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TRUSTEESHIP COUNCIL

Fifth Session

VERBATIM RECORD OF THE FIFTH MEETING  
(Transcription from sound recording)

Lake Success, New York  
Tuesday, 21 June 1949, at 2.30 p.m.

President: Mr. Roger GARREAU France

The PRESIDENT (Interpretation from French): I declare open the fifth meeting of the fifth session of the Trusteeship Council.

ADMINISTRATIVE UNIONS AFFECTING TRUST TERRITORIES (T/226, T/236, T/263 and T/338).

The PRESIDENT (Interpretation from French): To-day we will start the discussion concerning the administrative unions.

I would like to ask the representative of China if the Rapporteur of the committee, Mr. Hsi-Kuen Yang, is here. If he is still ill I would ask the representative of China to be good enough, as he proposed, to inform us of the document which the Rapporteur had prepared for the Council.

Mr. LIU (China): Mr. Hsi-Zuen Yang, Rapporteur of the Committee on Administrative Unions is unfortunately still sick and unable to be here at this meeting. I therefore take pleasure in reading the statement prepared by him, as follows:

1. At its seventeenth meeting on 3 June 1949 the Committee on Administrative Unions approved a report on its studies (document T/338) and requested its Rapporteur to submit to the Trusteeship Council a statement outlining the position of those delegations which had made reservations on this report.
2. The committee agreed that its task, as laid down in its terms of reference, document T/236, was to undertake a technical and factual study of the problem. Furthermore, it was the general view of the committee that the facts presented in its report to the Trusteeship Council should be regarded as a factual study based only on information available to the committee.

It was agreed that the presentation of those facts to the Trusteeship Council did not commit the delegations represented on the committee to any position on the question of administrative unions and that consequently each delegation reserved its freedom of action in the Trusteeship Council even when no such explicit reservation had been made.

/ Such views were

Such views were reiterated in particular by the representatives of China, Mexico, the United States of America and the Union of Soviet Socialist Republics.

3. Reservations of a general character or referring to particular chapters of the Committee's report, document T/338 were made by the representatives of China, Mexico, New Zealand, the United States of America and of the Union of Soviet Socialist Republics.

4. The representative of China at the Committee's seventeenth meeting on 3 June 1949, in explaining his vote in favour of the various chapters of the report, stated that for the reasons outlined above in paragraph 2 his vote did not prejudice the position of the Chinese delegation in the Trusteeship Council.

5. The representative of Mexico at the Committee's fourteenth and seventeenth meetings, on 27 May and 3 June 1949 respectively, stated that the Mexican delegation could not yet take a final position either in general or in detail on the problem of administrative unions. He considered that the statements contained in the report did not in any way bind his delegation, even though it had given its approval to the report. The participation of the Mexican delegation in the technical study of the problem of administrative unions undertaken by the Committee did not imply any definite stand on this question at this time by the Mexican Government. His approval of the report did not imply that the Mexican delegation agreed with all that the report contained or that the Mexican delegation considered that the report had dealt exhaustively with the problem of administrative unions.

In the view of the Mexican delegation the report was an informative document and represented the first valuable effort made in the study of a very complex problem. Therefore the report must not be interpreted as representing final conclusions reached by the Committee. The Mexican delegation would define its position when the problem of administrative unions would be finally examined in the Trusteeship Council.

6. The representative of New Zealand doubted the wisdom of using the word 'incorporation' in sub-paragraphs (b), (c), (d) of paragraph 5, Section A, Chapter V (document T/338, pages 38 to 39). since there has recently been a tendency to use this

word only in a bad sense. For this reason he would have preferred the word 'integration' or even 'amalgamation.' It was his understanding, however, that this section of the report certainly did not imply that the purposes for which the Administering Authority had seen fit to integrate the Trust Territory with a neighbouring territory were in any way unworthy.

7. The representative of the Union of Soviet Socialist Republics at the Committee's fourteenth and seventeenth meetings on 27 May and 3 June respectively made a reservation in principle on the report as a whole. He stated that in the view of the Soviet delegation Trust Territories had the right to achieve self-government or independence quite independently of neighbouring territories. All measures should be taken in order to avoid including the Trust Territories in unions of any type which might lead to interference in the development of Trust Territories toward self-government or independence.

As regards the administrative union between Tanganyika, Kenya and Uganda, the Soviet delegation considered that such a union prevented the development of the Trust Territory of Tanganyika towards self-government or independence. The Soviet delegation therefore could not agree on the adoption of measures which might strengthen existing administrative unions between Trust Territories and adjacent territories. On the contrary, the Soviet delegation considered that the measures taken by the Administering Authority toward the inclusion of a Trust Territory within its colonies should be abolished.

The Soviet delegation considered that the administrative union between Tanganyika, Kenya and Uganda did not correspond to the conditions and provisions of the Charter of the United Nations.

The representative of the Soviet Union made a further reservation on the structure of the report. He could not approve the report as drafted because, although the report contained only factual information, such information was incomplete inasmuch as it did not take into consideration and did not reflect the individual views of the delegations on such information.

/"The Soviet representativ

The Soviet representative reserved the right to make a clarification of the Soviet delegation's views on the report before the Trusteeship Council.

8. The representative of the United States of America at the Committee's fourteenth meeting on 27 May stated that it was the understanding of the United States delegation that the Committee had undertaken a technical study which would help members of the Trusteeship Council in formulating a position on the question of administrative unions. The statements contained in the Committee's report did not necessarily commit the delegations represented on the Committee to any position on the question.

9. The report was adopted by the Committee at its seventeenth meeting on 3 June. Each chapter was voted upon separately. The first three chapters were approved by 5 votes in favour to none, with 1 abstention. Chapter IV was approved by 5 votes to 1. Chapter V was approved by 3 votes to none with 3 abstentions. Chapter VI was approved by 5 votes to 1. Chapter VII was approved by 5 votes to none with 1 abstention.

Members of the Council will have noticed that the report of the Committee on Administrative Unions (document T/338) does not contain the replies from all the Administering Authorities to the questions on administrative unions drawn up by the Committee nor all the documentation pertaining to the questions. At the time when the report was approved and presented to the Council no replies to the questions on administrative unions between Ruanda-Urundi and the Belgian Congo or between Togoland under British Administration with the adjacent British territory of the Gold Coast had been received from the Belgian and the United Kingdom Governments respectively. This information, however, has now been supplied by both the Belgian and the United Kingdom Governments, as can be seen from document T/338/Add.1.

On 20 June the Committee on Administrative Unions took note of the documents and replies submitted by the Belgian and the United Kingdom Governments. The replies of the Belgian Government to the questions on the administrative union of Ruanda-Urundi and the Belgian Congo will be found in document T/AC.14/28 and the documents relating to this union are listed in document T/AC.14/29.

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The reply of the United Kingdom Government to the questions on the administrative union of Togoland under British Administration and the adjacent territory of the Gold Coast will be found in document T/AC.14/30.

The PRESIDENT (Interpretation from French): I thank the representative of China for having been good enough to read to us the very interesting report of the Rapporteur of the Committee.

This report completes the report which in document T/338 had given an account of the debates. As has been said by the representative of China, the replies awaited from the Belgian Government for Ruanda-Urundi and the British Government for Togoland and the Cameroons have now been received and have been circulated. Therefore the Council has before it the whole of the documentation necessary to enable the Council to discuss the question of administrative unions.

I propose, first of all, if the Council is agreeable, to start a discussion of a general character not directed toward any specific territory. If members of the Council have remarks on the whole to formulate I invite them to do so now. If there are no remarks of a general character then we might undertake the examination of administrative unions for each Territory separately, if the representatives of the Administering Authorities are prepared to do so. For instance if the representative of the United Kingdom is now in a position to start a discussion on the Trust Territory of Tanganyika, we could begin with this Territory. If he is not in a position to do this we might ask the representative of Australia if he is in a position to start an immediate discussion in respect of the administrative union of Papua and the Trust Territory of New Guinea. If such is not the case we might put the same question to the representative of Belgium and to the representative of France.

Might I, first of all, ask Sir Alan Burns? I welcome this occasion to greet him here -- since he was not at our first meetings -- and ask him if he is in a position to start a discussion immediately on the question of the administrative union of Tanganyika with the two neighbouring territories.

/Sir Alan BURNS

Sir Alan BURNS (United Kingdom): As I have only just arrived, I wonder if it would be possible for one of the other Territories to be discussed first so as to give me an opportunity to study these documents.

The PRESIDENT (Interpretation from French): I put the same question, then, to the representative of Australia.

Mr. HOOD (Australia): I am not raising any opposition to an immediate discussion except that I would like to put this point before the Council. My Government had contemplated that the special representative -- who is now in New York -- for the consideration of the report on New Guinea would also be available for the debate on administrative unions insofar as it concerns New Guinea.

Mr. Halligan is now here, but his time at present is entirely occupied with the questions and the preparation of material on the two reports which are shortly coming before the Council, and it would undoubtedly be more convenient to us if the discussion on this question were not to take place immediately. I think Mr. Halligan will have something to contribute which the Council would like to hear from him.

The PRESIDENT (Interpretation from French): I think it would be preferable to wait for the examination of the report on Nauru when the special representative of the Administering Authority can take part in the discussion concerning the administrative union of Papua and New Guinea.

We may turn, then, to the question of the administrative union of Ruanda-Urundi. May I put this question to the representative of Belgium?

(Interpretation from French)

Mr. RYCKMANS (Belgium): I had asked to speak a short time ago to ask the President if the document which the representative of China has just read to us will be circulated.

The PRESIDENT (Interpretation from French): Yes.

/Mr. RYCKMANS:

Mr. RYCKMANS (Belgium) (Interpretation from French): As regards the administrative union between Ruanda-Urundi and the Belgian Congo, I am quite prepared to accept discussion. I would declare, however, that I have nothing to add to the very complete replies which the Government has presented to the questionnaire which was submitted to it by the ~~same~~ committee.

The PRESIDENT (Interpretation from French): In order to save time, there is still the possibility of examining the question of the relationship of French Trust Territories with the French Union. Would the representative of France be in a position to accept a discussion on this point now?

Mr. LAURENTIE (France) (Interpretation from French): If the Council is prepared to discuss this now, I am quite prepared to undertake this discussion and cooperate in it because it is a subject which is very clearly specified and for which no other expert is required in this Council.

The PRESIDENT (Interpretation from French): Then we will pass to the examination of the relations of the two French Territories of the Cameroons and Togoland with the French Union.

Before we start this discussion, I would like once again to ask the members of the Council if they have any general remarks to make on this problem of administrative unions as a whole. Perhaps one or another member of the Council might have remarks to make on the question as a whole or on the report presented by the committee, as well as the supplementary report <sup>of the rapporteur</sup> which has just been read out to us by the representative of China.

If no one wishes to speak, we shall start immediately on the discussion of the relationship between the two Territories under French Trusteeship -- Togoland and the Cameroons -- with the French Union, and I will ask the representative of France to summarize very briefly for us the various arguments which have already been presented at length by him and which we all know.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I want to ask whether we could establish  
/the procedure

the procedure of considering each Territory in the first place and afterwards making general remarks; in other words, that the possibility of making such general remarks at the end of the consideration of separate Territories should not be excluded.

The PRESIDENT (Interpretation from French): The procedure suggested by the representative of the Soviet Union is completely admissible. I shall now call upon the representative of France.

Mr. LAURENTIE (FRANCE) (Interpretation from French): As the Council knows full well, the Committee on Administrative Unions raised the question, first of all, whether it should or should not examine the problem of the French Union.

On this point the committee was divided and was compelled to ask the Council to make a decision. The Council decided the matter by taking a special decision which entrusted in a special way the committee with the study of the character of relations existing in the French Union between the French Trust Territories and France.

When the study of the French Union was thus brought before the committee, the committee requested me to say whether it was possible to make some kind of general statement or explanation of the matter, and I did this.

I set forth before the committee the arguments which, according to the French Government, explained why what we call the French Union inasmuch as it deals with French Trust Territories is in no way contradictory either to the Trusteeship agreements or the purposes of Trusteeship but, on the contrary, everyone can be assured that the system of the French Union as it has been applied to the French Trust Territories is calculated to ensure the development -- political, social and economic -- of the inhabitants of the Territory; and that therefore it is a contribution to the letter and spirit of the Charter of the United Nations.

When I made this statement before the committee, the committee asked me whether it was possible to give it a note on this subject which would summarize the various arguments I had set forth and this note was duly submitted by the French delegation to the members of the committee and I think it was also circulated to all the members of the Council. A purely formal correction was made to this during later discussions in the committee and, the committee having put  
/several questions

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several questions to me, I was led to give replies to these and both the substance of the questions and replies will be found in pages 50, 51 and 52 of the report, document T/338.

/The question which arose

The question which arose and which seemed to concern most of our colleagues to the greatest extent was the following: Is there or has there been in the mind of the French Constituent Assembly and the French Government any kind of idea according to which the Trust Territories might be finally considered as occupying a place in the Union which would be equivalent to that of other territories which are under French sovereignty? To this question, this concern, the French Government replied in a perfectly clear manner: We replied, "No, there has not been the slightest idea of this kind," and the proof of this fact is that the French constitution has made two categories of territories in the Union, called, on the one hand, "the overseas territories," which are territories to which is necessarily and compulsorily applied the jurisdiction of the French constitution; and on the other hand, "The associated territories," to which the jurisdiction of the French constitution is only applied on specific occasions: -- such as the application, implementation, of the Charter of the United Nations. The Charter of the United Nations provided that there would be Trust Territories, and France, on her part, foresaw that it would ask the United Nations for Trusteeship over Togoland and the Cameroons.

As a consequence, the French Constituent Assembly decided that there would be a special category of territories: the "associated territories," which would not be and could not be assimilated to the so-called "overseas territories."

We insisted, and we still insist, on stressing the fact that the association of these territories with France is precisely the result of the Charter as well as of the Trusteeship agreements. Since this association is a result of the Charter and of the Trusteeship agreements, and, more especially, of the latter, it will last as long, but cannot last any longer than, the Trusteeship agreements themselves. In other words, when France provided for the association of the Territories of Togoland and the Cameroons in the French Union, it did this in a conditional manner, the condition being the maintenance in force of the Trusteeship agreements.

In this way, it is impossible to maintain any doubt whatever as to the nature, the juridical situation, of the Territories of the Cameroons and Togoland in the French Union. This juridical and legal situation is essentially and solely determined by the Trusteeship agreements themselves.

Moreover, it will be said that the institutions and laws of the

/French Republic

French Republic, inasmuch as they apply to overseas territories, will also come to apply to the Trust Territories. But this is simply the implementation of the Trusteeship agreement which provided that the Territories would be administered as an integral part of the national territory -- that is to say, that they would be administered according to French legislation.

All this is a precise and direct result of the note which was submitted by the French Government, which also stresses the fact that this concern for the respect of the international character of these Territories and for the respect in advance of the decision of the General Assembly of the United Nations as regards these Territories -- all this is a result of the preparatory work on the constitution and of the explanations given before the Constituent Assembly by the Rapporteur on the draft constitution, who insisted upon stressing the fact that it was necessary to adopt these terms and this idea of "associated territories" in order that no confusion whatsoever could arise or last as to the specific and special character of the Trust Territories in the framework of the French Union.

It seems to me that we have here an argument -- I might say the only argument -- upon which it is appropriate to insist. Nevertheless, if we wish to consider the question not only from a legal or historical point of view in respect of the legislation applied by the French Constituent Assembly, but also <sup>from the point of view of</sup> fact, this would, no doubt, go somewhat beyond the concern which had been expressed both in the Trusteeship Council and in the <sup>special</sup> committee.

Nevertheless, I might point out that it would have been impossible for the French Government, from the time when it applied to all French African territories a system of freedom and of political expression, which was both a new and bold initiative, to deprive the two Trust Territories of this, with the excuse that they were Trust Territories and this was a new and bold system of freedom. The inhabitants of the Trust Territories would, of course, not have understood such a procedure, and they might have considered themselves in such a case as the victims of the solicitude of the United Nations, since this solicitude would simply have deprived them of the advantages which were to be gained in the neighbouring French territories -- advantages which African opinion in these Territories had received with great enthusiasm.

The very effects of such a political innovation and of this system of the French Union as applied in the Trust Territories were both rapid and certainly extremely favourable. It is obvious that from the time

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when one is in a position to offer the political elite of a country and the most expressive part of its opinion the means of going to the capital of a great country to sit in the assemblies of this country, to form itself in contact with parties, political organizations of all kinds in this capital, there is no doubt that from that time on one accelerates in a very happy and favourable manner the political and social progress and development of the inhabitants.

I may assure you that that is what happened in Togoland and in the Cameroons, and that on this point there is no regret to be expressed in any way; on the contrary, we may congratulate ourselves that the system of the French Union was applied from the very beginning to the two Trust Territories as well.

But once again I should say that this is a factual circumstance. The point of law is whether the Trusteeship System and the purposes and goals of the Trusteeship System may be affected by the system of the French Union as applied to the two Territories concerned.

I have given you a precise juridical analysis of the facts which enable us to assert that such is not the case. The statements of the French Government have been repeated; they are precise and they are definitively and finally contained in the note that we submitted to the Trusteeship Council. Therefore, I think that now there is no doubt whatsoever in the mind of anyone, or any scruple or concern, as to the conduct of the French Government and the attitude of the Assembly of our country.

/The PRESIDENT

The PRESIDENT (Interpretation from French): Does any other representative wish to speak concerning the relationship between these two Territories of French Togoland and the French Cameroons, and the French Union?

If no-one wishes to take the floor on this matter we shall find ourselves short of substance in respect of administrative unions, since we shall have to defer until a little later the question of administrative unions which have been examined by the committee. Under these circumstances I should have to adjourn the discussion of this question until all members are in a position to undertake such a discussion in the Council.

Mr. RYCKMANS (Belgium) (Interpretation from French): As far as I am concerned I am quite prepared to take part in a discussion of the administrative union between Ruanda-Urundi and the Belgian Congo. I have stated that I considered that the replies given by my Government to the questionnaire submitted to it by the Committee on Administrative Unions are completely adequate and decisive, and in my opinion the debate is closed.

If, after having read and examined carefully this reply, any member of the Council wishes to propose a resolution to the effect that, as a result of this reply, the Council notes that the administrative union as it exists between Ruanda-Urundi and the Belgian Congo is contrary to the Charter, to the Trusteeship Council and to the interests of the indigenous inhabitants, and is an obstacle to political, social and cultural development of the inhabitants, then he must submit such a resolution. I do not see what we could reply to that.

If I were not the representative of Belgium I would say, after having read the reply, that I was quite satisfied. I should have the explanations I wanted, and if the Trusteeship Council were of the same opinion then it would close the debate, as did the Mandates Commission of the League of Nations.

If the Trusteeship Council is satisfied that this administrative union is consistent with the Charter, with the Trusteeship agreement, and with the interests of the indigenous inhabitants, and is in no way liable to hinder any kind of development in the Territory, it can therefore pass to the next point on the agenda.

/The PRESIDENT

The PRESIDENT (Interpretation from French): All members of the Council have seen document T/AC.14/28, including the reply of the Belgian Government to the questions concerning the administrative union of Ruanda-Urundi and the Belgian Congo.

Mr. INGLES (Philippines): On a point of information, I should like to know whether the Committee on Administrative Unions is considered to<sup>have</sup> adjourned.

The reason for this question is that the Committee submitted a certain list of questions to the Administering Authority of Ruanda-Urundi, in order to facilitate its task. The Government of Belgium did not reply to these questions in time for the Committee to submit a study on the answers.

I should therefore like to ask whether it is contemplated that the Committee on Administrative Unions will meet again for the purpose of assisting the Council in the examination of the reply submitted by the Belgian Government, and completing its task in accordance with the terms of reference in the resolution creating such a Committee. These terms of reference are, amongst other things, to "draw up an outline of the various aspects of the problem.....collect all available information.....".

I do not believe that we can consider the debate closed, as suggested by the representative of Belgium, until we have received the assistance of the Committee which we have appointed to facilitate the discussion of the matter before this Council.

Mr. RYCKMANS (Belgium) (Interpretation from French): I apologize for having used this expression. Naturally when I say that, as far as I am concerned, the debate is closed, that is a manner of speaking. I do not wish the debate to be closed.

I simply want it to be known that I think it<sup>normal for</sup> this reply to be considered satisfactory, and I agree with the representative of the Philippines that it is logical that the Committee which had to examine all these documents should take cognizance of this document and give its conclusions to the Council, in view of the fact that the members of the Committee perhaps studied this more closely than each member of the Council can be required to do.

I simply wished to say that, as far as I am concerned, I have nothing to add to this reply because I consider that the question is very well expounded and set forth, and that the arguments which have been presented are convincing.

/The PRESIDENT

The PRESIDENT (Interpretation from French): It seems normal to me that the Committee examine the information which it requested from the Belgian and British Governments and make a report to the Council on this.

I would therefore ask the members of the Committee to meet as soon as possible -- at a date which I may be able to indicate shortly -- so that the Committee may examine the documentation received, after examination of the report of the Rapporteur, and that the Council may receive a new report on the replies received from the British and Belgian Governments.

We will then resume discussion as soon as possible in order to respect the time-table which has been provided.

I think that there is therefore no point in continuing the discussion now, since the representative of the Philippines, in agreement with the representative of Belgium, considers that we should be seized not only of the replies of the Belgian and British Governments but also of the possible consideration and remarks of the Committee on these replies. It would be appropriate to wait for this report, and we will therefore pass to another point.

Does any representative wish to speak on this question of administrative unions today? I put the question a short while ago, and nobody seemed to want to take the floor.

Mr. LAURENTIE (France) (Interpretation from French): I should like to speak on two points: the first is the question of Ruanda-Urundi.

I do not have the impression that it is necessary to convoke the Committee once more to study the reply from the Belgian Government. In fact, the main task of the Committee consisted in asking these questions of the Belgian Government in order to obtain full clarification of the matter.

It is regrettable that the replies were deferred by the Belgian Government. But I do not think the Committee could do more than perhaps make a summary analysis of the reply.

It seems to me that the work of the Committee, at least as we understood it, did not consist in judging these matters but in collecting factual and legal information and all the material requested, in order to allow the Trusteeship Council to pass judgment. I do not know the opinion of other members of the Committee on Administrative Unions, but I personally would be of the opinion that the reply of the Belgian Government

Government constitute exactly the material which the Committee was supposed to request and obtain for the information of the Trusteeship Council, and therefore I do not see any need for the Committee to meet once more. This is now part of the material that we have before us.

That is what I wished to say with regard to the question of the Committee on Administrative Unions.

/There is another matter

There is another matter: the Trusteeship Council apparently wished a short while ago to take up the question of the French Union. I would like to know whether this question will be once more taken up by the committee. I do not really see how we can continue this consideration.

The PRESIDENT (Interpretation from French): I also considered that a resort to the committee would simply be a formality in this case. In fact, the committee would simply be informed of the replies which it required to the questions which it raised. In this respect, I would like to ask the representative of the Philippines whether he really considers that it is necessary to resort once again to the committee. Does he contemplate that the committee might do anything useful to facilitate the future discussions in the Council on administrative unions?

Mr. INGLES (Philippines): I should rather think that this question should be addressed to the members of the committee.

The PRESIDENT (Interpretation from French): Under the circumstances, I would recall that the Chairman of the committee has informed us on this question of the appropriateness of referring this to the committee. Mr. Laurentie told us that he did not see quite what the committee could do more than just to register the replies sent in by the Belgian Government. In that case, we should not progress by convening the committee.

Mr. SAYRE (United States of America): I merely wanted to say that it seems to me that the Chairman of the committee is right. The committee has prepared the questions, has asked the various Administering Authorities for their replies, and the replies have now come in. It would seem to me like a mere formality to reconvene the committee and inasmuch as time is pressing I feel myself very much the force of Mr. Laurentie's observations.

The PRESIDENT (Interpretation from French): In the circumstances I will not adjourn the discussion on administrative unions, and I would ask the Council to be good enough to examine the question of the administrative union of Ruanda-Urundi without deferring the matter to the committee, which in this case would not meet. I am calling upon the members of the Council to help us save time and not beat about the bush in rather a complex matter; we must deal with this question.

/In order to reply

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text of general information

In order to reply to the question which was raised by the representative of France concerning the relationship of the two Trust Territories, the Cameroons and Togoland with the French Union, he gave us a general statement which simply confirmed the statements he had made before the committee and which the members of the Council have all been informed of. Therefore the discussion could perhaps start on this point.

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If there is no observation, I shall consider the debate on this matter closed, and we should then simply have to make the report to the General Assembly, taking into account the indications which have been given. We must either discuss this or declare the discussion closed. The discussion on the question of the two French Trust Territories is, therefore, open, and I would ask the members of the Council who wish to take the floor on this matter to please do it now.

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Mr. PADILLA NERVO (Mexico): I do not really feel that the Council is prepared just to close a discussion that has not even started. We have appointed that committee to present to us an outline of all the various aspects of the problem raised in the discussions here. If that outline, in the opinion of the members of the committee, is concluded, and if the committee considers that, with the replies that it has obtained from the different Governments, document T/338 is, in fact, an outline of the various aspects of the problem and not merely a collection of the information to which paragraph (e) of the terms of reference of the committee refers, I wonder whether the Council should not study the report of the committee. It should, I think, be studied with some method, being considered chapter by chapter. We could take the question of the French Union, and then the questions of Ruanda-Urundi and the other union, in order to decide right now whether there are observations to be made before we close the discussion.

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I do not think that we have done that, and that the Council does not need at least to consider with some care such an important matter, taking as a guide the document presented by the committee. I should like to hear the opinions of members of the Council in this respect.

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The PRESIDENT: (Interpretation from French): I put the question a short while ago as to whether the Council wished first of all to undertake a general discussion in order to examine later each problem specifically. One single member gave his opinion, the representative of the Soviet Union, who considered that it was better to examine each

/specific question

specific question first, and then to arrive at considerations of a general character. As no other member of the Council offered any contrary opinion, I followed this procedure.

Now the representative of Mexico is suggesting a new method to us: that is, to examine first of all the report of the committee chapter by chapter. That would give each one of us the possibility of presenting useful remarks on the matter. That is another method of procedure which I am quite prepared to follow if the Council wishes to do so.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS: (Interpretation from Russian): I would like to introduce some precision: I did not make any proposals with regard to procedure, but, after the President said that the general discussion would not take place and that we should consider the reports with regard to each Territory separately, I then asked whether we should be allowed to make general remarks after the consideration of the reports. The President said that we should have that right. I did not suggest any specific method of procedure; I merely stated the right of every member of the Council to make a general remark, not only at the beginning of the consideration of each separate Territory, but also after having considered these Territories. I should like to have my remarks understood by the President in this light

/The PRESIDENT

The PRESIDENT (Interpretation from French): The Trusteeship Council has heard the remarks of the representative of France concerning the specific case of the relation between the two Trust Territories of France in Africa and the French Union. I asked if anyone wished to speak on the subject and no one seemed to want to take the floor so, of course, I had to pass to another subject.

Now I would suggest that the Trusteeship Council contemplate the problem of the administrative union of Ruanda-Urundi. If no one wishes to speak on this subject for the time being, I must set aside the other two questions since the representative of the United Kingdom wishes to have a little more time before dealing with the question and, on the other hand, the representative of Australia has asked the Council to wait, if possible, until the special representative comes before the Council.

I can only propose a last procedure; that is, to take the report of the committee and examine it chapter by chapter. Perhaps we might then hear some useful remarks by the members of the Trusteeship Council.

If no one wishes to speak on Ruanda-Urundi, the Trusteeship Council will take the report of the committee and examine it chapter by chapter.

Are there any remarks on Chapter I, "General"?

Sir Alan BURNS (United Kingdom): I have no particular remarks to make at this stage but I hope that it will not be assumed that, after we pass by Chapter I, I may not have some remarks to make later when I have received the instructions of my Government on this matter.

Mr. PADILLA NERVO (Mexico): I believe that the wisest suggestion made so far, which was made by the President, is to adjourn this discussion in view of the fact that several representatives have requested that a general study should not be undertaken at this time. When everybody is ready to undertake the particular study of every administrative union, the Trusteeship Council could follow the general outline suggested by the committee.

If we cannot arrive at any definite position at this particular moment and if members of the Council are not ready to give definite opinions as to whether they agree or not on a particular part of this report but reserve the right to make observations later, then

/perhaps it would

perhaps it would be better to take up these questions when all of the members are ready to make their observations in order not to go over the same ground we might cover today. That would be a repetition of our work and we would waste more time than we would save.

I believe the representative of France was the only one who objected to the President's suggestion to adjourn the discussion on this item.

Mr. RYCKMANS (Belgium)(Interpretation from French): As far as I am concerned, I do not request any delay but I would like to find out, after the consideration of the detailed replies of the Belgian Government with regard to the administrative union of the Belgian Congo and Ruanda-Urundi, whether there are members of this Council who think that this administrative union, as it exists and functions, is contrary to and incompatible with the Charter, with the Trusteeship Agreements and the interests of the people and whether it goes against the principles and objectives of the Trusteeship System.

If this be so, perhaps these members will be able to tell me why; if not, perhaps they can give me a clean bill and say that the replies are satisfactory. I should like to know where I stand.

Mr. SAYRE (United States of America): I should like to say just a word about the general objectives which we are seeking in this discussion. Perhaps I misunderstand the objectives which other members of the Council are seeking, but my own thought is gained by looking at the resolution passed by the General Assembly which, in sub-paragraph (b), asks that the Trusteeship Council should:

"In the light of its investigation, recommend such safeguards as the Council may deem necessary to preserve the distinct political status of the Trust Territories and to enable the Council effectively to exercise supervisory functions over such Territories."

That, to me, does not mean that the Trusteeship Council should, in its investigation, lead to a final and conclusive determination. Whether a given Administering Authority is doing the right thing or the wrong thing, is violating the provisions of the Charter and the Trusteeship Agreement or is not violating them is a continuing

/problem. I do

problem. I do not feel the Council can fix its gaze on the situation as of any specific moment. It may be that we see here and now some infraction or possible infraction of the provisions of the Charter and the Trusteeship Agreement.

If so, it is certainly up to the Trusteeship Council to suggest how and why, but I do not feel that the Trusteeship Council should now give a clearance to any particular Administering Authority. I think we must keep a watchful gaze on this whole problem through the years and it may be that we will have recommendations to make, as requested in that General Assembly resolution, while, at the present time, we have no recommendations to make. That surely does not prevent the Trusteeship Council from making recommendations in the future.

In other words, I do not feel that the objective which we are seeking now is to go through the Trust Territories one after the other and determine whether a given situation necessarily violates the provisions of the Charter or of the Trusteeship Agreements. I think it is rather in the light of trying to be helpful to the Administering Authorities.

If we see that some Administering Authority is getting too close to the line, or is raising serious doubts in our minds, or is doing things of questionable validity, then surely it is up to the Trusteeship Council to speak on the matter, but I do not think it is <sup>a</sup>question where we decide yes or no as though it were a matter which could be decided in this single session. This is a problem which we will have with us for many years and all we can do at this point is to express our opinion, make such recommendations as we feel should be made, and throw out such cautions as should be thrown out.

/Mr. LAURENTIE

Mr. LAURENTIE (France) (Interpretation from French): The opinion which has just been expressed by the representative of the United States may doubtless be justified as regards administrative unions in so far as they might be considered subject to evolution or transformation but that is not necessarily the case. There may be precise facts and actual data which call for some kind of judgment for or against. It is up to the Council to decide on that.

I do not think that in every case we should consider that we are dealing with an eternally mobile matter in a perpetual state of evolution. But if the question can be discussed as regards administrative unions, I really think that as far as the quite distinct problem of the French Union and of the situation of the Territories under French Trusteeship in the French Union are concerned, it should be approached quite differently because here there is a precise legal situation with legal effects which are just as precise; and I think it would be extremely necessary that this question be judged.

We did not raise this question. It was raised in the Council; it was raised again in the committee; and I even recall certain meetings where -- in the course of procedural discussions -- this question gave rise to a certain heat in the discussion. To-day when we are speaking of this question, we find no remark or observation of any kind. I would not, of course, ask the Council to decide to-day, if it really is not prepared to do so, but I would strongly urge it to take a decision since it is the Council which took the initiative of dealing with this question.

It is a very serious question indeed inasmuch as it is not only the French Administration which is concerned but also the Government and the actual institutions of the French Republic. I do not think that we can consider too lightly that matters may just be dealt with in this way.

It is impossible, in any case, to consider this question as subject to evolution. It is a point of law and a point of fact upon which it seems to me that it is essential that the Council, after having taken the responsibility of bringing this matter up, <sup>should</sup> take the responsibility of making a decision.

/ The PRESIDENT:

The PRESIDENT (Interpretation from French): I think the representative of France is quite justified in asking that this question of the relations of these two Territories of Togoland and Cameroons with the French Union be discussed completely in order that it be not necessary to return to it at a later stage. You will recall that this is a special case. The Trusteeship Council had recognized that it did not come within the scope of the provisions of the resolution of the General Assembly and for this very reason the Trusteeship Council had adopted a particular resolution, the terms of which you will recall:

" The Committee on Administrative Unions shall, exceptionally and in addition to its regular duties, make a study of the relations between France and the Territories under French Trusteeship as defined by French laws within the French Union, and shall report to the Council on this study not later than three weeks before the opening of the fifth session."

It is not therefore a question of a report to the General Assembly since the Assembly has not asked us for anything on this matter. It is a report for which the Trusteeship Council has asked the committee and this moreover at the express request of the French delegation which had returned to the question on a vote of the committee and had spontaneously accepted that this problem be studied by the same committee which had been set up under the resolution of the General Assembly.

The committee raised with the French representative the questions which it considered necessary, and the French delegate replied to these points. All necessary explanations were given by the French delegation and therefore the Trusteeship Council has before it all elements for judgment and decision.

It seems therefore that the Council should be in a position to discuss this without further delay and to take a decision, whatever it may be, in this respect. If not, this will give rise to another adjournment of the question and the French representative will probably have to start his explanations all over again; it will simply be a waste of time. So much for the question of the French Union.

As regards the other problems, you all have the documents before you and have had them for some time. I think it would be very inconvenient if we had to defer questions out of the time-table which we have provided for, as we should arrive at the end of our Session with a

/ series of questions

series of questions which would not have been dealt with at the proper time. I would therefore ask the members of the Council as far as possible to try to follow our agenda.

Mr. RYCKMANS (Belgium) (Interpretation from French): It seems that once more I expressed myself a bit freely. In any case the representative of the United States did not interpret correctly what I meant to say.

I did not wish to say that I must once and for all find out the opinion of the Trusteeship Council with regard to the administrative union between Ruanda-Urundi and the Belgian Congo. The representative of the United States is perfectly right in saying that this is a permanent situation, that the Trusteeship Council must every year, in performing its normal supervisory duty, study the functioning of administrative unions. From this point of view he is perfectly right in saying that he cannot give us a clean bill once and for all.

I understand perfectly that the Council must follow closely the functioning of administrative unions. It would not be impossible, for example, that in the future the functioning of the administrative union between Ruanda-Urundi and the Belgian Congo might deviate from the interpretation of those who have created it and at a particular moment it might become harmful to the interests of the population. The Trusteeship Council will certainly have to call the attention of the Administering Power to the way in which it interprets the administrative union.

But what I do have the right to ask is that I be told, on the basis of the material that is in the hands of the Council, whether in the legislative provisions which created this administrative union there is anything to-day which might be contrary to the Charter, the Trusteeship agreements, the objectives and tasks of the Trusteeship System and to the interests of the local populations.

If nothing of this sort is found, that does not mean that the Belgian Government can do as it pleases and interpret the administrative union in any way it wishes and thus end up with a quasi-annexation of Ruanda-Urundi. The Council of course retains its mission of supervising every year the functioning of the institutions of Ruanda-Urundi.

/ I would like

I would like to know whether, in the text which has been submitted to the committee and to the Trusteeship Council, there is in this existing administrative union as established according to the legislative texts, anything which must be modified, and if there is anything of this kind we want to be told of it. If not, I will be able to say to my Government that, with the reservation of the permanent supervisory role, the Trusteeship Council did not think it was called upon to insist on any modification of the administrative union between Ruanda-Urundi and the Belgian Congo.

Therefore I request a reply, but that does not mean that it would permit my Government to do whatever it pleases in the future.

/ Mr. HOOD:

Mr. HOOD (Australia): If it is decided to postpone further discussion of this question I do not think that that would mean necessarily that this debate this afternoon has been a loss of time on the part of the Council. On the contrary I think it has been a necessary task of the process involved in carrying out the General Assembly's directive.

I imagine the fact is that at the time when the Committee was set up for good and proper reasons the Council did not think it necessary to address itself closely to how it intended to carry out the terms of the General Assembly's resolution. Now we are face to face with that question and I do not think it is an easy question. It will bear even further reflection and consideration.

Just what is it that the General Assembly expects us to do? It expects us to do something and all of us, as loyal members of the Organization, will naturally co-operate fully in carrying out the Assembly's intentions and wishes. But what are those intentions? I do not find them at all clear, even now.

In the first place the Council is called upon to investigate these questions with particular reference to particular arrangements. That is fair enough. But what does "investigate" mean? In a sense the investigation has been made already. The Committee has investigated and elicited, presumably, the greater part of the data which is available. Is that the end of the investigation? I am not sure myself what the General Assembly had in mind, indeed what the Fourth Committee had in mind in stipulating that requirement of investigation.

Further, of course, there is the directive to furnish recommendations as regards safeguards. That is the most specific directive. But, once again, how is the Council to execute that? The Committee was again -- and I think properly -- not empowered to put forward any conclusions or opinions of its own. But how is the Council going to arrive at any conclusions or opinions. I very much doubt if the specific conclusions will be arrived at merely on the basis of a general discussion of the Committee's report.

I think, in other words, that the Council might consider or that the President might consider whether something more positive and specific is not required. It might be that reconsideration of the terms of reference of the committee should be undertaken which would require the committee to put forward draft suggestions or it

/may be that

may be that the President should directly invite members of the Council to put before the Council recommendations and observations of their own which can form the basis of debate and can be either adopted or not adopted.

It is important -- as has been rightly pointed out by the representative of Belgium -- from the point of view of all the Administering Powers concerned, that some positive opinion be expressed by the Council. It is hardly good enough to have this question raised and the task laid on the Council of investigating it and then many of the specific criticisms which were made of these arrangements last year left in the air. In other words, there is a duty on the part of the Council not only to the General Assembly but also on the part of the Council and Assembly to the Administering Powers whose territorial arrangements are affected in this question. Those Powers, I think, are entitled, certainly not to claim an absolute clearance this year or next year, but they are entitled to receive positive opinions on the part of the Council -- whether favourable or unfavourable is immaterial -- but they are entitled to have some results shown from the process which was set in action by the Fourth Committee of the last session of the General Assembly.

Therefore I think -- and this is a very general thought -- that the Council could well spend more time in reflection on the question of what it is to do to implement the resolution transmitted to us by the General Assembly.

The PRESIDENT (Interpretation from French): I have considered for my part that the Council has had plenty of time to think over the significance which should be attributed to a fairly clear resolution of the General Assembly and we designated a committee which discussed at length the interpretation which it was appropriate to give to the resolution since that was a very fundamental part of its work. The committee worked very well. It undertook a lengthy enquiry into this matter; put a certain number of questions to the Governments; the Governments replied; the members of the Council have all been amply informed of the report of this committee and of the replies of Governments which had arrived after this report was sent; and therefore I thought that we were today fully equipped to discuss very seriously this problem as a whole.

/It is on our

It is on our agenda.

I do not think that deferring this matter will enlighten any members of the Council any more than they are today. It seems that we are simply hesitating in front of this obstacle which is to discuss something which is on our agenda.

The representative of France and the representative of Belgium seem to me quite justified in asking for you to tell them whether what they have said in the replies they have given are liable to give rise to any remarks.

I do not think we shall be any more advanced tomorrow or the day after or in a week. We are in a position to discuss this question today and everyone knew we had to discuss it today since I told you Friday evening that on Monday we would have to start the discussion on administrative unions. I did not take you unawares. You had the whole weekend to think this matter over.

Mr. PADILLA NERVO (Mexico): I believe that the observations are well made. It is true that we have to follow a certain system in discussing this question. The interventions of the representative of France and the representative of Belgium have informed us as to the particular union which is of concern to their countries. The countries have not even agreed as to the general question proposed by the representative of the United States. In general I agree with the position taken by the representative of the United States. I think this question is so complicated that I, for one, will be unable to state now in a definite way my views on the suggestion of the representative of Belgium and also of the representative of France. In my opinion the union constituted remains separated -- absolutely in compliance with the objectives of the Charter and the terms of the Trusteeship agreement.

/The words

The words, as taken from the Resolution of the General Assembly endorsing the observations of the Trusteeship Council, state that "an administrative union 'must remain strictly administrative in its nature and its scope and that its operation must not have the effect of creating any conditions which will obstruct the separate development of the Trust Territory...as a distinct entity'."

As the representative of the United States stated, very justly in my opinion, that is something which has to be examined constantly. As far as my delegation is concerned the fear has been that the operation of such a scheme might be such as to cause the disappearance of the status of the Trust Territory as a distinct entity from the other territories which belong to the union, irrespective of whether or not such a system of union as the French one or the other administrative unions are of some benefit to the inhabitants of the Territories.

There are several objectives of the Trusteeship System. This is a dynamic situation and would depend very much -- under whatever name or general legal rule a union is established, on the actual operation of such a system. That is what is important to the Trusteeship Council -- to see that those Territories do not in the end cease to be Trust Territories in practice and in regard to the future of the inhabitants.

The main objective in this question, I believe, can be taken from part of the Resolution of the General Assembly which indicates the way, and that part states that

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"RECALLING that the General Assembly approved these Agreements upon the assurance of the Administering Powers that they do not consider the terms of the relevant articles in the Trusteeship Agreements 'as giving powers to the Administering Authority to establish any form of political association ... which would involve annexation of the Trust Territories in any sense or would have the effect of extinguishing their status as Trust Territories.'"

It is a very complex statement for any member of the Council to make that such a union will have the effect in a certain sense of an accession of that Territory or that will have the effect of

/extinguishing

extinguishing its status as a Trust Territory. I do not believe that any one of us is at this moment able to state that this or the other union will not have that effect. It is a dynamic situation which can change according to the spirit of the Administering Authority.

In that respect, I agree with the representative of the United States that the Council has to survey it. We cannot take a decision and say that we close this question -- that we consider this union as perfectly legal and therefore we will not look into the matter again. I myself find it very difficult at this moment even to state whether that kind of a union will or will not have the effect of causing the disappearance as a separate and distinct entity from the other of a Territory which is part of an administrative union. It would be very difficult for me to reply to the President's question as suggested by the representative of Belgium, either yes or no: "What you have done is perfectly right," and perhaps it would even be necessary for certain in my view, <sup>to request</sup> the opinion of the International Court of Justice; and the General Assembly itself recognizes that this might be possible, if in the opinion of the Trusteeship Council it was necessary to make such a request.

It is stated in the same Resolution that the Trusteeship Council should "Request, whenever appropriate, an advisory opinion of the International Court of Justice as to whether such unions are within the scope of and compatible with, the stipulations of the Charter and the terms of the Trusteeship Agreements as approved by the General Assembly." That indicates that it is not such an easy matter to decide, and I for one would be unable to give a decision one way or the other if the President asks for it at this moment.

The PRESIDENT (Interpretation from French): May I ask the representative of Mexico, who explained very clearly the hesitation he feels in replying to certain specific questions, whether he considers that he would be in a better position to reply to these questions in a few days?

I am putting this question because we are running the risk of wasting a lot of time beating around the bush in respect of this problem, which is a very complex problem indeed. It is quite true, as the representatives of the United States and of Mexico have pointed out, that it would be very difficult for the Council to reply with precision to questions dealing with the future.

We shall,

We shall, however, be in exactly the same position next week or the week after and in any case we must be in a position during this session to establish the part of the report to the General Assembly which will reply to the Resolution of the General Assembly with which we are dealing today.

For the time being, what we have before us is a very complete documentation which has been gathered by the committee. On this document the Council might perhaps formulate certain opinions, and it is these opinions which I am trying to get hold of. If the Council reasonably considers that it cannot reach formal conclusions or make recommendations, in that case it will have to transmit to the General Assembly all the documentation which has been gathered together by the committee and point out that in the present state of things it is difficult to state in advance what may be the result in the future under a certain system of administrative union and that it is difficult to prejudge the future, but that it is a question which is in a constant state of development and which the Trusteeship Council will follow with great attention -- this question of the development of administrative unions when they exist in the Territories with ~~which~~ the control of which the Trusteeship Council is entrusted.

In other words, I would draw the attention of the Council to this point, as to whether we shall be in a better position to discuss this matter in a week than we are today. I note a great hesitation on the part of members of the Council to formulate opinions or even to put supplementary questions, for instance, on the question of the French Union on which the representative of France set forth the point of view of the Government which he represents here. No one wishes to formulate any remarks or comments or to put any extra questions. We may be in exactly the same situation next week.

The same applies to Ruanda-Urundi, on which the representative of Belgium is in a position to reply to questions and to give any information or explanations which the members of the Council may require.

/Mr. RYCKMANS:

Mr. RYCKMANS (Belgium) (Interpretation from French): I apologize for raising a point with respect to the statement you have just made. I do not think that the Trusteeship Council should saddle the General Assembly with the problem by sending to it all the documents which were collected by the committee. The General Assembly requested that we deal with the matter in full, which is within the terms of reference of the Trusteeship Council. If the members of the Trusteeship Council have some points of criticism against certain administrative unions, it does not mean that we have to send it to the General Assembly, but the Council must say that at the moment there are no specific modifications to be submitted to or positive criticism to be levelled against certain administrative unions.

I understand the hesitation of the representative of Mexico to say: "We approve of everything you do." We do not request such an approval. The Belgian delegation does not request a general approval for everything that has been done in Ruanda-Urundi with regard to an administrative union. But we would like to know whether or not positive, factual criticism can be raised against certain provisions of the law of 1925 which created the administrative union between Ruanda-Urundi and the Belgian Congo.

If, on the basis of the investigation which was undertaken, one could show us a contradiction between the existing regime and the Charter or the Trusteeship Agreements or the future of the Trusteeship System as such, then one must say so. But if there is no such criticism, then we must openly and clearly say that, for the time being, there is no positive criticism to be raised against the institutions, against the legislation which created this administrative union. Naturally, this would in no way affect the right and duty of the Council to keep a close watch on the operation of these institutions and to see that they operate in the interest of the population.

Even a court will not say that a person is innocent -- it will say that there is no proof that he is guilty; therefore he is presumed to be innocent. But he remains free; he is not held in gaol until sufficient evidence has been gathered.

/Mr. PADILLA NERVO

Mr. PADILLA NERVO (Mexico): In respect to what has just been said by the representative of Belgium, it is true that the General Assembly made some recommendations to this Council. Those recommendations, in fact, are three: one is to investigate if the unions, proposed or already established, are compatible with the assurance given by the Administering Authority in this connexion; the second is "in the light of this investigation" to recommend "such safeguards as the Council may deem necessary to preserve the distinct political status of the Trust Territories and to enable the Council effectively to exercise supervisory functions." That is the second concrete recommendation and really the only one that is to have any effect in respect to the General Assembly, whether or not this Council is going to recommend some safeguards for this purpose.

The third recommendation that refers to the Council is the power to ask the International Court of Justice for an advisory opinion.

It may well happen that we are not at this moment able to recommend to the General Assembly any particular safeguards in that respect, since that <sup>may</sup> come later on by the experience of this Council. It is very difficult in this general way to be able to quote particular instances, but there could be many. I said, for instance, that in certain cases in certain unions the main legislative body is not in the Trust Territory, but in one of the other territories. Now we do not know at this moment whether that will make any difference from the point of view of a visiting mission. If the visiting mission would like to see that body in operation, we do not know in practice whether the Administering Authority would say to the mission, "You came to visit the Trust Territory; you did not come to visit one of the colonies and supervise the action of that main assembly, which, of course, is not in a Trust Territory, but in a colony." It may be that the visiting mission will not have any difficulties in that respect; we do not know.

Therefore, if it will be difficult to see the future in that respect, some safeguards to that end could be suggested. We have seen in other cases of unions that, although geographically some particular demarcation is made, the power of migration of the inhabitants from one part of the Trust Territory to another is complete, and it might happen at the end we really would not know which were the original inhabitants of the Trust Territory and which were the inhabitants of the colony adjacent to it.

Other questions would rise -- specifically on the question of budgets,  
/either

either separated, as in the case of Ruanda-Urundi, I believe, or united with a single authority for both. The effect of this we are not able -- at least I am not -- to appreciate at this moment. I could not say now that I would be able to recommend a certain safeguard against that. But that does not mean that that safeguard could not be recommended at a later stage.

At this moment, as far as my delegation is concerned, I could not say that this is a concrete proposal that I make as a safeguard, but that does not mean that I consider no safeguard is necessary or that I could not propose -- or any member of the Council -- in the light of experience a certain safeguard.

Mir Carl BERENDSEN (New Zealand): I should be the last -- indeed, I hope and believe I am the last -- to protract the debate around this table. But I feel that I must say this: I could not more fully agree with what the President himself has said in connexion with this unfortunate debate -- if it is worthy of that name.

I wish I could agree with that member of the Council -- for the moment I have forgotten who it was -- who thought that we were not wasting time. I believe that we are wasting time shockingly and, I regret to say, characteristically.

Here is a subject that has been on the agenda since we met. We have looked at the agenda; we have agreed that that is the agenda we are going to deal with, and I should think it is the normal course for normal people to come to a meeting prepared to discuss the agenda.

I agree almost entirely with what the representative of Mexico said: this is an extremely difficult and intricate subject. But we are not going to solve it by confining our debate to the question of whether we will discuss it or whether we will not discuss it, and that is what the debate has been about this afternoon.

There is a good old American expression which I commend to the attention of this Council: "fish or cut bait." If there is any member around this table who is not ready to discuss this item on the agenda at the time that this article is set down for discussion, then he is within his rights to move the adjournment, and the Council should then adjourn.

But the Council, I suggest, should not dither along, as it has been dithering for two hours.-- whether it will discuss this matter now or whether it will not discuss this matter now.

/For my part

For my part I see it this way. I think those representatives who have been subjected to criticism -- legitimate or otherwise -- in respect of their administrative unions are entitled to receive from this Council an expression as to the views of the Council on the position as it is today. In other words, if there is anybody who feels that any member at this table has done something contrary to the Charter, contrary to the agreement or contrary to what should be done in the interests of these people, then they should move accordingly, and we should decide -- I do not say now, because obviously we are not going to decide anything today -- but in due course we should decide, with as little unnecessary talk as possible, whether the Council feels that there is anything wrong in any of these particular cases. That is up to this moment.

For the future I agree entirely with what has been so commonly said. We can give no blank cheque to anybody. On this point I entirely agree with the representative of Mexico, who is always so sensible and so reasonable.

This is quite clearly a matter which must be kept under constant review, and that is not inconsistent with what we are called upon to do by the General Assembly. If we have any criticism to make, the Assembly wants us to make it. If we have any legal doubts which we think should be resolved in an international court, then the Assembly invites us to resolve those legal doubts. And the Assembly certainly wishes us to keep a continuous eye upon this admittedly most difficult and delicate situation.

For my part I am quite prepared to go on with the debate now, but quite clearly many of our members are not prepared to do so. We can all sympathize with Sir Alan Burns, who has just arrived. But if we are not going to debate this subject now, then I suggest, in the name of common-sense, that we get on with something we can debate, and postpone this debate until we are ready to deal with it.

The PRESIDENT (Interpretation from French): I notice that we are still bogged down. Are there any other remarks?

Mr. KHALIDY (Iraq): I cannot say I am happy that we have arrived at this impasse, but I will say I am happy that we have arrived at it without my participation in the debate, so that no-one can say that I have protracted the debate any more.

It is clear that many members are not today well equipped to take

/part in

part in the debate. I make my intervention not on substance but on a little point of procedure.

Perhaps, as the representative of New Zealand has just suggested, the President would care to put off this item for today and proceed to the next item. We may perhaps be able to take that item tomorrow. I agree with the representative of New Zealand that we are wasting a great deal of time.

The PRESIDENT (Interpretation from French): We shall adjourn the discussion of this question until a day which we might determine when we have revised the agenda.

The question is therefore temporarily adjourned.

EXAMINATION OF THE PETITIONS LISTED IN THE ANNEX TO AGENDA  
FOR THE FIFTH SESSION (T/340)

The PRESIDENT: (Interpretation from French): We now pass to item 3 on our agenda, "Examination of the petitions listed in the annex to agenda for the fifth session."

The Secretariat has prepared a memorandum, document T/340 dated 16 June 1949, which will facilitate the work of examination of the various petitions.

We will take them one by one: petition No. 1 concerns the Territory of Tanganyika, the Shariff Is-Hak Community. I will not read the document, as I believe all members have it before them.

Are there any remarks concerning this petition? You have observations, in document T/342, presented by the United Kingdom delegation.

Mr. SAYRE (United States of America): I wonder whether that document was distributed. I enquired at my office this morning and was told it had not been received.

I should like to ask for information, whether it has been generally received. If so, something went wrong with the machinery over in our place.

Mr. ALEKSANDER (Secretary of the Trusteeship Council): The document was distributed this afternoon.

/Mr. SAYRE

Mr. SAYRE (United States of America): Then if it was distributed only this afternoon, I wonder if we had better not go on with some of the other petitions, so that we may have a chance to read it.

Sir Alan BURNS (United Kingdom): I am quite prepared for this to be postponed, but I should like to point out that this is a matter which has already been before the Council, at the last session. This document T/342 which is now before the Council differs very little from the statement I made in connexion with this at the last session. I think I made practically the same statement: the only difference is that whereas at the last session I was able to state that the question of placing the Somalis in the category of non-natives was under consideration, it has now gone further than that, and, as the last sentence on page 3 of document T/342 states:

"In these circumstances the question whether an Ishaakia is or is not a Somali will become a matter of academic interest only."

The PRESIDENT (Interpretation from French): Are there any other remarks on this petition? The representative of the United States wishes to have sufficient time to consider document T/342, which he has not had time to read. Does he wish to have more time to examine this in detail?

Mr. SAYRE (United States of America): No, it is not that I have not had time to study it. I have not received it. I have not seen it, and I should like to see it if it is pertinent.

The representative of the United Kingdom says that there is nothing new in it, so I have no reason for delaying the discussion. I merely say that I have not seen it, and it is a little difficult to assume that it is inconsequential.

/Sir Alan BURNS

Sir Alan BURNS (United Kingdom): <sup>Soviet Union</sup> If my/colleague has also only just had the copy, perhaps it would be just as well to postpone it. I am quite ready to go ahead if the Council wishes.

The PRESIDENT (Interpretation from French): We shall pass to petition 2 from Mrs Kate Salzmann, document T/PET.2/63. In document T/343, the Council will find Mr. Fletcher-Cooke's remarks which have been communicated. This is also a document which came out today.

Mr. LAURENTIE (France) (Interpretation from French): In respect to this petition I should like to renew the reservations which have constantly been made by the French delegation with regard to nationals of <sup>ex-</sup>enemy states. This reservation is based on Article 107 of the Charter which should prohibit the Council from examining such cases.

The PRESIDENT (Interpretation from French): I would remind the Council that it took a decision concerning a petition coming from a German national of the French Cameroons at our last session. The Council decided that this petition did not call for any action. I recall this as a precedent, and I should like to hear the remarks of members of the Council concerning this petition.

If there are no observations, I suggest that a similar decision to the one I have just recalled be taken in respect to this petition.

Mr. INGLES (Philippines): I am not quite clear as to the decision taken by the Council to which the President referred. Perhaps he would be kind enough to repeat his statement.

The PRESIDENT (Interpretation from French): I have not before me the petition I referred to: it was examined at our last session and a decision was taken which the Secretariat will no doubt be in a position to find.

What I might remind the Council of is the fact that the French delegation invoked Article 107 of the Charter and indicated that this was a question of security, or of measures taken as a result of the war, which was not within the competence of the Trusteeship Council. A decision was taken in this sense.

/Mr. SAYRE

Mr. SAYRE (United States of America): I wonder if my Philippine colleague will not remember that this whole question of the repatriation policy in Tanganyika was the subject of extensive discussion. At the meeting of the Trusteeship Council on 18 December 1947 we examined the repatriation policy of the United Kingdom; we discussed it; we endorsed and approved it, and it seems that this petitioner complains of a matter which falls within that repatriation policy. Therefore, in effect, the question has already been considered and discussed and decided by the Trusteeship Council. So far as I know, there is nothing new in this petition. I know that the representative of the United Kingdom will correct me if I am mistaken.

It therefore seems to me that no action is called for, and I presume that that will be the decision of the Council.

Mr. INGLES (Philippines): I remember that the French delegation made an objection on the basis of Article 107 of the Charter, but I do not remember that the United Kingdom delegation made a similar objection. I recall too that when the French delegation interposed the objection based on Article 107 of the Charter, the President of the Council pointed out that Article 107 refers to action in relation to any state and not in relation to individuals.

I am sure that there has been no decision by this Council in this respect.

The PRESIDENT (Interpretation from French): The precedent which I recalled dealt with a subject in respect of which the French authorities invoked Article 107 of the Charter and the Council, having taken note of the objections of the Power concerned, decided that there was no decision to be taken. The Administering Authority and the petitioner were informed of this decision under rule 93 of the rules of procedure of the Trusteeship Council.

It is also correct that in similar cases examined by the Council -- cases of persons in Tanganyika Territory -- the Administering Authority did not invoke Article 107 of the Charter as did the French delegation.

I therefore ask the Council to formulate any remarks it may have to make in respect of this petition.

Mr. SAYRE (United States of America): I am afraid we are confusing two different matters: one matter concerns Article 107 of the Charter which, as the President has correctly said, was invoked by

/France

France and has been discussed in a number of different connexions; the other is something quite different. The other matter is that to which I alluded first, namely our discussion in December 1947 when, quite apart from Article 107 of the Charter, the representative of the United Kingdom in response to our questions informed us of the repatriation policy of the United Kingdom with respect to Tanganyika. There was considerable discussion of that, and after some debate this Council expressly approved that repatriation policy as thus explained. Not only did the Council approve it in December 1947, but <sup>it</sup> reaffirmed its approval at a later meeting.

I am sure my Philippine colleague will understand that those are two separate matters: one, Article 107 of the Charter; the other, this question of the repatriation policy of the United Kingdom with respect to Tanganyika. I think that the representative of the Philippines is right: the Trusteeship Council, so far as I know, has not reached a definite expression of opinion with regard to Article 107. It did, however, reach a very definite expression of opinion with regard to the repatriation policy of which I speak, and I should suppose that this case might be handled under either, but would certainly fall under the repatriation policy which this Council has already approved.

The PRESIDENT (Interpretation from French): If the Council agrees, the opinion expressed by the representative of the United States might be adopted. There are no observations; I shall consider that this is agreed.

/We now pass to

We now pass to petition 3 from Mr. Hans Schneider which is as follows:

"The petitioner, a German national, claims that during his internment in Southern Rhodesia he was notified by the Camp Commandant that Germans who were allowed to return to Tanganyika would receive back their farms, money and all other property. Relying on this notification, he went back to Tanganyika, as his name was on the list of those allowed to return, but was unable to get back his estate and properties. He requests the Trusteeship Council to direct the Government of the Territory to implement the promises allegedly given by it." (document T/340)

Sir Alan BURNS (United Kingdom): I should like to ask if the Council could pass to the next petition. I have just received a telegram on this very subject and I should like to read it before I deal with this petition.

The PRESIDENT (Interpretation from French): Very well, we will pass to the next petition since the representative of the United Kingdom has not had time to read the telegram he has received. The Council will take up petition 4 from Messrs. Ermanno and Everardo Burg. The text of the petition is contained in document T/340 and the observations of the Administering Authority are in document T/344.

Is the Council ready to examine this petition in the light of the explanations given by the Administering Authority?

Mr. RYCKMANS (Belgium)(Interpretation from French): I should like to say that the fact that seventy-six former residents were allowed to come back and only eight were expelled gives the assurance to the Trusteeship Council that a humanitarian approach was fully observed in this case.

Mr. SAYRE (United States of America): I suggest that this case falls within the same considerations as the last petition which we discussed. We see in the observations of the Administering Authority contained in document T/344 that these two "were repatriated because of their express sympathy with the Nazi Party and their close connection with the Italian Blackshirt Organization." They were among the eight repatriated out of the eighty-four interned during the war.

/It seems to me

It seems to me that the Trusteeship Council should take no action in response to this petition.

The PRESIDENT (Interpretation from French): If there are no other remarks, the opinion which has just been given by the representative of the United States will be adopted.

We now come to the petition from Mr. August Fever, document T/PET.2/68. The observations of the Administering Authority on this petition are contained in document T/345.

Mr. SAYRE (United States of America): This case is also similar to those which we have just discussed. As the Council will see in document T/345, this petition contains a complaint against the disposal of property, among other things, and that that disposal was in accordance with the endorsement of the Trusteeship Council given at the twenty-sixth meeting in April 1947.

This man also was "a member of the Nazi Party and had a controlling interest in the party funds." This case is on a par with those we have just discussed and requires no action by the Trusteeship Council.

The PRESIDENT (Interpretation from French): If the Council agrees with what has just been said by the representative of the United States, it will be so decided.

We now come to petition 6 from Mr. A. J. Siggins. This petition comes from Ruanda-Urundi.

Mr. RYCKMANS (Belgium)(Interpretation from French): I do not think Mr. Siggins ever set foot in Ruanda-Urundi, and it is not therefore correct to say that the petition comes from Ruanda-Urundi.

The text appears to concern Ruanda-Urundi but I should be extremely interested to have information from Mr. Siggins as to the place where these uranium deposits are found. I know nothing about this.

Mr. SAYRE (United States of America): I believe the Administering Authority did submit a comment on 27 May to the effect that no uranium deposits have been discovered in the Territory. If that is true, I do not see any action which this Council might wish to take in regard to this petition.

The PRESIDENT:(Interpretation from French): If there are no other remarks, we shall proceed in that way.

Petition 7 is from Mr. Christopher Byoya.

Mr. RYCKMANS (Belgium)(Interpretation from French): I should like to repeat the remarks which I made at the last session of the Trusteeship Council. The Belgian Government and the United Kingdom Government have consulted with each other and are now conducting an investigation into the real situation in Ruanda-Urundi. We are of the opinion that there is no urgency in this matter, and the population is not suffering from the postponement of a decision on this petition. Our two Governments would like to find out exactly what the position is before they submit their observations to the Trusteeship Council on this petition.

The PRESIDENT (Interpretation from French): We shall proceed thus. We now come to petition 10 from Mr. Augustin Ndadabara. This petition calls for a certain number of remarks on various subjects which have been examined by the Council during the examination of conditions in Ruanda-Urundi.

For my part, I do not think any action is called for. A reply could be given that all the questions raised by this petition are normally examined by the Trusteeship Council in its consideration of annual reports.

/Mr. INGLES

Mr. INGLES (Philippines): The normal procedure in the case of petitions is for the Administering Authority to submit a reply before action is taken by the Council.

The PRESIDENT (Interpretation from French): Can the representative of Belgium make any remark on this.

Mr. RYCKMANS (Belgium) (Interpretation from French): No; but I wonder if this is really a petition. It seems to be rather in the form of information supplied to the Trusteeship Council by this so-called petitioner. He does not request anything and I wonder if it is possible to consider it a petition rather than as a communication to the Trusteeship Council. I have no concrete explanations of my Government with regard to this matter.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): It seems to me that at the fourth session of the Trusteeship Council the problem of which petitions are petitions and which are not was sufficiently considered, and the opinion was obvious that<sup>a</sup> petition of this kind -- the petition of Mr. Augustin Ndababara -- is a petition.

It seems to me that the remarks of the representative of the Philippines are correct; that we did not receive the comments of the Administering Authority and that we must receive such comments.

If the representative of Belgium is of the opinion that he should not present the remarks of the Administering Authority with regard to this petition, if he did not obtain any information from his Government, then we could consider this petition without receiving any reply from the<sup>Belgian</sup> Government. But it is clear that this is a petition and we cannot waste our time considering again a question already decided in the Trusteeship Council. If the representative of Belgium should insist then we can consider it once more but I think that this would be useless.

The PRESIDENT (Interpretation from French): The Secretariat points out to me the fact that this petition arrived after the time limit necessary for the petition to be examined during this session and therefore no action is called for during this session.

/ Mr. RYCKMANS

Mr. RYCKMANS (Belgium) (Interpretation from French): When I asked whether this communication is a petition I did not wish to prevent the Trusteeship Council from considering it - I am even agreeable to its being considered immediately - but it is a question of the procedure to be followed. The statement of Mr. Augustin Ndababara indicates that there is certain mismanagement there. Should such letters be considered in every case as petitions, and should he obtain the records of our meetings? This means ascribing to it a greater importance than it may be worth. But I am ready to consider it here.

The PRESIDENT (Interpretation from French): Documents of this kind, which do not indicate a specific complaint but just indicate a state of things have come to us on numerous occasions already. Whether you call them communications or petitions does not change the nature of the documents themselves. They are documents which are sent to the Council in order to set forth certain grievances or criticisms of a state of things. But they do not refer to specific points; they refer to the actual questions which the Trusteeship Council examines at length in the examination of annual reports. I do not think that for petitions of this kind there is any need for a detailed reply.

An acknowledgment of receipt is sufficient saying that the points which are referred to in this petition come under the normal heading of subjects discussed during debates of the Trusteeship Council.

Mr. RYCKMANS (Belgium) (Interpretation from French): I should like to ask Mr. Aleksander whether he could supply me with the original text of the letter <sup>in Swahili</sup> / because the translation seems <sup>not</sup> to be clearly understandable. Who translated it?

Mr. ALEKSANDER (Secretary of the Trusteeship Council): It is an official translation.

Mr. RYCKMANS (Belgium) (Interpretation from French): I don't know what this means. I should like to see the Swahili text because probably the man doesn't know Swahili very well and he is mixing it up a little.

But I am quite willing to discuss it and to listen to what remarks the members of the Council have to make with regard to this petition. I do not insist on any delay.

/ Mr. SOLDATOV

Mr. SOLDATOV (Union of Soviet Socialist Republics)

(Interpretation from Russian): As you will remember at the last session of the Trusteeship Council we created a special committee which presented to us a list of petitions for the consideration of the Council.

Now I see that this petition, T/Pet.3/16, is not one which was left over from the last session. I would like to find out how we will deal this time with this matter. Will we create a special committee which will prepare the petitions for us, or will we consider them the way they are, as they are presented in the document of the Secretariat or in the original and consider them directly in the Council?

Now a serious question has arisen. The Administering Authority did not present its remarks. It is not yet clear to me whether the Administering Authority will ever present these remarks on this petition. The representative of Belgium has said that he has no objection to the consideration of this petition. But we would like to have a reply to another question. Will the Administering Authority present a reply? If not then we will know that such a reply is not forthcoming and that the representative of Belgium has no objection to the consideration of the petition, and then we can consider it.

Therefore I would like to have a reply to my first question. How will we prepare for consideration the petitions which are addressed for this session of the Council? Will a special committee be created which will prepare the petitions, or not?

As to the substance of this particular petition I would like to say a few words when it is clear what is the answer to my first question.

/ The PRESIDENT

The PRESIDENT (Interpretation from French): The question of the setting up of a committee to examine petitions and make a preliminary report to the Council to facilitate its task has already been discussed many a time and various opinions have arisen.

If the Council considers that it would be appropriate to set up a sub-committee to examine petitions after a preliminary discussion in the Council, because under the very provisions of our rules of procedure petitions should be examined by the Council, it might be useful for such a sub-committee to prepare replies to the petitions in the light of the observations in the Council but this task could be carried out quite easily by the Secretariat.

In any case, since the question has been raised by the Soviet Union representative I would like the Council to inform me as to its opinion on this point. Is it appropriate to set up a sub-committee for these petitions? I would like to hear your opinions after having heard the representative of the Soviet Union.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I do not want my statement to be incorrectly interpreted. I do not insist that such a sub-committee be created. I just wanted an explanation and I have no objections against considering these petitions in the Council without such a sub-committee. But it must be made clear with regard to each petition that it was received in time, that it is possible for us to consider it at this session and that the Administering Power reply to it, indicate the document wherein we can find this reply and if the reply is not given then to find out whether it is forthcoming or not. We cannot allow the Administering Authority to be put in a difficult position.

Now the impression is being created that the representative of Belgium is somehow exchanging the matter of the reply of the Administering Power with something else and is saying that if the Trusteeship Council wishes to consider it, it can consider it although the Administering Authority may, later on, present further remarks.

I thought that we were clear with regard to the replies of the Administering Authorities. If such replies are available we consider them; if they are not we have to know whether they are forthcoming or not from the Administering Authority. We should not have a situation in which we consider a petition and then a few days later have the

/Administering Authority

Administering Authority tell us that they will present a reply. Then we shall have to consider this petition once more.

Therefore I would like to find out whether we in the Council know clearly how we stand.

The PRESIDENT (Interpretation from French): As regards this petition, number 10, from Mr. Ndababara, I told you that it was among the petitions which did not come in within the time-limit provided but which came in after the extreme date prescribed under rule 86 of the rules of procedure. But it is understood that if in such a case the Authority concerned does not object to the Council examining the petition it may do so.

Mr. RYCKMANS (Belgium) (Interpretation from French): I am sorry that I cannot reply to the question of the Soviet Union representative. I do not know whether my Government intends in the future to make observations with regard to this petition. I do not know but my impression is that it will not. Mr. Augustin Ndababara -- I do not know whether he exists -- does not make any specific complaint. Were he to say to me: "I was compelled to hand over a cow to such-and-such an official" I could enquire into it. Were he to tell me: "I wanted to build a brick house but was not allowed to do so", I could ask the local authorities whether this were true. But in this particular case it is very difficult for my Government to reply to general statements which do not involve specific facts. Since I do not know whether my Government wishes to reply I cannot object to the Council considering this petition if it so wishes.

If I knew that my Government wished to submit its observations then I naturally would request the Council to postpone this question but I cannot ask for a postponement now for I do not know whether or not my Government will reply. If it does not reply you would ask me why I requested such a postponement when no reply was forthcoming.

The PRESIDENT (Interpretation from French): Is the Council prepared to discuss this petition now?

Mr. SAYRE (United States of America): I am simply going to make a brief remark in reply to the question which the Soviet Union

/representative

representative raised.

As to whether or not a committee is to be set up to sieve these petitions, I am sure that the representative of the Soviet Union will remember that rule 90 provides that such a committee may be appointed -- an ad hoc committee -- but that no appraisal of the substance of the petition shall be made by this ad hoc committee.

Where there is not such a deluge of petitions as there may well be a little later in our history it would seem as though the Secretariat could do the work of such an ad hoc committee and as though we could save time by allowing them to do so. I take it that they did so particularly in preparing this document T/340 and that the Council is indebted to the Secretariat for their doing so. I cannot imagine that any of us would object.

I think the time may come when we will have such a deluge of petitions that we may require an ad hoc committee as provided under rule 90.

As to the question of a reply by the representative of Belgium, I think that again we should turn to rule 86 which provides that petitions must come in, as I remember, two months before they are considered by the Council and this I understand has not come in two months before. Nevertheless, on numerous occasions the Council has not insisted on a strict compliance with that rule, particularly when the representative of the Administering Authority says that he is prepared to discuss the matter at once.

I understood the reply of the Belgian representative to be that he would not stand on that formal objection and that he is quite prepared to consider the document here and now. He does raise a question which I feel is still an open one. The only request in this document is: "We request or beg your pardon to listen to our important problems..." and so forth. The petitioner -- if he be called a petitioner -- ends with the statement: "I trust that U.NCO. will give the matters presented here serious consideration and help us out of darkness into light."

/Surely it is

Surely it is always within the province of the Trusteeship Council to consider matters pertaining to a Trust Territory which are brought to its attention by a petition or a document such as this which does not seem to me to be a petition.

If a matter is brought before the attention of this Council, surely it lies within the discretion of the representative either to give an answer orally or a written reply from his Government; surely the latter is not essential.

Inasmuch as the representative of Belgium -- if I correctly understood him -- offers to proceed with the discussion of this matter here and now and give such oral comments as he sees fit, it would seem to me that we are in order in proceeding with such discussion of this as the Council sees fit to follow.

The PRESIDENT (Interpretation from French): Are there are other remarks on this petition which deals with matters of a general character which are within the framework of the work of the Trusteeship Council? We might reply that the questions to which the petitioner -- or the correspondent, if he is not a petitioner -- drew attention, contain certain points of interest to the Council and which come within the framework of its work; that we have received his letter and that the questions referred to in it are of concern in the general activities of the Council, and nothing more.

Or, if the members of the Council wish to enter into a discussion of the letter, of course they are free to do so.

Mr. RYCKMANS (Belgium) (Interpretation from French): I have only one remark to make. I want to apologize in advance if the postal services do not find this Mr. Nāababara just by the indication of Munyinya. I know of at least two hundred places in Ruanda-Urundi which have that name. It is a very common name and one hill out of every ten is called Munyinya. The district is not given. I do not know whether the name of Augustin Nāababara will mean anything to the postal authorities; but to indicate Munyinya would amount to addressing a letter to Main Street without mentioning the town. There are Munyinyas in every district. I do not know whether the man exists. He probably does. But should a reply be sent, I must decline any responsibility as to its reaching its destination. The address is insufficient.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): Do I understand correctly that the representative of Belgium has no objection to the consideration of this /petition

petition and that the Administering Authority will not present any observations with regard to it?

The PRESIDENT (Interpretation from French): I think the representative of Belgium has explained his position sufficiently clearly. I do not think he has anything else to add. He stated that he was not opposed to this letter being discussed.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): Perhaps we could postpone the consideration of this petition for a few days and allow the representative of Belgium to find out what the situation is and then we shall know where we stand in the Council -- whether or not the Administering Authority wishes to present any comments or not.

We already know that the representative of Belgium will not object to its consideration, but we do not know whether the comments of the Administering Authority will be forthcoming. We would like to have such observations; if in a few days the representative of Belgium will be able to say that such observations will not be forthcoming, we can consider this petition. I think that this would be the best procedure, especially in view of the fact that this petition was presented on 16 May and, as some representatives have indicated, it is not within the rules of procedure for us to consider it now.

Therefore I think we should meet the Administering Authority half way.

Mr. RYCKMANS (Belgium) (Interpretation from French): I am the humble slave of the Council. I can do no better than to say that I do not know whether my Government will reply to this letter and make remarks in respect of this petition or not. If I were in the Government I should certainly not make any but I do not know whether the Government will have the same opinion as I.

In order to save the Council's time, I would quite agree -- if the Council wishes to discuss it now -- that we should discuss it now. If the Council prefers to wait and find out whether my Government wishes to make any remarks on this petition before examining it, I am at the disposal of the Council.

I simply ask that if my Government considers it superfluous to make any remarks on this letter and if later on -- in six months time -- I am

/asked why

asked why I did not accept immediate discussion whereas my Government did not have any remarks to make, then I may recall to the Council that I admitted that I was quite prepared to discuss the matter at once.

If the Council prefers to wait and find out what my Government wants to do about this I will ask my Government for instructions and I am at the disposal of the Council to discuss it today, in three weeks or at the next session, whichever it likes.

The PRESIDENT (Interpretation from French): The Council will take note of your reservation and the examination of this petition will be adjourned.

Petition 11 also arrived after the date limit; we have received a number of such petitions.

Sir Alan BURNS (United Kingdom): I regret that I am not in a position to make any comments on this petition. I hope to be able to do so at a later date.

Mr. SAYRE (United States of America): It would seem to me, on reading this petition, that it would be impossible to reach a conclusion on it without knowing more of the facts. I presume that the Council could express the hope that the Administering Authority would give us more of the background and facts so that it could reach an intelligent conclusion. I hope, therefore, that the Council will express that request to the Administering Authority.

The PRESIDENT (Interpretation from French): The examination of this petition is adjourned.

I would ask the members of the Council to refer to page 3. We have to examine petition 12 by Mr. Jean Mouen which refers to the Cameroons under French Administration.

Mr. LAURENTIE (France) (Interpretation from French): I am quite prepared to discuss this petition with the Council. There is one point, nevertheless, which I wish to stress at the very start; that is, that the matter is now before the courts.

Under rule 81 petitions "shall be considered inadmissible" -- the word is very strong -- "if they are directed against

/judgments

judgments of competent courts or if they lay before the Council a dispute with which the courts have competence to deal."

Not only does this petition submit to the Council a matter for which the courts are competent, but it is also a matter which is before the courts at the present time. Penal and civil jurisdictions are seized of this affair, the penal jurisdiction in respect of violence of which the petitioner complains on the part of a French colonist, and civil African customary jurisdiction in respect of marriage regulations. They are not actually the settling of a marriage but of a promise of marriage, as according to the documents which have been communicated to me it appears that the person referred to was not the lawful wedded wife in the legal sense of the word according to the custom of the petitioner, she was only his fiancée.

/I will be prepared

I will be prepared, if the Council wishes, to give more details, but I would like to point out the fact that the tribunals are seized of this matter, and therefore, under rule 81, it does not seem that there should be any action to be taken on the part of the Council in respect to such a petition, other than to ask the Administering Authority to communicate, for instance, the decision taken by the courts in respect to this matter.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I would like to ask the representative of France a question: In the Secretariat document on page 4 it is said "that the Public Prosecutor shelved his case because of his poverty." I would like to know how this matter is being dealt with now. Is the fact that the petitioner is a poor man of any importance now? Are there any facts in the possession of the representative of France with regard to this statement?

I think that we can ascertain this matter without any breach of rule 81.

Mr. LAURENTIE (France) (Interpretation from French): As regards the poverty of the petitioner, I think it is a question of a man who has very little money, and I should point out that in the penal trial, which has been undertaken at the present time, Mr. Jean Mouen has received what we call in French law "assistance judiciaire." That is to say, he does not have to pay any lawyer's fee, whatever may happen, in order to obtain his defence and before or after the judgment of the court.

As regards the other point, I did not quite get the first point raised by the representative of the USSR, but I think he must have referred to the way in which the tribunals were seized of the matter.

Have I replied exactly to the question of the representative of the USSR?

The PRESIDENT (Interpretation from French): This question is, therefore, for the time being before the courts pending a decision. The representative of France seems to me justified in invoking the provisions of rule 81, but of course when the court's decision has been made, then the Trusteeship Council might make a new examination of the matter if necessary. But for the time being, this question is being judged.

Rule 81 of the rules of procedure seems to apply.

/Mr. SOLDATOV

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): With regard to this petition, I would like the Administering Authority to clarify the fact that this petitioner was "fired" three times. Apparently he thinks that this should not have been done, and therefore this has to be clarified. This has nothing to do with rule 81, and therefore this subject should be clarified so that the Trusteeship Council could see clearly the conditions in the plants and factories, and why the petitioner was "fired" three times, etc.

Mr. LAURENTIE (France) (Interpretation from French): I am quite prepared to reply, but I confess that I do not see exactly what the representative of the USSR is referring to. I have before me simply the text of the petition of Mr. Jean Mouen, who does not seem to speak of any of these questions. Reading the petition completely, I see nothing of this sort at all. I think there must be a misunderstanding. The representative of the USSR seems to have understood that this person was "fired" from the factory, and not fired upon.

The PRESIDENT (Interpretation from French): I should say to the representative of the USSR that "fired" does not mean dismissed -- he was shot at.

In French it says that he received three revolver bullets.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): He was fired on. Will the representative of France find out about this matter of his being fired on several times? In fact, to be fired on three times is even worse than to be "fired" three times. Does this mean that the situation is such in the Territory that a man is fired on three times?

Mr. LAURENTIE (France) (Interpretation from French): I do not know whether it is better or worse, but I must say that the actual facts, according to all the results of the judicial enquiry which was undertaken, point to the fact that these three revolver shots were fired, but they were fired in the air in order to frighten Mr. Jean Mouen when he, having taken back his wife and having put her in a truck, was once again arrested by another truck, whose driver tried to take the woman away and who managed to. Then there was quite a discussion. In order to simplify things -- of course it was quite an inadmissible act, I admit -- one  
/colonist

colonist fired three times in the air in order to simplify the matter.

The PRESIDENT (Interpretation from French): As you see, this is a very dark story. It is a criminal matter which is now before the courts anyway, and the matter is being settled. I think that in this case rule 81 still does apply for the time being, and that the Trusteeship Council has no need to prolong the examination of this petition.

If the members of the Council agree on this point, it will be thus decided.

(Continuation in English): According to the fact that this case was sub judice, the best thing was to apply rule 81 in the matter.

(Continuation in French): I think the time has come to close our meeting, since we did not have our recess at 4 o'clock. I have suggested that we continue from 2:30 to 5:30 without any rest, except for possible exceptional circumstances. It is now 5:30; therefore, I propose to continue the examination of petitions tomorrow at 2:15.

/Mr. SOLDATOV

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I should like to know what question will be considered tomorrow.

The PRESIDENT (Interpretation from French): We shall continue to examine all the petitions.

Sir Alan BURNS (United Kingdom): I think I should point out to the Council that, so far as these petitions are concerned, I am ready to deal with the next one on the list, Mr. Amegbe, but I am very much afraid that I am not ready to deal with the others affecting British Territories.

The PRESIDENT (Interpretation from French): We will try to finish this question of petitions. Of course, it may be very short, and as, on the other hand, the Council did not appear prepared to take up tomorrow the question of administrative unions, we shall have practically nothing to do tomorrow.

Mr. PADILLA NERVO (Mexico): I ask the President to excuse me: I did not hear his ruling on the last petition, for the same reason as the representative of Australia -- we were talking together at the time.

If I understood rightly, this petition will be deferred in view of the fact that it comes under rule 81.

The PRESIDENT (Interpretation from French): I proposed that the Council reply to the petitioner that, as the question is being judged by the French courts, the Trusteeship Council, under the provisions of its rules of procedure, could not for the time being intervene. There is no reason for action.

In any case, the Council would reply to the petitioner, as it is in the habit of doing.

If, after the court's decision, the petitioner wishes to come before the Trusteeship Council with his grievances, then of course we can examine the petition anew.

Mr. PADILLA NERVO (Mexico): I should now like to ask a question, with respect to this petition, of the representative of France.

/I do not see

I do not see how rule 81 can be applied to this particular petition, because this is not directed against a judgment, but I wonder whether the President would allow me to address a question to the representative of France.

The only thing with which this petition has not acquainted the Council is whether it is a frequent occurrence for the people of this Territory to be able to do what has happened in the case of this petitioner: whether there is no particular legislation to avoid this question of a person taking away another man's wife.

Can a situation like this be dealt with in the normal manner of a complaint before a court, or do the authorities act on their own, as in the question of assault, or anything like that? That is the only question that comes to my mind with respect to this petition.

Mr. LAURENTIE (France) (Interpretation from French): I think we must now distinguish two things: on the one hand the fact that the petitioner has been deceived by the lady who was going to become his wife. This fact is of course fairly common in the Cameroons. I think it is fairly common in a good number of countries in the world. and I am not under the impression that legislation or tribunals can fundamentally change such a state of affairs.

On the other hand, as regards the violent action on the part of Mr. Belton at the moment when the woman escaped from her future husband to rejoin her lover, this fact is of course not in the least a common event. The result of the enquiry into this matter is that the violent nature of the gesture of Mr. Belton has nevertheless caused no kind of emotion or any kind of trouble at the place where it occurred, nor did it cause damage of a material or physical nature.

Under the circumstances French jurisprudence admits that acts of violence of this character do not call for the exercise of public action by the tribunals. The courts consider that they do not have to judge these matters directly. It is not the law but it is the custom to leave the person who wishes to complain to go before the penal courts himself. That is what occurred, and that was indicated to M. Jean Mouen, who was not actually refused justice in any way.

He was simply advised, since it was not a question of adultery in the proper sense of the word, but simply of breach of promise, to take it himself before the customary law courts, and to take the penal matter before the penal courts, with promise of assistance judiciaire.

/He did not do

He did not do this. He sent a number of petitions. This is not the first. He sent petitions to the Commissioner of the Republic and in a general way to all the Territorial authorities. As a result of this, when it was found that it was impossible to resist this inundation of petitions -- which he would have been better advised not to write, since he would of course have done much better to have gone before the courts himself -- then the Public Prosecutor decided that penal action could be started, and that is what happened. But actually, in this case, I do not think there will be anything more than a case for a simple act of violence, which we call in the French penal code, "coups et blessures", which is something not causing damage of any kind and for which penalties are small terms of prison or small fines.

Mr. PADILLA NERVO (Mexico): Thank you. That seems very clear.

Mr. SOLDATOV (Union of Soviet Socialist Republics)  
(Interpretation from Russian): After the President's last qualification, I no longer understand his first qualification.

In the beginning I understood him to mean that the Administering Authority will investigate the matter and present in the near future its remarks on the substance of the question. That was how I understood his first statement.

Now it seems that it has been suggested that we reply to the petitioner that we will not consider his petition because this matter is being dealt with by a court. I think there is inconsistency.

If we apply the first decision then it is correct and understandable. Yet the second one would not be so understandable. The petition is not in regard to any court sentence. He is not complaining against the sentence of a court and therefore I think that the President should maintain his first statement that the Administering Authority should investigate the matter and present to us in the near future its views, then everything will be clear and in compliance with the rules of procedure.

/Mr. LAURENTIE

Mr. LAURENTIE (France) (Interpretation from French): No, I really do not consider that the Administering Authority is in a position to present conclusions. What the Administering Authority can do, and what it will be very willing to do, is to present to the Council the result of the procedure resorted to both in the penal and civil courts. Of course, we must wait until this procedure has ended; I do not know exactly today where this procedure stands.

When court decisions are given, and when they are final, at that time we shall be quite prepared to present them to the Trusteeship Council, pointing out what the various provisions are. On the other hand, it is quite impossible for us to interfere in the judicial field. I think that the Trusteeship Council in rule 81 wished to prevent itself from interfering in this field, but this of course is even more impossible for the Administering Authority itself. A High Commissioner, or an administrative or governmental authority cannot intervene in any way in any kind of judicial action<sup>that</sup>/is under way.

Therefore -- I regret to say this, but it is a fact -- we can do no more than await the end of the procedure which has been started and then report to the Council the result of the decisions of the court.

Mr. INGLES (Philippines): I should like just to ask two questions for clarification in the records. The first question is whether the petitioner is, under native custom, married to this woman; whether it is only in accordance with French law that he is not married but has made only a promise of marriage. My second question is whether the existence or non-existence of a lawful marriage is at issue before the courts, because I understand that there is only one case here and that is the question of violence.

I should appreciate clarification from the representative of France on these two points.

Mr. LAURENTIE (France) (Interpretation from French): The marriage was a customary marriage -- a marriage under customary law -- which generally includes in Africa a fairly lengthy procedure which is only completed at a certain time, generally when the final marriage presents and other symbols of this kind have been exchanged. This was not the case; the marriage is not yet final and could not be considered as final; it was a marriage in preparation.

/This marriage,

This marriage, whether it was completed or not, was a marriage according to customary law. That is recognized as French law, inasmuch as any person in a French territory or a French Trust Territory is always free to maintain his civil status, and marriage concerns the civil status of the persons concerned.

The procedure which was open to Mr. Jean Mouen as regards damages or injunctions to be obtained against his wife could be carried out either before the jurisdiction for customary law which is organized for this purpose, and which has remained and been confirmed for this purpose, or else, if he preferred, before the French civil court invoking the custom. The result of the enquiry which has been conducted and the documents which I have received show that he was given the choice between the two manners of proceeding; it was clearly indicated to him that he could either go before the customary court or before the French court judging according to custom. Finally, Mr. Jean Mouen chose the customary court, and that is the one which will make a decision as regards the marriage.

I do not know exactly what the terms are in which the court was seized of the matter. It is probable that it will be a question of indemnity for breach of promise.

Mr. KHALIDY (Iraq): My question does not concern this subject, although this is becoming most interesting all of a sudden; I am learning a great deal about marriage.

I was going to ask the President whether, in view of the fact which he stated that we have nothing to discuss tomorrow, we need to come tomorrow.

The PRESIDENT (Interpretation from French): The representative of Iraq has anticipated what I was going to propose. In view of the fact that the Council does not seem very much prepared to go into the substance of the discussion on administrative unions, I think it would not be much good to meet for about half an hour or an hour which is the time it would take us to finish the petitions.

In the circumstances, I would propose to defer our next meeting until the day after tomorrow at 2.15 p.m., but I would earnestly request the members of the Council to be prepared to discuss administrative unions the day after tomorrow much more seriously than we have done today, because today we have beaten around the question without entering into the substance of it.

/Therefore,

Therefore, I would earnestly request the Council the day after tomorrow to discuss the substance of administrative unions. The day after tomorrow, at 2.15 p.m., we shall finish the Chapter on petitions and shall immediately start the discussion on administrative unions.

Mr. HOOD (Australia): There is a certain difficulty in completing all the answers to the rather long list of questions on Nauru by the time which was proposed. I should like to ask the Secretary what would be the latest time he could receive those answers in order to keep to the schedule which I think provided for the opening of the discussion on Friday.

Mr. ALEKSANDER (Secretary of the Trusteeship Council): According to the time schedule worked out for the Secretariat and approved by the Council, the special representative was supposed to submit the answers by this morning. We have not received them as yet, and it would require at least 24 hours, if not more, to process them as a document and distribute it to the Council. Therefore, if we receive these answers by tomorrow, the Council will not be in possession of the document before the day after tomorrow.

As the discussion is scheduled to begin on Friday 24th June, the members of the Council will have not more than 24 hours -- perhaps less -- to consider the answers of the special representative. I do not know whether, under these conditions, the Council would like to reconsider the schedule.

Mr. RYCKMANS (Belgium): The members of the Council do not need more than 24 hours. If, instead of having written answers, they have spoken replies, they have one minute to listen to the replies. Why, then, do they need more than 24 hours to consider a written reply?

/Sir Carl BERENDSEN

Sir Carl BERENDSEN (New Zealand): I agree with the point of view of the representative of Belgium. I think we would be taking a very stupid and backward step if, at this stage, immediately after we have decided upon our schedule, we start to alter it. I think we should certainly endeavour to keep to that schedule and begin the discussion on Nauru on Friday even if receipt of these written replies is a little late.

The PRESIDENT (Interpretation from French): It is agreed:

Mr. HOOD (Australia): We shall do our best.

Mr. ALEKSANDER (Secretary of the Trusteeship Council):

May I ask when the Secretariat will receive the answers? Otherwise, it would seem that the responsibility for keeping to the schedule rests with the Secretariat.

Mr. HOOD (Australia): Sometime tomorrow.

The PRESIDENT (Interpretation from French): Then on Thursday, 23 June, at 2.15 p.m. the Trusteeship Council will finish the petitions and take up administrative unions.

The meeting rose at 5.51 p.m.