

and the kind of services which that staff would be required to provide. The members of the Mission should then ask the Secretary-General to choose appropriate persons from the Secretariat to form the staff, since he was more competent than the members of the Mission to assess their personal characteristics and merits. He therefore agreed with the representatives of Argentina and of the United Kingdom.

104. Mr. Hoo (Assistant Secretary-General in charge of the Department of Trusteeship and Information from Non-Self-Governing Territories) agreed with the United States representative, but pointed out that the latter had elaborated the remarks made by the representative of the United Kingdom. The statement made by the representative of the United Kingdom might be taken to mean that the Secretary-General should not be free to choose the personnel of the Mission staff; consequently, he had been glad to hear the United States representative express views on that point which coincided with those of the Secretary-General. The latter was responsible for selecting the personnel to accompany missions, but paid due attention to the latter's needs, and he was also responsible for seeing that the budgetary provision for each mission was not exceeded. That responsibility was not always compatible with the desires of individual members of a mission in relation to staffing. The only satisfactory procedure in such cases was provided by consultations of the kind suggested by the Argentine representative.

105. He would not object to the replacement of the word "assisted" by the word "serviced", but would the representative of Iraq explain why he had suggested that change?

106. Mr. MONOD (France) suggested that the first paragraph of the draft terms of reference should be amended so as to reconcile the different points of view expressed. The words "assisted by such Secretariat services as the members of the Visiting Mission may determine necessary after consultation with the Secretary-General, and by representatives of the local administrations nominated by those bodies" might perhaps be substituted for the existing wording of the last clause.

107. Mr. RYCKMANS (Belgium) agreed that all reference to the Secretariat should be omitted from the first paragraph and cited rule 25 of the Council's rules of procedure in this connexion.

108. It was also superfluous to mention the assistance of members of local administrations, since the Trusteeship Agreements themselves already made ample provision in that matter.

109. After prolonged discussion on the question of the desirability of making mention in the first paragraph of the assistance of members of the Secretariat and of representatives of local administrations, and in view of the Council's failure to reach agreement on the point, the PRESIDENT requested members who had put forward relevant suggestions to submit them in writing for consideration at the next meeting of the Council.

The meeting rose at 1.35 p.m.

212th meeting

## TENTH MEETING

*Held at the Palais des Nations, Geneva,  
on Tuesday, 31 January 1950, at 10.30 a.m.*

*President : Mr. Roger GARREAU.*

*Present : The representatives of the following countries : Argentina, Australia, Belgium, China, Dominican Republic, France, Iraq, New Zealand, Philippines, United Kingdom, United States of America.*

### 21. Arrangements for the Visiting Mission to Trust Territories in the Pacific (T/366 and T/451) (continued)

1. The PRESIDENT invited the Council to continue its consideration of the draft terms of reference for the United Nations Visiting Mission to Trust Territories in the Pacific (T/451).

2. Mr. LAURENTIE (France) said that, after the discussion at the previous meeting, he felt that the general consensus of opinion on the first paragraph was in favour of stating that the Visiting Mission would be "assisted by such services of the Secretariat as the Visiting Mission may deem necessary after consultation with the Secretary-General and also such members of the local administrations as may be appointed by the latter".

3. In French, the word "services" would mean the various categories of Secretariat personnel from which the appropriate staff would be selected to assist the Mission. He did not think it necessary to propose amendment formally but felt that the replacement of the original wording by the text he had just suggested would provide members of the Mission with the authority and material assistance necessary for the accomplishment of their task.

4. Mr. MUÑOZ (Argentina) said he was in favour of adopting the text suggested by the representative of France, which was completely in accordance with the opinion he (Mr. Muñoz) had expressed at the previous meeting.

5. Mr. INGLÉS (Philippines) said that the representative of France had suggested one way of reconciling the two extreme opinions put forward at the preceding meeting. Another way would be to lay down that the Secretary-General, after consulting members of the Mission, might decide which members of the Secretariat should assist the Mission. He wished to suggest a middle way, which could be indicated by using the formula "serviced by members of the Secretariat after consultation between the Visiting Mission and the Secretary-General". If that suggestion were adopted, the Council would not place undue emphasis either on the rights of the Secretary-General or on those of the Mission in the matter of its staff.

6. The PRESIDENT saw no appreciable difference between the suggestions of the Philippines and French representatives. Would the French representative

accept the wording suggested by the representative of the Philippines ?

7. Mr. LAURENTIE (France) was in general agreement with the wording suggested by the Philippines representative, but felt it would be desirable to retain the words "as the Visiting Mission may deem necessary". Consultation between the Secretary-General and the Mission was obviously necessary, but it was of no importance whether the Mission consulted the Secretary-General or vice-versa. On the other hand, it was essential that it be made clear that it was for the Mission to decide on the quality and numbers of its staff.

8. Thanks to the experience acquired by the three visiting missions previously sent by the Council to the Trust Territory of Western Samoa in 1947, East Africa in 1948 and West Africa in 1949, the members of the Visiting Mission should be in an excellent position to decide themselves what services they would require.

9. Sir Alan BURNS (United Kingdom) said that at the beginning of the preceding meeting he would have been prepared to agree to the adoption of the text subsequently suggested by the representative of the Philippines, and to the omission of any reference to assistance to the Mission by the Secretariat or by members of local administrations, as he had then felt that there would be sufficient goodwill and co-operation between members of the Mission and the Secretariat. He himself had been a member of a secretariat, both as a very junior member and as its head; he had known his place, and had been aware that it was his duty as a member of the secretariat to serve the governor of the colony in which he had been stationed. Later, as a governor, he had been loyally served by a secretariat, which had also known its place, and there had been no uncertainty, so far as he was aware, about the respective positions occupied by himself and the secretariat. There should similarly be no doubt about the respective positions of the members of the Visiting Mission and its secretariat; since it appeared that some doubt might arise, those positions should be clearly defined in the manner suggested by the French representative. If the secretariat of the Mission were to take decisions without reference to the members, there would be no point, so far as he could see, in sending a mission at all. The members of the Mission should therefore decide what services they would require from the Secretariat while on mission, and then consult the Secretary-General or his representative on the subject; and he hoped that such consultations would be marked by goodwill on both sides. The Secretary-General should then himself select the actual persons to provide the services agreed upon. He would vote for the text suggested by the representative of France.

10. Mr. KHALIDY (Iraq) said that he also would vote for the suggestions of the French representative, who had stated the position clearly. There must be consultation between the Secretariat and the members of the Mission as to the services to be provided, but the Council should not adopt a formula which would give the

Secretary-General more authority over the formation of the staff of the Mission than did that suggested by the French representative.

11. Even so, he would not be entirely easy in his mind that the Mission's staff would not take action against the wishes of the Mission, on the grounds that it had been instructed to assist, and not merely to service, the Mission, unless specific safeguards were provided.

12. Mr. SAYRE (United States of America) said that the members of the Mission should have the right to determine what services it would require for the proper performance of its task; the Secretary-General should have the right to choose the persons to provide those services. He himself had acted as head of a visiting mission. It had been very grateful for the services provided by the Secretariat, which had, indeed, been essential to its proper functioning. He was not questioning the willingness of members of the Secretariat to carry out their duties properly; but the text suggested by the representative of France specified precisely the true relations which should exist between members of the Mission and the Secretariat.

13. Replying to the PRESIDENT, Mr. INGLÉS (Philippines) said that he had not made a proposal, but merely a suggestion, which he would not press. He would be glad to support the French suggestion.

14. Mr. Hoo (Assistant Secretary-General in charge of the Department of Trusteeship and Information from Non-Self-Governing Territories) said that the text suggested by the representative of France defined a procedure which had in practice always been followed in analogous cases; the Secretary-General had always exchanged opinions with members of each visiting mission before appointing the members of its staff. The Secretary-General was responsible for seeing that the financial appropriations were not overstepped. The representative of the United Kingdom had said at the preceding meeting that he had never asked that the staff of any mission should be larger than that suggested by the Secretariat; but other members of visiting missions had done so.

15. He noted with satisfaction that no member of the Council had expressed disagreement with his contention that the Secretary-General alone had the right to choose the personnel to perform any services which it might be agreed would be required by the Visiting Mission in the discharge of its duties. Certain representatives had expressed misgivings as to the relations which might develop between the members of the Mission and its staff; but no mere words in its terms of reference could ensure smooth co-operation between them. The Secretariat had always tried to perform its duties loyally, and, as the representative of the United States of America had said, was just as eager as were the members of visiting missions themselves that the work of the missions should prove successful. However, it might well be the duty of members of the Mission's staff to draw the attention of members to the terms of reference. Although it was for the Council alone to draft the terms of reference, he wished to point out that no such

provision as that suggested by the representative of France had been made in the terms of reference of missions such as those sent to Palestine and Korea, or the Advisory Council for the Territory of Somaliland under Italian administration, which were much more important than the Mission at present under discussion. In those cases, it was merely agreed that the Secretary-General would provide the Mission with such staff and such facilities as were necessary for the carrying out of its duties. Of course, that agreement was interpreted as meaning that the Secretary-General would consult the mission concerned about its needs.

16. Mr. HOOD (Australia) could agree to the adoption of the text suggested by the representative of France on the understanding that its adoption would entail no change in the relations between the Secretariat and members of visiting missions to trust territories. He had not been a member of such a mission, but when questions had arisen concerning relations between the Secretariat and other United Nations bodies on which he had served, they had been disposed of in the best interests of all concerned without specific provision therefor in the terms of reference. He had been struck by the force of the argument of the Assistant Secretary-General, to the effect that whereas the Council could not prescribe exactly what services the Secretariat would provide for the Mission, neither could the Secretariat control the activities of the Mission. Satisfactory relations between the members of the Mission and its staff could only be achieved through full co-operation in an atmosphere of reciprocal goodwill.

17. The PRESIDENT then put to the vote the amended version of the first paragraph of the draft terms of reference (T/451) suggested by the representative of France.

*The paragraph was unanimously adopted.*

18. The PRESIDENT then put to the vote the second paragraph of the draft terms of reference, with the words suggested at the preceding meeting by the representative of the United Kingdom—namely, “not later than 10 April 1950” inserted in the blank space.

*The paragraph was unanimously adopted.*

19. The PRESIDENT read out the third paragraph as amended by the Council at the preceding meeting on the proposal of the representatives of Belgium and the Philippines.

20. The SECRETARY TO THE COUNCIL, recalling that the representative of the United Kingdom had urged that another amendment be made to the third paragraph, suggested that the substitution of the words “and their progressive development” for the words “and in particular on the steps taken” might satisfy the representative of the United Kingdom.

21. Mr. KHALIDY (Iraq) inquired why the representative of Belgium had proposed that the words “as fully as possible” should be substituted for the word “fully”.

22. Mr. RYCKMANS (Belgium) repeated the explanation he had given at the preceding meeting. It was impossible for the Visiting Mission, in the time at its disposal, to conduct a thorough inquiry into the steps taken in the Trust Territories visited towards the realization of the objectives set forth in Article 76 b of the Charter. The Visiting Mission should therefore be asked only to report as fully as possible, so that it would not be burdened with too great a responsibility. His proposal to that effect had been adopted by the Council at its preceding meeting.

23. Mr. KHALIDY (Iraq) said that the General Assembly obviously did not expect the Mission to visit every corner of each of the Trust Territories in the Pacific. However, the Council should not take liberties with General Assembly resolution 321 (IV), but should use the same words as those in that resolution, or else delete the paragraph entirely and merely insert a reference to the resolution in its place.

24. Sir Alan BURNS (United Kingdom) did not agree with the representative of Iraq. The Council's function was not simply to rubber-stamp the orders of the General Assembly. It should refrain from instructing the Mission to follow any detailed recommendation of the General Assembly which it knew to be impracticable. It would be impossible for the Mission to submit a full report on all the Trust Territories in the Pacific even if it remained there for five months instead of five weeks.

25. Mr. INGLÉS (Philippines) inquired why the representative of the United Kingdom had urged that the wording of the last part of the third paragraph of the draft terms of reference should be changed.

26. Mr. RYCKMANS (Belgium) said that if not all members of the Council were in favour of the deletion of the words “in particular” from the third paragraph, he would suggest that the paragraph should end at the words “Article 76 b of the Charter”. If details were considered necessary, it would be enough to quote the actual terms of the Charter.

27. Sir Alan BURNS (United Kingdom) recalled that at the previous meeting he had stated that he could agree to the adoption *in toto* of the draft terms of reference as given in Document T/451, were it not for the presence in the third paragraph of the words “in particular”, which laid undesirable and unwarranted emphasis on what was only one of the several objectives of the Mission; that he was aware that the words had been taken from a recommendation of the General Assembly (resolution 321 (IV)), but that he did not consider the Council bound by that recommendation; that the terms of reference of both the United Nations Visiting Mission to East Africa and the Visiting Mission to Trust Territories in West Africa followed Article 76 b of the Charter much more closely, yet placed equal emphasis on observation of advancement in all fields; that trust territories should be developed with due regard to the interdependence of social, educational, economic, and political progress; and that progress in one of those fields could not advance more

quickly than it did in any other. Finally, he had urged the Council to make use of part of the text of Article 76 b of the Charter—namely “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”.

28. He would prefer the use of that precise wording, but would nevertheless agree to the adoption of the paragraph with the amendment suggested by the Secretary, if such were the wish of the Council.

29. Mr. INGLÉS (Philippines) said that the Council must assume that, in recommending that visiting missions should pay particular attention to the steps taken towards self-government or independence, the General Assembly<sup>1</sup> had been fully aware of the existence of the provisions of Article 76 b of the Charter. The Council would be lacking in respect to the Assembly if it failed to instruct the Visiting Mission to carry out its task in the precise manner stipulated by the Assembly.

30. Mr. LIU (China) said that the Council was not at liberty to give the Visiting Mission instructions as far removed from the General Assembly resolution as those suggested by the representative of the United Kingdom. The General Assembly had decided, in full knowledge of the provisions of the Charter, to recommend that the Visiting Mission should pay special attention to steps taken towards self-government or independence. He was therefore opposed to any amendment of the latter half of the third paragraph.

31. Mr. SAYRE (United States of America) could not agree with the Chinese representative that the wording put forward by the United Kingdom representative differed fundamentally from that used in the General Assembly resolution. The representatives of the United Kingdom and Belgium had merely tried to persuade the Council to use wording which conformed more closely to that of the Charter, from which all the responsibilities and functions of the Council derived. The Council was not merely an executive organ of the General Assembly. It was laid down in Article 7, paragraph 1, of the Charter that: “There are established as the principal organs of the United Nations: a General Council, a Trusteeship Council, an International Court of Justice, and a Secretariat.” None of those organs was the executive body of any other; the Charter entrusted each of them with specifically defined tasks. The Trusteeship Council should follow the recommendations of the General Assembly only so far as they did not conflict with those provisions of the Charter which related to the Trusteeship Council. Accordingly, were the intention of the proposal of the Belgian representative or of that of the United Kingdom representative to prevent the Mission from carrying out any part of the recommendation of the General Assembly not in accordance with the provisions of the Charter,

he would be in favour of its adoption. But there was in fact no conflict between the General Assembly resolution and the provisions of the Charter; both the resolution and the Charter were authoritative.

32. The Council had already discussed the recommendation of the General Assembly that visiting missions to trust territories should report fully on certain steps, and had decided to substitute the words “report as fully as possible” for the words “to report fully”, which were used in the General Assembly resolution, for the good reason that the mission could not report fully on those steps without exceeding the budgetary appropriation for its expenses. As the Council had already made that change, it might also adopt either the amendment proposed by the United Kingdom representative or that proposed by the Belgian representative to the third paragraph; either of those changes would bring the Mission’s terms of reference into closer harmony with the language of the Charter, without making them contrary to the recommendation of the General Assembly.

33. The PRESIDENT drew the Council’s attention to an extremely important point raised during the discussion—namely, the meaning to be attached to the words “executive organ”, a term used on a number of occasions during the debate at the preceding meeting on the Statute for Jerusalem.

34. He thought it his duty as President formally to remind the Council of the actual wording of the Charter, Article 7, paragraph 1, which had previously been read out by the United States representative. That wording showed that the Trusteeship Council was a deliberative organ, which adopted its decisions by majority vote and had powers of its own founded on the democratic organization of the United Nations. While the General Assembly might address recommendations and resolutions to the Trusteeship Council asking it to take up the study of such and such a question, the Trusteeship Council in any event retained a wide discretion with regard to the application in accordance with the wishes of the majority of its members, of any decisions it might adopt in connexion with General Assembly resolutions. That was a point which it was imperative to make clear, since, while the General Assembly could naturally give the Council instructions, there could be no question of the latter being deprived of the right to deliberate and take decisions by majority vote in accordance with the democratic principles underlying the United Nations Charter.

35. Mr. LAURENTIE (France) said that first of all he would like to make the same point as the President—namely, that the Trusteeship Council was not an executive office, but a Council, and consequently a deliberative organ.

36. The amendment proposed by the United Kingdom representative met with his full approval, and was also supported by the United States representative.

37. He feared that in its present form the third paragraph of the draft terms of reference for the

<sup>1</sup> See *Official Records of the Fourth Session of the General Assembly*, 239th and 240th meetings.

Visiting Mission actually ran counter to the aim pursued by its authors. An entirely arbitrary and illogical distinction seemed to have been drawn between the measures adopted to promote the political, economic, social and educational advancement of such territories and the steps taken to promote their development towards self-government or independence. He therefore thought it desirable to keep to the terms of the Charter, and, as proposed by the Belgian representative, merely mention "the objectives set forth in Article 76 b of the Charter", or, if further detail were desired, to reproduce the actual wording of the Charter.

38. Mr. INGLÉS (Philippines) said that the opinions of individuals on the relationship of the Trusteeship Council to other organs of the United Nations might differ. However, the Trusteeship Council had met, not to define such relationships, but to apply specific provisions of the Charter of the United Nations in which it was laid down that the Trusteeship Council could take certain action only if authorized to do so by the General Assembly. Article 87 of the Charter contained the words: "The General Assembly and, under its authority, the Trusteeship Council, in carrying out their functions, may: . . . c. provide for periodic visits to the respective trust territories at times agreed upon with the administering authority . . .". The General Assembly had recommended to the Trusteeship Council that it direct visiting missions to report "in particular on the steps taken towards self-government or independence" (resolution 321 (IV)). If the Council adopted the amendment proposed by the United Kingdom representative it would, in effect, give the Mission a directive which differed in substance from that provided by the General Assembly, although it had no right to do so when making arrangements for visiting missions, since it could make such arrangements only under the authority of the General Assembly. It must be presumed by the Council that the General Assembly was conversant with the provisions of the Charter, and had intentionally directed that particular attention should be paid by visiting missions to steps taken towards self-government or independence. The Council must not flout that directive; it would be failing in its duty towards the General Assembly if it adopted the amendment proposed by the United Kingdom representative.

39. Mr. RYCKMANS (Belgium) pointed out that the General Assembly wished to receive as full a report as possible on the political, economic, social and educational conditions in the territories visited, and, in particular, a report on the development of those territories towards self-government or independence. With the terms of the text as amended by the United Kingdom representative, or with the simpler formula recapitulating the actual terms of the Charter, the General Assembly would receive a report which would fully satisfy its requirements.

40. He categorically rejected the interpretation placed on Article 87 of the Charter by the Philippines representative and other members of the Council. Article 7 set up the Trusteeship Council as one of the principal

organs of the United Nations. The Council acted under the authority of the General Assembly; consequently the latter could request it to carry out certain studies. In complying with the General Assembly's recommendations, however, the Council should act as one of the principal organs of the United Nations by deliberating and voting in accordance with the rules of procedure it had itself adopted.

41. That the General Assembly should take action independently of the Council was quite in order; it was out of order, however, for it to do what was tantamount to instructing the Council to record a majority vote in favour of one particular provision or another. In fact, the whole concept was mistaken, for if the Council failed to record that majority, it could not take the decision in question. The General Assembly's recommendation to the Council amounted to no more than a request that it should be discussed, not an instruction to follow it. For the Council could not conceivably accept instructions from the General Assembly to vote in one way or another.

42. Mr. LIU (China) said that, within certain limits, he did not disagree with the United Kingdom representative's opinion of the relationship of the Trusteeship Council to the General Assembly; nor did he dispute his contention that the Council should act in accordance with the provisions of the Charter. But the General Assembly's recommendation that visiting missions should pay particular attention to steps taken towards self-government or independence was not in conflict with the provisions of the Charter, since the General Assembly could recommend that priority should be given to some of the objectives of the United Nations as laid down in the Charter, and also recommend that particular attention be paid by organs of the United Nations to certain points of the Charter. He considered the recommendation made by the General Assembly very reasonable, and the representatives of all Governments which had voted in favour of the resolution concerned should be of the same opinion as himself; the Council should certainly not ignore that recommendation. He was therefore opposed to any change to the wording of the end of the third paragraph of the draft terms of reference.

43. Mr. HOOD (Australia) did not consider it advisable for the Council to probe too deeply into the question of the constitutional relationship between the General Assembly and itself. It was proper for the former to take an interest in trust territories, just as it was proper for the Council to take that legitimate interest into account. But it was for the Council to take its own decisions on the directives which it should give to the Visiting Mission.

44. Members of the Council were fully aware of the discussions in the General Assembly and in the Council, and of the fact that the General Assembly, when adopting resolution 320 (IV), requested the Council to devote a section of its report to the question of the development of self-government in trust territories. That point, however, did not affect the conduct of the Council's

internal business, despite the fact that the latter acted under the authority of the General Assembly and was bound to take its wishes into consideration.

45. Mr. KHALIDY (Iraq) stated that the Charter of the United Nations defined the activities of all the United Nations bodies, including the Trusteeship Council. He had himself heard certain members of the Council refer to it, during previous debates on another issue, as an executive body of the General Assembly. The Council was called upon to respect the spirit of a General Assembly resolution, and certain criticisms which had been voiced in the Fourth Committee of the General Assembly at its fourth session should surely serve as a lesson. It would be incorrect for the Council to flout—he had used that word deliberately—an important part of the resolution in question.

46. In his opinion, therefore, the Council should adhere closely to the text of the resolution; he would vote against any amendments which ran counter to that principle.

47. Mr. MUÑOZ (Argentina) drew attention to the difference between the wording of Article 87 of the Charter, in which the functions and powers of the Trusteeship Council were defined, and that of Article 62, which concerned the Economic and Social Council. Comparison of the two texts made it clear that the functions of the Trusteeship Council and its relationship to the General Assembly were different from those prescribed for the Economic and Social Council and other United Nations bodies. It should further be noted that a resolution emanating from the General Assembly was adopted by a body in which the Governments administering trust territories were in the minority; in the Trusteeship Council, on the other hand, non-administering and administering Powers were equally represented. That difference in the composition of the two bodies certainly affected attitudes towards and interpretations of the Charter. The problem under consideration could only be solved by a compromise. But the overriding principle which should guide the Council was that the relevant clauses of the Charter should be used as a living instrument to promote the progressive development of trust territories towards self-government or independence.

48. Mr. LAURENTIE (France) felt that the disagreement between the members of the Council was not as wide as it seemed.

49. The Charter was, in fact, a living instrument which the Council had to translate into action. Perhaps the Council could confine itself to adopting the part of the third paragraph of the terms of reference, concluding with the words "of the Charter", as proposed by the Belgian representative. If the Council could agree on that formula, it would obviate pointless discussion of the words "in particular on the steps taken towards self-government or independence". The discussion showed that while no member thought that the Council should confine itself to the role of a silent executor, there was general recognition of the value of the General Assembly's recommendations.

50. He would therefore formally propose that all words after "of the Charter" be deleted from the third paragraph.

51. Mr. INGLÉS (Philippines) said that his delegation was equally opposed both to the French and to the United Kingdom amendments. The deletion of that part of the third paragraph following the reference to Article 76 b of the Charter would result in the elimination of all the emphasis that the General Assembly's resolution had laid on the subjects listed in the deleted passage.

52. It was clear from the wording of the resolution that the General Assembly was particularly interested in "the steps taken towards self-government or independence". If, as had been claimed, the two amendments fully met the intentions of the resolution, he failed to see why any changes to the original text should be necessary.

53. Mr. RYCKMANS (Belgium) explained that the Belgian delegation had voted for the General Assembly resolution because it had considered that the Assembly's legitimate desire to be kept informed of the progress made by trust territories towards self-government or independence had been fully satisfied by the instructions given by the Council to earlier visiting missions.

54. The express interest of the Assembly in a specific aspect of the political development of trust territories would in no way be impaired by the deletion proposed by the French representative.

55. While he agreed up to a certain point with the Philippines and Iraqi representatives, he preferred the French formula to that of the United Kingdom delegation. The deletion of the words "in particular" might give the impression that the Council was ignoring the General Assembly's wishes. Hence it seemed more advisable to conclude with the words "Article 76 b of the Charter".

56. However, if the Council was unable to reach unanimity on that point, general agreement might be reached by adding after the words "Article 76 b of the Charter" the words "and taking into account the desire expressed by the General Assembly in its resolution 321 (IV)". That would obviate the Council's assuming a responsibility which belonged to the General Assembly. It would simply invite the Visiting Mission to submit a report on all the questions set forth in Article 76 b, and would further request it, in view of the fact that the General Assembly had particularly asked for information on certain aspects of political development, to take account of that desire in drawing up its report.

57. In that way, there would be no derogation from the personal responsibility of the Trusteeship Council, which could not rest content with merely endorsing General Assembly decisions.

58. The PRESIDENT asked members of the Council whether the Belgian proposal met with their general approval. If not, he would put the various amendments to the vote.

59. Mr. MUÑOZ (Argentina) asked whether the representative of Belgium would be prepared to amend his suggestion by deleting from it the words "the desire expressed by the" and the words "in its".
60. Mr. KHALIDY (Iraq) was prepared to accept the Belgian representative's amendment, on condition that the Council also adopted the amendment thereto suggested by the representative of Argentina. A clear reference to the General Assembly resolution was required, since it was proper for the Council to conform to the desires of that body.
61. Mr. INGLÉS (Philippines) said that, in a spirit of compromise, his delegation would be satisfied with a reference to the resolution, provided that the Council explicitly stated that the Visiting Mission must observe the directives contained therein.
62. Mr. MUÑOZ (Argentina) suggested that the text of the resolution be quoted in an annex to the terms of reference once they had been adopted.
63. Sir Alan BURNS (United Kingdom) was prepared to withdraw his own amendment in favour of the Belgian amendment as amended by the Argentine representative. He was not, however, prepared to accept the addition of any annex to the Council's resolution, which would constitute the only instrument binding on the Visiting Mission.
64. Mr. RYCKMANS (Belgium) accepted the amendment suggested by the Argentine representative to the words he had suggested for addition.
65. He thought that the difference between the views of the United Kingdom and Philippines representatives lay in the fact that the former fully intended, as Chairman of the Mission, to deal in his report with the question at issue in the same way as all the others arising out of Article 76. The General Assembly would thereby be fully satisfied without the Council being obliged to adopt the actual terms of the General Assembly resolution, which was not its proper task.
66. Mr. LAURENTIE (France) agreed to the addition suggested by the Belgian representative as amended by the representative of Argentina, and accordingly withdrew his own proposal.
67. Mr. MUNOZ (Argentina) was prepared to withdraw his second suggestion.
68. Mr. LIU (China) stated that his favourable attitude towards the composite Belgian and Argentine formula had been changed by the United Kingdom representative's objection to the suggestion that an annex be added to the Council's resolution. Since it was now his impression that there was in the understanding of representatives a fundamental difference between the amendment as such, and the amendment together with an annex, he would be prepared to support the adoption only of the original text of the third paragraph of the draft terms of reference.
69. Mr. INGLÉS (Philippines) emphasized that there was a substantial difference between the Belgian amend-
- ment, according to which the Visiting Mission was to take into account the General Assembly resolution, and the point of view of his delegation, which held that in adopting that resolution the General Assembly had made a specific stipulation which it was the Council's duty to observe. For the latter merely to direct the Visiting Mission to take the resolution into account was equivalent to an evasion of responsibility.
70. While prepared to accept the exclusion from the text of the quotation from the Assembly resolution, he must insist that the reference thereto be made clear and categorical.
71. Mr. KHALIDY (Iraq) moved that further discussion of the third paragraph of the draft terms of reference be deferred, in order to permit informal consultation to take place between members of the Council. He believed that a satisfactory formula could easily be found and submitted for the Council's approval at its next meeting.
72. The PRESIDENT suggested, on the contrary, that the Council could proceed to vote forthwith.
73. Mr. HENRÍQUEZ UREÑA (Dominican Republic) pointed out that the original third paragraph of the draft terms of reference merely reproduced the text of the General Assembly resolution. Why not simply say, "taking into account the terms of General Assembly resolution 321 (IV) of 15 November 1949"? Perhaps that formula might meet the wishes of the Philippines representative. It would be better not to go into great detail.
74. Mr. RYCKMANS (Belgium) said that he himself had gone to the limit to find a compromise formula; he could go no further, even if additional time were provided. He suggested that the Council proceed to vote. It was obviously preferable to reach unanimity on a single proposal; but a vote must eventually be taken if differences of opinion persisted.
75. He accepted the Dominican representative's suggestion.
76. Mr. INGLÉS (Philippines) and Mr. MUÑOZ (Argentina) supported the proposal of the Iraqi representative that discussion of the third paragraph of the draft terms of reference for the Visiting Mission to Trust Territories in the Pacific be deferred.
77. The PRESIDENT put the proposal of the representative of Iraq to the vote.
- The proposal was adopted by 6 votes to 5.*

## 22. Programme of work

78. Mr. SAYRE (United States of America) proposed that, in view of its slow progress, the Council meet again that afternoon.
79. The PRESIDENT pointed out that the Council's committees had to meet in the afternoons. The Council, if it continued to advance so slowly, would obviously have to meet twice a day; but that would not solve the question of when the committees could meet.

80. Throughout its three years of existence, the Council had never met more than once a day, except towards the end of sessions.

81. Mr. HOOD (Australia) supported the proposal, and deprecated the practice of meeting only in the morning. Some members would soon be called away by other duties, and, at its present rate of progress, the Council would be unable to finish its work before the date fixed for the close of the session.

82. The PRESIDENT pointed out that the Council was meeting in the morning in order to facilitate the work of the Secretariat, which had only a very limited staff in Geneva. The holding of afternoon meetings by the Council would mean that the Secretariat would have to work at night. If the morning meetings were too short, the Council would have to revert to meeting in the afternoon only. That would be preferable to meeting twice a day in view of the fact that two committees, on each of which all members would be required to sit, would also have to meet regularly.

83. Sir Alan BURNS (United Kingdom) agreed with the Australian representative, and considered that the Council should hold both morning and afternoon meetings. Later in the session it would be more difficult for the Council to hold two meetings a day, in view of the fact that committees would also be meeting. He would draw the Council's attention to the fact that the special representative of the Administering Authority for the Trust Territory of Tanganyika had arrived in Geneva; he (Sir Alan Burns) had intended, if time allowed, to make an opening statement at the present meeting on the annual report for the Territory. For that reason, as well as on general grounds, he supported the United States proposal that the Council meet again that afternoon.

84. Mr. LAKING (New Zealand) also supported the United States proposal. While he appreciated the difficulties mentioned by the President, he wished to observe that, if the Secretariat was unable to service the required number of meetings in Geneva, that fact should have been made known to the Council before it decided to hold its sixth session there.

85. The afternoon meetings should be longer, lasting from 3 to 7 p.m.

86. The PRESIDENT repeated that, although the Council could without great difficulty revert to its normal practice of meeting in the afternoon, there were serious practical obstacles to the holding of two meetings a day.

87. Recalling that the Trusteeship Agreement for the Territory of Somaliland under Italian administration had been disposed of within a week, he suggested that the Council revert to meeting in the afternoon. If that failed to accelerate its work to the required speed, the position could be reviewed later.

88. In any event, the Council could well decide to sit again that afternoon as an exceptional measure.

89. Mr. KHALIDY (Iraq) also felt that the Council was not working as quickly as it normally did at Lake

Success. One argument which had been advanced in favour of holding a session in Geneva was that the Council would be able to work more quickly, especially since distances in Geneva were so much shorter than in New York. In practice, however, the contrary would seem to be the case. He was convinced that sooner or later the Council would have to meet twice a day, and believed that the Secretariat would be able to meet the demands made of it.

90. Mr. LAURENTIE (France) felt that the criticisms made by the Iraqi representative were very pertinent.

91. Mr. SAYRE (United States of America) again expressed his concern at the slowness of the Council's progress, and joined the United Kingdom representative in stressing the urgency of dealing with the Annual Report for the Trust Territory of Tanganyika. Furthermore, the Committee on Rules of Procedure had concluded its work and drafted its interim report which was ready for examination. In his opinion it would be desirable for the Council to hold meetings twice a day until meetings of committees necessitated a revision of the time-table.

92. In the meantime he would maintain his formal proposal that the Council meet again that afternoon.

93. The PRESIDENT put the United States proposal to the vote.

*The proposal was adopted by 6 votes to 5.*

94. The PRESIDENT invited the representatives of Argentina, Belgium, the Philippines and the United Kingdom to make an attempt to work out before the afternoon meeting a text for the third paragraph of the draft terms of reference for the Visiting Mission to Trust Territories in the Pacific which would prove generally acceptable.

The meeting rose at 1.10 p.m.

213th meeting

## ELEVENTH MEETING

*Held at the Palais des Nations, Geneva,  
on Tuesday, 31 January 1950, at 3 p.m.*

*President : Mr. Roger GARREAU.*

*Present : The representatives of the following countries : Argentina, Australia, Belgium, China, Dominican Republic, France, Iraq, New Zealand, Philippines, United Kingdom, United States of America.*

### 23. Arrangements for the Visiting Mission to Trust Territories in the Pacific (T/366 and T/451) (concluded)

1. The PRESIDENT invited the Council to continue its consideration of the third paragraph of the draft terms of reference for the United Nations Visiting Mission to Trust Territories in the Pacific (T/451). The representative of the Dominican Republic had suggested a text which combined the substance of previous suggestions and took into account the observations of various members. Should the Council find the