

ARTICLE 76

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ARTICLE 76

TEXT OF ARTICLE 76

The basic objectives of the trusteeship system, in accordance with the Purposes of the United Nations laid down in Article 1 of the present Charter, shall be:

- a. to further international peace and security;
- b. 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;
- c. to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world; and
- d. to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80.

INTRODUCTORY NOTE

1. During the period under review, as in preceding years, the attention of the General Assembly and of the Trusteeship Council in respect of Article 76 continued to be focused on the objectives set out in paragraph b, and primarily on the attainment by the Trust Territories of the ultimate objective of the International Trusteeship System, self-government or independence.

2. It was in that connexion that the most noteworthy decisions of the General Assembly and the Trusteeship Council were taken, both in a general sense and in relation to individual Trust Territories. During the early part of the period under review, seven Trust Territories became independent, or joined independent States, and the General Assembly, in agreement with the Administering Authorities concerned, terminated the Trusteeship Agreements. By July 1962 only three Territories remained under the International Trusteeship System: Nauru, New Guinea and the Trust Territory of the Pacific Islands.

3. The basic outline established in the *Repertory* has again been followed in this *Supplement*, that is, the material has been assembled according to the four paragraphs of Article 76. With regard to Article 76 b, however, the rapid developments which took place during the period under review in the achievement by Trust Territories of self-government or independence

made it impossible to separate practice bearing upon the objective of development towards self-government or independence from that bearing upon the provision for consultations with the inhabitants, and those subsections have been eliminated. They have been replaced by a subsection dealing in general with the question of the attainment of self-government or independence and also including material concerning the application to Trust Territories of the Declaration on the Granting of Independence to Colonial Countries and Peoples.¹ The subsection also includes material relating to the political and constitutional advancement of the three Trust Territories remaining under the Trusteeship System after July 1962. Because of the significance of the decisions taken by the General Assembly and the Trusteeship Council leading to the termination of the Trusteeship Agreements for the seven Trust Territories concerned, a subsection has been included dealing with the termination of the Agreements. Another subsection, dealing with recommendations of the General Assembly concerning United Nations assistance to Trust Territories emerging from trusteeship status to independence, has also been added.

¹ G A resolution 1514 (XV).

I. GENERAL SURVEY

4. There were no decisions taken by United Nations organs with specific reference to Trust Territories relating to the objective defined in Article 76 a.

5. As regards Article 76 b, the General Assembly adopted resolution 1413 (XIV) requesting the setting of time-limits for the achievement by Trust Territories of self-government or independence.

6. At its fifteenth session, the General Assembly adopted the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in resolution 1514 (XV), which was applicable to all territories which had not yet attained independence, including Trust Territories; and at its sixteenth session established under resolution 1654 (XVI) a Special Committee to examine the application of the Declaration and to make suggestions and recommendations on the progress and extent of its implementation.²

7. Seven Trust Territories attained independence or joined independent States during the period under review, and the General Assembly, in agreement with the Administering Authorities concerned, terminated the Trusteeship Agreements. The Cameroons under French administration became an independent State on 1 January 1960, as envisaged in General Assembly resolution 1349 (XIII), and as the Republic of Cameroun became a Member of the United Nations (resolution 1476 (XV)); Togoland under French administration became independent on 27 April 1960 and as the Togolese Republic became a Member of the United Nations (resolution 1477 (XV)); and Somaliland under Italian administration became independent on 1 July 1960 and as the Republic of Somalia became a Member of the United Nations (resolution 1479 (XV)). As regards the Cameroons under United Kingdom administration, the Northern Cameroons joined the Federation of Nigeria on 1 June 1961, while the Southern Cameroons joined the Republic of Cameroun on 1 October 1961 as envisaged in General Assembly resolution 1608 (XV). Tanganyika became an independent State on 9 December 1961 as envisaged in resolution 1642 (XVI) and became a Member of the United Nations (resolution 1667 (XVI)). Western Samoa became an independent State on 1 January 1962 as envisaged in resolution 1626 (XVI). Although Western Samoa did not apply for membership in the United Nations, it joined certain United Nations bodies, including the United Nations Economic Commission for Asia and the Far East and the World Health Organization. With respect to Ruanda-Urundi, two independent, sovereign States, Rwanda and Burundi, emerged on 1 July 1962 as envisaged in resolution 1746 (XVI). The Republic of Rwanda and the Kingdom of Burundi became Members of the United Nations on 18 September 1962 (resolutions 1748 (XVII) and 1749 (XVII)).

8. Prior to the termination of the Trusteeship Agreements, the General Assembly took a number of decisions directed towards ensuring that self-government or independence should come about as might

be appropriate to the particular circumstances of each Territory and its peoples and the freely expressed wishes of the peoples concerned. In particular, the Assembly decided, in resolutions 1350 (XIII) 1473 (XIV) and 1352 (XIV), that separate plebiscites, under the supervision of the United Nations should be held in the northern and southern parts of the Cameroons under United Kingdom administration to enable the people to express their views concerning their future. Similarly, a plebiscite under United Nations supervision was held in Western Samoa in accordance with Assembly resolution 1569 (XV).

9. With respect to Ruanda-Urundi, the General Assembly, by resolution 1579 (XV), established a three-member Commission to supervise the elections to be held there in 1961, to follow the progress of events in the Territory before and after the elections, and to report to the Trusteeship Council or the Assembly as necessary. By resolution 1580 (XV) the General Assembly decided that the question of retaining the monarchy in Ruanda should be resolved by a referendum under the supervision of the United Nations Commission. By resolution 1605 (XV) the Assembly decided the date of the referendum. It also recommended that the few remaining cases of persons who, in the Administering Authority's view, were guilty of "very grave crimes" should be examined by a Special Commission of three Member States to be elected by the Assembly, with a view to securing their release from prison or return from abroad, "in the full implementation of the Assembly's recommendation concerning amnesty". By resolution 1743 (XVI), the Assembly established a five-member Commission to ensure the achievement of the reconciliation of the various political factions, the return and resettlement of refugees, the guarantee of human rights and fundamental freedoms, the maintenance of law and order, arrangements for the training of indigenous forces and the rapid withdrawal of Belgian military and paramilitary forces from the Territory. Finally, by resolution 1746 (XVI), adopted four days before Rwanda and Burundi became independent States, the Assembly requested the Secretary-General to send a representative and a team of experts to the two States to supervise the withdrawal of Belgian forces, to help them secure the implementation of their Agreement on Economic Union, to study the need for technical and economic assistance, and to assist in the organization of administrative cadres and in the development and training of internal security forces. By resolution 1606 (XV) the Assembly previously had recommended that the Administering Authority urgently request the United Nations and the specialized agencies to dispatch an expert mission to study the problem of land tenure and land utilization in Ruanda-Urundi.

10. With the purpose of assisting the Trust Territories to function effectively after they attained independence, the General Assembly adopted a number of general resolutions³ concerning the preparation and

² For full details, see this *Supplement* under Article 73.

³ G A resolutions 1412, (XIV); 1414 (XIV), 1415 (XIV) and 1527 (XV).

training of indigenous civil cadres, the study of opportunities for international co-operation, the provision of technical aid and the increasing of financial and technical assistance.

11. With specific reference to Togoland under French administration, at that time soon to become independent, the Assembly in resolution 1417 (XIV) expressed its trust that the Administering Authority would continue to transmit without delay requests for assistance from the Government of Togoland and that the Secretary-General, the Special Fund, the Technical Assistance Board and the specialized agencies would give them urgent and sympathetic consideration.

12. With reference to Article 76 c, the General Assembly and the Trusteeship Council continued in their decisions to promote respect for human rights and fundamental freedoms for all persons without distinction as to race, sex, language or religion. Those decisions related, among other things, to the free expression of political views, the elimination of discrimination based on race, the improvement of the status of women, the elimination of inequalities in working conditions and wage rates and the establishment of integrated education.

13. In view of the attainment of self-government or independence by the Trust Territories concerned, the question of the effects of the European Economic Community on their development, previously dealt with under Article 76 d, was no longer an issue during the period under review.

14. The General Assembly continued to adopt resolutions of general application to all Trust Territories and specific resolutions concerning individual

Trust Territories.⁴ The Trusteeship Council continued the practice of including in its reports to the General Assembly⁵ and, in respect of the Trust Territory of the Pacific Islands, to the Security Council⁶ information on the political, economic, social and educational conditions in Trust Territories, together with conclusions and recommendations relating to those matters. The Trusteeship Council also adopted a number of resolutions relating to developments in Trust Territories. The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples reported to the General Assembly at its nineteenth and twentieth sessions⁷ on the Trust Territories. The General Assembly considered the Special Committee's reports on Nauru and New Guinea concurrently with its consideration of the reports of the Trusteeship Council on those territories and, at its twentieth session, adopted resolutions 2111 (XX) and 2112 (XX), respectively, concerning them. However, neither the Security Council, to which the Trusteeship Council submitted its reports relating to the Pacific Islands in accordance with Article 83, nor the General Assembly adopted any resolutions or recommendations in respect of that Territory.

⁴ For a complete list of the resolutions adopted by the General Assembly pertaining to the International Trusteeship System, see this *Supplement* under Article 16.

⁵ G A (XV), to G A (XXI), Suppls. No. 4.

⁶ S C, 15th yr. to S C, 21st yr., Spec. Suppls. No. 1.

⁷ G A (XIX), Annexes, No. 8 (Part I), A/5800/Rev.1, chaps. XVIII and XIX; G A (XX), Annexes, a.i. 23/Addendum, A/6000/Rev.1, chaps. XVII and XVIII.

II. ANALYTICAL SUMMARY OF PRACTICE

A. Article 76 a

15. There were no decisions by United Nations organs relating to the furtherance of international peace and security with specific reference to Trust Territories. At its twenty-seventh session, however, the Trusteeship Council noted,⁸ with respect to the Trust Territory of the Pacific Islands, the statement made by the Administering Authority that it had no plans to resume nuclear or thermonuclear tests in the Territory and earnestly hoped that no such tests would be carried out in the future.

B. Article 76 b

1. QUESTION OF THE ATTAINMENT BY TRUST TERRITORIES OF SELF-GOVERNMENT OR INDEPENDENCE; APPLICATION TO TRUST TERRITORIES OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (GENERAL ASSEMBLY RESOLUTION 1514 (XV))

a. Introduction

16. As recorded in the *Repertory* and its *Supplements Nos. 1 and 2*,⁹ the achievement, within specified

time-limits, by the Trust Territories of the ultimate objective of the International Trusteeship System, namely self-government or independence, was of concern to the General Assembly from its early sessions.

17. Specifically, in General Assembly resolution 558 (VI), the Administering Authority of each Trust Territory, other than Somaliland under Italian administration, whose date of independence had been fixed in advance, was invited to include in its annual reports information on the measures taken or contemplated to lead the Territory concerned to self-government or independence. Subsequent resolutions envisaged a similar procedure.

18. In resolutions 752 (VIII) and 858 (IX), the General Assembly requested the Trusteeship Council, in reporting to it, to devote a separate section to the action taken by each Administering Authority on the matter. Accordingly, the Council, as decided under its resolutions 1254 (XVI) and 1369 (XVII), considered the question of the attainment of self-government or independence in conjunction with its examination of conditions in each Trust Territory and, at the end of the chapters of its reports to the Assembly dealing with individual Trust Territories, included a section entitled "Establishment of intermediate target dates and final time-limit for the attainment of self-government or independence". It also included such a section in its reports

⁸ S C, 16th yr., Spec. Suppl. No. 1, para. 17.

⁹ See *Repertory*, vol. IV, under Article 76, paras. 106-108; *Repertory Supplement No. 1*, vol. II, under Article 76, paras. 37-54; *Repertory Supplement No. 2*, vol. III, under Article 76, para. 11.

to the Security Council on the Trust Territory of the Pacific Islands.

19. The General Assembly had also, by resolution 752 (VIII), indicated the main avenues of progress towards self-government or independence by requesting the Trusteeship Council to specify, in particular, measures taken in respect of the development of representative, executive and legislative organs and the extension of their powers, consultations with the inhabitants in regard to measures taken or contemplated towards self-government or independence, the development of universal adult suffrage and direct elections, the training and appointment of indigenous persons for positions of responsibility in the administration, and the development of adequate revenue. In response to that request, the chapters of the reports of the Council to the General Assembly concerning conditions in the individual Trust Territories and the reports on the Trust Territory of the Pacific Islands to the Security Council were set out under the headings indicated by the Assembly. At the same time, the Council also reported and made recommendations on other relevant aspects of political, economic, social and educational advancement of the Trust Territories. The Council continued that practice during the period under review.

20. At its fourteenth session, the General Assembly took additional action in the matter and, by resolution 1413 (XIV), requested the Administering Authorities concerned to propose, after consultation with the representatives of the inhabitants, time-tables and targets for the attainment of independence by the Trust Territories of Tanganyika and Ruanda-Urundi in the near future and, in respect of the remaining Trust Territories, early successive intermediate targets and dates in the fields of political, economic, social and educational development so as to create, as soon as possible, favourable conditions for the attainment of self-government or independence.

21. At its fifteenth session, the Assembly adopted the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in resolution 1514 (XV) of 14 December 1960. In that Declaration, the Assembly, among other things, solemnly proclaimed the necessity of bringing to a speedy and unconditional end, colonialism in all its forms and manifestations and declared that inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence; and that in "Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence" immediate steps should be taken to transfer all powers to the peoples "without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom".

22. At its sixteenth session, the General Assembly by resolution 1654 (XVI) established a Special Committee to examine the application of the Declaration and to make suggestions and recommendations on the progress and extent of its implementation.¹⁰

¹⁰ For further details, see this *Supplement* under Article 73.

23. Subsequently, the Special Committee reported to the General Assembly, beginning at its nineteenth session, on conditions in the Trust Territories of Nauru and New Guinea. It also reported to the General Assembly on the Trust Territory of the Pacific Islands, although, in accordance with Article 83, the reports of the Trusteeship Council on that Territory continued to be submitted to the Security Council.

24. The Trusteeship Council, from its twenty-eighth session, included information in its reports to the General Assembly on the situation in the Trust Territories with regard to the implementation of the Declaration, and in pursuance of a request contained in resolution 1654 (XVI) that the Trusteeship Council assist the Special Committee in its work, the President of the Council, from the thirty-first session, in letters¹¹ addressed to the Chairman of the Special Committee, informed him of the action taken by the Council with respect to the Trust Territories and expressed willingness to discuss any further assistance the Special Committee might desire.

b. Administrative unions

25. As recorded¹² in the *Repertory* and its *Supplement No. 1*, the action taken by the General Assembly and the Trusteeship Council in respect of administrative unions between Trust Territories and other Territories was directly related to the question of the attainment of self-government or independence, and the Trusteeship Council by resolution 293 (VII) had established a Standing Committee on Administrative Unions. The Committee reported to the Council at its twenty-fifth and twenty-sixth sessions on the administrative unions affecting New Guinea, the Cameroons under United Kingdom administration, Tanganyika and Ruanda-Urundi. At its twenty-seventh session, however the Trusteeship Council decided,¹³ in view of the termination of the Trusteeship Agreements for three of the Territories,¹⁴ that the Standing Committee should be dissolved and that the Drafting Committee which had been established to prepare draft recommendations and conclusions on New Guinea should deal with the administrative union between New Guinea and Papua.

c. Political and constitutional advancement

26. As noted, seven of the ten remaining Trust Territories achieved the final objective of the International Trusteeship System early in the period under review, and the General Assembly, in agreement with the Administering Authorities concerned, terminated the Trusteeship Agreements. The recommendations of the General Assembly and the Trusteeship Council on measures to be taken for constitutional advancement and the establishment of fully representative political

¹¹ See G A (XIX), Annexes, No. 8 (Part I), A/5800/Rev.1, chap. I, para. 150 (A/AC.109/89 (mimeographed)); G A (XX), Annexes, a.i. 23/Addendum, A/6000/Rev.1, chap. I, para. 88 (A/AC.109/130 (mimeographed)).

¹² See *Repertory*, vol. IV, under Article 76, paras. 109-111; *Repertory Supplement No. 1*, vol. II, under Article 76, paras. 55-59.

¹³ T C (XXVII), 1146th mtg., para. 56.

¹⁴ See paras. 83-106 and 125-189 below.

organs in those Territories before termination of the Agreements are outlined in subsection 2 of this study.

27. As regards the three remaining Trust Territories, the General Assembly, the Trusteeship Council and the Special Committee gave close attention to their constitutional and political advancement with a view to their early attainment of self-government or independence.

i. Nauru

28. Thus, with respect to Nauru, the Trusteeship Council in its reports to the General Assembly at its nineteenth and twentieth sessions¹⁵ devoted a special section to the question of the future of the Nauruans. In the latter report, the Council, among other things, reaffirmed that the provisions of the Charter of the United Nations, the Trusteeship Agreement, the Declaration on the Granting of Independence to Colonial Countries and Peoples and General Assembly resolution 1541 (XV)¹⁶ were fully applicable to the Territory.

29. The Council noted that, at a conference held in Canberra in June 1965, agreement had been reached on certain basic issues, namely, the establishment on 31 January 1966 of a Legislative Council and an Executive Council; the determination of new royalty rates for 1964-1965 and 1965-1966 and of the rate of extraction of phosphate for the latter year; and the setting up of an independent technical committee of experts to examine the question of rehabilitating the worked-out mining land on Nauru.

30. The Council also noted that, as the Administering Authority was unable to satisfy fully the Nauruans' conditions that they be able to resettle as an independent people and that they should have territorial sovereignty in their new place of residence, and as the offer of Australian citizenship was unacceptable to the Nauruans, they had decided not to proceed with a proposal for resettlement on Curtis Island, and the Australian Government had discontinued action on that proposal.

31. The Council endorsed the view of the 1965 Visiting Mission to Nauru that the question of the future of the Nauruan people had been closely bound up with their search for an alternative homeland and that the idea of resettlement should not be abandoned, but that a further effort to find a basis for agreement would be desirable.

32. The Council noted that, at the Canberra Conference, the representative of the Nauruan people had proposed that a target date of 31 January 1968 should be established for independence.

33. At its twentieth session the General Assembly, on the recommendation of the Fourth Committee, adopted¹⁷ by 84 votes to none, with 25 abstentions,

resolution 2111 (XX) whereby it reaffirmed the inalienable right of the people of Nauru to self-government and independence and called upon the Administering Authority to take immediate steps to implement the proposal of the representatives of the Nauruan people regarding the establishment of a Legislative Council by 31 January 1966. It requested the Administering Authority to fix the earliest possible date, but not later than 31 January 1968, for the independence of the Nauruan people in accordance with their wishes and further requested that immediate steps be taken by the Administering Authority towards restoring the island of Nauru for habitation by the Nauruan people as a sovereign nation. Finally, the Assembly called upon the Administering Authority to report to the Trusteeship Council at its thirty-third session on the implementation of the resolution.

34. At its thirty-third session the Council considered resolution 2111 (XX) in conjunction with its examination of the annual report of the Administering Authority. In its report to the General Assembly, the Trusteeship Council noted¹⁸ that the Legislative Council, with a majority of indigenous elected members, and an Executive Council, with an equality of official and indigenous elected members, had been established in 1966, and it welcomed that development as an important step in the direction of self-government. The Council also noted that the Legislative Council had set up a Select Committee charged with the preparation of a report on the means by which independence might be achieved by 31 January 1968.

35. The Trusteeship Council, considering that the Administering Authority had expressed the view that talks on further political progress should be held within two or three years after the establishment of the Legislative and Executive Councils, and that the Nauruan representatives had requested that those talks be held in 1967, noted that the Head Chief expected that there would be no difficulty in arranging that. The Council recommended to the Administering Authority that serious consideration be given to the wishes of the Nauruan people, freely expressed through their elected representatives, to receive independence not later than 31 January 1968. It also noted that the Administering Authority had concurred with the unanimous view of the 1965 Visiting Mission that the idea of resettlement should not be abandoned and had agreed to pursue, in co-operation with representatives of the Nauruan people, any proposals that might give promise of enabling them to resettle on a basis which they considered acceptable and which would preserve their national identity.

36. In connexion with the consideration of General Assembly resolution 2111 (XX), a draft resolution¹⁹ was submitted whereby the Council would, *inter alia*, recommend that the Administering Authority fix the earliest possible date, but not later than 31 January 1968, for the independence of the Nauruan people in accordance with their freely expressed wishes, and take immediate

¹⁵ G A (XIX), Suppl. No. 4, paras. 192-194; G A (XX), Suppl. No. 4, paras. 306-324.

¹⁶ That resolution contained, among others, principles setting out ways in which a Non-Self-Governing Territory could be said to have reached a full measure of self-government, and conditions which should be fulfilled if a Non-Self-Governing Territory was associated, or integrated, with an independent State. For further details, see this *Supplement* under Article 73.

¹⁷ G A (XX), Plen., 1407th mtg., para. 90.

¹⁸ G A (XXI), Suppl. No. 4, para. 318.

¹⁹ T C (XXXIII), Annexes, a.i. 9, T/L.1118, submitted by Liberia. See also G A (XXI), Suppl. No. 4, para. 29.

steps, irrespective of the cost involved, towards restoring the island of Nauru for habitation by the Nauruan people as a sovereign nation, should the Committee of Experts consider the rehabilitation of the worked-out land feasible. The draft resolution was rejected.²⁰

ii. *New Guinea*

37. In its report²¹ to the General Assembly at its twentieth session, the Council noted, among other things, the advances which had been made in the political development of the trust territory of New Guinea, and in particular the increasing importance of the role in the nation's affairs of the House of Assembly, which had set up a Select Committee on a constitution. The Council urged the Administering Authority to continue with a proper sense of urgency and in consultation with the representatives of the people to implement the Charter, the Trusteeship Agreement and General Assembly resolution 1514 (XV), bearing in mind also General Assembly resolution 1541 (XV).

38. The Council also noted with satisfaction that the Administering Authority was administering New Guinea and the Territory of Papua as one entity and was confident that, despite the different international status of Papua on the one hand and New Guinea on the other, it was the intention of all concerned that the two Territories should eventually reach self-government or independence as an entity. The Council recommended that the Administering Authority should reiterate its intentions in that respect so that there should be no misunderstanding by the people of Papua and New Guinea, and further recommended the adoption of a flag and national anthem for the Territory as a whole.

39. The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples also reported²² to the General Assembly at its nineteenth and twentieth sessions on New Guinea, together with the Territory of Papua, and, in that connexion, recognized the identity and interests of the peoples of those Territories towards the development of a common destiny, irrespective of the legally separate status of each.

40. At its twentieth session, the General Assembly adopted²³ resolution 2112 (XX) on the recommendation of the Fourth Committee, by 86 votes to none, with 22 abstentions. In that resolution, the Assembly reaffirmed the inalienable right of the people of New Guinea and Papua to freedom and independence; noted that the Administering Authority had not yet taken sufficient steps towards the full implementation of the Trusteeship Agreement for New Guinea and of General Assembly resolution 1514 (XV); and called upon the Administering Authority to implement fully resolution 1514 (XV) and, to that end, to fix an early date for independence in accordance with the freely expressed wishes of the people. It requested the

Administering Authority to report to the Trusteeship Council at its thirty-third session and to the Special Committee, and requested the Council and the Special Committee to report to the Assembly at its twenty-first session.

iii. *Trust Territory of the Pacific Islands*

41. In its report to the Security Council on the Trust Territory of the Pacific Islands covering the period from 1 July 1965 to 26 July 1966, the Trusteeship Council noted,²⁴ among other things, the statement of the Administering Authority that both the Administering Authority and the Territorial Administration were actively fostering and promoting political development towards self-government and independence in accordance with Article 76 b of the United Nations Charter and article 6 of the Trusteeship Agreement and that, with the transfer of legislative authority from the High Commissioner to the Congress of Micronesia, a major step had been taken towards the final objective of the International Trusteeship System. As it was now up to the Micronesian people and their representatives to weigh the question of the future and consider both when and how they wished to exercise their inalienable right to self-determination, the Council was particularly encouraged to note the new High Commissioner's expression of hope that he would see the people of Micronesia exercise their right to self-determination during his tenure of office. The Council reaffirmed the inalienable right of the people of Micronesia to self-determination, including the right to independence, and urged the Administering Authority, in consultation with the Congress of Micronesia and in the light of the United Nations Charter, the Trusteeship Agreement and General Assembly resolutions 1514 (XV) and 1541 (XV), to take further steps which would enable it to fix a date when the people of the Territory could exercise their right to self-determination.

d. *Economic advancement*

42. Regarding economic advancement, the Trusteeship Council continued to pay particular attention to the development of adequate public revenue in the Trust Territories, the development and improvement of natural resources and especially of agriculture, to the desirability of participation by indigenous inhabitants in trade and commerce, the extension of co-operatives, the improvement of the taxation system, and the development of industries as well as of other economic resources such as livestock, fisheries and forests. The question of land tenure, land utilization and land alienation also continued to be the subject of discussion and recommendations by the Council and of resolutions by the General Assembly. The Committee on Rural Economic Development²⁵ established under Trusteeship Council resolutions 305 (VIII) and 421 (X) reported to the Council at its twenty-sixth session on population, land utilization and tenure in Tanganyika, and the Council, under resolution 2016 (XXVI), adopted and transmitted the report²⁶ to the General Assembly, together with a

²⁰ T C (XXXIII), 1296th mtg., paras. 1-12. See also G A (XXI), Suppl. No. 4, paras. 35 and 36.

²¹ G A (XX), Suppl. No. 4, para. 290.

²² G A (XIX), Annexes, No. 8 (Part I), A/5800/Rev.1, chap. XIX; G A (XX), Annexes, a.i. 23/Addendum, A/6000/Rev.1, chap. XVIII.

²³ GA (XX), Plen., 1407th mtg., para. 91.

²⁴ S C, 21st yr., Spec. Suppl. no. 1, para. 190.

²⁵ See *Repertory*, vol. IV, under Article 76, para 52.

²⁶ T C (XXVI), Annexes, a.i. 7, T/1544.

summary of comments and observations²⁷ by members of the Council, and commended those documents to the attention of the Administering Authority. At its twenty-seventh session, the Council decided to disband the Committee and consider the question directly.

43. With respect to Ruanda-Urundi, the Council at its twenty-sixth session recommended²⁸ basic reforms in the land tenure system, and the General Assembly by resolution 1606 (XV) recommended that the Administering Authority urgently request the United Nations and the specialized agencies to dispatch an expert mission to study the problem of land tenure and utilization.²⁹

44. The question of land utilization assumed special importance in Nauru because of the phosphate mining. As noted above, close attention was given by the General Assembly and the Trusteeship Council to the rights of the Nauruans over their own natural resources, to the restoration of worked-out mining land and to the possibilities of resettlement of the Nauruans on another island.

e. Social and educational advancement

45. In the social field, the Council continued to pay particular attention to medical and health service development, indigenous labour conditions, labour legislation, trade unions and social services.

46. In the educational field, the Council continued to devote attention to the significance of primary and secondary education in the advancement of peoples as well as to the development of higher education.

47. The Secretary-General continued, during the period under review, to report³⁰ to the Trusteeship Council on the offers of scholarships by Member States to students from Trust Territories under the programme initiated by the General Assembly in its resolution 557 (VI) of January 1952. The Assembly, in resolution 1643 (XVI),³¹ urged the Administering Authorities to provide all the necessary facilities to enable students to avail themselves of the offers and urged that closer liaison be established between the Secretariat and Member States to ensure the fullest exchange of information regarding the granting and utilization of offers. The Assembly also requested the Secretary-General to report at its seventeenth session on the actual utilization of the scholarships and, in cases of non-utilization, on the reason for the failure of the Trust Territories to take advantage of the offers. In that connexion, the Assembly, at its seventeenth session, took note of the Secretary-General's report.³²

f. Dissemination in Trust Territories of information on United Nations activities

48. With respect to the dissemination of information on the aims and activities of the United Nations in the Trust Territories,³³ the General Assembly, in resolutions 1276 (XIII), 1410 (XIV) and 1607 (XV), requested the Secretary-General to establish United Nations information centres in at least some of the larger Trust Territories in which the responsible positions would be held by indigenous inhabitants. In resolution 1607 (XV) it also requested the Secretary-General to ensure the immediate and mass publication and the widest possible circulation and dissemination, in all the Trust Territories through all media of mass communication, of the Declaration on the Granting of Independence to Colonial Countries and Peoples. In resolution 1644 (XVI), the Assembly noted with satisfaction the establishment of information centres in Tanganyika and Ruanda-Urundi and, in resolution 1859 (XVII), the establishment of a centre in the Territory of Papua and New Guinea.

49. The Secretary-General continued to report³⁴ on the question to the Trusteeship Council and, in response to requests contained in resolutions 1607 (XV) and 1644 (XVI), also reported to the General Assembly. The Trusteeship Council in its reports to the Security Council included information on the dissemination of information on the United Nations in the Trust Territory on the Pacific Islands.

2. TERMINATION OF TRUSTEESHIP AGREEMENTS³⁵

a. Termination of the Trusteeship Agreement with regard to the Cameroons under French administration

50. As recorded in a previous study,³⁶ the General Assembly by resolution 1349 (XIII), having noted with satisfaction the adoption by the Legislative Assembly of the Cameroons of the amnesty law of 14 February 1959³⁷ and having been informed by the Prime Minister of the Cameroons that this Government had issued a decree fixing 12 April 1959 as the date for elections to be held to fill the four seats in the Legislative Assembly allocated to the Sanaga-Maritime area, as well as two vacant seats in the Mbouda subdivision, resolved, in agreement with the Administering Authority, that, on 1 January 1960, when the Cameroons under French administration became independent, the Trusteeship Agreement approved by the General Assembly on 13 December 1946 should cease to be in force in accordance with Article 76 b. The General Assembly further

²⁷ T C (XXVI), 1131st mtg., paras. 11-45.

²⁸ G A (XV), Suppl. No. 4, part II, chap. II, para. 184.

²⁹ See paras. 9 above and 198 below.

³⁰ T C (XXVI), Annexes, a.i. 14, T/1535; T C (XXVII), Annexes, a.i. 13, T/1565; T C (XXIX), Annexes, a.i. 10, T/1596 and Corr. 1; T C (XXX), Annexes, a.i. 10, T/1609 and Corr. 1; T C (XXXI), Annexes, a.i. 10, T/1622; T C (XXXII), Annexes, a.i. 9, T/1637; T C (XXXIII), Annexes, a.i. 12, T/1654 and Add. 1 and 2.

³¹ See also G A resolutions 1411 (XIV) and 1611 (XV).

³² G A (XVII), Annexes, a.i. 13, 58 and 59, A/5228. See also *ibid.*, A/5390, para. 11 and Plen., 1200th mtg., para. 95.

³³ See *Repertory Supplement No. 1*, vol. II, under Article 76, para. 34.

³⁴ T C (XXIV), Annexes, a.i. 13, T/1463 and T/1467; T C (XXVI), Annexes, a.i. 10, T/1533; T C (XXVII), Annexes, a.i. 12, T/1563 and T/1576; T C (XXIX), Annexes, a.i. 9, T/1593; T C (XXX), Annexes, a.i. 11, T/1610; T C (XXXI), Annexes, a.i. 11, T/1623; T C (XXXII), Annexes, a.i. 10, T/1634; T C (XXXIII), Annexes, a.i. 13, T/1651. See also G A (XVI), Annexes, a.i. 13, 50 and 51, A/4864; and G A (XVII), Annexes, a.i. 13, 58 and 59, A/5231.

³⁵ For a short summary, see this *Supplement* under Article 85.

³⁶ See *Repertory Supplement No. 2*, vol. III, under Article 76, paras. 127-168.

³⁷ G A (XIII), Annexes, a.i. 13, A/C.4/395.

expressed its confidence that, at the earliest possible date after the attainment of independence, elections would be held for the formation of a new Assembly, which should take decisions regarding the establishment in their final form of the institutions of the free and independent Cameroons.

51. At the fourteenth session, the representative of the Administering Authority informed³⁸ the Fourth Committee that the local elections in the Sanaga-Maritime area and the Mbouda subdivision had been duly held on 12 April 1959.

52. At the same session several members requested that the future of the Territory be reconsidered, and they submitted a draft resolution³⁹ whereby, among other things, the General Assembly would note the unfavourable conditions prevailing in the Territory; appeal to all concerned to end by their common efforts the unfavourable conditions; note the statement of the Prime Minister of the Cameroons that elections would be held at the beginning of 1960 and that these elections would be free and democratic; and recommend that the fundamental rights laid down in the Charter and in the Universal Declaration of Human Rights should be respected in order to re-establish full and free democratic political activities in the Territory.

53. By the same draft resolution, the Assembly would also reaffirm resolution 1349 (XIII), request the Government of the Cameroons to implement its provisions and recommend that a commission of three members appointed by the President of the General Assembly be immediately dispatched to the Territory to assist the Government and the people of the Cameroons to achieve, before the date of independence, the purposes of resolution 1349 (XIII), and of the resolution under consideration, so that the Territory would accede to independence in an atmosphere of peace and harmony.

54. The representative of the Administering Authority informed⁴⁰ the Committee that, in accordance with the amnesty law, 1,777 persons sentenced to twenty years imprisonment or less had been officially pardoned. The files of forty-seven persons serving longer terms had been transmitted to the competent commission for commutation of sentence. The return of all Cameroonian who had left the country in recent years had been arranged by the Government of the Cameroons and 1,580 inhabitants of the Sanaga and Nyong-et-Kellé departments had returned to their homes. An atmosphere of confusion and insecurity, he stated, had been created in some areas of the country by those who had refused to accept the General Assembly's decision at its thirteenth session. Fortunately, it had been possible to limit the disturbances essentially to one department of the Cameroons, the Bamileké area. In addition, he pointed out, the Legislative Assembly of the Cameroons had, on 30 October 1959, unanimously approved the special amnesty provisions for the Sanaga-Maritime.

55. Six petitioners were heard in connexion with the question. One of them, a deputy elected in the April elections from the Sanaga-Maritime region, set forth the following programme⁴¹ for reconciliation of differences within the country; the reinstatement of the prohibited political movements and the proclamation of a total amnesty for all political acts committed since 1955; and the holding of a round-table meeting of representatives of all political tendencies with a view to constituting a national coalition government.

56. Each paragraph of the draft resolution was voted upon by roll-call. All paragraphs were rejected except that reaffirming resolution 1349 (XIII) and that noting the statement of the Prime Minister concerning the holding of elections in 1960. The draft resolution, as a whole, was rejected⁴² by the Fourth Committee by a roll-call vote of 41 to 33, with 7 abstentions.

57. No further action was taken by the General Assembly at its fourteenth session concerning the future of the Territory; in accordance with resolution 1349 (XIII) it became an independent State on 1 January 1960, and the Trusteeship Agreement ceased to be in force.

58. By resolution 1476 (XV), of 20 September 1960 the General Assembly decided to admit the Republic of Cameroun to membership in the United Nations.

b. Termination of the Trusteeship Agreement with regard to Togoland under French administration

59. The General Assembly, as noted in a previous study,⁴³ by resolution 1253 (XVIII) resolved, in agreement with the Administering Authority, that on the day which would be agreed upon between the Government of France and the Government of Togoland, and on which the Republic of Togoland became independent in 1960, the Trusteeship Agreement approved by the General Assembly on 13 December 1946 should cease to be in force, in accordance with Article 76 b.

60. Subsequently, the Trusteeship Council at its twenty-fourth session and the General Assembly at its fourteenth session were informed that the Administering Authority and the Togolese Government had agreed that 27 April 1960 would be set as the date for Togoland's independence.⁴⁴

61. The Trusteeship Council in resolution 1950 (XXIV) noted with satisfaction the setting of 27 April 1960 as the date for Togoland's independence, and the General Assembly, on the recommendation of the Fourth Committee, unanimously adopted resolution 1416 (XIV). In that resolution the General Assembly noted that the Governments of France and of Togoland had agreed that the date on which the Republic of Togoland should become independent was to be 27 April 1960; expressed its satisfaction with the terms and spirit in which that agreement had been concluded; reiterated its decision that, on the date of the inde-

³⁸ G A (XIV), 4th Com., 937th mtg., para. 55.

³⁹ *Ibid.*, 959th mtg.; G A (XIV), Annexes, a.i. 13 and 39, A/4320, para. 59 (A/C.4/L.610), submitted by Ghana, Guinea, India, Indonesia, Iraq, Lebanon, Libya, Morocco and United Arab Republic.

⁴⁰ G A (XIV), 4th Com., 937th mtg., para. 55.

⁴¹ G A (XIV), 4th Com., 940th mtg., para. 5.

⁴² G A (XIV), 4th Com., 960th mtg., para. 87.

⁴³ *Repertory Supplement No. 2*, vol. III, Article 76, paras. 32-81.

⁴⁴ G A (XIV), Suppl. No. 4, chap. VI, para. 9; *ibid.*, Annexes, a.i. 13, A/4138; *ibid.*, 4th Com., 933rd mtg.: France, paras. 14 and 15.

pendence of Togoland, which had now been established as 27 April 1960, the Trusteeship Agreement for Togoland under French administration, approved by the General Assembly on 13 December 1946, should cease to be in force; and recommended that, upon the attainment of independence on 27 April 1960, Togoland should be admitted to membership in the United Nations in accordance with Article 4 of the Charter.

62. At the same session, the Assembly also unanimously adopted resolution 1417 (XIV) concerning assistance to Togoland.⁴⁵

63. By resolution 1477 (XV) of 20 September 1960, the General Assembly decided to admit the Togolese Republic to membership in the United Nations.

c. Termination of the Trusteeship Agreement with regard to Somaliland under Italian administration

64. In the Trusteeship Agreement for Somaliland under Italian administration,⁴⁶ which was approved by the General Assembly in its resolution 442 (V) and was to remain in force for a period of ten years until 2 December 1960, it was provided that the Administering Authority should submit to the Trusteeship Council, at least eighteen months before expiration of the Agreement, a plan for the orderly transfer of all the functions of government to a duly constituted independent Government of the Territory. On 16 July 1959, the Administering Authority accordingly submitted to the Trusteeship Council a plan for the transfer of the functions of government from the Italian Government to the Somali Government.⁴⁷ In that plan, the Administering Authority pointed out that the transfer of functions to the Somali Government was already virtually complete and was proceeding at an accelerating pace.

65. The Trusteeship Council at its twenty-fourth session⁴⁸ expressed its appreciation of the plan of transfer and noted with satisfaction the statement of the Administering Authority that practically all powers and functions had already been transferred to the Government of Somalia, and in particular that the Legislative Assembly was completely free and autonomous in its deliberations, subject only to the reserved powers retained by the Administrator. The Government of Somalia had full competence in internal affairs, except for the circulation and coverage of currency and the Air Transport Service, and only the conduct of foreign affairs and defence remained in the hands of the Administering Authority.

66. The Council noted that the new Legislative Assembly would be transformed into a Constituent Assembly for the purpose of framing the Constitution of the new State of Somalia, and that for that purpose a political committee had already been constituted to formulate a draft of the Constitution. The Council took note of the statements of the Administering Authority to the effect that information on the remaining arrangements for the transfer of powers would, after

consultation with the Government of Somalia and the United Nations Advisory Council,⁴⁹ be transmitted to the General Assembly at its fourteenth session and that the United Nations Advisory Council would submit a special report in that connexion to the General Assembly at that session.

67. The Council expressed the hope that steps would be taken to broaden the composition of the Political Committee and the Constituent Assembly to include representatives of all existing political parties and other important social and cultural organizations of the Territory.

68. In view of the fact that a Constitution was to be adopted on the proclamation of independence, the Council expressed the hope that the Legislative Assembly and the Government of Somalia would consider providing for popular confirmation of the Constitution. The Council hoped that the Government of Somalia would also consider the holding of general elections to the Legislative Assembly as soon as practicable after independence as a means of furthering political stability in the Territory.

69. On 5 November 1959 the Administering Authority transmitted⁵⁰ to the General Assembly the text of a resolution adopted by the Legislative Assembly of Somalia on 25 August 1959; the text of a statement of the Italian Under-Secretary for Foreign Affairs made on 30 August 1959; and the text of a letter dated 30 October 1959 from the Prime Minister of Somalia to the Italian Administrator in Somaliland.

70. The purport of those communications was that the Somali Legislative Assembly had conveyed to the Administering Authority "the unanimous desire of the Somali people, as expressed formally through their own constitutional bodies, that the Italian Government submit to the competent organs of the United Nations a request to advance the attainment of complete and full independence by Somalia at the earliest possible date".

71. In his letter the Prime Minister of Somalia requested the Italian Government to submit the request to the United Nations, together with the wish of the Government of Somalia to be admitted to membership in the United Nations on attainment of independence.

72. The Italian Government stated its willingness to support the request for the advancement of Somalia's independence, but emphasized that it would be necessary to complete the plan of transfer beforehand; to perfect the political development of the Territory in order to arrive at the day of independence with a constitution drafted and approved; and to lay the foundations on the future friendly relations between Italy and independent Somalia, subject to the ratification of both Parliaments.

73. At the fourteenth session of the Assembly the representative of the Administering Authority

⁴⁵ See para. 197 below.

⁴⁶ G A (V), Suppl. No. 10.

⁴⁷ T C (XXIV), Annexes, a.i. 3, T/1477, pp. 58-64.

⁴⁸ G A (XIV), Suppl. No. 4, part II, chap. III, para. 39.

⁴⁹ Article 2 of the Trusteeship Agreement for the Territory of Somaliland under Italian administration, approved by the General Assembly in its resolution 442 (V), provided that the Administering Authority should be aided and advised by an Advisory Council composed of representatives of Colombia, Egypt and the Philippines (see G A (V), Suppl. No. 10, p. 5).

⁵⁰ G A (XIV), Annexes, a.i. 13 and 39, A/4262.

informed⁵¹ the Fourth Committee, which had earlier heard a number of petitioners present the views of opposition parties in Somalia,⁵² that his Government supported the request for the termination of the Trusteeship Agreement at a date earlier than 2 December 1960 and joined with the representative of the Government of Somalia in stating that preparations for independence would be completed by 1 July 1960 and that independence would be proclaimed on that date. Subsequently, he stated that if the constitutional preparations had not been completed on 1 July, then 12 October 1960 would be the date of independence.

74. A six-Power draft resolution⁵³ was submitted which would provide, among other things, that the Trusteeship Agreement should cease to be in force on a date not later than 2 December 1960.

75. An amendment⁵⁴ was accepted whereby the recommendations and observations of the Trusteeship Council would be implemented before the Trusteeship Agreement was terminated, and the Administering Authority would furnish a report on the implementation of the recommendations to the Trusteeship Council at its twenty-sixth session.

76. Other amendments were also submitted whereby the date set for independence would be not later than October 1960; the United Nations Advisory Council would be included as one of the parties which would agree on the exact date for independence;⁵⁵ and the General Assembly would express the hope that Somalia would attain independence on 1 July 1960 and resolve⁵⁶ that the date should not be later than 12 October 1960. Under a sub-amendment⁵⁷ to the latter amendment the Assembly would decide that Somalia should become independent on 1 July 1960 and that from that date the Trusteeship Agreement should cease to be in force.

77. During the discussion of the draft resolution, the representative of the Administering Authority stated⁵⁸ that, after further consultations, his Government and the Government of Somalia were agreed that the preparations for independence would be completed by 1 July 1960 and independence would be proclaimed on that date.

78. That statement led to a revised text of the draft resolution,⁵⁹ which gained two more sponsors. After a second revised text was submitted, the amendments were withdrawn, and six more States⁶⁰ associated themselves with the draft resolution.

79. The draft resolution as revised was unanimously adopted by the Fourth Committee and subsequently by the General Assembly, also unanimously, as resolution 1418 (XIV). By it the General Assembly took note of the statements made by the representative of Italy and the representative of the Government of Somalia that the preparations for independence would be completed by 1 July 1960 and that independence would be proclaimed on that date; congratulated the Government of Italy, as Administering Authority, and the Government and the people of Somalia on taking steps in order to attain the basic objectives of the International Trusteeship System in advance of 2 December 1960; and expressed its appreciation for the aid and advice provided by the United Nations Advisory Council for Somalia to the Administering Authority and also to the Government and the people of Somalia in their progress towards independence. The Assembly also expressed its confidence that the recommendations and observations of the Trusteeship Council, which had been accepted by the Administering Authority and by the Government of Somalia, concerning the broadening of the composition of the Political Committee and the Constituent Assembly, a popular confirmation of the constitution under preparation through a referendum, and a modification of the existing electoral law would be implemented before the date on which the Trusteeship Agreement was terminated, and that the Administering Authority would furnish a report on the implementation of those recommendations to the Trusteeship Council at its twenty-sixth session. Finally, the Assembly resolved, in agreement with the Administering Authority, that on 1 July 1960, when Somalia became independent, the Trusteeship Agreement approved by the General Assembly on 2 December 1950 should cease to be in force, the basic objectives of trusteeship having been attained, and recommended that, upon the attainment of independence, Somalia should be admitted to membership in the United Nations in accordance with Article 4 of the Charter.

80. Pursuant to the foregoing resolution the Italian Government submitted to the Trusteeship Council at its twenty-sixth session a report⁶¹ on the measures taken to implement the recommendations of the Trusteeship Council which stated that the Constitution which would come into force on 1 July 1960 would, within one year, be submitted to a popular referendum.

81. The Trusteeship Council heard statements⁶² by representatives of the Administering Authority and of the Government of Somalia and by the Chairman of the United Nations Advisory Council. The Trusteeship Council unanimously adopted resolution 2015 (XXVI), whereby, among other things, it took note of the final steps by which the Administering Authority ensured an orderly transfer of the functions of government to the duly constituted, independent Government of Somalia, thus attaining the basic objectives of the International Trusteeship System. The Council addressed to the people and Government of Somalia its warmest congratulations for the achievement of their independence and its sincerest wishes for their progress and prosperity.

⁵¹ G A (XIV), 4th Com., 965th mtg., para. 37. See also G A (XV), Suppl. No. 4, part II, chap. III, para. 2.

⁵² *Ibid.*, 957th mtg., paras. 1-40; 964th mtg., paras. 1-11.

⁵³ G A (XIV), Annexes, a.i. 13 and 39, A/C.4/L.613, submitted by Argentina, Canada, Iran, Ireland, Japan and United States.

⁵⁴ *Ibid.*, A/4320, para. 44 (A/C.4/L.617), submitted by Nepal.

⁵⁵ *Ibid.*, A/C.4/L.618, submitted by United Arab Republic.

⁵⁶ *Ibid.*, A/C.4/L.619/Rev.1, submitted by Tunisia.

⁵⁷ *Ibid.*, A/C.4/L.620, submitted by Liberia.

⁵⁸ G A (XIV), 4th Com., 965th mtg., para. 37.

⁵⁹ G A (XIV), Annexes, a.i. 13 and 39, A/C.4/L.613/Rev.1 and Rev.1/Add.1. Nepal and Uruguay were added to the list of sponsors.

⁶⁰ *Ibid.*, A/4320, paras. 51 and 52, A/C.4/L.613/Rev.2/Add.1. Ghana, Iraq, Liberia, Pakistan, Philippines and United Arab Republic were added to the list of sponsors.

⁶¹ T C (XXVI), Annexes, a.i. 15, T/1534.

⁶² T C (XXVI), 1093rd mtg., paras. 1-53.

82. According to plan, Somaliland under Italian administration attained independence on 1 July 1960, and on that day the former British Protectorate of Somaliland, which had attained independence on 26 June 1960, joined with the former Trust Territory as the Republic of Somalia. On 20 September 1960, by resolution 1479 (XV) the General Assembly admitted the Republic of Somalia to membership in the United Nations.

d. Termination of the Trusteeship Agreement with regard to the Cameroons under United Kingdom administration

83. The General Assembly by resolution 1350 (XIII)⁶³ recommended that separate plebiscites should be held under the supervision of the United Nations in the northern and southern parts of the Cameroons under United Kingdom administration to ascertain the wishes of the inhabitants concerning their future. It recommended that the plebiscite in the northern part should take place in November 1959, and that the following questions be put to the people: "(a) Do you wish the Northern Cameroons to be part of the Northern Region of Nigeria when the Federation of Nigeria becomes independent?" or "(b) Are you in favour of deciding the future of the Northern Cameroons at a later date?"

84. With respect to the southern part of the Territory the Assembly recommended that the plebiscite should be held during the next dry season between the beginning of December 1959 and the end of April 1960. It decided, however, that the alternatives to be put to the people and the qualifications for voting should be considered at its fourteenth session, and hoped that all concerned in the Territory would try to reach agreement on those questions before that session.

85. A plebiscite in the northern part of the Cameroons accordingly took place under the supervision of the United Nations on 7 November 1959. The United Nations Plebiscite Commissioner reported⁶⁴ to the Trusteeship Council at its tenth special session that almost 88 per cent of the registered voters had voted and that of those 62 per cent were in favour of deciding the future of the Northern Cameroons at a later date. The Commissioner stated that he was satisfied that the plebiscite had been conducted by the Administering Authority with efficiency and impartiality and had been held in an atmosphere of freedom. He also commented that it would appear that the majority of voters had made use of the opportunity afforded by the plebiscite to register what was, in effect, a protest vote against the system of local administration prevailing in the Northern Cameroons. The Trusteeship Council, by resolution 2007 (S-X), decided to forward the report to the General Assembly.

86. At the fourteenth session of the Assembly the Fourth Committee unanimously approved and the General Assembly unanimously adopted resolution 1473 (XIV) concerning the Northern Cameroons.

By that resolution the Assembly recommended that, in pursuance of Article 76 b of the Charter and in consultation with the United Nations Plebiscite Commissioner, the Administering Authority organize under United Nations supervision a further plebiscite in the Northern Cameroons, the arrangements for which should begin on 30 September 1960, and that the plebiscite should be concluded not later than March 1961. It decided that the two questions to be put at that plebiscite should be: "(a) Do you wish to achieve independence by joining the independent Republic of the Cameroons?" or "(b) Do you wish to achieve independence by joining the independent Federation of Nigeria?". The Assembly recommended that the plebiscite be conducted on the basis of universal adult suffrage, all those over the age of twenty-one and ordinarily resident in the Northern Cameroons being qualified to vote. It requested the United Nations Plebiscite Commissioner to report to the Trusteeship Council on the organization, conduct and results of the plebiscite in order that the Council might transmit its report to the General Assembly together with any recommendations and observations it considered necessary.

87. The Assembly also recommended that the necessary measures should be taken without delay for the further decentralization of governmental functions and the effective democratization of the system of local government in the northern part of the Trust Territory, and that the Administering Authority should initiate without delay the separation of the administration of the Northern Cameroons from that of Nigeria, with that process to be completed by 1 October 1960. The Assembly requested the Administering Authority to report on the process of separation to the Trusteeship Council at its twenty-sixth session, and requested the Council to submit a report on the matter to the General Assembly at its fifteenth session.

88. Finally, the Assembly declared that the participation of the Northern Cameroons in the elections to the Federal Legislative Assembly of Nigeria should in no way interfere with, or influence, the free choice of the people of the Northern Cameroons in deciding their future in the forthcoming plebiscite.

89. With regard to the Southern Cameroons, statements⁶⁵ made in the Fourth Committee by representatives of the Administering Authority and by the Premier of the Southern Cameroons, Mr. J. N. Foncha, and the Leader of the Opposition in the Southern Cameroons House of Assembly, Dr. E. M. L. Endeley, indicated that the parties concerned had not been able to reach agreement on the alternatives to be put in the plebiscite or on the qualifications for voting. The Premier and his party wanted the Southern Cameroons to be separated from the Federation of Nigeria and the future of the Territory determined at a later date. Furthermore, they maintained that only "native-born" inhabitants should take part in any plebiscite. The Leader of the Opposition and his party considered that the choice should be between continuing as an autonomous or self-governing region in an independent Federation of Nigeria or seceding from Nigeria to

⁶³ See *Reportory Supplement No. 2*, vol. III, under Article 76, paras. 125 and 126.

⁶⁴ G A (XIV), Annexes, a.i. 41/Addendum, A/4314, paras. 236-244.

⁶⁵ G A (XIV), 4th Com., 885th mtg., paras. 24-26.

effect unification with the Republic of Cameroun (formerly under French administration). The franchise, he argued, should include Nigerian and French Cameroonian inhabitants of the Territory.

90. Subsequently, however, the Premier and the Leader of the Opposition issued an agreed statement⁶⁶ to the effect that, subject to the agreement of the General Assembly, no plebiscite should be held in the Southern Cameroons in 1960 and that, pending settlement of its future, the Southern Cameroons should continue to be administered under the Trusteeship Agreement, but should be separated from the Federation of Nigeria not later than 1 October 1960, when the Federation would become independent. The wishes of the people as to their future should be ascertained in 1962, and the Trusteeship Agreement should be terminated not later than 26 October 1962.

91. During the ensuing discussions⁶⁷ it was pointed out that implementation of that statement would give rise to many difficulties. Under the terms of the Trusteeship Agreement the Territory constituted a single entity; to decide the future of one part while leaving that of the other to a much later date might set a dangerous precedent. Legal difficulties might also arise since, if one part of the Territory ceased to be under Trusteeship, then either the Trusteeship Agreement which applied to the whole of the Territory would have to be amended, or it would have to be terminated and a new Agreement drawn up for the Southern Cameroons. Furthermore, the General Assembly had already decided at its thirteenth session that a plebiscite was to take place in the Southern Cameroons and that the questions to be put and the qualifications for voting were to be decided at the current session. Postponement of the plebiscite would therefore involve revision of a General Assembly decision.

92. Subsequently, the Fourth Committee approved by a roll-call vote of 74 to none, with 2 abstentions, a draft resolution⁶⁸ which the Premier and the Leader of the Opposition of the Southern Cameroons said they would accept as a compromise. It was later adopted by the General Assembly as resolution 1352 (XIV). By that resolution the Assembly decided that the arrangements for the plebiscite referred to in its resolution 1350 (XIII) should begin on 30 September 1960, and that the plebiscite should be concluded not later than March 1961. It recommended that the two questions to be put at the plebiscite should be: "(a) Do you wish to achieve independence by joining the independent Federation of Nigeria?" or "(b) Do you wish to achieve independence by joining the independent Republic of the Cameroons?" It also recommended that "only persons born in the Southern Cameroons or one of whose parents was born in the Southern Cameroons should vote in the plebiscite". Finally, the Assembly recommended that the Administering Authority, in consultation with the Government of the Southern Cameroons, should take steps to implement

the separation of the administration of the Southern Cameroons from that of the Federation of Nigeria not later than 1 October 1960.

93. The Administering Authority submitted to the Trusteeship Council at its twenty-sixth session reports⁶⁹ concerning the separation of the administration of the Northern Cameroons and the Southern Cameroons from the Federation of Nigeria as from 1 October 1960. The Council adopted resolution 2013 (XXVI) whereby it requested the Administering Authority to take into account the observations and suggestions made in the Council in completing the separation of the administration of the two parts of the Trust Territory from that of the Federation of Nigeria not later than 1 October 1960, ensuring, in particular, the existence thereafter of police forces wholly responsible to the authorities in the Trust Territory until the completion of the plebiscites in the Territory. The Council hoped that steps would be taken to extend the principle of universal adult suffrage to all future elections in the Trust Territory. It also requested the Administering Authority to take appropriate steps, in consultation with the authorities concerned, to ensure that the people of the Territory were fully informed, before the plebiscites, of the constitutional arrangements that would have to be made, at the appropriate time, for implementing the decisions taken at the plebiscites.

94. Separate plebiscites were accordingly held, under United Nations supervision, in the northern and southern parts of the Trust Territory on 11-12 February 1961 and 11 February 1961 respectively. The United Nations Plebiscite Commissioner transmitted a report⁷⁰ to the Trusteeship Council on the organization, conduct and results of the plebiscites, which at its eleventh special session the Trusteeship Council noted in resolution 2101 (S-XI) and decided to forward to the General Assembly.

95. With respect to the Northern Cameroons the Commissioner reported that the total of registered voters was 292,985 and that a total of 243,955 valid votes had been cast on polling day, of which 146,296 were in favour of joining the Federation of Nigeria, whereas 97,659 were in favour of joining the Republic of the Cameroun. He stated that the plebiscite had been efficiently organized and conducted by the Administering Authority and that, despite the defects and weaknesses inherent in the situation prevailing in the Northern Cameroons, he was satisfied that the people had had the opportunity to express their wishes freely and secretly at the polls concerning the alternatives offered them.

96. With regard to the Southern Cameroons, the Plebiscite Commissioner reported that 94.75 per cent of registered persons had voted, of whom 233,571 were in favour of joining the Republic of Cameroun and 97,741 were in favour of joining the Federation of Nigeria. He stated that the plebiscite had been efficiently organized and conducted by the Administering Authority and that he was satisfied that the people of the Southern Cameroons had had the opportunity to

⁶⁶ G A (XIV), Annexes, a.i. 41, A/C.4/414.

⁶⁷ G A (XIV), 4th Com., 886th-899th and 901st-903rd mtgs.

⁶⁸ G A (XIV), Annexes, a.i. 41, A/C.4/L.591/Rev.1, sponsored by Cuba, Ghana, Guinea, Iran, Liberia, Libya, Mexico, Morocco, Panama, Sudan, Tunisia, United Arab Republic and United States. For vote, see *ibid.*, 4th Com., 903rd mtg., para. 39.

⁶⁹ T C (XXVI), Annexes, a.i. 3, T/1526; a.i. 17, T/1530.

⁷⁰ G A (XV), Annexes, a.i. 13/Addendum, A/4727.

express their wishes freely and secretly at the polls concerning the alternatives offered them.

97. The General Assembly at its fifteenth session adopted,⁷¹ by a roll-call vote of 62 to 23, with 10 abstentions, resolution 1608 (XV) which had been submitted in its draft form by the Fourth Committee. By that resolution, the General Assembly endorsed the results of the plebiscites that the people of the Northern Cameroons had, by a substantial majority, decided to achieve independence by joining the independent Federation of Nigeria and the people of the Southern Cameroons had similarly decided to achieve independence by joining the independent Republic of Cameroun. It considered that, the people of the two parts of the Trust Territory having freely and secretly expressed their wishes with regard to their respective futures in accordance with General Assembly resolutions 1352 (XIV) and 1473 (XIV), the decisions made by them through democratic processes under the supervision of the United Nations should be immediately implemented. It accordingly decided that, the plebiscites having been taken separately with differing results, the Trusteeship Agreement of 13 December 1946 should be terminated, in accordance with Article 76 b of the Charter and in agreement with the Administering Authority, in the following manner: (a) with respect to the Northern Cameroons, on 1 June 1961, upon its joining the Federation of Nigeria as a separate province of the Northern Region of Nigeria; and (b) with respect to the Southern Cameroons, on 1 October 1961, upon its joining the Republic of Cameroun. Finally, the Assembly invited the Administering Authority, the Government of the Southern Cameroons and the Republic of Cameroun to initiate urgent discussions with a view to finalizing, before 1 October 1961, the arrangements by which the agreed and declared policies of the parties concerned would be implemented.

98. The Northern Cameroons accordingly on 1 June 1961 joined the Federation of Nigeria as a separate province of the Northern Region.⁷² The Southern

Cameroons became an integral part of the Republic of Cameroun on 1 October 1961.

e. *Termination of the Trusteeship Agreement with regard to Tanganyika*

99. At its twenty-third session, the Trusteeship Council recommended⁷³ that the Administering Authority, the United Kingdom, in consultation with the elected representatives of the population, adopt plans for the development of Tanganyika in all fields, with indications, where appropriate, of intermediate target dates, to create as soon as possible the pre-conditions for the attainment by the Territory of self-government or independence.

100. At its fourteenth session, the General Assembly, in resolution 1413 (XIV), requested the Administering Authority to propose, after consultation with the representatives of the inhabitants, for consideration by the Assembly at its fifteenth session, a time-table and target for the attainment of independence by Tanganyika in the near future. The Assembly also requested the Trusteeship Council to keep the provisions of the resolution in mind when examining the annual report submitted by the Administering Authority and when formulating the terms of reference for the 1960 Visiting Mission to the Trust Territories in Africa.

101. At its twenty-sixth session, the Council noted⁷⁴ the statement of the Administering Authority that after the elections in August 1960 it would study, in consultation with the Territory's elected leaders, the next step to be taken towards the goal of independence. The Council also noted the expectation of the Tanganyika African National Union for early independence and the statement of the Administering Authority that it would be for the elected leaders to decide how and when they wished to ask for independence. The Council shared the view of the Visiting Mission that the Administering Authority might be expected to receive any such request with sympathy, and welcomed the assurance of the Administering Authority that it would inform the General Assembly at its fifteenth session of the results achieved by then.

102. At the fifteenth session of the General Assembly the Administering Authority informed⁷⁵ the Fourth Committee that it had been agreed at a constitutional conference held in Dar es Salaam in March 1961 that full internal self-government would be introduced in Tanganyika on 1 May 1961 and that Tanganyika would become a fully independent State on 28 December 1961.

103. The Fourth Committee unanimously approved a draft resolution which was subsequently adopted

⁷¹ G A (XV), Plen., 994th mtg., para. 196.

⁷² In 1961 the Republic of Cameroun brought a case (Case concerning the Northern Cameroons, ICJ, *Reports* 1963, p. 15) in the International Court of Justice against the United Kingdom, charging (*ibid.*, p. 24), among other things, that the provisions of General Assembly resolution 1473 (XIV) relating to the separation of the administration of the Northern Cameroons from that of Nigeria had not been followed and that practices, acts or omissions of the local trusteeship authorities during the period preceding the plebiscite and during the elections themselves involved consequences in conflict with the Trusteeship Agreement. In its judgement of 2 December 1963 the Court, among other things, noted (*ibid.*, p. 34) that by resolution 1608 (XV) the General Assembly had endorsed the results of the plebiscite and had decided that the Trusteeship Agreement should be terminated. The trust itself had thereby disappeared and the United Kingdom had ceased to have the rights and duties of a trustee with respect to the Cameroons. The Court further stated that, by the termination of the Trusteeship Agreement, it was clear that any rights which might have been granted by the articles of the Agreement to other Members of the United Nations or their nationals had come to an end. This was not to say that, for example, property rights obtained in accordance with certain articles of the Agreement and vested before termination of the Agreement, would have been divested by the termination. However after 1 June 1961, when the trust over the Northern Cameroons ceased to exist, no claim of rights or privileges originally granted by the Trusteeship Agreement could be made on the United

Kingdom, which as trustee was *functus officio* and divested of all power, authority and responsibility in the area, or on Nigeria, which now had sovereignty over the territory, since Nigeria was not a party to the Trusteeship Agreement and never had any obligations under it and it was not apparent how such a claim could be made against the United Nations itself.

⁷³ G A (XIV), Suppl. No. 4, part II, chap. I, para. 178.

⁷⁴ G A (XV), Suppl. No. 4, part II, chap. I, para. 259.

⁷⁵ G A (XV), 4th Com., 1154th mtg., para. 4. See also G A (XV), Annexes, a.i. 13 and 47, A/C.4/489.

unanimously by the General Assembly ⁷⁶ as resolution 1609 (XV). By that resolution, the General Assembly noted that the Governments of the United Kingdom of Great Britain and Northern Ireland and of Tanganyika had agreed that Tanganyika should become independent on 28 December 1961 and resolved, in agreement with the Administering Authority, that the Trusteeship Agreement for Tanganyika, approved by the General Assembly on 13 December 1946, should cease to be in force upon the accession of Tanganyika to independence. It recommended that, upon the attainment of its independence on 28 December 1961, Tanganyika should be admitted to membership in the United Nations in accordance with Article 4 of the Charter. Finally, it requested the Administering Authority to present to the Trusteeship Council, at its twenty-seventh session to be held in the summer of 1961, further information on the constitutional conference held at Dar es Salaam in March 1961 and on the measures already taken or planned by the Administering Authority to ensure the transfer of powers to the legislative and executive organs of Tanganyika.

104. In accordance with the request contained in resolution 1609 (XV), the Administering Authority submitted a report ⁷⁷ to the Trusteeship Council at its twenty-seventh session. At that session the Trusteeship Council was informed ⁷⁸ that, if the General Assembly approved, the date of independence for Tanganyika would be moved forward from 28 to 9 December 1961, that a Government of which Mr. Julius Nyerere, who later addressed the Council, was Prime Minister had taken office, and that Tanganyika was enjoying full internal self-government. The Council took note with satisfaction ⁷⁹ of the advancement of the date of independence and decided to draw the change to the attention of the General Assembly.

105. At its sixteenth session the General Assembly unanimously adopted ⁸⁰ resolution 1642 (XVI), which had been unanimously approved by the Fourth Committee, on the future of the Territory. By that resolution, the General Assembly resolved, in agreement with the Administering Authority, that the Trusteeship Agreement for Tanganyika, approved by the General Assembly on 13 December 1946, should cease to be in force upon the accession of Tanganyika to independence on 9 December 1961 and recommended that, upon the attainment of its independence, Tanganyika should be admitted to membership in the United Nations in accordance with Article 4 of the Charter of the United Nations.

106. By resolution 1667 (XVI) of 14 December 1961 Tanganyika was admitted to membership in the United Nations.

f. Termination of the Trusteeship Agreement with regard to Western Samoa

107. The preliminary steps taken to bring Western Samoa, under New Zealand administration, nearer

to self-government and independence were summarized in *Repertory Supplement No. 2*.⁸¹ During the period under review, further constitutional developments brought the Territory to independence.

108. By resolution 1413 (XIV) the General Assembly noted, *inter alia*, the time-table proposed by the Administering Authority, which provided for the attainment of independence by Western Samoa in the course of 1961.

109. At its twenty-sixth session the Trusteeship Council was informed ⁸² among other things, that a Working Committee on Self-Government had been established to draft a constitution and that its recommendations would be considered by a constitutional convention which would meet in July or August 1960. In 1961, a plebiscite would be held to allow the people to express their opinion on the constitution.

110. The Council was also informed ⁸³ that, in September 1959, the New Zealand Parliament had passed the Samoa Amendment Act which contained major institutional reforms, including the introduction of the cabinet system of government; that on 1 October 1959, the first Prime Minister had been elected by the Western Samoan Legislative Assembly; and that, in September 1959, the Legislative Assembly had adopted the Citizenship of Western Samoa Ordinance by which inhabitants of Western Samoa were granted a common citizenship. Previously, there had been two forms of domestic status, namely, European and Samoan.

111. In the report on its twenty-sixth session, the Trusteeship Council, among other things, noted with satisfaction in its conclusions and recommendations ⁸⁴ that the plan for political reforms drawn up by the Administering Authority in conjunction with the Government of Western Samoa and endorsed in its broad outline by the Council at its twenty-fourth session was being successfully carried out. The Council noted the statement of the Administering Authority that no treaties between Western Samoa and New Zealand would be concluded until after the Territory had attained independence. It also noted the assurances by the Administering Authority that the views expressed by the members of the Council on that question would be fully taken into account and would be brought to the attention of the Samoans and their political leaders. The Council also noted the intention of the Administering Authority to supply information on the matter to the General Assembly at its fifteenth session.

112. In connexion with the question of Western Samoa's future relations with New Zealand, the representative of New Zealand had informed the Council that a Treaty of Friendship between New Zealand and Western Samoa was being drafted. In observations on the matter in the Council, it was stressed, in effect, that the independence to be achieved by Western Samoa should be complete and unlimited and should

⁷⁶ G A (XV), Plen., 995th mtg., para. 11.

⁷⁷ T C (XXVII), Annexes, a.i. 15, T/1575.

⁷⁸ T C (XXVII), 1169th mtg., paras. 1 *et seq.*

⁷⁹ T C (XXVII), 1171st mtg., paras. 17-19.

⁸⁰ G A (XVI), Plen., 1047th mtg., para. 15.

⁸¹ See *Repertory Supplement No. 2*, vol. III, under Article 76, paras. 169-196.

⁸² G A (XV), Suppl. No. 4, part II, chap. V, para. 13.

⁸³ *Ibid.*, paras. 17-34.

⁸⁴ *Ibid.*, para. 209.

include responsibility for the conduct of its foreign relations; otherwise, it would not be a sovereign and independent State as envisaged in the United Nations Charter and the terms of the Trusteeship Agreement. Any treaties should be entered into after and not before the attainment of independence. It was also noted that New Zealand did not intend to station troops or set up military bases in Western Samoa or to include Western Samoa in military treaties or agreements to which New Zealand was a party. However, the Council rejected a draft conclusion whereby it would have noted the statement that the Administering Authority did not intend to set up military bases or to station troops in Western Samoa, or to extend to Western Samoa the security treaties or agreements to which New Zealand was a party, and that Western Samoa would, on the attainment of independence, be free to make such dispositions as it might think fit in regard to defence and security.⁸⁵

113. Among other recommendations⁸⁶ the Council reiterated its hope that universal suffrage would be accepted by the people of Western Samoa and expressed the hope that the Administering Authority would continue to impress upon the Samoan people the desirability of introducing universal suffrage. It considered that the racial basis of the electoral arrangements should be eliminated. The Council also hoped that it would soon be possible to extend in legislative elections the normal practice of secret ballot.

114. In resolution 2014 (XXVI), the Council noted, among other things, that in accordance with the tentative time-table submitted by the Administering Authority, it was envisaged that a plebiscite, under United Nations supervision, should be held early in 1961 and that the arrangements for the plebiscite and the precise form of the questions to be put should be considered by the General Assembly at its fifteenth session. The Council went on to recommend that the question of the future of Western Samoa should be inscribed as a separate item on the provisional agenda of that session.

115. According to the wishes of the Samoan leaders, the meeting of the Constitutional Convention preceded the elections to the Legislative Assembly, and a constitution was adopted on 28 October 1960.⁸⁷ The constitution, together with a series of resolutions adopted by the Convention, was submitted⁸⁸ to the General Assembly at its fifteenth session.

116. At that session statements⁸⁹ were made in the Fourth Committee by the representative of the Administering Authority and by the Prime Minister of Western Samoa to the effect that, although neither the Legislative Assembly nor the Constitutional Convention had been elected on the basis of universal suffrage, there was no doubt that their views concerning the achievement of independence by Western Samoa and concerning the constitution represented those of the vast majority of the Samoan people. They therefore agreed with

the opinion of the Constitutional Convention that it was unnecessary to seek the views of the people further. Nevertheless, should the Assembly still consider this desirable, both the Government of New Zealand and the Government of Western Samoa would co-operate fully with the United Nations.

117. The general consensus in the Fourth Committee was that a plebiscite should be held on the basis of universal adult suffrage and that the people should be asked to express themselves both on the question of independence and on the constitution.

118. A draft resolution to that effect was submitted and approved in the Fourth Committee by 59 votes to none, with 11 abstentions and subsequently adopted⁹⁰ by 81 votes to none with 10 abstentions, by the General Assembly as resolution 1569 (XV). By that resolution the General Assembly recommended that the Administering Authority, in pursuance of Article 76 b of the Charter, take steps, in consultation with a United Nations Plebiscite Commissioner, to organize, under the supervision of the United Nations, a plebiscite in Western Samoa to ascertain the wishes of the inhabitants of the Territory concerning their future. It further recommended that the plebiscite should take place in May 1961; that it should be conducted on the basis of universal suffrage with all adult citizens of Western Samoa being entitled to vote; and that the questions to be asked should be:

"1. Do you agree with the Constitution adopted by the Constitutional Convention on 28 October 1960?

"2. Do you agree that on 1 January 1962 Western Samoa should become an independent State on the basis of that Constitution?"

The Assembly decided to appoint a United Nations Plebiscite Commissioner for Western Samoa who should exercise, on behalf of the General Assembly, all the necessary powers and functions of supervision, and should be assisted by observers and staff to be appointed by the Secretary-General in consultation with him. It requested the Commissioner to submit to the Trusteeship Council a report on the organization, conduct and result of the plebiscite and requested the Trusteeship Council to transmit to the General Assembly for consideration at its sixteenth session, the report of the Commissioner, together with any recommendations and observations it considered necessary.

119. The General Assembly appointed⁹¹ Mr. Najmuddine Rifai (United Arab Republic) as United Nations Plebiscite Commissioner.

120. The plebiscite, took place under United Nations supervision, on 9 May 1961, and the Plebiscite Commissioner submitted his report⁹² on its organization, conduct and results, to the Trusteeship Council at its twenty-seventh session. The results showed that 37,897 persons, or 86.1 per cent of the total number of estimated eligible voters participated in the plebiscite; that 31,426 persons, or 83 per cent of the people who voted, were in favour of the constitution; and that

⁸⁵ See G A (XV), Suppl. No. 4, part II, chap. V, paras. 225-231.

⁸⁶ G A (XV), Suppl. No. 4, part II, chap. V, para. 42.

⁸⁷ G A (XVI), Suppl. No. 4, part II chap. IV, para. 3.

⁸⁸ G A (XV), Annexes, a.i. 44, A/C.4/454 and Add.1.

⁸⁹ G A (XV), 4th Com., 1081st mtg., paras. 7 and 13.

⁹⁰ G A (XV), Plen., 954th mtg., para. 153.

⁹¹ G A (XV), Plen., 954th mtg., para. 155.

⁹² G A (XVI), Annexes, a.i. 48, A/4840. See especially paras. 121 and 135-140.

29,882 persons, or 79 per cent, were in favour of independence for Western Samoa. The Plebiscite Commissioner reported that the plebiscite had been conducted in an orderly manner, with strict impartiality and in complete freedom. He also expressed his confidence that the exercise of universal adult suffrage for the first time by the people of Western Samoa would be the beginning of an evolution which might, in due time, lead to its adoption in the political life of Western Samoa.

121. At the twenty-seventh session of the Trusteeship Council, the representative of the Administering Authority stated ⁹³ that New Zealand had worked in a close and informal partnership with Western Samoa, providing help and advice as requested. Both Governments were aware that certain problems remained and that Samoa's need for assistance would not cease after independence had been attained. The Western Samoan authorities had received the assurance of continued help from New Zealand if the Government of the new State of Western Samoa desired it. New Zealand would be prepared to give the assistance required in the conduct of external affairs and in the field of internal development on a basis which would in no way limit the sovereignty of Western Samoa. Such arrangements could naturally be terminated at any time.

122. At the same session the Trusteeship Council unanimously adopted resolution 2102 (XXVII) whereby it noted with satisfaction the results of the plebiscite and decided to transmit to the General Assembly the Plebiscite Commissioner's report and the record of its discussion thereon. The Council recommended that the Assembly, taking into account the wishes of the people of Western Samoa as expressed in the plebiscite, decide, in agreement with the Administering Authority, to terminate on 1 January 1962, when the Trust Territory would become independent, the Trusteeship Agreement approved by the General Assembly on 13 December 1946, in accordance with Article 76 b of the Charter of the United Nations.

123. At its sixteenth session the General Assembly adopted ⁹⁴ by acclamation resolution 1626 (XVI) which had been unanimously approved by the Fourth Committee. By that resolution, the General Assembly endorsed the results of the plebiscite, namely that: the people of Western Samoa had, by an overwhelming majority, expressed their agreement with the Constitution for an independent State of Western Samoa adopted by the Constitutional Convention on 28 October 1960, and that they had agreed by an overwhelming majority that on 1 January 1962 Western Samoa should become an independent State on the basis of that Constitution. The Assembly resolved, in agreement with the Administering Authority, that the Trusteeship Agreement for Western Samoa approved by the General Assembly on 13 December 1946 should cease to be in force upon the accession of Western Samoa to independence on 1 January 1962 and expressed the hope that Western Samoa, on the attainment of

independence, would be admitted to membership in the United Nations, should it so desire.

124. No request for admission by Western Samoa to membership in the United Nations was received by the Secretary-General of the United Nations. Western Samoa joined certain institutions and related bodies of the United Nations system, however, including the United Nations Economic Commission for Asia and the Far East and the World Health Organization.

g. Termination of the Trusteeship Agreement with regard to Ruanda-Urundi

125. In its report ⁹⁵ to the General Assembly at its fourteenth session, the Trusteeship Council, among other things, noted with satisfaction that a Working Group appointed by the Belgian Government had visited Ruanda-Urundi to inquire about the wishes of the inhabitants of Ruanda-Urundi and their views on how to guide the administrative and political evolution of the Territory. The Council also noted that the Administering Authority was considering the implementation of political reforms in the Territory.

126. At its fourteenth session the General Assembly, by resolution 1413 (XIV), requested the Administering Authority to propose, after consultation with the representatives of the inhabitants, for consideration at its fifteenth session, a time-table and target for the attainment of independence by Ruanda-Urundi in the near future. The Assembly also requested the Trusteeship Council to keep the provisions of the resolution in view when examining the annual report submitted by the Administering Authority, and in formulating the terms of reference of the 1960 Visiting Mission to Trust Territories in Africa.

127. At the same session, having noted the statement ⁹⁶ of the Administering Authority concerning political reforms envisaged for Ruanda-Urundi, petitions and communications dealing with an outbreak of violence in the Territory and the statement of the Administering Authority on the incidents leading to the outbreak of violence, which had resulted in the sending of troops to the Territory and having heard the views of petitioners, the General Assembly by resolution 1419 (XIV) (1) drew the attention of the Trusteeship Council to the statements of the petitioners; (2) requested the Trusteeship Council to consider in detail the plans of political reforms envisaged for the Territory by the Administering Authority, and to include observations and recommendations on those plans in its report to the Assembly at its fifteenth session, taking into account the provisions of General Assembly resolution 1413 (XIV); and (3) further requested the Trusteeship Council to dispatch its 1960 Visiting Mission to Trust Territories in East Africa early in 1960 so as to make it possible for the Mission to report to the Council, at its twenty-sixth session, on the conditions and causes of the disturbances in the Territory.

128. The United Nations 1960 Visiting Mission to Trust Territories in East Africa was appointed by

⁹³ G A (XV), Suppl. No. 4, part II, chap. IV, para. 14.

⁹⁴ G A (XVI), Plen., 1039th mtg., para. 7.

⁹⁵ G A (XIV), Suppl. No. 4, part II, chap. II, para. 9.

⁹⁶ G A (XIV), 4th Com., 947th mtg., paras. 46-56.

the Council at its twenty-fifth session, and its terms of reference, contained in resolution 2009 (XXV), of 4 February 1960, included, among other things, the directives indicated by the Assembly.

129. The Mission visited Ruanda-Urundi from 2 March to 1 April 1960 and described in detail in its report,⁹⁷ submitted to the Council at its twenty-sixth session, the plans for political reform and also included information on the disturbances that had taken place in Ruanda in November 1959 and on the reasons for those disturbances.

130. The Council considered the report of the Visiting Mission together with the annual report on the Territory, a statement⁹⁸ published on 10 November 1959 by the Belgian Government on the policy it intended to pursue in Ruanda-Urundi, and an interim Decree⁹⁹ of 25 December 1959 in which the interim institutions announced in the policy statement were defined.

131. According to the information before the Council, provisional communes, each administered by a head of commune, assisted by a council elected by direct suffrage, were to be established in both Ruanda and Urundi. The chiefdoms would, however, be retained on a transitional basis, and each State would be headed by a Mwami (Monarch) who would exercise legislative power jointly with a State Council. There would also be a General Council for Ruanda-Urundi.

132. With respect to Ruanda, the Council was informed that in July 1959 Mwami Mutara III of Ruanda had died suddenly and had been succeeded by his half-brother, nominated by traditional groups, as Kigeli V. The Visiting Mission described in its report the circumstances in which Kigeli V had ascended the throne and the political agitation which had followed in August, September and October 1959.

133. The Council was further informed that the disturbances in Ruanda had been caused by attacks by the Hutu against the Tutsi who had then counter-attacked, and that about 200 persons had died and 317 were wounded. The refugees, nearly all Tutsi, numbered more than 7,000. As a result of the disturbances, 1,143 persons were arrested, of whom 1,013 had been tried by 13 March 1960 in a Military Court. To facilitate the restoration of order, a state of emergency had been declared on 11 November 1959, and on 5 December 1959 Ruanda was placed under a Special Resident who was to hold extraordinary powers for as long as the situation required. In March and April 1960 further disturbances had taken place with the result that the number of refugees reported by the Belgian administration rose to 22,000.¹⁰⁰

134. After it had examined the information before it and had heard two petitioners from Ruanda-Urundi, the Council at its twenty-sixth session adopted a series of conclusions and recommendations.

135. Among other things, the Council endorsed the opinion of the Visiting Mission that a conference

comprising representatives of all sections of political opinion and of the Administering Authority could play a major role in achieving the objective of national reconciliation. It further considered it desirable that United Nations observers should be invited to attend the conference.

136. The Trusteeship Council also felt that it was politically highly desirable to adopt as soon as possible amnesty measures with regard to the events of November 1959.

137. The Council considered it most important that the resettlement and reintegration of refugees should be carried out as quickly and smoothly as possible and expressed the hope that the Administering Authority would bear in mind the desirability of ending the special régime in Ruanda at the earliest possible moment.

138. The Council welcomed the Administering Authority's intention to hold elections early in 1961, on the basis of universal suffrage and under the supervision of the United Nations, for the purpose of constituting national assemblies for Ruanda and Urundi.

139. The Council noted the assurance of the Administering Authority that the only objective of the communal elections was the choice of communal councillors and burgomasters, and that those elections would be regarded as being of an administrative, rather than political nature; the Council considered that those communal elections should not be used as a basis for further elections to national legislatures.

140. The Council welcomed the statement of the Administering Authority that, after national elections to be held early in 1961, it intended to hold a meeting with the representatives of the Governments of Ruanda and Urundi to discuss the further constitutional developments of the Trust Territory leading to its independence.

141. Finally, with regard to the relationship between Ruanda and Urundi, the Council expressed its conviction that the best future for Ruanda-Urundi lay in the evolution of a single, united and composite State.¹⁰¹

142. Subsequently, by resolution 2018 (XXVI), the Council, *inter alia*, noting that the Administering Authority had declared its intention of holding elections in 1961 on the basis of universal adult suffrage under the supervision of the United Nations, recommended that the question of the future of Ruanda-Urundi be inscribed as a separate item on the provisional agenda of the General Assembly at its fifteenth session.

143. During the intervening period,¹⁰² communal elections were held in Ruanda from 26 June to 30 July 1960. After the elections, various protests were sent to the United Nations and, between June and October 1960, incidents again occurred in Ruanda in which there were a number of casualties and huts were burned.

144. At the end of July 1960, the Mwami of Ruanda, Kigeli V, went to Leopoldville, Congo to meet the Secretary-General of the United Nations. In October, the Belgian Minister for African Affairs, on a visit to Ruanda-Urundi, stated that it was for the people them-

⁹⁷ T C (XXVI), Suppl. No. 3, T/1538.

⁹⁸ Statement made in the Belgian Parliament, T/1502 (mimeographed).

⁹⁹ T C (XXV), Annexes, a.i. 4, T/1501.

¹⁰⁰ T C (XXVI), Suppl. No. 3, T/1538, para. 232.

¹⁰¹ G A (XV), Suppl. No. 4, chap. II, paras. 49 and 74.

¹⁰² G A (XVI), Suppl. No. 4, chap. II, paras. 16-21.

selves to decide, through their representatives, what action should be taken on the problem of the monarchy and that Mwami Kigeli, who had chosen to leave the State, would remain abroad pending that decision.

145. In October 1960, a Council of Ruanda was established, and forty-eight members were nominated. A Provisional Government, consisting of nine Ministers, including two Europeans, was appointed by the Resident-General. A Legislative Order laid down the principle of communal self-government, subject to a right of administrative supervision exercised by the central authorities.

146. Discussions were held in December to prepare the electoral legislation and to provide for institutions of internal self-government for Ruanda.

147. In Urundi, where a state of emergency had been declared on 12 July 1960, political commissioners (commissariats) were set up in September 1960. The chiefdoms were abolished and replaced by eighteen provinces, each headed by an indigenous administrator. Communal elections took place from 15 November to 8 December 1960. At the end of December a meeting was held to discuss organs of internal autonomy and the holding of elections in Urundi.

148. A Legislative Order of 25 October 1960 defined the trusteeship powers of the Belgian authority until Ruanda and Urundi should become independent. It gave extensive powers to the Resident-General and his subordinates, including the power to order searches; to order persons to be removed from certain places, to be placed under surveillance and to be interned; to prohibit or suspend meetings; to prohibit or limit travel; and to suspend the dispatch and delivery of mail. On 14 November 1960 the state of emergency which had been declared in Ruanda in November 1959 and in Urundi in July 1960 was abolished.¹⁰³

149. During the first part of the fifteenth session of the General Assembly, the Fourth Committee discussed at length the problem of Ruanda-Urundi and heard sixteen petitioners representing various political parties of Ruanda and Urundi. It recommended two draft resolutions which were adopted by the General Assembly as resolutions 1579 (XV) and 1580 (XV).

150. In resolution 1579 (XV) the Assembly, among other things, urged the Administering Authority to implement immediately measures of full and unconditional amnesty and to abolish the emergency régime so as to enable political workers and leaders in exile or imprisoned in the Territory to resume normal, democratic political activity before the elections. It considered that the expeditious return and rehabilitation of thousands of victims of the disturbances in Ruanda would assist the process of reconciliation, and urged the Administering Authority and the local authorities to adopt all possible means to that end. It recommended that a conference fully representative of political parties, attended by United Nations observers, should be held early in 1961, before the elections, in order to compose the differences between the parties and to bring about national harmony. It further recommended that the elections scheduled to be held in January 1961 should

be postponed to a date to be decided on at the second part of the fifteenth session of the Assembly. It set up a United Nations Commission for Ruanda-Urundi, composed of three members¹⁰⁴ to supervise the elections, to attend the conference of political parties as well as a round-table conference to be convened after the elections, and to follow events in the Territory. The Assembly endorsed the view of the Trusteeship Council that the best future for Ruanda-Urundi lay in the evolution of a single, composite State.

151. In resolution 1580 (XV) the General Assembly noted with regret that the Administering Authority had arbitrarily suspended the powers of the Mwami and had not allowed him to return to Ruanda. It requested the Administering Authority to revoke those measures and decided that a referendum should be held under the supervision of the United Nations Commission for Ruanda-Urundi to ascertain the wishes of the people concerning the institution of the Mwami, and if necessary, the Mwami himself. The Assembly requested the Commission to submit recommendations on the timing of the referendum and the questions to be put therein at the second part of fifteenth session.

152. In an interim report dated 8 March 1961,¹⁰⁵ the United Nations Commission for Ruanda-Urundi informed the General Assembly that from 7 to 12 January 1961 a political conference on Rwanda and Burundi had been held at Ostend by the Administering Authority, with the participation of representatives of Rwanda and Burundi. The Commission was present at that conference and expressed the opinion that it had not been convened in the spirit of resolution 1579 (XV) but, in the minds of its organizers, was primarily intended to convince the Commission that the great majority of the people were opposed to the postponement of legislative elections both in Rwanda and in Burundi and to give the impression, in regard to Rwanda, that the Commission insisted on the definitive elimination of the Mwami and ruled out any compromise in the matter.

153. On 21 January, the Commission was informed that the Belgian Government had agreed to follow the recommendations in General Assembly resolutions 1579 (XV) and 1580 (XV) regarding the postponement of the elections to a later date and the organization of a referendum on the Mwami of Rwanda.

154. When the Commission arrived in the Territory on 28 January, however, it found that the implementation of those resolutions had clearly been made infinitely more difficult by the events in Ruanda-Urundi which had completely changed the political

¹⁰⁴ Mr. Max Dorsinville (Haiti), Chairman, Mr. Majid Rahnama (Iran) and Mr. Ernest Gassou (Togo). See G A (XV), Plen., 960th mtg.

¹⁰⁵ G A (XV), Annexes, a.i. 45/Addendum, A/4706 and Add. 1. It may be noted that in its interim report the Commission observed that it had become current practice to use the vernacular forms "Rwanda" and "Burundi" instead of Ruanda and Urundi. The Commission adopted those forms, except where the whole of the Territory was referred to, in which case the form employed in the Trusteeship Agreement, Ruanda-Urundi, was retained. In resolutions adopted at its sixteenth session but not at the second part of its fifteenth session, the General Assembly, also used the forms Rwanda and Burundi.

¹⁰³ G A (XV), Annexes, a.i. 45/Addendum, A/4706, para. 60.

and legal background of the situation as it appeared to the General Assembly in 1960.

155. In Rwanda, a meeting of burgomasters and communal councillors, held at Gitarama on 28 January 1961 in response to a call by the Minister of the Interior of the Provisional Government, had decided to abolish the monarchy and to establish a republic, had elected a President of the Republic and a Legislative Assembly of forty-four members and had appointed a Government and a Supreme Court. On 1 February the new Legislative Assembly adopted a constitution.

156. That *coup d'état* was regarded by the Administering Authority as a reaction of the indigenous authorities, supported by the vast majority of the population, to the Belgian Government's decision to postpone the elections. The Administering Authority felt that it could not oppose that peaceful expression of the general will by force, and it recognized *de facto* the new Rwanda authorities.

157. In Burundi, the Administering Authority set up an Interim Government on 26 January 1961 and appointed the Ministers; on 27 January it set up an Interim Council of Burundi, composed of sixty-four members elected on 29 January by indirect suffrage, each being elected by a body formed from the assembly of two or more communal councils.

158. The Administering Authority considered the formation of an Interim Government and an Interim Council of Burundi necessary because such action had been urgently demanded by the political parties in order to fill the gap left by the Belgian Government's decision to postpone the elections and to conform to the resolutions of the General Assembly.

159. The interim report of the United Nations Commission for Ruanda-Urundi was examined by the General Assembly during the second part of its fifteenth session, March-April 1961.

160. After discussions in which the Administering Authority made a number of statements, and twenty-one petitioners appeared, the General Assembly adopted on 21 April 1961 resolution 1605 (XV). In the preambular paragraphs, the Assembly, among other things, regretted the *de facto* recognition by the Administering Authority of governmental bodies in Ruanda which were established by irregular and unlawful means, and also regretted the setting up of governmental bodies in Urundi on the basis of communal elections, contrary to the assurances given by the Administering Authority that communal elections were purely administrative and had no political character.

161. In the operative paragraphs of the resolution, the General Assembly, among other things, called upon the Administering Authority to ensure that the provisions of resolution 1579 (XV) were fully implemented before the legislative elections and recognized that the Government of Belgium was alone responsible for the administration of the Trust Territory and accountable to the United Nations, and that its responsibilities could not in any way be abdicated to local political bodies and leaders until after appropriate democratic institutions had been set up and the Trusteeship Agreement terminated. The Assembly considered it necessary, that, pending the establishment of popular governments on the basis of legislative elections to be held in 1961,

broad-based caretaker governments should be constituted immediately in both parts of the Trust Territory to attend to current affairs of administration.

162. The Assembly decided that the referendum on the question of the Mwami, contemplated in resolution 1580 (XV), and the legislative elections in Ruanda-Urundi should be held in August 1961 on the basis of direct universal adult suffrage, under the supervision of the United Nations, and that they should be organised in full consultation with the United Nations Commission for Ruanda-Urundi. The questions to be put at the referendum on the question of the Mwami in Ruanda should be:

"1. Do you wish to retain the institution of the Mwami in Ruanda?

"2. If so, do you wish Kigeli V to continue as the Mwami of Ruanda?"

163. The Assembly requested the three members of the Commission, henceforth to be designated United Nations Commissioners, to return to Ruanda-Urundi to assist and advise the Administering Authority in the full and proper implementation of resolution 1579 (XV) and the new resolution and to perform the other tasks entrusted to it.

164. The Assembly recommended that full and unconditional amnesty, as envisaged in resolution 1579 (XV), be immediately granted and that the few remaining cases of persons who, in the Administering Authority's view, were guilty of "very grave crimes" should be examined by a Special Commission composed of the representatives of three Member States to be elected by the General Assembly,¹⁰⁶ with a view to securing their release from prison or return from abroad in the full implementation of the Assembly's recommendation concerning amnesty not later than two months before the national elections. The Assembly called upon the Administering Authority to rescind the Legislative Order of 25 October 1960, so as to ensure that there was no unwarranted interference with the exercise of public freedom and that no persons might be removed or detained without due process of law.

165. The Assembly reiterated its conviction that the best future for Ruanda-Urundi lay in the accession of that Territory to independence as a single, united and composite State.

166. On 21 April 1961 the General Assembly also adopted resolution 1606 (XV) whereby it recommended that the Administering Authority urgently request the United Nations and the specialized agencies, under the technical assistance programmes, to dispatch an expert mission to study the problem of land tenure and land utilization in Ruanda-Urundi.¹⁰⁷

167. At its twenty-seventh session, the Trusteeship Council was informed by the Administering Authority that the United Nations Commission for Ruanda-Urundi had gone to Brussels on 31 May 1961, and that preliminary talks had taken place in an atmosphere of friendship and understanding and in a spirit of mutual co-operation. That co-operation had continued in

¹⁰⁶ Brazil, Canada and Tunisia. See G A (XV), Plen., 994th mtg.

¹⁰⁷ See also para. 198 below.

Ruanda-Urundi, where the Commission had arrived on 8 June. Regarding amnesty measures, an ordinance had been promulgated on 31 May 1961 granting an amnesty to those guilty of political offences between 1 October 1959 and 1 April 1960, with the exception of some serious offences carrying penalties of more than five years' imprisonment. An Amnesty Commission consisting of three Belgian judges had arrived in Ruanda-Urundi to establish the political nature of the offences for which amnesty might be granted. The United Nations Special Commission for the Amnesty, set up under resolution 1605 (XV), had also arrived in Ruanda-Urundi on 15 June to examine the cases of convicted persons who were not covered by the amnesty measures laid down by the ordinance and to propose other measures of clemency to the Administering Authority. The Belgian Amnesty Commission had examined more than 2,000 cases and had found that 128 of them were in the category of serious crimes not covered by the amnesty ordinance.

168. The representative of the Administering Authority also pointed out that negotiations were proceeding between the various political parties with a view to widening the provisional governments. The Administering Authority was endeavouring to bring about an agreement which, to be valid and effective, must come only from the parties themselves since at that stage, when the Territory was making great strides towards self-determination, governments chosen and imposed by the Administering Authority were out of the question. Lastly, the Legislative Order of 25 October 1960 laying down the trusteeship powers would be replaced by a new instrument, which was the subject of consultations with the United Nations Commission.

169. The Special Commission for the Amnesty established under resolution 1605 (XV) submitted a report dated 30 August 1961¹⁰⁸ to the General Assembly at its sixteenth session. The Special Commission stated that on 26 June 1961 it had sent a letter to the Chairman of the United Nations Commission for Ruanda-Urundi informing him that its mission as envisaged in resolution 1605 (XV) had been accomplished. A copy of the list of persons to be amnestied and of those who in the opinion of the Special Commission were not deserving of amnesty was enclosed with the letter, so that the United Nations Commission for Ruanda-Urundi would be able to supervise the implementation of the Special Commission's final recommendations.

170. At the sixteenth session of the General Assembly, prior to the submission of a report by the United Nations Commission for Ruanda-Urundi, the Fourth Committee was informed of the murder on 13 October 1961 of the Prime Minister of Burundi, Prince Louis Rwagasore. On the recommendation of the Fourth Committee, the General Assembly on 23 October 1961, adopted, resolution 1627 (XVI) in which it expressed its sense of shock and abhorrence at the murder and requested the United Nations Commission for Ruanda-Urundi to visit the scene immediately in order to carry out without delay an investigation of the circumstances of the Prime Minister's tragic death and to submit a

preliminary report to the General Assembly as soon as possible. The Commission submitted a preliminary report on 11 November 1961.¹⁰⁹ It also submitted a further report on 26 January 1962.¹¹⁰

171. On 30 November 1961, the Commission submitted a report¹¹¹ to the General Assembly on the implementation of the tasks entrusted to it in resolutions 1579 (XV) and 1605 (XV).

172. It stated that in Burundi a new broadly based caretaker Government had been formed in July 1961, in accordance with the provisions of General Assembly resolution 1605 (XV), and that legislative elections under United Nations supervision had taken place on 18 September 1961. There had been no serious incident, and the population had been able to express its opinion freely and calmly. Seventy-three per cent of the registered voters had cast their ballots. The UPRONA (Unité et progrès national) party had fifty-eight candidates elected, the Front commun six. A Government had been formed. As noted above, Prince Louis Rwagasore became Prime Minister but was subsequently murdered. Mr. André Muhirwa, who had been Minister of the Interior, then became Prime Minister.

173. With regard to Rwanda, the United Nations Commission reported that no agreement had been reached on the establishment of a new broadly-based caretaker Government to replace the one which the General Assembly considered irregular and unlawful, and that the Administering Authority had decided, in August 1961, to suspend the existing Government and temporarily to resume the powers which had been delegated to that Government. In July, a large number of persons had benefited from amnesty measures, after the Special Commission for the Amnesty established under General Assembly resolution 1605 (XV) had visited the territory.

174. During the months of July, August and September a number of serious incidents and disturbances again occurred in Rwanda during which many persons were killed and thousands lost their homes and became refugees. Two days before the elections the Mwami returned to Rwanda, but was arrested and returned to Dar es Salaam. The legislative elections and the referendum on the Mwami were held under United Nations supervision on 25 September 1961. The voting generally took place in calm, and apart from purely local incidents the Commission received no complaint sufficiently well founded to cause it to believe that freedom of voting had been interfered with. Of the registered voters, 95.2 per cent cast their ballots. The PARMEHUTU (Parti du Mouvement de l'émancipation Hutu) gained thirty-five seats, the UNAR (Union nationale rwandaise), seven, and the APROSOMA (Association pour la promotion sociale de la masse), two. In the referendum on the retention of the institution of and the person of the Mwami, 80 per cent of the valid votes were negative on both questions. Early in October the new Legislative Assembly proclaimed the establishment of a republican régime, and Mr. Gré-

¹⁰⁸ G A (XVI), Annexes, a.i. 49/A/4856.

¹⁰⁹ *Ibid.*, A/4970.

¹¹⁰ *Ibid.*, A/5086.

¹¹¹ *Ibid.*, a.i. 49/Addendum, A/4994 and Add.1.

goire Kayibanda was elected President of the Republic of Rwanda.

175. In assessing the situation on Rwanda, the United Nations Commission concluded that the people as a whole were given the opportunity on 25 September 1961 to register their views as they wished, with adequate material and legal safeguards. However, it could not reply in the affirmative to the question whether during the pre-electoral period the atmosphere of peace and harmony referred to in General Assembly resolution 1579 (XV) had been achieved, and the requisite conditions created to enable political workers and leaders to resume normal democratic, political activities.

176. During the sixteenth session of the General Assembly a Conciliation group, composed of the representatives of Guinea, Mexico and Senegal, presided over by the Chairman of the Fourth Committee, the representative of Liberia, was appointed by the Fourth Committee to lend its good offices to representatives of the Government of Rwanda and representatives of the opposition party with a view to achieving a broad national reconciliation in Rwanda. The Conciliation group reported¹¹² to the Fourth Committee on an agreement between the Government of Rwanda and the Opposition Party, Union nationale rwandaïse (UNAR), in which, among other things, the Opposition Party was offered two ministerial portfolios and a number of administrative posts.

177. After lengthy discussions in the Fourth Committee, during which the Foreign Minister of Belgium and representatives of the Governments of Rwanda and Burundi made several statements, and nine petitioners were heard, the General Assembly adopted, on 23 February 1962, resolution 1743 (XVI) in which it decided¹¹³ to establish a Commission for Ruanda-Urundi composed of five Commissioners representing five Member States elected by the General Assembly.¹¹⁴ The Assembly requested the Commission to proceed immediately to the Territory with a view to ensuring the achievement, with the full co-operation of the Administering Authority and national authorities, of the following objectives: (a) the reconciliation of the various political factions in the Territory; (b) the return and resettlement of all refugees; (c) the guaranteeing of human rights and fundamental freedoms, including freedom of expression and association and political activity in peaceful conditions; (d) the maintenance of law and order; and (e) arrangements for the training of indigenous forces with the help of experts or a training mission provided by the United Nations, and the rapid withdrawal of Belgian military and paramilitary forces, to be completed before independence, with the exception of such personnel whose retention might be considered necessary as an interim measure by the Commission in consultation with the authorities of Ruanda-Urundi and the Administering Authority and without prejudice to the sovereign rights of the future independent Ruanda-Urundi and subject to the latter's subsequent ratification. The Assembly also requested the Commission to convene as soon as

possible, at Addis Ababa, a high-level conference with a view to finding a mutually acceptable formula for establishing the closest possible form of political, economic and administrative union between Rwanda and Burundi.

178. It requested the Commission to see that all powers of internal autonomy were transferred to the Governments of Rwanda and Burundi at a date not later than 30 April 1962 and to submit a report before 1 June 1962 to the Assembly at its resumed sixteenth session.

179. The Assembly envisaged setting 1 July 1962 as the date for the termination of the Trusteeship Agreement, subject to General Assembly approval after examination of the report of the Commission at the resumed sixteenth session, which the Assembly decided to call in the first week of June 1962 to consider exclusively the question of Ruanda-Urundi.

180. The General Assembly also adopted on the same day resolution 1744 (XVI) in which it requested the Commission for Ruanda-Urundi, as a matter of urgency, to engage in talks with the Administering Authority, the Government of Rwanda and the Mwami and his representatives with a view to reaching agreement, on a mutually acceptable basis, for the peaceful settlement of the question of the future of the Mwami.

181. The Commission submitted its report¹¹⁵ on 26 May 1962. It reported, *inter alia*, that at the Addis Ababa Conference, held from 9 to 19 April 1962 with the participation of high level delegations from Rwanda and Burundi, no agreement had been reached on any form of political union between the two parts of the Trust Territory, which reaffirmed their desire to attain independence as two separate States. Agreement had, however been reached on an economic union. The Commission reported also on matters relating to the reconciliation of political factions, the return and resettlement of refugees, the guaranteeing of human rights and fundamental freedoms, the maintenance of law and order, the training of indigenous forces, the withdrawal of the Belgian forces, the question of military personnel, the question of the Mwami of Rwanda and economic and social matters.

182. The General Assembly reconvened on 8 June 1962 to consider the report.

183. After debate, the Fourth Committee considered a draft resolution¹¹⁶ sponsored by twenty-five States to which several amendments were submitted but subsequently withdrawn. Two amendments were, however, voted on. Under the first,¹¹⁷ the General Assembly

¹¹⁵ G A (XVI), Annexes, a.i. 49/Second/Addendum, A/5126 and Add.1.

¹¹⁶ G A (XVI), Annexes, a.i. 49, A/5142, paras. 16, 17 and 19 (A/C.4/L.740 and Rev.1), submitted by Cameroon, Central African Republic, Congo (Brazzaville), Dahomey, Gabon, Ghana, Guinea, India, Iraq, Ivory Coast, Liberia, Madagascar, Mali, Mauritania, Niger, Nigeria, Philippines, Senegal, Sierra Leone, Somalia, Sudan, Syria, Tanganyika, United Arab Republic and Upper Volta. See also *ibid.*, para. 15 (A/C.4/L.741 and Corr. 1), draft resolution submitted by Belgium and subsequently withdrawn.

¹¹⁷ G A (XVI), Annexes, a.i. 49, A/5142, para. 21 (A/C.4/L.744), submitted by USSR. See also G A (XVI), 4th Com., 1327th mtg., paras. 28 and 29.

¹¹² G A (XVI), Annexes, a.i. 49, A/C.4/532.

¹¹³ G A (XVI), Plen., 1106th mtg., paras. 90 and 91.

¹¹⁴ Haiti, Iran, Liberia, Morocco and Togo.

would call on the Belgian Government to withdraw and evacuate its forces still remaining in Rwanda and Burundi "by 1 July 1962" rather than specifying that Belgian troops in the process of evacuation on that date would be confined within their barracks and that evacuation must be completed by 1 August 1962. Under the second amendment¹¹⁸ it was provided that the Belgian troops in the process of evacuation would "no longer have any role to play" instead of being confined within their barracks.

184. The first amendment was rejected by a roll-call vote of 46 to 24, with 33 abstentions. The second amendment was approved by 79 votes to 9, with 9 abstentions.

185. The draft resolution, as amended, was approved¹¹⁹ by a roll-call vote of 92 to none, with 11 abstentions.

186. The General Assembly subsequently adopted the draft resolution as resolution 1746 (XVI) by a roll-call vote of 93 to none, with 10 abstentions. It did so after a series of votes on parts of the text and after rejecting the amendment¹²⁰ which had been rejected in the Fourth Committee and reintroduced by a roll-call vote of 46 to 24, with 33 abstentions, in plenary.

187. Resolution 1746 (XVI) read as follows:

"The General Assembly,

"Recalling its resolution 1743 (XVI) of 23 February 1962 and the other resolutions on the question of the future of Ruanda-Urundi, as well as its resolution 63 (I) of 13 December 1946,

"Having considered the report of the United Nations Commission for Ruanda-Urundi appointed under paragraph 2 of resolution 1743 (XVI),

"Noting that the efforts to maintain the unity of Ruanda-Urundi did not succeed,

"Welcoming the Agreement on Economic Union concluded between the Governments of Rwanda and Burundi at the Conference at Addis Ababa held under the auspices of the Commission,

"Taking into account the fact that the bulk of the Administering Authority's forces still remain in the Territory notwithstanding the objective, stated in paragraph 3 (e) of resolution 1743 (XVI), of securing the rapid withdrawal of Belgian military and paramilitary forces before independence,

"Expressing its satisfaction at the favourable trends towards reconciliation noted by the Commission in its report, in particular, in Rwanda, the participation in the Government of two members of the Opposition,

"Having heard the representatives of the Governments of Rwanda and Burundi and the petitioners,

"Recalling the Declaration on the granting of independence to colonial countries and peoples embodied in resolution 1514 (XV) of 14 December 1960,

"Taking note of the desire of the Governments of Rwanda and Burundi to attain independence as separate States on 1 July 1962, the date envisaged in paragraph 7 of resolution 1743 (XVI),

"Taking into account the declaration by the Government of Burundi that from the date of the proclamation of independence it will not agree to the presence of foreign troops on its soil, and the declaration by the Government of Rwanda that the termination of the Trusteeship Agreement will make illegal the presence of Belgian troops in the territory of the Republic,

"Noting the declaration of the Administering Authority that it will withdraw its forces from Rwanda and Burundi in accordance with the wishes of the General Assembly and the Governments concerned,

"Recalling that after independence Rwanda and Burundi will enjoy sovereign rights,

"Bearing in mind the needs which will confront Rwanda and Burundi in all fields when they accede to independence,

"Recalling its resolution 1415 (XVI) of 5 December 1959 on assistance to territories emerging from a trust status and to newly independent States,

"1. Expresses its warm appreciation to the United Nations Commission for Ruanda-Urundi, 1962, for the way it has performed its tasks;

"2. Decides, in agreement with the Administering Authority, to terminate the Trusteeship Agreement of 13 December 1946 in respect of Ruanda-Urundi on 1 July 1962, on which date Rwanda and Burundi shall emerge as two independent and sovereign States;

"3. Calls upon the Government of Belgium to withdraw and evacuate its forces still remaining in Rwanda and Burundi, and that, as of 1 July 1962, the Belgian troops in process of evacuation will no longer have any role to play and that the evacuation must be completed by 1 August 1962, without prejudice to the sovereign rights of Rwanda and Burundi;

"4. Requests the Secretary-General to send immediately to Rwanda and Burundi a representative together with a team of experts whose functions shall be:

"(a) To supervise the withdrawal and evacuation of Belgian forces in accordance with this resolution;

"(b) To help the Governments of Rwanda and Burundi to secure the implementation of the Agreement on Economic Union reached between the Governments of Rwanda and Burundi at Addis Ababa on 19 April 1962;

"(c) To study, in consultation with the Governments concerned and in the light of the recommendations made by the United Nations Commission for Ruanda-Urundi, the need for technical and economic assistance in Rwanda and Burundi, so as to enable the Secretary-General to submit a report thereon, together with his recommendation, to the General Assembly at its seventeenth session;

"(d) To assist the Governments of Rwanda and Burundi at their request, in the organization of their administrative cadres and other related matters;

¹¹⁸ G A (XVI), 4th Com., 1327th mtg., paras. 56 and 99 (oral amendment submitted by Iran).

¹¹⁹ *Ibid.*, para. 131.

¹²⁰ G A (XVI), Annexes, a.i. 49, A/L.388, submitted by USSR. See also G A (XVI), Plen., 1118th mtg., paras. 98-102.

"(e) To assist the Governments of Rwanda and Burundi, at their request, in the development and training of internal security forces;

"5. *Authorizes* the Secretary-General, in accordance with the provisions of paragraph 1 of General Assembly resolution 1735 (XVI) of 20 December 1961 on unforeseen and extraordinary expenses for the financial year 1962, to enter into commitments not exceeding \$2 million for the purpose of such emergency measures as may be required to ensure the continuation of essential services in the two countries, pending the consideration by the General Assembly of the report of the Secretary-General referred to in paragraph 4 (c) above;

"6. *Requests* the United Nations Special Fund, the Technical Assistance Board and other United Nations bodies, as well as the specialized agencies, to give special consideration to the needs of Rwanda and Burundi;

"7. *Expresses the hope* that all Member States of the United Nations will render such technical and economic assistance as they can to the new States of Rwanda and Burundi;

"8. *Requests* the Secretary-General to report to the General Assembly at its seventeenth session on the implementation of this resolution;[¹²¹]

"9. *Recommends* that, after the proclamation of independence on 1 July 1962, Rwanda and Burundi should be admitted as Members of the United Nations under Article 4 of the Charter."

188. On 1 July 1962, the Trusteeship Agreement for Ruanda-Urundi was terminated in accordance with resolution 1746 (XVI), and Rwanda and Burundi emerged as two independent and sovereign States.

189. The Republic of Rwanda and the Kingdom of Burundi were admitted to membership in the United Nations on 18 September 1962 by resolutions 1748 (XVII) and 1749 (XVII), respectively.

3. RECOMMENDATIONS OF THE GENERAL ASSEMBLY CONCERNING UNITED NATIONS ASSISTANCE TO TRUST TERRITORIES EMERGING FROM TRUSTEESHIP STATUS TO INDEPENDENCE

190. During the period under review the General Assembly adopted several resolutions designed to assist the Trust Territories to function effectively after they attained independent status.

191. By resolution 1412 (XIV) concerning the preparation and training of indigenous civil cadres in the Trust Territories, the Assembly urged the Administering Authorities to take expeditious measures on a planned basis aimed at the rapid development of indigenous civil and technical cadres and for the replacement of expatriate personnel by local officers. The Assembly considered that such cadres, appropriately trained, were essential to the functioning of the administration of Trust Territories when they emerged from trusteeship to independence, that it was equally necessary and desirable that, before independence, positions of high

responsibility should be held by suitably trained indigenous persons, and that the measures adopted for the training of indigenous personnel and for transferring positions of high responsibility to them were inadequate. The Assembly also drew the attention of the Administering Authorities to the facilities provided by the United Nations under the programme of technical assistance and public administration for training in administration and related functions and requested them to make fuller use of those facilities.

192. At its twenty-sixth session the Trusteeship Council took note¹²² of a report¹²³ submitted by the Secretary-General containing information concerning the assistance rendered to indigenous inhabitants of the Trust Territories under the various technical assistance programmes of the United Nations.

193. By resolution 1414 (XIV) the General Assembly invited the Economic and Social Council to make a study, under Article 62 (1) of all opportunities for international co-operation which could be of interest to the former Trust Territories which had become independent and recommended that the Economic and Social Council report to the Assembly at its fifteenth session concerning the results of that study and also concerning any conclusions and recommendations which it deemed appropriate.

194. By resolution 1415 (XIV) the General Assembly, among other things, welcomed the anticipated independence during 1960 of the Trust Territories of the Cameroons under French administration, Togoland under French administration and Somaliland under Italian administration. It invited the Secretary-General and the executive heads of the specialized agencies concerned to give urgent and sympathetic consideration, without prejudice in any way to assistance being given to other States Members of the United Nations, to all requests which they might receive to provide Territories emerging from a trust status or newly independent States with: (a) such high-level technical experts as they might desire; and (b) all other forms of technical aid required by the special circumstances in which they had acceded to independence.

195. At its fifteenth session the General Assembly had before it a report¹²⁴ by the Secretary-General entitled "Opportunities for international co-operation on behalf of newly independent countries". By resolution 1527 (XV) the General Assembly, recalling resolutions 1414 (XIV) and 1415 (XIV), decided, within the context of a all-round expansion of aid, to increase technical assistance to newly independent and emerging States to a level commensurate with their pressing needs and so ensure equitable distribution of United Nations aid. It urged the economically advanced countries to continue to render, and increase, effective financial and technical assistance to former Trust Territories and other newly independent States through multilateral and bilateral channels with no conditions attached prejudicial to their political and economic sovereignty. It invited the Economic and Social Council to encourage or facilitate the provision of assistance requested by

¹²¹ See para. 200 below.

¹²² T C (XXVI), 1072nd mtg., paras. 9-28.

¹²³ T C (XXVI), Annexes, a.i. 14, T/1519.

¹²⁴ ESC (XXX), Annexes, a.i. 2 and 4, E/3387 and Add.1.

Governments through appropriate international organs—including the United Nations programmes of technical co-operation, the Expanded Programme of Technical Assistance and the Special Fund—in co-operation with and wherever appropriate through the Economic Commission for Africa and other regional economic commissions.

196. The General Assembly also made provision for assistance to specific Territories.

197. By resolution 1417 (XIV) of 5 December 1959, the General Assembly noted with satisfaction the assistance given up to that date to Togoland under French administration by agencies of the United Nations, and trusted that the Administering Authority would continue to transmit without delay requests for assistance that might be made by the Government of Togoland, and that the Secretary-General, the Special Fund, the Technical Assistance Board and the specialized agencies would give urgent and sympathetic consideration to those requests.

198. By resolution 1606 (XV) the General Assembly, considering that a satisfactory land tenure system was essential to the peaceful evolution and satisfactory economic development of newly independent territories recommended that the Administering Authority urgently request the United Nations and the specialized agencies, under the technical assistance programmes, to dispatch an expert mission to study the problem of land tenure and land utilization in Ruanda-Urundi, in co-operation with local authorities, with a view to determining how far the current system was prejudicial to the Territory's social and economic development, and to recommend corrective measures; and expressed the hope that the Technical Assistance Board and the specialized agencies concerned would give favourable consideration to such a request.

199. In resolution 1746 (XVI) concerning the future of Ruanda-Urundi,¹²⁵ the General Assembly requested the Secretary-General to send immediately to Rwanda and Burundi a representative and a team of experts to carry out a number of functions in connexion with assistance to those Governments.

200. At its seventeenth session, having considered the report¹²⁶ of the Secretary-General submitted in accordance with resolution 1746 (XVI), the Assembly by resolution 1836 (XVII) authorized the Secretary-General to continue the projects started in 1962. In order to assist in the financing of new projects mentioned in the Secretary-General's report, the Assembly invited Governments of States Members of the United Nations and members of the specialized agencies willing and in a position to do so to provide financial assistance to Burundi and Rwanda through the appropriate machinery available within the United Nations for receiving voluntary contributions.

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201. The General Assembly and the Trusteeship Council continued during the period under review to

make recommendations to further human rights and fundamental freedoms in the Trust Territories.¹²⁷

202. Thus by resolution 1646 (XVI) concerning Tanganyika, the General Assembly requested the Administering Authority to take account of the comments and suggestions made during the discussion of the report of the Trusteeship Council at the sixteenth session of the General Assembly, with a view to extending consideration in the matter of compensation for loss of career to all expatriate civil servants without regard to race, colour, creed or origin.

203. In resolution 2043 (XXVI) concerning petitions relating to the Cameroons under United Kingdom administration, the Trusteeship Council recommended that the Administering Authority bear in mind the importance of the free circulation of literature containing different political views and the preservation of the rights of freedom of thought and expression and that it review the position with a view to ensuring that those rights were not curtailed in any manner.

204. With regard to two petitions from New Guinea, the Council in resolution 2061 (XXVI) expressed the hope that the Administering Authority would take any measures necessary to obviate further complaints of discrimination in the administration of justice arising from differential treatment based on extraneous considerations such as the one cited, namely that imprisonment instead of a fine would have meant banishment from the Trust Territory. By the same resolution the Council also noted the assurance of the Administering Authority that it was taking all possible steps to prevent the infliction of corporal punishment on workers by their employers.

205. In further recommendations concerning New Guinea,¹²⁸ the Council at its twenty-sixth session welcomed the special attention being given to the educational advancement of women, particularly the establishment of a central advisory committee for the purpose of correcting as speedily as possible the existing disparity between the advancement of women and that of men and for ensuring their future progress on the basis of equality. At its thirty-first session the Council noted with satisfaction the improved status of women and expressed the hope that the Administering Authority would use its influence to encourage indigenous women to continue their education beyond the secondary level. The Council also considered it desirable to achieve complete integration of schools at the primary level.

206. At its twenty-seventh session the Council noted from the statement of the special representative that all existing provisions and practices which were discriminatory against New Guineans, for example, denial of admission to cinemas and other public places, were under close scrutiny with a view to adopting remedial measures in the near future. The Council recommended that the Administering Authority immed-

¹²⁵ See para. 187 above.

¹²⁶ G A (XVII), Annexes, a.i. 12, 40, 41 and 78, A/5283.

¹²⁷ For the question of human rights in general, see this *Supplement* under Article 55.

¹²⁸ See G A (XV), Suppl. No. 4, chap. VI, para. 149; G A (XVI), Suppl. No. 4, part II, chap. V, para. 183; G A (XIX), Suppl. No. 4, part II, chap. I, paras. 137 and 150; G A (XX), Suppl. No. 4, part II, chap. I, para. 219.

lately abrogate the discriminatory laws and combat those discriminatory practices. At its thirty-second session the Council reiterated its position on racial discrimination and, recognizing that existing territorial legislation forbade discrimination, recommended that the Administering Authority should take immediate steps to eliminate all discriminatory practices in the Territory. A recommendation in the same sense was also made by the Council at its thirty-third session.

207. With regard to Nauru,¹²⁹ the Council at its twenty-sixth session urged the Administering Authority to make further efforts to remove the existing disparities in working hours between Europeans and other workers employed by the British Phosphate Commissioners. At its twenty-seventh session the Council considered that any inequality in employment conditions based on difference of race and nationality should be eliminated. At its twenty-ninth session it noted the establishment of a Commission of Inquiry to determine a basic wage for the Nauruans and at its thirtieth session noted the increased basic wage and expressed the hope that further adjustment would be made from time to time as required.

208. With regard to the educational system in Nauru, the Council at its twenty-seventh session noted that there were three separate primary school systems generally identified with three ethnic groups, Europeans, Nauruans and Gilbert and Ellice Islanders, and urged the Administering Authority to seek an immediate solution with a view to overcoming reported difficulties in establishing a single primary school system. At its thirtieth session the Council noted that a definite programme had been instituted to complete such a system by 1964 without any distinction as to race. At its thirty-first session the Council noted that the Administration primary schools had been brought under one integrated system by combining the Airwo and Yaren schools from the beginning of 1964.

209. With regard to the Pacific Islands¹³⁰ the Council at its twenty-ninth session considered that positions of high administrative responsibility such as those of district and assistant district administrator should be transferred to Micronesians after suitable on-the-job training if necessary. The Council also noted with regret that the problem of the salaries of Micronesian employees had not yet been satisfactorily settled and urged the Administering Authority to take the necessary action without delay. At its thirtieth session it observed that there were Micronesians in the highest government posts and therefore noted with satisfaction that a Manpower Review Committee had been estab-

lished to ensure that Micronesians were placed in posts for which they were qualified. The Council also noted with satisfaction that wage increases for Micronesians were being instituted. At its thirty-first session the Council endorsed the view of the Visiting Mission that every effort should be made to extend Micronesian control over, and participation in, the executive branch and that therefore emergency measures should be taken to provide intensive training and accelerated promotion for Micronesian civil servants. The Council commended the Mission's suggestions for establishing a unified civil service and a civil service commission. At its thirty-second session the Council observed that, although the number of Micronesians appointed to positions formerly held by Americans had been on the increase, most of the highest positions on the headquarters staff were not yet held by Micronesians. It reiterated its previous suggestion that, as a method of giving the necessary direction and impetus for the public service to become fully Micronesian, a unified civil service and a civil service commission should be established.

210. Neither the General Assembly nor the Trusteeship Council adopted any recommendations specifically related to encouraging recognition of the interdependence of the peoples of the world. However, the General Assembly, as recorded above, adopted resolutions 1414 (XIV) and 1415 (XIV) on the study of opportunities for international co-operation on behalf of the former Trust Territories which had become independent, and on assistance to territories emerging from a trust status and to newly independent States. The Trusteeship Council recommendations and the relevant resolutions of the General Assembly concerning dissemination of information¹³¹ about the United Nations and the International Trusteeship System may also be regarded as having that objective.

D. Article 76 d

211. Reference was made in a previous study¹³² to the adoption by the General Assembly of resolutions 1210 (XII) and 1275 (XIII) requesting the Trusteeship Council to report to it concerning the effects of the European Economic Community (the Common market) on the development of certain Trust Territories and to the action taken by the Trusteeship Council in response thereto.

212. In view of the attainment of self-government or independence by the Trust Territories concerned — Cameroons under French administration, Togoland under French administration, Somaliland under Italian administration and Ruanda-Urundi under Belgian administration—the Council ceased to deal with the question.

¹²⁹ See G A (XV), Suppl. No. 4, part II, chap. VII, para. 111; G A (XVI), Suppl. No. 4, part II, chap. VI, paras. 129 and 145; G A (XVII), Suppl. No. 4, chap. III, para. 86; G A (XVIII), Suppl. No. 4, part II, chap. II, para. 230 and 242; G A (XIX), Suppl. No. 4, part II, chap. II, para. 281.

¹³⁰ See S C, 17th yr., Spec. Suppl. No. 1, para. 47; S C, 18th yr., Spec. Suppl. No. 1, para. 56; S C, 19th yr., Spec. Suppl. No. 1, para. 57; S C, 21st yr., Spec. Suppl. No. 1, para. 72.

¹³¹ See paras. 48 and 49 above.

¹³² See *Repertory Supplement No.2*, vol. III, under Article 76 d, paras. 206-209.

