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TRUSTEESHIP COUNCIL

Fifth Session

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

Lake Success, New York
Wednesday, 20 July 1949, at 3 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.189 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-fifth meeting of the fifth session of the Trusteeship Council.

ARRANGEMENTS FOR VISITING MISSION TO THE TRUST TERRITORIES OF THE PACIFIC

The PRESIDENT (Interpretation from French): Before continuing with the discussion that we started this morning on the point of our agenda referring to the possible revision of our rules of procedure, I propose that we consider items 4 and 5 of the agenda.

Item 4^(a) refers to the examination of the matter concerning the Visiting Mission to the Pacific. . . . I call first on Sir Alan Burns, of the United Kingdom, who has a statement to make to the Council.

Sir Alan BURNS (United Kingdom): I have to inform the Council that my Government has nominated me to be a member of the Mission to the Pacific Islands, if the Council approves.

The PRESIDENT (Interpretation from French): We have a candidate for the Visiting Mission to the Pacific. Following the rules that we have adopted, it is now up to the Council to accept the candidate presented in the person of Sir Alan Burns, as a member of the Visiting Mission to the Pacific.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): Are we now deciding with regard to all four members of the Mission, or only with regard to the United Kingdom representative? I should like to have some clarification on this matter.

The PRESIDENT (Interpretation from French): We cannot take a decision on all four members, because only one member is proposed to us. Following the procedure established at our previous session we shall accept candidates as they are presented to us. Many of the delegations that were invited to present candidates have not yet done so. We shall therefore accept the candidates as we receive their names. The Council has already asked these countries to present their candidates for the Visiting Mission, and we have received one answer.

/Sir Alan BURNS

Sir Alan BURNS (United Kingdom): I am entirely in the hands of the Council in the matter, but I should be quite content, having informed the Council that my country has nominated me, to await the general decision as to the other members.

The PRESIDENT (Interpretation from French): That is the way we had understood it. As the candidates are presented to us, I shall propose that the Council decide.

Since no other candidate has been presented to us now, we cannot decide. / on others,
but if any other candidates are presented before the end of the session we shall decide upon them.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): My delegation wishes to give its warmest welcome to this candidate. We all know perfectly well, due to the contact we have had with Sir Alan Burns in the Trusteeship Council, his very high wisdom and abilities, his intelligence and his experience. We have had reason to take advantage of the experience he has gathered in such complex questions as these.

Therefore I am sure that the participation of Sir Alan Burns in this Mission will be of great value to the Council, as was his participation in all the subjects in which he has helped the Council's work.

The PRESIDENT (Interpretation from French): I feel, therefore, that the Council has at once decided that it can accept Sir Alan Burns as a member of the Visiting Mission to the Trust Territories of the Pacific . & r e .

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I asked when we should decide upon the Visiting Mission in order to find out what would be the best time for me to make a statement on behalf of the USSR delegation. In view of the fact that the President's decision is that we shall decide the question as the nominations come to us, I must make the position quite clear.

Our position is the following: the USSR delegation is of the opinion that members of Non-Administering Powers should participate in the Visiting Missions, and that Administering Powers should not participate. In view of this position, which is our position in principle, the Council will understand the views of the USSR delegation with regard to the membership of the Visiting Mission.

/In view of this

In view of this attitude in principle, that is, that Visiting Missions should consist only of Non-Administering Powers, the USSR delegation cannot vote for the candidate of any country which is an Administering Power.

The PRESIDENT (Interpretation from French): We shall therefore take a vote on the candidature of Sir Alan Burns as one of the four members of the Visiting Mission to the Pacific Islands.

A vote was taken by show of hands.

The nomination was adopted by 9 votes in favour, 1 against with 1 abstention.

The PRESIDENT (Interpretation from French): Sir Alan Burns is designated a member of the Visiting Mission to the Pacific. As the other candidates are presented to us, either at this session or at the beginning of the next session, we shall proceed in the same way and vote immediately.

For those presented at the beginning of the next session, the procedure adopted at that time will be followed. If we do not receive the necessary candidates we shall complete it by the addition of members.

ARRANGEMENTS FOR VISITING MISSION TO THE TRUST TERRITORIES OF WEST AFRICA

The PRESIDENT (Interpretation from French): We shall now return to point 4, regarding the dispatch of a Visiting Mission to West Africa. I shall ask the representative of Belgium if he can give us any information regarding the final candidature of a member to that Mission which will be presented by his Government.

Mr. RYCKMANS (Belgium) (Interpretation from French): My Government intended to suggest my own name, but unfortunately it will be impossible for me to be absent for such a long time, and I shall therefore not be able to

I contacted my Government, to suggest another candidate, but unfortunately I did not receive a reply. I have followed this up by telegraph and hope that it will be received before the end of the session.

/The PRESIDENT

The PRESIDENT (Interpretation from French): I hope the representative of Belgium will be able to present us with the name of a candidate before the end of the present session, but as we are considering the composition of the Visiting Mission to the Trust Territories of West Africa, and as Mr. Ryckmans has said that he personally cannot take part in the work of that Mission, I think that, following consultations held amongst members of the Council, the majority is of the opinion that the Council should itself designate the Chairman of the Visiting Mission to the Trust Territories of West Africa.

I would therefore propose to the members of the Council that they suggest whom they would like to see as Chairman of this Visiting Mission. I am very willing to hear the observations of any member of the Council.

Sir Carl BERENDSEN (New Zealand): In those circumstances, if it is indeed decided that the Council should appoint the Chairman of the Visiting Mission -- and I have nothing at all against that principle -- if that is the wish of the Council, I should feel very proud indeed if I might have the privilege of nominating our old friend and colleague, Mr. Khalidy.

I stand pre-eminent amongst those who sit around this table in my appreciation of the assistance, the very valuable and lasting assistance, that has been rendered to this Council -- and indeed to the cause of Trusteeship -- by our colleague from Iraq. He and I entered this labouring canoe together, and I must say I hate the very thought that the General Assembly may, in its wisdom or in its want of wisdom, deprive us of the services of Mr. Khalidy at the next session. But even were that sad event to come to pass, he has the recollection and we shall continue to have the recollection of admirable work admirably performed.

Mr. Khalidy has not only a cultured and informed mind with a most happy play of wit; he has something much more valuable, a balanced and judicious mind. I can imagine no finer Chairman for the Visiting Mission than Mr. Khalidy and I nominate him accordingly.

Mr. SAYRE (United States of America): I am not at all convinced of the wisdom of the choice of the Chairman by the Council rather than by the Committee itself, but inasmuch as that matter has been decided by the President, at least in so far as this session /is concerned,

is concerned, I readily join in choosing the Chairman of the Visiting Mission which will next go to the field.

I want to say just a word about Mr. Khalidy. He is an old friend of mine. I have learned to know and to respect the integrity of his mind; I can always trust him to do what is fair and right and sound, without playing politics. When, sometimes, I have felt at my wit's end on which was the wisest course to pursue, I have often gone to Mr. Khalidy and found the light. It gives me a great deal of pleasure to second most warmly Mr. Khalidy as Chairman of the Visiting Mission to West Africa.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): At this moment Mr. Khalidy is relaxing in a beautiful garden of praise. I do not think I ought to be the one to plant any more flowers there, but Mexico taking part in the Visiting Mission, I feel it incumbent upon me to say that we could pick no better Chairman for this Mission than Mr. Khalidy.

Sir Alan BURNS (United Kingdom): I wish to spare Mr. Khalidy's blushes, so I shall say no more than that I heartily agree with what has already been said regarding his capacity and the suitability of the choice of Mr. Khalidy as Chairman of the Visiting Mission.

The PRESIDENT (Interpretation from French): I think that the Council can unanimously and wholeheartedly agree with the nomination made by the representative of New Zealand. Personally, I am very happy to see Mr. Khalidy at the head of the Visiting Mission to the West African Trust Territories. I do not want to repeat the compliments that have just been offered by the members of the Council, and would therefore submit that the Council decide upon this matter. If there are no objections, I think that Mr. Khalidy can be nominated Chairman of the Visiting Mission unanimously. It is so decided, and I wish to congratulate Mr. Khalidy very warmly on behalf of the entire Council.

Mr. KHALIDY (Iraq): My friend the representative of Mexico was quite wrong when he said I was relaxing. I was not relaxing at all; I was feeling very nervous with all this praise being heaped upon me. I am indeed very grateful to the President, to all my friends and to all the speakers who have heaped that praise
/upon me,

upon me, my friends Sir Carl Berendsen, Mr. Sayre, Mr. Noriega, and Sir Alan Burns, as well as to everyone who has not spoken and spared me that.

I shall do my best to live up to the very high principles and achievements of this Council during the three happy years in which I have been in a small way associated with it.

QUESTION OF SOUTH WEST AFRICA (T/371)

The PRESIDENT (Interpretation from French): Before reverting to the discussion on the rule of procedure that was being discussed this morning, I should like to finish another item on our agenda. This item is the question of South West Africa. The pertinent document is document T/371, in which the Secretary-General has transmitted to the Council a letter dated 11 July 1949, from Mr. J.R. Jordaan, Deputy Permanent Representative of the Union of South Africa to the Secretary-General on the question of South West Africa. That letter is document A/929, and was, as I said before, transmitted to us merely for information.

I do not doubt that everyone has read this letter, and I do not think therefore that we need discuss the question too deeply because, in the letter I mentioned to the Council, the Government of South West Africa has told us exactly how the matter stands. All we need do here is to take note of the communication from the Secretary-General and to state that, not having received, on behalf of the Secretary-General, a report, we are not able to take cognizance of the matter.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): Undoubtedly the Council will recall that it was the representative of Mexico, Mr. Padilla Nervo, who, when discussing the agenda of this Council for the present session, underlined the fact that it might be advantageous to include the question of South West Africa. Due to the fact that we have a concrete document on this matter, I feel that the best thing to do would be for the Council to take some resolution regarding this document.

The General Assembly must be informed of the attitude and feeling of the Council, and the Council must make some comments and note its reactions to the observations made in this document received from the Government of South West Africa concerning the work of the Council.

/Therefore,

Therefore I am firmly convinced that the Council should take a resolution on this matter and in that resolution somehow we should say what the reaction of the Council has been regarding the document before us because the General Assembly must be informed of this.

Mr. SAYRE (United States of America): I am glad that the representative of Mexico reminded us ^{of} the remarks of Mr. Padilla Nervo made during the opening meeting of our present session. I have document T/SR.165 before me and I should like to read what he said at that time because it points out the course which we would most wisely follow. Page 3 of document T/SR.165 contains the following:

"Mr. PADILLA NERVO (Mexico) stated that he would not press for the addition of a new item to the agenda if it were clearly understood that the report of the Union of South Africa would be considered by the Council during the current session if it arrived within the required time and, if not, that the question would be examined when the Council's report to the General Assembly was adopted."

On the following page we see that the President noted that the members of the Council were generally agreed on that point.

As document A/929 indicates, no report of the Union of South Africa has been received. Therefore the second part of Mr. Padilla Nervo's suggestion comes into play. I suggest that we adhere to our previous agreement and deal with this matter in relation to the statement which might be included in the report of the Trusteeship Council to the General Assembly. I have doubts whether any specific resolution is necessary for that purpose.

Mr. Padilla Nervo, in commenting on this, said that if the report were not received then the question would be examined when the Council's report to the General Assembly was adopted.

In resolution 227 (III) the General Assembly recommended "that the Union of South Africa, until agreement is reached with the United Nations regarding the future of South West Africa, continue to supply ^{information} annually/on its administration of the Territory" and requested "the Trusteeship Council to continue to examine such information and to submit its observations thereon to the General Assembly." This is contained in the Resolutions of the General Assembly dated 21 September to 12 December 1948 of the Third Session, Part I.

That resolution clearly sets forth the role of the Trusteeship Council to examine information on South West Africa submitted by the
/Union of South Africa

Union of South Africa and to submit its observations thereon to the General Assembly. No information has been received from the Union of South Africa and no information is likely to be received with regard to South West Africa.

It would seem to follow that the Trusteeship Council, so far as this particular resolution is concerned, has now no function to perform. In the letter submitted by Mr. Jordaan, Deputy Permanent Representative of the Union of South Africa, as contained in document A/929, the Government of the Union of South Africa states:

"In these circumstances the Union Government...have regretfully come to the conclusion that in the interests of efficient administration, no further reports should be forwarded."

It would seem to be quite clear, therefore, that the Trusteeship Council will not receive a report on South West Africa during this session. I submit that, in this case, the Council has no course to take other than that which the Assistant Secretary-General himself suggested, when he acted as President during the opening meeting of this session, simply to report to the General Assembly that the Trusteeship Council is unable to carry out the request of the General Assembly since no report on South West Africa has been received.

I would suggest, therefore, that we request the Secretariat to prepare a statement in this sense for inclusion in the draft of the general report of the Trusteeship Council to the General Assembly which is now in preparation. The Council could then review that statement during its discussion of the draft report as a whole.

In other words, I think it is abundantly clear that it does not lie within the business of the Trusteeship Council at this time to discuss conditions in South West Africa, and I do not believe anyone proposes doing so. It does certainly lie within the Council's function to include a sentence in the general report to the General Assembly, as was suggested by Mr. Padilla Nervo in his statement which I read, to the effect that the Trusteeship Council, in the absence of a report from the Union of South Africa, has nothing further to say in regard to the matter.

Mr. INGLES (Philippines): I also have before me the summary record of the first meeting of this session to which the representative of the United States alluded. The general agreement among the members
/of this Council

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of this Council when the question of including the item concerning South West Africa on our agenda was raised was that if a report of the Union of South Africa were received during this session, it would be placed on the agenda, and that if no report were received, then the question would be examined when the Council's report to the General Assembly was adopted.

I also have before me document T/371 which comes from the representative of the Union of South Africa to the United Nations and deals with the question of South West Africa. Although this letter states that the Union of South Africa is not going to submit a special report on South West Africa to the United Nations in the future, it does include certain information bearing on the administration of the territory of South West Africa.

/On page 3

On page 3 of document A/929 -- that is the same as document T/371 -- the representative of the Union of South Africa is transmitting to the United Nations, for information, by instruction of the Prime Minister in the Union Parliament, a copy of the South-West Africa Affairs Amendment Act No 23 of 1949, together with a summary of its provisions.

I am sure it will not be questioned that the summary of the provisions of this Act, as contained in the communication referred to, is information bearing on the administration of the Territory of South West Africa.

The resolution of the General Assembly of 26 November 1948 has already been referred to by some representatives, and for the sake of clarity I should like to read the last two paragraphs of that resolution:

" THE GENERAL ASSEMBLY

RECOMMENDS, without prejudice to its resolutions of 14 December 1946 and 1 November 1947, that the Union of South Africa, until agreement is reached with the United Nations regarding the future of South West Africa, continue to supply annually information on its administration of the Territory;

" REQUESTS the Trusteeship Council to continue to examine such information and to submit its observations thereon to the General Assembly."

My delegation submits therefore that the Union Government has, in fact, submitted information and that it is our duty to examine this information and submit our observations thereon to the General Assembly.

The resolution of the General Assembly does not specify that the information requested from the Union Government should consist of some particular form of report. The word used is "information" and the document T/371 consists of information which the General Assembly clearly directed this Council to examine.

I presume therefore that there is no more question of this item not being properly included in the agenda of this Council. To that end my delegation has presented a resolution with a view to expediting the action to be taken by the Council.

Mr. RYCKMANS (Belgium) (Interpretation from French): On a point of order I should like to ask whether this item is on the agenda. As far as I can see it has never been put on the agenda.

/ In the summary record

In the summary record of the first meeting the representative of Mexico stated that "he would not press for the addition of a new item to the agenda if it were clearly understood that the report of the Union of South Africa would be considered by the Council during the current session if it arrived within the required time and if not that the question would be examined when the Council's report to the General Assembly was adopted."

Thus the question is to find out whether we should put this item on the agenda. This is the preliminary question and only after deciding this preliminary question can members of the Council introduce resolutions.

The PRESIDENT (Interpretation from French): Afterwards we received document from the Secretary-General enclosing certain information received from the South African Government and that is the question that we are discussing -- to see whether we are going to accept discussion on this matter; whether we are going to put this on the agenda. I do not wish to tax the members of the Council and I do not want them to digress in any way. What we are discussing at the moment is whether document T/371 can be considered as a report which, in virtue of the directives from the General Assembly, the Council must discuss in order to be able to present a report to the General Assembly. That is what we are discussing now: to know whether the letter signed by Mr. Jordaan to the Secretary-General constitutes a document which the Assembly can be informed about, since a report on the status of the West African Trust Territories would have to be circulated to the Assembly anyway.

Mr. RYCKMANS (Belgium) (Interpretation from French): In such conditions it would be better to wait until this preliminary question is decided before introducing resolutions.

The PRESIDENT (Interpretation from French): That is true. But the resolution was ^{only} presented to us in advance. We still do not know whether this document is receivable by the Council. We have to decide whether this item can be included on the agenda for the fifth session or not and that is what I pointed out at the beginning.

Mr. INGLES (Philippines): I read the summary record precisely in order to raise the question that the agreement referred to on page 3 of document T/SR.165 and on the top of page 4 of the same document shows that if a report from the Union of South Africa ^{were} / received during this session it would be automatically included in the agenda because the wording of the agreement is: "the report of the Union of South Africa would be considered by the Council during the current session if it arrived within the required time."

I also circulated the text of a proposed resolution on that question. The previous speakers have likewise introduced proposals on how to treat this matter presumably on the understanding that it was already included in our agenda.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): We have before us two ways of solving this matter and whichever is adopted the ultimate outcome will obviously be a resolution from the Trusteeship Council. There is no escape; we will have to emit a resolution in the end.

If we are going to discuss the question on the basis of the inclusion of this matter on the agenda then we have to decide whether this letter can be taken as a report or not. There may be here those who feel that this is a last will and testament; others may feel it to be a treaty; and others may feel that it is merely a document of a bill of sale. But as far as I am concerned, this document A/929 is clearly a report.

The document starts by saying, "I have the honour to inform you", and it informs us regarding what has happened in the Territory.

Document A/929 is made up of general information. We call -- a letter; we could say it is a communiqué; we could say it is a report. But why bother about the name of this document? However, it has two annexes: one is the Law of 19 April, then there is another with explanations on the law and another which refers to the additional powers given to the Union of South Africa. This does not mean that it is a report to the Council but can we not suppose it to be a report? Does it not report on facts? If we want this not to be a report what is the Council going to do? Is it going to ignore the existence of this document? Is it not going to take note of the implications of this document, the gravity and seriousness--that are explained in this document-- of the criticisms levelled against the work of the Council, criticisms wherein we are told that the work of the Trusteeship Council has had deleterious effects on the relations of the Union and South West Africa.

I do not think we have to lose our calm regarding this matter but I think we should be consistent ^{towards} our own policy and the prestige of the Council itself. Already there is more at stake than the friendly relations extant between all Members of the United Nations. I understand that there are delegations here who are in a position of great friendship with the Government of the Union of South Africa but I see a more important question here. Now the prestige of the Trusteeship Council is at stake.

We are working not as immediate representatives of our countries; we are representatives of the General Assembly first of all on the Council. Faced with an adamant attitude that decides to turn a blind eye to the agreement of the United Nations, that decides to ignore the recommendations of the General Assembly, are we merely going to take note of that? I hardly think that would be proper. I do not think that would be the right thing to do. I think we must be prudent, definitely I think we must keep calm, we must keep cool, we must be governed by wisdom but at the same time I am firmly convinced that under no circumstances -- whatever the idea under which we wish to guide this issue or however we wish to go on with this work -- in no way can the Council elude its responsibility or shake from its shoulder the responsibility of being an organ of the General Assembly. We are an organ of the General Assembly; we cannot forget that. Therefore the friendship between one government and another cannot bear any weight here. We must remember that we are representatives of the General Assembly and, as such, we must consider the report -- because

/it is a report --

it is a report -- contained in document A/929.

I do not know whether by means of a vote the Council can suddenly decide that this report is not a report. Perhaps a vote can metamorphosize this document; it would be one more miracle of the United Nations, but that is beside the point.

If this is not a report, if this is not acceptable as a report, although it may not be included on the agenda it is amongst the documents of the Council and it is before us and we know of it and, therefore, it would be quite consistent to consider the resolution presented by the Philippine delegation. We can use that as a basis for discussion so as to dispose of this report which must be considered by the Council. Therefore the idea that we cannot discuss it because it is not on the agenda is, I am afraid, unacceptable to me.

We have a document that has been transmitted to us by the Secretary-General. We have a resolution of the General Assembly that we have to follow. Therefore I submit that, instead of continuing to discuss this matter at great length, if the President would be good enough to give us a ruling on this matter it would obviate a long and tiring debate.

The PRESIDENT (Interpretation from French): I wished to draw the Council's attention to the fact that we had to decide on whether this matter is going to be added to our agenda or not. This, of course, would answer the statement of the representative of Belgium. I already told Mr. Ryckmans a few moments ago that we had received a communication from the Secretary-General. This is a letter in which the representative of the Government of the Union of South Africa informs the Secretary-General of the United Nations and, through him, the General Assembly of a certain number of facts. This letter has been transmitted to us. It is obviously a ^{matter} now of knowing whether we should take a resolution on this matter or not.

Thus we could notify the General Assembly that, not having received the normal annual report on the situation in South West Africa, the Trusteeship Council is not able to make an assessment of the situation in that part of the world because we have received no report. I do not think that we can just exclude that from the agenda; that has to be discussed.

/Mr. RYCKMANS

Mr. RYCKMANS (Belgium) (Interpretation from French):

The representative of Mexico said that this item must be put on the agenda for we have in our hands a report, what he calls in Spanish "informe" -- i.e. a report. In other words, we have a document which is not addressed to us, which is addressed to the Secretary-General of the United Nations and in which the Government of the Union of South Africa says that it refuses to send information. Can we really consider this to be a report--a report which we will have to take up -- this letter in which it is said that they do not wish to send a report? This is straining the matter to say that the letter, in which they say that they do not wish to send information, itself contains the information.

Therefore it is clear that we are not faced with this question. The General Assembly requested us to continue to consider information and reports sent from the Union of South Africa but this Government did not send anything; therefore there is nothing for us to consider. My Government said without hesitation that it expected and hoped that the Government of the Union of South Africa would fulfil its obligations and would send such information but I think that it is completely superfluous to consider an item which is not on our agenda, which cannot and should not be on our agenda for we do not have a report to be considered. If there is something to be said, let us say to the General Assembly that the Government of the Union of South Africa did not send a report and therefore we have nothing to consider. That is all. But I do not think that this is even necessary; for this letter was sent, not to the Trusteeship Council, but to the Secretary-General who sent it to us for our information. The General Assembly will get it directly.

The PRESIDENT (Interpretation from French): There is a request to include something in the agenda. Every member of the Council has that right and it is for the Council to accept or reject the addition of something to our agenda. There is a formal suggestion that we add something to our agenda; that in no way pre-judges the issue. The Council can decide that, not having received a report as laid down in the resolution of the General Assembly, we cannot consider the situation in South West Africa but that will be discussed later.

First of all we have to decide whether we are going to include this matter on the agenda or not. We cannot escape the need for

/taking a decision

taking a decision at least on this point because a certain member of the Council has explicitly stated that he wants a certain matter to be included on the agenda.

If, therefore, the Council so wishes I can put this previous question to the vote. As President, I do not think the vote is indispensable but if a member asks that we take a vote then we shall take a vote.

Mr. HOOD (Australia): If you are intending to proceed to a vote on the question of whether this matter should be on the agenda or not, I should like to explain the way in which I shall vote but I shall wait until you put the matter to the vote.

Mr. KHALIDY (Iraq): I very much doubt that the ^{Chair} needs to take a vote. There is no need to take a vote. I believe the Chair could give a ruling and that will finish the matter. I hope it will finish it in more senses than one.

/The PRESIDENT

The PRESIDENT (Interpretation from French): I shall be very happy to make that ruling, but of course there have been contradictory opinions expressed on this matter.

I should like to draw the Council's attention to the Resolution of the General Assembly 227 (III) of 26 November 1948 on the Question of South West Africa in which the General Assembly

"RECOMMENDS, without prejudice to its resolutions of 14 December 1946 and 1 November 1947, that the Union of South Africa, until agreement is reached with the United Nations regarding the future of South West Africa, continue to supply annually information on its administration of the Territory;

"REQUESTS the Trusteeship Council to continue to examine such information and to submit its observations thereon to the General Assembly."

Members of the Council will very well recall the debate which was held at the beginning of our session when the representative of Mexico asked that another item be included on our agenda -- the question of South West Africa. The representative of Mexico was reminded that the Council has no information on the question and the Secretary-General had not sent us any reports on South West Africa and that until such information was received by the Council the question of South West Africa could not possibly be included on its agenda.

After that we received a communication from the Secretary-General referring to South West Africa. The information received, as I told the Council at the beginning of this debate, is a letter in which the deputy permanent representative of the Union of South Africa makes known to the Secretary-General, and through him to the General Assembly, first, that insofar as South West Africa is concerned the Government of South Africa will send no information such as had been provided for in the Resolution of the General Assembly; secondly, that certain legislation had been adopted which modified the relations between the Trust Territory of South West Africa and the Government of the Union of South Africa.

I think, therefore -- and this is counsel given as President -- the situation here requires attention. The representative of Mexico has asked the Chair to give a ruling on this matter. I am not qualified to give a ruling; it is the Council which has to make the decision. All I can do is to give the Council advice which might

/clarify the situation

clarify the situation somewhat. The Council has before it as many elements for judging the question as I have. If I were to be asked for my personal opinion I would say that we should add this item to our agenda and say in our report to the General Assembly that we have received a document, T/371, and indicate to the General Assembly that the Council feels that this document can in no way substitute for the report which was asked for from the Government of the Union of South Africa regarding the political, economic, social and educational advancement of the inhabitants of South West Africa and therefore the Council is not in a position to study the general conditions in that Territory.

I think that is obvious and that no one will argue that point. Therefore, as far as I personally am concerned -- and to determine the situation clearly -- I feel that this matter must be included because we must be able to note in our report to the General Assembly that we have received this document.

Mr. RYCKMANS (Belgium) (Interpretation from French): I could understand the Council insisting on the consideration of this item if this were the only opportunity of considering it. But this is not so. What is the situation? The General Assembly made a recommendation to the Government of the Union of South Africa requesting information, and asked the Trusteeship Council to consider this information when it had been received. The Government of the Union of South Africa replied to the General Assembly that no such information would be sent; therefore the General Assembly will obviously have to take up the letter from the Government of the Union of South Africa in reply to its recommendation and it will have to establish its attitude in regard to this challenge on the part of the South African Government.

But what is the position here? The General Assembly made a recommendation; the Government of South Africa rejected this recommendation and the General Assembly will consider the matter. The General Assembly told the Trusteeship Council that when it received a report it should consider it. The Council has not received any such report, and I must therefore ask why we should discuss it. We cannot discuss the recommendation of the General Assembly. Only the General Assembly itself -- after the question has been considered in the Fourth Committee -- can establish its attitude with regard to
/the South African

the South African Government's point of view. But the Council cannot intervene in this debate, therefore why should we discuss it here without any possibility of a solution?

The PRESIDENT (Interpretation from French): I fear that the representative of Belgium has overlooked the preliminary part of this discussion. We are only discussing the exclusion or inclusion of the item in our agenda and I think we can close this matter by taking a vote. We must not discuss the substance of the matter until we decide whether or not we are going to discuss it.

Sir Carl BERENDSEN (New Zealand): I think it is a very great pity that we should waste time in this way, discussing the procedural aspects of this matter. I am bound to say I find this sort of thing almost intolerable.

What is the position? I suggest that it does not matter a tin of fish whether this document is called a report or not. It produces to the Council some information on which this Council certainly has to do something. The very least that we can do, surely, is contained in the last two paragraphs of the Philippine proposal. We must note that the South African Government does not intend to send us any more reports -- using the word report in the sense of a report which we can examine as to conditions in the Territory -- and tell the General Assembly that we have taken note of that fact, and we must ask the General Assembly what it wants to do. It seems to me quite clear that we must put this item on the agenda -- and I hope that does not mean that we are going to spend hours and hours, after we have put it on the agenda, discussing what we are going to do about it.

Is it not perfectly obvious that what we have got to say is that the South African Government has decided that in its judgment -- good, bad or indifferent -- it is not going to send the report it was expected to send. It is for us to tell the General Assembly that fact for the Assembly to condemn, applaud, or do whatever it wishes to do. Our duty is perfectly plain, to report the matter to the General Assembly. To do that, we must put it on the agenda and I suggest that to do that we do not need to waste hours and hours talking about it.

/The PRESIDENT:

The PRESIDENT (Interpretation from French): I repeat that if there is no objection, this item is put on the agenda. If there is any formal objection to that inclusion, then we will take a vote on it, but I feel that a vote is quite unnecessary.

Mr. HOOD (Australia): If the question is put on the agenda as the President has just suggested, what would be the significance of that? Would that entitle the Council to discuss all aspects of this question, or would it merely confine itself to action of the kind suggested just now by the representative of New Zealand? That seems to me to be an important consideration.

/Mr. INGLES:

Mr. INGLES (Philippines): I do not wish to prolong unduly this discussion, but, apart from the other arguments already advanced in favour of the inclusion of this item on the agenda, I should like to refer to the fact that in this communication certain statements are made which, in the view of my delegation, the Trusteeship Council should take up in order to clarify matters at least. For example, this communication states:

"...the submission of information" by the Union of South Africa "has provided an opportunity to utilize the Trusteeship Council and the Trusteeship Committee as a forum for unjustified criticism and censure of the Union Government's administration, not only in South West Africa but in the Union as well. Inferences and deductions have been drawn from the information submitted which are quite inconsistent with facts and realities."

Now the resolution which this Council approved when it examined the last report of the Union of South Africa was approved by this Council by a clear majority vote. It is a rule, I presume, in all legislative bodies that on a question of privilege any member may rise to a question of privilege and reply to attacks such as found in this document. I am sure this Council will not let pass this criticism without attempting, at least, to clarify the matter.

For that reason I submit that, as an additional argument for the inclusion of this item on the agenda, this Council should be given an opportunity to explain the remarks made in this document submitted by the Union Government, which, my delegation believes, are unjustified.

Mr. LAURENTIE (France) (Interpretation from French): I think that this item is on the agenda. Therefore, I feel that the draft resolution of the Philippines is the only text before us and it is that text to which I will make certain observations. Besides, I think that in the second paragraph of the Philippine draft resolution -- which I am afraid is rather strong -- the sponsor said "merely provided." I am afraid that the text of the letter which we received from South Africa did not say "merely provided a forum for unjustified...." I think that it is rather exaggerated; I do not think we ought to help to pass that exaggeration.

Then, too, there is a second factor: that is to say that it is true that the Trusteeship Council has been a forum for criticism and censure to the Union Government -- it is true. We cannot reproach the South
/African Government

African Government for reminding us of something that is true. The only word that I might query and that might hurt the sensibilities of the Council is the word "unjustified," because it is very possible that the Council may feel that all the criticism and all the censure levelled against the Union Government was justified.

But as far as I personally am concerned, I am convinced that the Trusteeship Council does not share that opinion and that the Trusteeship Council has definitely been the forum wherein certain justified criticisms and censures were levelled against ^{the} Government of the Union of South Africa. I do not think we need underline very especially certain terms which are not injurious to the Council; they are not perjorative; they are not disagreeable; on the contrary, they express the tone, the temperament, the tenor of the debate held in the Council -- statements that were directed against the Government of the Union of South Africa, but that did not belie facts.

If, for example, we were to abandon that movement and that tendency and take up a draft, for example, that had nothing particular in it, were we to leave this aside, what would happen? We are drawing the attention of the General Assembly to something that, following the suggestion of the Secretary-General, the General Assembly itself will be taking up to consider, and, following that, of course there is nothing left for us to do.

I agree that this matter is on the agenda, but only so that we will include in our report something to say that we have received no report and we are very sorry that we did not receive a report from the Government of the Union of South Africa. We can express our points of view and say that we are sorry that we did not receive a report.

The PRESIDENT (Interpretation from French): Regarding the Philippine draft resolution, there are two paragraphs that we must agree with: the first and the last -- the first paragraph, which says that "HAVING EXAMINED certain information transmitted to the United Nations by the Government of the Union of South Africa under letter dated 11 July 1949," that is true; and the last paragraph, which says: "INFORMS the General Assembly that the refusal of the Union Government to submit further reports precludes the Council from exercising further the functions envisaged for it in the resolution," that is perfectly true.

There is, therefore, in this resolution certain positive elements, because they merely state facts.

/Mr. SAYRE

Mr. SAYRE (United States of America): I hold no brief for the Union of South Africa. I regret exceedingly that it has decided -- as apparently it has -- to send no further report to the United Nations.

Nevertheless, I find myself in agreement with what the representative of France said -- that is to say, apparently we agreed in the session of Wednesday, 15 June, as set forth in document T/SR 165, in accordance with the suggestion of Mr. Victor Hoo, who, as Assistant Secretary-General, was then presiding, that we would insert a sentence in the report to the General Assembly to the effect that, not having received the report from the Union of South Africa, we would be unable to carry out the requests contained in resolution 227 (III). To do that surely does not require a resolution; to do that surely requires nothing more than the drafting of such a sentence by the Secretariat, inserting it in the report, and the final vote adopting the report, which we send to the General Assembly.

True enough, language has been used in document A/929 which I would agree with the representative of the Philippines is immoderate language; many would consider it unfortunate language. Nevertheless, surely the Trusteeship Council does not want to put itself in the position of having to pass a resolution whenever unkind remarks are made about the Council. Surely we know that not only unkind but scurrilous utterances are made time after time. Surely it is not the province of the Trusteeship Council to waste its time by passing resolutions condemning such statements. We have other, more important things to do.

For those reasons, I intend to vote against the Philippine resolution, not because there is anything which I consider reprehensible in that resolution, but because I consider a resolution entirely unnecessary. I consider the former agreement which we reached on 15 June, as suggested by the then presiding President, Mr. Victor Hoo, as the proper solution, not requiring a resolution. For that reason, I for one shall vote against such a resolution as we have before us presented by the representative of the Philippines.

/Mr. SOLDATOV

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I can see that we have started consideration of the resolution of the Philippine delegation. I wish only to say that, in view of the fact that I received this draft resolution only recently, at the meeting, I shall not be in a position to participate in the consideration of this draft, as I have not had time to study it. In particular I shall not be in a position to vote on the resolution, and I would therefore request that the consideration and vote on it be postponed until tomorrow, and that we should now pass on to the next item on the agenda.

Mr. RYCKMANS (Belgium) (Interpretation from French): I ask myself whether there was a procedural error on the part of the Assistant Secretary-General, in issuing the documents on green paper, which is the paper of the Trusteeship Council. Now I see that the Assistant Secretary-General followed a perfectly correct procedure.

There is a document of the Trusteeship Council which transmits it to the General Assembly. The paper which we have is the General Assembly. In other words, we get a copy of a document sent to the General Assembly. We should therefore be very careful in calling the attention of the General Assembly to the fact that we have received a copy of a letter addressed to it.

We shall be interfering with matters which are not in our purview. The General Assembly receives this document on its own particular paper. We get a copy of this document, and then we inform the General Assembly that we have received this copy. It seems to me ridiculous and I fully agree with the representatives of France and the United States that the only action we can take today is to say in our report that the mission referred to us by the General Assembly, by such-and-such a Resolution, was impossible. We could not implement this Resolution for we did not receive the information and reports.

Mr. HOOD (Australia): I hope that any suggestion of postponing this matter will not be accepted by the Council as a whole, especially with any implication that, after postponement, we should consider one or more draft resolutions based on the hypothetical inclusion of this item in the agenda.

I find it difficult to perceive any reason whatsoever why it should be thought that this is a matter for the agenda of this Council, in the sense that it is an item for discussion. I speak now entirely from the procedural point of view. I do not wish to trespass at all on the substance of the question.

/As the representative

As the representative of Belgium has just now, for a second time, most clearly pointed out, this is an Assembly matter which has been properly brought to the notice of the Council by the Secretariat; but no more than that. The request was made by the General Assembly to the Government of the Union of South Africa, and the reply of that Government has been addressed, in proper order, to the Secretary-General for transmission to the General Assembly. As I see it, in no conceivable way can this Council take substantive notice of that communication. It can take note of it but it is not called upon to do more.

The only request made of this Council by the General Assembly was to examine information, if received, and pass comment upon it. That information not having been received, there is nothing for the Council to do. I can see no grounds whatsoever for continuing even the discussion of the procedural aspect of this.

Mr. KHALIDY (Iraq): This is one case in which I truly believe there is not much difference between both sides; I mean, the right and the left sides. It is not a case of saying the left was never right, because this time the left is right and the right is right too.

The question is whether the representative of Belgium, and for that matter, the representative of the United States, too, would like to insert a paragraph in the report of the Council to the General Assembly to the effect that we are unable to proceed with our charge because the Union Government has not supplied the information, and this is their letter.

The resolution on the table has practically the same effect, with one exception, of course, that it is true that it is couched in rather strong terms here and there. But if we eliminate these strong terms perhaps we could get a version which would correspond exactly to the end that we desire.

If we took out the second and third paragraphs it would leave the purpose of our discussion intact, but it would eliminate all the unnecessary material from this resolution. The President himself said that the first and last paragraphs are the most important ones.

I do not think we would injure either our purpose or our methods by adopting a resolution, realistic and practicable, and to that effect I think that our difficulty is solved -- unless I am mistaken.

/Mr. NORIEGA

Mr. NORIEGA (Mexico) (Interpretation from Spanish): The speech we heard from the representative of Belgium surprised me, in the usual pleasant way as when one gets something good from the hands of the police. His discovery that this document comes on General Assembly ^{paper}/is surprising. It is a beautiful discovery.

But this suggestion that because this letter, with the annexes, which are reports, comes to us on paper that is, ^{improperly,} green, we should not consider it, amused me. It reminds me of a story that I told to the Council once, but I think I may as well tell it again.

During a plague of cholera, a man was taken off by the grave-diggers. While he was being taken from the hospital to the grave-yard, he got up from his stretcher and said: "Where are you taking me?" They said: "Where do you think? We are going to bury you". So the man asked: "Where? Why?". They replied: "Because you are dead." "But", said the man, "I am not dead. I am alive." But they said: "No, the doctor knows, and he says you are dead, so you are dead." Obviously the doctor knows best."

This is the case here, with the white and the green paper. The colour of the paper has nothing to do with the decision taken by the Council. We have something to discuss here and I thought we had started, and that we were going towards the resolution. I therefore beg the representative of Belgium not to harp too much on the colour of the paper.

Let us discuss it, whether it be on white or on green paper. The Philippine resolution is also on white paper. Let us adopt it then, or let us discuss it. Whichever way it is, we shall have to inform the General Assembly about it.

Mr. RYCKMANS (Belgium) (Interpretation from French): I wish to say just one word to the representative of Iraq. He said that if we take away the second and third paragraphs we shall take off the unnecessary thing and he comes to the conclusion that the following is necessary:

"CALLS attention of the General Assembly to
The fact that the Union Government has now, according to its
letter of 11 July 1949, given effect to its intentions to bring
about....."

which calls the attention of the General Assembly to a letter which is a reply to a recommendation of the General Assembly, and which is addressed to it, and we receive only a copy. Why is it necessary? Is it really essential?

/The PRESIDENT

The PRESIDENT (Interpretation from French): I thought that the representative of Iraq had proposed that we delete paragraphs 2, 3 and 4 of the resolution, keeping only paragraphs 1 and 5. That is what I had understood.

Mr. RYCKMANS (Belgium) (Interpretation from French): We suggested that it be included in the report.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I repeat my request.

The PRESIDENT (Interpretation from French): It is no use for the representative of the Soviet Union to repeat his request; I heard it, I took note of it, and we cannot put it to the vote as we are discussing it. Of course, if the representative of the Soviet Union wants 24 hours to elapse before we decide on this matter by a vote, then in accordance with the rules of procedure we shall do so. But we can continue debating it.

Meanwhile, I think the Council can very well do with fifteen minutes rest. We shall have a fifteen minute recess and reconvene in a quarter of an hour.

The meeting recessed at 4.31 p.m. and resumed at 4.55 p.m.

The PRESIDENT (Interpretation from French): Since some members of the Council have requested postponement of the item on the agenda that we had been discussing before the recess, we will pursue this matter tomorrow and we will now go on to another point on the agenda -- I refer to the revision of the rules of procedure. REVISION OF THE RULES OF PROCEDURE (Discussion continued).

The PRESIDENT (Interpretation from French): Members of the Council have had distributed to them a proposed interpretation of rule 99 by the representative of the United Kingdom. I suggest the Council take up this matter now before going on to the report on the Pacific Islands which has been presented by the drafting committee.

Sir Alan BURNS (United Kingdom): As far as I know, there has been no distribution of any document. I have simply submitted what I consider might be a satisfactory interpretation of rule 99. With the President's permission, I shall read the draft I have suggested:

"The Secretary-General, in transmitting copies of Visiting Missions' reports to the Administering Authorities and to other members of the Trusteeship Council, shall do this by separate communication to each delegation and not by circulation as a Trusteeship Council document.

"Six weeks after the receipt of the report by the Administering Authority responsible for the Territory reported on, the report, together with such observations as may have been received from the Administering Authority concerned, may be circulated as a Trusteeship Council document."

I merely suggest that this should be an interpretation which the President of the Council may wish to put. I am not suggesting that the rule itself should be amended in any way. It would be quite sufficient if an understanding were arrived at in the Council and a ruling made by the President.

The PRESIDENT (Interpretation from French): May I ask the Assistant Secretary-General for his views on this proposed interpretation?

Mr. HOO (Assistant Secretary-General): If the Council so decides -- I suppose it will be a resolution on the interpretation of rule 99 -- it could be handled in the following way. We could send to each member of the Council one or two copies of the report which
/would be reproduced

would be reproduced in ditto like the working papers of some sub-committees and not as a numbered document of the Trusteeship Council. But, as I said this morning, the Secretariat cannot guarantee against any leakage, especially on the part of delegations. I do not know how it will work out in practice. We may be assailed by the journalists in certain cases if they learn that the report of a particular visiting mission is especially interesting, but technically we could proceed in that way.

/The PRESIDENT

The PRESIDENT (Interpretation from French): After the explanation that we have just received from the Assistant Secretary-General I feel that the interpretation that will be given to rule 99, following the proposal made by the representative of the United Kingdom, would be an additional guarantee that the report, until it is published, can be restricted ^{to the maximum} in its distribution; in other words, limited to the number of members in the Council. As the Assistant Secretary-General has said, the Secretariat will not have to take the responsibility of what may happen, because something may happen; a certain number of the documents must be distributed to the members of the Council anyway. The only thing the Secretariat can do is to do everything in its power so that the report of a Mission will be held as a document for limited or restricted distribution. Besides the documents which the Secretariat will keep for its own needs there will be a sufficient number printed to give one to each member of the Council.

They will not be put into circulation, as Sir Alan Burns suggests, as documents of the Trusteeship Council, until the Trusteeship Council has itself taken up the matter and discussed it. This would give the report a confidential character until the Trusteeship Council has taken up the matter.

If the Council agrees with this interpretation it could be included in the records of our meeting and the Secretary-General will reduce the distribution as much as possible.

Mr. INGLES (Philippines): In order to be in a position fully to appreciate all the implications of the proposal presented by the representative of the United Kingdom, it may be advisable in the first place to review the reasons for the sending out of Visiting Missions, and also review the position of Visiting Missions in the framework of the International Trusteeship System.

The Visiting Mission is an agency of the Trusteeship Council recognized by the Charter, in order to enable the Council, among other things, to see for itself the conditions obtaining in the Trust Territories. It is a fact-finding body and is responsible only to the Council. The only intervention of an Administering Authority, as contemplated in the Charter, is to agree to the periods of such visit. Once the visit is made the Visiting Mission is accountable only to the Council, and while the Council allows the Administering Authority to submit comments on the report of the Visiting Mission that report stands as submitted, irrespective of the observations of any other body.

/ This fact

This fact was confirmed by this Council when it took action on the report of the Visiting Mission to East Africa in 1948, in which it endorsed all the recommendations of the Visiting Mission in the sense that it asked the Administering Authority to take these recommendations into consideration.

Under rule 99 of our rules of procedure, as amended, the Mission may authorize the Secretary-General to release its report in such form and at such date as it may deem appropriate. It also authorizes the Council to publish the report of the Council with respect to the report of the Visiting Mission, as well as the comments of the Administering Authority.

It should be observed that it is one thing for the Visiting Mission to authorize the Secretary-General to release its report, and another thing for the Trusteeship Council to publish the observations of the Council itself on the report, together with the comments of the Administering Authority. In the first case it is not necessary to await the comments of the Administering Authority, because such release is necessary precisely in order to allow the members of the Council, including the Administering Authority, to receive copies of the report of the Visiting Mission. It is only in the second instance where it is possible to await the comments of the Administering Authority for publication, together with the comments of the Council itself.

With respect to the release of the report of the Visiting Mission of the Council, to the members, there is no question that they are entitled to it as a matter of right. The Visiting Mission, being an agent of the Council, reports only to its principal and to no other body, and it is within the competence of the members of the Council to deal with the report of the Visiting Mission in the same manner as it treats any other document of the United Nations.

With respect to the request that the report be not issued to the press, for example, and that the report be treated as confidential until the comments of the Administering Authority are received, my delegation does not see any sound reason for such secrecy. It should be observed that once the report of the Visiting Mission is rendered to the Council its work is ended. The request for secrecy has therefore nothing to do with protecting the Visiting Mission from criticism or outside pressure; neither has it anything to do with protecting the Council itself from outside influence.

/ What possible

What possible reason is there then for insisting on secrecy with respect to the report of the Visiting Mission until the comments of the Administering Authority have been received? One reason advanced during our discussions was that that would allow the Administering Authority to reply to any unfair criticisms that might be directed against it in the report of the Visiting Mission, before the report is made public. But considering that the Visiting Mission is composed of an equal number of Administering and non-Administering Authorities is there any reason to fear that its report might be weighted against the Administering Authority?

/ If it is assumed

If it is assumed that the report of the visiting mission might be unfair to the Administering Authority and, hence, the Administering Authority should have its comments published at the same time as the report, it should also be assumed that the report might be unfair to the people of the Trust Territory concerned in the sense that it does not depict accurately the conditions in the Trust Territory and, therefore, the people in the Trust Territories should have an equal right as the Administering Authority to be heard by this Council at the same time as the Administering Authority. After all, they are the ones most directly concerned and their interest is acknowledged by the Administering Authority as paramount.

Immediate release of the report of the visiting mission should, therefore, give not only the Administering Authority but also the people of the Trust Territory an equal chance to be informed of the contents of said report and to contest any conclusions or findings of such which they may consider neither fair nor correct from their often divergent points of view.

It should be observed further that, as members of the Council, the Administering Authorities have regular representatives on the Council to give their side of the case at any time. Representatives and experts of the Administering Authority accompany the visiting mission and are often in constant consultation with the members thereof. The Administering Authority is also entitled to send a special representative during the discussion of the report of the visiting mission. On top of that the Government of the Administering Authority is given the extra privilege of sending in comments on the report of the visiting mission.

On the other hand, the people of the Trust Territories only have the right of sending petitions to the Council. How can they exercise that right effectively in respect of the report of the visiting mission if they are not given the same chance as the Administering Authorities to know the contents of the report through the prompt release thereof? If the Council, as a body, is to make any observations on the report of the visiting mission, arrive at conclusions with respect to the report and formulate recommendations, would it not be advisable for the Council to have before it at the same time not only the comments of the Administering Authority but also the comments of the people who may live in the Trust Territory concerned.

/It would seem

It would seem to my delegation, therefore, that the proposal of the United Kingdom delegation is asking us to lay too much stress on privileges to be accorded to the Administering Authority at the sacrifice of the already meagre rights now enjoyed by the people of the Trust Territories before the Council. For this reason my delegation is opposed to the interpretation sought to be incorporated in rule 99 of our rules of procedure by the delegation of the United Kingdom.

Mr. SOLDATOV (Union of Soviet Socialist Republics)
(Interpretation from Russian): The delegation of the Soviet Union cannot agree to any changes in the existing rule 99 of the rules of procedure in the direction suggested by the United Kingdom delegation.

If one is to speak of any changes in this rule 99 or any other rule of procedure then one should endeavour to reflect to a greater extent the care of the Trusteeship Council with regard to the interests of the native populations of Trust Territories and such an approach would certainly be justified.

As you will remember, at the fourth session of the Trusteeship Council appropriate proposals were introduced which were in this direction -- several delegations introduced them -- proposals which were intended to give the populations of the Trust Territories the opportunity to express their views at the meetings of the Trusteeship Council but these proposals were not accepted in view of the position of the representatives of the Administering Authorities.

At the present time the populations of Trust Territories have only very limited opportunities to express before the Trusteeship Council their views and to defend their points of view there. One could say that the populations of the Trust Territories can only passively inform the Trusteeship Council of their complaints or express their wishes and requests.

The populations of the Trust Territories do not have the possibility to defend their interests before the Trusteeship Council in a due manner. Moreover, even when the petitions are considered -- petitions which come from the native populations of the Trust Territories -- very often we have a situation when, on one or another pretext, proposals are being introduced -- and sometimes these proposals are accepted -- that this or that petition is not complete, additional information is necessary although everything is clear, then

/not only a decision

not only a decision is being postponed but very often consideration of the petition is postponed sine die. Therefore the available means through which the populations of the Trust Territories can express their requests and their complaints to the Trusteeship Council are entirely insufficient. Moreover the populations of the Trust Territories can address petitions to the visiting missions of the Trusteeship Council but in this case, as well, the experience of the work of the fourth session of the Trusteeship Council, and of the fifth session, proves that requests and complaints of the native populations of the Trust Territories very often do not receive the necessary solution and, in any case, not a quick solution.

In fact, at the fourth session of the Trusteeship Council the report of the Visiting Mission to East Africa was considered only in a preliminary manner. At the fifth session it was decided in general not to consider the substance of this report although there was a previous decision to consider it in substance. The consideration of the petitions received by the Visiting Mission was not done properly and, therefore, the result is that even this means -- the Visiting Mission, with the help of which one would think that the native population of a Trust Territory could refer to the Trusteeship Council their complaints and formulate their requests -- experience shows is insufficient.

/Now a proposal

Now a proposal is introduced that even this insufficient means should be put under the control of the Administering Authority of the Trust Territory. In other words, the question is raised that the Trusteeship Council should be denied the opportunity, in addition to the Administering Authority, to obtain information on the real situation in the Trust Territory. Everything must be put under the control and under a kind of censorship of the Administering Authority. Even an organ of the Trusteeship Council which, as the Council knows, now consists of two representative of Administering Authorities and two representatives of non-administering powers -- even ^{with} such a body, notwithstanding the fact that the Administering Authorities are fully represented on it -- there is a tendency for it to be put under the full control of the Administering Authority which bears the responsibility for the Trust Territory.

The delegation of the Soviet Union cannot agree with this tendency. We are of the opinion that this tendency will not further the effective work of the Trusteeship Council in fulfilment and implementation of the objectives of the International Trusteeship System as they are expressed in the Charter of the United Nations.

The delegation of the Soviet Union is of the opinion that there are are no reasons whatsoever to revise rule 99 of our rules of procedure in the direction suggested by the delegation of the United Kingdom and is of the opinion that there is no reason to interpret this rule in such a manner as is suggested by the representative of the United Kingdom.

A Visiting Mission is an organ of the Trusteeship Council and the work of this body cannot be subjected to the interests of an Administering Authority. There can be no question of the Administering Authority not having the power to express its views fully. The Administering Authority has the fullest opportunity to do this; it can do it to a hundred or perhaps a thousand times greater extent than the native population of the Trust Territories.

The delegation of the Soviet Union cannot agree with the proposal to interpret rule 99 in a manner directed towards circumscribing the opportunities and possibilities which enable the Trusteeship Council --even in a limited manner -- to find out the real needs and complaints of the native populations of the Trust Territories. Therefore the Soviet delegation objects to the suggested interpretation of rule 99 of our rules of procedure.

/Sir Carl BERENDSEN:

Sir Carl BERENDSEN (New Zealand): I would like the opportunity to offer a few moderate observations on this very interesting question.

I am in general agreement, of course, with the point of view expressed by the representative of the United Kingdom, but I am perhaps less of an optimist than he is, and I have the gravest doubts whether, even if the Council could be prevailed upon to agree--as I hope they will -- to this proposal, the effect will be what is anticipated.

My experience of life may have been a little dismal, but it has been my experience that where the press is aware that a report has been made and where there are in existence actual written copies of that report, the press will get it and publish it, or alternatively publish what they think ought to have been in that report. In which case, it might well prove to be the fact that it is better to let the press have the report. Indeed, we have actually faced that situation in the course of our experience.

But on the whole I believe -- and I wish to be perfectly moderate, I am not trying to be deductive or to force a point of view upon anyone -- and I speak as one with considerable experience of the matter, that it would be better, before the report of a visiting mission is published to have, and to publish at the same time, the comments of the Administering Authority.

I want to make it perfectly plain that there is no suggestion in any quarter, as has been represented by the representative of the Soviet Union, that the Council is to be prevented from receiving the visiting mission's report until the Administering Authority is in a position to comment. No such suggestion has been made. Any such suggestion would be ridiculed out of court. What is suggested^{is} that before the report is published -- given to the world -- the comments of the Administering Authority should be received, provided they are sent in within a reasonable time -- there should be no loophole for recalcitrance -- and published at the same time.

Why? This is why I think that is the proper course to adopt, and I do not expect all members of the Council to agree with me but I hope they will give me credit for ^{perfect} bona fides in this matter as I have formed this conclusion out of what appears to me to be solid ground. First of all because of the methods adopted by this Council for visiting missions.

/All my life

All my life I have been misunderstood. It is a very great cross to bear; I try to bear it. The impression has got abroad in this Council amongst some of my most valued colleagues that I am opposed to visiting missions. I look to my old friend Mr. Noriega and I say to him that that is so far from being the case that what I want to see is bigger and better visiting missions. I am a convinced supporter of the principle of visiting missions. If I had my way -- and I am not saying this for the first time -- I would make it compulsory for every person sitting round this table to visit every Trust Territory. Is that opposition to visiting missions?

If I had my way I would take my old friend Mr. Noriega, put my arm in his and say "You and I are going to every single one of those Trust Territories, and when we come back we shall be in a better position to talk about these places than we were when we had never seen them at all."

My first doubt about the present arrangement for visiting missions -- and I speak as the most convinced supporter of the principle of visiting missions -- is this: that not enough of us go to the Trust Territories, not enough of us become members of those visiting missions and certainly not enough of us come back and resume our seats at this table with the advantage of the information we have gained.

That is my first criticism. My second criticism is this -- and it is inherent in the constitution of the body. I am not suggesting we can alter it, but I think it is a real difficulty, that those people who go on the visiting missions, speaking generally, know nothing at all about the area that they are visiting. Two of them represent Administering Authorities -- and I am not sure that that is a good plan, I hate the distinction in this Council between Administering powers and non-administering powers, I have always hated it and I beg to suggest that the more we can bury that distinction the more valuable and lasting work we will do.

/But if that

But if that is the wish, two of the members of these Visiting Missions are, by the decision of the Council, to be representatives of the Administering Powers, and one assumes that they have had some experience with some backward peoples somewhere. But they have never had any experience at all, by hypothesis, of the countries that they are going to visit, and the other two -- and I am not belittling their calibre, I have the utmost admiration for everybody around this table and for the members of the Visiting Mission -- almost without doubt never have seen a colony or a Trust Territory or any backward people whatsoever.

I am bound to say that I think that some of my colleagues around this table, animated by the noblest of motives, are inclined to the opinion that all peoples of the world, including those in the Trust Territories, are of the same high degree of education and development as the gentlemen who sit around this table. Of course, if that were so, there is no excuse for the Trusteeship System whatsoever. But that of course is not so.

What do we find here? We find four people selected to visit a Territory, and I repeat I am in favour of any four people visiting a Territory. If you sent the four biggest fools, the four most ignorant people in the world to visit a Territory, it is better than not having a Visiting Mission. But let us look at it now. They go there. How long do they go for? Now I am really coming to something that works me up. How long do they go for?

The people of the world, the public at large will not believe it; they will never know, but how long do they go for, to study the needs, the infinitely complicated requirements of hundreds of thousands of fellow human beings? How long do they go for? You would never make anybody believe it -- they go for two weeks! For two weeks! People who have never seen the Territory before visit the place for two weeks.

All right. Two weeks is infinitely better than two days, but two weeks is quite inadequate to enable the best-informed person to arrive at firm, substantial conclusions.

Do not misunderstand me and do not misrepresent me. I do not care who the members of the Mission are. Any members are better than none. Do not say that I am opposing Visiting Missions -- I like them. Two weeks is a lot better than two days, but not nearly as good as two months, and not nearly as certain as two years.

You must not assume -- and I am afraid that some people do assume -- that the people who are administering these Territories are oppressors and are there to do an injury to these people. I have seen more colonies,

/I venture to

I venture to suggest, than most people around this table. I have never seen that. I have seen people of the highest character, animated by the mildest and broadest humanitarian principles, trying to do their best. They have been there, many of them, for generations. They have seen these problems burgeoning from the beginning. They have seen the difficulties of putting things right; they are actually handling human beings, and there is no kittler cattle in this world than human beings.

You can lead a horse to water; you cannot make him drink. You can lead a human being to anything that you want him to do, but if you try to lead him, that is just exactly what he will not do. That is a principle that has got to be understood.

The point I am trying to make is this: that if you had the most competent people in the world in these Visiting Missions -- and I am not for a moment asserting, do not let anyone say that I am asserting, that they are incompetent; I am not asserting that -- who had never been to the place before and you put them there for two weeks, if you had four Ingleses or four Noriegas, or, as I said the other day, four Hoos or four Einsteins, it is inevitable, it is completely inevitable and inescapable that they will make some error in expressing in fifty or one hundred pages what they have decided in two miserable weeks.

I do not mind about errors; we see plenty of errors, and I who speak to you am a past master in making them. I do not mind errors, but there are some errors that you can erase and say, "Well, I made a mistake and that's okay. We'll just wash it out and start again." When you are dealing with the Authority, the country that is responsible for a backward people, you are dealing with something that has a considerable degree of fragility, and if you criticize an Administering Authority -- and I am all for criticizing them; I am for the fullest possible criticism, including my own country; I have been in the forefront of criticizing my own country, and I am happy enough to join in criticizing any country -- for something which you consider to be wrong, then you are dealing with something that has potentialities of extreme mischief and you must be sure you are right. You must not destroy or mitigate authority unless you are sure you are right.

Which of the four people who have never seen this country before will go there for two weeks -- let me repeat it -- two weeks, and can be sure in every case that what they are saying is right? We know -- every sensible person knows -- that we cannot be sure they are right.

If it were not for that fact, I would say, "Publish at once," and in any case, as I said before, I do not think it matters what you try to do

/if you do try

if you do try to do it, it has got to be published anyway. But if you could possibly arrange it so that any potential error, with its potential mischief attached to it, is caught before it is published, then surely everybody will agree that that would be so much the better, and that, as I understand it, is all that is proposed.

Let the Visiting Mission go there. For my part, send as many as you possibly can. Send all these people there; make them go. What a remarkable man our colleague Mr. Noriega would be if he had actually been to these places and seen the people, and come back and convince us of everything he saw.

I wish I had seen these places. I do not feel that I am really able to speak with authority about a Territory and about a people that I have not seen, because I have known how infinitely difficult I found it to arrive at correct conclusions with this little handful of marvellous people over whom we have the Administering Authority -- despite the fact that I had had fifteen years experience. You do not say, "Well now, that's right and therefore we will do it"; you say to yourself, "I wonder what's right? I must think of this and I must think of that and the next thing, and then when I have decided what I ought to do, then I have got to ask myself, 'Can I do it? Can you lead that particular horse to water, and if so, will he drink?'"

I wonder if I am boring the Council? I don't mind if I am.

I remember once in one of our territories -- and it was not a Trust Territory -- we wished to initiate a sanitation scheme. Nothing could be more beneficial; nothing could be less open to any debate, "Is it good or is it bad?" Every person on this earth would say that it was good, and we had money. I had forgotten one thing: I had forgotten human nature.

When we said to the people, "We want you to use this sanitation scheme," what happened? No, they had their own customs, and I honour customs too. It has taken the best part of a quarter of a century to induce these people to abandon their old customs and to take as their own custom a new custom, an obviously sensible and helpful system of sanitation.

When you are dealing with human beings you are dealing with something that is extremely difficult. You have not only got to decide what is right; you have got to decide whether you can do it, and the further question of who is going to pay for it, and that is not a minor thing at all. You have got to find the money for all these things, and it does not come from the people concerned any more than a minute fraction.

/All I would want

All I would want to see -- and I do not expect to see it -- is that the Visiting Mission, when they make their report after hearing everybody who wants to speak to them saying everything they want to say and the report putting in every single thing that the Mission wants to say -- if possible, let us check it up to some extent with the Administering Power. If there is any obvious error, let us cut that error out before it is published in case of mischief that might be done. That is the utmost that I would wish to see done.

But I do wish to clear myself with my old friend, Mr. Noriega. I do not want him to feel that I am opposed to Visiting Missions. I am the most enthusiastic supporter of Visiting Missions sitting around this table, and I wish I could bring it about that everyone of us went to everyone of those Territories and stayed there, not two weeks, but at least two months.

/Mr. NORIEGA

Following Sir Carl Berendsen's reasoning, why does the United Nations send commissions to the Balkans and Korea? Why did the United Nations send a truce commission to mediate between India and Pakistan? According to Sir Carl Berendsen we are sending fools, people who have no possible knowledge of facts, and people who know nothing about anything and cannot solve local problems because they were not brought up amongst them and did not know them.

I am afraid that Sir Carl Berendsen is labouring under a misapprehension, and this misapprehension leads him to state that the report of any mission must first be known to the Administering Authority, because at least 50% of the observations will have to be corrected. I should like to ask this: do the Commissions of the United Nations, sent to foreign countries, have to consult with the Governments in whose countries they have worked, or the Governments referred to in the reports? I should like to have one precedent established whereby a commission of the United Nations was forced to consult with Governments regarding its report before it was able to publish that report. There is no such thing.

I do not think that this is right. The Trusteeship Council has enough secrets. The newspapers have been silent enough on the work of the Trusteeship Council. We have been in limbo long enough. Very seldom do we find allusions made to the work of the Trusteeship Council in the newspapers. We have had allusions cast that this is a boring body of people, that does nothing; that nothing happens here and we are all lethargic; that we discuss inanities and in the most lengthy and tedious manner possible.

I do not think that this Council was established to give a theatrical representation, so that newspapermen could come here and roll in the aisles with laughter. No, we were not constituted for that. We were constituted for matters of study, to investigate and analyze. I think that the Council is trying to carry out its work to the best of its ability.

I think that newspapermen will never get hold of the news that one of the speakers here has taken hold of the microphone and thrown it at another. That type of sensational news will not be made in the Council. But certain sensational news has been left behind -- sensational news whereby workers earn $1\frac{1}{2}$ cents a day. That is sensational. But the newspapermen have overlooked that. That is apparently not enough of a scoop.

I insist that we cannot adopt any new rule of procedure which will restrict the freedom of the publication of reports, and I say this by virtue of the fact that if we adopted such a rule we would be going counter to the principles of freedom of information which govern and regulate the work of

/the United

the United Nations. Whether the report be foolish or intelligent, it is nevertheless a report that must be freely published.

I also want to ask whether, in England, criticisms levelled against the Government have to be known by the Government first, and published with the observations of the Government? Are we to believe that the criticisms published in the British press are all intelligent? On the basis that many of these criticisms were foolish we could justify the idea that no criticism can be levelled against the British administration unless accompanied by an annex containing the explanations of the British Government of these criticisms. That would be ridiculous. There is a mistake in the perception and in the perspective.

I think that proposal must be definitely studied. We should see all the implications. As far as my delegation is concerned, we are quite unable to vote in favour of the proposal, as I said before, because we would be violating and going counter to principles and articles of the Convention on Freedom of the Press and Freedom of Information, for which we voted in favour, with the delegations of the United States, the United Kingdom and all the other delegations around this table except the USSR.

Sir Alan BURNS (United Kingdom): I am quite sure that the newspaper articles contributed by Mr. Noriega were very good and I wish I had had the privilege of reading them.

The comments I wish to make on what he said this morning, and repeated this afternoon, to the effect that my proposal implies any suppression of the report of the Mission, are that I think he must have misunderstood me in making such a suggestion.

I have merely asked that there should be deferment of publication for six weeks at the outside. That surely is not suppressing the news. Mr. Noriega himself recently presided with great ability over a committee dealing with the question of higher education in the Trust Territories. He did not publish half his report before the whole story was available. He waited until he had the complete report, properly prepared, and put it before the Council. It did not come in instalments.

There is no suggestion whatsoever that I wish to suppress in any way the report of the Visiting Mission. The representative of the USSR suggested that there is an attempt to impose censorship by the Administering Authority. There is no such suggestion and I am quite sure that the representative of the USSR knew that there was no such suggestion. All I have asked, again, is a delay of six weeks so that the whole story can be told.

/As regards

As regards what the representative of New Zealand has said, I have had a good bit of experience of life also and I am not confident that my suggestion is going to eliminate any leakage of news, but I do not think that we ought to go on assuming that, because there is going to be a leakage of news, we should take no steps to prevent it so far as we are able. Because we know that murders occur, we do not remove any law against murder; we do our best to stop it.

I am bound to say that when I listened to the speech of the representative of the Philippines I had to ask myself why, in all the speeches made by the delegation of the Philippines, there is this attitude of suspicion in dealing with the Administering Authorities and with any suggestion that emanates from the representative of an Administering Authority. It was suggested today by the representative of New Zealand that this division in the Council between Administering and non-administering Authorities was an unfortunate thing. I agree heartily; but so long as that attitude of suspicion continues, so long as every possible bad motive is attributed to an Administering Authority, it is going to be impossible for the Council to work together in the way that it should work together. And the blame does not lie with the Administering Authorities, but with these hyper-critical people who always condemn every action and every suggestion made by an Administering Authority.

There is no suggestion, as the representative of the Philippines tried to make out, of secrecy in this matter; it is not a question of weighting the arguments in favour of the Administering Authority; it is not because we object to hearing the views of a Visiting Mission: it is only because the Administering Authority feels that it should have an opportunity of correcting any mistakes that are made -- and they will be made, whoever is on the Visiting Mission. I myself expect to go on a Visiting Mission next year, and I am quite certain that, in the short time that will be available, we may very well make mistakes and we shall be glad to have those mistakes corrected.

The Administering Authority is asking for no favours and for no special treatment, but it does ask to be treated with reasonable courtesy. My Government will always treat the Trusteeship Council with courtesy and has always endeavoured to do so by supplying it with all the information it has ever asked for. But we do expect in return a modicum of courtesy, and so far -- especially in the

/matter

matter of the discussion of the Visiting Mission to Tanganyika, we feel that we did not receive that courtesy.

The Council will remember that at the last session the representative of Belgium and I asked on several occasions that the consideration of the report of the Visiting Mission should be deferred until we had had an opportunity to put our views before the Council. This was refused, and I was left wondering whether this refusal was due to the fact that the members of the Trusteeship Council -- not all of them, I am glad to say, but some of them -- wished to have the discussion before they had heard the whole story.

I am not suspicious of motives as a rule, but I see so much suspicion around me that I am beginning to catch the disease, I am afraid. What can be the reason for refusing the ordinary courtesy that would be accorded to anyone to be allowed to make a statement of the facts as he sees them? Even an affirmed criminal, before he is condemned, is allowed at least to say something on his own behalf, but the Administering Authority does not even seem to have that privilege.

I still maintain that it is necessary for an attempt to be made by this Council to see that, when the report of the Visiting Mission is published, it should be accompanied by the observations of the Administering Authority. It would be well for this Council to do this in its own interest -- not in the interest of the Administering Authority, not in the least -- in the interest of the Trusteeship Council, in order that it should avoid making mistakes itself, and in order that we should try to avoid some of the unhappy incidents connected with the report of the Visiting Mission to Tanganyika.

The PRESIDENT (Interpretation from French): I think we have over-dramatized a subject which is really rather simple. I do not think it is the heat which has caused this, but rather the excessive refrigeration -- the air-conditioning, perhaps.

I still have one speaker on the list, but I shall ask this speaker, the representative of Belgium, not to refer to the substance of the matter, but to defer what he may have to say until tomorrow because it is time to adjourn. However, I think the representative of Belgium has a communication to make to the Council regarding the Visiting Mission to West Africa.

/Mr. RYCKMANS

Mr. RYCKMANS (Belgium) (Interpretation from French): I am now in a position to present to the Trusteeship Council the nomination by the Belgian Government of a candidate instead of myself for the Visiting Mission to West Africa. This candidate is Mr. Alfred Claeys-Bouuaert, once ^{Provincial} Commissioner in the Belgian Congo and now Député Chef du Cabinet to the Minister for the Colonies in Brussels. He is a colonial official of long experience, who will know the problems and be fully qualified to work on this Mission.

The PRESIDENT (Interpretation from French): I think we could complete the nomination of the members of this Mission to visit the West African Trust Territories before we adjourn today. Is Mr. Claeys-Bouuaert acceptable to the Council as a member of the Visiting Mission? As the representative of Belgium says, Mr. Claeys-Bouuaert is very competent on colonial affairs and will therefore bring very valuable assistance to the work of the Mission. If the Council agrees to accept his candidature, this might be done right away so as to close the matter.

Mr. KHALIDY (Iraq): I think we are indebted to the representative of Belgium for being so accommodating and quick about furnishing us with this information, and with all the qualifications that Mr. Claeys-Bouuaert has, I believe that we have in him a man of very high calibre and great experience in colonial affairs. I would commend to the Council the approval of his name.

The PRESIDENT (Interpretation from French): If there are no objections on behalf of the members of the Council, the Council could decide immediately to accept Mr. Claeys-Bouuaert as a member of the Visiting Mission.

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

The PRESIDENT (Interpretation from French): Very well, we shall put it to the vote immediately.

/Will those

Will those in favour of the candidature of Mr. Claeys-Bouuaert please raise their hands.

A vote was taken by show of hands.

The candidature was approved by 10 votes to 1.

The PRESIDENT (Interpreation from French): There will be a meeting tomorrow morning at 10.30 a.m. The meeting is adjourned.

The meeting rose at 5.57 p.m.