

United Nations

Nations Unies

UNRESTRICTED

TRUSTEESHIP
COUNCIL

CONSEIL
DE TUTELLE

T/P.V. 191
21 July 1949

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English

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TRUSTEESHIP COUNCIL

Fifth Session

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

Lake Success, New York
Thursday, 21 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.191 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-seventh meeting of the fifth session of the Trusteeship Council.

REVISION OF THE RULES OF PROCEDURE (T/384) (Discussion resumed)

The PRESIDENT (Interpretation from French): We shall now resume consideration of item 2 of our agenda, "Revision of the Rules of Procedure."

We discussed one of the proposals, presented by the representative of the United Kingdom, yesterday, and we postponed the end of our discussion until today.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): Due to the development of our schedule and the items which have as yet not been touched upon, and foreseeing that the ^{discussion of the} item before the Council now would perhaps be extremely long, I should like to ask Sir Alan Burns to be good enough to postpone his proposal.

I do not think that any very great advantages would accrue to the discussion of this matter now, and therefore I should like him to be good enough to postpone it until later.

Sir Alan BURNS (United Kingdom): My friend, Mr. Noriega, always has me at a disadvantage in that he always asks everything so nicely that it is difficult for me to refuse him.

As Mr. Noriega has so consistently been willing to cooperate with other members of this Council, I am quite willing to meet his wishes and to defer further consideration of this matter until possibly the next session, or some later session.

The PRESIDENT (Interpretation from French): Due to the fact that the representative of the United Kingdom accepts the deferment of the discussion of his proposal, this proposal shall be postponed.

In the meantime I should like to say that rule 99 says that "the Mission may authorize the Secretary-General to release its report in such form and at such date as it may deem appropriate." I think that we can safely leave it to the sagacity and wisdom of the Chairman of the Visiting Mission to West Africa ^{to} determine the decisions that will

/be taken

be taken by virtue of rule 99 of our rules of procedure, because I am sure Mr. Khalidy will take into consideration the remarks that were made in the Council.

This item is therefore postponed. Nevertheless, we have another proposal for revision of our rules of procedure. This was presented by the delegation of France. I refer to document T/384, which refers to rule 90 of the rules of procedure.

I do not think that this is a pressing matter, and I think that we might postpone the discussion of this rule also, until our next session. As far as this present session is concerned, we have already finished considering the reports.

Mr. LAURENTIE (France) (Interpretation from French): As the President has so clearly put it, this proposal by the French delegation is not intended to open an immediate discussion, which might be very long and which might delay the end of our work.

My delegation would like to call to the attention of the Council that the examination of petitions occurred under the greatest difficulties, and these difficulties obviously resulted from the procedure that was followed up to and including this present session. Under these circumstances it would therefore be good and necessary for the Council to seek and find some other way of proceeding, so as to improve our methods.

We are not sure that those suggested here are necessarily the best. There might be others, such as that of establishing a rapporteur for a certain number of petitions, who would summarize the entire matter for the Council, and the Council could take the decisions. There are of course other procedures, which do not at this moment come to mind.

But what is indispensable is that some solution be found -- a practical method of working that will be better than that which was applied here. The only thing that the French delegation asks of the Council is that it take note of the proposal it has presented, so that discussion could be held on this matter at the beginning of our next session, in order that we may not once again fall into the same difficulties that have accompanied our discussions in the consideration of petitions up to now.

Mr. SAYRE

Mr. SAYRE (United States of America): I simply want to ask whether an early reprinting of our rules of procedure would be in order. As the President is aware, a number of rules have been changed since the last printing, which was, as I remember, over two years ago.

I wondered whether the Secretariat had in mind a reprinting of this pamphlet on our rules of procedure.

The PRESIDENT (Interpretation from French): I think that in order to ease our work and expedite matters, the Secretariat can carry out a reprinting of our rules of procedure, with the amendments which have been presented and accepted during the last two years.

This document was printed on 23 April 1947, at the end of our first session, and therefore it would be time to have a reprinting.

Mr. HOO (Assistant Secretary-General): We shall have another edition of the rules of procedure, but I must make some reservation. Recently the Advisory Committee has requested a cut of \$3,000 in our funds for printing. We are fighting it out. I hope we shall have enough money to print them.

The PRESIDENT (Interpretation from French): We all hope the same thing.

QUESTION OF SOUTH WEST AFRICA (T/371, T/383) (Discussion resumed)

The PRESIDENT (Interpretation from French): We shall go on to item 3 of our agenda, and thus return to the question we started to discuss yesterday. It is that of the "Question of South West Africa."

I mention to you that we have a draft resolution presented and discussed yesterday, from the delegation of the Philippines. After the discussion that we held yesterday, which I hope has sufficiently clarified the question for all members of the Council, I think we can immediately go on to vote on this draft resolution. I therefore formally propose that we vote on this draft resolution immediately.

/Mr. INGLES

Mr. INGLES (Philippines): While my delegation was able to say something at the last session in connexion with the admissibility of its resolution, it has not so far been able to speak on the substance of the resolution. I therefore crave the indulgence of the President to be allowed to elaborate further on the Philippine resolution.

Members of this Council are well aware of the long and unhappy history of the relationship between the United Nations and the Government of the Union of South Africa on the question of the former mandated territory of South West Africa.

/It will be recalled

It will be recalled that on three successive occasions, the General Assembly has recommended that this territory be placed under the International Trusteeship System and that the Government of the Union of South Africa has consistently failed -- and, in fact, refused -- to take action accordingly. Its most recent refusal is now before us in the letter reproduced in document T/371.

It may not be within the competence of this Council to take up the fundamental question of the attitude of the United Nations towards this third failure of the Government of the Union of South Africa to agree with the views of the majority that the proper place of South West Africa is under the Trusteeship System as a Trust Territory. We may be certain, in any case, that the General Assembly will not ignore this challenge to its authority.

Nevertheless, the Trusteeship Council is directly concerned and, in the view of my delegation, must take some action in respect of a particular aspect of this situation. I should like to remind the Council once again of the clear directive contained in the General Assembly Resolution of 26 November 1948 for the Trusteeship Council "to continue to examine such information" as may be submitted by the Government of the Union of South Africa on the Territory of South West Africa "and to submit its observations thereon to the General Assembly."

It is true that the Government of the Union of South Africa has not submitted a full report on the administration of the Territory, and it was made clear in its letter that it does not intend to do so.

It has been argued that the information submitted by the Union of South Africa, not being a full report, should not be examined by the Council at all, much less should the Council make observations on it in accordance with the instructions of the General Assembly. It goes without saying that if the Council is competent to discuss a full report, it is equally competent to discuss a partial report.

It would certainly be unrealistic -- if not an evasion of responsibility -- for the Trusteeship Council not to examine a partial report on the ground that it is not a complete report, especially if it has already been informed that no complete report is forthcoming. The Government of the Union of South Africa has submitted certain extremely important and substantive information in the form of the text of an explanation of the new South West Africa Affairs Amendment Act of 1949 which provides for so-called "closer association" of the Territory with the Union of South Africa. It is clearly our duty to examine this information.

/While it

While it is true that the copy and summary of the South West Africa Affairs Amendment Act of 1949 was submitted by the Government of the Union of South Africa for information purposes only, it is also true that the last annual information submitted by the Government of the Union of South Africa for 1946, was submitted to the United Nations also for information purposes only. Nevertheless, the General Assembly asked this Council to submit "observations thereon."

Those who are familiar with discussions of the question of South West Africa during previous sessions of the General Assembly will recall that the so-called "closer association plan" was brought by the Government of the Union of South Africa as a substitute for the "incorporation plan" which was rejected by the General Assembly at a previous session.

Nevertheless, in the view of some delegations, the "closer association plan" between the Government of the Union of South Africa and the Territory of South West Africa was only a softer form of incorporation.

Let us examine the salient feature of the South West Africa Affairs Amendment Act of 1949, as submitted to us by the Government of the Union of South Africa and as it appears in document T/371.

The PRESIDENT (Interpretation from French): I should like to pose this problem as it now stands before the Trusteeship Council. I have interrupted the representative of the Philippines because he is proposing to go into the subject matter contained in the letter sent by Mr. Jordaan to the Secretary-General. But we know the terms of the three resolutions taken successively by the General Assembly. Obviously the General Assembly meant a normal report sent by the Government of the Union of South Africa to the Permanent Mandates Commission on the political, economic, social and educational situation in the Trust Territory.

The General Assembly has charged the Trusteeship Council with considering the report which would be sent by the Government of the Union of South Africa, and to examine it under the same conditions as those under which we consider the reports, according to the Charter, for all Trust Territories. But it is found that the Government of the Union of South Africa has not recognized the Trusteeship System in South West Africa and that it retains the provisions of the Covenant of the League of Nations. It therefore feels that it is bound by the provisions which refer to the Mandate System. Therefore we find ourselves here in an extremely peculiar and unique position.

/But in any

But in any event we cannot discuss the substance of this matter. It is a matter which comes under the jurisdiction of the General Assembly alone. It would therefore be materially impossible for us to go into a discussion of the contents of the letter from Mr. Jordaan because it is not precisely a report such as that which the General Assembly had expected from the Government of the Union of South Africa. The Government of the Union of South Africa has officially, through this letter itself, notified the General Assembly that it does not intend to send any report. We cannot discuss this because, according to the General Assembly's orders, we must discuss the substance of the question and there is no substance; there is no report.

I trust the Council shares this point of view. I am pointing this out as President of the Council because it is a matter of competence. We are now discussing the competence of the Council. I do not think we can enter a useful discussion and I do not think we are competent to enter this discussion because the document before the Council is not the document which was asked for by the General Assembly and which should have been a complete report on the political, economic, social and educational situation in the old mandated territory of South West Africa, which was considered a Trust Territory. That is why yesterday I advised the Council to add this to the agenda; because we received a document from the Secretary-General and, having that document before us, I personally thought -- and I believe a majority of the Council was of the same opinion -- that we should somehow mention, in our report to the General Assembly, the fact that we had received this document and ^{should} tell the General Assembly that we were unable to proceed with the examination of the report which should have been sent -- and which was expected by the General Assembly -- on South West Africa from the Union of South Africa, but that that report had not been sent to us and therefore we were not able to fulfil the terms of reference.

/But in all

But, in all honesty, I do not believe that the Council can do anything else because of the very limited powers given to our Council regarding South West Africa. I did feel that the representative of the Philippines shared my point of view; I thought that he felt too that we could not discuss the substance of a document that was not within the competence of the Council. We received a memorandum from the Secretary-General, and at the end of the Philippines resolution it is said very clearly that the Council was unable to fulfill the functions envisaged for it in General Assembly resolution 227 because the Union Government has decided not to submit further reports. I shall quote from the Philippines resolution; it says that the Trusteeship Council:

"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 resolution 227 (III)."

I am presenting this matter to the Council in this way so as to avoid useless discussion and so that the Council may know exactly where it stands regarding this item on our agenda.

I am very sorry to have ^{had to} interrupt the representative of the Philippines; he may go on with his speech if he wishes.

Mr. INGLES (Philippines): I wish to thank the President for allowing my delegation to proceed with its statement on the question before us, notwithstanding that my delegation differs from the Chair as to the interpretation of the General Assembly resolution of November 1948, laying down the terms of reference for the Trusteeship Council in the examination of information submitted by the Union Government on the Territory of South West Africa.

My ^{West} delegation would like to make a short examination of the South/Africa Affairs Amendment Act of 1949 contained in document T/371, and I wish to assure the Council that my remarks will be very brief.

While it is true that the ^{West} South/Africa Affairs Amendment Act of 1949 provides for a fully elected legislative Assembly for the Territory of South West Africa to replace the old Assembly composed of elected and appointed members, with additional functions, it appears that the powers of legislation formerly granted the Governor-General with respect to matters in which the Assembly was not competent to legislate, have been vested in the Union Parliament. Thus, it is now the Union Parliament, and not the

/Governor-General

Governor-General of the Territory nor the Legislative Assembly of the Territory, which enacts ordinances on native affairs or on any matters especially affecting the natives, including the imposition of taxation upon persons, land arbitrations and the earnings of the natives.

It might be pointed out in passing that the so-called representatives of the Territory in the Union Parliament have to be Union nationals and must be of European descent.

For all practical purposes, however, the Territory of South West Africa has become a Province of the Union. I might quote in this connexion a statement attributed to the Premier of the Union Government, Dr. Malan, as reported in the Rand Daily Mail of 5 April 1949, with respect to the debate on the third reading of the Bill which is now before us as the South West Africa Affairs Amendment Act. Dr. Malan said that the enactment of the Bill meant that by law the Union of South Africa no longer recognized the Mandate. . . .

Sir Alan BURNS (United Kingdom): A point of order. Are we allowed in this Council, in discussing this matter, to go into the question of what the Prime Minister of South Africa has had to say on a matter of this sort? My Government feels very strongly that we are not qualified in any way to discuss this document now before us, and I feel quite certain that it is not in order to discuss the remarks of the Prime Minister of another country.

The PRESIDENT (Interpretation from French): I entirely share the point of view of the representative of the United Kingdom and I did just now express my point of view on this matter as President. I said that this was a question of competence. It is a very complex matter; I realize fully that it is a very delicate subject.

I understand^{that,} up to a certain point, . . . the representative of the Philippines feels that he can discuss the information contained in this text. That is his point of view. I have already made clear to the Council my point of view as President; it is contrary to that of the representative of the Philippines. This is, as I said before, a question of competence.

After I spoke, the words of the representative of the Philippines have accentuated the necessity I felt to make certain observations, because we are now starting a discussion of the domestic legislation
/of a country

of a country with which we have no concern. This is a question of the domestic legislation of the Government of the Union of South Africa.

This was admitted by the representative of the Philippines who said, according to the interpretation I heard, that South West Africa has now become a Province of the Union of South Africa. It is therefore completely outside our competence; we cannot discuss a province of another country; the General Assembly is the only organ of the United Nations that can discuss that. The representative of the Philippines himself said that the ex-mandated Territory of South West Africa had now become a Province of the Union of South Africa; we are therefore completely outside our competence if we try to discuss it. It is not a Trust Territory; it is now a part of the Union of South Africa.

Our task, in accordance with the Charter, is laid down in Chapters XII and XIII of the Charter; it is only an exceptional case that the General Assembly asked the Council to consider the reports which it was expected would be transmitted to us by the Government of the Union of South Africa. But the Government of the Union has decided to send no further reports; that is a political matter that will doubtless be discussed again in the Assembly itself, but which has nothing to do with the Trusteeship Council.

I am forced to draw the attention of the representative of the Philippines very firmly to this fact. It is a question of competence; the Trusteeship Council must not overstep its sphere of competence. And, as I said before, from the very terms of the draft resolution presented yesterday by the delegation of the Philippines, the document which we now have before us and which I proposed to put immediately to the vote, I had thought that the representative of the Philippines also shared the opinion that it was neither timely nor appropriate to discuss the substance of the matter. However, he has now started going into the substance of the matter; we are embarking upon a discussion of the domestic jurisdiction of a Member of the United Nations, and that is quite outside the purview of the Trusteeship Council.

I must insist very strongly on this matter. It is a question of competence which must be decided upon. If the majority of the Council does not share my opinion, I shall bow to its decision and the Council can be responsible to the General Assembly. But I should like the Council to decide whether or not it considers this matter within its competence.

/Mr. SOLDATOV

Mr. SOLDATOV (Union of Soviet Socialist Republics)(Interpretation from Russian): A point of order. The Council is now considering a resolution presented by the Philippine delegation. It is quite normal that the representative of the Philippines in the Trusteeship Council should have the full right to speak in favour of his own resolution. Moreover, if the President will take note of the last two paragraphs of the resolution of the General Assembly, he will see that the statement of the representative of the Philippines does not constitute a violation of anybody's rights but, to the contrary, the representative of the Philippines is fully in accord with the decision of the General Assembly.

To interrupt a member of the Trusteeship Council when he is defending his own resolution is not a proper practice and such a precedent should not be established, especially when there is no foundation for doing so.

I should like the President to take into consideration the point of view of the USSR delegation on this matter.

The PRESIDENT (Interpretation from French): We shall take note of the observations made by the representative of the USSR and they will be included in the official record of this meeting. If there is any doubt in the mind of any member of the Council, it is very possible that that doubt will be shared by others. But I think the Council can very wisely leave this matter to the General Assembly and ask the General Assembly whether the Council is able to discuss matters such as those included in the letter from the representative of the Government of the Union of South Africa.

If the Council agrees with this, we can ask the General Assembly to give it special instructions on this matter which I consider to be indispensable before the Council can discuss the matter.

Mr. INGLES (Philippines): May I proceed? I was almost at the end of my remarks.

The PRESIDENT (Interpretation from French): If the representative of the Philippines continues to discuss the substance of this matter, I should like to ask him to do so after a preliminary vote has been taken on the competence of the Council. I should dislike having to interrupt him again.

Since I am putting forth Presidential advice which may be mistaken, I definitely must ask the opinion of the Council regarding /the competence

the competence of the Council in regard to this matter. I am afraid the representative of the USSR was mistaken when he said that the President has no right to interrupt a member of the Council on a matter which he personally considers to be perfectly clear, because that is one of the rights of the President, especially when the Council's competence is in question. It is for the General Assembly to say whether the President is right or wrong. Perhaps the General Assembly will say that the President was wrong to pose the question of the competence of the Council, but that will be decided later.

Personally, I feel that it is up to the Council to decide, so I shall put the competence of the Council to a vote. If the majority of the Council feels that it can discuss the question raised by the letter from Mr. Jordaan to the General Assembly, then the representative of the Philippines may continue with his statement and the Council can continue with its debate.

Mr. INGLES (Philippines): In the opinion of my delegation, there is a clear directive from the General Assembly for the Trusteeship Council to discuss this matter and, while any member of this Council may differ from our view, I believe that it is competent for a member of this Council, withal the humblest member of the Council, to present his observations on the question.

The PRESIDENT (Interpretation from French): Under these conditions, I must immediately put to the vote the question of whether the Council is or is not competent to discuss the substance of this matter. I cannot decide for the Council; the Council must decide for itself.

Mr. NORIEGA (Mexico)(Interpretation from Spanish): During the course of this session, I have admired the impartial and gentlemanly way in which the President has presided over the work of this Council.

I do not think that when we start discussing a matter of procedure, and especially a matter of procedure which refers to competence, it should be put to the vote because, in the first place, a member of the Council is absent and, secondly, because of the way the voting is balanced in this Council, I do not think it is necessary to take a vote. We would know the decision beforehand. We have had a lot of experience with matters concerning the Government of the Union of South Africa and we know perfectly well how the voting goes in the General Assembly;

/the type of voting

the type of voting which accompanies matters concerning the Union of South Africa in its history with South West Africa as well as some other matters which the General Assembly has had to consider in regard to South West Africa and which, unfortunately, has always resulted in a decision that has never been acceptable to the Government of the Union of South Africa.

I hardly consider, therefore, that it would be practical at this moment to discuss the substance of this matter. The most practical thing to do would be for the Council to take a worthy resolution, a resolution worthy of the Council as an organ of the United Nations.

Yesterday, I told the Council that in this matter concerning the Union of South Africa we must recall that the Trusteeship Council is a body of the General Assembly, and we must realize that we are not in the same situation here as we would be if we were discussing the Union of South Africa and South West Africa in the General Assembly.

When the Union of South Africa is discussed in the General Assembly, each delegation is free and able to do whatever it wishes according to its interests. But in the specific case of the Trusteeship Council, the situation is completely different because the Council as a whole is a representation of the General Assembly.

For this reason, I invite the members of the Council to analyze this situation from that point of view. This is a different point of view from that with which we view matters in the General Assembly.

The letter from Mr. Jordaan, which has been the basis of all this discussion, refers to the Trusteeship Council. I am not talking about the substance of the decision of the Government of the Union of South Africa but I am referring to the allusions made in that letter to the Trusteeship Council. That should be sufficient for the Trusteeship Council to include this item on its agenda because it is a matter of the dignity of this body, an organ of the United Nations, which is affected. Then we would have to discuss this matter in all its depth and scope so that the Council may show the General Assembly that its hands are clean.

But I do not think that is a point where we have to bring up the competence of the Council because a vote will show six in favour and six against. A vote at this moment would hardly be appropriate or agreeable because one of the members of the Council is absent.

I will take the liberty of suggesting that the President permit the Philippine representative to finish his statement.

/I agree

I agree that this letter should be the basis of a very ^{careful}/detailed conscientious study. If we are not going to have this discussion of the letter ^{at least} according to the ideas of one member of the Council/we should hear the representative of the Philippines on his declaration, which I believe to be quite in order because every representative has the right to express his reasoning and his point of view which may support the presentation of a draft resolution or of any document.

I do not think there are any other members of the Council who want to make long speeches on this question but I think we should hear the representative of the Philippines and then go on to a vote on his draft resolution. I think this is the most prudent thing that the Council can do, and the safest.

Then I would like to submit, be the fate of this draft resolution of the Philippine delegation what it may, that the Council decide -- and this is a formal proposal of the Mexican delegation -- to ask the President of the Council to explain to the General Assembly what the position of the Council is regarding this matter that was recommended to the Council by the General Assembly.

The PRESIDENT (Interpretation from French): The representative of Mexico knows that I only proposed that vote as a last resort. I was forced to consider that vote as necessary and I was very sorry to do so, but it was in order to avoid any long discussions.

But if the representative of the Philippines is the only one who wishes to speak I am more than willing to let him finish, because he has presented us with a draft resolution. But a declaration from one member can bring up speeches from all other delegations and that may waste the whole afternoon on a subject which I doubt whether it is within the competence of the Council to do.

Therefore, regarding the draft resolution of the Philippine delegation I think that there are certain items, the first paragraph for example, which are statements of fact; the fifth paragraph is also a statement of fact; paragraphs 2 and 3 refer to certain phrases which are quoted from Dr. Jordaan's letter and which might be considered as injuring the Trusteeship Council.

The representative of the Philippines may feel that he has to make certain reservations regarding the phrases which refer to the

/ Trusteeship Council

Trusteeship Council but I would request him not to go into the political substance of the issue. If we are to discuss the letter from Dr. Jordaan I think the Council may want to express certain reservations regarding it.

With regard to the fourth paragraph, "The Trusteeship Council calls the 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 intention to bring about a form of closer association between South West Africa and the Union and has decided not to transmit any further reports on the Territory." That is a summary of the letter that we received from Dr. Jordaan. We do not discuss it; we take note of it.

If this indication definitely figures in the Philippine draft resolution, it is only to justify the fact that we were not able to consider a report. And why were we not able to consider it? Because we did not have it.

If Mr. Ingles would be satisfied with explaining his draft resolution then that would be all right -- I thought that was what the representative of the Philippines was going to do, and as far as I am concerned I will not object. What I would like the representative of the Philippines to do is not to go into the substance of the matter which is contained in Dr. Jordaan's letter because, I repeat, that is not within our competence. It would be intervention in the domestic jurisdiction of a country.

Does the representative of the Philippines agree to speak under those circumstances? Otherwise I will have no other alternative than to put the competence of the Council to the vote. Can Dr. Ingles confine himself to an explanation of his resolution? If so, then he can speak.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): Once more I wish to reflect clearly the attitude of the Soviet Union delegation to this matter.

The representative of the Philippines defends a draft resolution presented by him. The draft resolution speaks of those problems which he dealt with in his speech. In particular, it will be seen that the penultimate paragraph of the resolution says that the Trusteeship Council "Calls to the attention of the General Assembly the fact that the Union Government has now, according to its letter

/ of 11 July 1949,

of 11 July 1949, given effect to its intention to bring about a form of closer association between South West Africa and the Union and has decided not to transmit any further reports on the Territory;"

The representative of the Philippines defends his draft resolution and the Soviet Union delegation is of the opinion that any member of the Trusteeship Council, when he introduces a draft resolution, has the full right to defend it, and I am therefore of the opinion that to interrupt a member of the Council and to interfere with his speech in defending his draft resolution would be incorrect.

This is the meaning of my statement and I think that all the members of the Trusteeship Council can agree with this point of view, for any other cannot be envisaged.

I therefore suggest that the representative of the Philippines should have the opportunity to finish his brief statement in defence of his resolution.

The PRESIDENT (Interpretation from French): I would like to point out to the representative of the Soviet Union that he is mistaken when he feels that a member of the Council, in defending his resolution, can say anything and can touch upon any subject no matter what.

His interpretation is completely erroneous and is contrary to all the usage of the organs of the United Nations. It is obvious that any member of the Council or any member of any body of the United Nations can defend any document, but if the explanation of a resolution by a member goes outside the competence of the Council then it is the duty of the President to tell him that he is going outside the competence of the body.

I defy the representative of the Soviet Union to challenge this type of interpretation of the rights of a member.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): The President interprets my statement incorrectly. Why does the President change ^{my} words. I said that the representative of the Philippines spoke on the substance of the penultimate paragraph of his resolution. He defended this particular paragraph. Each member of the Trusteeship Council, when he introduces a resolution, must defend it and the representative of the

/ Philippines spoke

Philippines spoke of the fourth paragraph of his resolution. Why should he not be allowed to speak in defence of his fourth paragraph? Why should he defend only the first and the fifth? He decided to defend the fourth paragraph of his resolution also and that is his clear-cut right.

Therefore I would like to ask the President not to mis-interpret my statement and I repeat that when a member of the Trusteeship Council introduces a draft resolution he has the right to speak in favour of it and deal with the substance of it. I did not say that any member of the Council can say any nonsense in defence of his resolution -- although I must say that it happens that on many questions some of the members of the Council sometimes speak of matters which have nothing to do with the subject.

Sir Alan BURNS (United Kingdom): We all agree that some members speak a good deal of nonsense. I would not have suggested it; I have waited for my Soviet colleague to do so.

I want to make my position clear. I raised a point of order on a specific item. My delegation felt that this Council has no competence to consider a letter which is addressed by anyone to the General Assembly. Nevertheless, as the President has allowed the representative of the Philippines to speak to his resolution I would not have presumed to have interfered until such time as, in my view, the representative of the Philippines was very much out of order in referring to the Prime Minister of one of the United Nations Members. I consider that to be entirely out of order and I protested on those grounds.

There was no desire on my part to stop a legitimate discussion. Everyone can speak to his resolution provided he does not go out of order.

/ Mr. SAYRE:

Mr. SAYRE (United States of America): I want to say just a word in support of this point of order and in support of the position which the President has taken. It does not seem to me open to argument.

The Charter definitely prescribes the powers given to the Trusteeship Council; in Articles 87 and 88 of the Charter we read those powers and we see that those powers are confined to matters connected with Trust Territories. South West Africa is not a Trust Territory so that the only competence which the Trusteeship Council has with regard to South West Africa is that which the General Assembly by specific resolution gives us.

I turn to Resolution 227 (III), the General Assembly resolution in question and, as I pointed out yesterday, that is very clear. It recommends without prejudice to its former resolutions 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;"

That is the recommendation. Then the resolution goes on in the words which concern us:

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

In the letter from Mr. Jordaan dated 11 July 1949 he specifically says that his Government "has regretfully come to the conclusion that in the interests of efficient administration no further reports should be forwarded."

I am not, as I said yesterday, holding any brief for the Government of the Union of South Africa. I regret very much myself that the South African Government has taken this position but that has nothing to do with the competence of the Trusteeship Council. We surely must confine our discussions to those matters which lie within our competence. If we look at the resolution of the General Assembly there is not one word which authorizes us to discuss a letter or a matter concerning South West Africa which is not the subject of a report transmitted to the General Assembly as requested in the General Assembly resolutions which have been passed.

It is very clear and I wonder why we argue upon it at such length. It is very clear that in our report to the General Assembly

/no more is needed

no more is needed than a simple sentence stating that this Council is unable to carry out the request of the General Assembly contained in resolution 227 (III) since no report on South West Africa was received. That would finish the matter and it does not require a resolution of this Council to incorporate that sentence in our general report which will be on our agenda for tomorrow.

Therefore I desire to support the point of order taken by the representative of the United Kingdom and very strongly to support the position which the President took and which he so ably defended in his own words.

The PRESIDENT (Interpretation from French): Mr. Sayre, could you give us your proposal in writing?

Mr. SAYRE (United States of America): Yes, if it is in order but I do not think it requires a resolution. It is a suggestion and I shall put it in writing.

Mr. INGLES (Philippines): In the same letter from Mr. Jordaan of the Union of South Africa referred to by the representative of the United States of America I read the following sentence taken from the last paragraph:

"In accordance with an assurance given by the Prime Minister in the Union Parliament, I am directed to transmit herewith to the United Nations, for information only, a copy of the South West Africa Affairs Amendment Act No. 23 of 1949 together with a summary of its provisions."

What shall we do with this document, what shall we do with this Act which was referred to us for information? According to the General Assembly resolution quoted also by the representative of the United States, the Trusteeship Council is directed to examine information submitted by the Government of the Union of South Africa on the Territory of South West Africa and to make observations thereon.

In the course of my observations preparatory to the presentation of the resolution of my delegation, a point of order was raised by the representative of the United Kingdom. It was because, in an attempt to find out the real significance of the South^{West}/Africa Affairs Amendment Act, my delegation sought to find,

/from the statements

from the statements of persons who were responsible for the introduction and enactment of the South/^{West}Africa Affairs Amendment Act in the Union Parliament, the real purpose of that Act and, when I quoted the statement of the Prime Minister of the Union Government, the representative of the United Kingdom raised a point of order to the effect that I was out of order.

I do not know what the precise distinctions are which the representative of the United Kingdom would establish as to when a remark of a member of this Council is in order and as to when it is out of order but my delegation considers that the quotation from the authorized head of the Government responsible for this South West Africa Affairs Amendment Act is very much in order to explain the purpose of that Act.

/If the President will

If the President will allow me to proceed on the substance of the resolution which my delegation has presented, I wish merely to point out that this resolution deals with only four important points which my delegation believes the General Assembly should be apprised of by this Council, namely:

(1) The Trusteeship Council will apprise the General Assembly that it has examined certain information transmitted to the United Nations by the Government of the Union of South Africa;

(2) That it takes exception to certain statements in the letter transmitted to the United Nations by the Union Government with respect to the actuations of this Council regarding the report on South West Africa for 1946;

(3) The Trusteeship Council calls the attention of the General Assembly to the fact that the Government of the Union of South Africa has now, according to its letter, given effect to its intention to bring about a form of closer association between South West Africa and the Union;

(4) The Trusteeship Council further informs the General Assembly that the Union of South Africa has decided not to transmit further reports on the territory and that in view of this refusal the Council is precluded from exercising further the functions envisaged for it in the Resolution of the General Assembly.

My delegation considers this resolution the least which this Council can do in respect of the item we are now discussing. My delegation considers it -- if it may say so -- a very moderate resolution. In the opinion of my delegation the Union Government has not only terminated unilaterally the Mandate of the League of Nations, it has also refused to comply with the request of the General Assembly to furnish further reports on the administration of the Trust Territory.

Other members of this Council doubtless do not wish to come to the same conclusion. Nevertheless, we have in our resolution said only the least that could be said and merely called the attention of the General Assembly to the fact that the Union Government has given effect to its intention to bring about a form of closer association between South West Africa and the Union. We leave it to the General Assembly to form appropriate conclusions on the matter.

For the foregoing reasons my delegation submits this resolution to this Council in the hope that its moderate language will be

/acceptable

acceptable to the majority of delegations.

The PRESIDENT (Interpretation from French): If there are no remarks on this matter we can proceed immediately to a vote on the draft resolution presented by the Philippines.

We also have the suggestion presented by the representative of the United States; but this suggestion was not presented as a resolution and therefore I shall hold it back for the moment in case the Council does not come to an agreement on another formula. If Mr. Sayre had presented a formal resolution it could have been put to the vote at the same time as the draft resolution of the Philippines but, as Mr. Sayre said, it is only a suggestion. I shall therefore present it to the Council as a suggestion only.

For the moment I have before me one formal resolution, upon which normally the Council must vote, and one suggestion.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I would like briefly to express the views of the Soviet delegation on the draft resolution introduced by the Philippine delegation.

The delegation of the Soviet Union is of the opinion that this draft resolution is acceptable and our delegation will vote in favour of this resolution.

At the same time the Soviet delegation wishes to note that the Government of the Union of South Africa, by refusing to put South West Africa under the Trusteeship System, has violated the provisions of the Charter on the International Trusteeship System and disregarded decisions of the General Assembly which were taken on the matter of South West Africa in 1946, 1947 and 1948.

Mr. LIU (China): I wish to express the view of the Chinese delegation that it supports the resolution submitted by the Philippine delegation. We think a resolution is absolutely necessary. A mere statement in the report of the Trusteeship Council to the General Assembly would not be sufficient because the General Assembly's request to the Trusteeship Council was contained in a resolution and the answer that should be given to that request should also be contained in a resolution.

/Moreover,

Moreover, only a resolution would be proportionate to the seriousness of the challenge made by the Government of the Union of South Africa to the Resolution of the General Assembly. Therefore we think that this Council should adopt the resolution submitted by the Philippine delegation.

Mr. KHALIDY (Iraq): I hope ^{President} the/will be able to see his way to put this resolution to the vote paragraph by paragraph. As I said yesterday, the position of my delegation is that we shall vote for the resolution except for paragraphs 2 and 3, the reason being that paragraph 3 is entirely unnecessary and paragraph 2 raises rather unnecessary questions. It goes into dark alleys so to speak, and we need not probe those alleys.

For these reasons I shall take the liberty of not voting for paragraphs 2 and 3 but I will vote for the rest of the resolution. I hope the President will be able to ask us to vote on this resolution paragraph by paragraph.

Sir Carl BERENDSEN (New Zealand): I have tried very hard to resist the temptation to speak in this deplorable debate, but I have succumbed, as I usually do, to temptation.

I think the whole course of this discussion has been most regrettable and as it has turned out we have wasted far more time in quite unnecessarily discussing a point of procedure than we would have wasted had we gone ahead in the ordinary course and listened to people whether they were strictly in order or whether they were not.

/I have no complaint

I have no complaint at all with the action of our United Kingdom colleague in raising a point of order; we are all entitled to raise points of order, but I think it is very unwise of this Council to immediately set to work and initiate a debate on a point of order.

If the Council will only look at the rules of procedure, it will see this:

"During the discussion of any matter, a representative may rise to a point of order" -- that is what happened -- "and the point of order shall be immediately decided by the President...

"A representative may appeal from any ruling of the President. The appeal shall be put to the vote without discussion."

Among many deplorable things -- and would the President kindly put Mr. Noriega's name down as the next speaker, because I am going to refer to Mr. Noriega -- the most deplorable thing that happened this afternoon, and I regret exceedingly that the situation could have been such that it could possibly happen, was Mr. Noriega's statement that it was useless to take a vote, because the non-Administering Powers did not have their full team here, and consequently, the result of the vote could be foreseen.

Now Mr. Noriega was wrong; I almost said "wrong again," but that would assume that in the course of his life he erred before. Mr. Noriega was wrong, because I myself was taking the point of view that was taken by the representative of the Philippines -- I hope they are still my friends, the non-Administering Powers.

As I see it, and I am just as liable to error as the next man, we are dealing with a proposed resolution, a resolution introduced by our friend from the Philippines, and it seems to me -- I have almost got to ally myself with my USSR colleague -- that if there is a resolution introduced, then the introducer of that resolution is entitled to expound the reasons that have led him to introduce it.

I would myself have said, and I will still say, that I think it is extremely unwise of this Council to endeavour to do more than meet the developments that have taken place and that we should not attempt to usurp what I think is the proper function of the General Assembly and to praise, blame, or^{do} otherwise. But I would not myself have come to the conclusion that it is beyond the power of the Council to take that mistaken line if it wishes to do so. Why do I come to that conclusion? We are requested, and, as the representative of the United States pointed out, our only authority in this matter, as South West Africa is not a Trust Territory, is the resolution of the General Assembly; what are we /asked to do

asked to do by the General Assembly? -- we are asked "to continue to examine such information" -- What information? Information on its Administration of the Territory -- "and to submit its observations thereon to the General Assembly."

There is nothing in this resolution about "a report," and as I said yesterday, it would not matter a tin of fish to me whether you call this a report or whether you do not. It is certainly information, if not the kind of information we expected and indeed, if I may say so, were entitled to expect. But it is certainly information. It is the most important piece of information we have had -- the information that we are not going to get any more information.

In that case, it seems perfectly clear to me that we are entitled, in fact bound, to report to the General Assembly on this particular piece of information, and I do not mind whether we report, as the representative of the United States suggests, by way of a paragraph in our report to the General Assembly, or whether we report, as the representative of the Philippines suggested, by means of a formal resolution. That does not seem to me to matter in the least.

On the whole, as we have had the resolution and have wasted two hours in discussing it, I am inclined to agree, as I often do, as I usually do, with my colleague from Iraq. I think the sensible thing to do is to vote in favour of the first paragraph of the Philippine resolution, of the penultimate paragraph, and of the last paragraph.

I would suggest to the representative of the Philippines to withdraw the two intermediate paragraphs, and we might conceivably, if the age of miracles has not passed, be able to take a vote and dispose of the matter right away.

The PRESIDENT (Interpretation from French): Does the representative of the Philippines accept the suggestion presented to him by the representative of New Zealand?

The representative of New Zealand proposed the deletion of paragraphs two and three, and I want to know whether the representative of the Philippines will withdraw those two paragraphs.

Sir Carl BERENDSEN (New Zealand): I would propose the deletion -- and I must make it plain that if it comes to a vote in the present form, I must vote against those paragraphs, and if those paragraphs are included, I must vote against the whole resolution -- but I do suggest that there is
/a short cut

a short cut. In the name of common sense, I do ask my friend to withdraw those two, as the representative of Iraq suggested, and let us get on with our business.

Mr. INGLES (Philippines): The only purpose which motivated my delegation in inserting the second and third paragraphs was in order that this Council should take exception to certain statements which my delegation believed unwarranted.

It is, of course, for this Council to decide whether or not to take exception to those statements. In the interest of harmony in the Council, however, and in view of the request of two representatives of this Council, my delegation would be willing to withdraw the second and third paragraphs of its resolution.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): I agree with the representative of New Zealand: we have wasted a great deal of time discussing procedure, and especially regarding procedure in this matter, which, in the end, is only reproducing the episode of Pontius Pilate washing his hands. If, before Pilate had washed his hands, that historic hand-washing session had been discussed and at the end his advisors had decided and Pilate had decided not to wash his hands, then perhaps the history of the world might have changed somewhat.

For this reason, my delegation considers that the waste of time is only an apparent one, that the discussion has been useful, that this is not a matter that we can look at hastily and decide upon hastily. On questions of less worth we very often waste more time.

On the other hand, I congratulate myself on having been wrong, and I am pleased that the New Zealand delegation was ready to vote with the non-Administering Authorities in this case, and I also feel that I should congratulate myself because it would appear that this tendency of rubbing out and doing away with the frontiers and the boundaries between Administer and non-Administering Authorities is gradually growing.

So that this washing of the hands of the Trusteeship Council of this matter can be a good washing of the hands, a practical one and not such a disastrous one as that of Pontius Pilate, I would propose to the representative of the Philippines, if, of course, he can accept, this amendment:

"~~THE~~ TRUSTEESHIP COUNCIL

"HAVING DISCUSSED its obligations" -- I would request the

/Secretary to

Secretary to take note of this, because possibly there may be some repetition in the two, my amendment and the original -- "with regard to the resolution of the General Assembly 227 (III) of 26 November 1948, and in light of the communication received from the Government of the Union of South Africa to the General Assembly" such and such a date -- this could be deleted because it repeats parts of the Philippine resolution --

"REQUESTS" -- and this is the operative part -- "the President of the Council to make an appropriate statement to the General Assembly as to the attitude of the Council towards the comments of the Union Government on the discharge by the Council of its functions."

The PRESIDENT (Interpretation from French): While we are awaiting the typing and distribution of the Mexican amendment, we will take a fifteen minute recess.

The meeting was suspended at 4.32 p.m., and was resumed at 4.58 p.m.

The PRESIDENT (Interpretation from French): We shall now proceed to vote on the resolution presented by the Philippine delegation, and on the amendment introduced by the representative of Mexico.

In agreement with Mr. Noriega, I shall put his amendment at the end of the resolution, not after the first paragraph. I think therefore that we should vote on the Philippine resolution paragraph by paragraph, and after the last paragraph we shall vote on the amendment submitted by the Mexican delegation.

I shall therefore first put to the vote the first paragraph of the Philippine resolution:

"THE TRUSTEESHIP COUNCIL

"HAVING EXAMINED, in accordance with General Assembly Resolution 227 (III) of 26 November 1948, certain information transmitted to the United Nations by the Government of the Union of South Africa by a letter dated 11 July 1949,"

/Mr. HOOD

Mr. HOOD (Australia): I should like to ask the representative of the Philippines whether he would accept the substitution of the word "NOTED" instead of "EXAMINED" in the first paragraph. The discussion we have had has covered various aspects of this question but it could hardly be described as examination of the information itself. It would be more accurate to say "HAVING NOTED."

Mr. INGLES (Philippines): I do not quite understand the purpose of the proposal of the representative of Australia and for that reason I regret that I am unable to accommodate him.

The PRESIDENT (Interpretation from French): Does the representative of Australia press his suggestion?

Mr. HOOD (Australia): No.

The PRESIDENT (Interpretation from French): We shall vote on paragraph 1 which I have just read.

A vote was taken by show of hands.

The paragraph was adopted by 7 votes to none.

The PRESIDENT (Interpretation from French): Paragraphs 2 and 3 have been deleted so we shall vote on paragraph 4 which reads:

"CALLS TO THE ATTENTION of the General Assembly the fact that the Union Government has now, according to its letter of 11 July 1949, given effect to its intention to bring about a form of closer association between South West Africa and the Union and has decided not to transmit any further reports on the Territory;"

A vote was taken by show of hands.

The paragraph was adopted by 6 votes to 3.

The PRESIDENT (Interpretation from French): We shall now go on to paragraph 5.

"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 resolution 227 (III)."

A vote was taken by show of hands.

The paragraph was adopted by 8 votes to none.

The PRESIDENT (Interpretation from French): We shall vote now on the last paragraph which is the Mexican amendment. It reads as follows:

"REQUESTS the President of the Council to make an appropriate statement to the General Assembly as to the attitude of the Council towards the comments of the Union Government on the discharge by the Council of its functions."

Mr. SOLDATOV (Union of Soviet Socialist Republics)(Interpretation from Russian): I should like to ask the representative of Mexico whether, in view of the fact that the Trusteeship Council accepted a resolution in this matter, he will consider it possible to withdraw his amendment. I, personally, do not see any need for it in view of the fact that a decision on the matter has been accepted.

The PRESIDENT (Interpretation from French): The representative of Mexico may accept or reject that suggestion.

Mr. NORIEGA (Mexico)(Interpretation from Spanish): The idea of the Mexican delegation, when we presented this amendment, emanated from the fact that the Council must explain to the General Assembly the work it has carried out with reference to the resolutions of the General Assembly itself and the work that has been given to the Council to consider regarding the Territory of South West Africa.

Due to the fact that my delegation foresees that here there may follow a lengthy debate with implications and allusions made to the competence of the Council and so on and so forth, and that other delegations will express points of view similar to that of the representative of the USSR, and if such a resolution as this is adopted, it should be adopted as unanimously as possible, because it would be desirable for the President to be able to speak on behalf of the entire Council, we are willing to withdraw our amendment.

The PRESIDENT (Interpretation from French): Then the Mexican amendment is withdrawn and we have therefore finished the vote paragraph by paragraph. We shall now vote on the resolution as a whole.

A vote was taken by show of hands.

The resolution was adopted by 7 votes to 1.

/The PRESIDENT

EXAMINATION OF ANNUAL REPORTS: NAURU, YEAR ENDED 30 June 1948 - REPORT OF THE DRAFTING COMMITTEE (T/381)

The PRESIDENT (Interpretation from French): We shall go on to consider the draft report to the General Assembly on the Island of Nauru. This draft report was presented to us by the drafting committee, the Chairman of which was Mr. Henri Laurentie of France. I shall ask Mr. Laurentie to formally present the report to the Council.

Mr. LAURENTIE (France) (Interpretation from French): Regarding the report on the Island of Nauru which was prepared by our drafting committee, I regret that I cannot report such rapid agreement as that which was reported on by the committees on New Guinea and the Pacific Islands.

I must, however, point out that the committee did not ^{unanimously} vote on the draft resolutions which are presented here. Certain of the resolutions were adopted unanimously, but the majority were accepted by a mere majority vote.

We are therefore presenting to the Council a text which is the average point of view of the representatives who expressed their points of view. In point of fact, I must point out that the first two recommendations were accepted, not by the committee on Nauru, but by the committee of twelve which has been presented previously. The committee on Nauru took up the work after recommendation 2. The first two recommendations had been adopted by the drafting committee as a whole.

I do not think there is anything else of particular interest to be discussed here, but if any explanations are necessary, I shall be more than glad to give them.

The PRESIDENT (Interpretation from French): I would suggest that we consider Part I as a whole. It is of an informative character and we could therefore vote on Part I, "Outline of General Conditions as Stated in the Report of the Administering Authority and by the Special Representative", as a whole.

/Mr. SOLDATOV

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I should like to recall the attitude of the Soviet delegation with regard to Part I of reports on any Trust Territory.

In its present form the Soviet delegation, in view of the considerations already presented to the Council, is not in a position to vote for Part I. In particular, the Soviet delegation will not be in a position to vote for Part I of the report on Nauru as it stands.

The PRESIDENT (Interpretation from French): We shall proceed to the vote on Part I as a whole.

A vote was taken by show of hands.

Part I was adopted by 9 votes to 1.

The PRESIDENT (Interpretation from French): We go on now to Part II, "Conclusions and Recommendations of the Council", on page 11. We shall proceed as we did this morning, voting paragraph by paragraph. I think the Council is in agreement with that practice. I shall not read the paragraphs, but shall merely call out the numbers.

Chapter 1, "General": "General Advancement", paragraph 1.

A vote was taken by show of hands

Paragraph 1 was adopted by 5 votes to none.

Mr. HOOD (Australia): I should like to make an observation regarding paragraph 2 before we proceed to vote on it. I think due to the fact that the report passed through the hands of two drafting committees, some inconsistency has crept in.

Paragraph 2 in this general section notes "that the Administering Authority has allowed the housing and school building needs of the Nauruans to take second place to those of the phosphate industry", while in a subsequent section of the report there is another paragraph which specifically commends the Administering Authority for its housing programme.

Perhaps it is not for me to suggest an actual amendment or exclusion from the report, but I would draw the attention of the Council to this inconsistency and ask for a reconsideration of the statement in paragraph 2 of Part II.

I think nothing would be lost if that sentence were omitted

/altogether,

altogether, and the recommendation were allowed to stand as, simply, "that the Administering Authority extend the highest priority to all measures. ."

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I should like to recall that this second recommendation was considered by a committee consisting of twelve members -- of all the members of the Trusteeship Council, in fact -- and was accepted by a great majority of that drafting committee.

Mr. SAYRE (United States of America): It would seem to me that it would strengthen rather than weaken this paragraph to remedy the inconsistency mentioned by the representative of Australia. Clearly, the paragraph relates to the matter dealt with in those first three lines. It seems to me that nothing is added by those first three lines, and they do subject the report to the possible charge of inconsistency.

Also, I am bothered by extending ^{the} highest priority -- and now I am looking at the fourth line -- to more than one thing; when we extend the highest priority "to all measures to advance at a much more rapid rate", my mind becomes highly confused. I wonder whether we could not improve that language by saying: "recommends that the Administering Authority seek to advance at a more rapid rate." In other words, we should eliminate the words: "extend the highest priority to all measures", and also eliminate the word "much", preceding the word "more", which I think does not add to the force of the paragraph.

Therefore I would suggest the elimination of lines 1, 2 and 3, the words "having noted that the Administering Authority has allowed the housing and school building needs of the Nauruans to take second place to those of the phosphate industry." Then, in the fourth line, I would suggest changing the words: "extend the highest priority to all measures" to the word "seek". In the fifth line, I would suggest the elimination of the word "much".

I believe that such changes would improve the language of the paragraph without detracting from its sense.

The PRESIDENT (Interpretation from French): I think that we can put the three amendments presented by the representative of the United States to the vote simultaneously. I do not see the necessity for voting on them separately, but if the Council prefers it, that can, of course, be done.

/Sir Alan BURNS

Sir Alan BURNS (United Kingdom): I just want to point out that, in paragraph 8 on page 12 of this document, "The Council, concerned with the economic future of the Territory after the phosphate deposits have been exhausted. . .recommends", etc. There are various other places referring to the economic questions connected with the phosphate industry, then, in paragraph 2, we say: "to advance at a much more rapid rate. . .the economic. . . development of the inhabitants". But it seems to me that the economic development of the inhabitants depends to a very great extent upon the activities of the Phosphate Commissioners.

The PRESIDENT (Interpretation from French): If the Council agrees, we can take the three amendments proposed by the representative of the United States and vote upon them together. I do not think I need repeat them; the representative of the United States himself stated them very clearly. We shall now vote upon those three amendments.

A vote was taken by show of hands.

The amendments were adopted by 6 votes to 2.

The PRESIDENT (Interpretation from French): We shall now vote on paragraph 2, as amended.

A vote was taken by show of hands.

Paragraph 2 was adopted by 6 votes to none.

The PRESIDENT (Interpretation from French): We vote now on paragraph 3.

A vote was taken by show of hands.

Paragraph 3 was adopted by 8 votes to none.

The PRESIDENT (Interpretation from French): We vote now on paragraph 4.

A vote was taken by show of hands.

Paragraph 4 was adopted by 7 votes to 1.

The PRESIDENT (Interpretation from French): We vote on paragraph 5.

A vote was taken by show of hands.

Paragraph 5 was adopted by 9 votes to 1.

/The PRESIDENT

The PRESIDENT (Interpretation from French): We shall now go on to section 2 "Political Advancement", paragraph 6 under the heading "Participation in government."

Mr. SAYRE (United States of America): Paragraph 6 contains so many different matters -- at least four -- that I should like very much having separate votes taken on this paragraph. The first matter is contained in the first six and one-half lines which seems to me to be a statement so far from realism that I cannot vote in its favour. That is the part ending with the words "financial policies."

Then there is the second element, "recommends therefore that the Administering Authority take legislative and other measures to afford the inhabitants a larger degree of self-government through participation in the legislative, executive and judicial processes and organs of the Territory." That is a sentence which I personally would be glad to vote in favour of.

The third portion states "...that such measures include the reconstitution of the Council of Chiefs as a fully representative body elected on a democratic basis with progressively increasing legislative, administrative and budgetary powers, including powers in respect of the control of all royalty funds and negotiations." I would not be able to vote in favour of that portion.

Finally, the concluding and fourth part "recommends further that the Administering Authority provide wider facilities for the training of Nauruans in administrative positions as well as opportunities for experience in public office" would get my favourable vote.

Because those four propositions are so different, I should appreciate voting on them separately.

The PRESIDENT (Interpretation from French): Then we shall vote on the paragraph in parts.

Mr. NORIEGA (Mexico)(Interpretation from Spanish): I think geography was somewhat shuffled in the Council. At the beginning of the fifth line in paragraph 6, the Australians are called Europeans. I do not know what this juggling of geography means.

The PRESIDENT (Interpretation from French): The representative of Mexico will not that in the report of the Administering Authority the word Europeans is used as well. We have been consistent with the terminology used in the report. I think it is used by the Australian Government too.

/Mr. NORIEGA

Mr. NORIEGA (Mexico)(Interpretation from Spanish): But this being a document of the Trusteeship Council, we should put it in appropriate terms. I think the Australians themselves know that they are not Europeans. They might be of European origin but then the majority of this continent is of European extraction also and we are not Europeans although our grandfathers and our great-grandfathers might have come from Europe. I think the word here should be Australians and not Europeans. Otherwise we shall have to change our report on New Guinea and say that New Zealanders are Europeans too.

The PRESIDENT (Interpretation from French): They are Oceanians.

Mr. HOOD (Australia): I should not like to say that all the key positions are held, in fact, by Australians. They might be held by New Zealanders or persons from other parts of the British Commonwealth.

The PRESIDENT (Interpretation from French): This is a very serious problem of terminology. Can the imagination of the Council produce a name for these people?

Sir Alan BURNS (United Kingdom): I grant that there are frequent references to Europeans. If we change it to Australians at this stage, we will have to have some explanation as to what these two races are. I suggest we leave it as it is for the time being.

Mr. NORIEGA (Mexico)(Interpretation from Spanish): We could call them non-indigenous or non-native. That would be sufficient.

The PRESIDENT (Interpretation from French): I must point out to the representative of Mexico that an Australian born in Australia is a native. When one is born in a country, one is indigenous to that country. I am a native of France; Mr. Noriega is a native of Mexico. The only way to solve this serious problem is to keep the word Europeans since it is the one used in the reports all along.

We will vote on paragraph 6 in parts as requested by the representative of the United States. The first part goes from the beginning of the paragraph to the seventh line up to "voice in the administrative or financial policies."

A vote was taken by show of hands.

The first part of paragraph was adopted by 5 votes to 4.

/The PRESIDENT

63-65

The PRESIDENT (Interpretation from French): The second part of paragraph 6: "recommends therefore that the Administering Authority take legislative and other measures to afford the inhabitants a larger degree of self-government through participation in the legislative, executive and judicial processes and organs of the Territory."

A vote was taken by show of hands.

The second part of paragraph 6 was adopted by 9 votes to 1.

Mr. RYCKMANS (Belgium)(Interpretation from French): Because of the words "a larger degree of self-government through" I voted against that part of the paragraph.

The PRESIDENT (Interpretation from French): The third part of paragraph 6: "and that such measures include the reconstitution of the Council of Chiefs as a fully representative body elected on a democratic basis with progressively increasing legislative, administrative and budgetary powers, including powers in respect of the control of all royalty funds and negotiations."

A vote was taken by show of hands.

The third part of paragraph 6 was not adopted, 5 votes being cast in favour and 5 against.

The PRESIDENT (Interpretation from French): It is a tie vote. The Council will vote again on the third part of paragraph 6.

A vote was taken by show of hands.

The third part of paragraph 6 was rejected by 6 votes to 5.

The PRESIDENT (Interpretation from French): The fourth part of paragraph 6: "and recommends further that the Administering Authority provide wider facilities for the training of Nauruans in administrative positions as well as opportunities for experience in public office."

A vote was taken by show of hands.

The fourth part of paragraph 6 was adopted by 10 votes to none.

The PRESIDENT (Interpretation from French): The Council will now vote on the paragraph as it stands, the third part having been rejected.

A vote was taken by show of hands.

Paragraph 6 as amended was adopted by 7 votes to 2.

/The PRESIDENT

The PRESIDENT: Paragraph 7, "Organic Law".

Mr. HOOD (Australia): On the whole I do not wish to cast a vote against parts of this report merely because I do not entirely agree with them but in this case I think that I will definitely have to vote against paragraph 7 on the grounds, as I tried to explain when this matter was first brought up in the Council when the report was discussed, that this is a conception that will have very little or no practical meaning to the Administering Authority. It is a conception that is quite alien to the system of administration under which Nauru comes, and for this reason I feel it proper to vote against this provision as a whole.

Mr. SAYRE (United States of America): I feel that I will have to vote against paragraph 7 and I want to say a word of explanation. The concept of organic law is one which is very familiar to my Government and fully in accord with my own governmental practices. Nevertheless other legal systems are not based upon the concept of a single basic constitution or organic instrument, but depend upon a diversity of legislative acts, judicial decisions, cumulative practices of Governments to express the essential basis of the whole governmental system.

My delegation does not feel that it can insist that its own method must be adopted by other Governments administering Trust Territories and for this reason I support the negative vote.

Mr. INGLES (Philippines): I should like to say a few words on this recommendation in view of the fact that it arose out of observations made by my delegation during the examination of the annual report.

This proposal to enact an organic law for Nauru arises from the fact that political rights and powers of the inhabitants of Nauru have never been defined in a statutory form. It may be said that the only existing legislation in this connexion is the 1919-1923 agreement between the three powers, which is mainly an agreement for the exploitation of phosphate deposits and only incidentally, in a very brief and general way, vests the powers of government in the Administrator.

There is an ordinance defining the judicial system but otherwise the political rights of the inhabitants are nowhere defined.

We have looked in vain, and the special representative has not been able to show us any ordinance or legislation that even sets forth the composition, powers and duties of the Council of Chiefs. It has been argued that the enactment of an Organic Act would be unnecessary and that perhaps it is because the concept of an Organic Act is alien to nations and dependencies of the British Commonwealth.

Perhaps an Organic Act is not known by that designation in these countries but from the point of view of my delegation an Organic Act does, in fact, exist in the case of every one of the Trust Territories administered by the United Kingdom, Australia and New Zealand, with the single and notable exception of Nauru.

In the case of New Guinea, for instance, there is the Papua-New Guinea Act which sets forth the fundamental political framework and constitution of the two Territories. It indicates the composition, method of appointment and powers of the organ of government. That is the Organic Act for the Territory of New Guinea.

The Samoa Amendment Act is the Organic Act for the Trust Territory of Western Samoa.

There are similar Acts for Tanganyika, the Cameroons and Togoland, the latter being covered by Acts applying to Nigeria and the Gold Coast respectively.

That is what we mean by "Organic Act" and that is what is meant by the use of that term in the proposal now before this Council.

In such legislation the rights of the inhabitants, such as suffrage and representation in the Government, and the powers and functions of the organs of government, are clearly and explicitly defined.

Nauru has no such legislation. What are the powers of the Nauru Council of Chiefs? Are they defined anywhere or are they known to the inhabitants, let alone to the Trusteeship Council except by word of mouth? It is true that the proposal before us also envisages that the fundamental rights and duties of the inhabitants should also be set forth in such an Act. It is also true that British constitutions may ^{not necessarily} contain such rights in detail or in a single document or in written form but in every Act applying to all the other Trust Territories at least some of these rights are inherent; for instance, the right of suffrage, the right of representation in the government, the powers of legislation and the separation of executive and related powers from the judicial powers.

/ My delegation

My delegation trusts that this explanation has made sufficiently clear the purpose of recommendation number 7 under "Political Advancement" as formulated by the drafting committee, and what is meant by the term "Organic Act" used in that recommendation, and it hopes that it will be acceptable to the members of this Council.

Mr. RYCKMANS (Belgium) (Interpretation from French): In my country and in the countries administered by my country there are constitutions and certain laws that determine the rights and the privileges of citizens. But due to the position of the Administering Authority, and for the same reasons given by the representative of the United States I will have to vote against this paragraph.

The PRESIDENT (Interpretation from French): We will then go on to vote on paragraph 7, "Organic Law".

A vote was taken by show of hands.

Paragraph 7 was rejected by 5 votes to 3.

The PRESIDENT (Interpretation from French): We will now go on to Section 3, "Economic Advancement". Paragraph 8, "Future Economy".

A vote was taken by show of hands.

Paragraph 8 was adopted by 8 votes to none.

/ The PRESIDENT:

The PRESIDENT (Interpretation from French): The next paragraph, "Phosphate Industry", paragraph 9.

Mr. HOOD (Australia): This paragraph has given me a certain amount of difficulty in that I cannot understand what is meant by it. Perhaps the Chairman of the sub-committee which drafted this could explain exactly what the intention of it is. As it stands I feel that it is so obscure that the Administering Authority would not know what was intended with the result that nothing could be done.

What are the "government activities affecting the phosphate industry" which are in mind? That is a practical question which, I think, needs an answer.

The PRESIDENT (Interpretation from French): I would like to ask the Chairman of the drafting committee to be good enough to give us an explanation on this matter?

Mr. LAURENTIE (France) (Interpretation from French): Regarding this paragraph the committee considered, on the one hand, that it would be advisable that in the future the inhabitants of the island of Nauru should take part in the administration of the phosphate mines, either one way or another. Of course no precise opinion was given but it was considered that the goal to be sought was that that administration could be put in the hands of the natives but this could not be done immediately because of the lack of education of the Nauruans and the very small part and rather ridiculous part that they could take in the deliberations and discussions if they were asked to do so today.

Therefore this recommendation is prepared so as to ask the Australian Government to assure the education of the Nauruans in such a way that when that education is sufficiently advanced they can take measures so that the indigenous inhabitants will be able to take part in the administration of the phosphate mines. That was the principle underlying this draft recommendation.

Mr. RYCKMANS (Belgium) (Interpretation from French): I think it was I who suggested the inclusion of the words: "all government activities;" that is to say that the Phosphate Commissioners

/are a part

are apart from the Administration. They are an enterprise that is quite independent from the Administering Authority. The Administering Authority discusses questions with the Phosphate Commissioners, such questions as, for example, the royalties to be paid.

It is quite natural and quite normal that should, for instance, the State of Nauru hold discussions with the Phosphate Commissioners, the Nauruans should have a word to say. But we do not feel that the Phosphate Commissioners who exploit the phosphates can be required to admit a Nauruan, because that has not been foreseen. They must be considered to be the original company; we cannot require that the company should take on a Nauruan on its Board of Directors but we can ask the Government to train Nauruans so as to make it possible for them to take part in the discussions held between the Government of Nauru and the Phosphate Commissioners, but not with respect to the exploitation of phosphates or the activities of the Phosphate Commissioners.

The PRESIDENT (Interpretation from French): I think that the explanations given by Mr. Laurentie and Mr. Ryckmans are clear enough and I think the Council now knows where it stands. Therefore we will now take a vote on paragraph 9.

A vote was taken by show of hands.

Paragraph 9 was adopted by 7 votes to 2.

The PRESIDENT (Interpretation from French): We will now go on to page 13, paragraph 10.

A vote was taken by show of hands.

Paragraph 10 was adopted by 9 votes to none.

Mr. HOOD (Australia): I must say that on paragraph 10 it is my understanding that the full information "including financial accounts" which are requested applies only to Nauru because the operations of the British Phosphate Commissioners cover Ocean Island as well as Nauru and the financial accounts naturally would include the operations in Ocean Island. I should just like to make that point clear, that the Council is not expecting literally the full financial accounts of the British Phosphate Commissioners.

/Mr. SAYRE

Mr. SAYRE (United States of America): I have some difficulty in understanding exactly what paragraph 11 means as it seems to mean that the Trusteeship Council is undertaking to suggest to the Government of Australia in what funds securities should be invested for which the Australian Government is responsible. I question somewhat whether it is a wise move.

Certainly the Trusteeship Council is not an investment agency and certainly it would lack the financial understanding to advise as to what investments to make. Perhaps I am completely misunderstanding or misreading the paragraph. It looks as though the Council was undertaking to give advice as to the investment of funds. If it means that I certainly would vote against it and unless it is explained in some different way I fear that I am not in a position to vote for it.

The PRESIDENT (Interpretation from French): Might I ask the Chairman of the committee to give us explanations on this paragraph?

Mr. LAURENTE (France) (Interpretation from French): The drafting committee did adopt, after a rather long discussion, the text that you have before you. We considered in point of fact that it might be useful to recommend to the Australian Government not to ^{invest} all the funds obtained in the name of the Nauruans in one type of bonds because it might be considered that they could be invested later on without giving any indication on the nature of the investments which might be chosen for these funds. That is the way we understood it in the committee but I do not know whether Mr. Sayre understood it that way.

Mr. RYCKMANS (Belgium) (Interpretation from French): I propose an amendment to this recommendation: to delete the words, "but should be invested freely in the best interests of the Nauruans." The only thing that is legitimate here is that it be understood that the Australian Government will invest these funds in the best interests of the Nauruans; that goes without saying but if there is a rule that says that the funds of the Nauruan trust cannot be invested except into Australian Government securities, that is tantamount to saying that there is an Australian nationalization as far as the Nauruan funds are concerned. That would give the

Administering Authority certain privileges -- at least so certain members of the committee felt -- and that it would be excessive. The only thing we could say is that the Australian Government will invest these funds from the trust as it considers fit but not only to be restricted to Australian Government securities.

The PRESIDENT (Interpretation from French): What is your amendment?

Mr. RYCKMANS (Belgium) (Interpretation from French): The deletion of the words: "but should be invested freely in the best interests of the Nauruans," because it would suffice to say: "should not necessarily be restricted to Australian Government securities."

The PRESIDENT (Interpretation from French): We will put to the vote the Belgian amendment.

A vote was taken by show of hands.

The Belgian amendment to paragraph 11 was adopted by 6 votes to none.

/The PRESIDENT

The PRESIDENT (Interpretation from French): I will now put to the vote Paragraph (11) as amended.

A vote was taken by show of hands.

Paragraph (11), as amended, was adopted by 7 votes to none.

The PRESIDENT (Interpretation from French): We now proceed to Paragraph (12) and I will put it to the vote.

A vote was taken by show of hands.

Paragraph (12) was adopted by 9 votes to none.

The PRESIDENT (Interpretation from French): We will now proceed to a vote on Paragraph (13) - Public Finance.

A vote was taken by show of hands.

Paragraph (13) was adopted by 9 votes to none.

The PRESIDENT (Interpretation from French): We now proceed to Paragraph (14).

Mr. RYCKMANS (Belgium)(Interpretation from French): I should like to propose that the word "seriously" be deleted, because whenever the Council asks that a study be made, it demands that it be done seriously. If it is not to be done seriously, we do not waste time asking that it be done.

Mr. SAYRE (United States of America): If we are improving the language, I think it would be improved by the elimination of the last four words "by an income tax." There are many forms of tax which the Administering Authority may see fit to impose in addition to capitation taxes and income taxes. I do not think that this Council means to limit the Administering Authority to a single form of tax, namely, an income tax. I would therefore suggest eliminating those last four words. It would take a little re-wording such as "by some other tax".

The PRESIDENT (Interpretation from French): We have two amendments proposed to this paragraph.

Mr. SOLDATOV (Union of Soviet Socialist Republics)(Interpretation from Russian): I do not believe there is any use in modifying
/recommendation 14,

recommendation 14, and there is definitely no use in replacing this recommendation with one which not even the members of the Council understand. In point of fact, what does this recommendation 14 speak of in the present drafting? It says something extremely simple, that in the Trust Territory there is a capitation tax. This means that the entire indigenous population of this Trust Territory, without taking into consideration what their income may be, all pay a certain tax per capita.

As is known, in Nauru there are certain landowners who receive considerable benefits from the fact that their land happens to be producing phosphate and their income is therefore considerably increased. On the other hand, there are labourers in Nauru who receive a total of EA.5. 10/-s as a monthly wage. We have already examined the circumstances of these workers when we examined the report of the Administering Authority and therefore we do not feel that we have to repeat all the statistics that were cited then which showed the sorry situation of these labourers.

However, the entire indigenous population, without taking into consideration the facts to which I have just referred, whether they are workers or landowners, without taking their income into consideration, must all pay the same capitation tax which is, unless I am mistaken, 15/-s a head. This is an unjust tax for much of the population because for many of them it is a heavy tax, and the Administering Authority cannot be indifferent to the interests of the indigenous population if it bases itself on the Trusteeship agreement.

It is natural, therefore, that we should propose to the Administering Authority that it introduce the simplest kind of income tax which would give the population some real possibility of paying this tax. In point of fact, certain members of the Trusteeship Council, representatives of Administering Authorities, when this question was discussed in respect of other Trust Territories, advanced as an argument in favour of their position the argument that they were faced with very large population and therefore it would be very difficult to establish an income tax and to know how much the tax should be on the progressive or simple income tax systems.

But we know that in Nauru there are approximately 1,500 inhabitants; that means that there are about 400 families. Therefore the difficulty of great populations mentioned on some occasions carries no weight.

/The Trusteeship Council

The Trusteeship Council must base itself on concrete conditions which may obtain in Trust Territories in general and which in this specific case obtain in Nauru. Therefore this capitation tax should be replaced by an income tax or at least by some type of income tax which would permit the tax to be paid by the indigenous population.

The proposal of the United States representative, that is, to replace the words "by an income tax" by the words "by some other tax" is not at all clear. We do not understand it. I do not think the Administering Authority would understand it. They might feel that the capitation tax is also a progressive tax; they might imagine that another tax would be even more retrogressive than a capitation tax.

Therefore, without wishing to delay the Council at all or expatiating at too great a length on this matter, and taking into consideration what I have just told the Council and the fact that a progressive income tax could be applied in the Territory, and has been discussed more than once, I would merely like to draw the Council's attention to the fact that in the Trust Territory of Nauru there is no possible difficulty in the way of the effective introduction of a progressive income tax or a simple income tax. The recommendation presented refers to "an income tax" and the majority of the members of the Council, as well as of the drafting committee, accepted this draft resolution in the committee.

/Regarding the

Regarding the later arguments which have been raised in favour of this resolution, I reserve my right to make certain supplementary remarks if we are going to continue the examination of this question and if I have not been able to convince the members of the Council that we could adopt this recommendation with a majority vote without too much discussion. This, of course, is only a suggestion.

We are not saying that the Administering Authority should immediately replace the capitation tax by an income tax; we are merely saying that it should study the question of replacing the tax. If we are unable to accept this recommendation, I wonder what recommendation could ever be accepted.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): I was merely going to ask the President to adjourn the meeting because it is six o'clock.

Mr. RYCKMANS (Belgium) (Interpretation from French): I wholeheartedly agree with the representative of the USSR: the idea of the committee was to have the Administering Authority consider the replacement of this simple capitation tax, which is paid at the same sum by all, not by any tax -- you could also tax shoes; you could say that they are paying a tax on shoes or something else: we do not want a simple tax of that sort -- but by some other type of income tax.

I definitely agree with the representative of the USSR that there should be a study made of replacing the present capitation tax. It is possible in Neuru, and it is possible in the Territories that are not over-populated. It is very interesting, and it might bear favourable results.

The PRESIDENT (Interpretation from French): I entirely agree with the representative of Mexico in his desire to end this meeting because it is six o'clock and we should end it as soon as possible.

But I should like to be able to vote on this paragraph, and then go on with Part IV tomorrow.

Mr. KHALIDY (Iraq): I was going to speak very briefly just on this point. I hope Mr. Noriega will not quarrel with me, but is it not possible that we might be able in perhaps a matter of half an hour to finish this report. I think it would be a pity to put it off until

/tomorrow

tomorrow.

I am myself making a sacrifice, because, I do not mind telling you, I have a dinner engagement myself, and a very charming one, I assure you. But perhaps we can finish it.

We will give it until 6:30, shall we?

Mr. NORIEGA (Mexico) (Interpretation from Spanish): I am sorry that my engagements are not as charming as Mr. Khalidy's: I have work to do in my office, I am afraid, and I cannot keep my employees there much later.

Therefore, in accordance with rule 56 of the rules of procedure, after taking a vote on this item, if there is no more debate on it, I suggest ^{that} we adjourn. Otherwise, I will have to leave the Council anyway, because my engagements are pressing.

The PRESIDENT (Interpretation from French): Can we vote on this paragraph now? I should like to ask the representative of the United States if he maintains his amendment after the explanations which we have heard.

Mr. SAYRE (United States of America): I do not maintain it. If others prefer it not to be there, I will not insist upon it.

The PRESIDENT (Interpretation from French): I think that the draft amendment of the representative of Belgium would be acceptable, with unanimity in the Council, because the word "seriously" could be deleted as we deleted it from a previous paragraph. I think that the explanation of that by the representative of Belgium was perfectly clear. I think we could delete the word "seriously," and we could go on to a vote on paragraph 14 without any other amendments.

Those who are in favour of paragraph 14 please raise their right hands.

A vote was taken by show of hands.

Paragraph 14 was adopted by 8 votes to 1.

The PRESIDENT (Interpretation from French): To defer to the justified desires of the representative of Mexico, we will finish for today discussion and our examination of this report.

/We will continue

We will continue tomorrow on the Mauruan report. I should like to tell you two things. Tomorrow we will have added to our agenda two questions: the first is to know whether we can go back on the vote that was taken concerning the Trust Territory of Togoland. A proposal was presented by the French delegation, which, I believe, has already been distributed as I have it before me. You all have before you proposed additions to Part II of the report of the drafting committee; they are revisions of the addition suggested by the representative of France which were accepted at this session. These additions have been revised so that it is possible, I think, to vote on the entirety of the report on Togoland under French Administration. If the Council agrees to go back on the vote that we took and to reopen the discussion on the French additions to the report, which were adopted, I wish to notify the Council so that everybody can take note of the proposed additions presented by the French delegation.

The second item that will be included on our agenda will be where the next session of the Council will take place. After consultations carried out with members of the Council, I believe that the majority of them felt that we should hold our next session in Geneva in January. Therefore, this item will be included on our agenda tomorrow; we will discuss it, and I trust we will be able to get a unanimous vote on that.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): Regarding the first item -- that is, to reconsider the report on Togoland under French Administration, which was not finished at our last session -- of course my delegation maintains the idea that it is a fundamental obligation of the Trusteeship Council to give reports to the General Assembly on all Trust Territories.

That is why my delegation will definitely co-operate as far as possible so that the Council will be able to fulfill these obligations. We hope that in an atmosphere of mutual understanding we might be able to come to an agreement on the differences that we found then.

In principle, the document that has been presented to us by the French delegation does not appear to be one that can give rise to new or great objections, and my delegation feels it to be a very good basis, upon which we can vote on the Togoland report.

The PRESIDENT (Interpretation from French): Tomorrow we will meet at 10.30 in the morning, as we did today, and I hope that tomorrow /we will be able

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we will be able to finish our session. We only have to finish the Nauruan report, the two questions that I have just pointed out to you, and the report that we will present to the General Assembly.

I think that we can safely say that we are going to finish our work tomorrow.

We will also examine the answers to the petitions. They have now been prepared by the Secretariat, and I think they can be done in a few moments.

The meeting rose at 6.07 p.m.