

TRUSTEESHIP
COUNCILCONSEIL
DE TUTELLET./P.V. 20
21 April 1947
English

NOTE: Any corrections made according to the suggested revision of Provisional Rules of Procedure T/4, Rule 46, for the Trusteeship Council should be submitted in writing within forty-eight hours to Mr. E. Delavenay, Director, Editorial Division, in Room CC 87 at Lake Success. Corrections cannot be accepted unless they are accompanied by, or incorporated in, a covering letter on the notepaper of the delegation. The envelope containing the corrections should be marked "Urgent" and bear the appropriate document symbol number.

- VERBATIM RECORD OF THE TWENTIETH MEETING OF THE TRUSTEESHIP COUNCIL

Lake Success, New York
Monday, 21 April 1947, at 2:00 pm.

PRESENT:

The PRESIDENT: MR. FRANCIS B. SAYRE

Mr. Pyman	Australia
Mr. Ryckmans	Belgium
Mr. Liu Chieh	China
Mr. Garreau	France
Mr. Khalidy	Iraq
Mr. Padilla Nervo	Mexico
Sir Carl Berendsen	New Zealand
Mr. Thomas	United Kingdom
Mr. Gerig	United States of America

The PRESIDENT: The Council is in session.

EXAMINATION OF PETITIONS RELATING TO TANGANYIKA

The PRESIDENT: This afternoon we have before us various petitions with regard to Tanganyika. I wonder if I might say just a word as to our programme before we take up the Tanganyika matter.

I am hoping, as the representative from the United Kingdom requested, that, if possible, we finish up our work before the General Assembly meets next week. That may prove impossible. At least we can try.

My general thought is that today we shall devote ourselves to the Tanganyika question, and tomorrow, if we complete the consideration of Tanganyika, I hope we may devote ourselves to the questions with regard to the Samoan petitions. Then, if the Committee on Questionnaires is ready, as I hope it will be, it will make its report to us by Wednesday, and I hope we can get to work on our questionnaires on Wednesday afternoon. If necessary, we may have to meet next Saturday and next Sunday. At least, I hope you will keep those days open so that, if necessary, we can meet then in order to complete our work.

Sir Carl BERENDSEN (New Zealand): Mr. President, I should be very willing to fall in with any proposals that you make. However, I do apprehend a certain embarrassment on my part. I have been here for a month. I have other duties calling for my attention. I must be in Washington on Friday and, to do so, I must leave here on Thursday at 5:30 p.m. I will be glad to tell you why. Friday is Anzac Day, which is a holiday for Australians and New Zealanders, which we observe with all due ceremony and solemnity. I had hoped to have the week-end in Washington until Sunday, so that I could complete the urgent duties which call for my attention.

If we can dispose of the Samoan petition before Thursday, I shall be very happy indeed. But I would not like to feel that the Council is to close its session during the period when I must be absent. I wonder--I offer this with great temerity, I merely throw it out as a suggestion--whether we could, perhaps by some system of expediting our work, get through the whole of our labours before the week-end, perhaps by simultaneous translation, by meeting in the mornings and/or the nights. I merely throw that out as a suggestion. I should be very embarrassed if the Samoan discussions were not concluded before I leave--and I do have to leave--and I should be very embarrassed if the Council were to close this session during my absence.

I do not ask that my convenience be the predominant factor at all, but insofar as the proceedings of the Council can be fitted in with my essential requirements, I should be very grateful.

The PRESIDENT: We shall certainly do our best, Sir Carl, to work out the best schedule we can so as not to inconvenience you. That would depend a good deal on the length of our discussions with respect to Tanganyika, the questionnaire, and so forth, but we will bear these things in mind and do our best.

Sir Carl BERENDSEN (New Zealand): Thank you.

The PRESIDENT: The Trusteeship Council is today giving attention to one of the extremely important functions assigned to it under the Charter, that is, the examination of petitions. Under the Charter, you will remember, it is provided that the Trusteeship Council, acting under the authority of the General Assembly, may accept petitions and examine them in consultation with the administering authority. Every Member of this Council is fully conscious of the far-reaching significance of this function of the Trusteeship Council, of the high hopes which petitioners now, and in the future, repose in us, and of the high responsibility which rests upon the Council to examine petitions in an attitude of complete fairness and impartiality. Indeed, only upon international justice can peace be built.

The sincere and consecrated effort which each Member of the Council has been devoting to the formulation of our Rules of Procedure on petitions gives evidence of the spirit in which we approach our great task.

The petitions to which our attention is directed today all relate to the territory of Tanganyika. Twenty such petitions have been received by the Secretary-General from German, Italian, or other residents, or former residents of the territory of Tanganyika, or from persons interested in their cases. The basic plea of all the petitioners is that they be allowed to return to or remain in Tanganyika and not be repatriated, as they fear that they are about to be, to Germany or Italy. Several of the petitions indicate the desire of the petitioners, if they cannot return to Tanganyika, to be allowed to settle in southern Rhodesia, the Union of South Africa, Southwest Africa, the United States, or the Latin-American States. All of the petitions indicate specifically, or by implication, the desire of the petitioners that the Trusteeship Council should intervene to prevent what the petitioners fear to be their imminent deportation. Some petitioners also request that their property, which they allege has been confiscated, be restored to them.

The following petitions relating to this subject are before the Trusteeship Council for examination, and I will ask the Council Secretary to read the list of these petitions.

Mr. BUNCH (Council Secretary):

Document No. T/PET.2/1, petition dated 17 December 1946, signed by Alfons M. Burger and Dr. Johannes Schoenfeldt.

Document No. T/PET.2/2, petition dated January 1947, signed by E. von Brandis, R.H. Goppel and Phil Muth.

Document No. T/PET.2/3, petition dated 10 February 1947, signed by R.H. Goppel

Document No. T/PET.2/4, petition dated 19 February 1947, signed by The German Camp Representative of the Internment Camp in Norton, Southern Rhodesia.

Document No. T/PET.2/5, petition dated 20 February 1947, signed by Hendrik Venter.

Document No. T/PET.2/6, petition dated 20 February 1947, signed by C.S. van Wyk

Document No. T/PET.2/7, petition dated 4 February 1947, signed by A. Pertile, The Italian Camp Representative of the Internment Camp in Norton, Southern Rhodesia.

Document No. T/PET.2/8, petition dated 28 January 1947, signed by G.H. Schueler

Document No. T/PET.2/9, petition dated 3 February 1947, signed by Ulrich Trappe

Document No. T/PET.2/10, petition dated 11 March 1947, signed by The German Camp Representative, of the Internment Camp in Norton, Southern Rhodesia.

Document No. T/PET.2/11, petition dated 11 March 1947, signed by B.A.K. McRoberts and D.J.H. Garten

Document No. T/PET.2/12, petition dated 17 March 1947, signed by Hummel

Document No. T/PET.2/13, petition dated 20 March 1947, signed by The German Camp Representative of the Internment Camp in Norton, Southern Rhodesia.

Document No. T/PET.2/14, petition dated 21 March 1947, signed by The German Camp Representative of the Internment Camp in Norton, Southern Rhodesia.

Document No. T/PET.2/15, petition dated 17 March 1947, signed by Hermann Hummel

BT/am

T/P.V. 20
17 -20

Document No. T/PET.2/16, petition dated 21 March 1947, signed by C.G. d'Arbela Italian Camp Representative of the Internment camp at Norton, Southern Rhodesia.

Document No. T/PET.2/17, petition dated 17 February 1947, signed by P.J.Venter.

Document No. T/PET.2/18, petition dated 22 March 1927, signed by J.P. Prinsloo.

Document No. T/PET. 2/19, petition dated 9 April 1947, signed by MacCrory.

Document No. T/PET.2/20, petition dated 10 March 1947, signed by Anne Mary von Heyer.

The PRESIDENT: Members of the Council have also received in Document T/23, dated 8 April 1947 the observation of the United Kingdom as administering authority commenting upon these petitions.

In examining these petitions, the Council will be governed by the Rules of Procedure on petitions which it has tentatively approved, as set forth in Document T/AC/1/2. In this connection, I would direct the attention of the Council particularly to Rules 1, 2, 4, 6, 7, 8, 10, 11, 15, 17 and 18 of that Document.

You will remember that in Rule 11, paragraph 4 of our rules on petitions, it is provided that: "In cases where the administering authority may be prepared to consider a written petition at shorter notice than is proscribed by the foregoing rules, or where, in exceptional cases, as a matter of urgency, it may be so decided by the Trusteeship Council in consultation with the administering authority concerned, such written petition may be placed on the Agenda of a regular session notwithstanding that it has been presented after the due date, or it may be placed on the Agenda of a special session."

Now the representative of the United Kingdom has notified me, and has informed the Council that he is entirely agreeable, and in fact desirous, that we should proceed at once to examine these petitions under the summary procedure provided for in Rule 11, paragraph 4.

The PRESIDENT: You will also remember that Rule 15, tentatively adopted by our Council--that is Rule 15 of our petition procedure which we tentatively adopted last week as set forth in Document T/AC.1/2--provides "The Trusteeship Council at the beginning of each session, which includes the consideration of petitions on its Agenda, may appoint an ad hoc committee on petitions... The ad hoc committee on petitions shall be empowered to undertake a preliminary examination of the petitions on the Agenda. No appraisal of the substance of the petitions shall be made by the ad hoc committee."

Now with respect to the petitions now under consideration, it would seem, in view of the urgency of this situation, unnecessary to appoint an ad hoc committee to consider the admissability of these petitions. I understand that the United Kingdom will raise no issue concerning their admissability. Therefore, unless I hear objection, we will not in this case refer the petitions to such an ad hoc committee but will proceed to the hearing forthwith.

(No objection voiced.)

It is so ordered.

(During the above remarks, Mr. Makin, representative of Australia, replaced Mr. Pyman at the Council Table.)

The PRESIDENT: I believe that the United Kingdom representative is now prepared to designate a special representative for the United Kingdom with respect to the Tanganyika petitions.

Mr. THOMAS (United Kingdom): Yes, sir. I designate Mr. Arthur Hilton Poynton, a Companion of the Order of St. Michael and St. George and an Assistant Under-Secretary of State in the Colonial Office, as the special representative of the United Kingdom.

22-25

The PRESIDENT: Thank you very much. May I ask Mr. Poynton if he will be kind enough to take the chair designated.

(Mr. Poynton assumed his seat before the Council Table.)

The PRESIDENT: We are delighted to have you with us, Mr. Poynton. You are so stranger to us; you are an old friend and we are delighted to have you in our midst again in this connection.

Now, with regard to the procedure which we will follow, I wonder whether it will be agreeable to all the Members of the Council if we proceed in this manner: first, a hearing of these petitions, an answering of questions by Mr. Poynton such as may be put by the Members of the Council, and a general discussion of the whole problem before us. Then, at the conclusion of that discussion, I wonder whether it will be agreeable to this Council to refer the matter to a special committee of four--a balanced committee of two administering and two non-administering States--to discuss the problem in the light of the discussion of this afternoon and to make recommendations to this Council.

Now my thought would be that in that regard we more or less follow the procedure which has been found a wise one in the Mandates Commission when they were dealing with this same kind of task. That is, the United Kingdom would not be a Member of that committee of four but would have the right to be present at the discussions and to participate in the deliberations; would not be present when that committee formulates its recommendations. And that then, after the committee has formulated its recommendations, that committee reports back to the Council at an appropriate time, giving to the Council the chance to discuss, debate, adopt or modify, or reject those recommendations. At that discussion of the Council it goes without saying that the representative of the United Kingdom would be present and would take part in the deliberations and have a right to vote as every other Member of the Council.

I wonder whether that proposed procedure is acceptable to everyone, and whether we may follow it. Is it acceptable to you, Mr. Thomas?

Mr. THOMAS (United Kingdom): Yes.

The PRESIDENT: I take it then that unless I hear objection -- and I hear none -- that this procedure is acceptable, and this is the procedure which this Council therefore will follow.

Mr. LIU CHIEH (China): Mr. President, this is just a point for clarification. This Committee which you are going to refer these petitions to will not be the same as the other ad hoc committee; in other words, it is going to be empowered to go into the substance of the question.

The PRESIDENT: Yes, it is entirely different.

I take it then, we are ready to proceed with our hearings, and I shall ask the representative of the United Kingdom, Mr. Thomas, to make an opening statement.

Mr. THOMAS (United Kingdom): With your permission, Mr. President, I shall address my remarks now solely to the question of the Germans formerly in Tanganyika, and deal later with the question of the Italians, which is entirely different.

In his recently published book, "On Government Colonies", Lieutenant-Colonel W. R. Crocker writes: "Some day the game played by the Germans in Tanganyika between 1930 and 1939 will be revealed". Perhaps a suitable day for revelation has now arrived.

Germans were allowed to return to Tanganyika in 1925 and quickly established themselves in such numbers and in circumstances that it was difficult to believe their motives were wholly disinterested. Even the lowliest of the applicants were able to find without difficulty the immigration deposit, ranging from fifty pounds for a single person to one hundred and fifty pounds for a family, and the German-managed USAGARA Company was soon discovered to be the concern

through which payments in Tanganyika were negotiated; indeed, in 1926 a director of this firm admitted in conversation that over 250,000 pounds had been paid out by him in four months, though the firm's capital was allegedly only 6,000 pounds. Huge sums were bid for coffee and sisal estates in order to settle Germans on them.

In 1932 the German Government frankly began to avow its designs on Tanganyika, and its connection with the USAGARA Company was no longer concealed. These designs were therefore pre-Nazi, but the policy of penetration was greatly intensified when the Nazis came to power in Germany in January 1933. The Nazi Party was established in Tanganyika Territory in October 1933, and under a leader, Troost, claiming to be the direct representative of Hitler, it quickly supplanted the German Bund, established by Schoenfeldt just twelve months previously.

Throughout the next six years it actively pursued the policy of the Trojan Horse enjoined upon all Auslandsdeutsch, a policy which had such a disastrous effect in Austria and Czechoslovakia. A radio programme was directed to Tanganyika from Germany in 1933. In February 1934 Horst Frehse arrived to start the Hitler Youth Movement. The women of the territory were organised politically through the German Women's League and all Nazis were advised to belong to the German Labour Front. Nazi uniforms began to be worn in public. By 1936 the Germans had already designated officials for the day when the territory would be taken over, such as von Braunschweig of Oldeani, who was nominated Commissioner of Police. As Der Tag approached, the Nazi agents became more provocative. In 1939 the German Consul at Nairobi issued a leaflet for distribution in Tanganyika prescribing that all German Jews born from that time onwards should be called Israel or Sarah according to sex. Nazi speeches became more inflammatory. The discipline of the German community was so strong, and the information passed from the territory through commanders of German Merchant vessels and otherwise was so comprehensive, that on several occasions Germans entering the Fatherland on leave found themselves arrested.

It will readily be seen that if Tanganyika had been nearer to Germany, or if its Government had been less vigilant, the territory would have succumbed in September 1939 to those Fifth Column tactics. At the time there were about 2,500 German residents out of a European population of 9,000. On the outbreak of war almost the whole German community was interned as a precautionary measure. During the next few months several hundreds of women and children, and men who were not likely to be useful to the Nazi war machine, were repatriated to Germany. The great majority of the remainder were moved first to camps in the Union of South Africa, and then to camps in Southern Rhodesia, from which some of them are now petitioning the Council. Some were allowed to remain in Tanganyika, either in internment or on parole, and petitions have also been presented on their behalf. At the end of the fighting there were 900 Germans interned in Southern Rhodesia and 350 were either interned or on parole in Tanganyika, 1,250 in all.

The question that the Government of Tanganyika had to ask itself was the question which all the world has had to ask itself: Must we go through all this again? The attempt of the Germans from 1925 onwards to gain a footing in Tanganyika, the better to overthrow it, is so well established that the Government of Tanganyika could be excused if it had vigorously set its face against the return to the territory, or the continued residence in it, of any Germans. But the Government of Tanganyika has not, in fact, adopted such a rigorous policy. The policy which has been adopted is a selective policy, the object of which is to secure the exclusion from the territory of all Germans who have at any time held Nazi or hostile sympathies, or who are in other respects undesirable residents of the territory, such as those who would be liable to deportation under local legislation on account of criminal records. Persons in the latter category would be liable to deportation even if they were subjects of the administering authority. There is no general policy of repatriation. Exceptions have been made in the case of Germans who can shew that they were victims of political or religious oppression.

under the Nazi regime, in cases where repatriation would involve extreme personal hardship, and in cases where the continued residence of a German is in the interests of the Territory. In view of what the world has twice suffered in this generation at German hands, I submit that this selective policy is notable for its studied moderation.

The Council will like to be assured that this selective policy has been administered in the spirit in which it was framed. Early in 1946, the Governor of Tanganyika set up an Advisory Committee consisting of his Administrative Secretary, the Solicitor General and two unofficals to consider each individual's case. German residents in Tanganyika who applied were interviewed personally by members of the Committee. As a result of this careful examination of each individual case the Governor decided that out of 350 Germans interned or on parole in Tanganyika no fewer than 238 should be allowed to remain. As a result of the petitions presented to the Council, the claims made have been thoroughly re-investigated, and in consequence a further sixteen persons now in Southern Rhodesia are to^{be} allowed to return to Tanganyika. The present position is that out of 1,250 Germans 254 are to be allowed to remain in or return to Tanganyika and 953 are to be repatriated to Germany unless they can find some other country willing to receive them. That accounts for 1,207, leaving a balance of 43. These 43 are naturalized German families of South African Dutch origin, to whom I shall refer later.

The Council will wish to be assured that those Germans who are not allowed to remain or return will be treated with proper consideration.

In the first place, no German will be compulsorily repatriated to Germany if he can find some other country which is willing to receive him, provided always, of course, that there is no objection on the ground of security. It must be expected, however, that the great majority of the 953 will be unable to find such a home and must make their future lives in their own country. Why not? Why not, Mr. President? The burden of the complaint of these petitions is that they do not want to return to their own country because Germany is today devastated by war and the consequences of war. The persons concerned did not lift a finger in protest when the German forces were making Poland a desert, or sweeping their way through Holland and Belgium and France, or setting fire to the cities of Russia, or raining destruction on the towns of Great Britain. These petitioners are involved in the crime of their country. We in the United Kingdom who are denying ourselves food and clothing in order to feed and clothe the country which planned our destruction are not moved by the plaint of these petitioners that they do not want to go back to Germany. I wonder what would have been the position if the Nazi aims had succeeded. Can we imagine that the Governor of Tanganyika from his cell at Dachau would have been allowed to communicate with a Trusteeship Council, and to be represented by a German firm of solicitors? When I think of what we, and indeed all the world, have endured at the hands of the Germans I am surprised at our own moderation. Nevertheless, the repatriated Germans will be treated with all proper consideration. They will be allowed to take with them up to 4 cwt. of personal possessions free of payment and more on payment. If they have relatives in Germany, those relatives will be informed of their arrival. Any property they possess in Tanganyika will be disposed of in accordance with the international agreements on the subject.

I now make some detailed comments on the petitions.

In documents T/PET.2/5, T/PET.2/6, T/PET.2/17 and T/PET.2/18, Hendrik Venter, C.S. van Wyk, P.J. Venter and T.P. Prinsloo have petitioned through a misunderstanding. It has never been the intention of the Government of Tanganyika to repatriate compulsorily to Germany South African Dutch families who became naturalized Germans during the war of 1914-18.

As the petitioners state, the alternative to accepting German nationality was imprisonment with loss of property, and this fact has been taken into account in the case of the forty-three persons -- nineteen men, twelve women and twelve children-- in this group. The petitioners, I submit, should be informed that the Trusteeship Council has examined their petitions and has been informed by the administering authority that there is no intention of compulsorily repatriating them to Germany.

Documents T/PET.2/12 and T/PET.2/15 are petitions by Herman Hummel on behalf of a group of anti-Nazis whom he claims to exist among the Germans interned at Norton in Southern Rhodesia. This assertion has been investigated and sixty-four persons claim to belong to the group. These cases have been re-examined and as a result sixteen will be allowed to return to Tanganyika and forty-three will be repatriated. Of the latter, eleven were members of the Nazi Party. Fifteen are considered to have been Nazi sympathizers and seventeen are otherwise obnoxious, among them being Hummel himself. Though he was not a member of the Nazi Party he was a Community Leader in the Iringa area of the Southern Highland Province and as such he unquestionably furthered German nationalistic enterprises. The petitioner, I submit, should be informed that his petition has been examined by the Trusteeship Council, that according to information supplied by the administering authority the group on behalf of which he petitions has been investigated and in consequence sixteen members are to be allowed to return to Tanganyika, and

that the Trusteeship Council sees no reason to question the decision of the administering authority in the remaining cases.

Document T/PET.2/1 is a petition by Alfons M. Burger and Johannes Schoenfeldt on behalf of themselves and of other Germans now resident in Tanganyika. Both have petitioned the Secretary of State directly and Burger has been informed that he may remain in the territory. A decision has not yet been given in the case of Schoenfeldt; it is accepted that he was not a Nazi sympathizer, although he admits to having joined the Party through fear in 1938, but he is obnoxious on other grounds, having been convicted within recent years of cattle-theft, and an assault on an African.

The petitioners should be informed, I submit, that their petition has been examined by the Trusteeship Council, which is satisfied with the policy being pursued by the administering authority and sees no reason to intervene.

Documents T/PET.2/4, T/PET.2/10, T/PET.2/13 and T/PET.2/14 are petitions from the German camp representative at Norton in Southern Rhodesia. Document T/PET.2/2 is a petition from three Germans at the same camp, one of whom, Goffel, petitions individually in T/PET.2/3. Other individual petitions from the same camp are contained in T/PET.2/8 and T/PET.2/9. In all cases the petitioners ask to be allowed to return to Tanganyika. Some of them do not deny that they belonged to the Nazi Party. In document T/PET.2/8, for example, Schueler frankly says: "In 1936, however, I became a member of the Nazi Party, firmly believing that this party and what it stood for would be for the welfare of my country." It is because, Mr. President, six million Germans in 1933 thought that the Nazi Party would be for the welfare of their country that the world has been shaken to its foundations. In document T/PET.2/2 von Brandis, Goppel and Muth say they "saw no reasons to disagree with the political change at home, which to their minds and seen from that distance then did the best for their homeland after a

period of utter depression". If only they and many more Germans had seen reasons to disagree with the Nazi regime, millions of homes would have been happier today. There is, however, one petitioner -- Ulrich Trappe in document T/PET.2/b- who writes: "I should like to emphasize that I always made it unmistakably known to the Tanganyika Territory authorities that I had no sympathies for the Nazi Government." Unfortunately for his claims, the Government of Tanganyika are aware that he joined the Nazi Party on 30 October 1933 with the party number 3444514. In the enclosure with his petition he says he has never applied for repatriation to Germany. He has forgotten that in January 1941, when circumstances were rather different, he formally applied to be repatriated to Germany. Nor would he be, as he says, a perfect stranger in Germany", as he underwent military training there as a Nazi before the war.

In all these cases the petitioners, I submit, should be informed that their petitions have been examined, and that the Council is satisfied with the policy being pursued by the administering authority and sees no reason to intervene.

Document T/PET.2/19 is a petition from a Belfast resident in support of the German petitions. In half a dozen sentences it contains as many errors.

Document T/PET.2/20 is a petition from a lady in Germany that she should be allowed to return to Tanganyika. She asserts that she went to Germany in July 1939 and could not return owing to the war. The Council, I submit, will hardly expect Tanganyika to invite the return of persons who have spent all the war years in Germany, whatever the reasons, at a time when Germans are being repatriated to Germany. Both petitioners should be informed, I submit, that their petitions have been examined by the Trusteeship Council, which is satisfied with the policy of the administering authority and sees no reason to intervene.

There remains only Document T/PET.2/11 from a firm of Tanganyika solicitors on behalf of D.J.H. Garten. The Council may assume that Garten's case will be decided in accordance with the general policy I have described, but as it presents features which differentiate it from the other petitions I have asked the Governor whether he has yet reached a decision on Garten's letter of 7 March, and I hope to give the Council more information later.

I think, Mr. President, I have covered the main points in the petitions and more facts are given in the United Kingdom paper T/23. If further information is desired, Mr. Poynton and I are at the disposal of the Council.

I conclude, Mr. President, by submitting that this policy of the Government of Tanganyika is a selective policy which is being carefully and humanely administered, which is in strict accordance with the obligations of the Charter and the Trusteeship Agreement, and which deserves the endorsement of the Trusteeship Council. I believe the Council will be content to leave the detailed application of the policy to the administering authority, and will see no reason to intervene in the petitioners' cases.

The PRESIDENT: That brings us then to a conclusion of the presentation by the representative of the United Kingdom on this matter, and now the question is open to the Members of the Council. Both the representative of the United Kingdom and Mr. Poynton are prepared to answer or deal with such questions as are put by the Members of the Council.

Mr. GERIG (United States): Mr. President, this statement by the representative of the United Kingdom has been very comprehensive and very revealing, and has answered, I am sure, many of the questions that otherwise might have entered our minds. There were one or two questions that occurred to my delegation.

First of all, we wondered whether the administering authority has taken any steps--or what steps--in order to avoid breaking up families in this process of repatriation, or whether the family unit is considered as a unit, or ^{whether} individuals are considered as individuals in this connection.

The PRESIDENT: May I ask Mr. Poynton to make his reply?

Mr. POYNTON (United Kingdom): Yes. The Government of Tanganyika has made a point of keeping the families together. I think that is one of the reasons why the figure for Southern Rhodesia appears so high. For example, the numbers who are being repatriated from Tanganyika territory--one hundred and twelve--are made up of forty-six families. I have the analysis here--forty-six males, thirty-eight females and twenty-eight children. I think that does show they are keeping the family units together.

The PRESIDENT: Does the representative of the United States wish to ask another question?

Mr. GERIG (United States): Yes, Mr. President. We wondered about proceeding with these cases under the royal prerogative powers instead of the possibility of having a statutory procedure, or a statute law of the territory which might have been applied in this case. We wondered whether

it would not be that the statutory procedure would provide additional legal safeguards, and where the persons are found to be undesirable, would make clear that social misconduct is the reason for their deportation, and therefore, might serve as a useful precedent in setting standards of behaviour for non-indigenous residents of the territory, rather than to resort to the royal prerogative.

The PRESIDENT: I am sure Mr. Poynton will be glad to answer that question in just a moment.

Mr. POYNTON (United Kingdom): The point had come up in connection with the Italian question.

Now, as regards the use of the royal prerogative, it is really a question of policy more than of fact, but I would have thought that there was no doubt at all that it was perfectly legitimate and proper to use it, in the case, at any rate, of those who are being repatriated on grounds of their enemy nationality. I do not think there can be any question about that at all.

As regards those who are being repatriated on grounds of being personally objectionable--like Schoenfeldt, the cattle thief --I agree in theory that there is perhaps something to be said for treating them under the ordinary laws of the territory, but I do not think that it really makes a great deal of difference. The power to deport them is there anyhow, and the qualifications, if I may call them that, which make a man eligible for deportation are, in fact, fulfilled, and more than fulfilled in these cases. Now if they had been dealt with under the ordinary Tanganyika legislation--the Expulsion of Undesirables Ordinance, number 15 of 1930, as far as I remember--that Law provides for a right to submit a memorandum against the expulsion order, in which case the Governor may appoint a Board of Inquiry to make recommendations to him regarding the case.

Now what, in fact, has happened? All these cases have been reviewed by the Aliens Advisory Committee in Tanganyika with the Attorney-General of the Territory as Chairman of it, an advisor who could be quite relied upon to consider all the legal proprieties, and who would approach it in a judicial frame of mind. It may be of some reassurance to Members who were here in October and November to know that one of the people who have been handling this case all through is Mr. Lamb, formerly the Chief Administrative Secretary of the Government, and people of that type whom we all know, so I do not think there is any question of less regard being paid to individual cases or proprieties or any less judicial approach to it.

of these
It simply is that you have either/legal means at your disposal, and they have decided to use the prerogative.

Mr. GERIG (United States): Could I also ask, Mr. President, whether these internees or petitioners know that they have the right of appeal and also are such appeals generally reviewed?

Mr. POYNTON (United Kingdom): Well I would answer in this way: It is not a right of appeal in the sense, as a statutory right of appeal on the legislation for the very reason that we are using the prerogative. But there is a right of petition or appeal in practice to the Governor and to the Secretary of State of the colonies, which is well-known by everybody living in the territory and these people after all have been living there for many years before now. I would have said that if they know the facility for petitions to the United Nations, a fortiori, they may be assumed to know the right of petition to the head of their own government, and they have in fact petitioned. That is the answer I think.

Mr. MAKIN (Australia): I wish first of all to make some observations and then I would like to ask a number of questions in relation to the matter before us for our consideration. It is, Mr. President, somewhat ironical that the Trusteeship Council, the objectives of which are defined in Article 76 of the Charter and to which we are all well aware, should be called upon to examine in its first session petitions from persons, many of whom it seems have been associated with unsuccessful Nazi plans for aggression.

Our share in the battle against Nazi and militaristic intolerance in any part of the world is a clear illustration of the Australian attitude towards persons associated with the Nazi regime. Where in the case of any of these petitioners there is clear evidence of association with the Nazi movement in Europe or in Africa, we feel that the administering authority is justified in taking steps to remove such persons from the trust territory of Tanganyika. We must not lose sight, however, of the factor that we are dealing with the lives of nearly one thousand human beings.

I assume that there are several hundred women and children involved, and under Article 76 (c) of the Charter, one of the basic objectives of the trusteeship system is to encourage respect for human rights and for fundamental freedoms for all, without distinction as to race, sex, language or religion. We are faced with an onerous obligation in seeking the fulfillment of this extremely important objective.

I have read with interest and appreciation the memorandum of the United Kingdom delegation in regard to the petitions. The sections dealing with German propaganda and activities in Tanganyika between 1935 and 1939 is particularly impressive. There could surely be no doubt left in the minds of any of us that persons who were voluntarily associated with the Nazi movement in Africa or in Europe should not be given any further opportunity to engage in disruptive and treacherous activity.

In the interest of international peace and security, I feel that we should all readily agree that the sooner such persons are returned to Germany, the better satisfied we shall all be.

I have only one feature of that particular situation upon which I wish to make any comment. Presumably, there will be women and children involved in the return to Germany of these Nazi sympathizers. I should be glad if the United Kingdom representative could provide us with a little more detail as to the disposition of such families upon their arrival in Germany. I should feel happier if I could be assured that plans for their housing, for employment and sustenance had been prepared beforehand. I have little doubt that such will be the case. Information on that matter should not be difficult to obtain.

Returning now to the main issue raised: namely, the determination of those persons to fall within the category of Nazi supporters, I noticed in this connection that the United Kingdom in explaining the policy of

repatriation in paragraph 4 of section 1 of their memorandum refers to the deportation of Germans who have at any time held Nazi or hostile sympathies or who are in other respects undesirable residents of the territories concerned. The latter category is defined in rather vague and sweeping terms.

I feel that the Council should obtain from the United Kingdom representative the following information:

(a) How many persons are being deported for reasons other than voluntary association with Nazi bodies?

(b) For what reasons are such persons being deported?

(c) Can a list of these persons and the reasons in each case for their deportation be obtained?

(d) Are there any persons free from voluntary association with the Nazi movement, who are being deported because of their criminal records? If so, are all these persons liable to be deported under local legislation, or are there any persons included who would not be liable to deportation under the criminal law of the territory?

In the latter case, is there any reason why the penal institutions of the territory cannot continue to deal with them?

There is another perhaps minor point that I should like to raise. It appears that some of the petitioners may not be aware, even now, of their position in regard to deportation. I should have thought that in general, it would be desirable for all of these German internees to be fully informed at the earliest possible moment as to their movements and full reasons given for the decisions taken in regard to them.

I should be glad also if the United Kingdom representative could assure us that where decisions have been taken to permit persons to remain in Tanganyika, they should be returned to their homes at the earliest possible moment. On this point, the United Kingdom representative should be able to give us some general indication of the timetable for the return of such residents.

Then, sir, I wish to direct my questions directly to the representative of the United Kingdom.

The PRESIDENT: Before turning to Mr. Poynton, may I ask the representative from Australia if he will put the specific questions he has in mind.

Mr. MAKIN (Australia): My first question, Mr. President, would be: Has any provision been made, or has preparation been made, for the reception of these persons who are to be deported back to Germany, with reference to employment, housing, sustenance, or any condition like that? Is there any provision at all of such a kind that is in contemplation?

Mr. POYNTON (United Kingdom): Mr. President, I can only answer that question at present, I am afraid, in very general terms. We do know that arrangements for their reception and future treatment in Germany are being made officially through the Allied Control Commission, and that the next of kin of the people and their families in Germany will be notified, in every case possible, in advance of the people's arrival. That, I am afraid, is all I can say at this stage on that point, but if further information is desired, we would certainly try to get it from the Allied Control Commission and before the Council.

Mr. MAKIN (Australia): The next question, Mr. President, is set out in a series of queries that Mr. Poynton has in his possession. I recognize it would not be possible to give that information without possibly a little preparation, and I would ask that the answers to those questions should be submitted at an early date, sir, for the consideration of the Council.

But there is just one aspect of that second question about which I should like to ask, and that is as to whether Mr. Poynton can give to us some information as to what are the types of cases that are in mind which come under the provisions of this deportation order. "Germans who are in other respects undesirable residents." What is really the significance and the import of "undesirable residents"?

Mr. POYNTON (United Kingdom): Mr. President, you will appreciate that we have had to draw up our commentary on these petitions on somewhat short notice and in very difficult circumstances, away from our base, so I agree that we shall have to get this information on the details by telegram from Tanganyika. Indeed--and I would like to have the Council consider this point as a question of policy--is it really necessary to get all this extreme individual detail about individual cases? I would have thought, myself, that the administration of one's immigration and deportation legislation, in its application to individual cases, was essentially a matter that every government claims to be in charge of and need not submit to the overriding control of an international body. I do not know how Mr. Thomas feels about that, but if the Council wishes that detailed information, of course, we can get it on Tanganyika. My only anxiety is that it may take us a bit of time to get all these statistics out in this form, and I do not want to run the risk of overstepping the limit of the Council's sessions, so to speak.

But passing on to the nature of the deportation law, roughly speaking, the kinds of undesirability which are covered by the deportation law are three: Mental incapacity--I do not think there are any of that kind of people; people with criminal records, particularly offenses against the person and property; and moral and sex offenses. I have not the particulars of the people directly involved, but, again, we could get them if it is thought necessary.

As to the policy in Mr. Makin's questions, I would like to refer the position over to Mr. Thomas, if I may.

Mr. THOMAS (United Kingdom): Mr. President, these petitioners raise, in some cases, their individual positions; in other cases, that of the whole German community to be repatriated. I suggest that, with regard to the latter

category, the whole community of Germans to be repatriated, the Council should satisfy itself that the policy being pursued by the administering authority ^{it} is sound, and/will then not wish to go into details about individual cases which are not raised by the petitions. Where an individual raises his own case and petitions the Council directly, then I think he is entitled to have some information, such as I have given, for example, in the case of Schueler and Trappe, and so on. But I think it would be unreasonable to ask us to go into details in a thousand cases or so, when that is not specifically raised by the petitioners.

The PRESIDENT: I take it that the remarks of the representative of the United Kingdom have great weight. We are examining petitions with respect to the probable deportation of a number of people. It is very important, if these deportations are carried out, that they be carried out in the Spring, at least before the cold weather in Germany sets in.

I take it that the representative from Australia does not intend, by his questions, to hold up the procedure. I think all of us must bear that in our minds as we examine these petitions. It is, in the general run, a matter of policy which we are considering, a determination whether the policy being followed by the Tanganyika Government, supported by the United Kingdom, is a sound, fair and proper policy. We must leave the detailed application of that policy in individual cases, except where specific matters have been called to our attention, to the Government of Tanganyika and the United Kingdom, with the full realization that those Governments want to do what is fair under the circumstances, under this policy which they announce. Our main concern is whether that policy is a fair, just and proper policy to be followed or not.

Mr. MAKIN (Australia): Mr. President, I am in entire agreement with the view that has been expressed. It is the concern of the Council to review the question of general policy that is being followed in such cases. The question of certain details will certainly be left to the administering authority. But as far as the question of those who have had voluntary association with the cause of the Nazi regime is concerned, there is no question; I feel, in regard to that aspect, the situation is one that leaves Australia, anyhow, with the very strong conviction that those people should be returned to Germany. But in regard to other cases, where you have indicated there are persons who, for reasons other than voluntary association with Nazi bodies, are being returned, I think that, as that comes into our considerations, we certainly have a right to know the types of cases that are involved in this designation of cases likely

to come under these repatriation provisions. That is what I wish to know: How many of them are likely to be under that particular category? That is really the basis of the question that I sought to ask Mr. Poynton. How many persons are being deported for reasons other than voluntary association with Nazi bodies? For what reasons are such persons deported? Can a list of these persons and the reasons for their deportation be obtained? I am interested in those persons other than those who may have been really found guilty or responsible for Nazi sympathies. The view which I expressed is a very absolute one with regard to those who have had Nazi sympathies.

Now, sir, the next question I should like to ask Mr. Poynton is: Have these internees been made fully aware of the decisions that have been taken in regard to them and the reasons for those decisions?

Mr. POYNTON (United Kingdom): I understand that the Government of Tanganyika have now informed all the persons concerned of the proposed decisions and the reasons therefor. You will notice that some of these petitions--the early ones--go right back into January and February. No doubt, at the time they were written, these people were told. Indeed, some of them even seem to have started petitions before final decision had ever been reached at all. However, I am assured that they have all been told, except, of course, the ones whose cases have not yet been finally disposed of, such as Schoenfeldt.

I can give the representative of Australia that assurance.

Mr. MAKIN (Australia): One more question, Mr. President. Before asking the question I wish to say that I do agree with your suggestion that we should seek to secure whatever expedition is possible, ^{and} in regard to these matters I am sure that the United Kingdom can fully satisfy us in regard to the general principles that we are seeking to gain some knowledge about, and it is for the reason of the elucidation of the Council on those aspects that I think are vital to the consideration of these petitions, that I am seeking to get them clarified at the moment.

The last question I wish to ask is in regard to the internees and the return of their properties, that is, the people who are permitted to remain in the territories -- has the authority of Tanganyika indicated or made any mention about the question of the return of such properties as may have been owned by those people who have been held under the tension or interned during the war period? I would be very glad of information about that.

Mr. POYNTON (United Kingdom): There again, sir, I can only give a general answer but would have to get further particulars by telegram if required. As we said, the property was all vested in the control of ^{enemy} property. Now some of that property ^{was} material that it would have been difficult to store during the war period, to keep under guard in a tropical country where there were white ants and other causes ^{of} deterioration, and a lot of the property was sold by auction at the beginning of the war.

I imagine -- but I am not yet certain, and this is one of the things that I am trying to find out -- that some money will be refunded, representing the value of the original belongings, but that is a point I want to find out about for my own reasons, anyhow.

As regards the immovable property -- land, houses, et cetera -- I am told that as those people are receiving permission to remain in Tanganyika their

Property is being divested and handed back to them by the Custodian of Enemy Property. Now, I do not know without further inquiry / how long that process of divesting really takes, or whether it has actually been handed back to people like Alphonse Burger/ or whether it has not, but we can easily find out.

The PRESIDENT: I feel sure that the representative of the United Kingdom will do his best to secure the information which the representative of Australia has asked for, which throws light on the general situation. I feel equally sure that the representative of Australia will not insist that final disposition of this matter be held up until those replies are received. I take it that is the understanding on both sides.

Mr. MAKIN (Australia): Of course.

Mr. POYNTON (United Kingdom): A telegram will be sent tonight.

Mr. RYCKMANS (Belgium) (Interpretation from French): Mr. President, all the petitioners have asked for an alternative position, that is, an alternative to remaining in Tanganyika -- a permission to go elsewhere than going to Germany. The United Kingdom representative has stated to us that they will not force any of the petitioners who have obtained to go elsewhere to return to Germany. My question is as follows: Have dispositions been taken by the authorities in Tanganyika for cases where such petitioners receive the permission to go elsewhere than to Germany too late to benefit by this permission, that is to say, that where the chances are favourable that they might get permission to go elsewhere than Germany -- for example to the United States, or South America or some other place -- but the permission came to them too late to allow them to benefit from this permission, because in the meantime they will have been forcibly sent back to Germany?

Mr. POYNTON (United Kingdom): I do not know that I can very well answer that in any great detail. I do know that the Government of Tanganyika and the United Kingdom Government are already in negotiation with the governments of certain countries with a view to applicants who have named a particular destination. I would rather, for obvious reasons, not say which those countries are, because if that became known to the public in those countries it might prejudice the chances of the petitioners of a favourable decision by the governments with whom we are negotiating, but I would also make this point: that the petitioners have known for many years -- since it was clear to them that they were not going to be on the winning side, shall I say -- that something would happen to them. They have had several years to think of where they want to go.

For example, Ulrich Trappe, whom Mr. Thomas mentioned, had applied as long ago as 1941 to be allowed to return to Germany, which he is not now going to do.

The position is rather left in the air at the end, I quite agree. But, there must be some closing date on which the people are moved. I do not know whether that answers the question of the representative from Belgium.

Mr. THOMAS (United Kingdom): As questions of future policy are involved,

Mr. President, I think I can say in response to the representative from Belgium that I will let the Government of Tanganyika know that this is the feeling in the Trusteeship Council, that a man should not be sent back to Germany in the near future if he has a reasonable hope of finding a destination elsewhere. And I am sure that ^{they} / will not in those circumstances do it. The honourable representative from Belgium equally will not expect repatriation to be held up indefinitely merely because somebody is trying to get at him, so to speak.

Mr. RYCKMANS (Belgium) (Interpretation from French): Mr. President, I am entirely satisfied with the answer. The fact that negotiations are taking place shows that the Governor of Tanganyika is not unaware of the situation and I am completely satisfied with the answer given.

The PRESIDENT: I think that before we take our brief recess, there is time for one more questioner.

Mr. LIU CHIEH (China): Mr. President, I do not propose at this stage to ask Mr. Poynton any specific questions concerning petitions. But, if I may, I would like to make a few brief observations -- some general observations which I hope will clarify in our minds whether the policy pursued by the administering authority, as outlined by the representative of the United Kingdom, is supportable, and whether there is any reason to call for a modification of that policy.

In general, I may say that I see no objection to the policy as outlined. It is, I believe, similar to the policies followed by governments of other countries in regard to the so-called "obnoxious Germans", and I am not questioning the validity of that policy in so far as "obnoxious Germans" are concerned.

However, we should remember one point, and that is the German nationals who went to Tanganyika, might have gone there in the belief that they could settle there permanently. Therefore, as enemy aliens, they are in the status of permanent residents of that territory, even though they have not acquired nationality of the administering power. And as permanent residents, I think they are entitled to more consideration as enemy aliens, technically, than they would otherwise have been entitled to as mere temporary visitors, as German nationals are in many other countries. I feel that they could not be held responsible for what the German nation has done in the Second World War.

I am not for one moment disputing the desirability of repatriating German nationals if found to be voluntarily associated with Nazi activities. I am just emphasizing the differentiation in the kind of treatment they are entitled to as permanent residents of that territory.

I admit that there has been a policy of penetration, a deliberate policy perhaps, as Mr. Thomas so convincingly told us, but you may remember that that policy of penetration began in pre-Nazi days, and if the German Government of that time encouraged migration to Tanganyika these immigrants cannot be held responsible if a later Government should choose to utilize them in connection with their policy of aggression.

This, sir, leads me to the immediate question of whether the present policy pursued by the administering authority is a sound one. I believe in general it is sound, apart from the point I just emphasized; that is, as permanent residents they are entitled to a greater consideration.

If any German national is found in another country, say, in China, and is suspected of Nazi association, perhaps he should be repatriated right away. But if he has acquired the right of permanent residence in Tanganyika, in that territory, then I think as a permanent resident he should be given greater consideration because if he is repatriated to Germany, he may become sort of a displaced person.

What I would like to suggest to this Council is that the administering authority should consider three categories of persons worthy of special consideration. First, bona fide refugees from the Nazi regime; and secondly, persons who proved that they have no relations with Germany and no relatives in Germany, and therefore they may become displaced persons if they are returned to Germany; and thirdly, those who have acquired permanent residence, the right of permanent residence in that territory.

Now, if we adopt that policy, and if we accept the policy of the administering power as generally a sound one, then I think the execution of that policy is really a matter left to the administration, to the Government of Tanganyika.

The PRESIDENT: Thank you very much. I suggest that we take our brief recess now and meet promptly at ten minutes to five--quite promptly. The translation will be made immediately upon our reassembling, and then we will continue from where.

(The meeting recessed until 4:50 pm)

M. GARREAU (France) (Interpretation from French): Mr. President, when the question of these petitions from Tanganyika came to the attention of the Council you suggested, I believe, that this question would be referred to a committee, and the powers of this committee were discussed, I think as the result of a question put forward by the representative of China. It seems to me, then, that all questions would be referred to this committee, and I am very much surprised to see, after the preliminary declaration made here, quite correctly, by the representative of the United Kingdom, that we are indulging in a very profound discussion of this whole problem. I am very sorry that I did not ask to take the floor at the start of this discussion in order to state a preliminary question which I wish to raise now.

As you know, we are still at war with Germany, because there is no peace treaty with Germany. Therefore, all Germans are still our enemies. It seems to me, therefore, that it is not up to the Trusteeship Council to decide the fate of German nationals, because this is a question to be decided by each of the countries where these German nationals reside, and trust territories should be included among such countries, because the natives of such trust territories fought in the war also--despite the fact that the Charter says that the aims of the Organization are to establish the peace and security of the world, and it makes no difference between natives and non-natives in a territory and does not favour enemy nationals.

I appreciate the fact that the United Kingdom representative made a very interesting declaration here, and the comments he made were useful and interesting but I should have thought that he would^{have}/raised the question of competence here. As he has not done so, I wish to do so now. It seems to me, Mr. President, that all such questions which deal with the fate of German subjects, or any

enemy subjects, for that matter, are not within the competence of the Trusteeship Council; but are within the competence of the country or territory where they reside.

That, Mr. President, is my position, and for that reason I refuse to take part in this discussion.

The PRESIDENT: I wonder whether Mr. Thomas cares to reply to the remarks of the representative of China as well as the representative of France who has just spoken. Each of them has raised questions, and possibly Mr. Thomas or Mr. Poynton would like to make some remarks by way of reply.

Mr. THOMAS (United Kingdom): Mr. President, I will ask Mr. Poynton to answer the honourable representative of China, and I will deal with the question raised by the honourable representative of France.

The PRESIDENT: Then I think we should call on Mr. Poynton first to deal with the questions raised by the representative of China.

Mr. POYNTON (United Kingdom): Well, I think the main suggestion by the representative of China was that, in considering the cases of these various Germans both in Tanganyika and Southern Rhodesia, we should divide them into three categories.

That, in fact, is precisely what we have done. And the categories which the representative of China has suggested do correspond very closely, but not exactly with the categories on which we have been working. When the instructions were first sent to the Government of Tanganyika for a review of the individual cases, it was decided that exceptions to the general rule of repatriation were to be made in the case of persons of German nationality who could be shown to be genuine political or religious refugees from Nazi domination. That, I think, was your first category and that will be found in paragraph 4 of document T/23.

The second category suggested by the representative of China was the persons who had no relatives or friends or other means of livelihood in Germany. Those, I think, would in fact be covered, or might be covered by the second main category of exceptions on which the Tanganyika Government was instructed to work. I quote again from document T/23. "In the second place, exceptions may also be made on compassionate grounds in certain cases which involve extreme personal hardship."

Now, the third category was the category which the representative of China referred to as persons who acquired permanent residence. I think that is a little bit more difficult to answer. Up till the end of the first World War, Tanganyika was a German colony. They came to us under mandate and the provisions about immigration and settlement were controlled by article 7 of the Tanganyika mandate which granted equality of treatment to nationals of members of the League of Nations and to nobody else, except the United States which had a special convention.

Now, Germany became a member of the League of Nations in 1925, I think. That is the date on which the restrictions on German return to Tanganyika were relaxed, and from which date the German immigrations started with a rush and attained 420 families in something like fifteen months. And I would remind

the Council again of the story which Mr. Thomas told of the USAGARA Company which spent something like a million and a quarter dollars in the settlement of Germans in Tanganyika in four months in 1926. But can one really talk strictly about permanent residence when it is only acquired in those circumstances from 1925 onwards? But further, sir, the moment that Germany left the League of Nations, German nationals ceased to have any protection under the mandate for equality of treatment with anybody else.

Now may I also add this: The Bund was established in Tanganyika before the Hitler Regime. It was established by Schoenfield in October 1932. The terms of reference of the Bund have as their objects -- I have them here as taken exactly from there when the documents were found reads in part:

"1. Maintenance of the mandate for the moment," -- for the moment -- "and strong opposition to every British move towards closer union with Kenya and Tanganyika." That is pretty significant, I think.

"2. German representation in the legislative council and on all public bodies." That is 1932 we are talking about.

"3. The establishment of German as the second official language of the territory."

"4. Economic research and the Organization of Information Bureau to collect facts about the cost of available lands, discovery of valuable minerals, trade prospects and other matters which incoming Germans might want to know."

"5. Social activities," with special reference to the establishment of schools for German children, "the organization for poor relief and mutual aid among Germans." That seems to me to show that right from the very beginning, and even before the Nazi Regime proper was established, there was a deliberate attempt to get Germans back into Tanganyika for the purpose of re-occupying Tanganyika. And I think the argument about persons who have become permanent residents in Tanganyika is a very thin one.

I leave Mr. Thomas to deal with the general question

The PRESIDENT: With respect to the questions raised by the representative of France, I believe that Mr. Thomas as the representative of the United Kingdom will make a reply.

Mr. THOMAS (United Kingdom): Mr. President, it is not, of course, for me to rule on the question of the competence of the Council to consider these petitions, but I am certainly prepared to give the Council my view on the matter.

The question seems to be governed by Rules 1 and 2.

Rule 1 is that "Petitions may be accepted and examined by the Trusteeship Council if they concern the affairs of one or more trust territory or the operation of the International Trusteeship System..."

All the twenty documents that we have before us certainly concern the affairs of a trust territory.

Secondly, Rule 2 says that "Petitioners may be inhabitants of trust territories or other parties." The signatories of these documents do undoubtedly come within that rule.

It seems to me, therefore, that under the very wide rules that we have adopted, the Council is competent to examine these petitions, for no distinction is made between persons who may be in a state of war with a Member of this Council and other persons. In any case, I should not wish to take advantage of such a way of disposing of these petitions, even if it had been opened to me.

As is stated earlier, it would have been open to the United Kingdom to object to the fact that we had not been given sufficient time to deal with this matter, but we prefer to deal with it on its merits. I should also like to have this question considered on its merits, for I have no fear about the result of such an investigation.

The honourable representatives for France, Belgium and the United Kingdom, more perhaps than most countries in the world, have no reason to feel tender

towards the Germans. We have suffered as a result of the German nation in two great wars, and there was a German problem long before there was a Nazi party. But we are trying to teach the world something better than the German nation gave in modern times or the Nazi party has given to the world. We want to set them an example of humanity. It is certainly noteworthy that the first petitions which should be considered by the Trusteeship Council are petitions from people who regard themselves as herrenvolk and who would certainly not have introduced equality of race, sex and religion in Africa.

It is a very remarkable fact, indeed, but I am quite confident that the administration of Tanganyika will be able to stand up to any test that the Trusteeship Council may impose upon it. Therefore, while I fully understand the feelings which have prompted the honourable representative from France to make his speech, on behalf of the United Kingdom I am quite willing to see that these petitions should be considered on their merits.

Mr. GARREAU (France)(Interpretation from French): Mr. President, I have listened with great interest to the explanation furnished by the representative of the United Kingdom, and I appreciate very much his position and the discretion with which he permits these petitions from Germans residing in Tanganyika to be examined and passed upon by the Trusteeship Council, but I must say that I maintain my position.

The two rules quoted by Mr. Thomas, it seems to me, do not apply to this case because they do not apply to nationals of enemy countries. These rules were written for peacetime, not for wartime; they are not war rules. Here we are talking about enemy nationals residing in a country or a territory which is still at war with Germany. Therefore, it is up to that country or that territory to take the necessary measures.

I maintain that this is not up to the Council to do. What will the Council do, in effect? Should it go out and investigate whether such and such a person is a Nazi, whether he is not a Nazi, or whether he is simply a gentleman who wishes to live quietly in the territory of Tanganyika? I do not think that this is within the competence of the Council.

In a way, I must say that I am very sorry this first set of petitions which has reached the Trusteeship Council has come from German nationals residing in Tanganyika. It is quite clear to me what has happened. They have simply bombarded us with petitions, and in such a bombardment I recognize the order and the technique which is so characteristic of the German. You may rest assured, gentlemen, you will probably get many more such petitions. It is, I repeat, up to the police of the territory to take the necessary action.

In this regard, I should like to remind you of the provisions of Article 107 of the Charter of the United Nations, which reads as follows:

"Nothing in the present Charter shall invalidate or preclude action, in relation to any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the Governments having responsibility for such action."

I think it is the provisions of this Article, Article 107, which apply to this case involving the petitions of German nationals residing in the territory of Tanganyika, and it also would apply, in my opinion, to all other Germans petitioning from no matter where.

There is another aspect of this question, Mr. President, which I would like to bring up. I think that on the legal side of it, which I have just expressed to you, I am right and on solid ground. But there is another reason, which is the moral ground of my contention. After all, the Council has, as one of its duties under the Charter, to provide for the well-being of natives and peoples inhabiting trust territories. But these people are Germans; as the representative of the United Kingdom told us, they came to that trust territory for the express purpose of establishing a German order in Tanganyika. They came at the order of Germany; they came with German money. In 1933 they all promptly became Nazis, and they were there to impose Nazi rule on the natives of the territories. I think that they would all be very happy if they could pronounce themselves "Herrenvolk", remain so, and enslave the natives in the territory, eventually confiscating all of their property.

Mr. President, I have lived in countries which have been devastated by the barbarism of the Germans. I am not at all interested in the fate of the German nationals who reside in Tanganyika. I would be quite willing to trust the United Kingdom Government in taking the appropriate measures to deal with these people, because you well know that the United Kingdom Government has never yet been accused of any barbaric acts towards any peoples. I invite the Council, Mr. President, to put its trust in the United Kingdom to fix the fate of these

Boer Germans who really do not wish to go back to their country at the present moment, but wish to remain there.

To sum up, Mr. President, I think that my legal position is sound, and it is based on Article 107 of the Charter. I think that on moral grounds, you will agree that I have also taken the correct viewpoint.

Mr. THOMAS (United Kingdom): Mr. President, I am grateful to the honourable representative of France for drawing attention to Article 107 of the Charter. It seems clear to me that the United Kingdom could have invoked that Article to block consideration of these petitions if we had so wished.

The Article reads:

"Nothing in the present Charter shall invalidate or preclude action, in relation to any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the Governments having responsibility for such action."

But I think that the United Kingdom Government would have cut a poor figure in the eyes of the world if we had taken advantage of that Article. We have full confidence in the Trusteeship Council, and I am very glad, indeed, to hear the confidence expressed by the honourable representative for France. We have not chosen to use that Article, however, although it would have been open to us to have done so, I believe.

The PRESIDENT: I take it that concludes our remarks with regard to the German petitions. There are still before us the petitions of certain Italians residing in Tanganyika. With respect to these Italians, I should like to turn again to Mr. Thomas, unless someone has further questions with regard to the German petitioners.

Does the representative from New Zealand wish to say something about the German petitioners?

Sir Carl BERENDSEN (New Zealand): Yes, sir.

Mr. President, it must have been with mingled amazement and pleasure that you and my colleagues have observed my taciturnity this afternoon. I only intervene now in this case lest complete silence on my part on this subject be misunderstood. I have no questions to ask.

I merely want to make this plain: that I adopt with conviction and satisfaction your own admirable exposition of the principles which should govern this Council in considering this particular batch of petitions. I will not venture to touch on the amicable dispute between our colleagues of France and the United Kingdom as to whether this Council has or has not jurisdiction. I think there is much to be said for the point of view expounded by the representative of France. I think we all share his indignation. But where an administering authority is willing, voluntarily, to come into the jurisdiction of the Council, I do not think we should be too nice in looking at the question of authority.

I would like to conclude by saying that I am, myself, perfectly satisfied with the point of view expressed by my colleagues from the United Kingdom as to the disposition of this particular batch of petitions.

Mr. KHALIDY (Iraq): Mr. President, I have not intervened in the debate because, in principle, I find myself in agreement, mainly, on the raison d'etre which the United Kingdom has presented. But like the wonderful attitude of our Vice-President--as his attitude usually is--lest my silence be misinterpreted, I hasten to say that on this question I do find myself in agreement with the main lines.

I think the indignation against the association with the Nazi party on the part of this group of people has been rightly voiced by many Members of this Council, and I gladly associate myself with them. I also associate myself with the idea and I have full confidence in the proper administration and the humanitarian wisdom of the United Kingdom in handling this case. I believe the procedure you have outlined is an admirable one. There can be nothing lost either in organizing an ad hoc committee or in looking into the subject further, since I find that we are all in agreement, I think, on the main lines, be it in principle or in detail. However, I find myself concurring in the admirable way that the United Kingdom representative has presented his case.

Mr. LUI CHEEH (China): Mr. President, I would just like to say a very few words, in view of what has taken place after the recess regarding the right or the competence of this Council to consider these petitions.

I am not going to go into the juridical status of German nationals in Tanganyika or the legal position of the Council in concerning itself with these petitions. I think the representative of France is quite right in the legal position which he has taken, but I think the representative of the United Kingdom is entirely wise in not invoking those provisions in the Charter to exclude or preclude the consideration by the Council of such petitions. I think what is more important than these petitions, what is most significant, is that in admitting these petitions both the administering authority and the Council have established the supremacy of the right of

petition. In effect, the Council has declared today to the world that we do not deny anybody the right of petition, even though the petition may come from an enemy alien. I think that is a very significant fact and a very important one, and the result is much more important than what we can do in regard to one single petition. I think I was the first one to really voice general endorsement of this policy pursued by the administering authority. I would like to add that we are here concerned with the respect for human rights of the individual. That is what the right of petition means. We are concerned with the right of the individual.

Therefore, in my general endorsement of the policy of the administering authority, I have made certain suggestions. Those suggestions are tantamount to this: In the spirit of the Council, what I have had to say to the administering authority is that we have confidence in their carrying out that policy, but as we are considering these petitions, even from enemy aliens, we want them to follow a policy of repatriating these enemy aliens, not because of the fact that they are enemy aliens but because they are obnoxious and they have been actively and voluntarily associated with the activities of the Nazis.

I thought I would like to make clear what my remarks amounted to in my suggestions to the administering authority.

The PRESIDENT: I take it we are ready then to pass on to a consideration of the Tanganyika petitions from Italians, and I should like to ask Mr. Thomas, the representative of the United Kingdom, to speak on the subject.

Mr. THOMAS (United Kingdom): The case of the Italian petitions, Mr. President, number 7 and number 16, is quite different from that of the Germans whom we have just been considering. The Italian people were plunged into the war against their will by a dictatorial regime which the great majority of them detested. They saw with dismay the breaking of the long friendship which had bound them to the British people. They did not wish to fight at the side of the Axis and as often as not their battles became soldiers' strikes. When the opportunity came in 1943 to cast off their Fascist chains they welcomed it and threw themselves with zeal into the democratic cause. The contribution of their armed Forces, and above all of their Resistance Movement, won high praise from Allied commanders. Italy has worked her passage, and after the dark night of Fascism, of which she was the first victim, we welcome her return to the community of peaceful and democratic nations.

Mussolini's act of treachery made the Italians in Tanganyika enemy aliens and as such they had to be interned or subjected to other precautionary measures. But Mussolini is dead, and earlier this year instructions were issued by the administering authority that the only cases in which Italians might be expelled on political grounds were really bad cases of genuine Fascists in which there were strong grounds for the exclusion of the persons concerned in the public interest. I do not think that either the Trusteeship Council or the Italian Government will quarrel with this one reservation.

The Governor of Tanganyika has acted in accordance with this policy. There are in Tanganyika itself one Italian man and three Italian women, all

of whom are permitted to remain. There are in Southern Rhodesia 80 former Italian residents of Tanganyika--54 men, 20 women and 6 children--of whom 47 men, 19 women and all the children are permitted to remain. At one time it was intended to repatriate 25 of them, but as the result of a re-examination in the changed circumstances only 8--seven men and one woman--are now to be repatriated, that is to say, 8 out of a total of 84 former Italian residents of Tanganyika. These 8 are regarded as undesirable because of Fascist records or because they would in any case, whether Italians or not, be liable to deportation.

The repatriation of these eight persons will be carried out with proper consideration. As in the case of the Germans, they will not be required to go to Italy if they want to go elsewhere and can find another country willing to receive them. Their property will be vested in the Custodian of Enemy Property until a decision has been reached on the ultimate disposal of Italian assets, a subject on which discussions are proceeding. The property of the Italians who return to Tanganyika will be re-vested in them, and I trust that in the territory they will show those qualities of industry and inventiveness which have made them valued citizens in so many countries besides their own.

By way of detailed comment on the petitions I need observe only that the circumstances in which they were written no longer apply, and in particular I am able to say that Pertile is to be permitted to return to Tanganyika. The petitioners should be informed, I submit, that their petitions have been examined by the Trusteeship Council and that the Council, having been informed by the administering authority that only eight former Italian residents of Tanganyika are to be repatriated, is satisfied with the policy of the administering authority and with the grounds for its decision, and sees no reason to intervene.

The PRESIDENT: Are there questions or observations or remarks with regard to this problem of the Tanganyika Italians?

Mr. KEALIDY (Iraq): It is not quite a question, Mr. President, but it is just in the nature of clarification. I hope that the United Kingdom has not envisaged a possibility of those Italians who are going to leave Tanganyika being repatriated perhaps not to the metropolitan area of Italy, but to a former colony of Italy; that is to say, to put it more specifically, Libya.

In case an Italian national would petition His Majesty's Government to go to Libya, could I have the assurance that His Majesty's Government would perhaps not consider this possibility because this repatriation in case it would take place would go to Italy.

Mr. THOMAS (United Kingdom): Yes, I can give the honourable representative from Iraq this assurance. Under the peace treaty Italy renounced sovereignty over those colonies and therefore they are not part of the metropolitan entity, as their future disposition is to be settled some time within the next twelve months.

The PRESIDENT: I take it that is satisfactory.

Mr. KEALIDY (Iraq): Thank you.

The PRESIDENT: Are there any other questions with regard to these Italian citizens.

(No response.)

If not, I take it that we are in substantial agreement and that the drift of our thoughts with respect with what has been said in discussing the question of the German citizens has similar applicability to these petitions respecting Italian citizens.

Now in view of the fact which I think is evident, that we are in substantial agreement with regard to these matters, I am going to name a committee and not take the time to elect such a committee. I am going to name a committee and ask if it meets with your approval. The committee which I shall name is composed of four Members -- two administering States and two non-administering States. The Members which I would suggest as composing that committee are Australia and Belgium, China and Mexico. And unless I hear objections, I take it that such a committee does meet with your approval.

(No objection voiced.)

Now the function of that committee will be to meet together during the next few days, meeting with a representative of the United Kingdom who will share in the deliberations but who will not be present when the time comes for formulating the recommendations of that committee. That committee will be asked to make definite recommendations to this Council, and this Council will then be free to debate, to modify, to reject or to accept, in whole or in part, those recommendations. I shall ask that committee to draft such resolutions as they would recommend that this Council pass, and then to report back to this Council within the next few days after reaching their conclusions.

Mr. Padilla NERVO (Mexico): Mr. President, before you make that suggestion to this Council, I would like to propose that one of the Members of that committee be the representative from Iraq, who has great experience in these cases. And since Mexico is already in the Questionnaires Committee, I would like to ^{make} the proposal if it would be agreeable to you and this Council, that my friend from Iraq be a Member of that committee in place of Mexico.

Mr. KHALIDY (Iraq): Mr. President, I can only tender my very hearty thanks to Ambassador Padilla Nervo for his kind intervention. I do not know if I do have the experience for this type of matter, however, I am at the disposition of the Chair and of the Council and available for whatever service they deem fit, and I beg to thank the representative of Mexico again.

The PRESIDENT: I am sure that the Council would very greatly value the help of the representative of Iraq, value his help and value his thoughts and his general assistance. In view of the expressed desire of the representative of Mexico, if it is agreeable to all of us, I think I will ask the representative of Iraq to serve in place of the representative of Mexico on that Committee.

Before we adjourn, I want to say a word of appreciation to the representatives of the United Kingdom, both to Mr. Thomas and Mr. Poynton for the way they have met our questions, for their readiness to meet our views and our desires, and I want to express my appreciation to the United Kingdom itself for the way it has "played the game."

Mr. THOMAS (United Kingdom): I thank you, Mr. President, for those kind words about the United Kingdom and about its representatives here. For our part, we should like to thank you for the way in which you have conducted this first reception of petitions. I think that you have set a model which will be very important for the future consideration of petitions. It has been beset with seriousness and dignity, and will have great importance for the future.

However, I had asked for the floor to say another thing. It would be a great help to us to know exactly what information, if any, the Trusteeship Council desires us to obtain with regard to these petitions. It takes some time to get information from Tanganyika and unless we can send telegrams off tonight, it might be too late. I am not aware that there is any precise information, but I would like to have the position made clear.

The PRESIDENT: With regard to that last request, I suggest that the representative of Australia may want to confer with the representative of the United Kingdom immediately after this meeting, and with any other Members of the Council who have specific information which they desire. I suggest that they confer with Mr. Thomas or Mr. Poynton immediately after this meeting^{and}/make

known their desires.

Further, I suggest that the Members who have just been appointed to the Committee meet for just a moment after the conclusion of this meeting in this room.

Mr. MAKIN (Australia): I would just like to say, sir, that I assure the Council that there will be no question of mine which will any way deny expedition on this matter. I feel sure that the United Kingdom will fully be able to satisfy me in regard to the question I have put this afternoon. That being so, I do not anticipate that it will occasion any delay in regard to finalization of the matter.

The PRESIDENT: If I may, I should like ^{to} detain you three or four minutes longer. You have before you the Drafting Committee's final formulation in Document T/AC.1/7 dated 21 April 1947. You see there the Drafting Committee's formulation of Rules (59) 106 and 1. If possible, I should like to secure the approval of the Council for these formulations so that the Council may proceed to the whole body of rules made up for our final consideration.

Mr. KHALIDY (Iraq): Mr. President, this formulation was produced after much discussion and labour in the Drafting Committee. This was the best form the Committee could arrive at. I think they are very wise. I would like to move their adoption right away.

The PRESIDENT: I take it that ~~one~~ meets with the approval of everyone. Unless I hear objection, I think that we will not take the time for a show of hands.

(No objection voiced.)

The PRESIDENT: We will consider these Rules adopted.

The Secretariat has been putting on paper the entire body of rules on which we have been working for the past two weeks. I should like the Council's permission to refer this whole body of rules back again to the Drafting Committee for purely verbal refinements, so that they can give us their best judgment on these rules before they come before us for final adoption.

Therefore, I should like the Council's permission to refer these rules of procedure as now set forth by the Secretariat, back to the Drafting Committee, with permission for the Drafting Committee to make any purely verbal refinements which they see fit, and then after that, refer them to us for final consideration.

Mr. MAKIN (Australia): Mr. President, will it be open to the Drafting Committee to fill in any of the gaps that it may feel to be necessary?

The PRESIDENT: Not gaps in substance, for if there is anything in substance, then I think that should come before this Council. But so far as drafting refinements of language are concerned, I think the Drafting Committee should be authorized to make such refinements.

I think, Mr. Makin, if the Drafting Committee or anyone else finds gaps of substance, the Drafting Committee should call those gaps to the attention of this Council.

The Drafting Committee, then, will meet tomorrow in Conference Room 10, at 11 o'clock.

As for the Committee on Questionnaires, that Committee is doing hard, earnest work, and merits our very real appreciation. I am asking the Committee on Questionnaires to meet all day tomorrow, even into tomorrow night, if necessary, because we are very anxious to get at work ourselves on the results and recommendations of that Committee on Questionnaires. Therefore, I am asking the Committee on Questionnaires to meet tomorrow in Conference Room 13, at 10:30 a.m., to meet all morning, all afternoon, and if necessary, tomorrow evening, so as to complete and give to this Council the results of their recommendations, so that we can proceed on Wednesday afternoon, if possible, to consider questionnaires.

Tomorrow this Council meets as usual at two o'clock in this room. I am hoping that we may examine the petitions with respect to Samoa, and I take it that will be agreeable to our Vice-President, with whom I have already spoken and who expressed his approval.

Mr. KHALIDY (Iraq): Mr. President, I do not know if it is really necessary for the ad hoc committee to meet right away, because if we do, we may never be out before seven or half past seven. If the Chair has any remarks, perhaps you would be good enough to tell them to us now before we break up.

The PRESIDENT: I suggest that the Committee meet right now for just a moment, and I will give you my ideas.

The meeting is adjourned.

(The meeting adjourned at 6:25 p.m.)