objection to the classification of 123 of the communications as manifestly inconsequential, since the Secretariat was entitled to take such a decision by rule 85, paragraph 4, of the rules of procedure.

45. He felt strongly that the report of the Committee on Communications should be submitted, in accordance with the normal procedure, to the Standing Committee on Petitions, which would give it the detailed attention that it deserved and that the Council could not give it, and the Standing Committee on Petitions would thereafter report to the Trusteeship Council. That method of work would be in accordance with the rules of procedure of the Trusteeship Council and was therefore preferable to that proposed in the joint draft resolution.

46. Mr. JAIPAL (India) emphasized that the whole point of referring the 33,000 petitions from the Cameroons under French administration to the Committee on Communications had been to lessen the work of the Standing Committee on Petitions and to provide the Council with material which would enable it to come to an immediate decision. The Standing Committee on Petitions was already very much in arrears and the rate at which it was examining petitions was causing considerable concern to the Indian delegation. He had therefore been somewhat disturbed by the suggestion that the 33,000 petitions should be referred to the Standing Committee on Petitions. It had been felt at the seventeenth session of the Council that extraordinary steps were needed to deal with the extraordinary situation created by the arrival of the 33,000 petitions. He himself would feel that his labours as a member of the Committee on Communications had been completely wasted if the 33,000 petitions were now to be referred to the Standing Committee on Petitions.

47. He explained that the 123 manifestly inconsequential communications referred to in the report of the Committee on Communications had been carefully examined. Many of them had been scraps of paper with no names or addresses; others had been completely unintelligible. The greatest pains had been taken to ensure that as many communications as possible should be classified correctly and the fact that only 123 communications out of a total of 33,000 had been classified as inconsequential was an indication of the thoroughness with which the Secretariat had done its work.

The draft resolution (T/L.682) was adopted by 10 votes to none, with 4 abstentions.

48. Mr. BARGUES (France) said that he had not taken part in the debate because the Territory in question was a Territory under French administration. For the same reason he had abstained in the vote.

49. He paid a tribute to the work done by the members of the Committee on Communications and also by the members of the Secretariat who had co-operated with them.

50. He emphasized that he considered the draft resolution which had just been adopted to deal entirely with procedural matters and he reserved his delegation's attitude on the whole question both in the Standing Committee on Petitions and in the Trusteeship Council.

51. Mr. CLAEYS BOUUAERT (Belgium) also paid a tribute to the two members of the Committee on Communications and to the members of the Secretariat who had assisted them.

52. His delegation had abstained on the draft resolution for reasons similar to those adduced by the USSR representative. The very useful work done by the Committee on Communications had not touched on the substance of the problem, namely, the manner in which the documents received should be dealt with. The rules of procedure should be observed; if they were inadequate they should be amended. The proposal put

before the Council was a compromise and made certain suggestions which were unfortunately very vague. Paragraph 2, for example, was far from clear. If the general-question communications were to be taken into account during the Council's next examination of conditions in the Cameroons under French administration, they would have to be translated, reproduced and distributed and nothing would have been achieved; the Council would be in the same position as it had been at the beginning. To deal with them in any other way was tantamount to saying that they were not regarded as communications to which rule 85, para-

graph 2, of the rules of procedure was applicable. In that case, the reason why should be stated, and the rule in question should perhaps be amended.

53. Nevertheless, since the case was exceptional and presumably would not recur his delegation had not opposed the draft resolution submitted by the delegations of China and Haiti; but it had wished to indicate its views on the general question of petitions which was before the Council.

The meeting rose at 4.25 p.m.