

United Nations

Nations Unies

UNRESTRICTED  
T/P.V.33  
1 December 1947  
English

TRUSTEESHIP  
COUNCIL

CONSEIL  
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TRUSTEESHIP COUNCIL  
Second Session

VERBATIM RECORD OF THE SIXTH MEETING

Lake Success, New York  
Monday, 1 December 1947 at 3:00 p.m.

President: Mr. Francis SAYRE (United States of America)

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(Interpretations of speeches will be replaced in the official records by full translations from the originals.)

The PRESIDENT: I declare the thirty-third meeting of the Trusteeship Council open.

DISCUSSION OF RESPONSIBILITIES OF TRUSTEESHIP COUNCIL CONCERNING FUTURE GOVERNMENT OF PALESTINE

The PRESIDENT: I have just received a letter from the Secretary-General, dated 1 December 1947, which I should like to read.

"Sir:

"I have the honour to draw your attention to the Resolution adopted by the General Assembly on 29 November 1947 concerning the future government of Palestine, in which it is requested that 'the Trusteeship Council be informed of the responsibilities envisaged for it in this plan.'

"In this connection, I enclose herein a copy of document A/516, in Part III of which are set forth the responsibilities under reference."

Accompanying the letter is a copy of document A/516, with which you are all familiar, and in Part III of which is set forth these responsibilities concerning Jerusalem.

That involves a tremendously important and critical responsibility which is cast upon the Trusteeship Council. I presume that in order to discharge this responsibility we should get to work at once.

What are the desires of the Trusteeship Council with respect to the procedure which we should follow in tackling this job? Are there suggestions to be made as to how we can go to work on this matter?

Mr. GERIG (United States): It seems to the delegation of the United States that perhaps the normal procedure would be in this case -- as in other similar cases -- to have a small working party, or working committee, of five or six members possibly, who might be appointed by the President, in consultation with the Assistant Secretary-General. There may be other means of selection of the five or six members, but the small group selected might begin almost immediately to see what groundwork needs to be done to give effect to this resolution and then report back to the Trusteeship Council.

I should imagine that there would be a good deal of spade work to be done to familiarize themselves with the matter in connection with the Government of the City of Jerusalem and to compile various types of documentation that would be necessary and to draft plans in some detail for the consideration of the Trusteeship Council. That is not a very original idea, I admit, but in the absence of any other suggestion, I suggest that consideration be given to that procedure.

The PRESIDENT: All the members are familiar with part of these responsibilities. I now read from page 19 of document A/516: "The Trusteeship Council shall within five months from the approval of the present plan elaborate and approve a detailed Statute of the City which shall contain inter alia the substance of the following provisions," and so forth. In other words, among our other duties in this connection is the elaboration of a detailed statute which is to become the framework for the government of Jerusalem for some ten years presumably; so that it is an undertaking which requires the most careful kind of study and consideration.

I am hoping that our Council can dispose of its other business before Christmas. I am somewhat doubtful whether we can hope that such a statute as I have just mentioned can be carefully and adequately formulated before Christmas. I suspect that it involves a working committee such as has been suggested getting down to work immediately with such expert assistance as it will need, continuing its work constantly through the present session, possibly referring knotty problems on which it desires further elucidation to the Trusteeship Council while it is in session, and then presumably continuing that work after Christmas, if necessary, with the idea of submitting the work for final approval to a special session, perhaps, of the Trusteeship Council called during the winter to approve or modify the work.

That is the general, rough outline which I have in my mind's eye. I wonder whether that general idea meets with the approval of the Trusteeship Council.

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We have before us now a motion that the President, after taking the matter up with the Assistant Secretary-General in charge of Trusteeship Affairs and with his advice and in collaboration with him, appoint a committee of perhaps five or six members of the Council to form a working committee, with the idea that that committee get down immediately to hard work and that the committee be assisted by such technical help as it may require. The committee is to be empowered, I take it, to make no final decisions but to work on its task and to refer matters from time to time to the Trusteeship Council, the final decisions to be taken by this Council.

That is your motion, Mr. Gerig?

Mr. GERIG (United States): Yes.

The PRESIDENT: As there is no further discussion, we shall vote on this motion.

The motion was carried by nine votes to one.

## ARRANGEMENTS FOR A PERIODIC VISITING MISSION TO TRUST TERRITORIES IN AFRICA (DOCUMENT T/72)

The PRESIDENT: Document T/72 is a memorandum prepared by the Secretariat dealing with the consideration given by the General Assembly to the Resolution of the Trusteeship Council concerning regular budgetary provision for visiting missions.

In that connection, I wish to draw your attention to the consideration given to the matter of visiting missions by the Fourth Committee of the General Assembly. Your President appeared before the Fourth Committee and set forth the views of the Trusteeship Council. In accordance with the suggestion of your President, the Chairman of the Fourth Committee sent a letter dated 29 September 1947 to the Chairman of the Fifth Committee, which is the Administrative and Budgetary Committee of the General Assembly, which letter is quoted in Document T/72. I shall quote the concluding paragraph of that letter for the record.

"The Fourth Committee has unanimously endorsed the Resolution of the Trusteeship Council and I have been authorized to notify the Fifth Committee to this effect and call to the attention of the Fifth Committee the importance of this matter to the operation of the International Trusteeship system and the work of the Trusteeship Council."

Document T/72, page 2, then goes on to explain the history of the matter and the consideration given to it by the Fifth Committee. It states that the Assistant Secretary-General for Administrative and Financial Services drew the attention of the Committee to the fact that "the Secretary-General's estimate for the 1948 Visiting Mission to Africa had been reduced by the Advisory Committee from \$60,350 to \$55,000." There follows an explanation by Mr. Aghnides, Chairman of the Advisory Committee. The last paragraph of page 2 states, "The estimate of \$55,000 for the 1948 Visiting Mission to Africa as recommended by the Advisory

Committee was accepted unanimously by the Fifth Committee."

The matter then came before the General Assembly, and as set forth at the bottom of page 3, "The General Assembly approved by thirty-seven votes to none with ten abstentions the Resolution proposed by the Fifth Committee entitled: 'Appropriation Resolution for the Financial Year 1948' to be found in Document A/498 on page 11."

"The relevant portion of this Resolution for the 1948 Visiting Mission to Africa is Part II, Section 6, Investigations and Inquiries, which provides a total sum of \$1,122,472. To recapitulate, this amount is made up as follows." The part concerning the Trusteeship Council is, Visiting Mission to Africa - \$49,592. The amount requested for hospitality was considerably cut from the original request to \$1,000. In considering this question, the Trusteeship Council has before it the action taken by the General Assembly.

In discussing this matter, I think we must make up our minds as to the following:

First, the place to which the visiting mission shall go;

Second, the approximate time in which the visit shall be made;

Third, the approximate size of the mission; and

Fourth, the manner of selecting that mission.

If it is agreeable to the members of the Trusteeship Council, I suggest that we discuss the matter in that order, first considering the place to which the Council desires the mission to go.

Sir Alan BURNS (United Kingdom): I suggest that the first visit should be paid to East Africa, to Tanganyika and the Belgian-Mandated Territories attached to the Congo.

The PRESIDENT: I wish to ask the representative of Belgium whether it would be agreeable to his Government to have the mission go to Ruanda Urundi this winter?

Mr. RYCKMANS (Belgium): I do not know.

The PRESIDENT: Could you perhaps find out?

Mr. RYCKMANS (Belgium): If the Trusteeship Council intends to have the mission go to East Africa, it will be up to the Secretary-General to notify the Belgian Government of that intention and to make arrangements with the Belgian Government. I presume there will be no difficulty.

The PRESIDENT: So far as you know, there would seem to be no reason, from the viewpoint of the Belgian Government, why such a mission should not be undertaken.

Is it agreeable, then, to the members of this Council that our next visit should be paid, if agreeable to the Governments of the United Kingdom and Belgium, to Tanganyika and Ruanda Urundi? Unless I hear objections, I take it that that is the desire of the Council. We can



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await the passage of a formal resolution until we discuss some of these other matters.

Mr. LIU-CHIEH (China): I should like to know whether it would be practical for the mission to cover also the trust territory in that region under French administration?

The PRESIDENT: If you mean the Cameroons, that is on the west coast of Africa. Since the question has been raised, however, do any of the members of the Council have any comments to offer?

Mr. RYCKMANS (Belgium) (Interpretation from French): If I understand the situation correctly, the mission will necessitate a period of three months. There certainly would be time to visit the Tanganyika Territory and Ruanda Urundi. However, since the Cameroons is on the other side of Africa, perhaps it would be better to visit the Cameroons during a visit that would take in the other territories of Western Africa.

On the other hand, the Cameroons are situated on the other side of the Equator, and from the point of view of the season it might be slightly inconvenient. The best season for a visit to Tanganyika territories and Ruanda Urundi is the ~~most unfavourable one in which to visit the Cameroons.~~

Mr. GARREAU (France) (Interpretation from French): I would like to know whether three months would be sufficient to visit both the mandated territories of Western Africa and also the other parts of Africa. There is also the question of seasons which the representative of Belgium has mentioned. I could also add a third reason; that is, during this session we will have to examine the petition presented by the populations of both French and British Togolands. We must take action on these petitions. I think, therefore, that it would be better that the visit that is ~~to be undertaken~~ next year, should, at the same time, be devoted to both Togolands,

French Togoland and British Togoland. In a year the mission will be able to make known the results. We shall also know the results of the decisions of the Trusteeship Council on the petitions submitted by the EWE populations of both territories. I think that for this year it would be better not to include both ~~the Cameroons and the~~ Togolands as objects of this visit.

If the Trusteeship Council should take another decision, France, of course, would have no objection, and the western territories could be included in the 1948 visit.

The PRESIDENT: I wonder, Mr. Liu Chieh, if that disposes of the ~~question~~ in your mind?

Mr. LIU CHIEH (China): Yes.

The PRESIDENT: I take it, then, that it is the desire of the Trusteeship Council that we think in terms of a visit to East Africa, including Tanganyika and Ruanda Urundi. On that assumption, the question arises as to when is the best time to undertake the visit. Possibly Sir Alan Burns or Mr. Ryckmans would have suggestions as to the most favourable time.

Mr. RYCKMANS (Belgium) (Interpretation From French): From the point of view of the best time, I would think that the best time would be during the dry season for the comfort of the members of the mission; the months of June or July, for instance.

The PRESIDENT: I would like to ask, if I may, what the conditions are during our winter months; during January, February and March? Are conditions so bad as to make it inadvisable for visiting?

Mr. RYCKMANS (Belgium): No, but you may come to a bridge that has been carried away by the floods, for instance. That can happen; that does not happen when there is no rains. The rain is sometimes rather uncomfortable in Africa. Some people do not like it; I do not mind.

The PRESIDENT: I remember that it was Mr. Ryckmans who said last spring, when we were considering this question, that perhaps the visiting mission ought to go there sometime during the heavy rains, so that they would see the adverse conditions. Of course, we are expecting to have a session of the Trusteeship Council in June, and that will have to be borne in mind also in considering the best time to make this visit. I wonder if there are other observations with regard to the time.

Mr. RYCKMANS (Belgium)(Interpretation from French): In Ruanda Urundi conditions are favourable until, let us say, the last half of September. One can travel with a certain amount of comfort during June, July, August and perhaps the first half of September. The rains generally do not begin before the second half of September. After all, I believe it would be preferable to go during the dry season.

The PRESIDENT: Perhaps Sir Alan Burns is familiar with the conditions in Tanganyika during the months of January, February and March, as compared with out summer months.

Sir Alan BURNS (United Kingdom): I am afraid I am not familiar with those conditions, but I think that the climatic conditions in Tanganyika probably would follow the same lines as those of Ruanda Urundi. Personally, I think it would be a good idea if the mission could visit East Africa before the next session of the Trusteeship Council, before June, even if it had to suffer a certain measure of discomfort, which Mr. Ryckmans and I have suffered for a great many years in these countries.

Mr. FORSYTH (Australia): As to the best time to make this visit, it has occurred to me that we do not have to take into account more than the session in June. I think the President had it in mind to suggest that there might be a special session, possibly in February. That has to be timed. Then, as regards later in the year, after June, there are some members of the Trusteeship Council, at any rate, who would be interested in the work of the Committee on Non-Self-Governing Territories, which will probably meet, I suppose, in the latter part of August. I think those factors of time should be borne in mind.

Incidentally, I do not know how time can be considered separately from personnel, because there will be some members appointed to the special committee on Jerusalem. The questions of timing and personnel would have to be considered together.

The PRESIDENT: Then the representative of Australia would suggest that we postpone a final decision on this matter until we know who is going on the mission.

Mr. FORSYTH (Australia): I think that would be the best course.

The PRESIDENT: I think that is a very wise observation. On the other hand, I think we should hear such views as the members may entertain now as to the time for making the visit, without committing ourselves as yet or reaching a final decision.

Mr. GARREAU (France)(Interpretation from French): I wanted only to draw the President's attention to the fact that we shall have a good deal of work to do concerning the status of the City of Jerusalem, and therefore I am asking myself whether the winter months will not be taken up for most of us by the consideration of that question and by consideration of the implementation of the Jerusalem question. Therefore, perhaps it will be difficult to undertake at the same time a visit to Africa and our responsibility concerning the City of Jerusalem and the sending of a mission there to function on the spot.

The PRESIDENT: I think that probably, in view of the thoughts which have been expressed, we might leave open the question as to when this mission will leave. It will have to be fitted with many other pieces, such as the Jerusalem question and others. Therefore, perhaps we should express our thoughts as to the desirable size of the mission, which, of course, links with the budgetary question also.

Does any member have an observation he would like to make now with regard to the most desirable size of the visiting mission? There is also the question of the manner of selection. The members will remember, when we were considering the Samoan Mission last year, we appointed a small ad hoc committee to discuss the whole question of the visiting mission, and then, later, we appointed another committee of ten to select the actual personnel going on the mission. It may be that if no one here, this afternoon, has any particular desires with respect to the size of the mission, and if we should see fit to appoint a small committee to determine the manner of selection of this mission, that those two questions might be considered at once.

Of course, perhaps I should call your attention to the fact that the budgetary report was based on six members in the mission, but that need not be necessarily controlling. Some members may feel that the mission might advantageously be smaller than one of six members.

Mr. RYCKMANS (Belgium) (Interpretation from French): I do not think that we should appoint a sub-committee, because the Trusteeship Council should give instructions to this mission and take action on these questions here in the Council. As far as we are concerned, I think it is preferable that the mission should be composed of very few members indeed, the least number possible. The conditions of travelling in Africa -- if, of course, the mission is going to be rather mobile -- are difficult, and the difficulties are rather large when the mission is large. We must therefore take into consideration what the mission is to accomplish during this visit.

During the first session of the Trusteeship Council, when we were examining the rules of procedure, I said that this visit could be very useful indeed if certain members of the Trusteeship Council wished to

learn of the conditions of life and work and existence in the trusteeship territories, and to enter into contact with the responsible members of government on the spot. But if you contemplate a long visit, and if this visit is to take the character of a visit of inspection of the entire territory, then I think that will give rise to serious difficulties for the country which has charge of administration of the territory.

Mr. GARREAU (France) (Interpretation from French): I also think that the mission should be composed of the least number of members possible. The President himself has been the Chairman of a committee of three, and I do not think he could complain that the number of members was too few. I do not think there would be any use in contemplating a larger number of members. If we are satisfied with this first experiment, I think three members would be sufficient, but six members seems too much.

As the representative of Belgium has just said, this mission will go to certain places where there really is a lack of comfort and where the administering power would have considerable difficulty in offering hospitality to a large mission. I think three members, with attending personnel, would be quite sufficient for this purpose.

Mr. KHALIDY (Iraq): I am not convinced by the argument that the visiting mission should be as small as possible. No argument has been advanced so far, to convince me that this is a desirable suggestion. On the contrary, I think this would be a very unwise method to adopt. After all, it is easier to convert three people than to convert five people to whatever idea one may like to convert them to.

I think it would be very bad to establish a precedent in the Trusteeship Council of sending important visiting missions in as small a number as possible. On the contrary, we should send larger missions composed of five, six or even four members. Why should there be especially three members? I am not convinced that it is easier to arrange for the transportation of three members than it is to arrange for the transportation of five members. If three members can go from New York to Africa, five members could also go. Visiting missions should really be a little larger -- not too large -- but not too small either.

Sir Carl BERGMANSEN (New Zealand): I have been trying very hard to avoid inflicting my voice on my colleagues for one whole day, an achievement which I have never succeeded in attaining, but as in most earnest endeavours throughout my life, I have failed, and I fail now because I find it impossible not to agree, as is so frequently the case, with what has been said by my friend from Iraq.

My view of the matter is that the more members of this Council -- and I stress that phrase "the members of this Council", the representatives at this table -- actually see the areas for which they hold such a large degree of responsibility, the more probable it is that our work will be sound. My view is, most definitely, that we will not be wasting money. We will, in the long run, quite unquestionably be saving money if the people around this table actually see the territories with which they are dealing.



From that point of view, I would suggest that the visiting mission, wherever and whenever it goes, should be composed of as many members of this Council as the Fifth Committee and the General Assembly have provided funds for.

If I may go just a little further, I think that there are very great advantages in confining membership of those missions to the representatives around this table. I can speak quite freely, because though there is nothing more pleasurable in life than contemplating a future voyage around the world, I am not a candidate for this particular trip or, indeed, for any other. I can speak the more freely again, because my small country has just been honoured by a visit from a mission, which included a very distinguished non-member of this Council, whose contribution to its most successful work was beyond all praise.

But we must bear this in mind: if there is any advantage in seeing the territories with which we are dealing, we should retain that advantage. <sup>And</sup> I suggest that there is an unquestionable advantage in seeing the territories with which we are dealing, even for a short period of a few weeks; you see the people, you see those who are responsible, you see the problems, you walk in the rain, if you like.

Even the very successful inclusion of Senator Cruz-Coke in the mission to Western Samoa lost a portion of its value because we do not now have the benefit of Senator Cruz-Coke's contribution at this table. Therefore, what he has learned is lost to us.

My judgment is that is real economy and a true attempt to master the task that is before us, if as many as possible of the members of the Trusteeship Council proceed on as many as possible of these missions, and I propose to vote accordingly.

The PRESIDENT: I would like to call the attention of the members of the Council in this connection to rule 96 of our rules of procedure, which reads:

"The Trusteeship Council shall select the members of each visiting mission who shall preferably be one or more of the representatives on the Council."

I think we all echo Sir Carl Berendsen's thoughts and desires in this regard.

Mr. GERIG (United States): I would like to support entirely what has just been said by our Vice-President and, before him, by the representative of Iraq.

I think the size of the mission may depend somewhat upon the terms of reference which are given to it, and under rule 95 we would have to define the terms of reference of each visiting mission. In the previous rule, rule 94, there is a slight reference to the purpose of a visit. This rule says that a visit is to be made with a view to achieving the basic objectives of the International Trusteeship System. While that is very general language, in referring to the basic objectives of the Trusteeship System, we would find, I think, that it is summed up in the phrase "the political, economic, social and educational advancement of the inhabitants." That is really the main objective, and we would have to keep in mind how best to make our visit contribute to that objective.

When it is a question of visiting a fairly large territory and looking into the political, economic, social and educational institutions, it may be found advantageous to break up a party into two groups. Having in mind, as has been said here before, that we have a rather crowded calendar of work ahead of us in the first six months of next year, perhaps the size of the mission might be larger rather than smaller, in order to achieve this

objective -- say by six people in six weeks rather than by three people in three months. That might be taken into account, because we might not actually have three months, if the very wise advice of the Vice-President is taken that the mission is largely composed of members of the Council, who will be otherwise engaged for a good portion of the time. Therefore, taking that reasoning into account, it seems to me that five would be a preferable number to three, but that is merely a tentative suggestion.

The PRESIDENT: The Vice-Chairman suggested six.

Mr. GERIG (United States): I would say five or six would be preferable to three in any event.

Mr. LIU CHIEH (China): As you know, I do not remember any occasion when I did not agree to a very large extent with the wisdom of our Vice-President. In this case, I think while it is preferable to have some members of the Council going on such missions, as you, Mr. President, also pointed out in referring to one of the rules of procedure, I would like to observe that nothing in that rule should preclude consideration of the advisability as members of visiting missions experts or qualified persons outside this Council. I feel that while it is useful for some of us in the Council to visit personally these trust territories, at the same time, bearing the objectives of the trusteeship system in mind, I feel it is very necessary to have experts or qualified persons in certain fields to undertake such missions. For instance, we say we want to attach great importance to the economic and educational advancement of these people, and I would rather have persons whom we know are competent in those fields to report back to this Council.

While I think it is useful for the members of the Council to have some personal experience in trust territories, it is also helpful to the Council in that it should examine those reports with as detached/<sup>a</sup>viewpoint as possible. We are very fortunate in having in this Council, particularly in the representatives of the administering authorities, persons who have had very considerable experience in those areas, and this Council itself should not feel that it does not have the benefit of such valued opinions from such representatives. Therefore, I should like to make these observations at this stage so that the Council would not over-emphasize the purport of that rule in the selection of personnel for the mission.

The PRESIDENT: Did I correctly understand the representative of New Zealand as putting a motion to the effect that five or preferably six members should make up this mission which we hope will go, during the coming months, to visit Tanganyika and Ruanda Urundi at such time as can best be fitted in with the other duties and responsibilities of this Council?

Sir Carl BERENDSEN (New Zealand): I did not make a motion, but I am perfectly willing to make one if that is the desire of the President.

May I say how fully I agree with what my Chinese colleague has said. I agree with him entirely that this rule does not preclude non-members, and, indeed in many cases, we may find it necessary to have them. However, I might make this suggestion. I think most people will agree with me that perhaps as many of the representatives as possible should go on as many of these trips as possible. Where we cannot obtain the full number from the members of the Council, by all means let us take strangers; but if we can obtain the full number, I suggest we possibly could meet Mr. Liu-Chieh's point by putting these experts on the staff. All I want to see is that

as many as possible around this table actually see these places. There is a difference in seeing them rather than reading about them. If it<sup>is</sup>/desired that I move accordingly, I shall be very happy to have my name attached to such a motion.

Mr. KHALIDY (Iraq): While the Council more or less agrees on the size of the mission, I think it will eventually be found more practicable, before deciding this question, to sound out the members of the Council as to who is going to be able to go, and who is prepared to go. Then, the decision as to the number will be an easier matter.

The PRESIDENT: I think it will take a procedure other than sitting here in a formal Council meeting. There are certain considerations which will have to be discussed; private plans will come into the picture.

I was thinking that it might be advisable to appoint a small committee to gather up these various ideas, and discover which Council members will be able personally to go. Then, this group might report back to the Council with their findings.

Perhaps it would be advisable to do that before taking up such a motion as has just been proposed. The representative of New Zealand is agreeable to my suggestion.

— Would the representative of Iraq propose such action; that is, to the effect that the President appoint a small committee to discuss this matter with the various members of the Council, in which many personal considerations will be involved, and then, to bring before the Council the names of those members of the Council who can and who would be prepared to go? Then, in a further discussion, the Council can take up the question of the exact date and the exact membership. Would that be a suggestion which the representative of Iraq would make, or does he have a better one?

Mr. KHALIDY (Iraq): I would not insist upon the particular method to be adopted in this case, but in principle I am always opposed to the multiplication of bodies and commissions and committees. I say that because I have learned from my humble experience -- I do not wish to divulge my age, but I think I am younger than anyone around this table, and my experience is not very abundant -- nevertheless, whatever experience I have had in this respect has taught me that the more you have of large or small bodies, the smaller will be the result that you obtain. Therefore I think that this is a matter which could easily be handled between the President and the Secretary of the Council. We could entrust this matter to the President, and he, of course, could get Mr. Bunche and his staff to assist him. They could sound out the members of the Council, and I believe the matter could be smoothly handled in such fashion.

The PRESIDENT: It is suggested then that the President, with Mr. Bunche's assistance, sound out the members of the Council in order to determine who would be available for this coming trip to East Africa, and then report back our findings to the Council for discussion at a later time.

Mr. RYCKMANS (Belgium): It would be my suggestion that the time element should be taken into consideration because for several members it will all depend on the particular time. Some may be free to go in January and not in June while others may be free in June and not in January.

The PRESIDENT: I take it then that, unless any representative has objections, this is the desire of the Council; and it is so ordered.

Mr. FORSYTH (Australia): I have no objection to the proposal outlined by the President, but I should like to make an observation on the subject before we pass from that point on the agenda.

I think the representative of Iraq brought up an important point when he raised the question whether people would actually be available, and that was in my mind while I was listening to the remarks of Sir Carl Berendsen. I think there is indeed very great force in what the latter said about members of the Council getting first-hand experience in the territories. That was the purpose for which visits were provided for in the Charter. But I do not go all the way with him in thinking that it is necessary to have as many as half the members of the Trusteeship Council go on each visit. That would mean, roughly speaking, that each member would be obliged to pay a visit to a trust territory once every two years. It seems to me that there is no need to proceed quite so quickly as that. The objective of getting first-hand knowledge of the trust territories is admirable and correct, but if there were four members on each mission, the same results could be achieved in very little more time, and we have a long time ahead of us.

Furthermore, with regard to the question whether a smaller mission would be less representative of the Council, I do not think there is very great force in that. The members who attend the sessions of the Council and listen to the discussions here are in a position to represent the point of view of the Council and to report back to the Council with knowledge of the questions in which the Council is interested. Whether there were four members or six members, I do not think there would be much difference in that respect. If the number were, for example, four, I

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believe that, in a not very much longer time, all members of the Council would have a first-hand impression of conditions in the territories with which we are concerned.



One other consideration which was raised at the beginning of this discussion, but not picked up very much after that, was the question of convenience for the administering authorities who will be the hosts of these missions and who will go to a great deal of trouble to help them, to give them travel facilities, et cetera. In the territories with which I am directly concerned there would be great practical difficulties indeed in providing facilities for a very large mission, I should say, at any time in the next two or three years. Both of the territories, as members of this Council well know, were overrun by the enemy and are still in the process of reconstruction.

I think some of the members of this Council may remember that Mr. Ridgeway, the Administrator of Naru, said that he would do his best for the mission, but if there were many members on it, they would probably have to sleep in the open, because there is only one house on the island where there is a fitting accommodation, and there is only one room in that house that is available for visitors. So there are these difficulties, and of course in New Guinea, as well, the whole problem is an extraordinarily difficult one at any time, not merely with regard to housing, but also with regard to transportation and all the other practical arrangements that have to be made.

Therefore, I should feel, from our standpoint at any rate, that it would be regrettable if we set a precedent now for very large visiting missions. While I entirely agree with the general idea contained in Sir Carl Berendsen's remarks, I think that it would do no harm to take a somewhat moderate view at this stage of the size of the missions.

As regards the date, I take it that the Sub-Committee will keep in mind the paragraph of the Charter in which missions are dealt with and will remember that the visits of the missions are to be made at times to be agreed upon with the administering authorities. There are very good practical reasons for that policy.

The PRESIDENT: So far as that last remark is concerned, I need not say that there should be no doubt whatsoever. The Secretariat will communicate with the administering authorities in sufficient time to make all possible arrangements.

Unless a representative wishes to say something further with regard to this matter of visiting missions, we shall agree on the procedure which has been suggested, and the President and Mr. Bunche will canvass the situation and report back to the Council later. When we know how many members might be available, it will certainly throw considerable light on this question as to the size of the mission.

Mr. GARREAU (France) (Interpretation from French): I should like to suggest to the Trusteeship Council that we should establish the principle that the representatives on this Council should take part in each mission. I think it would be very useful if in each mission or visit to such mandated territories every member could follow the work of the mission and take part in it so as to see for himself what is achieved by such visit and to be able himself to report back to the Council, together with his colleagues, on the work that has been accomplished by the mission. I think we should adopt this principle.

JC/ec

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RESOLUTION OF THE GENERAL ASSEMBLY OF 1 NOVEMBER 1947 REGARDING  
THE QUESTION OF SOUTH WEST AFRICA (Documents T/52 and T/55)

The PRESIDENT: As there are no further observations, we shall pass on to item 4 of the agenda, concerning the question of how to handle the report which has been submitted on South West Africa -- not to consider the substance of that report this afternoon, but rather to consider the question of how we can best handle that report.

The Council has before it documents T/52 and T/55. The Council will remember the circumstances, that this was a Report sent by the Union of South Africa covering South West Africa. South West Africa is not a trust territory, so that under the Charter, the Trusteeship Council would have no authority to examine this Report, apart from a special Resolution passed by the General Assembly, giving it such authority.

The Council will remember that the General Assembly, in discussing this matter of South West Africa, did authorize the Trusteeship Council to examine the Report on South West Africa recently submitted by the Government of the Union of South Africa, and requested the Council -- and granted it authority to do so -- to submit its observations thereon to the General Assembly. The question arises, therefore, as to how we propose to handle this Report. It is an anomalous situation in so far as it concerns an examination of a report not from a trust territory. A very practical question arises, for instance, as to whether the Union of South Africa should be invited to have a representative present when this Report is examined. Should such a representative be invited to attend, or should the Government be requested to have a representative here, if it so desires? Various questions arise as to how this Report shall be handled, and I think it is fitting for the Trusteeship Council to decide on that matter this afternoon so that it can give due notice of its conclusions to the Union of South Africa and to such others as might be concerned.

I should like to know what are the thoughts and desires of the Council in respect of this matter.

Mr. LIU CHIEH (China): I would propose that in accordance with the Resolution of the General Assembly, this Council should undertake to examine the Report in the same manner as it would examine a report from a

trust territory. For that purpose, I am inclined to think that it would be quite proper for this Council to extend an invitation to the Union of South Africa, if the Government of the Union of South Africa so chooses, to help the Council by sending a representative here.

The PRESIDENT: Are you presenting that suggestion in the form of a motion?

Mr. LIU CHIEH (China): I thought that you were simply inviting suggestions.

The PRESIDENT: Then it is not a motion?

Mr. LIU CHIEH (China): I thought that at this stage I would present it as a suggestion, but at a later stage, if you want it put that way, I will formally move it.

The PRESIDENT: Are there any other suggestions? Do we all agree with that suggestion which has just been presented?

Mr. KHALIDY (Iraq): I would certainly agree with that suggestion. For a moment, I was thinking of the advisability of appointing a committee -- a committee of four, for example. I am not going to make a motion, nor even a suggestion now, to that effect. But, of course, this matter seems to be a little difficult now. However, the consideration of the Report by the Council in general would probably be the best solution. But there is one point that I would like to advance for the consideration of the Council. The position of South West Africa is not quite a smooth one. We have learned a great deal about that during the last two years and since the second part of the first session of the General Assembly last year.

The Government of the Union of South Africa certainly should have a say and be represented at this table when the time comes to consider the Report.

There seem to be other sides to the question however. There are what I would call "parties", or "factions", or "tribes" there which seem to complicate the situation. I am aware of the fact that in New York, at the present time, there is at least one representative of one of those parties who is not quite in accord with the views of the Government of the Union of South Africa.

In view of the fact that such a situation cannot be considered as unilateral, because it covers more than one viewpoint, I believe we ought to consider the possibility of asking opposing parties to be represented, especially in view of the fact that South West Africa is not a trust territory and, therefore, we are not bound completely by the stipulations of our rules of procedure.

The gist of the matter is that the situation in South West Africa is not very smooth, nor can it be considered to be unilateral. You are probably aware of the fact that certain representatives of opposing parties tried to gain admission to the United States last fall to represent those parties when the question was being considered in the Fourth Committee of the General Assembly. Unfortunately, there was quite a storm raised about granting them a visa to come to the United States. Some of the representatives were considered to be very undesirable persons. Among them was a clergyman, one of the very good people on earth indeed. That representative was finally adopted -- as you adopt a child -- by a certain delegation, and only by that method could he obtain an American visa to come to New York. My belief is that he is still in New York at the present time.

The point of this matter does not revolve around the person of this representative, but the point is that the situation is not smooth. The matter is not unilateral as it has opposing parties. I believe we should do well to hear both sides of the question, which would help us in the proper consideration of this situation.

Mr. FORSYTH (Australia): I agree with the representative of Iraq to the extent that this is not a smooth question. This is not a very easy question. On the contrary, it is indeed a very difficult, very awkward and very serious question.

It has been thrown out as a suggestion that the Trusteeship Council might deal with the Report on South West Africa for 1946, as if South West Africa were a trust territory. I, at any rate, feel unable to agree with that suggestion. It is clear that South West Africa is not a trust territory; there has been no trusteeship agreement proposed, and the very terms of the General Assembly Resolution make it perfectly evident that this territory is not as yet a trust territory.

As regards the possibility of a representative or observer attending our meetings on behalf of the Government of the Union of South Africa, I am sure that every member of the Trusteeship Council would welcome a representative of the Government of the Union of South Africa, if it cared to send a representative to this Council.

However I think we ought to consider very carefully whether we should extend a formal invitation to the Government of the Union of South Africa to do that. It may be that that Government might not be disposed to do it, and it would put the Government of the Union of South Africa in the difficult position of having to decline that invitation. I think that difficulty could be avoided. The willingness of the Council to have a representative here if the Government of the Union of South Africa wished to send one could be made clear enough in an informal way -- possibly by transmitting a record of the meeting showing the sense of the Council's feeling to the representatives of the Union of South Africa in New York -- or in some such less formal way, so that the Government of the Union of South Africa would not be obliged to return a negative answer if it felt that it could not or did not wish to have a representative present. I think the effect could be gained by a means that would not call upon the Union of South Africa to say "yes" or "no."

As regards asking other parties, again I feel that is a suggestion which might lead us into embarrassing situations. For example, consider what our position would be if such invitations were sent and one or the other party did not wish to have an observer here. We would be in a worse position than we would be <sup>in</sup> if we had observers from neither side, I should think.

I suggest that in this rather serious matter, if we were to confine ourselves to the exact terms of the General Assembly's reference of the question to the Trusteeship Council, we would be fulfilling what is expected of us, and we would be avoiding difficulties, some foreseeable and others unforeseeable, which might be equally serious.



Incidentally, the basis for doing what the General Assembly's recommendation asks us to do seems to me to be sufficiently slight for us to tread very carefully indeed. There was a large majority in favour of the General Assembly's Resolution, but if one looks into the passages of the Charter that apply to trusteeship matters, it is somewhat difficult to find an Article which could be a clear basis for consideration by the Trusteeship Council of a report which is not a report upon a trust territory.

I do not wish to raise for discussion here the question of whether we should or should not do what the General Assembly has asked us to do. But I do point to that fact -- at least it seems a fact to me -- as an indication that the more carefully we treat this matter the better, we are likely to come out of it in the end.

Mr. LIU-CHIEH (China): I am always very brief in my remarks, and sometimes I do not make myself clear.

As a matter of fact, when I made that suggestion I had very rapidly but very carefully considered this matter, and I had already considered those factors to which the representative of Australia drew our attention.

When I said, "We may examine the Report as if South West Africa were a trust territory," I certainly did not mean that South West Africa is a trust territory. I meant that we should examine the Report in the same manner as we would examine the Report of a trust territory. In this way we would remove all consideration of whether it is necessary to invite other parties to participate in the discussion, and similar problems. I have not forgotten for a moment that South West Africa is not a trust territory.

I wish briefly to discuss the basis for the examination by this Council of such a report. In the first place, South West Africa is a mandated territory. If the mandate system had not ceased to function that Report would have been examined by the Permanent Mandates Commission of the League of Nations. I think that by design and by general acceptance the functions and responsibilities of the Mandates Commission have fallen upon the shoulders of the Trusteeship Council. The Government of the Union of South Africa has asserted that it will continue to administer that territory in accordance with the mandate. Therefore, I believe it must have been in the minds of the members of the General Assembly that the proper organ of the United Nations to examine the Report is the Trusteeship Council.

Secondly, I believe that for two years in succession the majority of the members of the United Nations have considered that this territory should have become a trust territory. Therefore, because of that spirit, I feel that we should try to examine the Report as if South West Africa were a trust territory. That is all I wish to say concerning the substance of the matter.

As far as procedure is concerned, I believe it is quite proper for the Trusteeship Council to extend an invitation to the Union of South Africa, because we are examining a report by that Government as the administering authority of South West Africa. It would be very strange indeed if we did not offer the same consideration to that Government as we would to another administrative authority. Therefore, I believe that an informal invitation would not measure up to the consideration which we owe to the Government of the Union of South Africa.

Whether the Government of the Union of South Africa will feel able to send a representative is not a matter for me or the Trusteeship Council to pre-judge. I shall therefore not discuss that aspect.

I shall not discuss other matters of procedure at this time, because I believe this is not the proper stage for such discussion.

The PRESIDENT: Perhaps the suggestions of the representatives of Australia and China could be taken care of if the Secretariat were to inform the Government of the Union of South Africa that a discussion of this Report on South West Africa was to be held by the Trusteeship Council on a certain date and that the Trusteeship Council would be very happy to have a representative of the Government of the Union of South Africa present, if it so desires.

Are all members in agreement with the views expressed that we should proceed to examine this Report on South West Africa, as authorized by the General Assembly, in the same manner as we have examined reports from trust territories, and that the Secretariat will notify the Government of the Union of South Africa in the manner I have just suggested?

Mr. RYCKMANS (Belgium)(Interpretation from French): I am entirely in agreement with the President as to the substance of the question, and I agree with the statement made by the representative of China. However, in connection with what the President has just said, there is one point on which I should like to make a remark.

I do not think it would be opportune to notify the representative of the Union of South Africa that the Trusteeship Council is about to consider the report concerning South West Africa as though it were a trust territory. If we did, we would be entering into a very controversial subject. In fact, we shall examine this report just as we shall examine any other report. In principle, however, we should examine it as it would have been examined by the Permanent Mandates Commission, but it is quite useless to state it. It is sufficient to say that the Trusteeship Council, conforming to the authority given it by the General Assembly, will examine the report on South West Africa at such and such a date, without stating that we shall examine it as though it were a trust territory, because we might then receive the answer: "No, as it is not a trust territory, it should be examined as a mandated territory." Therefore, I think it is quite useless to be precise in this matter.

The PRESIDENT: I think that is wise, and I suspect that it will accord with our thoughts.

Mr. LIU-CHIEH (China): I agree with the representative of Belgium when he states that, in our communication to the Government of the Union of South Africa, we need not mention that we shall examine the Report as though it concerned a trust territory. I put that forward because it is the only way in which we can examine it.

The PRESIDENT: I think we are all in agreement. It remains for us to fix the date, then, when we shall make this examination. Do any of the members of the Council have a particular desire as to the date? Presumably, I should think it should be some time next week.

Mr. RYCKMANS (Belgium): I should prefer tomorrow.

The PRESIDENT: We have to give sufficient notification to the Government of the Union of South Africa so that they can get a representative here. The representative may be coming from Washington. Therefore, I think tomorrow would be a little premature.

Mr. RYCKMANS (Belgium): If they do come, let them come as soon as they can; and if they cannot come, let us go on with the work immediately.

The PRESIDENT: I think we can do that, if you so desire.

Sir Alan BURNS (United Kingdom): I feel we should fix the date as Friday of this week.

The PRESIDENT: Would it be agreeable to the members to fix the date as this coming Friday?

Sir Carl BERENDSEN (New Zealand): If we are going to start our discussion as to Western Samoa on Wednesday, then I do hope we will continue our discussion until we finish that question, and that we will not make any firm appointments for Friday that might get in the way. If we are finished with Western Samoa by Thursday night, that would be all right, but I would not want to see a breaking off of the discussion.

The PRESIDENT: Would you prefer Monday of next week, which is one week from today?

Sir Carl BERENDSEN (New Zealand): No, sir; I should suggest that we discuss the question of South West Africa the moment we finish with Western Samoa.

The PRESIDENT: But we want to fix a definite date so that the Government of the Union of South Africa can arrange to have a representative here, if it so desires.

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Sir Carl BERENDSEN (New Zealand): I do not wish to interrupt the discussion as to Western Samoa; let us complete that.

Mr. KHALIDY (Iraq): I have two points to raise. The first point is practically the same as that raised by Sir Carl Berendsen, namely, that I think it would be inadvisable to discuss a subject for a short while and then drop it in favour of another subject. I think Sir Carl is quite right; let us finish a subject before considering another subject.

My second point is this: What happens if we extend an invitation to the Government of the Union of South Africa and someone else comes and says, "I should like to be heard with regard to the report because the report contains so many erroneous statements that my group would like to make sure our point of view is presented"?

I did not hear any comment from the members of the Council as to the suggestion I made. It was probably forgotten in the heat of trying to complete our work by Christmas.

Mr. LIU CHIEH (China): I would suggest that we give one week's notice to the Government of the Union of South Africa. I feel that if we extend them an invitation we should give them adequate consideration in that respect.

The PRESIDENT: That would fix the date of the hearing a week from today.

Mr. LIU CHIEH (China): I think we have enough to do to occupy the Council until then.

Mr. RYCKMANS (Belgium)(Interpretation from French): Article 80 of the Charter states that until an agreement of trusteeship has been concluded no right of any nation is modified by the present situation. I think the Government of the Union of South Africa would have the right to protest if <sup>what</sup> we decided <sup>were</sup> in opposition to what has always been done in the Mandate Commission; that is, if third persons were present during the discussion on South West Africa I think this would be contrary to Article 80.

Mr. GARREAU (France)(Interpretation from French): I believe that this question must be examined with a great deal of care. The General Assembly has empowered the Trusteeship Council to examine the Report on South West Africa and to present to the General Assembly its remarks on this Report. It is quite evident we do not have to examine this Report as we do reports on trust territories because a trusteeship agreement does not exist. Therefore, we cannot discuss it. On the other hand, the General Assembly has addressed a Resolution to us which has been transmitted to the Government of the Union of South Africa; therefore, I think we should await the decision of the Government of the Union of South Africa concerning this Resolution. In the meantime, our only duty, according to the Resolution which we have received, is that the Trusteeship Council should just purely and simply consider the Report

of the Government of the Union of South Africa but not as a report from a trust territory. If you will recall the manner in which these reports were examined in the Mandates Commission, you will remember that third persons were never present at these meetings and were never heard. The Mandates Commission could receive and examine petitions in secret session, but there were no verbal petitions presented to the Mandates Commission. No witnesses were called by that Commission to testify as to their opinions on the questions that were under examination by the Mandates Commission. Therefore, I think that we cannot proceed in any other manner. We can only examine the Report of the Government of the Union of South Africa with respect to South West Africa, and examine it in the Trusteeship Council in the presence of a representative of the Government of the Union of South Africa, if it desires to send a witness, and then present our Report to the General Assembly. I believe that this absolutely precludes any addition of third parties. I think that this would transcend the authority of the Trusteeship Council. I do not think that in this very extraordinary and abnormal case we can apply the procedure which is applied to trusteeship territories.

Sir Carl BERENDSEN (New Zealand): I agree that this matter does raise questions of real difficulty. I should like to raise the preliminary question whether, if we were to treat this Report as if it were a report from a trust territory, even in that case we should hear external oral evidence? If that is the intention of the Council, I am bound to point out that I can find no warrant for it in the Charter or indeed in the rules of procedure that we adopted last year. The only authority we have to examine this Report at all is contained in the last paragraph of the Resolution of the General Assembly. It "authorizes the



Trusteeship Council in the meantime" -- and I do not profess to construe that phrase -- "to examine the report on South West Africa recently submitted by the Government of the Union of South Africa and to submit its observations thereon to the General Assembly."

That is our only authority, and our authority is limited by that paragraph. What does that paragraph authorize us to do? It authorizes us to examine what? The report and nothing else! At present, my judgment is that we should have no authority to hear anybody whatsoever or to do anything more than examine that actual document.

Mr. INGLES (Philippines): I take it that the power conferred upon us by the General Assembly to examine the Report includes the power to make recommendations concerning the Report.

The PRESIDENT: The Resolution of the General Assembly goes on to say: "... and to submit its observations thereon to the General Assembly."

Mr. INGLES (Philippines): We may say either observations or recommendations, but the fact<sup>is</sup> that the Trusteeship Council has to go further than a mere mechanical examination of the Report. It may make observations -- or one may call them recommendations -- but the Trusteeship Council must also do something about what it finds out after examining the Report.

The question has been raised as to whether, if this Report were to be treated as if it were a report on a trust territory, the Trusteeship Council would have the power to examine petitioners' oral evidence. I should like to say that if petitions are submitted or requests are made to the Trusteeship Council to present evidence, those petitions could properly be admitted by the Trusteeship Council if they referred to the report under consideration. For example, a petition may question the veracity or the correctness of the report under consideration. I should like to submit that if such a petition related to the report under consideration, that petition would properly be admissible.

The question has also been raised that we are not considering a report from a trust territory but a report from a territory under mandate. One of the obligations assumed by the mandatory power in this particular territory is to receive petitions. As I understand it, under its mandate the mandatory is to receive petitions. I refer to the procedure followed by the Mandates Commission: "The Mandates Commission may receive petitions from the people of the mandated territory." If, as contended by

the representative of China, the Trusteeship Council takes the place of the Mandates Commission, then pursuant to the authority of the Mandates Commission to accept petitions, the Trusteeship Council may accept such petitions so long as they concern matters embraced in the report.

I should like to support, therefore, the suggestion made by the representative of Iraq that, in case a petition is made by the people of South West Africa that they should be heard on the Report, their petition should be accepted by the Trusteeship Council.

Mr. RYCKMANS (Belgium) (Interpretation from French): The only authority we have to examine this Report is the Resolution of the General Assembly, which gives authority to the Trusteeship Council to examine the Report on South West Africa and to submit its observations thereon to the General Assembly. The same Resolution does not empower the Trusteeship Council to examine any petition whatsoever.

Mr. KHALIDY (Iraq): The answer to that contention is that then we are not entitled at the same time to call upon the representative of the Government of the Union of South Africa either. The situation is now being made more complicated and more difficult by the members of the Trusteeship Council than it was made by the General Assembly itself. We hear either both sides or neither of them. It would be a peculiar situation if we were to interpret the directive from the General Assembly to mean that we favour the Government of the Union of South Africa, but that we do not favour, on the same level, the other party, which, I submit in a very democratic way, is also entitled to be heard, because the other party forms a great part of the population and, according to the views of that section of the population, it is, so to speak, undergoing suffering.

We hear either both parties or none. As my colleague from the Philippines has said, if we receive a petition from the other side, we may accept it, but if we deny that right to that side, then we have no right to accept a representative of the Union of South Africa either. It is this way or the other way. I do not know which way the representative of Belgium would want me to move.

Mr. Padillo NERVO (Mexico): I believe that this question is much simpler than it seems to be. From the observations that the members of this Council have already formulated, it seems to me that the apparent complication comes from the fact that we all know that on two or three occasions the General Assembly recommended that the Union of South Africa present a trusteeship agreement for the territory of South West Africa.

As every member of the Council knows, my Government adopted a clear position in regard to the matter of South West Africa, when it came before the General Assembly. But I believe the question before this Council now is much simpler. The Union of South Africa has voluntarily placed before the General Assembly a Report which concerns the territory of South West Africa. The General Assembly, as the sole judge of what to do with that Report, decided to send it to the Trusteeship Council for its consideration, and requested that the Council make its observations regarding that Report. That is all this Council, in my opinion, has to do now. It is not for us, at this moment, I believe, to discuss in what manner we are going to consider that Report. We shall consider that Report and we shall decide, in discussing it, what observations we have to make to the General Assembly. I do not think that the other issues follow from the fact that we have that Report submitted to us by the General Assembly.

With regard to the other question as to whether or not the Union of South Africa is entitled to send a representative, I believe that from the moment the General Assembly decided that this Council should consider the Report, and from the moment that it is considered necessary and useful, a representative of the administering authority who is conversant with the situation in the territory to which the Report relates, should be present during the discussion of that Report. That should apply, of course, to the Union of South Africa, and I do not think that we are going into any matter of principle, or that we are getting into the substance of the question as it was discussed in the General Assembly, just by deciding on the rules of procedure. In that particular respect, we are willing to have them apply also to the Union of South Africa.

In my opinion, all that is necessary is to inform the Government of the Union of South Africa that the Council is going to consider its Report on such and such a date, and then the Union of South Africa will decide whether or not it is convenient for them to send a representative here.

Regarding the other question that was suggested by the representative of Iraq, I would say that I would like very much to receive petitions from South West Africa, but I think we should not confuse the questions before us. The chapter on petitions is an entirely different matter from the chapter on reports, and at this moment we are dealing only with the reports. We have not decided, in any case, that even when considering a Report of an administering authority of a trust territory, we should hear the petitions regarding that particular Report.

I do not think that would be the case in considering further reports. When we shall receive specific petitions from trust territories, we shall consider those petitions. I do not think that the case might arise in which petitioners might like to be heard in regard to a report that has been offered by the administering authority, even of a trust territory.

Therefore, I do not think that that question arises in this particular item, and I think we could really close the matter by deciding that we have to consider that report. After we have had our discussion we shall see what observation it is convenient to offer to the General Assembly. We shall also inform the Union of South Africa of that matter, and leave the Union of South Africa to decide whether or not it wants to send a representative here.

Mr. GARREAU (France) (Interpretation from French): I wanted to say what has already been stated by the representative of Mexico. I wanted to thank the representative of Iraq when he remarked that it would be unilateral to listen only to the representative of the Union of South Africa and not to listen to the parties holding a contrary position. That is why I think it would be good to let the Government of the Union of South Africa know that we shall examine the report on such and such a date, but not to invite them formally to send a representative here.

The Union of South Africa would, of course, be entirely free to send a representative here as an observer, but we should not invite the Union of South Africa formally to send a representative. We should merely courteously inform the Government of the Union of South Africa.

that we shall examine the report on such and such a date, and say nothing further.

Mr. GERIG (United States): I am substantially in accord with the representative of Mexico. I think the only real question left before us is what to do with the petitions relating to South West Africa referred to in document T/55. I think there were some members of the Council who felt that we should hear such petitioners orally here. If we did that, we would be treating this territory as if it were a trust territory, and I think everyone now agrees that we are not going to treat it as a trust territory.

On the other hand, it is a mandated territory, recognized by everyone, including the Union of South Africa. As has been said here before, petitions were examined by the Mandates Commission, and we actually have a petition before us. I think the question will be what we are going to do, whether we shall consider this petition to be admissible or not. That seems to be still an open question. Otherwise, it seems to me that the procedure with reference to this report is entirely clear.

The PRESIDENT: I wonder if we are not all in agreement on this matter; that is to say, that we set Monday, a week from today, as the date for the consideration of this South West African Report; that we ask the Secretariat to notify the Government of the Union of South Africa, indicating that if it so desires, it may have a representative here during that examination, but not formally inviting the Union of South Africa to send a representative; and that we proceed then with an examination of the report, as indicated.

BT/cmck

Mr. KHALIDY (Iraq): I am sorry to return to this point for a minute, but if I recall correctly, I thought that Mr. Garreau made the suggestion that we simply inform the Government of the Union of South Africa that the Report will be considered and that we leave it open to them, if they wish, to ask that someone be here to represent them, but if they do not want to ask for somebody to represent them, it is up to them. That <sup>was my</sup> understanding of the suggestion, not giving them a clue regarding sending a representative, because that is tantamount to asking them to send a representative--and coming back to my suggestion, that would be tantamount to denying the other party that right.

The PRESIDENT: Is it agreeable to everyone that we would not formally invite the Union of South Africa to come? We would not inform them that they would <sup>not</sup> be welcome if they do send someone, but merely inform them that the Report is to be examined by this Council next Monday.

Mr. LIU CHIEH (China); I am sorry that my very simple formula has been used from various angles, but I am glad that in the end it is still the same formula, and, in fact, that formula has everything the Council seems to be willing to undertake, although it is phrased in different words.

I think the representative of Mexico has really touched on the core of this when he referred to it as a very simple matter, and in fact, I am surprised we still have to dwell on it so much. But since this question is raised, I would like to urge on you that it is entirely proper for us to ask the Union Government to send a representative to attend the meeting while we discuss the Report, because whether it is a Report from a Trust Territory or <sup>from</sup> a non-self-governing territory we would always ask the administering authority to send a representative.



Whether we issue it as a formal invitation or not is totally irrelevant. In fact, I would not like the record to say that it is not a formal invitation, because it is much more courteous that an invitation be formally handed so that the Union Government may not feel it is merely informal and they need not accept it. While it is entirely free on its part to send a representative or not, I think our invitation should not be characterized as formal or informal.

That does not prejudice the proposal of the representative of Iraq and it would <sup>not</sup> mean denying the other party the right to be heard. It seems to me that when we say it is to be examined in the same manner as a trust territory report, that in itself would only entitle the administering authority to send a representative, because if a petition comes to this Council as a petition from that territory, the Council would say, "this is not a trust territory," and, therefore, it would be beyond the competence of the Council to accept. Therefore, it seems to me that it is a proper course to take, and I would like to make it quite clear that we must not try to avoid issuing the invitation on account of the other suggestion, because that would confuse us in the matter and make it appear that the invitation was issued in a secretive manner. I think it is a course the Council can very properly take without feeling it is embarrassed in any way.

The PRESIDENT: From what the representative of China said, I am not quite clear whether the three representatives -- the representatives of China, France and Iraq -- are all in agreement.

I have before me a suggested phrasing. I shall read it, and perhaps it will express views common to all three representatives mentioned. It is that the Secretariat would be requested to furnish the Government of the Union of South Africa with the date of the examination of the Report in accordance with the Resolution of the General Assembly, and to say that its representative would be welcome if it wished to send one.

Is that the <sup>thought</sup> / in the minds of the representatives of China, France and Iraq, or am I wrong?

Mr. GARREAU (France) (Interpretation from French): I accept this formula entirely.

Mr. KHALIDY (Iraq): No, it does not quite agree with my opinion. However, I shall not insist upon my point since the majority of the Council will reject it.

Sir Carl BERENDSEN (New Zealand): Could we have a sort of halfway house in order to draw our friend <sup>from Iraq</sup> /with us? Could we not say that if the South African Government desires to send a representative or observer, the Council would have no objection; and nobody could call that an invitation.

The PRESIDENT: Would that suggestion be agreeable?

Mr. KHALIDY (Iraq): I very much appreciate the efforts to meet my point. I wish to make it clear that, without any arrière-pensée on my part at all on this question, my only idea was and still is that the situation in South West Africa is a very peculiar one, and no one can deny that. In fact, I have no intention at all of delving into the situation in South West Africa because the Government of the Union of South Africa

does not have anybody here to defend it. The situation there is a peculiar one, as we learned in the General Assembly. However, I shall not go into that. A very large section of the population in South West Africa is undergoing some suffering. I do not know how to say it in order not to infringe upon the susceptibilities of diplomatic niceties, because, in these days, we live in an epoch of manners. However, the situation is a very peculiar one.

My one point was that if the Council wants to do justice to the very principle for which it has been gathered here, it would perhaps be fitting to hear both sides, even in a formal way. It is not going to adopt the recommendations or the desires of the other side; I am sure of that. But if it hears both sides in a formal way, it presents the occasion for the other side to state its view. This is my only purpose. I am not going to insist on it if the other members do not care to support it. I shall abide by the democratic decision. . . This was my only purpose; there was nothing else.

Mr. LIU CHIEH (China): I prefer the original draft presented by the President because the Council must not extend an invitation in an objectionable manner.

The PRESIDENT: I think the Council agrees on that. It is a very minor matter anyway, and we are all friends.

We then pass on to one or two other matters before adjourning.

## TERMS OF REFERENCE OF DRAFTING SUB-COMMITTEE

The PRESIDENT: There apparently was a little confusion with respect to the terms of reference of the Sub-Committee which was appointed this morning in order to formulate recommended resolutions in response to the petitions. I think the Council would profit if that Sub-Committee would include in its consideration not only the petitions which the Council considered this morning but also the petitions which it considered last week.

As there is no objection, the Sub-Committee will include the drafting of resolutions recommended to this Council with reference to those other petitions, as well as those considered this morning.

## HANDLING OF REPORTS ON WESTERN SAMOA AND NEW GUINEA

THE PRESIDENT: There are two small matters about which I should like to learn the desires of the Council. These are again procedural matters. One relates to the handling of the Report which has just come in from the territory of Western Samoa, which is submitted with document T/65, dated 28 November 1947. That is a Report not to be confused with the Report of the Visiting Mission. It is a Report on the territory of Western Samoa made by the administering authority, New Zealand, covering the period 1946 to 1947. I bring the matter up at this time in order to determine the desire of the Council as to when we will want to consider this Report. I believe that the Report came into our hands only a day or two ago, and I take it that most of the members of this Council will want to have time to consider this Report before we discuss it. The same consideration might be entertained with regard to the New Guinea Report which, again, we received very recently.

I think all of us are anxious to prevent too cursory an examination of Reports such as these. I bring the matter up at this time to determine whether it is the desire of this Council that these Reports be examined at this session, or whether they should be examined at our special session, conceivably, or in the June session, or when. Paragraph 2 of rule 72 of our rules reads as follows:

"Each Report of an administering authority shall be considered by the Trusteeship Council at the first regular session following the expiration of six weeks from the receipt of the Report by the Secretary-General."

That period of six weeks was set and fixed in order to give us all an opportunity to examine these Reports. We do not want cursory examinations. On the other hand, of course, that rule could be suspended if it should be the desire of this Council that these Reports be examined at

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this session. The members of the Council will remember that rule 106 provides "When the Trusteeship Council is in session, a rule of procedure may be suspended by decision of the Council."

Therefore, the question confronts us whether or not we desire to suspend Rule 72 and consider these two Reports -- the one on Western Samoa, submitted by the administering authority, New Zealand, and also the New Guinea Report -- at this session.

I should be happy to hear the views of the members.

Sir Carl BERENDSON (New Zealand): I mentioned on a previous occasion the reasons, which I very deeply regret, for the Report on Western Samoa not being received at an earlier date. Those reasons are obvious to the members of this Council. The administration was considerably pre-occupied with its very welcome and distinguished guests, and with its proposals for a marked step forward in the political development of the Samoans.

I should now like to make this suggestion. Of course, I would not have the slightest complaint if the Council decided not to deal with this Report at this session. It would be entirely within its rights in so deciding, but all the latest news and all the information of any importance in connection with the conditions prevailing in Samoa today are contained in the Report of the Visiting Mission.

I am inclined, first, to call the members' attention to the fact that we have at this session the inestimable advantage of the presence of Mr. Laking. I should not like to suggest that he go back to New Zealand and return in February; I should only like to suggest that this Report is only a continuation of the Report that was presented to the Trusteeship Council last year and merely noted. It is not<sup>yet</sup> based on the questionnaire. I suggest, if the members think it possible, that they consider this document when dealing with the mission's report, and by next year they will have a report based on the questionnaire which will be received in time.

The PRESIDENT: I suggest that we discuss these two questions separately, and that we consider first the question of the Western Samoan Report.

Mr. RYCKMANS (Belgium)(Interpretation from French): I think, indeed, that all the questions the members of the Trusteeship Council might wish to ask concerning the Report on Western Samoa would be the same as those which they might wish to formulate in connection with the other Report. The Report on Western Samoa covers the three months of the new regime which extend from 1 January 1947 until 31 March 1947.

The Report of the mission that went to Samoa contains information which is more recent than that contained in the Report which was distributed to us. I think, therefore, the Trusteeship Council would be losing time if it postponed the examination of this Report until a later session because changes will take place during that time. Therefore, I think we could examine that Report very rapidly at the same time that we examine the Report of the mission.

The PRESIDENT: If I understand Mr. Ryckmans correctly, he moves that we examine the Report on Western Samoa at this session, presumably at the same time that we examine the Report of the visiting mission.

Mr. RYCKMANS (Belgium): That is my motion, in so far as the members find it necessary to examine this Report in detail, but I suppose they will not, and I hope they will not.

Mr. FORSYTH (Australia): As regards the New Guinea Report,--

The PRESIDENT: Might we first dispose of the Report on Western Samoa because the Reports are different? The New Guinea Report is based on trusteeship processes, whereas the Western Samoan Report was prepared prior to the Trusteeship Council's organizational set-up. Therefore, I believe we should dispose of the Western Samoan Report first, for I think they are two different questions.

As there are no further observations with regard to the motion made by the representative of Belgium, to the effect that we consider the Report of the administering authority of Western Samoa at this session, presumably at the time when we examine the Report of the visiting mission to Western Samoa, I take it that it is the will and the desire of the Trusteeship Council to consider that Report at this session.

Mr. KHALIDY (Iraq): When the President has finished with this item, may I raise a point connected with it to some extent?

The PRESIDENT: Yes. I think it is in order, first, to suspend the rules. The members will remember the two rules which I just read. Rule 106 reads: "When the Trusteeship Council is in session, a rule of procedure may be suspended by decision of the Council."



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I take it that, in order to discuss and consider the Western Samoan Report of the administering authority, we must hereby resolve to suspend rule 106, in so far as it pertains to the consideration of the Western Samoan Report. As that is the desire of the members, it is so ordered.

Sir Carl BERENDSEN (New Zealand): I am most grateful to the President and to my colleagues.

Mr. KHALIDY (Iraq): In connection with the Report on Western Samoa I should like to present a suggestion for the consideration of the Council. The mission to Western Samoa was composed of three members, and, unfortunately, the third member is not present at this table. I would suggest that had he been a member of the Trusteeship Council, we should have had the benefit of his presence and experience and his comments here.

This is just a suggestion and nothing more: Could we request Senator Cruz-Coke to be present with us, if possible, when we consider the Report on Western Samoa? This is simply a suggestion. I am only trying to help the Council along the lines of the statement of our Vice-President a short time ago, to the effect that he would like each one of the members to go to the trust territories. However, if we cannot go, we should invite somebody who did go to come here and help us, too.

The PRESIDENT: I like the suggestion of the representative of Iraq very much. I wish we had thought of it previously. The situation is this: Mr. Laking has now arrived. Every day's delay in the examination of that Report will keep him here. We have provisionally set next Wednesday as the day for our examination of that Report. It would be impossible, I think, for Senator Cruz-Coke to arrive here by Wednesday. He is a member of the Chilean Senate, and I know that he has very heavy responsibilities there. Nevertheless, if the Council agrees, I could easily, and would very gladly, send a telegram to Senator Cruz-Coke, saying that the Council expects to make this examination on Wednesday, and that we wish that he could be here. But the telegram would make it clear that we can hardly expect him to be here on such short notice. In other words, I do not think that it is fair to request him either formally or

informally, to be here.

If the Council desires the latter course, I think the only way would be to postpone the consideration of the Report. I would hesitate to do that because Mr. Laking is now here, and the representative of New Zealand has suggested Wednesday as the day for our examination of the Report. Everything is set for that day, and I am somewhat doubtful whether Senator Cruz-Coke could detach himself from his fairly heavy responsibilities in Chile to be able to come here. However, I leave that matter in the hands of the Council.

Mr. PADILLA NERVO (Mexico): Of course, if it is possible, I would very much like to have Senator Cruz-Coke present. I know that Senator Cruz-Coke is not in Chile now. He is in Geneva, attending the <sup>session of the</sup> Commission on Human Rights. I do not know whether he could leave that Commission now and come here, but it is possible, also, that the Council could inform him that we are going to discuss that Report on Wednesday, and that we would like him to be present, if it is possible, but that we know he will not arrive for the beginning of the discussion of the Report.

The PRESIDENT: Perhaps that is the best procedure to follow.

Mr. RYCKMANS (Belgium) (Interpretation from French): Nobody can doubt the joy I will have in seeing Senator Cruz-Coke here. He has become one of my best friends since we went on the mission together.

As we have signed a unanimous Report, Senator Cruz-Coke, with his great and vast parliamentary experience, will be a great help to us when we are interrogated about our Report. At the same time, I invite you to think before we establish a precedent. Sir Carl Berendsen very justly said that he would like all those who are around this table to visit the trust and territories. But that does not mean that we should also do the reverse/decide

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that all those who have visited the trust territories should be present around this table. I think that the precedent is sufficiently serious that we should not take a hasty decision in the desire to make a courteous gesture towards a very dear colleague. We might be creating a precedent which in the future might be regrettable for the Trusteeship Council.

Mr. KHALIDY (Iraq): I am sorry that the representative of Belgium again raised a point to which an answer must be provided. I do not see why this should not be made a precedent and I do not see either that we should not consider the matter because it would prejudice us in the future.

According to our rules of procedure and certainly according to the stipulations of the Charter, the Trusteeship Council is authorized to send visiting missions. Visiting missions must a priori have the right to present their views in the report, and comment, if they want to, during the discussion of the report in the Trusteeship Council.

Unless there are very heavy political considerations in the matter, I do not see why this should not be taken on its face value, or for that matter/<sup>why</sup> it should not even be taken as a precedent. I must confess that I always think, primarily, of the interest of the Charter in this respect-- although this is perhaps not a good thing to do, but I am built that way and cannot help it -- and secondly, of other considerations, be they national considerations or narrower considerations. But I think it is a good thing to think partly of the interests of the Charter too.

It is not quite clear to me as to why a member of a visiting mission, who is not a member of the Council but/<sup>who</sup> has laboured on the report, should not be given the chance to be present. I am yet to be convinced of the advisability of the contrary position.

Mr. RYCKMANS (Belgium): I do not say that I am opposed to the idea. The only thing is that I cannot think as quickly as the representative of Iraq, and I just wanted to think the matter over. I do not say that I am against that at all. Prime facie, I am very much for that suggestion, but I should like to think the matter over first.

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The PRESIDENT: The trouble is that if we hold the examination on Wednesday, the telegram should go out tonight, if it is to go out at all.

I wonder if it would be agreeable to the representative of Belgium if I personally sent a warm telegram to Senator Cruz-Coke, telling him that we are to have this examination on Wednesday, that I wish he could be here and that I am sorry he is not with us?

Mr. RYCKMANS (Belgium): If you put that to the vote, I should abstain because I have had no time to consider the matter. However, I certainly would not vote against it.

The PRESIDENT: I think that suggestion would be in accord with the ideas presented by the representative of Iraq.

Mr. KHALIDY (Iraq): Yes; especially in view of the fact that there is very little time to consider the matter. Also, in view of the explanation given by the representative of Mexico that Senator Cruz-Coke is in Geneva, I quite agree that there is not much time.

I think the best suggestion would be that of Mr. Padilla Nervo, that we just inform Senator Cruz-Coke of the fact, that we shall consider the report on Wednesday, and that if he could manage it he would be welcome here. However, I am sure he will not be able to manage it.

The PRESIDENT: I think we could frame such a telegram and I think we shall send it,

recorded on this matter.  
It will be that the representative of Belgium abstains from the vote /

We shall then consider the question of New Guinea. I think the representative of Australia wished to make a statement on that point.

Mr. FORSYTH (Australia): We are in the hands of the Trusteeship Council, of course, especially as consideration of the New Guinea Report would involve the suspension of the rules of procedure. However, the

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Australian administration went to some trouble to produce the Report, even though it was produced later than they had hoped. The Report is in fact based on the provisional questionnaire. I should hope that the Trusteeship Council would give the Report some consideration at this session.

We may possibly be able to dispose of the report, but if that is contemplated, I should like to reserve the right to defer particular questions if further information on them seems desirable. It would be a convenience, assuming that the Council is inclined to consider the report, to have some idea about when that might take place. It now seems that we shall be engaged with the question of Western Samoa for perhaps the remainder of this week, and we have decided to examine the report on South West Africa next Monday, so that it seems that it will be ten days or thereabouts before we can take up the New Guinea report.

I should like to know whether the President visualizes our programme in the same way.

The PRESIDENT: If I correctly understand Mr. Forsyth, he hopes that the Report on New Guinea might be examined at this session?

Mr. FORSYTH (Australia): Yes.

The PRESIDENT: I wonder how the members of the Council feel as to the New Guinea report.

Mr. RYCKMANS (Belgium) (Interpretation from French): The report concerning New Guinea stops on the date the civil administration assumed control. This report covers a period of re-organization immediately after the liberation of the territory. I believe that the Council could examine it very rapidly, because, as a matter of fact, it is a very brief report. The information which it gives is not very complete. The period it covers is quite abnormal, and, therefore, we cannot make observations on this report as though it covered a normal period. If the Council wishes to take this into consideration, I think we could complete <sup>the examination</sup> / very rapidly. If, on the other hand, the Council



wishes to examine this report in great detail, then we ought to postpone the matter until another session.

The PRESIDENT: What are the views and desires of the members of the Council?

Mr. FORSYTH (Australia): In view of what Mr. Ryckmans has said, might I suggest that, if the Council decides to take up the report, the Council might like to make a general observation, and if particular questions arise on which additional information or further study is desired, those particular matters might be deferred possibly to a later session.

The PRESIDENT: Does Mr. Ryckmans agree to that?

Mr. RYCKMANS (Belgium): Yes.

The PRESIDENT: I wonder whether that suggestion is agreeable to all the members; that is, the suggestion that we give consideration to the New Guinea report at this session, that consideration presumably would be taking place during the latter half of next week; so that all the representatives will have a chance to examine the report before that time?

If then, growing out of that examination, there should be special, particular questions upon which additional information is desired, they could be considered at a later time.

As that is agreeable to all the members, I declare that rule 106 will, therefore, be suspended, as we did in connection with the Report on Western Samoa, so as to permit the examination of the New Guinea report. We hope then Mr. Forsyth <sup>that we</sup> will examine that sometime during the latter half of next week.

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We shall meet in the Trusteeship Council Chamber tomorrow and from then on. We shall meet tomorrow at 2:00 p.m., and from now on we shall hold all meetings in the afternoon beginning at 2:00 p.m. and running through until about 6:00 p.m., with a short recess.

The meeting rose at 5:30 p.m.