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TRUSTEESHIP COUNCIL

Fifth Session

VERBATIM RECORD OF THE TWENTY-FIRST MEETING
(Transcription from sound recording)

Lake Success, New York
Friday, 15 July 1949, at 2.30 p.m.

President:

Mr. Roger GARREAU

France

Note: The Official Record of this meeting, i.e. the summary record, will appear in provisional mimeographed form under the symbol T/SR.185 and will be subject to representatives' corrections. It will appear in final form in a printed volume.

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

REPORTS OF THE UNITED NATIONS MISSION TO EAST AFRICA (T/217, T/217/Corr.1, T/217/Corr.2, T/217/Add.1, T/217/Add.1/Corr.1, T/218, T/218/Corr.1, T/218/Add.1, T/333, T/350, T/351, T/352, T/353, T/361, T/361/Add.1, T/364) (discussion continued).

The PRESIDENT (Interpretation from French): We shall finish the examination of what we were discussing yesterday, that is, the report of the Visiting Mission to the Territories of East Africa.

You have before you document T/372, which contains the proposal of the Mexican delegation with the amendment proposed during yesterday's meeting. I would like to know whether this resolution can be adopted in its present form, and I hope that we shall not lose much time in discussing it to-day.

I would like to ask the members of the Council to present their observations in connexion with this document.

Mr. INGLES (Philippines): Before the close of the last meeting my delegation announced that after a study of the draft resolution presented by the delegation of Mexico it would be in a better position to make further observations thereon.

At the outset my delegation would like to express its appreciation to the delegation of Mexico for presenting this draft resolution which may really expedite the disposition of this particular item on our agenda.

At the last meeting my delegation proposed that the last paragraph of the draft resolution presented by the delegation of Mexico should be amended by including among the things to which the Council is asking the Administering Authorities concerned to give careful consideration, not only the conclusions of the Visiting Mission but also the observations made by the members of this Council in connexion with the report of the Visiting Mission.

During the January session of this Council we discussed at length the report of the Visiting Mission with respect to Tanganyika and Ruanda-Urundi. After a long discussion it was decided not to take final action until after the Council had received the counter-observations of the respective Administering Authorities. Now

/ that we have

that we have received these observations my delegation believes that we cannot dispose of this item without at least making some reference to the discussions on the matter held in the Council. It seems to my delegation that if we omit any reference to the observations made by the members of the Council then the long discussions held by the Council last January will have been only a waste of time and the observations made will therefore have come to nought.

For this reason my delegation would like to ask the representative of Mexico whether he would be agreeable to adding the following words after the last paragraph: "as well as to the observations made thereon by members of the Council."

The last paragraph would therefore read as follows: "INVITES the Administering Authorities concerned to give most careful consideration to the conclusions of the Visiting Mission as well as to the observations made thereon by members of the Council."

The PRESIDENT (Interpretation from French): I should like to ask the representative of Mexico to state whether he accepts the amendment proposed by the representative of the Philippines.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): I do not think there could be any objection on the part of the Administering Authorities who are interested in the question, to the text which has just been proposed by the representative of the Philippines.

Merely from considerations of a stylistic nature I should like to avoid repeating twice the word "observations". In my opinion it would sound better in one case to say "comments" instead of "observations".

On the other hand, as I have stated from the very beginning, I do not think that this could raise any objections from the point of view of the Administering Authorities because even if we should assume that these Authorities have to take note of observations made during the discussions here, at any rate there is an obligation for the Council to stress that these observations which are made here should be studied and taken into account.

/ Therefore that is

Therefore that is my opinion concerning the proposal advanced by the representative of the Philippines.

As a counter-proposal I suggest to replace the word "observation" by the word "comments." It is just a question of style. On the other hand, as far as I am concerned personally, I would propose another slight change: that in the fourth paragraph we have the word "recommendations" in the fourth line. I would like to add the word "recommendations" to the fourth line of the fourth paragraph. That is all I wanted to say.

Mr. RYCKMANS (Belgium) (Interpretation from French): I understand that all the Administering Authorities, as the Government which I represent here, read carefully the records of the meetings of the Trusteeship Council. Therefore I would not have any objections to a proposal to invite the Administering Authorities to give most careful consideration to whatever happens in this Council. It seems to me rather superfluous and I would ask myself the question whether it is proper that the Council or the General Assembly of the United Nations should assume the task of inviting the Administering Authorities to pay special attention to observations which sometimes the Council does not consider to be its own and which did not obtain the approval of the majority of the Council? If you invite the Governments to give most careful consideration to the proposals or observations which have been made by individual members and on which there was no vote taken -- and perhaps if there were such a vote there would be eight or ten votes against such a proposal or observation -- it seems to me that this would be a new procedure which I consider to be dangerous.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): I do not know whether the words "to give most careful consideration" have any special sense in Spanish and a different sense in French. "To study or to carefully consider" in my mind simply means to study and analyze. It does not mean that one is obliged to follow the observations which one is requested to study. It merely means that one should pay attention, all the attention such remarks merit.

/My delegation has

My delegation has accepted the proposal of the Philippines. Why have we accepted it? Because the Council has not voted yet to approve the report. If we have not yet voted it is because we consider that the report should not be put to the vote in the Council as we explained already yesterday.

We consider, however, that without declaring ourselves in full agreement with all the observations made in the course of discussions we admit that the Administering Authorities, in the particular case of the report on East Africa, should be requested to take into consideration and to carefully study the observations made. I see nothing dangerous in this. Certain of these remarks are of a critical nature, others, on the contrary, are of a laudatory nature; I do not think that this will lead us into any considerable difficulties.

It seems to me that after these explanations I think Mr. Ryckmans will be satisfied and will not see any dangers for the future in a clause of such a nature.

Furthermore, if the Council did not agree that the delegations who take part in the work of this body could make observations of a special nature, then the Council would not accept that we should send reports to the General Assembly, reports which take into account the annual reports and which contain chapters on the individual remarks of individual delegations. We do not add to these resolutions and observations; we merely state them. Mr. Ryckmans himself says that the Administering Authorities do this automatically and that is all that we are asking them to do.

Therefore, it seems to me that after the explanations I have given, Mr. Ryckmans will no longer oppose the proposal advanced by the representative of the Philippines.

Mr. RYCKMANS (Belgium) (Interpretation from French): I did not express here my objections. I will vote for this proposal even if this addition is made but I still think that it is not proper; however, ^{question} the/ is not important enough for me to vote against this resolution.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): As is known, the report of the Visiting Mission of the Trusteeship Council which in 1948 visited Tanganyika and Ruanda-Urundi was considered at the fourth session of the Trusteeship Council in a preliminary manner. This was

indicated in the appropriate decisions of the Council during the fourth session.

During the consideration of this report several members of the Council introduced proposals with regard to this report in general and also a series of concrete recommendations addressed to the Administering Authority. In connexion with the fact that a decision was taken to continue the consideration of this report at the fifth session of the Trusteeship Council, the Council did not consider at the fourth session the recommendations and proposals introduced into the report. It was obvious that this part of the work of the Council would be continued at the fifth session of the Council.

At the present time a proposal is made not to go on with this work and not to make any recommendations to the Administering Authority in connexion with the report of the Visiting Mission. We cannot agree with such a proposal. We are of the opinion that the Trusteeship Council should consider the proposals already introduced and those proposals that may be introduced: proposals and recommendations on the substance of the matter which are dealt with in the report of the Visiting Mission. We are of the opinion that the Trusteeship Council should take decisions on the substance of these recommendations and proposals.

Therefore it is difficult to agree to proposals which, in fact, are directed towards disregarding the completion of the consideration of the report which was considered at the fourth session in a preliminary manner only.

/The PRESIDENT

The PRESIDENT (Interpretation from French): Has the representative of the Soviet Union a proposal or draft resolution he would like to put forward?

Mr. SOLDATOV (Union of Soviet Socialist Republics)(Interpretation from Russian): I have presented the views of the Soviet Union delegation and that is all.

The PRESIDENT (Interpretation from French): I addressed that question to the representative of the Soviet Union because we have before us now only one single proposal, one resolution to which an amendment was added during the discussion of this question yesterday and today. The Council has under consideration only this one resolution and amendment. If there are other draft resolutions, they could be put to the vote at the same time.

If there are no other proposals or observations, I shall put this resolution to the vote.

Mr. NORIEGA (Mexico)(Interpretation from Spanish):
I merely^{wish}/to observe -- despite the fact that my explanations will have no influence on the voting, probably -- that the fourth paragraph of my proposal leaves the future open so far as the report of the Visiting Mission is concerned. The examination of future reports will be the work of the future and this document will be indispensable for reference in the examination of future reports.

At the present time, in view of the fact that we have very little time at our disposal, I do not think we can possibly start a complete and detailed analysis of the report of the Visiting Mission. The factual situation with which we are confronted is that a great many facts which are mentioned in the report are changing and being ameliorated at the present time. From the practical point of view, therefore, the report will conserve its full importance -- as I say in the fourth point of the resolution -- in the future examination of reports. The examination of the reports on Ruanda-Urundi and Tanganyika will profit from the work of the Visiting Mission as set forth in their report.

It seems to me, therefore, that what was stated by the representative of the Soviet Union in no way detracts from the fact that this report will be very valuable as a reference work in the
/future.

future. Therefore, it seems to me, if there is no further discussion, the best thing would be for the President to read the resolution in its final form and put it to the vote.

The PRESIDENT (Interpretation from French): I will read the last paragraph of the resolution and then we will proceed to the vote.

The word "recommendations" has been excluded, and it now reads: "the observations and conclusions of the Visiting Mission."

The third paragraph now reads:

"DECIDES that, in formulating its own conclusions and recommendations in the course of its examination of future annual reports from or of questions relating to the Trust Territories concerned, the observations and conclusions of its Visiting Mission and the observations of the Administering Authorities concerned shall be taken into account."

and the last paragraph reads:

"INVITES the Administering Authorities concerned to give most careful consideration to the conclusions of the Visiting Mission as well as to the comments made thereon by the members of the Trusteeship Council."

We shall now proceed to the vote on this draft resolution.

A vote was taken by show of hands.

The Mexican draft resolution was adopted by 11 votes to none.

Mr. INGLES (Philippines): I have a question to raise in connexion with the disposition of this item on the agenda. But before I proceed I should like to express the view of my delegation that the approval of the resolution regarding the report of the Visiting Mission to East Africa should not be taken as a precedent

/to be followed.

to be followed with respect to the reports of future visiting missions because in fact the terms thereof limit the scope of the resolution to the report of the Visiting Mission of 1948 to Ruanda-Urundi and Tanganyika.

It is observed by my delegation, for example, that the special Visiting Mission to Western Samoa gave rise to specific recommendations made by this Council to the Administering Authority.

The point I wish to raise is with respect to the various petitions we discussed during the last session and ^{with} which the Council decided to deal in conjunction with the final examination of the report of the Visiting Mission. Now that we have approved a resolution with respect to the report of the Visiting Mission to East Africa, the question arises as to whether these petitions are likewise disposed of without further discussion or whether it is necessary for the Council to take up these petitions in accordance with its previous commitment to examine them again.

The PRESIDENT (Interpretation from French): The petitions which have just been mentioned can be examined either during the present session or their examination can be adjourned to the following session when we shall examine the reports concerning the Territories concerned. The Council must decide whether these petitions will be examined at the same time as we shall examine the reports.

I personally think it would be better, perhaps, to examine these petitions fully -- some of them are very important -- at the same time as we shall examine the reports on these Territories because these reports certainly will give us very interesting indications which will enable us to form more exact opinions on the points raised in the petitions.

/This of course

This, of course, is only my own personal opinion which I present for the discussion of the Council. If anybody has any observations on the subject, I will be glad to give him the floor.

The representative of the Philippines has raised a question but did not give an answer to the question he raised. I think it is important to examine the petitions which have not been examined yet and which are still in suspense.

Mr. KHALIDY (Iraq): Will we actually have time this session? I am not saying that we ought to defer it to the next session, but if we do not have the time, we certainly have no other alternative.

The PRESIDENT (Interpretation from French): I do not think that we would have time to examine these petitions during the present session. We have still a very full programme ahead of us. I think we could only proceed to a very rapid examination, a superficial examination, and during the next session I think we would have time to study fully these petitions, and besides that we would have the reports from the Administering Authorities, which will provide us with all the necessary documentation.

Mr. SONDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I would like some clarification as to which petitions the President is speaking about. What exactly are the petitions he mentioned?

The PRESIDENT (Interpretation from French): We will indicate them to you. You have in document T/217/Add. 1 a list of petitions which were included in the report of the Visiting Mission to Ruanda-Urundi. As far as Tanganyika is concerned, a list of petitions which were presented to the Visiting Mission is included in document T/218/Add.1.

I shall indicate the petitions in question: petition from Mr. Van Saceghem, document T/PET 3/14; petition from ^{Gassamunyiga} Mr. Matthieu, document T/PET.3/8; petition from Mr. Francis Rukeba, document T/PET.3/9; petition from Mr. Musse K. Bin Kalimba, document T/PET.3/10; petition from Mr. Clement Ntilampaqa, document T/PET.3/12; petition from twenty-two Shinyanga Township Africans, document T/PET.2/51; petition from the Tanganyika Bahaya Union, document T/PET.2/53-PET.3/11; petition of the Chagga Council Moshi, document T/PET.5/9; and petition from the
/Tanganyika African

Tanganyika African Association, document T/PET.2/61. Such are the nine petitions in question.

As I just told the Council, it would be difficult, if not impossible, for us to examine these petitions during the present session. On the contrary, it would be better to examine these petitions when, during our next session, we will examine the reports on Ruanda-Urundi and Tanganyika.

Mr. LAURENTIE (France) (Interpretation from French): If I am correct, at a previous session we already considered petitions which had a specific purpose and on which the Council could give a concrete, precise reply to the author of the petition.

On the other hand, we left aside petitions of a general nature or which raised questions of a general nature. It seems to me that the resolution we have just voted upon had as its purpose to spare the Council, at this session, a general discussion on Tanganyika and Ruanda-Urundi, so that these questions could be fully discussed at the next session.

In these conditions, it seems to me that we should defer to the next session these petitions which are of a general nature and raise questions of a general nature, and we must defer them because this is dictated by the very nature of the decision which we have just taken.

The PRESIDENT (Interpretation from French): The petitions in question were of a general nature, that is true. I should remind you that the Trusteeship Council decided during the last session to examine questions of a general nature concerning Tanganyika which were raised in petitions. We decided that this practice should be applied to all petitions of a general nature -- when the Council would definitely examine the report of the Visiting Mission. Therefore, these petitions, in conformity with the resolution which has just been voted by the Council, should be examined at the same time the Council will examine reports on the two Territories, Ruanda-Urundi and Tanganyika, during our next session.

Therefore, these petitions remain on our agenda and we will take them up again when we examine the reports. I repeat, these petitions presented observations of a general nature and they will be one of the bases of our discussion during the examination of the reports on those Territories.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): Some time ago a tendency became obvious of

/dividing

dividing petitions into different categories, one group of petitions to be considered and the other to be postponed sine die.

A petition is a petition. A petition was sent to us and we must consider such a petition and take a decision on it. At the fourth session of the Council a series of petitions was not considered and no decisions were taken in view of the fact that the report of the Visiting Mission was considered in a preliminary manner, and it was decided that this report would be considered at the fifth session.

/What do we have now?

What do we have now? We postponed these petitions from the fourth to the fifth session of the Council. Now at the fifth session it is suggested that these petitions should be postponed to the sixth session. At the sixth session of the Council it will perhaps be said that they should be postponed to the seventh session.

What reason can be given for dealing with these petitions in such a manner? I cannot agree with such an attitude to petitions which have been received by the Council, and which it must consider. A petition is a petition. We must consider it as soon as possible, on the basis of the rules which govern such matters, and we have no reason whatever to postpone the consideration of petitions which were received by the Visiting Mission and which were listed here by the President.

Another thing, it may be that the consideration of these petitions can be short, and that the decision can be taken in a different manner, rather than on the petitions, which are purely concrete personal matters. That is for the Council to decide. But the petitions should be considered and some decisions must be taken. This is obviously our duty and we cannot postpone it from one session to another, and then to a third. We cannot do that with regard to petitions which were received by the Visiting Missions, and which we must consider.

Therefore I cannot agree with the view that we do not have the time to consider such petitions. A petition is an important document. We must consider such petitions on the basis of the Charter of the United Nations. It would be wrong to postpone their consideration from one session to another.

As you remember, at the fourth session the USSR delegation was of the opinion that these petitions should have been considered at that time. But a different decision was accepted. Now we are told that they cannot be considered even at the fifth session.

As I said, I cannot agree with such an attitude to petitions, and therefore would request that members of the Council should express their views on the matter raised here by the representative of the Philippines, for this is an important matter which deals with the basic work of the Council.

The PRESIDENT (Interpretation from French): I must remind the Council that the petitions which were presented and which demanded a decision, for instance, when there were complaints about some particular point, were all examined and ^{the} decisions will be acted ^{upon} during this session.

/But these

But these other petitions are of a general nature and most of them are of an informative nature. They are petitions which take into consideration a whole series of political facts which enter into the general framework of the examination of economic, social and political life in the Trust Territories.

It is therefore quite normal that such petitions should be examined at the same time as the Council examines the reports of the Administering Authorities. Otherwise, if we should proceed to examine all the points raised in these petitions, it would be equivalent to the Council re-examining the entire political, economic and social structure of the Trust Territories. I repeat that we should not have time to do this during the present session, because it would mean going back to a detailed examination of general conditions in both Territories, i.e., Ruanda-Urundi and Tanganyika. I must draw the attention of the Council to this fact.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): I am very much afraid that we shall spend all afternoon discussing this matter, and in the end we shall decide that we have no time to examine these petitions. We shall have lost all the afternoon in discussing the question of whether we shall have time or not.

I think it would be much simpler if we see what questions we could study and examine, and then we shall know whether we have enough time to devote to the petitions. Personally, I do not think that we shall have enough time to consider the petitions, but if we cannot do so I think that our moral responsibility would be covered by considering one or two such petitions, leaving the remainder to be discussed fully at the next session.

I think the thing to do is now to establish what time we have before us and what time we can devote to the examination of these petitions. If we have time, then we could examine one or two petitions in full detail.

Mr. RYCKMANS (Belgium) (Interpretation from French): Let us imagine that tomorrow the Trusteeship Council should receive a petition or a communication from some-one who says to the Trusteeship Council that the United States Administration of the Pacific Islands is very poor, and that the Americans did nothing to develop public health, education, etc. According to our rules, if this petition had been received six weeks before the session, it should be considered at that session.

/Would the Council

Would the Council really set forth to consider such a petition, which contained only general criticism of the Administration, if there were no personal grievances with which the petitioner dealt and he referred solely to the general problem of the United States Administration of the Pacific Islands? Would the Council take up again a problem to which several meetings of the Council had already been devoted? Of course not.

I indicated to the Council a long time ago that we are considering to be petitions documents which are, in fact, only communications to the Council, containing only general criticism of the Administration. If we were to consider such documents as petitions, then we must examine them. But, in fact, we shall not consider them. In connexion with the consideration of the annual reports, we should deal with these matters in any case, even if the petitioner had not brought the attention of the Council to them. When we come to the appropriate chapter of the report, for example, on education, political development or any other chapter, we shall consider that matter.

It would be absurd if we were today to consider certain chapters of the reports on the Tanganyika and Ruanda-Urundi Territories, when the reports which we shall consider at the next session are already in our possession, and they contain exactly the matters with which this petition deals. It seems to me that we must openly say that there is no urgency in considering this criticism, and that there is no possibility of doing so other than at the time of the consideration of the report of the Administering Authority.

The PRESIDENT (Interpretation from French): The representative of Mexico has proposed that we should pass quickly to a review of the petitions, a list of which I have indicated, to see if there is any possibility of examining one or several of them during the present session. I believe that is the substance of what Mr. Noriega proposed.

If the Council wishes it could examine this point when it comes to the point on the agenda concerning petitions, that is, after we have adopted a certain number of draft replies. I will then request the representative of Mexico to raise the question again and we will then take a decision.

A last point on which we must take a decision, also, is the question of the report of the Mission. On the basis of rule 99 of our rules of procedure, the Council must take a decision as to the publication of this report, and the possible publication of the remarks presented by the Administering Authority.

/I think that in the

I think that in the present state of affairs, the Council will probably consider it possible to authorize the Secretary-General to publish the report of the Visiting Mission and at the same time, observations presented by the interested Administering Authorities.

If there is opposition to this, then this is the decision we shall take. It is then decided that the Secretary-General can proceed to publish the report.

Mr. RYCKMANS (Belgium)(Interpretation from French): I hope that the Council will consider as observations of the Administering Authority and also document T/361 which was distributed to us.

The PRESIDENT (Interpretation from French): If there are no further remarks then it is adopted.

Mr. NORIEGA (Mexico)(Interpretation from Spanish): The delegation of Costa Rica probably will hesitate to request the inclusion of its memorandum. The Costa Rica delegation is very modest, but I think it would be a good thing to include that memorandum concerning this Mission. I do not think there will be any objections.

Mr. LAURENTIE (France)(Interpretation from French): I am sorry to say that I cannot agree with Mr. Noriega in this question. I think that the Council must make a distinction. Last year, the Council sent a Visiting Mission to the East African Territories. This Mission was sent on behalf of the Council, investigated on behalf of the Council and presented its report to the Council. This Mission was, so to say, an expression of the Council.

From the moment when the report was presented to the Council, the Mission ceased to exist, but up to that moment the Mission worked on behalf of the Council. After that, each of the members of the Mission regained his freedom of expression. From the moment when the Mission was disbanded, none of the members could be considered to be working in behalf of the Council.

The Council is to publish the report of the Mission. If the observations and remarks made by different delegations should be added, it should be done as is done in the case of recommendations to the Administering Authorities: there must be a Part III which contains all these remarks. It will then be the individual observations presented by the delegations in their individual capacity. Then the observations of Costa Rica could be published, but only in this capacity. If this is not so done, then there may be dangerous confusion which may be most regrettable for the Council because, under the

same label, we would be publishing that which comes from the Council and the personal observations of the various delegations.

The participation in a visiting mission does not mean that a member of the mission can make statements which are similar and which can be compared with the general report of the mission.

Once more I repeat that this does not mean a criticism of the observations made by Mr. Woodbridge. Mr. Woodbridge was our best colleague during our mission and his views were interesting and understandable. But once more I must say that the Council must defend its own point of view, as compared with the views of the individual delegations. This is a very important point.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): I am in full agreement with Mr. Laurentie that if we publish this document it is necessary that the origin of the document should be precisely indicated. It should be indicated that the memorandum of the delegation of Costa Rica is published as an individual personal opinion. But this document has an importance all its own because the work of the Visiting Mission was commented not only officially but ^{also} semi-officially by the press. I shall therefore not go into further detail by commenting on the press remarks which were made concerning this memorandum. It is sufficient to say that if these comments accuse members of the Mission of not working as they should have, we must then say that the authors of such comments have no idea of what the Trusteeship System really is. The only conclusion one might draw from these press comments is that it would harm the prestige of the delegations which took part in the Mission.

I therefore consider that the publication of the memorandum of Costa Rica is quite legitimate and is justified. Taking into account the observations made by the representative of France, I think it would be quite normal and very useful to publish the document presented by the delegation of Costa Rica indicating that it is not the opinion of the Mission, but the personal opinion of a delegation.

The PRESIDENT (Interpretation from French): I must remind the Council of rule 99 of our rules of procedure which states:

"the report and the decisions or observations of the Council with respect to each such report, as well as the comments made by the Administering Authority concerned, may be published in such form and at such date as the Council may determine."

/Therefore

Therefore, what the Secretariat may publish is, first of all, the report itself, then observations of the Council on this report -- the Council as a collective organ, not as individual members -- and observations formulated by the Administering Authority. Therefore there are three points here which seem to me very clearly determined by rule 99.

Mr. SOLDATOV (Union of Soviet Socialist Republics)(Interpretation from Russian): In rule 99 of our rules of procedure, it is stated that the observations of the Trusteeship Council and of the Administering Authority may be similarly published.

As is known, we do not publish the observations of the Council. Why, then, is the question being raised concerning the publishing of the observations of the Administering Authority? I do not fully understand this and I should like to have some clarification.

The PRESIDENT (Interpretation from French): It is not my role to explain rule 99. It seems to me to be absolutely clear that it is normal that the Administering Authority should be able to present its observations, because, after all, it is the Administering Authority which is concerned in this report. Therefore it seems quite normal -- and it was accepted by the Council in establishing its rules of procedure -- that the Administering Authority should give its observations and that these opinions should be published at the same time as the report.

/As to the

As to the remarks of the Council, these are the remarks of a collective organ of the United Nations. There is no question of publishing individual opinions and remarks; I would draw the attention of the representative of Mexico to this.

I think that ⁱⁿ the French text there is absolutely no doubt as to the meaning of rule 99.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I have before me the Russian and English texts of the rules of procedure. I have already quoted the Russian; now I shall read the English text. In the English text it is stated: "Observations on each such report by the Council and by the Administering Authority concerned may be similarly published."

Thus, the question here is: . . . the fact that there must be observations by the Council. At the same time, there may be observations by the Administering Authority, and the observations of the Council and the Administering Authority "may be similarly published." We have no observations by the Council, and I ask therefore why we should place the Council in an unequal position. We publish the observations of the Administering Authority, yet we do not publish the observations of the Council.

This is the matter on which I should like some clarification; no other question is being raised now but that of equality of position of the Council and the Administering Authority.

The PRESIDENT (Interpretation from French): I must point out to the representative of the USSR that he read the old text of article 99; the text he read is not the latest text. The latest text reads as follows: "and the decisions or observations of the Council with respect to each such report, as well as the comments made by the Administering Authority concerned, may be published in such form and at such date as the Council may determine."

Mr. NORIEGA (Mexico) (Interpretation from Spanish): Rule 99 which the President has just read -- even as far as those members who adhere to the letter of the rule are concerned -- gives full justification for the acceptance of the publication of the memorandum by Costa Rica. I say this because rule 99 says at the end: "and the decisions or observations of the Council with respect to each such report, as well as the comments made by the

/Administering Authority

Administering Authority concerned, may be published in such form and at such date as the Council may determine."

What does this expression, "in such form", mean? Does it mean the kind of paper which should be used? No. Does it mean the dimensions of the publication? Again, no. Does it mean that the Council shall determine the shape or colour of these publications? No. It means, naturally, that the Council has the right and is free to add an appendix to this publication.

I do not think that the sense of rule 99 should be given such rigid interpretation as that advanced here. It seems to me that the most elementary view of justice, and the attacks which were made in the press against the work of the Mission, force us to accept the possibility of publishing the memorandum of Costa Rica as an appendix to the report.

In this respect it seems to me that the Administering Authorities concerned would have no objection. Rule 99 of our rules of procedure does not rule out the possibility of adding appendices, photographs, or whatever we may care to publish for the better information of the Council.

I must draw the attention of the members of the Council to the last two lines of rule 99 which do allow the Council to publish in the form of an appendix the memorandum of the delegation of Costa Rica.

The PRESIDENT (Interpretation from French): This is, of course, a very delicate question of principle. I do not think that the Council would have any objection to publishing the document presented by the Costa Rican member of the Visiting Mission. That is not the problem; the problem is that raised by the representative of France. There is here not only a question of principle involved, but a question of the advisability of publishing this memorandum because, in so doing, the Council would be establishing a precedent which might lead us into great difficulty in the future.

Therefore, I must draw the attention of the Council to the, in my opinion, quite formal text of rule 99. Although the representative of Mexico asked himself what was its real meaning, this does not change the last phrase of rule 99 which mentions only the decisions or observations concerning a report which are made by the Council. This certainly means the Council as a collective organ.

/If the Council

If the Council should vote on a document -- as, for instance, the document in question -- and should adopt this document as its own, however, these observations would then become the observations of the Council and not the observations of a member of a Mission which does not exist any more. But at present this document does not represent the observations of the Council and, on the basis of rule 99, the Council must take a decision as to whether the sanction of the addition of this document to the report corresponds with the terms of rule 99. That is the point to which I wish to draw the attention of the Council.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): The question which I raised remains unsolved, for the latest draft of rule 99 contains exactly the same idea as the old draft.

The question is the following: it is a question of publishing the report of the Visiting Mission. This is quite clear; the report of the Visiting Mission is a formal report. Next we must consider the problem of the publication of two documents: the observations of the Council on the report and the observations of the Administering Authority. At the present time we have no observations by the Council on this report, but we do have the observations of the Administering Authority.

The question now arises that we are publishing the observations of the Administering Authority, yet we have no observations by the Council. What is the result? The result is that the Administering Authority can express whatever conclusions it may wish to present on the report of the Visiting Mission-- these observations and conclusions will be published at the same time as the report -- yet the Council does not express its views on the same subject, nor can the Mission comment upon the observations of the Administering Authority. Thus the Council places its own body, the Visiting Mission, -- and therefore itself -- in an inferior position.

/This situation

This situation is clear from the rules of procedure and it would be clear even without such a rule, but the rule in the last form accepted speaks directly of the same matter which was dealt with in the old rule 99. I shall now read the English text:

"...and the decision or observation of the Council with respect to each such report as well as the comments made by the Administering Authority concerned may be published in such form and at such date as the Council may determine."

It could be said that we can publish the resolution accepted here and that this will be the decision of the Council with regard to the report of the Visiting Mission. But this would be at least a truism.

It is quite obvious that the matter dealt with is the decision and observations of the Council on the substance of the report. We cannot put the Council in an unequal position by taking a decision not on the substance of the report but a decision on a half a page, and putting it on the same level as the observations of the Administering Authority which presented a voluminous document to the Council.

Therefore, this matter must be discussed in some way and we should not perpetrate any errors here or create any precedent which we may regret as has already been said. I suggest that the members of the Council should express their views. I just expressed my view and I did not introduce any proposal. I would like to know what the opinions of the other members of the Council are on this matter.

The PRESIDENT (Interpretation from French): If I correctly understood the representative of the USSR, he agrees with my interpretation of rule 99 that there is an equilibrium in the documentation to be published; on the one hand, the report of the Visiting Mission and, on the other hand, the observations of the Administering Authority and the observations of the Council.

The representative of the USSR observed that at the present moment there are no observations emanating from the members of the Council. Therefore, one cannot publish at the same time as the report of the Visiting Mission and the observations of the Administering Authority, observations of the Council which do not exist. It seems to me that this interpretation by the representative of the USSR is the same as mine, but his conclusion is a different one of a practical nature which is very interesting and should be discussed and examined by the Council.

/Mr. KHALIDY

Mr. KHALIDY (Iraq): What the President has said is quite correct and wise, so is it necessary to publish the report in that case? I do not see any pressing necessity at the present time to publish the report. Perhaps the President would reconsider the question at the next session, and leave the publication of the report until that time.

Mr. FLETCHER-COOKE (United Kingdom): In view of the remarks made by the representative of Iraq, I should like to confine myself to one point only. If and when the report is to be published, it is quite clear from rule 99 that it contains three parts and three only: the report itself, such decisions or observations of the Council -- not of individual members of the Council; and the comments made by the Administering Authority.

This Council has just, by a majority of 11 votes to none, taken its decision on the report and that I would take to be its decision or observations or conclusions and that resolution would normally form part of the printed document if any. But I suggest, as the representative of Iraq has proposed, that we leave this question until a later date.

Sir Carl BERENDSEN (New Zealand): Listening to this debate has made me regret exceedingly that I came back to Lake Success today. We are engaged in our usual pastime of wasting time, and I hasten to say that it is in no way the responsibility of the President. I would not have added my two pennyworth to this discussion were it not for the fact that the USSR representative invited the views of the members of the Council.

It seems to me that the situation is so perfectly clear that it is not open to any doubt whatsoever. The rule in question provides that if we wish to publish, we can publish (a) the report of the Visiting Mission, (b) the comments of the Council, and (c) the comments of the Administering Authority. Quite obviously, if you are going to publish the report of the Visiting Mission -- a mission of people, I do not care of how high a calibre or quality, who go to a Territory and see it for the first time and spend a couple of weeks there and come to conclusions which would affront and affright in many cases people who have spent a quarter of a century considering the problems involved, a mission consisting of people on all fours with that well-known scarecrow, the gentleman who goes to a Territory,
/stays there

stays there two days and writes a book about it -- if you are going to publish the report of such a Visiting Mission after a two-weeks' visit -- and I am one of the principal critics of that two-week proposal because I think we should send missions for a long enough period to find out what it is all about and not short enough to merely make a catch judgment -- surely in equity and justice and in every decency, the people who are criticised, the people who have the responsibility for the peace, happiness and good order and government of the Territory are entitled to make their comments and have those comments published at the same time.

That seems to me to be so obvious as not to call for any argument at all. Should there be any additional comments published, I would disagree. Personally I agree entirely with the President and the representative of France that the rule does not give us that authority and it should not.

Is it suggested that any representative here who chooses to write a memorandum on the report on the Visiting Mission suggesting, for example, that the moon is made of green cheese should be entitled to have that published? Surely not. What should be published is only statements about the composition of the moon with which the Council as a whole agrees. That again I should think is so obvious as not to call for any argument.

I have nothing to say against this document. I think it is an admirable document, but if the representative of Costa Rica is entitled to have a document published, what about me? I would like to write a document and have it published too, and I will guarantee to make it interesting. But I would not suggest for a moment that that is the right and proper thing to do.

If the majority of the members of this Council vote to have my document published, that is perfectly within the powers of the Council, but it seems to me to be preposterous to suggest that any one member who produces a document, however admirable that document may be, is entitled to have it published.

I agree with the representative of Iraq who very sensibly suggests that it probably would not be wise at this time to publish this at all. I think the best thing we can do now is to save the time we have been frittering away for the last hour, decide that we are not going to publish the document at this time and, if anybody wants to publish it later on, we shall argue it then.

/Mr. SOLDATOV

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): To a certain extent the President endeavoured to interpret the views of the Soviet Union representative with regard to the Council's attitude to the report of the Visiting Mission. I did not touch on this question and I did not express any views on this matter and I would like the President to bear that in mind.

I only dealt with the subject in the rules of procedure but I did not touch upon the question of what form the decision of the Council and the observations of the Council should take.

I should like this to be taken into consideration and the fact to be borne in mind that I do not agree with the President's interpretation and views on the statement of the representative of the Soviet Union. I did not deal with this question.

Secondly, it is not quite clear what is the right of the delegation of Costa Rica to publish its views. It seems to me that the representative of Mexico correctly speaks of the right of the delegation of Costa Rica to do so. In fact we have in the text of rule 64 of our rules of procedure: "A statement of minority views may be appended to a report or recommendation of the Trusteeship Council at the request of any member."

If the Council decides that it has a decision on the report of the Visiting Mission then the representative of Costa Rica has the full right to request that, together with the publication of the decision of the Council -- if the decision be taken that the Council's resolution be accepted -- he adds the statement of his delegation

with a request that it be published. It seems to me to be quite clear and no confusion exists.

The PRESIDENT (Interpretation from French): The representative of the Soviet Union has clarified his point of view. I asked him whether I understood him correctly but apparently I did not. Now I think that the whole Council understands very well the interpretation which the representative of the Soviet Union gives to rule 99.

The question is now quite precisely explained and it is one as to the interpretation of rule 99 -- an exceedingly important question. If necessary we shall perhaps have to have recourse to legal consultation to interpret the exact meaning of rule 99. But if the

/ representative of

representative of the Soviet Union says that on the basis of rule 99 any member of the Council can request, as a right, to include in an official publication of the United Nations a document of an unusual character which is not a document recognized by the Council as one of its documents -- a document that is not a document emanating from the Council itself -- then, as far as the President is concerned, the question is so grave and so important that it would be necessary to have a legal consultation on the matter.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): I regret having to give an explanation but unfortunately sometimes, as the representative of New Zealand says, we do lose time. That is often because observations are advanced which do not really have anything to do with the question under discussion.

I admire very much the parliamentary ability and eloquence of Sir Carl Berendsen but at times he slips aside somewhat and says things about the people who visit a Territory for the first time in their lives and express an opinion on it. But unfortunately our Missions are always composed of people who visit Territories for the first time in their lives. I must remind Sir Carl Berendsen that it is a pity that the Missions are composed of people who visit Territories for the first time in their lives. Think of Palestine, for instance, or Korea: It is a really regrettable fact. But we cannot think that it is a mistake of ^{the} Organization. It is an inevitable thing which depends on the very character of the Organization.

As to the remarks of the President to the effect that we should have a legal opinion to know whether an individual opinion can be included in such a publication, I think that is quite correct. But I think that the memorandum presented by the delegation of Costa Rica is not a document of an individual character; it is a document from the delegation of Costa Rica in which Costa Rica expresses its opinion.

Mr. LAURENTIE (France) (Interpretation from French): I am sorry to have to come back to this question but the representative of the Soviet Union, in order to support the view that the delegation of Costa Rica has the right to publish this memorandum, referred to rule 64 of our rules of procedure which provides for the case of a statement of minority views. But in this case there could not be a statement of minority views because in the report it has been stated -- and you can

/ find it

find it in the report on page 9 with regard to Ruanda-Urundi and on page 6 with regard to Tanganyika -- that these two reports were accepted unanimously by the members of the Visiting Mission, there being in certain cases mutual concessions in order to arrive at this unanimity. Therefore there is no longer any place for statements of minority views.

Mr. LORIA (Costa Rica) (Interpretation from Spanish):

My delegation considered it necessary to present this document to the Council so as to clarify certain points which were the object of replies from the Administering Authority as far as the Territory of Tanganyika was concerned.

In view of the fact that the representative of Costa Rica, who was a member of that Visiting Mission, could not be present at the meetings of the Council the delegation of Costa Rica considered it necessary to present this document in written form to the Council so as to bring precision to these questions and therefore we request its publication so that it may be included in the general report of the Mission side by side with the replies of the Administering Authorities.

Therefore I formally request the Council to publish this document.

After the remarks of the representative of New Zealand, who spoke of representatives taking part in these Missions who have never been in the Territories before, it should be said that it so happens that the Visiting Missions go to these Territories with the aim of finding out what happens there. If the Mission consisted of people who live in those Territories and know what happens there there would be no reason for them to go. Therefore we would come to the final conclusion that we might suppress all Visiting Missions and that the Administering Authorities alone should present reports.

Mr. RYCKMANS (Belgium) (Interpretation from French): I do not see why such a simple question is being made so complicated. The representative of Costa Rica has given us the reason why this document has been presented -- because Mr. Woodbridge could not come to the meetings of the Council. If he could have done so he would have been the representative of Costa Rica and would have made his observations orally and they would have been included in the records of the / Council.

Council. But as Mr. Woodbridge could not be here and could not present his views orally the delegation of Costa Rica has written a memorandum asking that it be read here or be presented and distributed to the delegations.

/ If, to-day

If, today, publication is being requested, it is normal that this memorandum of the representative of Costa Rica should be included in the minutes of the meeting when it is presented and should be published in this form. This seems to me to be the only form of publication proper; the form of publication which would take place if Mr. Woodbridge could come here and present his views orally. But if we publish comments of a member of a Council -- written or oral comments -- together with the report of the Administering Authority then why not publish all the comments of other delegations? I do not understand that. It seems to me that the delegation of Costa Rica has the right to request that this memorandum should be taken into consideration and that it should be inserted in the verbatim records; if necessary, it should be inserted in full.

Mr. KHALIDY (Iraq): This is regrettably taking an unduly long time. We are venturing now into uncharted avenues. One subject is leading us to another. I thought we had exhausted this subject which is, to me, rather a relatively simply one and I thought I had made a proposal. I would like to repeat it in a somewhat precise form and I express the hope that the President will ask for the views of the Council and have done with it at once.

The proposal is 'for the Council/^{to}decide to postpone publication of the report until the next session.

The PRESIDENT (Interpretation from French): As I already told you, we have a proposal which has now been introduced formally by the representative of Iraq and therefore the Council should take a decision as to whether we should adopt this proposal so as to put an end to this discussion.

Does the Council adopt the proposal introduced by the representative of Iraq which is to adjourn the examination of the question of publication of the report of the Visiting Mission until the next session?

Mr. RYCKMANS (Belgium) (Interpretation from French):
But the question will arise in the same way at the next session.

/The PRESIDENT

The PRESIDENT (Interpretation from French): But we will have time to think about the question. We will have time to think about the legal importance of the question. It is a rather important question and I must expressly draw the attention of the Council to its legal importance. Therefore I think that all delegations would be considerably interested in having time to devote to its study.

For my part I consider that the proposal of the representative of Iraq is quite reasonable and well taken. I do not think that we could examine another resolution or take a decision on such a resolution on a point which was not on our agenda but which really demands a very serious study by all delegations. It is a question of interpreting a text which seems to be rather clear, in my opinion. Therefore, as I have already stated, if there is a divergency of interpretation of the text of this rule 99, then I think it will be necessary to have a legal consultation, but we should not hastily take a decision which would lead, perhaps, to a mistaken interpretation and which could lead us to very serious consequences. I must again draw the attention of the Council to this.

Therefore if there is no objection to the proposal introduced by the representative of Iraq we shall adopt it.

Mr. SOLDATOV (Union of Soviet Socialist Republics)
(Interpretation from Russian): I would like to get clarification. On what question is there need for legal consultation which the President mentioned? I do not understand. There is the impression that the President is suggesting to the Council a semi-decision on this legal consultation. On what problem, on what question?

The PRESIDENT (Interpretation from French): I have already explained that. The question is what is understood by the decisions or observations of the Council? Are these observations or decisions of private members, members in their private capacity in the Council, or of the Council as a body, as a collective whole? That is the precise point on which I thought there would be unanimous opinion but it seems to me that there is a considerable divergency of views.

/Mr. SOLDATOV

Mr. SOLDATOV (Union of Soviet Socialist Republics): (Interpretation from Russian): But who will give us this legal advice? Is not the Trusteeship Council the master of its own rules of procedure? The Trusteeship Council elaborated and accepted its rules of procedure and it is the supreme organ which can interpret these rules. Therefore I would like clarification on this matter. Here is a new question which is being raised: the question of the authority of the Trusteeship Council with regard to its own procedure. This is not clear and I would appreciate clarification.

Mr. RYCKMANS (Belgium) (Interpretation from French): I do not see why legal interpretation is needed with regard to this rule. It seems to me that this rule is quite clear and I agree fully with the representative of the Soviet Union that there is no need for any legal interpretation of a rule of procedure. If the Soviet Union representative wishes to introduce a change or modification in these rules of procedure which would mean that there should be added the observations of individual members of the Council, then the representative of the Soviet Union has to introduce such a proposal, a proposal that the rule be amended and then a change in the rules of procedure would be on our agenda. But without such a change this rule is quite clear. The decisions and the recommendations of the Council are those which were taken by a vote of the Council.

The PRESIDENT (Interpretation from French): I must tell the representative of Belgium that other members of the Council do not share his views.

Mr. RYCKMANS (Belgium) (Interpretation from French): But in a few minutes one can change the rule, if necessary.

The PRESIDENT (Interpretation from French): There is a point of order by the representative of Iraq.

Mr. KHALIDY (Iraq): I do not see how there is any question of legal advice, neither in our debate proper nor on the agenda. How did it creep in? There is a motion before this Council and the Chair was going to finish with it. How did the question of legal advice come into the debate? May we finish with this subject?

/We really have

We really have too much work to do and time is running short.

The PRESIDENT (Interpretation from French): That is all I want.

Once more I request the Council to pronounce itself. Does it adopt the formal proposal introduced by the representative of Iraq? If there is no objection we shall adopt it; if there is objection we shall proceed to a vote.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I should like to ask that this be put to a vote.

The PRESIDENT (Interpretation from French): Then we shall put to the vote the proposal of the representative of Iraq which is to adjourn the question as to when and how the Secretary-General shall publish the report of the Visiting Mission, this question to be postponed until the next session.

A vote was taken by show of hands.

The Iraqi proposal was adopted by 8 votes to 2, with 2 abstentions.

The PRESIDENT (Interpretation from French): The Council will recess for fifteen minutes.

The meeting was suspended at 4.20 p.m. and resumed at 4.48 p.m.

ADMINISTRATIVE UNIONS AFFECTING TRUST TERRITORIES (T/226, T/236, T/263, T/338, T/338/Add.1, T/355)

The PRESIDENT (Interpretation from French): We shall discuss the second point on our agenda which concerns administrative unions in Trust Territories. Document T/373 has been distributed to members of the Council containing a draft resolution presented by the delegations of Mexico and the United States of America. I presume that each member has this document and I would request the members of the Council to present their remarks and observations on this document.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): The delegation of Mexico, having taken part in the work of the committee charged with the examination and study of the question of administrative unions, and after exchanging views with the delegation of the United States, considered it would be useful to present this draft resolution for the Council's approval.

Undoubtedly, in a question of this sort, which is one of the most discussed questions ever examined by the Council and one which was closely studied by the General Assembly, my delegation thought that it would perhaps be premature to express a final judgment on the problem under discussion.

/The work of the

The work of the committee charged with studying this problem consisted chiefly in receiving all possible information pertaining to the question. Consequently, members of the Council probably have already noted that our committee has not drawn any conclusions except in the case of one Territory. Our committee has stated that the question is ^{very} difficult, and the delegations have confirmed the report as a formal gesture because it was necessary to confirm a report, but no delegation associated itself with the substance of the report.

Therefore, our delegation -- and the delegation of the United States will probably express its point of view separately -- considers that the best procedure in connexion with this question is ^{the} procedure which we have put forward in this draft resolution. I suppose that certain delegations, in studying this proposal, will probably wish to introduce amendments to it which, I presume, will probably conserve intact the right of the Trusteeship Council to take final decisions in administrative unions.

As I say, I hope that the explanations which I have just given will be complemented by the representative of the United States.

Mr. SAYRE (United States of America): I think no explanation is necessary after the lucid remarks of the representative of Mexico.

The President will remember that this is a question which we discussed at some length at a former meeting. At that time a working paper was introduced by Mexico and the United States -- the Council may have it -- T/C 6, 23 June 1949, a mimeographed document. I should merely like to explain to the Council that this is the same as that original suggestion, which was discussed at length and I believe approved by those who spoke at that time, with two exceptions. The first exception is that the original working paper contained a paragraph reading as follows:

"CONSIDERS that the Council is not opposed in principle to administrative unions where the Trust Territory involved derives economic and other advantages from common administrative services, where there is no substantial opposition by the indigenuous inhabitants, and where common administrative arrangements do not impede the development of the Trust Territory towards self-government or independence."

It was the view of certain of the representatives in the Council that the resolution would be better without that paragraph, so that that paragraph is not contained in this formal resolution introduced by Mexico

/and the United

and the United States.

The other change is very slight and hardly worth noticing. To read the last paragraph:

"REQUESTS the Administering Authorities concerned to make the fullest possible effort to furnish..."

There have been inserted the following words: "in their annual reports" and then "separate records, etc." Otherwise it is unchanged.

So far as I know those are the only two changes which have been made in the working paper, with one exception. In the next to the last paragraph on the front page the word "notes" of the working paper has been changed to "takes note of." I think it does not change the sense in any way.

There is another very slight change which is a merely verbal matter. In the third paragraph, which reads "HAVING RECEIVED a report," that should be "an interim report" to be accurate, and I suggest changing that to "an interim report and a report, document T/338" in the interests of accuracy. I presume that the representative of Mexico would be in entire agreement.

Those, then, are the only changes, and since the matter has been so fully discussed and, if my understanding is correct, has been agreed to by the members of the Council, I am happy to join with the representative of Mexico in urging the quick passage of this resolution.

Mr. INGLES (Philippines): In resolving the question of what the Trusteeship Council is going to say to the General Assembly by way of a report on this problem of administrative unions, my delegation believes that it is essential for us to go back briefly into the past and remind ourselves exactly what the General Assembly wanted the Council to do and exactly what the Council has done so far.

Let us first look at General Assembly resolution 224, which is reproduced in document T/226. The last part of this resolution contains the recommendations made directly to the Council. For our present purposes, the most important of these is sub-paragraph (a) which recommends that the Trusteeship Council "investigate these questions /pertaining to administrative unions/ in all their aspects with special reference to such unions already constituted or proposed..."

Sub-paragraph (b) recommends that the Council should "in the light of this investigation, recommend such safeguards as the Council may deem necessary..."

/Our obligations

Our obligations are quite clear: first, to investigate the problem in all its aspects, and, second, to recommend safeguards.

How have we approached this task and just what exactly have we accomplished? We set up a committee of six members, and this committee has presented two reports. But we did not delegate to this committee the Council's task of investigating administrative unions and of recommending safeguards. That is made perfectly clear in the terms of reference for the committee, as contained in document T/236. Paragraph 1 requires the committee "to undertake ... preparatory work with the purpose of facilitating the investigation by the Council..." I emphasize the term "preparatory work."

It is amplified in paragraph 2 of the terms of reference, which requires the committee to "draw up an outline of the various aspects of the problem" and "to collect all available information." We have the results of this preparatory work in the two reports of the committee.

/The first of these

The first of these is an interim report and, in fact, is simply a series of questionnaires addressed to the Administering Authorities concerned. After receiving the information asked for, the committee has presented its second report. This consists almost entirely of factual information and documentation, except that in the case of Tanganyika it does draw attention to certain aspects of the problem.

These two reports cannot, in the opinion of my delegation, be considered in any sense the results of an investigation. In the first place they are not meant to be the results of an investigation, because, as I have explained, the committee was not asked to make the investigation but only to undertake "preparatory work" for the Council. In the second place, even if the committee had not been thus limited, the reports in themselves are clearly not the findings of an investigation.

What we have before us is simply certain raw materials, simply a collation of information, which we may consider to be only the starting point of our investigation.

What is the next step which this Council must take? It seems to my delegation that we have two alternatives. Firstly, the Council may decide that the information presented to it by the committee is all that it needs in order to make its investigation. If so, we must examine it and come to a decision as to whether or not we are satisfied that the administrative unions and other arrangements are consistent with the Trusteeship Agreements and assurances given by the Administering Authorities. And if we are not satisfied, we must "recommend the necessary safeguards" in accordance with the Resolution of the General Assembly. That is the first alternative: to carry out the investigation now, on the basis of the data supplied by the committee.

The other alternative is that the Council may decide -- and in my opinion it should decide -- that it does not yet have sufficient information on which, in the words of the General Assembly Resolution, "to investigate these questions in all their aspects", and that in these circumstances it must devise a method of continuing this work.

I should like to emphasize that we have not yet investigated anything. We have no results to report to the General Assembly. We can only inform the General Assembly that we have so far merely carried out certain preparatory work, and that we are not yet in a position to state our definite views and that we are continuing this task.

My delegation wishes, therefore, to suggest a resolution, by way of amendment to the Mexican-United States resolution, that would state

/categorically

categorically before the Assembly that this Council is not yet in a position to report on the result of its investigation of these questions, and therefore decides to continue its investigation in accordance with the Resolution of the General Assembly.

In the opinion of my delegation, this Council should be honest enough to admit that it is not in a position at this time to make definite recommendations to the General Assembly, in accordance with the directive contained in Resolution 224, adopted on 18 November 1948.

Before I turn over the draft resolution to the Secretariat I should like to take up the method which, in the opinion of my delegation, this Council should devise in order that it may continue its work on the subject. The Council might decide to take up its Administrative or other Unions as we come to the examination of the annual report on the Territory concerned, or it may be preferable to set up a new committee, with fresh terms of reference giving it power actually to carry out an investigation on the Council's behalf, and to formulate a decisive report for the consideration of the Council.

We might even consider a combination of these two methods, with the committee working on one union at a time and reporting to the Council when the annual report from the Territory concerned is before the Council and the special representative from the Territory is available.

Mr. HOOD (Australia): I do not propose to comment particularly, at the moment, on the suggestions just made by the representative of the Philippines, beyond pointing out that the Resolution of the General Assembly requires the Trusteeship Council to report to the next regular session of the Assembly on the results of its investigations. In view of the limit of time, I doubt whether there would be the margin necessary to proceed to the further methods of inquiry which the representative of the Philippines proposed.

Turning to the actual text of the draft resolution, I have one or two remarks to make on it, mainly of a formal character. I think that basically the text presents a satisfactory course for the Council to follow and I think that if the Council decides to adopt a text of this kind it will have carried out its responsibility to the General Assembly, laid on it by the Resolution of last year, at any rate so far as the current year is concerned. The Resolution, of course, provides for continuing /exercise by the

exercise by the Council of functions of review of these arrangements in the Trust Territories.

In the first place, as regards the form of the resolution as a whole -- or at any rate, the operative part of it -- the General Assembly Resolution, which is the basis of action, in sub-paragraph (b) of its operative section requires the Council to "recommend such safeguards as the Council may deem necessary" etc.; that is to say, to recommend, presumably to the Assembly.

It therefore might be more proper, instead of using the word "decides" in the operative part of the present text, to say "the Council recommends" and leave it to the Assembly to endorse that recommendation and pass it on to Member Governments.

I should think that the sponsors of the resolution would have no difficulty in accepting that slight formal change.

/The other points

The other points affect particularly the operative paragraph and the succeeding, final paragraph. I note that the resolution, to some extent, follows the example set by the resolution of the General Assembly in referring, for example, to the "distinct political status" or "political identity"-- or "political integrity"-- of the Trust Territory. One or two of those terms were, in fact, used in the original resolution of the General Assembly, and to that extent they have that much authority.

But I think it is worth consideration by the Council as to whether it is really desirable to adopt these terms and to give them the further authority of reference in this resolution. It is not that there is anything at the moment particularly objectionable in the phrase "political status" or "political identity" of the Trust Territory, it is rather that one would be very hard put to define exactly what was meant by that, and there may be some danger that in adopting these terms, difficulties of interpretation will arise in the future, the solution for which is not very clear.

Is it not preferable, in that case, to adhere to the phraseology which has been most frequently used in connexion with Trust Territories, which conveys exactly the same idea and which has gained acceptance both in the Council and in the General Assembly and in all the connected functions of the United Nations.

More specifically, I would therefore suggest for the consideration of the sponsors of the resolution, the substitution of the phrase, in the apposite paragraph, "identity and status" of the Trust Territories, instead of "distinct political status." On the other side of the page, instead of "on the status or political integrity of the Trust Territories", the amendment "on the status of the Trust Territories as such" is suggested.

These suggestions might more conveniently be circulated to the Council in writing, which I shall do in due course.

In the same paragraph, there is also the introduction of a phrase which I think has not been used before to any great extent, and which again might seem to be open to different interpretations and certainly does not seem to be superior to the accepted terminology which has been used in this connexion. I refer to the phrase "their separate development as distinct entities."

If the Charter and the Trusteeship agreements provide quite clear language to cover that idea, I see no reason why that should not be adopted in this present connexion. What is actually meant is not "their separate development as distinct entities," but their "progressive development

/towards

towards self-government or independence." That is the responsibility of the Administering Authority under the Charter and under the Trusteeship agreement, and I think it is preferable to have it stated here specifically and in the terms which are used in the Trusteeship agreement.

Finally, in connexion with the last paragraph I have, once again, a formal change which I think would create no objections. What is intended, I take it, is that the Administering Authorities should have the obligation to make the fullest possible reports in separate form regarding each Trust Territory, particularly as regards records and statistics, as part of their regular annual responsibility of reporting to the Council on the administration and development of the Territory as a whole.

I feel that if this wording is left exactly as it is, it may create the impression that this is a specifically additional obligation which the Administering Authorities will have to discharge for the Council, whereas in the view of my Government, it is part and parcel of the obligation as it stands and which derives from Article 88 of the Charter. Therefore, to make this quite clear I would suggest a rewording which I shall circulate. It will state something to this effect:

"In order to facilitate the exercise of the Council's functions in this respect, the Administering Authorities concerned are invited to make the fullest possible effort to furnish in the annual reports submitted pursuant to Article 88 of the Charter, effective records and statistics and other information on each Trust Territory."

I hope that on consideration once again, the members who are sponsoring this resolution will see their way clear to accepting that suggestion. With the amendments I have presented, I would find the draft resolution acceptable and would be happy to support it.

The PRESIDENT (Interpretation from French): Do the sponsors of the resolution, the delegations of Mexico and the United States, accept the formal amendments as submitted by the representative of Australia? If not, I shall request the representative of Australia to present his formal amendments in written form.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): I wished to request the representative of Australia to be so kind as to present his amendments in written form. I think that by so doing we might take into consideration the text submitted by the representative of the Philippines and therefore it may be necessary to wait to find out whether there will be any other amendments in order that we may have one single document which we can submit for the examination of the Council.

/The PRESIDENT:

The PRESIDENT (Interpretation from French): I have just received an amendment from the delegation of the Philippines; that is, the written text of the suggestions that he made.

Mr. FLETCHER-COOKE (United Kingdom): The investigation which has been going on into the position as regards the administrative unions has not, apparently, in the opinion of the representative of the Philippines, gotten very far. But that is, of course, a matter of opinion.

However there is one point upon which I would take issue with him, namely, the amount of information which has been sent in. If I understood him correctly, he said that the Committee, in his view -- or the Council -- was not, at present, in possession of sufficient information. Anyone who has had to read through the mass of information -- particularly in connexion with Tanganyika -- which has been sent in, would, I feel, come to the conclusion that there were very few questions left unasked which could possibly have been asked. But we have, in fact, answered every single question which has been put to us, we have supplied the Committee or the Council with every single document for which a request has been received, and we have also sent a special representative here from East Africa to answer every single question which any member of the Council wished to put to him.

/I feel therefore

I feel, therefore, that I must make a reservation as regards the suggestion that we have supplied, or that the Council is now in possession of, insufficient information.

As regards the resolution itself, I think that the delegations of Mexico and the United States are to be congratulated on trying to draw together the various lines of thought that have emerged as a result of previous discussions in the Council and of the work of the Committee on Administrative Unions.

The particular point to which I should like to invite the Council's attention has already been covered by the representative of Australia, and although I cannot recall the exact words of his amendments, I think that they do remove the particular difficulty that my delegation had in respect of the resolution as it now stands.

I refer in particular to paragraph 6, starting with the words: "NOTES the assurances by the Administering Authorities. ." The Council will remember -- and those members of the Council who were present at the Fourth Committee will remember -- that this whole investigation originally started out of the East African Inter-Territorial Organization, together with the question of the administrative union in New Guinea and Papua, and all those arrangements have been made under certain articles of the Trusteeship agreements.

But in addition the Committee felt that it was called upon to consider the special arrangements, made in the two British West African Trust Territories under article 5 (a) of the Trusteeship agreements -- that is what we refer to as the "integral part" article.

As the resolution stands, it would have been very difficult for my delegation to accept it, particularly in so far as it relates to the two British West African Trust Territories because we contend that the provisions of article 5 (a), which give the Administering Authority "full powers of legislation. . . to administer the Trust Territory as an integral part of its territory. . .", involve a certain political blurring. On the other hand, we maintain and we continue to maintain that they do not involve any blurring of the Trust Territory status in international law. That is the point which I think has been very clearly brought out by the representative of Australia, and if I have understood the meaning of his proposed amendments to that paragraph and to the other paragraph in which the same idea is mentioned -- that is, the

/last paragraph

last paragraph but one "I think that my delegation would find that this resolution could be deemed to cover not only the arrangements in East Africa, but also the arrangements in West Africa although we particularly asked the Committee that, as these arrangements are derived from different articles, they should be treated as separate problems.

I should therefore prefer to wait, before going into this matter in any further detail, to see the actual words of the Australian proposals.

Mr. INGLES (Philippines): I should like just to clarify certain remarks made by the representative of the United Kingdom.

He took exception to the opinion expressed by my delegation -- at least with respect to the British Trust Territories in East Africa -- that practically all the information needed by this Council in order to investigate the administrative unions in accordance with the General Assembly resolution is already before the Council.

It is, of course, a matter of opinion; but the main question before the Council is whether or not -- assuming it has all the information before it -- the Council has carried out the investigation requested by the General Assembly. On that point, I think the members of the Council will have to admit that the Council has not so far made the investigation requested by the General Assembly. It has before it only the data and information collected by a committee, and therefore it would be in the interests of orderly procedure to go ahead with the investigation, and in the meantime to approve a resolution notifying the General Assembly that, although the Council has carried out certain preparatory work, it has not yet reached a stage at which it is able to formulate final opinions on the questions involved, and make the recommended safeguards requested by the General Assembly.

The PRESIDENT (Interpretation from French): I should like to ask the representative of Australia if he can present his amendments in written form by this evening, so that we may distribute these texts to the various delegations for the beginning of our next meeting.

Mr. HOOD (Australia): Yes, that can be done.

/Mr. RYCKMANS

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Mr. RYCKMANS (Belgium) (Interpretation from French): Perhaps it would be possible to have these texts tonight so that we could vote on them at the next meeting. If we have to wait for these texts until the beginning of the next meeting, it will mean that we shall only be able to vote on them 24 hours later, whereas if we had them tonight we could vote at the next meeting.

The PRESIDENT (Interpretation from French): The amendments were presented verbally during today's meeting; the 24 hours delay has therefore already begun. I think that all the members of the Council have perfectly understood the amendments, and I hope that the Council will agree that the amendments were presented this evening by the representative of Australia. A distribution of the written texts will then be made at the beginning of the next meeting, and we shall not need to invoke the 24 hours delay. That is why I asked the representative of Australia if he could present his amendments in written form this evening -- or at least to give them to the Secretariat this evening, though I do not think that the Secretariat could distribute them to us this evening.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I should like to remind the Council that rule 57 deals with documents in written form and not with ^{the} oral presentation of proposals, and therefore I cannot agree with the President's interpretation of rule 57.

/The PRESIDENT

The PRESIDENT (Interpretation from French): I did not interpret rule 57. The representative of the USSR can, of course, invoke rule 57 and ask for the twenty-four hour delay. I merely asked whether members of the Council would be prepared to agree that the delay start from the moment the representative of Australia presented these amendments orally. But once a member of the Council so demands, naturally the twenty-four hour delay will be invoked.

If the documents cannot be distributed this evening, they will be distributed by post tomorrow morning. As our next meeting will be on Monday, the twenty-four hour delay will be observed and we can start working on the documents immediately. Members of the Council will receive the documents at the latest tomorrow morning, and rule 57 will be fully respected.

Mr. RYCKMANS (Belgium)(Interpretation from French): What is the agenda for Monday's meeting? Can the President tell us the items which will be considered on Monday?

The PRESIDENT (Interpretation from French): The other two points on the agenda will be the work of the Committee on Higher Education and the consideration of various petitions.

On Monday the Sub-Committee on Nauru will meet at 10 a.m. in Conference Room 5 and the Sub-Committee on New Guinea will meet at 2 p.m. in Conference Room 7.

I have learned, with great pleasure, that the Committee working on the draft report of the Pacific Islands has finished its work. I should like to congratulate the members of the Committee on behalf of the Council and also the Chairman of the Committee for the rapidity with which the work was carried out.

The printed copies of the Australian amendments will be ready in ten minutes if any member of the Council wishes to wait for them. Before adjourning the meeting, however, there is a point to be considered on which we postponed our decision yesterday, that is the composition of the Visiting Mission to the Pacific.

The representative of New Zealand promised a reply as to whether New Zealand would like to participate in the Visiting Mission. Perhaps Sir Carl Berendsen, who is present today, can give us a more precise indication in this regard.

/Sir Carl BERENDSEN

Sir Carl BERENDSEN (New Zealand): I regret that I am not in a position to do that, but I am very glad that the President raised this matter.

There are, as the Council is aware, certain difficulties in connexion with the membership of New Zealand in a Visiting Mission which would be visiting a Territory of which New Zealand is the Administering Authority. I take it as a very great compliment that the other members of the Council are prepared to accept New Zealand as a member of such a Visiting Mission.

But under the circumstances I thought it proper to communicate with my Government and ask for its view on the matter. I have not the faintest doubt that a reply will be received in time for the Council to make a decision before the end of this session. I take it there is no immediate urgency to decide the actual membership of the Visiting Mission. I understand that the Council has decided that there are to be four members, and I hope the Council will be kind enough to allow me to wait until I have received the views of my Government, in which case I shall immediately undertake to inform the Council of them.

Mr. KHALIDY (Iraq): If the amendments are going to be sent to the members of the Council by post tonight, what is the necessity for waiting now? The ten minutes might be twenty minutes.

The PRESIDENT (Interpretation from French): In that case, the amendments will be sent by post and members will receive them tomorrow morning.

The meeting is adjourned.

The meeting rose at 5.37 p.m.