

# UNITED NATIONS TRUSTEESHIP COUNCIL



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## COMMITTEE ON ADMINISTRATIVE UNIONS SUMMARY RECORD OF THE TWENTY-NINTH MEETING

Held at Lake Success, New York,  
on Thursday, 29 June 1950, at 10.30 a.m.

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Draft Report on the Administrative Union of Ruanda-Urundi  
and the Belgian Congo (Conference Room Paper No. 1/Rev.1)  
Draft Report on the East Africa Inter-Territorial Organization  
in relation to the Trust Territory of Tanganyika  
(Conference Room Paper No. 2) (continued)

<u>Chairman:</u>	Mr. LAURENTIE	France
<u>Members:</u>	Mr. MUNOZ	Argentina
	Mr. YANG	China
	Mr. CRAW	New Zealand
	Mr. AQUINO	Philippines
	Mr. CARGO	United States of America

### Also present:

Mr. FLETCHER-COOKE	United Kingdom of Great Britain and Northern Ireland
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### Secretariat:

Mr. WIESCHHOFF	Secretary of the Committee
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DRAFT REPORT ON THE ADMINISTRATIVE UNION OF RUANDA-URUNDI AND THE BELGIAN CONGO  
(Conference Room Paper No.1/Rev.1)

1. The CHAIRMAN asked the members of the Committee to make any comments they thought appropriate on the draft report on Ruanda-Urundi. The Committee would then give final approval to the report.

2. Mr. CARGO (United States of America) recalled that the discussion in the Committee had brought out the differences which existed between the letter of the law establishing the Administrative Union of Ruanda-Urundi and the Belgian Congo and the spirit in which it was in fact applied. The Committee had felt that the Administering Authority should be invited to consider the possibility of modifying the provisions of that law in order to bring them into accord with existing practice. The Committee's conclusion was set forth on page 12 of the draft report, paragraph 8, in the moderate wording suggested by the Argentine representative. His own opinion was that the paragraph was not sufficiently specific and he therefore suggested that it should be replaced by the following text: "The Committee feels that the Administering Authority should consider the desirability of reviewing the legal form of the administrative arrangements between the Belgian Congo and Ruanda-Urundi to bring them more fully into accord with the existing practices."

3. Mr. MUNOZ (Argentina) accepted that amendment.

The amendment suggested by the representative of the United States of America was approved.

4. Mr. YANG (China) thought that the words "and that the existing arrangements do not endanger the possibility of the free determination of the indigenous inhabitants with regard to their political status in the future" in paragraph 6, page 12 of the report, did not entirely correspond to the conclusions which the Committee had reached on that subject. The form of the text might also give rise to ambiguity and he therefore proposed that it should be replaced by the following formula: "The Committee feels that the existing arrangements do not endanger the free evolution of the indigenous inhabitants of the Trust Territory towards self-government or independence."

The amendment suggested by the representative of China was approved.

5. Mr. MUNOZ (Argentina) drew the Committee's attention to the words "or that its status is likely to be endangered in the future" in the first sentence of paragraph 6, page 12. The verb on which that phrase depended: "There is at present no evidence", was too far removed and the result might imply that the Committee was stating a general opinion on the future of Ruanda-Urundi, which was certainly not the case.
6. Mr. WIESCHOFF (Secretary of the Committee) explained that a word had been omitted from the paragraph. It should read "in the foreseeable future" and not merely "in the future".
7. The CHAIRMAN proposed that the sentence in question should end with the words "Belgian Congo" and that a new sentence should follow, beginning: "Nor is there any evidence so far to indicate...".
8. Mr. MUNOZ (Argentina) thought that, as amended by the Chairman and with the inclusion of the word "foreseeable", paragraph 6 would correctly express the Committee's intentions, if it were read in the light of the Committee's summary records.
9. Mr. CARGO (United States of America) supported the Chairman's suggestion.  
The Chairman's suggestion was adopted.
10. Mr. CRAW (New Zealand) pointed out that, in paragraph (e), page 13, it would be more correct to say: "The existing arrangements will be reviewed".  
That amendment was approved.
11. Mr. MUNOZ (Argentina) felt that the expression "The Committee was convinced", in paragraph 6, should be replaced by a more moderate expression such as "The Committee considered".  
It was so decided.  
The draft report, as amended, was approved.

DRAFT REPORT ON THE EAST AFRICA INTER-TERRITORIAL ORGANIZATION IN RELATION TO THE TRUST TERRITORY OF TANGANYIKA (Conference Room Paper No. 2) (continued)

12. The CHAIRMAN asked the representative of the United Kingdom if he had any comments to make on sections A to I of the report, which the Committee had already approved.

13. Mr. FLETCHER-COOKE stated that when his Government received the Committee's report it would study it very carefully. He reserved his Government's right to make any comments to the Trusteeship Council which it considered pertinent when the Council examined the Committee's report.

14. At the present time, he could only give the Committee such additional information as might appear necessary concerning his Government's position on the various questions raised in the report.

Section J: Observations regarding resolution 325 (IV) of the General Assembly  
Sub-paragraph (a)

15. In reply to a question by the CHAIRMAN, Mr. FLETCHER-COOKE (United Kingdom) said that the quotation in that paragraph of a statement made by the United Kingdom representative in the Trusteeship Council seemed to him to be correct and to correspond fully to the policy followed by his Government in the matter.

16. Mr. MUÑOZ (Argentina) thought that after the quotation in sub-paragraph (a) of the United Kingdom representative's statement in the Trusteeship Council, a sentence should be included indicating that the members of the Committee had expressed differing views on the question of principle that it raised. Without such a sentence, sub-paragraph (a) might be interpreted as meaning that the Committee had unanimously agreed with the Administering Authority's opinion.

17. Mr. CARGO (United States of America) entirely understood the Argentine representative's concern. It should be noted, however, that if a sentence to that effect was included in sub-paragraph (a), some delegations might wish to specify their positions, which would give rise to difficulties and make the text unduly long.

/18. The CHAIRMAN



18. The CHAIRMAN emphasized that in sub-paragraph (a) the Committee expressed no opinion on the position taken by the Administering Authority. However, in order to meet the point raised by the Argentine representative, he proposed the inclusion of the following sentence after the quotation of the statement of the United Kingdom representative in the Trusteeship Council: "Regardless of the individual views of delegations concerning the statement made by the representative of the Administering Authority, the Committee ...".\*

It was so decided.

19. Mr. CRAIG (New Zealand) noted that at the end of the sub-paragraph the Committee made a recommendation. According to its terms of reference, however, the Committee was not to make recommendations, but only comments. The word "recommends", therefore, should be replaced by the word "considers". Furthermore, as it stood, the sub-paragraph seemed to contain a recommendation regarding not only the Trust Territory of Tanganyika, but also the two adjacent Non-Self-Governing Territories of Uganda and Kenya. The Committee should confine its remarks to the Trust Territory, and he therefore proposed that the last part of the observation in question should be replaced by the words "should take all possible steps to ensure that the interests of Tanganyika are adequately safeguarded".

The amendment was approved.

20. The CHAIRMAN said that at a later meeting the Committee would re-examine the new version of sub-paragraph (a), including the various changes suggested at the current meeting.

Sub-paragraph (b)

Sub-paragraph (b) was approved.

Sub-paragraph (c)

21. Mr. FLETCHER-COOKE (United Kingdom) remarked that the word "only" in the English text of the sub-paragraph might give rise to misunderstanding. As a matter of fact, in addition to the Court of Appeal for Eastern Africa there

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\* Provisional translation

was another appellate jurisdiction for the region, namely, the Privy Council in London. He thought that in order to make the text more precise, the word "only" might be inserted before the words "under specific provisions". For the same reason, it would be desirable to place the adjective "local" before the words "appellate jurisdiction".

22. The CHAIRMAN remarked that the Committee had already studied the same question in the report on the Administrative Union of Ruanda-Urundi with the Belgian Congo; he had emphasized on that occasion that the existence of a court of appeal outside the Trust Territory did not mean that the Territory did not have a separate judicial organization.

23. Mr. WIESCHHOFF (Secretary of the Committee) thought that the Committee might follow the same procedure as in its report on the Administrative Union of Ruanda-Urundi and the Belgian Congo and make the sub-paragraph more specific by stating for example: "With regard to Tanganyika, appellate jurisdiction ...".

24. Mr. AQUINO (Philippines) would prefer the phrase "only under specific provisions" to follow the words "East Africa".

That amendment was accepted.

Sub-paragraph (c). as amended, was approved.

Sub-paragraph (d)

25. Mr. CRAW (New Zealand) said that as it stood the wording of that sub-paragraph did not give an accurate picture of the situation. First, the very extensive spheres in which the Legislative Council of Tanganyika was competent should be specified and, secondly, the word "and" in the second line should be replaced by the word "but", thus underlining the comparison between the powers of the Tanganyika Legislative Council and those of the East Africa Central Legislative Council.

26. The CHAIRMAN pointed out that in fact sub-paragraph (d) was incomplete. In that sub-paragraph, the Committee simply said that a Legislative Council existed in Tanganyika. It could enumerate the functions and powers of that

body, as the representative of New Zealand proposed. Moreover, the Committee noted the existence of the East Africa Central Legislative Council and enumerated its powers. However, it did not state any conclusions on the working of the existing system. Yet, the main purpose of section J, in which that subparagraph appeared, was to compare the existing situation with the wishes expressed by the General Assembly on the matter. In resolution 326 (IV) the Assembly had indicated certain guiding principles to which the Trusteeship Council should pay particular attention; it had stated inter alia that it was desirable that each Trust Territory should have a separate legislative body with increasing powers and that it was also desirable, in each Trust Territory, to eliminate any type of legislative action originating in any other legislative body with headquarters in a non-self-governing Territory. The Committee should therefore make clear its position with regard to the existing system and its compatibility with the wishes of the General Assembly.

27. In reply to a question from Mr. FLETCHER-COOKE (United Kingdom), Mr. WIESCHHOFF (Secretary of the Committee) explained that the list of the various matters in which the East Africa Central Legislative Council was competent had been drawn from the official text establishing the Inter-Territorial Organization. The list had been slightly abbreviated, however, in order to avoid making the text too long.

28. Mr. FLETCHER-COOKE (United Kingdom) pointed out that it appeared from sub-paragraph (d) that the East Africa Central Legislative Council had legislative powers with regard to taxes. It was clear, however, from a schedule to the Order in Council that the Central Legislative Council's powers were very restricted in that sphere; in particular, it had no power to fix the rate of taxation or customs duties or to determine excise taxes. If sub-paragraph (d) was to list the powers of the Central Legislative Council, therefore, it would be more correct to insert the schedule to the Order in Council, where they were given in full.

29. Mr. AQUINO (Philippines) agreed that an incomplete list might be misinterpreted.

30. Mr. MUNOZ (Argentina) felt that sub-paragraph (d) might well omit any list. The first sentence would then stop at the words "in respect of certain specified matters" and resume with the words "but also with the advice and consent of the Legislative councils of the territories...". It was true that in that form the phrase might lead to the mistaken belief that the Central Legislative Council had only very limited powers. To correct that impression, sub-paragraph (d) might be supplemented by a statement to the effect that the Central Legislative Council had "wide" powers in respect of certain specified matters.

31. Mr. FLETCHER-COOKE (United Kingdom) pointed out that it would not be accurate to say that the East Africa Central Legislative Council had wide powers. Its competence only extended to certain strictly limited fields.

32. Generally speaking, he thought that it would be preferable for the Committee to keep to the exact wording of the 1947 Order in Council in its report; it would then indicate that the Central Legislative Council could legislate on matters listed in the third schedule of the Order in Council, it would enumerate those matters and would then reproduce the contents of article 26, paragraph 1, sub-paragraph (a) of the Order in Council.

33. The CHAIRMAN felt that, to avoid encumbering the text of sub-paragraph (a), the Committee might indicate in a footnote on the one hand those questions upon which the Central Legislative Council could legislate and on the other the powers of the Legislative Council of the Territory.

34. Finally, the Committee should complete sub-paragraph (d) by inserting the conclusions at which it had arrived in that respect.

35. Mr. MUNOZ (Argentina) proposed, with reference to the Chairman's second suggestion, to conclude with a statement that the Committee was of the opinion that it would be desirable gradually to diminish the powers of the East Africa Central Legislative Council to the extent to which the Administering Authority might deem appropriate, taking into account conditions in the Territory.

36. The CHAIRMAN doubted that those were precisely the conclusions to be drawn from the consideration of the question. The Committee had already had occasion to note that, in some fields of activity, it was in the interest of the Trust Territory itself that there should be a union with the adjacent territories. The United Nations visiting Mission had inter alia recognized that, in the technical field, the union of Tanganyika with the territories of Kenya and Uganda was certainly to the advantage of the Trust Territory. It appeared that the Committee ought to state some such conclusion, saying that, in its opinion, there was every reason for the Central Legislative Council to continue to legislate upon matters which were of common interest to the three territories, but that its powers with respect to other questions should be limited, as the Argentine representative had suggested. Should the members of the Committee agree to that suggestion, the Secretariat could prepare a draft sub-paragraph to be considered by the Committee at a subsequent meeting.

37. Mr. CARGO (United States of America) wished to make it clear that, generally speaking, his delegation could not support a statement implying that the existing organization was incompatible with the provisions of the Charter or of the Trusteeship Agreement. At the same time, the United States delegation considered that it was the duty of the Trusteeship Council to review periodically all questions concerning administrative unions and, if necessary, to send recommendations to the Administering Authorities.

38. Mr. AQUINO (Philippines) emphasized that the Argentine proposal in no way implied that the existing administrative union was contrary to the provisions of the Charter or of the Trusteeship Agreement. The purpose of the proposal was simply to implement the provisions of General Assembly Resolution 326 (IV). Reference was made in sub-paragraph (d) of that Resolution to "the desirability of establishing in each Trust Territory a separate legislative body with increasing powers and with headquarters within the Trust Territory, and of eliminating any type of legislative action originating in any other legislative body with headquarters in a Non-Self-Governing Territory." In the case of Tanganyika, that development implied a reduction in the powers of the Central Legislative Council with headquarters outside the Trust Territory.

39. The CHAIRMAN said that that was precisely his understanding of the Argentine representative's proposal.

40. Under the circumstances, prior consideration should be given to the interests of the Territory as conceived by the General Assembly. Those interests clearly required that the Territory should be able to discuss matters of direct concern to it. In some fields of activity, on the other hand, the Territory would derive greater benefit if its problems were considered and settled jointly with adjacent territories at the level of the Inter-Territorial Organization; in such cases, too rigid an application of the General Assembly's recommendation would not be advisable.

41. The Argentine representative had expressed the fear that the existence of the current Inter-Territorial Organization might lead to a gradual restriction of the Trust Territory's legislative competence. The Committee might perhaps take note of that view in its report.

42. Mr. YANG (China) pointed out that the General Assembly had recommended the establishment of separate legislative bodies in the Trust Territories. There was a Legislative Council in Tanganyika but its powers were limited owing to the existence of a Central Legislative Council. He therefore supported the Argentine representative's proposal.

43. Mr. CARGO (United States of America) said that his delegation did not regard the General Assembly's recommendation as an injunction. In adopting it, the General Assembly had not meant that it wished to see the elimination of all legislative action originating in legislatures situated in neighbouring Non-Self-Governing Territories in all Trust Territories, indiscriminately, as being necessarily harmful to those Territories. In fact, all that the General Assembly had intended was that the Trusteeship Council and Committee should decide, in each individual case, whether or not the recommendation applied.

44. Mr. FLETCHER-COOKE (United Kingdom) stressed that the powers of the Legislative Council of Tanganyika were in no way limited. Indeed, the Council was the normal law-making body of the Trust Territory.

/It enjoyed



It enjoyed powers as wide as those generally granted to legislative bodies in Trust and Non-Self-Governing Territories, except that in certain clearly defined spheres the East Africa Central Legislative Assembly had certain limited powers.

45. It would appear that the Committee was to examine the nature and scope of the powers of the Central Legislative Council and say whether the existing situation could harm the Trust Territory in any way. Should the Committee decide that some of the Central Legislative Council's present powers should be entrusted to the Legislative Council of the Territory, the Government of the United Kingdom would naturally consider the question, but it would probably point out that the Central Legislative Council could pass laws only with regard to matters which were of common interest to all three Territories, and that it could not intervene in matters directly concerning Tanganyika, such as for example, the preparation of the budget.

46. Mr. MUNOZ (Argentina) explained that he had only presented his proposal because the Chairman had emphasized the need to include some conclusions in that part of the report. As that point had come up for discussion he, as the representative of a country which did not administer any territory, could not do otherwise than stress the General Assembly recommendation regarding the establishment of separate legislative bodies in the Trust Territories.

47. Mr. FLETCHER-COOKE (United Kingdom) recalled that his delegation, like certain other delegations representing Administering Powers as well as non-administering Powers, had always interpreted the General Assembly's recommendation in the way indicated by the United States representative. He referred the Committee to the discussion on that subject in the Fourth Committee of the General Assembly, from which it would appear that that body had not considered itself in a position to take a final decision on that question, which was essentially within the competence of the Trusteeship Council. In fact, as had been pointed out by the United States representative, it was for the Trusteeship Council and the Committee to decide, in each individual case, whether or not it was desirable to eliminate all legislative action originating in a legislative body with headquarters outside the Trust Territory in a neighbouring Non-Self-Governing Territory.

48. In regard to the Argentine representative's proposal that the Administering Authority should consider the possibility of reducing the powers of the Central Legislative Council, i.e., that it should change its policy in that respect, he pointed out that his Government had come to the conclusion that the Central Legislative Council should be entrusted with all matters regarding the three Territories which could best be dealt with on a common basis, a procedure which should in no way affect the identity or special international status of the Trust Territory. He feared that the Argentine representative's very general suggestion would therefore be of little use either to the Committee or to the Administering Authority.

49. The Committee would therefore apparently do better to consider the matters with respect to which the Central Legislative Council could pass laws and indicate if necessary whether or not it considered that some of those matters should come within the jurisdiction of the Legislative Council of Tanganyika.

50. Mr. AQUINO (Philippines) emphasized the importance of the United States and the United Kingdom representatives' observations on the meaning of the General Assembly's recommendation.

51. After reviewing the main positions adopted by the members of the Committee, he suggested that the Committee should take a decision on the Argentine representative's proposal.

52. Mr. CARGO (United States of America) stressed that the Committee should examine the question very closely before taking a final decision.

53. Taking into account the United Kingdom representative's suggestion that the Committee should study the allocation of powers between the East Africa Legislative Assembly and the Legislative Council of Tanganyika, he proposed the following text for the Committee's consideration to replace the existing sub-paragraph (d):

"Noting that the provision concerning the East Africa Legislative Assembly shall cease to have effect on 1 January 1952, suggests that the Administering Authority should consider in that connexion and

/from time

from time to time thereafter whether the allocation of legislative powers between the East Africa Legislative Assembly and the Legislative Council of Tanganyika is in the best interests of the advancement of the inhabitants of the Trust Territory and the attainment of the objectives of the Trusteeship System".

54. Mr. CRAW (New Zealand) supported the proposed text, which he thought should be combined with the amendment made at his suggestion in the recommendation in sub-paragraph (a). The Committee would thus avoid any repetition. Furthermore, in addition to the interests of the inhabitants of the Trust Territory, mention should be made of the need to preserve the Territory's special status.

55. Mr. YANG (China) recognized the importance of the remarks made by the United Kingdom representative.

56. He wished to recall, moreover, that although the Argentine representative had suggested that the Administering Authority should take steps to widen the powers of the Legislative Council of Tanganyika, it had been on condition that the Administering Authority regarded such steps as appropriate.

57. The CHAIRMAN wished to know whether the Argentine representative would agree to the United States proposal as amended by the representative of New Zealand.

58. Mr. MUÑOZ (Argentine) was prepared to accept the proposal, at least in principle.

59. The CHAIRMAN said that in that case the Committee would be able finally to adopt the United States proposal, with some minor drafting changes, at one of its subsequent meetings.

Sub-paragraph (e)

60. Mr. AQUINO (Philippines) proposed that the text of sub-paragraph (e) should be changed as follows:

/ "Considers that,

"Considers that, before the existing administrative union is extended in its nature or scope, the opinion of the various sections of the population should be taken into consideration."

It was so decided.

61. Mr. FLETCHER-COOKE (United Kingdom) was glad that the Philippine representative had suggested that the word "serious" before "consideration" should be deleted.

62. He also observed that the expression "administrative union" which appeared in that sub-paragraph was not quite correct. It might be preferable to say "East Africa Inter-Territorial Organization."

63. Mr. AQUINO (Philippines) suggested that the words "East Africa Inter-Territorial Organization" should be added in parentheses after "administrative union".

It was so decided.

64. Mr. CRAW (New Zealand) observed that his delegation regarded that sub-paragraph as quite superfluous and thought that the opinion of the population of the Trust Territories should be taken into consideration not only in the case of any change in the existing administrative union but in all circumstances. However, he would not stress that point.

65. Mr. WIESCHHOFF (Secretary of the Committee) explained that the Secretariat had intended to refer at the beginning of sub-paragraph (e) to the statement of the Special Representative regarding Part IV of Section 45 of the Order in Council of 1947 (Conference Room paper No.2, page 8).

66. Mr. AQUINO (Philippines), with the support of Mr. MUNOZ (Argentina) agreed that it would be extremely useful to mention that statement in the report.

67. The CHAIRMAN said that the Committee would re-examine the whole of that part of the report at one of its subsequent meetings.

/68. Mr. YANG

68. Mr. YANG (China) thought that the Committee should express the hope that the Administering Authority would take the necessary steps to ensure that the existence of the East Africa Inter-Territorial Organization did not prejudice the political, economic and social development of the Trust Territory. Those remarks might be included at the end of Section I. He added that it was only a suggestion and if the Committee did not share his views, he would not press the point.

69. The CHAIRMAN, with the support of Mr. CARGO (United States of America) wondered whether it was really necessary to include a general remark of that character in the report, in view of the fact that the Committee had already expressed a similar sentiment in the sections of the report which dealt with the effects of the administrative union in the economic, social, political and other fields.

70. Mr. FLETCHER-COOKE (United Kingdom) thanked the members of the Committee for having allowed him to take part in their work. He had thought it advisable to confine himself, for the time being, to replying to the questions which had been put to him and to giving the details which had been requested. He nevertheless wished to point out that his delegation reserved the right to examine the Committee's report in detail when it was completed and to submit its views to the Trusteeship Council. He could say at once that his delegation would find it difficult to accept some of the remarks contained in the report.

71. The CHAIRMAN said that the United Kingdom representative would of course be quite free to criticize the report in the Trusteeship Council.

The meeting rose at 12.40 p.m.