

UNITED NATIONS

TRUSTEESHIP

OUNCIL



PROVISIONAL

T/PV.523

24 March 1954

ENGLISH

Thirteenth Session

VERBATIM RECORD OF THE FIVE HUNDRED AND TWENTY-THIRD MEETING

Held at Headquarters, New York,
on Wednesday, 24 March 1954, at 10.30 a.m.

President:

Mr. MUNRO

(New Zealand)

Note: The Official Record of this meeting, i.e., the summary record, will appear in provisional mimeographed form under the symbol T/SR.523 and will be subject to representatives' corrections. It will appear in final form in a printed volume.

54-08275

PARTICIPATION OF THE INDIGENOUS INHABITANTS OF THE TRUST TERRITORIES IN THE WORK OF THE TRUSTEESHIP COUNCIL: REPORT OF THE COMMITTEE ON PARTICIPATION OF INDIGENOUS INHABITANTS IN THE WORK OF THE TRUSTEESHIP COUNCIL (T/L.447, L.458) [Agenda item 9] (continued)

The PRESIDENT: Representatives will remember that the Council had not concluded its debate on this subject yesterday. As I understood the position, the representative of India wished to have some further time to consider the matter, and I presume that he would desire to address the Council.

Mr. ALI KHAN (India): Yesterday we listened with great care and attention to the statement of the representative of Syria on agenda item 9 which is described as "Participation of the indigenous inhabitants of the Trust Territories in the work of the Trusteeship Council". In that statement the representative of Syria explained to the Council the purpose and the extent of his draft resolution on the subject. We also listened, with equal care and attention, to the statements of other representatives on this draft resolution. The statement of the representative of Syria revealed the sincerity of his motives. It also revealed the hard work and the serious thought which he had put in before submitting this draft resolution. These facts were noted by members of the Council, as may be seen from their statements. On that, if on nothing else, we can perhaps say that we have unanimous agreement in the Council.

We come now to the content of the draft resolution. Before I go any further, however, I should like to say that in our opinion the description of the item is a misleading one. It reads: "Participation of the indigenous inhabitants... in the work of the Trusteeship Council". From that description one would assume that the draft resolution, if adopted by the Council, would enable the indigenous inhabitants of the Trust Territories to come to the Trusteeship Council and to participate in its proceedings on the same basis as all the members of the Council, and perhaps with the right to vote which even Italy does not possess.

We have studied resolutions 554 (VI) and 653 (VII) of the General Assembly and 466 (IX) and 647 (XII) of the Trusteeship Council, and they do not aim at any such participation of the indigenous inhabitants in the work of this Council. They do mention the aim of an association or a closer link between the indigenous inhabitants

of the Trust Territories and this Council. That, of course, is in keeping with, and in fact is one of the basic objectives of, the trusteeship system mentioned in Article 76 of the Charter, which says that the basic objectives of the trusteeship system shall be:

"to promote the political, economic, social and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement".

Thus, in our opinion, the description of the agenda item is misleading, and if it had been described more aptly we are sure that the Administering Authorities would not have taken up the stiff attitude that they have taken against it.

From the statement of the representative of Syria, and also from the wording of the fourth paragraph of the preamble of his draft resolution, we can see that his intention is to develop the means which already exist in the Charter to ensure that as free public opinion evolves in each Territory it is brought effectively to bear on the Council's examination of conditions in that Territory. He has no intention of going beyond the letter and the spirit of the Charter or the letter and the spirit of the Trusteeship Agreements.

I turn now to the reference in the Syrian draft resolution to rule 61 of the rules of procedure adopted by the Preparatory Commission of the United Nations in 1945. This reference was objected to in rather harsh terms by some representatives of the Administering Authorities. We were quite surprised at their criticism, and in fact we still do not understand why this reference in the draft resolution incurred their wrath. The reference merely recalls that the Preparatory Commission in 1945 had thought of periodic surveys by the Council of the development of the political institutions and capacity for self-government or independence of the inhabitants of each Trust Territory. The Preparatory Commission had thought of various methods which the Council could have used to carry out these surveys. We might ask why the representative of Syria has recalled, in his draft resolution, this rule in the provisional rules of procedure of the Preparatory Commission -- a rule which was not adopted by this Council. The answer was given by the

representative of Syria yesterday. He said that the underlying idea of his draft resolution was not his own. It had been thought of by the Preparatory Commission. In other words, he wanted to disclaim any credit for this idea. This reference did not give us the impression it gave the representative of Australia, namely, that the representative of Syria was trying to use it as a supporting authority for his proposals. Some representatives of the Administering Authorities seemed to object to the very mention of this rule just because it had not been adopted by this Council. But we do not think that there is anything wrong with that. Even if the representative of Syria had asked us to reconsider the very adoption of that rule we would not have considered his proposal out of order, whether or not we agreed with him on the question of adoption itself. There is nothing in our rules of procedure which precludes a member from raising a proposal which has been rejected before. In fact, our rules of procedure do not even require a two-thirds majority before a question is reopened at the same session.

In fact, however, the representative of Syria is not suggesting that we should adopt the rule on periodic surveys which was part of the provisional rules of procedure of the Preparatory Commission in 1945. He is merely recalling it. What is more, he said in the Committee which we set up to consider the question under discussion -- we did not have a verbatim record of his statement here in the Council yesterday, so that we are unable to quote from it --

"Let me hasten to say that we do not believe that a complete return to that most enlightened and liberal approach to the matter is feasible today. The methods of consultation proposed by the Preparatory Commission, while to some extent covered by the present procedures of the Council, in other ways go further than we would expect the Council as a whole to approve". The representative of Syria went on to say:

"Our problem, then, is to find the means, which all members of the Council will agree are properly based on the Charter, to ensure that as free public opinion evolves in the Trust Territories it will be brought to bear on our examination of conditions in those Territories. Obviously the work of the Council will be more realistic and effective if it is aware, whenever and wherever possible, of the freely expressed wishes of the peoples concerned".

We come now to the operative parts of the draft resolution. First of all I shall deal with paragraph 1(a). The representatives of France and Australia objected to this sub-paragraph. The representative of Australia even said that consultation with the people is the business of the Government -- in other words, that it is none of the Council's business. When the Governments of the Administering Authorities do consult the peoples and come and tell us what the freely expressed wishes of those peoples are, then we would have expected them to have considered this extra consultation by the Council a wasteful duplication, but not something objectionable. When the Administering Powers tell us what the people are really thinking, then the consultation of the people by the Council's Visiting Missions should not scare them. What is more, such a consultation is not an innovation of the Syrian representative. We already have a precedent in connexion with the problem of Ewe and Togoland unification. On 22 July 1952, in its resolution 465 (XI), this Council recalled General Assembly resolution 555 (VI) and requested the Visiting Mission to investigate and submit a special report on that problem. The Visiting Mission investigated the problem and submitted its report in document T/1034. That report of 145 pages is bigger than any report of that Visiting Mission on any of the four Trust Territories that it visited. I could dwell on this point further, but I do not need to do so. I think I have established my point that the proposal that a visiting mission can take the initiative in seeking out public opinion and undertaking popular consultations on important problems is not a new idea. It has been tried before and it met with not a single objection from the two Administering Authorities concerned. In future also it may be carried out with equal success and equal advantage to the work of the Council and the interests of the peoples.

With regard to paragraph 1(b) I need only say that this provision, even now, forms part of the duty of each visiting mission and is fully in conformity with the Charter and with the terms of reference which the Council has adopted for each of the visiting missions that it has sent out.

Of paragraph 2(a) also it may be said with equal force that we already examine and take into consideration all petitions which reflect public opinion.

With regard to paragraph 2(b) we were told by the representatives of some of the Administering Authorities that they already made their annual reports available in the Trust Territories. We were very happy to learn that, and we commend the Administering Authorities for it. We are not sure what their attitude is about the second part of this sub-paragraph which would ask them to encourage the organs of public opinion to send in their views on the annual reports to the Council if they so desired. That would be tantamount to inviting criticism which we are inclined to think the Administering Authorities do not relish. We could, perhaps, achieve the same object by ensuring that when the Secretary-General disseminates information on the United Nations and on the international trusteeship system in the Trust Territories the peoples of those Trust Territories shall be made aware, wherever they are not already aware, that they can send in to the Council their views on any subject they like, which would include the annual reports.

I know that the representative of Syria is going to explain again, this time perhaps at greater length, the exact purport of paragraph 2 (c), hence I will say nothing about it. But last of all we come to paragraph 3 of the draft resolution, which also deals with the question of finding out the freely expressed wishes of the peoples. However, instead of having to send a Visiting Mission every time we want to find out what the people of one or other Trust Territory are thinking about a particular problem, it suggests an alternative way of doing the same thing, and this alternative will certainly be a much quicker and much cheaper way of doing it.

We have spoken at some length on this draft resolution and we felt that we should do so in order that some of the misunderstandings and groundless fears arising from those misunderstandings might be removed.

This draft resolution has not been put forward to give the Council any administrative functions; it is intended to enable the Council to do its work more effectively. It is not designed to interfere in the workings of the Trusteeship Agreements; on the contrary, it is meant to promote the purposes and the basic objectives of the Trusteeship System. We trust that the Administering Powers will come round to seeing it in its proper light and will reconsider their decisions about the way they will vote on this draft resolution. We should certainly be sad to see the Council divided, on this very important issue, into two voting blocs composed of Administering and non-Administering Powers respectively.

Mr. DORSINVILLE (Haiti) (interpretation from French): My delegation has followed with great interest the discussion on the draft resolution submitted by the delegation of Syria in document T/L.458. My delegation sympathizes with this draft resolution, but we do not wish to conceal that certain of its provisions do not meet with our complete approval. The question of the participation of indigenous inhabitants of Trust Territories in the work of the Council has undergone strange fluctuations. The question arose, if I am not mistaken, from a desire to follow more closely the evolution of Trust Territories through the person of the representative of the Administering Authority, considered as independent.

The Administering Authority repeatedly stressed the distrust of which it said it was the subject and vigorously struggled against the principle of this association. Admitting that it did this with some cleverness, the arguments of the Administering Authority were based on the inadmissibility of what has been called the system of dual representation. The eleven countries which presented the draft resolution during the seventh session of the General Assembly agreed to change paragraph 2 of the operative part so that the Trusteeship Council no longer invited the indigenous inhabitants or their representatives to participate in its work. This gave us a legal basis for the resolution and the right of petition was recognized for the inhabitants of the Trust Territories.

My delegation voted for the two resolutions of the General Assembly, 554 (VI) and 653 (VII), being convinced that we could assist in remedying the unilateralism of views in the consideration of conditions in the Trust Territories. We now find ourselves faced with a draft which tends in part to create a legal basis for the future terms of reference of Visiting Missions and also to play a more important role in the Trusteeship Council itself. If we refer to rules 94, 96 and 97 of the rules of procedure, my delegation cannot see any objection to certain provisions of the draft resolution. Rule 94 says:

"The Trusteeship Council... shall make provision for periodic visits to each Trust Territory with a view to achieving the basic objectives of the International Trusteeship System."

Rule 96 stipulates:

"... A Mission and the individual members thereof shall, while engaged in a visit, act only on the basis of the instructions of the Council and shall be responsible exclusively to it."

Finally, rule 97 states:

"The Trusteeship Council may, in agreement with the Administering Authority, conduct special investigations or enquiries when it considers that conditions in a Trust Territory make such action desirable."

Thus, we can see that provision is already made for investigations and inquiries, and as an example, we had at our disposal this year a special report of the Visiting Mission on the question of the unification of Togoland. My delegation thinks that, with a view to the drafting of more precise terms of reference for future Missions, this resolution might validly be based on rule 61 of the provisional rules of procedure which were adopted by the Preparatory Commission of the United Nations in 1945, although in fact that rule was not taken up again and therefore does not, properly speaking, exist.

The interest of this text, however, resides in the light which it casts on previous work, and its value as a reference document inasmuch as it might guide us in arriving at a judgment. My delegation suggests that it should be deleted from the draft resolution.

Certain other points also call for observations and suggestions. Sub-paragraph (a) of paragraph 1 asks Visiting Missions to take into account expressions of public opinion and to proceed to popular consultations in whatever forms might be deemed appropriate. My delegation does not see anything amiss in that, although we admit that there may be some difficulties of a practical nature. The representative of Syria was asked to clarify his thought, and I hope I shall not be guilty of prejudging his reply if I say that my delegation thinks that public meetings might take place during which a number of important points might be debated by leaders, and that the audience might then be asked to take a decision on those points.

It has also been asked, on what criteria could we base ourselves in stating whether such and such a decision reflects public opinion or not. That is trying to cast confusion in a place where common sense should triumph. We know already that petitions may be of a general or a specific nature. Petitions of a general nature reflect the views and aspirations of the inhabitants themselves and all the main aspects of the advancement of each Territory towards autonomy or independence. Here again we do not see any unsurmountable difficulty. The category of petitions is determined by their nature. A more pertinent criticism might have been made of paragraph 2 (a); we might be asked what concrete measures the Council might be called upon to take in the framework of the consideration it gives to conditions in the Territory.

My delegation will therefore make a second suggestion, namely, to replace the expression, "to take concrete measures in this connexion" by "to recommend in this connexion", which in our opinion would be more in harmony with reality.

In paragraph 2 (b) we would make the further suggestion that the recommendations concerning the expression of views by organs of public opinion should be addressed to the Visiting Missions rather than to the Administering Authorities for the obvious reason that the proposal as it is now formulated does not take into account the real situation -- that the Administering Authority does not admit any criticism in the Trust Territory. By reason of the very principle according to which the Administering Authority is in the Territory and of the position which it holds there, it is the Administering Authority's duty to ask the inhabitants of the Territory to inform the United Nations of their complaints. I hope that the representative of Syria will be convinced that what he is proposing in his draft is not perhaps the best course to follow and that the recommendation might be better made to the Visiting Mission.

Paragraph 3 of the draft appears to meet with some lively opposition on the part of the Administering Authority. My delegation hesitates to agree with that completely. We are prepared to hear the explanations which the representative of Syria will be good enough to give and here and now we ask him to consider a possible alternative, which would be:

"Decides that as a means of ensuring in cases of urgency that a given situation in a Trust Territory meets with the freely expressed wishes of the people, it shall grant an immediate hearing to any qualified representatives of public opinion... or if they cannot travel will examine any communication in writing or by telegram setting forth their view."

That is a suggestion which we make in the hope that it will be considered favourably by the representative of Syria and by other members of the Council.

Mr. S. S. LIU (China): First of all, my delegation wishes to join in the tribute paid to the Committee on Participation of Indigenous Inhabitants in the Work of the Trusteeship Council for the painstaking effort it has made to solve this very difficult and complicated problem. Although the report tells us that the Committee's effort has not borne fruit, my delegation is nevertheless grateful to it for making the effort and for doing its best to seek a solution of the matter.

Secondly, my delegation would also like to pay a tribute to the representative of Syria for the brilliant part he has played in the discussions of this question both in the Committee and in the Council, and for his very sincere and laudable motive in presenting the draft resolution which is now before us.

We firmly believe that this draft resolution represents a conscientious attempt to reconcile the two very divergent views which have been expressed on this matter both in the Fourth Committee and in the Council. As members of the Council will recall, on the one hand it was contended by the non-Administering Powers that the present mode of indigenous participation in the work of the Trusteeship Council was not adequate and that direct participation by representatives of the indigenous populations should be permitted at meetings of this Council. On the other hand, this view was opposed by the Administering Powers. I believe that this draft resolution is a happy medium between those two diametrically opposed views. It embodies a principle which cannot be disputed either from the point of view of the Charter or from the point of view of the Trusteeship Agreements.

In the preamble of the draft resolution the relevant provision of the Charter, Article 76 b is quoted. I think other relevant provisions from the Trusteeship Agreements might also have been incorporated, because it is stated in the Trusteeship Agreements that the Administering Powers shall take measures to ensure the political advancement of the Territories concerned and the development of representative democratic parties. Those words are taken from the Trusteeship Agreement on the Trust Territory of the Cameroons under French Administration, article 5, which states:

"The Administering Authority shall take measures to ensure the local inhabitants a share in the administration of the Territory by the development of representative democratic bodies, and, in due course, to arrange appropriate measures to enable the inhabitants freely to express an opinion on their political regime and ensure the attainment of the objectives prescribed in Article 76 of the Charter."

Therefore, it is in compliance with the Charter and also with the Trusteeship Agreements that public opinion in the Trust Territories should be ascertained from time to time in order to promote their political advancement. The main principle contained in this draft resolution is in accordance with that. It deems it necessary to widen the participation of the indigenous inhabitants in the work of the Trusteeship Council not by enabling them to sit in the Council but by at least ascertaining the public opinion prevalent in the Trust Territories.

After the lengthy debate which has taken place in the Council, my delegation does not wish to enter into the detailed arguments which had already been adduced pro and con. My delegation would merely state that since we have voted for the two resolutions of the General Assembly, 554 (VI) and 653 (VII). We believe that the principle and methods proposed by the Syrian delegation are in accordance with those resolutions and also with the provisions of the Charter and the Trusteeship Agreements. My delegation will therefore give its support to the draft resolution.

Mr. ASHA (Syria): Allow me first of all to thank all my colleagues around this table for the very kind remarks which they have been generous enough to make for my efforts and those of my delegation to put this resolution before the Council. I am particularly indebted to those friends who have given me and my delegation their unqualified support for my resolution. I am also equally indebted to my friends from the Administering Authorities who, although not fully agreeing with some of the terms of the draft have nevertheless recognized the motives which prompted my delegation to present it. I trust all my colleagues will accept my thanks for their kind remarks.

I should first like to reply to the questions which were put to me yesterday, and I shall then attempt to answer some of the questions which have been put to me today. I shall begin with the questions asked by Mr. Scott, the representative of New Zealand.

I must say that I was somewhat surprised at the kind of questions which Mr. Scott asked. It seemed to me that he, or any other member of the Council, could have answered those questions as well as I. I think, in fact, that the answers are dictated by simple common sense, as well as by the experience which this Council and its Visiting Missions have already had.

I apologize for not having before me a complete transcript of the questions put to me by the representative of New Zealand, but I shall try, on the basis of my notes, to answer them as honestly and as briefly as I can.

The first question related to paragraph 1(a) of the draft resolution. As I understood him, the representative of New Zealand wanted to know how a Visiting Mission would take the initiative in seeking out public opinion in a Trust Territory. I can give a practical answer to that question by asking another question, which will constitute my reply: How did the 1947 Mission to Western Samoa seek out public opinion concerning the desire of the Samoans for self-government? The representative of New Zealand should know the answer to that question better than I. I would think, however, that if the Mission performed its task properly -- and I am sure that it did -- it sounded out public opinion by using all the means which seemed appropriate to it. For instance, it held meetings; it interviewed the acknowledged leaders or spokesmen of Samoan society; and, no doubt, it met with some members of the European population.

I think the answer to the New Zealand representative's first question is quite obvious: It is up to the good sense and the responsibility of the Mission itself; the Mission must use that good sense and responsibility in deciding how to seek out public opinion in any Trust Territory -- if, that is, there is a public opinion, and we hope that all of the Territories will have one in the near future. The Council could also, if it so desired, give specific instructions to the Visiting Mission as to how that Mission should seek out public opinion on any particular subject.

In asking the question to which I have just replied, the representative of New Zealand stated that it must be understood that a Visiting Mission's itinerary was based on an agreement between the Visiting Mission and the Administering Authority -- I believe I am quoting his words. That is not my understanding of the position. I understand the position to be the one that is laid down in Article 87c of the Charter, which reads:

"provide for periodic visits to the respective Trust

Territories at times agreed upon with the Administering Authority ...".

Under the Charter, it is the time which must be agreed upon, not the itinerary. The Charter does not refer to the itinerary. In our view, the itinerary must be so arranged as to make it possible for the Visiting Mission to carry out the instructions given to it by the Trusteeship Council.

I come now to the second question put by the representative of New Zealand. That question, according to the notes which I was able to make, was this: What is meant by the proposed instruction to the Visiting Mission that it should undertake popular consultations in a Trust Territory?

Before answering that question, I should like very briefly to refer to what I said in the Committee on Participation of Indigenous Inhabitants when this problem was discussed. I assured the Committee that there was no question of having a referendum; that was not consultation. Hence, there is no need for any member of the Trusteeship Council to have any misapprehensions in that respect. The word used is "consultation" and that is what is meant.

I come now to my reply to the New Zealand representative's second question -- and, again, the reply can be very simple. A Visiting Mission should undertake popular consultation in a Trust Territory in exactly the same way as the Visiting Mission to Western Samoa undertook popular consultation in that Territory. We look upon Western Samoa as an ideal Territory; self-government is right at its door. I hope that Mr. Scott will not wish me to go into any great details in explaining how the Visiting Mission was able to undertake consultations in Western Samoa. I would only say that I am sure the results were excellent.

The New Zealand representative's third question was this: Who would decide what were the important problems on which popular consultations should be held?

The answer to that question is very obvious. I think the Council itself should make that decision. In fact, the Council has in the past taken such decisions; for instance, in connexion with the Togoland problem. In some cases, the Mission itself could make the decision in this respect, in the light of its terms of reference.

I turn now to the next question asked by the representative of New Zealand -- and I think he called it the crucial question. It was: What constitutes popular opinion? I think that the representative of New Zealand later referred to "public opinion", but at the beginning of the question he did use the words "popular opinion". I do not want to take up the Council's time in explaining the difference between popular opinion and public opinion. My draft resolution uses the words "public opinion", and I shall confine myself to explaining the meaning of those words.

I can only say that "public opinion" means exactly what it says: the opinion of the public. English is not my mother tongue, but the meaning of "public opinion" is very clear to me, and I do not think it is necessary to give any further explanation.

In Western Samoa, the chiefs expressed the opinion of the public. The Parti togolais du progrès is an institution which can speak for public opinion in Togoland. Another such institution is the Comité de l'unité togolaise. The chiefs of the Northern Cameroons can speak for public opinion. There are many sources in this respect; it is not necessary for me to enumerate them, because I am sure Mr. Scott is familiar with them. I would only say that there are important institutions, such as the trade unions in Douala and the Legislative Council of Tanganyika, which we can accept as expressing public opinion.

I believe that Mr. Scott's last question was this: Who is to decide whether or not a petition reflects public opinion on questions of general concern? I am sure that Mr. Scott is not unaware of the existing procedure in that respect.

I believe the New Zealand representative also asked for a specific example of an appropriate representative of public opinion in any Trust Territory. As I have already stated, the New Zealand Government and the Trusteeship Council agreed in the past that the Samoan chiefs were appropriate representatives of public opinion. That is a matter upon which agreement can be reached among the Council, the Visiting Mission and the Administering Authority concerned.

If I have not answered all the questions put to me by Mr. Scott, that is because there was no verbatim record of yesterday's meeting. I tried to take notes, and I hope that he will forgive me if I have not replied to some of his questions.

I have much more to say to the representative of Australia. I was able to obtain a copy of his statement, which ran to almost nine typewritten pages. I shall try to answer some of Mr. Forsyth's criticisms of my draft resolution.

The representative of Australia referred to his statement as a "vigorous" statement. I think he used that word more than once. Yes, it was a vigorous statement, and I do not think it was warranted, because Mr. Forsyth -- like the representatives of other Administering Authorities -- recognized that our motives were very objective. That is the first remark I should like to make to Mr. Forsyth; namely, that his vigour was really unnecessary, because we were trying to help the Council, not to obstruct its work.

Mr. Forsyth accused us of being completely confused about the role in the Trusteeship System of the United Nations, on the one hand, and the Administering Authority, on the other. He alleged that my approach was based on a misconception, because the phrase from Article 76 of the Charter which I had used as my starting point -- namely, "the freely expressed wishes of the peoples" -- represented, not a means, but an objective. Mr. Forsyth maintained that we wished to arrogate to the Trusteeship Council certain administrative powers which properly belonged to the Administering Authorities. For instance, he said that only the Administering Authority could consult the population, because that was a matter of administration.

According to Mr. Forsyth, the Preparatory Commission, in adopting provisional rule 61 of the Trusteeship Council's rules of procedure, had made the same mistake as I. He said that the Council itself had subsequently rejected that rule. But Mr. Forsyth did not give the Council the whole story. The facts in this respect are on the record, and I should have expected Mr. Forsyth to be as objective as I have been and to give the Council the rest of the story.

The fact is that provisional rule 61 was adopted by a majority of the General Assembly; in other words, a majority of the Assembly regarded that rule as constitutional. If the rule had been unconstitutional, if it had run counter to the Charter or the Trusteeship Agreements, the General Assembly -- a sovereign body, the highest body of the United Nations -- could certainly have rejected the rule outright. But the General Assembly adopted the rule. Who rejected it? The Trusteeship Council. The Trusteeship Council has twelve members: the General Assembly, at the time when it adopted provisional rule 61, was composed, I believe, of about fifty members.

Why was it rejected in the Council? It was rejected because the Administering Authorities opposed it. It was rejected because it did not satisfy the Administering Authorities. This, Mr. Forsyth omitted to explain to us. I hope that this omission was not a sinful one -- and, I am sure it was not.

Now, what are the main objections of the representative of Australia to the draft resolution which my delegation has submitted? Article 87 of the Charter defines the means by which the United Nations must supervise the attainment, in each Trust Territory, of the basic objectives laid down in Article 76. But the representative of Australia maintains that in the exercise of these functions the United Nations has no right to come into direct contact with the people of the Trust Territories, as proposed in the Syrian draft resolution, because any kind of consultation, he says, is a function of the Administration.

It is now my turn to insist that the representative of Australia is proceeding from a false starting point. Not only is consultation essential -- as I stated yesterday -- in the discharge of the duties of the United Nations, but, in fact, we cannot examine petitions or send visiting missions without thereby engaging in some form of consultation. The Trusteeship Council has provided specifically in its own rules of procedure for special investigations or enquiries which must, if they mean anything at all, enter what Mr. Forsyth calls "the exclusive field of the Administering Authorities". In this connexion I wish to refer to rule 97 of the rules of procedure, which reads as follows:

"The Trusteeship Council may, in agreement with the Administering Authority, conduct special investigations or enquiries when it considers that conditions in a Trust Territory make such action desirable."

How can we be contributing to confusion when we have this rule before us? The rule is so obviously contradictory to the basic argument advanced by the representative of Australia yesterday that I can only assume that he fought vigorously against its adoption by the Council. I have had no time to check the records, but I think that my assumption is justified in view of the vigorous statement of Mr. Forsyth.

I wish to refer also to one of Mr. Forsyth's remarks yesterday. He said: "This is not supervision; it is political activity on the part of the Trusteeship Council". In other words, he considers that the Syrian draft resolution is intended

to stir up political activity. In all sincerity, I can say that I am not able to understand whether he is serious about that or not. If he is serious, I should like him to tell me how the draft resolution of Syria could stir up political activity. Concerning what paragraph, what section, could the people of the Trust Territories say; "the Council has given us a resolution; we must fight you right now? I hope that Mr. Forsyth will give me a concrete answer to this question.

I wish now to refer to the remarks made yesterday by some other representatives. First of all, I wish to express the deep thanks of my delegation to the representative of the Soviet Union. Although he supported the Syrian draft resolution, still he criticized it. I am in full agreement with him because the Syrian draft resolution was a compromise. It certainly did not go as far as I could have wished it to go but, in committee as well as in the Council, my delegation wished to be compromising, although not on principles; we can compromise only on details. That was our objective; that has been our purpose since we joined the Trusteeship Council, and that will be our objective as long as we remain a member.

With respect to the statement made by the representative of India, I should like to thank him again for his very kind remarks. I assume that I have covered the points which he was kind enough to put to me, but if I have not, I shall be glad to do so. There was one point in particular concerning which he asked a question; I believe it was in connexion with paragraph 2(c) on which he wished to have clarification. It seems to me that the text is quite clear, but if he will let me have his question in writing I shall be glad to answer it.

Referring to the statement made today by the representative of Haiti, I might say that the fact that the draft resolution includes a provisional rule which was not adopted by the Council but by the Preparatory Commission of the United Nations is not a sin. In this same connexion I wish to thank the representative of China for the very clear statement which he made on this particular point, and I need hardly add anything to it. I think that he has given the best argument and has expressed it more clearly than I could have done.

MW/mlw

With respect to the amendments proposed by the representative of China, I am not sure that I fully understood the first, but I know that I have the others. In connexion with paragraph 2(a) he proposed to substitute the word "recommend" for the words "take specific action". I have not given any thought to this point as yet and, therefore, I cannot give my opinion at the moment. However, perhaps I shall know later in the meeting whether or not I can accept that amendment.

The representative of Haiti suggested, in connexion with paragraph 2(b), changing the phrase "to submit their own views to the United Nations" to "to submit their own views to the Visiting Missions". The Visiting Missions and the United Nations are one and the same. Perhaps Mr. Dorsinville would clarify this point for me when I have finished my statement.

I have noted a few other questions, but on these I have not yet had time to formulate my replies. I shall do so, with your permission, Mr. President, in a few moments, but I should like to finish my statement for the time being in order that I may hear the views of other representatives. In particular, I should like to know whether the representative of Haiti has anything to say on the subject.

My delegation took great pains to explain in detail yesterday the constitutional and practical basis of this very moderate proposal which we have placed before the Council. I think that I made its reasoning and its purpose absolutely clear. I am not altogether surprised, but nevertheless disappointed, at the reception given to it by some of my friends from the Administering Authorities. They have given us no hope of any readiness to accept a moderate, well-balanced draft resolution which, in the view of my delegation, would help them a great deal in the discharge of their duties. I am quite aware that a specific majority is required for the adoption of this draft resolution. I am prepared to see it go to the vote. I expect that there will be a request for a vote paragraph by paragraph and sub-paragraph by sub-paragraph, and to that I quite agree. But if certain paragraphs of the draft resolution fail to receive the required majority, I shall have to vote against my own draft resolution, and I hope that all those who have supported the Syrian draft resolution will vote against it if any of the paragraphs fails to be adopted.

I urge representatives of the Administering Authorities to think before they cast their votes. By voting in favour of this draft resolution they will enhance the prestige of their governments; they will enhance their prestige in the Trust Territories if such a draft resolution is adopted.

May I be given a few moments later in order to reply to the various points which I was obliged to leave unanswered? I should like the representative of Haiti to tell me how many, if any, of his questions I have not covered; so that I may be able to reply to him.

The PRESIDENT: That is the end of the general debate and I propose now to hear explanations of vote.

Mr. EGUIZABAL (El Salvador) (interpretation from Spanish): We listened yesterday to the statements of the Administering Authorities, and it seems to us that the arguments which they adduced have not changed since 1951. It looks as if we had gone back to the meetings which took place when this matter was first brought up. It is almost unbelievable that we have made no progress after studying this problem for three years.

This is not such a difficult problem. The curious feature is that no matter what sort of solution may be proposed to satisfy the aspirations to be found in General Assembly resolution 554 (VI), we nevertheless come up against the unanimous and determined opposition of the Administering Authority. My delegation continues to wonder about this and we have been wondering about it since 1951; we have listened to all the arguments, the arguments which never change. However, we believe that Article 87 d of the Charter provides the solution to this problem. It says that the Trusteeship Council may "take these and other actions in conformity with the terms of the trusteeship agreements".

We have studied the trusteeship agreement a thousand times and we find absolutely nothing which is in opposition to the participation of the indigenous inhabitants in the work of the Trusteeship Council. We have even pointed out certain articles of the trusteeship agreements. For example, to take one of them, I can refer to article 6 of the agreements which says that all necessary measures should be taken so as to assure the political advancement of the inhabitants of the Territory. We find this sort of language throughout all the agreements. What does it mean in general terms? It simply means that they should take all the means which will lead to the political advancement of these people, to look out for their interests. This is not a question of national pride, nor do we come up against problems of national sovereignty or principles. It is a simple question of fulfilling or not fulfilling obligations undertaken in treaties.

The argument to the effect that this question of indigenous participation was not considered when Chapter XIII of the Charter was written is perhaps not very valid. It was natural that in San Francisco the drafters of the Charter did not get involved with such details, and they could not take up each case. They simply laid down a general outline into which most cases could be placed. They left the Council a wide margin of action so as to achieve the general objectives. We are all sufficiently familiar with this background and we know what was done at San Francisco. I need not repeat all of this here.

Consequently, this organ, the Trusteeship Council, should be a body which operates. It should not be a stagnant organ attempting to shirk its duty. It should change its approach constantly so as not to go to sleep standing up. I would make an emotional appeal to all the Administering Authorities, and I would also say that it is not they alone who have the responsibility for the trusteeship system. All of us together are responsible for it and we should seek solutions together. My delegation does not desire to believe that we non-administering authorities are the only ones who should attempt to seek concrete solutions and propose means of achieving objectives here. We believe that all of us should do this together. We have a joint obligation, since all of us signed the Charter. If it were otherwise, perhaps I might think that Cervantes was right in having Don Quixote say to Sancha Panza: "Do not insist; do not do anything".

The PRESIDENT: I think perhaps I should indicate to the members of the Council what I consider to be the situation that we now have before I call on any other speakers in explanation of vote. We have before us the draft resolution of the representative of Syria, document T/L.458. The amendments proposed to that draft resolution are, as I understand them, those submitted by the representative of Haiti, and they involve the deletion of the paragraph commencing with the words "Recalling in this connexion rule 61" to the end of the quotation of rule 61. They involve the substitution of the words "make recommendations" for the words "take specific action" in paragraph 2 (a), and in paragraph 2 (b) they involve the substitution of the words "Visiting Missions" for the words "United Nations". The amendments also involve paragraph 3, but I have no notes on it and it would be better if the representative of Haiti would submit such a note in writing.

As I say, we have to have some order in these proceedings. The general debate is finished. I am going to call upon such speakers as desire to give an explanation of vote and I trust they will be reasonably brief.

Mr. DORSINVILLE (Haiti) (interpretation from French): I should like to indicate an error which may be due to the translation because it is shared by the representative of Syria and yourself, Mr. President.

My third suggestion did not consist of substituting the words "Visiting Mission" for those of "Trusteeship Council". I suggested the transfer of all the words from "that it falls within their right", contained in paragraph 2 (b), to paragraph 2 (c), because I had explained that it seemed to us that this recommendation could more easily and more justly be made by the Visiting Mission and in respect of the inhabitants of the Territory, and not by the Administration itself to the inhabitants of the Territory. That was the sense of the meaning of my third suggestion.

The PRESIDENT: In order that we may have this situation clear, I will ask the Secretary to read out the amendment in paragraph 2 of the draft resolution which was proposed by the representative of Syria.

The SECRETARY: I understand that the amendment consists of having the last sentence of paragraph 2 (b) added to paragraph 2 (c), so that subparagraph (c), after the words "the purpose" would read, "and to inform the population -- or the indigenous inhabitants; this has to be slightly changed -- "that it falls within their right of petition" and so on.

The PRESIDENT: Is that correct?

Mr. DORSINVILLE (Haiti) (interpretation from French): Yes, that is correct. In order to complete my explanation, I will give the Secretariat the text of the proposed amendment for paragraph 3. I had asked the representative of Syria to comment on this suggestion, but he has not done so as yet. He asked permission to do this a little later when he would deal with other questions as well. May I ask you, Mr. President, to grant us a ten or fifteen minute recess so that we may consult with each other before formally proposing the amendment which my delegation desired to put forward.

The PRESIDENT: Before the submission of these amendments, and before declaring a recess, I think we should hear from the representative of Italy because what he says may influence the opinions of members here.

Mr. ROBERTI (Italy): In reply to the representative of Syria, I would like to say that it was my intention to take part very briefly in this debate, although I submit that my delegation sits here in a rather anomalous position. I wanted in fact to make one comment on document T/L.447, namely, that my Government has, of course, no objection to the inclusion of indigenous inhabitants of Somaliland in its delegations to the Trusteeship Council, provided they be qualified persons in a position to give effective collaboration to the work of the delegations and to the Council. After all, this would fall within the measures that have been taken for the progressive and rapid association of the indigenous inhabitants with the Administration of the Territory.

I also listened with care to the statements that have been made in this debate. As far as the interesting and detailed proposals embodied in the draft resolution submitted by the representative of Syria are concerned, I believe that I will have to refer them to my Government for study and possible comments, in the light also of our Trusteeship Agreement of 2 December 1950. These comments may be made during the next session when the Trusteeship Council will be discussing the reports of Somaliland for 1953.

The PRESIDENT: The representative of Haiti has asked for a fifteen minute recess apparently to discuss his amendments with other interested parties. I am happy to do that, but I note that the representative of the Soviet Union has asked to speak at this time.

Mr. TSARAPKIN (Union of Soviet Socialist Republics) (interpretation from Russian): If we are going to have a recess, it would be highly desirable that the proposed amendments to the Syrian draft resolution, whether Haitian amendments or any other, could be put before us in writing.

The PRESIDENT: I undoubtedly agree with that. I would like to have them in writing and at once.

The meeting was suspended at 12.5 p.m. and was resumed at 12.55 p.m.

The PRESIDENT: The members have the proposed amendments drafted by the delegation of Haiti and they have no doubt given them some brief consideration. I notice that the representative of Haiti has withdrawn his proposal to delete the paragraph in the consideranda commencing with the word "Recalling". He does not propose to do that now.

Are members ready to vote or would they prefer that we adjourn now and resume at 2 p.m.?

Sir Alan BURNS (United Kingdom): I should like time to consider the draft amendments now before the Council.

Mr. FORSYTH (Australia): I would be grateful if the President would allow me to make a brief statement in order to make sure that the record is quite clear.

In the course of his remarks this morning, the representative of Syria summarized or endeavoured to summarize the content of some of my remarks of yesterday. He indicated to the Council that I had said that the Council had no right to come into contact with the population of a Trust Territory. At this point, I thank the representative of Syria for his courtesy. I did not have the text of my statement and he was so courteous as to lend me the text that he had.

I did not find anywhere in the text of my statement the actual use of these words. I should like it to be quite clear on the record that I did not say in my statement that the Trusteeship Council had no right to come into contact with the population of a Trust Territory.

The PRESIDENT: The Council is adjourned. It will resume at 2.30 p.m.

The meeting rose at 1 p.m.