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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION
AND PROTECTION OF MINORITIES

Third session

ACTIVITIES OF ORGANS OF THE UNITED NATIONS IN THE
FIELD OF PREVENTION OF DISCRIMINATION
AND PROTECTION OF MINORITIES

PART II-^{1/}

TRUSTEESHIP COUNCIL

A. Introduction

1. At its second session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities requested the Secretary-General, inter alia:^{2/}

"... to furnish the members of the Sub-Commission with relevant data on the activities of all organs of the United Nations and its specialized agencies in the field of the prevention of discrimination and the protection of minorities, as and when it becomes available."

This memorandum contains such relevant information concerning the activities of the Trusteeship Council.

B. Co-operation between the Economic and Social Council and the Trusteeship Council

2. At the sixth meeting of the Trusteeship Council, in April 1947, the President of the Council reported that the President of the Economic and Social Council had called on him on 29 March, in pursuance of a decision of the latter Council (document E/PV 82) to express the desire of that council to co-operate to the fullest extent with the Trusteeship Council. The President of the

^{1/} This study is one of a series dealing with the activities of various organs of the United Nations and its specialized agencies in the field of prevention of discrimination and protection of minorities.

^{2/} Resolution B, Report of the Second Session of the Sub-Commission (document E/CN.4/351, paragraph 15).

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Economic and Social Council at that time expressed the hope that the two Councils might appoint a joint committee, composed of three members from each organ, which would confer for the purpose of developing sound lines of co-operation, avoiding duplication of effort, and co-ordinating the work of the two Councils.

3. At its fourth session the Economic and Social Council appointed a committee consisting of the President and two of its members for the purpose of consulting with representatives of the Trusteeship Council regarding arrangements for co-operation in dealing with matters of common concern. The Trusteeship Council, at its twenty-second meeting, authorized the appointment of a committee of three representatives of the Trusteeship Council for that purpose (Resolution 2(I)).

4. The Joint Committee held two meetings during August 1947, and submitted a Report (document E & T/C.1/2/Rev.1) to both Councils containing a number of detailed recommendations regarding methods of co-operation. Of these recommendations the most important were, first, that the Economic and Social Council, while fully empowered to make recommendations or studies of general application on economic and social problems, should not single out Trust Territories for special recommendations except with the concurrence of the Trusteeship Council; and, secondly, that all petitions to Organs of the United Nations (such as petitions on human rights or the status of women) emanating from or relating to Trust Territories should be dealt with in the first instance by the Trusteeship Council, which should subsequently seek the assistance of the appropriate commission of the Economic and Social Council regarding those parts of such petitions which concerned them.

5. In accordance with the terms of its concluding paragraph, the report of the Joint Committee came into effect when it had been approved by both Councils. It was approved by the Economic and Social Council during its eighth session (Resolution 216(VIII)), and by the Trusteeship Council at the fourth meeting of its second session of 25 November 1947 (document A/603, paragraph 7).

6. Reference also should be made to two decisions taken by the Commission on Human Rights at its fifth session. At its 133rd meeting the Commission adopted the following resolution by twelve votes to none with two abstentions (document E/1371, paragraph 32):

/"The Commission on

"The Commission on Human Rights

"Requests the Economic and Social Council to recommend to the Trusteeship Council that it:

"1. Take into consideration the Universal Declaration of Human Rights, approved by the General Assembly on 10 December 1948, in the revision of its Provisional Questionnaire, particularly in the light of the additional questions suggested by the Commission on Human Rights which are attached hereto (E/CN.4/174 and E/CN.4/329), in so far as they are not already covered by the Provisional Questionnaire; and

"2. Urge the Administering Authorities to secure, through progressive measures and appropriate procedures, the effective recognition and observance of the rights and freedoms set forth in said Declaration, among the peoples of the Trust Territories under their administration."

7. At its 88th meeting the Commission on Human Rights considered a proposal by the representative of Egypt concerning co-ordination between the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities and the Trusteeship Council (E/CN.4/189). This proposal, amended at the suggestion of the representatives of China and France, was adopted by 9 votes to 2, with one abstention. The Commission thereby recommended (document E/1371, paragraph 15) that the Economic and Social Council "request the Trusteeship Council to authorize the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities to participate in visits to Trusteeship Territories arranged by the Trusteeship Council with a view to the preparation of measures to extend the full enjoyment of human rights and fundamental freedoms to the non-self-governing populations". The Economic and Social Council has not yet considered this portion of the Commission's report.

C. Provisional Questionnaire

8. In accordance with Article 88 of the Charter of the United Nations, the Trusteeship Council, at its first session (March-April 1947) approved a Provisional Questionnaire (document T/44) on the political, economic, social and educational advancement of the inhabitants of Trust Territories. The Trusteeship Council, inter alia, transmitted the Provisional Questionnaire to the Economic and Social Council for its advice with regard to those sections relating to economic and social questions. (Resolution 7(I)). The Economic and
/Social Council

Social Council decided at its fifth session (Resolution 88(V)) "that the appropriate parts of the provisional questionnaire ... transmitted by the Trusteeship Council ... for advice and comments should be referred to the various commissions ..." Accordingly the Secretary-General drew the attention of the second session of the Commission on Human Rights to the provisional questionnaire, which includes the following questions relating to the prevention of discrimination and the protection of minorities:

"136. Are all elements of the population secure in the enjoyment of human rights and fundamental freedoms without discrimination as to race, sex, language or religion, as envisaged in Article 76(c) of the United Nations Charter? If not, what measures have been taken to protect them against discrimination?"

"146. Are all elements of the population subject to the same laws with regard to the safety of their persons and their property?"

"166. What measures have been taken to prevent discrimination in employment and in wage and salary payments according to race, nationality, religion, or tribal association?"

"175. What provision is made and what facilities are available for the training, within and outside the Territory, of doctors, medical assistants, nurses, sanitary inspectors, dispensers, midwives, laboratory workers and others, both in public and private institutions? Are these facilities available, without discrimination, to all the inhabitants?"

9. At its second session, the Commission on Human Rights recommended (document E/600, Chapter IX) that the Economic and Social Council request the Trusteeship Council "to consider the Human Rights section of its Questionnaire as provisional until the Commission on Human Rights is able to review it in the light of an approved Bill of Human Rights." At the same time the Government of the Union of Soviet Socialist Republics requested that the questions be forwarded to the Trusteeship Council for information. The Trusteeship Council's Questionnaire (document E/600 footnote to paragraph 11). At its second session, the Commission on the Status of Women decided that the Economic and Social Council suggest certain changes in the questionnaire (document E/615, Chapter VIII). The alterations were in large measure designed to bring forth information indicating whether or not discriminatory practices, as between men and women, exist in the Trust Territories.

/11. The observations

11. The observations of the Commission on Human Rights and the Commission on the Status of Women were transmitted to the Trusteeship Council by the seventh session of the Economic and Social Council (Resolution 163(VII)).

12. The Trusteeship Council considered the question of revising the Provisional Questionnaire at its second, third, fourth and fifth sessions. On each occasion it decided to postpone the question in order that the Economic and Social Council and other interested parties might have sufficient time to present suggestions for the Council's consideration. The Provisional Questionnaire, therefore, has not as yet been revised.

D. Trusteeship Agreements

13. At the second part of its first session, the General Assembly approved separately (Resolution 63(I)) the following eight Trusteeship Agreements (Supplement No. 5, Official Records of the Second Part of the First Session of the General Assembly):

1. The proposed Trusteeship Agreement for New Guinea submitted by the Government of Australia;
2. The proposed Trusteeship Agreement for Ruanda-Urundi submitted by the Government of Belgium;
3. The proposed Trusteeship Agreement for the Cameroons under French mandate submitted by the Government of France;
4. The proposed Trusteeship Agreement for Togoland under French mandate submitted by the Government of France;
5. The proposed Trusteeship Agreement for Western Samoa submitted by the Government of New Zealand;
6. The proposed Trusteeship Agreement for Tanganyika submitted by the Government of the United Kingdom;
7. The proposed Trusteeship Agreement for the Cameroons under British mandate submitted by the Government of the United Kingdom; and
8. The proposed Trusteeship Agreement for Togoland under British mandate submitted by the Government of the United Kingdom.

14. At its second session the General Assembly approved the proposed Trusteeship Agreement for Nauru submitted by the Governments of Australia, New Zealand and the United Kingdom (document A/402/Rev.1).

/15. In accordance with

... adopted by the Trusteeship Council during its fourth session (1947), the Trusteeship Council has carried out on behalf of the United Nations these functions of the United Nations under the International Trusteeship System relating to political, economic, social and educational advancement of the inhabitants of the Trust Territory of the Pacific Islands, which is a strategic area. This Trusteeship Agreement (document S/322) was approved at the 124th meeting of the Security Council.

Each of the various instruments cited above includes various clauses, varying slightly in nature, relating to the prevention of discrimination and the protection of minorities.

B. Annual Reports on Trust Territories

17. At its second session, the Trusteeship Council considered the Report submitted by the Government of New Zealand on Western Samoa (document T/65), and at its third session it considered the following annual reports of Administering Authorities:

1. Rwanda-Urundi, under Belgian Administration, 1939-44 (document T/132)^{3/}
2. New Guinea, under Australian Administration, 1946-47 (document T/59)
3. Tanganyika, under British Administration, 1947 (document T/170 and Corr.1 and Add.1, Add.2 and Add.3).

At its fourth session the Trusteeship Council considered reports, prepared by the respective Administering Authorities, on the following trust territories:

1. Cameroons under British Administration, 1947 (documents T/185 and Add.1 and Add.2).
2. Cameroons under French Administration, 1947 (document T/219).
3. Togoland under British Administration, 1947 (document T/186).
4. Togoland under French Administration, 1947 (document T/221).
5. Western Samoa, under New Zealand Administration, 1947-48 (document T/220).

At its fifth session the Trusteeship Council considered reports, prepared by the respective Administering Authorities, on the following trust territories:

^{3/} The Reports listed here were published by the Administering Authorities and were transmitted to the United Nations in limited numbers. They are not distributed by the United Nations.

1. New Guinea under Australian Administration, 1947-48 (document T/266).
2. Nauru (Administering Authorities: Australia, New Guinea and the United Kingdom) 1947-48 (document T/233).
3. Trust territories of the Pacific Islands, under United States Administration, 1947-48 (document T/329).

18. In response to questions contained in the Provisional Questionnaire of the Trusteeship Council, a number of these reports included information, supplied by Administering Authorities, relating to the prevention of discrimination and the protection of minorities. Additional information on this subject was in some cases supplied by the special representatives of Administering Authorities who attended the Council's meetings. All such information, in summarized form together with comments of the Trusteeship Council as a whole and of its individual members, appears in the Reports of the Trusteeship Council to the General Assembly (documents A/312, A/603 and A/933).

F. Report on the administration of South West Africa^{4/}

19. At its second session (September-November 1947) the General Assembly authorized the Trusteeship Council to examine the report (document A/334) on South West Africa for the year 1946, submitted by the Government of the Union of South Africa, and to submit its observations thereon to the General Assembly (Resolution 141(II)). The Council examined the report at its fifteenth meeting and unanimously adopted a resolution (document T/112) to the effect that the report appeared to be incomplete in certain particulars and that the Government of South Africa should be invited to supply supplementary information on certain questions before the month of June 1948 in order that the Council might formulate its observations for submission to the General Assembly. At its third session (June-August 1948) the Trusteeship Council considered the report and the additional information supplied by the Union Government. In examining the report the Council felt that, notwithstanding the replies submitted by the Union Government to the Council's questions, it was unable to make as thorough a study as it would have wished, in view of the absence of any special representative of the Union Government from whom the Council could have elicited more information. Subject to this limitation the Council submitted a series of observations on those aspects of the administration of the territory which

^{4/} See also the section on action taken by the General Assembly with regard to South West Africa, in Part I of this study.

with the Administering Authority (New Zealand). No reference to the prevention of discrimination or the protection of minorities is to be found in the resolution (Resolution 13(II)) which it adopted as a result of this examination.

24. A number of petitions concerning Ruanda-Urundi, some of which had been received through and investigated by the United Nations Visiting Mission to East Africa, were examined by the Trusteeship Council at its fourth session. Several of these called attention to certain laws and regulations involving racial discrimination in Ruanda-Urundi. Having examined these petitions and considered the observations of the Visiting Mission, the Council recommended (Resolution 49(IV)):

"... that the Administering Authority should review all legislation involving racial discrimination, particularly the laws on residence, land tenure, alcoholic beverages, firearms and the penitentiary system".

25. Some of the thirteen petitions from Tanganyika, also examined by the Council at its fourth session, likewise contained allegations that racial discrimination still existed in the territory. Having examined these petitions in consultations with the United Kingdom as the Administering Authority, and having taken into account the observations of its Visiting Mission, the Council adopted the following Resolution 50(IV):

"The Trusteeship Council,

"Having examined certain petitions alleging that racial discrimination still exists in the Trust Territory of Tanganyika,

"Having noted that it is the policy of the Administering Authority to take every effective step practicable to end racial discrimination,

"Urges the Administering Authority by appropriate legislation or other measures to further intensify its efforts to eliminate racial discrimination"

G. Action of the General Assembly on Trusteeship Council's Reports

26. An account of the action of the General Assembly on the various Reports of the Trusteeship Council is to be found in Part I of this study.
