



TRUSTEESHIP COUNCIL

Twenty-sixth Session

OFFICIAL RECORDS

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President: Mr. Girolamo VITELLI (Italy).

Present:

The representatives of the following States: Australia, Belgium, Bolivia, Burma, China, France, India, Italy, New Zealand, Paraguay, Union of Soviet Socialist Republics, United Arab Republic, 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.

Examination of petitions (T/L.971, T/L.972) (continued)

[Agenda item 4]

TWO HUNDRED AND FORTY-NINTH REPORT OF THE STANDING COMMITTEE ON PETITIONS: PETITIONS CONCERNING NEW GUINEA (T/L.971)

1. The PRESIDENT asked the members of the Council to vote on the draft resolutions set out in the annex to the two hundred and forty-ninth report of the Standing Committee on Petitions (T/L.971).

Draft resolution I was adopted unanimously.

2. Mr. ANTONOV (Union of Soviet Socialist Republics), referring to section II of the report, which dealt with the petitions received from the President of the Gynea Branch of the Communist Party of Australia (T/PET.8/14) and the Chairman of the Tasmanian Rationalists (T/PET.8/15) concerning the murder of an indigenous inhabitant of New Guinea by an Australian settler who had been sentenced to no more than a fine of £150, said that too little value

was attached to the lives of indigenous inhabitants in the Territory. Such incidents proved that the laws of the Territory did not protect the lives and rights of the indigenous inhabitants. Whatever the Administering Authority might have said about the matter, it was apparent from both the facts pointed out by the petitioners and the implicit admission made by the judge who had tried the case that the settlers were in the habit of beating indigenous employees with whom they were not satisfied. The argument that the blow had caused the death of the indigenous inhabitant only because he had had a much enlarged spleen was not an excuse. Furthermore, the Administering Authority, while showing so little severity towards the white settlers, continued to impose the death penalty or forced labour sentences on the indigenous inhabitants of the Territory.

3. His delegation therefore considered that the Council should recommend the Administering Authority to enact legislation protecting the indigenous inhabitants against arbitrary action by the police and the Australian settlers and to abolish the death penalty for indigenous inhabitants. Such a recommendation to the Administering Authority could be included in a resolution on the petition and in the report of the Drafting Committee on New Guinea.

4. Mr. FORSYTHE (Australia) recalled that he had stated in the Standing Committee on Petitions that the Administering Authority considered the petition inadmissible under the terms of rule 81 of the rules of procedure inasmuch as it was a petition directed against a judgement of a court. The case had been one of manslaughter, without premeditation, rather than one of murder and that in the circumstances a fine of £150 was not unduly light. He described other cases in which particularly frail people had died as the result of blows, not serious in themselves, inflicted by indigenous persons and in which the sentences handed down had been very lenient. He also pointed out that the case in question was the only one to occur during the past five and a half years in which an indigenous inhabitant had been killed by a European and the only case of assault during the past twelve months. He also explained that in a case of assault the indigenous inhabitant was free to leave his employer and institute proceedings against him and that the labour service would assist him, if he so wished, in finding another job or returning to his own village. As far as the judge's statement was concerned, it had simply meant that the time had passed when an employer could with impunity strike an employee because he was dissatisfied with him. With regard to the death penalty he pointed out that in the past five years fifty-five death sentences had been commuted and only one had been executed.

5. Mr. ANTONOV (Union of Soviet Socialist Republics) requested that the USSR draft resolution in section II, paragraph 13, of the Standing Committee's report, should be put to the vote.

6. Mr. RASGOTRA (India) shared the view of the USSR representative on the abolition of the death penalty. With regard to the admissibility of the petition, the Council was not questioning the judgement rendered by a court but the circumstances in which the deceased had been dealt the blows causing his death and, according to the Australian representative's interpretation of the judge's statement, in which similar incidents had been able to occur in the past. Apart from the question of the degree of severity of the fine, it was most regrettable that the court, in order to spare the accused from banishment from the Territory, should have seen fit not to sentence him to a term of imprisonment and should thereby have introduced into the judgement an extraneous consideration. His delegation would vote in favour of the draft resolution II in the annex to the report in the hope that it would prevent the recurrence of such incidents in the Territory.

7. Mr. FORSYTHE (Australia) read out the provisions of the Removal of Prisoners Act, in accordance with which persons sentenced to imprisonment could in some cases serve their sentences outside the Territory.

8. In reply to a question by Mr. RASGOTRA (India), Mr. FORSYTHE (Australia) said that those provisions did not apply to the indigenous inhabitants.

9. Mr. RASGOTRA (India) said that if that was true it was clearly a case of discrimination, for it meant that there were two sets of legal provisions, one applicable to the indigenous inhabitants and the other to white settlers. There was no reason why a settler who had lived in the Territory for twenty years or more should not be subject to the same penalties as an indigenous inhabitant. His delegation hoped that the Administering Authority would take steps to remedy that situation, which entailed the unequal administration of justice and tended to bring into consideration factors which were not relevant.

10. Mr. FORSYTHE (Australia) said that his delegation would abstain from voting on draft resolution II for the reasons which he had stated concerning the inadmissibility of the petition but that it would draw the Administering Authority's attention to the opinion just expressed by the representative of India.

11. The PRESIDENT put the USSR draft resolution II, paragraph 13, of the report to the vote.

The USSR draft resolution was rejected by 7 votes to 1, with 5 abstentions.

Draft resolution II was adopted by 12 votes to none, with 2 abstentions.

12. Mr. CASTON (United Kingdom) explained that his delegation had voted in favour of the resolution because, although the petition dealt with a court case and might therefore be considered inadmissible, it also raised certain ancillary questions which were within the Council's competence.

13. Mr. ANTONOV (Union of Soviet Socialist Republics) explained that his delegation had abstained from voting on draft resolution II because it considered that the Administering Authority's statement that the case did not involve discrimination was not in accordance with the facts.

The recommendation in paragraph 3 of the introduction to the report (T/L.971) was adopted unanimously.

TWO HUNDRED AND FIFTIETH REPORT OF THE STANDING COMMITTEE ON PETITIONS: PETITIONS CONCERNING NAURU (T/L.972)

14. The PRESIDENT asked the members of the Council to vote on the draft resolution set out in the annex to the two hundred and fiftieth report of the Standing Committee on Petitions (T/L.972).

The draft resolution was adopted by 12 votes to none, with 2 abstentions.

15. Mr. FORSYTHE (Australia) explained that his delegation had abstained from voting because it considered the petition to be inadmissible under the terms of rule 76 of the rules or procedure.

16. Mr. ANTONOV (Union of Soviet Socialist Republics) said that his delegation had abstained because it considered that resolutions which did no more than draw the petitioners' attention to the observations of the Administering Authority were not constructive.

The recommendation in paragraph 3 of the introduction to the report (T/L.972) was adopted unanimously.

Examination of conditions in the Trust Territory of the Cameroons under United Kingdom administration (T/1526) (continued):

- (i) Annual report of the Administering Authority for the year 1958 (T/1494, T/1499, T/1524, T/1527, T/L.956 and Add.1);
- (ii) Petitions and communications raising general questions (T/PET.4/L.12-83; T/PET.4 and 5/L.35-74; T/COM.4/L.33, 36-38, 40, 42-47, 49-52; T/COM.4 and 5/L.3-6);
- (iii) Report of the Administering Authority on the separation of the administration of the Northern Cameroons from that of Nigeria (General Assembly resolution 1473 (XIV)) (T/1530, T/1531)

[Agenda items 3 (c), 4 and 17]

At the invitation of the President, Mr. Field and Alhaji Ali Akilu, special representatives of the Administering Authority for the Trust Territory of the Cameroons under United Kingdom administration, took places at the Council table.

GENERAL DEBATE (concluded)

17. Sir Andrew COHEN (United Kingdom) thanked the members of the Council for the interest which they had shown in the two documents submitted by the Administering Authority (T/1526, T/1530) concerning the separation of the Cameroonian and Nigerian administrations and the democratization of the system of local administration in the Northern Cameroons. Most delegations had refrained from discussing economic, social and educational matters, despite their acknowledged importance, because they had felt that at a time when the Territory was about to accede to independence it would be more appropriate to concentrate on political matters. All he would say on those subjects, therefore, was that the Administering Authority had promised substantial financial assistance to the two parts of the Territory to enable them to maintain existing services and pursue their economic, social and educational advancement during the period between Nigeria's accession to independence and the termination of the Trusteeship Agreement.

18. Although the application of General Assembly resolutions 1352 (XIV) and 1473 (XIV) had raised difficult administrative and other problems the Administering Authority, which had fully supported both those resolutions in the General Assembly, had done its best to comply with their letter and spirit. He was grateful for the appreciation which most members of the Council had shown of its efforts, although they had naturally sought clarification on certain points.

19. He agreed with the representative of France that the question of the future of the Territory was not a matter of prestige or competition between the Republic of Cameroun and the Federation of Nigeria. The President of the Republic of Cameroun himself had stated before the General Assembly that it was for the people of the Territory to decide their future. That was also the view of the Government and people of Nigeria, who, he was sure, would regard the interest which the Republic of Cameroun was taking in the arrangements for separation as representing a very natural desire on the part of that Government to see conditions created which would ensure that the plebiscites were conducted in an atmosphere of complete freedom and impartiality. That concern underlay all the measures taken by the Administering Authority for the administrative separation of the Northern and Southern Cameroons from the Federation of Nigeria.

20. The representative of France, in speaking of the administrative reorganization carried out in the Northern Cameroons, had said that the Nigerian authorities on the border had apparently yielded their authority to the Government of the Northern Region of Nigeria and he had referred to other examples of a "certain permanence of the presence of Nigeria". The United Kingdom delegation wished to elucidate the position. No new authority had been given to the Government of the Northern Region of Nigeria. The transfer of the functions of the Ministry of Northern Cameroons Affairs, which had been abolished, to the Office of the Premier had been a purely temporary arrangement to cover the transitional period until the authority of Nigeria in the Northern Cameroons ceased on 30 September 1960, and the abolition of the Ministry of Northern Cameroons Affairs was in itself a mark of the diminishing responsibility of the Northern Region Government in the affairs of the Northern Cameroons. At the same time, the authority of the Lamido of Adamawa, a Nigerian ruler, over the Native Administration in part of the Northern Cameroons had been entirely abrogated, a reform which was probably even more important to the population of the Cameroons. The Government of the Republic of Cameroun could rest assured that, although the Government of the Northern Region of Nigeria would continue to play a certain role until 30 September 1960, that role was a continually diminishing and increasingly purely formal one, and that after 1 October 1960 the Administering Authority itself would administer the Trust Territory; thus no Nigerian Government would have any role or presence in either part of the Territory for several months before the plebiscites.

21. Orders in Council to be made before 30 September 1960 would entrust the administration of the two parts of the Territory to the Commissioner and the Southern Cameroons Government in the South,

and to an Administrator in the North. The Commissioner and the Administrator would both be directly responsible to the United Kingdom Government. Constitutionally, the Trust Territory would be entirely separate from Nigeria; each part of the Territory would have its own means of legislation and its own budget. The services to be provided by departments of the Government of the Federation of Nigeria would be purely on an agency basis. The fact that in the Southern Cameroons the Commissioner would be responsible for those services was part of the general arrangements accepted by the Southern Cameroons Government. The Indian representative had suggested that the authority at present exercised in the Southern Cameroons by the Governor-General should be entirely transferred to the Commissioner of the Cameroons. That was exactly what was intended.

22. The police force would be treated in the same way. The Administering Authority believed that, to ensure the maintenance of order in the Territory, the only practical arrangement was to set up a police force composed, as far as was necessary, of men detached from the Nigerian police force. That police force would be responsible directly to the Commissioner in the South and to the Administrator in the North, who alone would be able to give them orders. It was not intended that staffing arrangements should be controlled from outside the Territory although, as the Indian representative had said, officers of gazetted rank might have to be replaced from Nigeria because of death or retirement and possibly for other reasons.

23. With regard to local government in the Northern Cameroons, the arrangements made to separate the local authorities from those in Nigeria and to democratize them had been welcomed by the majority of the members of the Council. Two members had, however, expressed doubts or criticisms with regard to the method of appointing heads or chairmen of the new Native Authority councils. The only reason why the relevant arrangements had not yet been settled was that those councils did not yet exist; they were at the very moment in the process of being elected. In the Administering Authority's view, it would be contrary to democratic principles to settle the method of choosing the heads or chairmen of these councils before the matter could be discussed with the members of the councils themselves. One member of the Trusteeship Council had spoken of the need to give effect to the wishes of the people. That was exactly what the arrangements were designed to do: first, the people would elect the district councils; those councils would then elect the members of the Native Authority councils; then the method of appointing the head or chairmen of the latter councils would depend upon the views expressed by their members. In all probability, the members of the Native Authority councils would elect their chairmen, but he was not in a position to say so formally, because to do so would prejudice the consultations which were to take place with the members of those councils after their election. The Administering Authority believed that that procedure was the most appropriate one and that the people were generally satisfied with the reforms which had been decided upon and were now being carried out.

24. With regard to the elections to those local government bodies, several representatives had urged that they should be conducted on the basis of

universal, i.e. male and female, suffrage. He emphasized that it was now too late to change the method adopted for the elections, which were due to be completed in a very few days. His delegation entirely appreciated the views which had been expressed with regard to the right of women to vote, and his Government's record in that regard was ample evidence of its convictions on the subject. But the United Kingdom Government also attached great importance to the views of the people of an area, as the whole history of the Commonwealth proved, and, in the case in question, felt that it could not ignore the views of the people of the Northern Cameroons.

25. Some delegations had implied that it was only the chiefs and the traditional authorities that were opposed to granting women the right to vote in the elections. Others had recognized that such a step would provoke strong opposition among the people. There was no doubt whatever that such opposition was not confined to the chiefs or the Moslem community, but was wide-spread and indeed general. The Commission of Enquiry had heard a great many people on that point and the Administering Authority could not disregard its findings.

26. For its part, the Administering Authority was staunchly in favour of the participation of women in public life and in elections. But it was quite clear that the population of the Territory was not in favour of allowing women to vote, even in the plebiscite, and had only agreed in deference to the wishes of the General Assembly. That was an important step forward, which would no doubt open the way to further progress in the future. But political progress could not be forced on a people; the best way of securing it was by persuasion and education. If the Council were now to insist that elections to local government bodies should be carried out in a way which the people did not want, such progress could only be retarded.

27. Referring to an observation made by the Indian representative, he thought that a clear distinction should be made between the plebiscite and the local elections. The plebiscite was to some extent part of the process leading to the termination of the trusteeship. The Administering Authority had therefore felt that it could reasonably insist that, despite local opinion, the plebiscite should be held in a manner consistent with the practice established by the United Nations, i.e. by universal suffrage. With respect to the local elections, the Trusteeship Council should take account not only of local opinion, but also of the obligations which the Administering Authority had assumed under Article 76 b of the Charter and which forbade it to disregard the freely expressed wishes of the peoples concerned. At the present time, the people did not wish to accord women the right to vote in the elections, and it was for them to decide the question.

28. Several representatives had observed that it was important for the inhabitants of the two parts of the Territory to be well aware, before the plebiscite, of what kind of constitutional arrangements would be made by the Federation of Nigeria or the Republic of Cameroun if the people decided to join either of those countries. He recalled that the United Kingdom Government had already formally asked the Government of the Republic of Cameroun to enter into consultations with it on the matter. For very under-

standable reasons—the holding of elections and the formation of a new Government—the Government of Cameroun had not yet been able to act on that request, but the Administering Authority hoped that such consultations could be held very soon. Furthermore, the question of the future of the two parts of the Cameroons in the event that the people decided to join the Federation of Nigeria had, at the conference just concluded in London, been discussed by the Prime Minister of the Federation and all the Nigerian Regional Premiers. They had agreed that if the Southern Cameroons decided to join Nigeria, it would be a fully self-governing Region enjoying complete equality with the other Regions. It had been further agreed that if the Northern Cameroons decided to join Nigeria, it would form part of the Northern Region, while retaining its new administrative divisions and local government institutions. In the communiqué issued at the end of the conference, the Nigerian Prime Minister and Premiers had, moreover, expressed the hope that the Government of the Republic of Cameroun would indicate the terms on which the two parts of the Territory would join that country if the people decided in favour of such a union.

29. It was his understanding that several members of the Council considered it unnecessary to appoint a draft committee at the end of the present debate, as was normally done, and thought it better, in the existing circumstances, for the Council to adopt a resolution. His delegation would be fully prepared to take part in drafting such a resolution.

30. Mr. VELLODI (India) said that in his opinion the decision adopted by the General Assembly concerning the application of universal suffrage in the plebiscite in the Northern Cameroons had been based on the conviction that the women of the Northern Cameroons should have an opportunity to express their views on a matter relating to the future of that part of the Territory. The Member States which had supported the resolution had surely been mindful of the provisions of Article 76 b of the Charter, particularly the principle of respect for the wishes of the people. They had taken that decision because they had been convinced that that was the proper thing to do. He found it somewhat difficult to understand the Administering Authority's objections to granting the vote to the women of the Northern Cameroons in local elections. As far as the question of universal suffrage was concerned, his delegation could see no distinction in principle between the plebiscite and other elections. It, too, attached great importance to the principle of respect for the wishes of the peoples concerned, and, if the principle of universal suffrage was really contrary to the wishes of the people and had aroused strong opposition, the United Kingdom delegation should have so informed the General Assembly and made a reservation on the point. His delegation therefore felt that it would be appropriate for the Council to express the view that what was proper for the plebiscite would also be proper for elections in the Northern Cameroons.

31. He too agreed that, instead of appointing a drafting committee, the Council might adopt a draft resolution.

32. Mr. KOSCIUSKO-MORIZET (France) said that the replies just made by the representative of the Administering Authority to the observations and

reservations of the Government of the Republic of Cameroun, the suggestions made by the representative of the United Arab Republic concerning the need for consultations on the procedures for linking the Territory with Nigeria or the Republic of Cameroun to be held before the plebiscite, and all the records of the Council meetings would be transmitted by the French Government to the Camerounian Government.

33. He hoped that a draft resolution expressing the views of all the members and acceptable to the Administering Authority would be submitted to the Council.

34. Sir Andrew COHEN (United Kingdom), in reply to the Indian representative, said that in his opinion it would be better to defer discussion of the extension of universal suffrage to elections other than the plebiscite, inasmuch as the plebiscite alone was referred to in General Assembly resolution 1473 (XIV).

35. Mr. RIFAI (United Arab Republic) noted the reply made by the United Kingdom representative to his question concerning the chiefs of the Native Authority councils and the manner in which they were to be chosen. He hoped that, as he had understood from the United Kingdom representative, the chiefs would be chosen in a democratic way, namely, by means of elections.

36. Because of his concern that the plebiscites should be conducted with the utmost impartiality, he had, in the general debate, expressed certain misgivings about the links which were to exist, particularly in the Northern Cameroons, between the Cameroons police force and that of Nigeria. The final statement by the United Kingdom representative had not allayed his fears in that regard, particularly since the United Kingdom representative had stated once again that the police force was to be drawn mainly from the Nigerian police. He recalled that he had asked whether the Administering Authority might not be able to form a police force with non-Nigerian personnel so that it would have no connexion with Nigeria. He had also asked whether the Territory's police force would be large enough to maintain order during the plebiscite and whether provision had been made for a stand-by contingent, particularly in the event of difficulties developing in the Southern Cameroons. He would welcome some clarification of those two points.

37. Recalling that he had drawn attention to the need for the people to know what type of association they could expect with Nigeria or the Republic of Cameroun, he said he was disturbed to learn that the Northern Cameroons would again form a part of the Northern Region of Nigeria if its inhabitants decided in favour of union with Nigeria. He recalled that it had appeared from the plebiscite held in the Northern Cameroons and from the facts presented in the report of the United Nations Plebiscite Commissioner (T/1491 and Corr.1 and Add.1) that the people had wanted the Northern Cameroons, in the event that it entered into an association with the Federation of Nigeria, to have a status similar to that of the Southern Cameroons, namely, the status of a self-governing Region of the Federation of Nigeria. He would like to know whether the Administering Authority and the Federal Government planned to take those wishes into account.

38. Mr. OBEREMKO (Union of Soviet Socialist Republics) said that his delegation, like those of India and the United Arab Republic, favoured the strict application, within the specified time-limits, of the resolutions relating to the Territory which the General Assembly had adopted at its fourteenth session. It was imperative that the people should be guaranteed complete freedom of choice in the plebiscites. Another important problem to which the General Assembly had also given a great deal of attention was that of the democratization of local government in the Northern Cameroons.

39. With regard to the question of granting the vote to the women of the Northern Cameroons, he agreed with the Indian representative that, since the General Assembly had decided that the plebiscite would be conducted on the basis of universal suffrage for both men and women and the Administering Authority had voted for that decision of the General Assembly, there could not at the present stage be any justification for endeavouring by some stratagem to prevent women from being able to vote in elections. The Cameroons under United Kingdom administration, like the former Cameroons under French administration, was merely a part of the old German Cameroons, and the social structure and the attitude of the people towards the existing institutions could be said to be virtually the same in the Northern Cameroons and in the northern part of the former Territory of the Cameroons under French administration. The fact was that universal suffrage had been introduced in the former French-administered Territory in 1956 and that the women there had the right to vote.

40. He was unable to understand how the Administering Authority could cite the "freely expressed wishes" of the people when half of the population was deprived of the right to vote. Surely the only way to determine the views of the entire population was to grant it the right to vote. That was why the General Assembly had decided by a large majority that the plebiscite would be conducted on the basis of universal suffrage in the two parts of the Territory. The arguments advanced by the delegations of India, the United Arab Republic and certain other States in favour of introducing universal suffrage in the entire Territory were completely convincing and would be supported in the General Assembly by a majority of the Members.

41. He felt that it was the Trusteeship Council's duty to express an opinion on that important matter in accordance with the resolutions of the Assembly.

42. Sir Andrew COHEN (United Kingdom) said that he had made a very carefully considered statement during the meeting. He appreciated the fact that some representatives might desire certain clarifications, but he could not follow the Soviet representative's logic in saying that, if a people was opposed to universal suffrage, universal suffrage should be introduced in order to determine the people's wishes.

43. In reply to the questions from the representative of the United Arab Republic, he explained that almost all the members of the Southern Cameroons police force would be Cameroonians; the officers would be either Cameroonians or persons from outside, but not Nigerians. Nigerians would have to be used in the Northern Cameroons because of the shortage of

Cameroonian police personnel, but the officers would be persons from outside. The police force in the Northern Cameroons would have a total of only 130 men, in addition to which there would be 300 to 400 local authority police, who would, of course, be Cameroonians. The Plebiscite Commissioner had mentioned in his report the exemplary manner in which the people of the Northern Cameroons had conducted themselves during the first plebiscite. Moreover, the responsibility for maintaining law and order in the Territory would after 1 October 1960 rest exclusively with the United Kingdom Government, which would make whatever provisions might be necessary for that purpose.

44. As for the form which the association of the Northern Cameroons with Nigeria would take, that was a matter which could most properly be discussed by the representatives of an independent Nigeria in the General Assembly. He had, moreover, already informed the Council of the substance of the communiqué issued at the end of the previously-mentioned London Conference. In any event, that was a matter which concerned Nigeria, not the United Kingdom.

Only one political party in the Northern Cameroons had advocated that that part of the Territory should be granted the status of a self-governing Region. The Plebiscite Commissioner had confined himself in his report to stating that the vote had been one of protest against the system of local government and that the people wanted reforms introduced in that system. Such reforms had now been carried out.

45. Mr. RIFAI (United Arab Republic) pointed out that no conclusion with regard to granting the Northern Cameroons the status of a self-governing Region had been attributed by him to the Plebiscite Commissioner; he had merely gained that impression from the report. He agreed with the United Kingdom representative that it was for the Nigerian Government itself to determine its position, but he felt that the Administering Authority had the duty to make the situation quite clear to the people before the plebiscite so that they would know on exactly what terms they would be associated with Nigeria if they chose such association.

The meeting rose at 1 p.m.