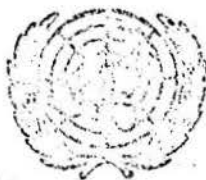


TRUSTEESHIP
COUNCIL



PROVISIONAL

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2 March 1956

ENGLISH

Seventeenth Session

VERBATIM RECORD OF THE SIX HUNDRED AND SEVENTY-FOURTH MEETING

Held at Headquarters, New York,
on Friday, 2 March 1956, at 2 p.m.

President:

Mr. SEARS

(United States of America)

1. Examination of conditions in Tanganyika [3a, 4] (continued)
2. Attainment by the Trust Territories of the objective of self-government or independence [9] (continued)

Note: The Official Record of this meeting, i.e., the summary record, will appear in mimeographed form under the symbol T/SR.674. Delegations may submit corrections to the summary record for incorporation in the final version which will appear in a printed volume.

EXAMINATION OF CONDITIONS IN TANGANYIKA:

- (a) ANNUAL REPORT OF THE ADMINISTERING AUTHORITY FOR 1954 (T/1205, 1221 and 1223) [Agenda item 3 a]
- (b) PETITIONS CIRCULATED UNDER RULE 85, PARAGRAPH 2, OF THE RULES OF PROCEDURE OF THE TRUSTEESHIP COUNCIL (T/PET.2/L.4 and 6) [Agenda item 4]
(continued)

At the invitation of the President, Mr. Grattan-Bellew, special representative for Tanganyika under United Kingdom administration, took a place at the Trusteeship Council table.

Political advancement (continued)

Mr. JAIPAL (India): Yesterday I had asked a few questions about the powers of the Legislative Council. It may have been due to my phrasing of the question that the special representative did not understand me very well. What I had in mind was this. We see that the laws are enacted by the Governor after being passed by the Legislative Council. In other words, the Governor's assent is necessary before a particular piece of legislation becomes law. I see in the report that the Governor may assent, dissent or reserve certain bills for the Secretary of State's orders. I was attempting to find out what classes of bills fell into the various different categories. Does the Governor act in his discretion in the matter of granting assent or in dissenting or is he obliged in the case of legislation concerning certain fields to assent as a matter of course?

Mr. GRATTAN-BELLEW (Special representative): There is nothing which provides that he is bound as a matter of course to assent to any specific measures or type of legislation. In practice, of course, he does assent to all legislation that is enacted. As I have stated, I have never in my experience come across an instance in which a Governor withheld his assent to a piece of legislation. There are a certain number of bills which are listed in the Royal Instructions to the Governor where those bills may not be enacted either without the prior consent of the Secretary of State, or with a clause holding up

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their coming into operation until the Secretary of State has approved that Her Majesty has given her assent direct. Those are very special subjects, as I indicated yesterday. I cannot give you the whole list; there are about eight or ten very specialized subjects where the Secretary of State desires to retain a more direct and more positive control.

Mr. JAIPAL (India): Yesterday the special representative stated that the Government was defeated on one motion and that subsequently that motion was either amended or withdrawn. I should like to know how that was possible in a Legislative Council where the official bench has thirty-one on it and the non-official bench has only thirty? Did not the thirty-one officials vote together? What is the practice followed in the Tanganyika Legislative Council? Are official members obliged to support only Government motions? In the case of private motions, is the voting free? Could the special representative please elucidate these points?

Mr. GRATTAN-BELLEVUE (Special representative): In Tanganyika, as in Territories where there is a full representative parliamentary system, there is a Government whip. When the Government whip is on, the official side must vote according to the direction of the Government. But on occasions, of course, a free vote is given in Tanganyika as it is given in other countries. On this particular occasion, I think it was a case of a free vote. I cannot quite recollect -- it was either a case of a free vote or it was a case of one or two of the Government supporters being absent from the Council chamber, the bell had not rung and a snap vote was taken. I am not quite sure which it was.

Mr. JAIPAL (India): The special representative has clarified my mind on this point. I asked one or two questions yesterday about the representation on the unofficial bench of the Legislative Council. Today I should like to know particularly the background of the African representatives on the unofficial side. From where are they drawn, what walks of life do they represent, do they come from native authorities, are there teachers among them? We should also like to know the part played by the three women members on the non-official side.

Mr. GRATTAN-BELLEVUE (Special representative): There are ten Africans on the non-official side and four or five Africans on the official side. On the unofficial side, one is a native authority who is a chief; I believe that he is an elected chief. He has been the chief for very many years and is one of the progressive people from Tabora. He is a very progressive man with good ideas.

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Another one, as representatives may recall, was here last year, Justino Mponda who is an elected chief from Newala. There are what are called five Liwali, each one being elected by about 80,000 persons. The five Liwali, according to my recollection, elect one to be the chief Liwali, and he is Justino Mponda. One is a chief mover in the co-operative movement on the cotton side in the Lake Province -- that is a very large co-operative movement. He is well educated and has taken a course in England at a co-operative institute -- I think it was at Loughborough. He represents the Lake Province. One of the special representatives comes from Bukoba. He is interested in the coffee co-operative on that side of Lake Victoria. In the northern province, there is one African who is employed in one of the big coffee associations -- I am not quite sure which one it is -- but he is a salaried employee. In Dar es Salaam, the African representative was a judge in the local African courts. He has retired from his judgeship, as of course they have to do, and has become a member of the Legislative Council. The one from Morogoro is a sub-chief in that area. I believe that perhaps that is enough about the Africans. I have not covered them all, but I have given a general idea.

As regards the women, in Tanganyika, as elsewhere, they play quite a prominent part in the Legislative Council. I had the privilege of stating how much I admired the speech of Mrs. Keeka, a woman representative from Badoma. Mrs. Walker is a European and takes part in the debates. She puts forward in particular the women's point of view, and a very useful one it is at times. Mrs. Thomas Mareala is the same.

Mr. JAIPAL (India): I have one question about the Executive Council. It has been said that there are six non-officials in the Executive Council. Could the special representative tell us how many of them are Africans and who they are?

Mr. GRATTAN-BELLEW (Special representative): The non-officials are two Africans, two Asians and two Europeans. The Africans are Mr. David McGuire, who perhaps is better known by his former title of Chief Kidaha. He resigned

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his chiefdom to devote himself to public service and politics. The other one is Chief Adam Sapi, who is from Iringa. He has had very great experience in local government in his own area. He has also had experience in the Legislative Council.

Mr. JAIPAL (India): I see in the annual report that the report of the Royal Commission on Land and Population in East Africa was placed before the Tanganyika Legislative Council on 9 June 1955. Was any debate held on that report and were any motions introduced? Could the special representative tell us what happened or what has happened since then in the Legislative Council?

Mr. GRATTAN-BELLEW (Special representative): This very important document was placed on the table of the Legislative Council and copies of it were circulated. No direct action has been taken on it in the Legislative Council because it is a document which requires very careful and detailed study. I do not think that any member of the Legislative Council would feel prepared now to speak on it or to introduce any motion or action on it. It has been the subject of extensive study by the Governor and his advisers. That study is nearly completed and no doubt in due course the Government's policy and view on the Royal Commission's report will be made known.

In some respects we are taking action now because some things cannot be held up for a decision on the general idea of the report. For example, as regards immigration, we are proceeding with a new immigration ordinance which is being published and which will be debated in the Legislative Council next April or May.

Mr. JAIPAL (India): I should like to get from the special representative some information about the role of the Southeast Lake County Council. As far as I remember, this County Council has been functioning for some time, and I think that the Administration has been wanting to set up another County Council for the South. I should like to know what progress has been made in the South. I should particularly like to know something about the functions of these County Councils -- what is actually envisaged -- what are likely to be their powers and their membership, how often they meet, what problems they discuss, and so on.

Mr. GRATTAN-BELLEV (Special representative): The Southeast Lake County Council comprises all that area of the Lake Province apart from that on the west side of Lake Victoria. Approximately one million people come under the jurisdiction of the County Council. It has now been established, I think, for six or seven months. The general policy as regards County Councils is that they should be voluntarily given power by Native Authorities and local councils, delegating to the County Council and using the County Council as an agency to carry out certain duties, and that, from the other side, the central Government should also delegate powers to them.

It is a fairly big Council. I have forgotten the exact membership, but I think there are seventy or eighty people, drawn from a very large area. I think that the idea is that the Council should meet about three times a year. Of course, it is in the hands of the Council, and members of the Council may have other ideas on that subject, and they may meet more frequently or less frequently.

They act through what are known, I believe, as district committees -- that is, sub-committees of the Council working in the various districts, with power to co-opt members from the Native Authorities and District Councils to assist them.

Preparations are being made for the establishment of another Council in the southern highlands. There is a certain amount of controversy as to whether there should be one County Council embracing Ibeya and Iringa, or whether there should be two County Councils, one with Ibeya as its centre and the other with Iringa. As representatives may know, these two towns are about 200 miles

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apart, but they are the principal centres in a very large and important Province, and there is a very healthy rivalry between the two towns. Whether there will be one County Council or two, I do not know.

Mr. JAIPAL (India): I thank the special representative for his reply, but I was not very clear about the basic purpose of setting up this County Council. I imagine that this is the prelude to the development of County Councils all over the Territory and to building, as it were, a sort of federal structure. It is somewhat interesting to my delegation, for one thing we notice is that the membership of this Lake County Council is much larger than that of the Legislative Council, and I presume that this County Council embraces more than one or two tribes. Is it the purpose to bring these tribes together and, as it were, teach them to live together and attempt to solve their problems together? I should like to know more about the basic purposes or the objectives of this development.

Mr. GRATTAN-BELLEW (Special representative): The establishment of County Councils is a part of our over-all local government development and it is based on a similar system, I think, found in many countries. You have the smaller units of local government -- in our case it will be local councils or Native Authorities, according to how far development has gone, and Town Councils covering the urban areas -- and over and above that there will be this umbrella, if I may use that expression, of the County Council, which can very often carry out duties far better over the bigger area, with cheaper overhead and cheaper organization and more efficiently, than can a small local government unit in a smaller area.

As regards the area which is covered by a County Council, there are, of course, many considerations to be taken into account. One, of course, is geographical. Another is that it should be a workable unit. One of the considerations in the case of the Southeast Lake County Council was that it embraces the cotton areas up in that region. In fact, one suggestion was that it should be called the Cotton County Council and not the Southeast Lake County Council.

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As to the number of tribes embraced within the County Council, the Sukuma, of course, are the biggest tribe in the Territory and they come within it and are dominant in the County Council. But it does embrace other tribes in North Mara and the other district near the Kenya border.

Mr. JAIPAL (India): I know that there are eight provinces in Tanganyika. Why was it not thought necessary to develop provincial councils based on the provincial boundaries? I presume that the boundaries of County Councils would cut across provincial boundaries. On the one hand, you have provinces for administration purposes -- and then, along parallel lines, they seem to be developing these County Councils.

Mr. GRATTAN-BELLEW (Special representative): There are eight provinces, and there are several provincial councils. But they are purely advisory councils. They have no executive power and no power of making orders for carrying out executive duties, whereas the County Council is an ordinary local government body.

The reason for this difference is that I do not think that provincial boundaries are very suitable for local government boundaries. For example, in the Lake Province, there is a very clear case for dividing that Province into two for government local purposes -- first, because it is so large and so populated, and, second, because you have the two distinct economies, coffee on the one side and cotton on the other. You have the two big tribes, the Sukuma on the cotton side and the Haya on the coffee side. It was an obvious distinction and one which, even in administrative matters, has to be drawn, because now you have a Deputy Provincial Commissioner at Bkomba as well as a Provincial Commissioner at Mwanza.

Mr. JAIPAL (India): I should like to thank the special representative for his reply. I have no doubt that the Administering Authority will re-organize the boundaries before it leaves Tanganyika.

I wish to revert to the introduction of the elective principle. Yesterday I read out from the document that the introduction of this principle had been fairly successful in the Native Authorities. I should like some additional information about the kind of methods that are being introduced in those Native Authorities, and about which methods are more acceptable to the African people than others. I presume that the secret ballot is not employed, and I ask these questions because it does seem rather odd that rural people should be better disposed towards the introduction of this elective principle than the townspeople in certain parts of Tanganyika.

Mr. GRATTAN-BELLEV (Special representative): The elective principle has been introduced in various rural areas, and I think that where it has met with success that success has generally been obtained as the result of the ingenuity of the administrative officer in fitting in some simple form of ballot with the old traditional system -- or, to put it the other way, in fitting some part of the old traditional system into the elective system which he wants to introduce. It is probably best when that kind of compromise is effected. I believe that it is only in a very few cases that we have succeeded in holding a secret ballot. The elections in other places have taken the form, for example, of the posting of photographs of the candidates, whereupon the persons in favour of a candidate stand in a queue behind his photograph -- or in some cases actually behind the candidate himself -- and then the numbers are counted. This is, of course, a very primitive and simple form of ballot. But they have held a secret ballot. I think it was in the Mereru election -- the last election for a chief -- where you have a split in the tribe, typical of some mountain people. Those living on the western side of the mountain are divergent in their views from their fellows who live on the eastern side. There they did have a secret ballot arranged by means of coloured tickets. There were two candidates, and each had his colour -- one blue, and the other purple, or whatever it may have been. The ballot boxes were

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coloured accordingly, and each candidate had his photograph placed over one of them. Of course, that was comparatively easy because it is a fairly compact population and there was a very limited number of voters. I do not think that it is right to say that the people in the towns are less receptive of the idea of the elective principle than the people in the country, but of course when an African moves to a town he is moving away from his tribal organization and his traditional ideas and methods, and I think he will accept the elective principle in due course.

Mr. JAIPAL (India): My next question relates to a section of or an amendment to the penal code entitled "Raising discontent and ill-will for unlawful purposes". I think that that section provides that any person who prints publishes or makes any statement likely to raise discontent among any of the inhabitants or to promote feelings of ill-will, etc., is guilty of a misdemeanour and is liable to imprisonment for twelve months. I should like to know whether this particular section has been used or is likely to be used against persons who express general dissatisfaction against conditions and who may desire, for instance, early termination of such conditions or early termination of the agreement, or who may ask for self-government or independence. Could the special representative tell us what is the definition given to the words "discontent and ill-will for unlawful purposes"?

Mr. GRATTAN-BELLEW (Special representative): Of course, I can certainly give the assurance that this section will not be used because it could not be used against persons who are dissatisfied with actions of the Government or existing conditions, or who want the termination of any constitution that is being set up. It can, in effect, be used only against persons who preach that conditions should be changed or that something should be done by unconstitutional methods. By that, of course, I mean by intimidation or by violence. The section has not been used to date, as I said yesterday to the representative of Syria, and I hope that the mere enacting of it will be a sufficient warning to deter people from making these wild statements which can stir up an African crowd very easily to do unlawful acts, which they normally would never consider doing, in order to bring about some purpose.

Mr. JAIPAL (India): My delegation is grateful for the assurance given by the special representative.

My next question relates to the civil service. I think the special representative told us that there were twenty-three African Assistant District Officers, which is, in my view, a very good number. But unfortunately there is only one African District Officer. I presume that the Government has some plan for training more Africans to become District Officers. Does the plan envisage any regular intake of Africans, let us say during the next five or six years? We should like to know more about the Government's thinking on the subject of filling the higher ranks with trained and qualified African personnel.

Mr. GRATTAN-BELLEW (Special representative): As regards District Officers, the Government's policy is that a certain standard of education, character and other attributes which it considers desirable and necessary for a person to fulfil the post of District Officer, and higher posts, should be maintained. And, as I have said, it seems that as the country develops it may even be a case, if possible, of not only maintaining it but raising it in the higher grades. Until more Africans attain those educational and other qualifications they will not be appointed as District Officers -- for the time being, at any rate, because that is the present policy. It must be borne in mind that when an African does reach a fairly high standard of education there are many sections of the Government service which are virtually demanding his services. It is not just a question that educated Africans should become District Officers. It may well be that the interest of the country is that they should be used in other branches of the service. One obvious department, of course, is the Education Department, because until we can extend education and raise the standard thereof we shall never get sufficient local people -- not only Africans but all Tanganyikans -- to fill the civil service, and the policy is that the civil service should become a Tanganyikan civil service recruited from the peoples of Tanganyika.

Mr. JAIPAL (India): While on the same subject, I should like to clarify my question a little further. I realize that it is dangerous to reduce the standards or in any way do anything which might affect the standards of administration, but what I had in mind was whether the Government had any plan for picking out young Africans who show promise and giving them some kind of higher education and training. I know that economic factors might drive promising but poor Africans to seek employment rather earlier than they otherwise might, and I was thinking particularly of such persons and wondering whether the Government had any scheme for picking them out and sending them abroad to give them specialized training and education so that they could come back and take up posts such as the post of District Officer, and other higher posts in Tanganyika.

Mr. GRATTAN-BELLEW (Special representative): Of course, the Government has various schemes of post-secondary education, through bursaries and scholarships, that will send promising Africans to Makerere College and to the United Kingdom and elsewhere. I might also thank other countries, including the country of the representative who is questioning me, and the United States, for the assistance which they have given us. But there is a limit as to how far one can persuade young men to do what we older people may think is best for the Territory and for their own interests. It has been the experience elsewhere that, very often, at this stage of development the young man who has reached the age of twenty or twenty-one and is not going on with educational or scholastic work, is attracted by other things besides Government service. Probably he finds it more profitable to go in for private practice in law or medicine, or his inclination may be towards one of the technical professions. The Government cannot force Africans, or any others, into a particular line. Besides, the numbers of Africans, at the moment, who have reached a standard sufficient to gain admission to these higher institutes of education are very few. There are 189 at Makerere College, and another twenty-five or thirty outside East Africa. If we could get more of them up to the right standard of education to gain admission, the number, of course, would be increased.

Mr. JAIPAL (India): In the old days in my country a District Officer's price in the marriage market was rather high and that provided the necessary incentive, but perhaps that is not the case in Tanganyika. My next question concerns the resident magistrates in the Territory. I see that there are twenty-nine resident magistrates in Tanganyika. I should like to know how many of them are Africans, and also whether there are, in the police force, any gazetted African officers.

Mr. GRATTAN-BELLEW (Special representative): As I said yesterday, the resident magistrates must, according to our law, be qualified lawyers, and we have no Tanganyikan and no African in Tanganyika who is a qualified lawyer at the moment; so there are none who have been appointed to be resident magistrates, although some of the Assistant District Officers have been given magisterial powers when they passed our local law examinations.

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As regards the police, an African has been appointed to be a gazetted police officer and it is hoped that more Africans will qualify for such a position. Again, I must point out that, as the country develops, unfortunately the intelligence and ability of some of the criminal elements develops also, and it is very important, again, that the police officers should maintain a high standard.

Mr. JAIPAL (India): My last question concerns the operation of the Societies Ordinance. The report says that, by the end of 1954, 1,215 applications for registration had been received, of which 348 had been granted and four refused; the others being pending. Could the special representative let us have the latest figures, because it does seem that quite a large proportion of the applications have been pending for some time. Perhaps they have all been disposed of by now.

Mr. GRATTAN-BELLEW (Special representative): I am afraid that I cannot give the latest figures for the end of 1955, but I am quite confident that, of those which were pending at the end of 1954, the great majority have been disposed of by now, although, of course, by now new applications may have come in and there will still be some pending. But, as I pointed out before, the matter is not a very important one because, according to the law, once a society applies for registration, it is lawful, unless registration is refused. Therefore, they can carry on within reasonable limits during that period; their activities are not stopped.

Mr. JAIPAL (India): It is said here that four applications were refused. Is it possible to let us know the reasons for refusing to register them?

Mr. GRATTAN-BELLEW (Special representative): The Registrar gave as his reason the fact that the activities of the associations, or of the office bearers and members, were incompatible with and prejudicial to the maintenance of order, peace and good government, after he had made due inquiry into the matter.

Mr. JAIPAL (India): I should like to find out whether these societies which were refused permission have a right of appeal and, if so, to whom they can appeal.

Mr. GRATTAN-BELLEN (Special representative): They have a right to appeal to the Government in Council. Only one did, in fact, appeal; that was a society known as the Kianji Labour Union in Bukoba District. It has nothing to do with labour; it is just a name which the society had. They appealed and the appeal was considered by the Government in Council and dismissed. The other three did not appeal.

Sir Alan BURNS (United Kingdom): With reference to two of the questions asked by the representative of India regarding the Governor's assent to legislation on the voting of official members, I should like to add a few words to the answer given by the special representative.

I was a Governor for some years and administered the Government in four different Colonies, in three of which there was an unofficial majority in the Legislature. I cannot remember ever refusing my assent to any legislation passed by these bodies, although I did once use my reserve powers, largely to save the face -- or the faces, perhaps I should say -- of the elected members who had, I think, by inadvertence, voted against a bill with which they were not really in disagreement.

I can also remember an occasion when a bill was passed by the Legislative Council in a Territory where there was still an official majority. In this case the unofficial members voted solidly against the bill and, in view of this, I did not assent to the bill which, in fact, never became law.

As regards the voting of official members, the Governor would, of course, require them to vote in favour of important Government measures; but even in such cases, exceptions are made where matters of conscience are concerned. I have in mind, for example, that a free vote was allowed in one Colony on a divorce bill. I think that most of my fellow Governors who have had similar experiences would have taken similar action.

Mr. JAIPAL (India): I should like to thank Sir Alan Burns for this clarification. Though we are used to British practices in these matters, I am sure that this clarification will be of considerable interest to this Council.

Mr. DORSINVILLE (Haiti) (interpretation from French): There are two or three questions I should like to put to the special representative. My first question relates to paragraph 98 of the annual report of the Administering Authority. This paragraph contains the numbers of Africans, Asians and Europeans in the Civil Service. These figures show that the number of European officials in 1954 decreased slightly from the numbers in 1953. I should like to know the reason for that decrease. Are posts formerly occupied by Europeans now occupied by Africans or Asians?

Mr. GRATTAN-BELLEV (Special representative): It is sometimes difficult to account for the variations up and down in a fairly large Civil Service such as this. The number of Africans and Asians in the higher posts of the Civil Service has increased. As I stated earlier, there are now eighty-one Africans occupying posts which are comparable to and on the same scale as the posts held by Europeans, and these include one district officer and one gazetted police officer. However, as our establishment unfortunately is short and has been short for a certain number of years -- I am afraid it will continue to be short for some considerable time -- I doubt whether the increase in the number of Asian and African officials is really responsible for the decrease in the number of European officials which is shown in that paragraph. The question is one of difficulty in recruiting. In addition, because of housing and accommodation shortage, recruiting had to be held up at one time, and that probably is reflected in these figures.

Mr. DORSINVILLE (Haiti) (interpretation from French): I was interested in the reply given by the special representative, but I thought I was going to have the satisfaction of hearing that the posts occupied by Europeans had decreased in number and the posts occupied by African officials had increased because Africans had been trained to take the place of the European officials. However, the reply of the special representative does not seem to bear out my interpretation.

Mr. GRATTAN-BELLEV (Special representative): The number of higher posts occupied by Africans and Asians is increasing year by year. If the Haitian representative will cast his mind back, he will recall that I have given this figure for the past two years, and each time the figure has been higher. It is dangerous sometimes to go by statistics because there is no doubt we could use a great many more Europeans in the Civil Service, not to take places which might be held by Africans or Asians, but merely because the development of the Territory calls for it. We are short, particularly in technical posts, and especially short of irrigation and water engineers. There is an enormous opportunity to use those in the Government service, and I should like to see the number of Europeans increase. That does not mean that if it did, the number of Africans and Asians employed in the higher posts would not increase also.

Mr. DORSINVILLE (Haiti) (interpretation from French): The reply given by the special representative causes me to ask another question. A moment ago the special representative said that the Administration would like to be able to employ more Africans in the higher posts. I should like to ask him whether the difficulty arises from the fact that they cannot find trained Africans or whether the difficulty is that the facilities in the Territory are not sufficient, for instance, because there are not sufficient teachers and professors to train people.

Mr. GRATTAN-BELLEV (Special representative): We are exceedingly short of teachers and professors to train people. Our policy is as far as possible to recruit for the whole Civil Service from the people of Tanganyika. Unfortunately, at the present time there are nothing like sufficient people who have reached the educational and technical qualifications which are required if the Civil Service is to be efficient and is to serve the public properly. That is position which in the years to come will remedy itself as our extensive educational programme develops and the pace of education becomes quicker and quicker year by year.

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Mr. DORSINVILLE (Haiti) (interpretation from French): I should like further clarification. Is there a shortage of teachers from the metropolitan territory because the conditions offered are not sufficiently attractive? Could the special representative tell us what conditions are offered to teachers for the training of Africans for the higher posts?

Mr. GRATTAN-BELLEW (Special representative): Persons recruited from outside the Territory are recruited through the Secretary of State or through the Crown Agents, according to the salary scale or the type of post. The conditions, of course, are set out in the appendix to the report. The salary scales are also given. Of course, they have been revised as from 1 January 1954. I am tempted, as a civil servant myself, to say that the terms are not sufficiently attractive, but I do not think that is now the case. Recruiting is difficult not only for Tanganyika, but I imagine other Administering Authorities are experiencing the same difficulty in recruiting the right type of man for the post.

Mr. DORSINVILLE (Haiti) (interpretation from French): We know that in other Territories the Administering Authorities complain of the same difficulty. I asked the question because I wished to know how the Administering Authority was facing such difficulties in the Territory. I have a further question concerning the part which the population plays in the organization of political parties. I should like to ask the special representative whether he can tell us to what can be attributed the apathy shown by the population in this respect. From the reports we have read, we have seen that up to the present time it has not been possible to extend throughout the Territory the presently constituted political parties. From the political point of view, their influence seems to be very limited. What prevents the dissemination of interest in politics?

Mr. GRATTAN-BELLEW (Special representative): I do not think there is anything which prevents the dissemination of political ideas throughout the Territory, but until fairly recent times each tribe was inclined to be more interested in its own local government politics than in territorial politics. Of course, with the new constitutional changes that have been introduced, political associations will develop.

Mr. DORSINVILLE (Haiti) (interpretation from French): I should like to thank the special representative. I simply wish to add that what he has just said demonstrates one of the difficulties which are met in such a Territory with respect to developing political sense. We know that the Administering Authority respects tribal and other customs. For my part, I have always expressed the opinion that such customs should be considered. As the special representative has said, the obstacles which we find here are due to the continued existence of the tribal customs. I agree that there are some difficulties in surmounting such obstacles. However, owing to the fact that we live in a world which is rapidly evolving, that is one of the crucial matters which we encounter in the development of territories in general, and in the development of Tanganyika in particular.

Mr. GRUBYAKOV (Union of Soviet Socialist Republics) (interpretation from Russian): I am not sure whether this question which I am about to ask has already been answered. It relates to the East Africa High Commission. The report lists the duties of the High Commission. It would appear that these are essentially technical duties. However, document T/C.1/L.45 states in part as follows:

"It may also, with the advice and consent of the Legislative Councils of the three Territories, make laws for the peace, order and good government of the Territories." (T/C.1/L.45, page 7)

Our impression is that these functions of the Commission would seem to go beyond the framework of a mere administrative union which performs administrative and technical functions; and that, inasmuch as the High Commission is empowered to enact general legislation of such a broad gamut, it would tend to be not just an administrative but a governmental union for the three Territories. I draw a distinction between the word "administrative" and the word "governmental". If this is not in accordance with the facts, if the High Commission is not actually empowered to enact legislation of this description, then this would be an interesting thing to learn. Would the special representative say that the High Commission is more restricted than is indicated by the text which I have quoted?

. Mr. GRATTAN-BELLEW (Special representative): I rather suspect that this is the result of a layman's précis of a legal document, but I am not sure.

The position of the High Commission is that in the schedule to the Order in Council, which establishes and gives it its power, certain subjects are specified as subjects in respect of which the High Commission may legislate. A lot of those are purely technical matters dealing with research and so on, and also matters dealing with the administrative side of the collection of income taxes and customs duties. I emphasize the administrative side. It has no power whatever to impose taxation. The Tanganyika legislature imposes a tax, if any, and the High Commission only has the power to legislate as regards the administrative side of collecting that tax.

There is also a provision -- and I think that this is the provision that has caused the confusion -- which states that the High Commission may legislate, though it is not empowered to do so, on other matters concerning administration, order and good government if authorized to do so by the legislatures of the three Territories. Therefore, the High Commission has no power in this regard. But if the legislature of Tanganyika or one of the other Territories should see fit to give it that power, then it would have the power. However, it does not have it now. There is no question of the legislature of Tanganyika acting under that provision at present.

Mr. KESTLER (Guatemala) (interpretation from Spanish): There is a great tradition in the United Kingdom connected with this question of administration. In the view of my delegation, it is not strange to see the Administering Authority slowly integrating the institutions into a new form in order to adapt them to a democratic system. The questions which I am going to ask, which are few in number, in the main concern certain clarifications of conceptions in order to have a more complete picture of the situation in the Territory.

It is stated in the report of the Administering Authority that, in conformity with the British Nationality Act of 1948, residence in the Territory is considered as a qualification to acquire citizenship of the United Kingdom or of the colonies.

(Mr. Kestler, Guatemala)

We understand that citizenship has two aspects: active citizenship and passive citizenship, as we termed it. A citizen has a right simply to vote or has a right to have access to the various organizations of the State, that is to say, to contribute to the political life of the nation.

My question is as follows: Does this citizenship, which is acquired through naturalization, have any limitations? If so, what are these limitations? How much time must elapse before full rights are acquired? What period of residence is necessary? I would be grateful to the Administering Authority if it would clarify these points.

Mr. GRATTAN-BELLEW (Special representative): Every person who is born in Tanganyika, with the exception of ex-enemy aliens of territories which are not Members of the United Nations, are British protected persons. The provision which the representative of Guatemala is referring to under the British Nationality Act is a provision which enables certain people to acquire the full status of a British subject and a citizen of the United Kingdom and the colonies. To become a British subject and a citizen of the United Kingdom and the colonies does not in itself contain any voting rights. However, when electoral laws are imposed in the Territory, it could be made a condition, that is to say, only people who are British subjects shall have the right to vote. But of course that would not be the case in Tanganyika.

(Mr. Grattan-Bellew, Special
representative)

It is difficult to draw a distinction between a British subject and a British-protected person because it is very similar in both ways. When both of these categories of persons are outside of the Territory in which they normally reside, of course they are entitled to and get the protection of the United Kingdom Government. They are entitled to a British passport. One says "British subject" and the other says "British-protected person". Naturally, it is not a matter of any great importance to the great majority of the inhabitants in Tanganyika, as it only affects them when they go travelling. But they are covered because they are British subjects or because they are British-protected persons.

Mr. KESTLER (Guatemala) (interpretation from Spanish): I take it in the sense that there is no political rights conferred on the inhabitant of Tanganyika who receives British nationality. That is how I understand it. This suggests a second question to me of a type similar to the first one, and it is this. In the inverse case, when a European receives this naturalization, does it give him some right to participate in the political life of Tanganyika? I ask this question because on the answer depends the equality or inequality of conditions in this particular Territory.

Mr. GRATTAN-BELLEW (Special representative): The representative of Guatemala is correct in stating that when a person becomes a British subject or a British-protected person as regards Tanganyika no political rights are conferred on him by that fact. When a non-British European or Asian in Tanganyika becomes a British subject, no political rights are conferred. The only limitation which can be said in any way to be political is this: that it is provided that a person may not be a member of the Legislative Council if he has voluntarily bound himself by an oath of allegiance to some other Power. Mark the words "voluntarily bound himself by an oath of allegiance to some other Power". It seems to me that that is a very understandable provision.

Mr. KESTLER (Guatemala) (interpretation from Spanish): This having been cleared up, I wish to ask another question which is in the nature of supplementary information I should like to have. It says in the report that for administrative purposes the Territory is divided into provinces and the provinces in turn are divided into districts. At the same time it is also said that the former traditional government of the tribe which has chiefs, sub-chiefs and so on is respected and that in recent years there has been a slow modification of the tribal structure in the sense of making it more in conformity with certain principles of local government. It is stated further on that it is not possible to demarcate in a precise way between the functions of the local authorities and those of the Central Government. The report refers in paragraphs 80-85 to inter-racial local councils. I would be pleased if the special representative would explain something about the relations between the local authorities, the tribal authorities and the central authorities, and if there is any kind of conflict, which is the authority that finally prevails?

Mr. GRATTAN-BELLEW (Special representative): The Administering Authority does respect native law and custom and native traditions. They must respect them as a matter of good administration. It does not mean that they approve of them all or that they want to keep them as they are. In fact, the policy is that native law and custom and tradition should evolve into a modern form of democratic local government, retaining what is good in the native law and custom and traditions -- and there is good in it -- and discarding what is out of date or bad. Of course, we are obliged by the Trusteeship Agreement to respect the interests of the natives and native law and customs. There is really no conflict, I think, between the native authorities and the Central Government in general. They may on occasions have difficulties but they can always be resolved by good administration and proper government. From that point of view no crisis really arises. I take it that the representative of Guatemala is not referring to the case of a chief who misuses his power because there are provisions that deal with that kind of thing. However, a conflict of a political nature does not arise.

Mr. KESTLER (Guatemala) (interpretation from Spanish): I should like to ask another question which has some relation to my previous one. It is said that the Governor, in connexion with the ordinances, must respect the existing native laws except those which are in opposition to justice. Would the special representative be good enough to clarify whether it is in the discretion of the Administering Authority to determine if this is being respected and if justice is being respected? Is there a kind of jurisdictional control on the exercise of this particular field?

Mr. GRATTAN-BELLEW (Special representative): In fact I do not think that there is any judicial control in the exercise of this field. It is a question which hardly ever arises because native law and custom and tradition are changing, but they are changing with the agreement and consent of the people which, of course, is the ideal way that it should be changed and evolved. Of course, if any native law and customs came up for judicial decision during the course of a case, the courts would of course, if they saw fit, rule that it was contrary to fundamental justice and that it therefore was invalid. As regards the making of the laws, it is of course for the Attorney-General to advise the Government in the first place as to whether there is anything in the law which would offend against that provision. If a law was enacted that did offend against that provision, of course the courts would be in a position then to say that the law was unconstitutional and had no effect.

Mr. KESTLER (Guatemala) (interpretation from Spanish): I should like to refer to something which has been discussed in previous meetings of this Council, but I should like a further clarification. It is said that the laws of the Territory are given out by the Governor with the consent of the Legislative Council. It is also said that the Council governs the whole Territory with this same consent.

(Mr. Kestler, Guatemala)

The official members of the Executive Council are designated in accordance with the instructions of August 1920 and all members of the Executive Council are members of the Legislative Council. I should like the special representative to clarify whether there are any guarantees of independence in these two organizations as far as the position of their members is concerned. Is there any self-conflict arising between the two bodies?

Mr. GRATTAN-BELLEV (Special representative): The Governor-in-Council in this respect may be described as the policy-making body. All matters which the Government proposes to put forward in the Legislative Council pass through the Governor-in-Council first and are put to the Legislative Council only if the Governor-in-Council approves. When it comes to the Legislative Council, there may be a conflict not between the Councils but between the members of the Legislative Council. The representative of the United Kingdom gave an example a few minutes ago of the action that he took when he found that all the unofficial members of the Council of which he was then Governor were opposed to a measure. A similar situation has arisen in Tanganyika, when all the unofficial members opposed a measure which had been approved by the Governor-in-Council and had been put forward to the Legislative Council as a Government measure. When that situation arose, the Government decided virtually to drop the measure. When it came to a vote, the unofficial members voted against and the Government members refrained from voting. The measure was therefore lost and the matter was dropped. That is the only type of conflict that can arise, a conflict that can be settled constitutionally in the Legislative Council.

Mr. KESTLER (Guatemala) (interpretation from Spanish): I can justify our asking that question because we see that often the Legislative Council does not act a posteriori. It first of all takes a decision, then the decision is carried out by the Executive Council. But I was extremely interested in the answer of the special representative.

Finally, I should like a clarification, if I may, of conceptions. In the definition of the different organs which have power to legislate in the

(Mr. Kestler, Guatemala)

Territory, reference is made to the Executive Council. It states that many ordinances confer power to the Governor-in-Council to issue or approve subsidiary legislation. I should like to know in what sense the term "subsidiary legislation" is used.

Mr. GRATTAN-BELLEV (Special representative): With legislation now becoming more and more complicated, many ordinances naturally provide that in the detailed implementation of the ordinances, rules and regulations may be made by some body other than the Legislative Council. Sometimes it is the Governor-in-Council or, if it is a less important matter, it might be a member of the Executive Council responsible for that department of government. The tendency now is to include a provision requiring that those rules or regulations when made may be laid before the Executive Council at its next meeting; they may cancel the rules and orders if they do not like them. It does not happen in every case. Some matters are of such small importance that the Legislative Council does not wish to have the right to cancel or to upset them.

Mr. KESTLER (Guatemala) (interpretation from Spanish): I have one more question. The special representative has pointed out that the subsidiary legislation has a certain relation with the powers. Regulations in other countries refer to the application of laws of the Executive Council and of the Legislative Council. I should like to know whether there is any control so that in issuing this subsidiary legislation the Executive Council does not go beyond its powers and does not abuse its powers. Is there a kind of judicial control or any kind of control which exists? In France, for example, there is the Conseil d'Etat to make sure that there is no abuse of power in the matter of drawing up laws. I should like to know exactly how wide the powers are of the Executive Council.

Mr. GRATTAN-BELLEV (Special representative): When the power is conferred by an ordinance by the Governor-in-Council to make rules or regulations, they can only be made concerning the subject matter of that ordinance which gives the power. The ordinance itself lays down the matters

(Mr. Grattan-Bellew, Special representative)

about which rules and regulations may be made. If the Governor-in-Council should exceed that power -- and of course it can be done quite unwittingly -- when one goes to enforce that rule or order one will be met in the courts with a plea that it is ultra vires, beyond the power of the Governor-in-Council, and it will be for the courts to decide. Sometimes it is a very nice legal problem as to whether it is within or outside the power. But that defence is raised and then it is for the courts of the Territory to decide whether or not it is ultra vires. If the courts hold that it is ultra vires, then it has no effect whatsoever.

Mr. KESTLER (Guatemala) (interpretation from Spanish): I am to understand that if there is a case of an ordinance which goes against a law, then the person to whom the ordinance is to be applied cannot exercise any direct action and the ordinance is annulled.

I have no further questions and I should like to thank the representatives of the Administering Authority for their patience in replying to my questions.

Mr. JAIPAL (India): The other day, in reply to a question put to him by the representative of the USSR, the special representative said that it would be easy in the atmosphere of Tanganyika for an African to represent European or Asian interests, and vice versa. It seems to me that, if that were possible, there should be no delay in having a common roll. Would the special representative please comment on that deduction? Is it a justified deduction?

Mr. GRATTAN-BELLEW (Special representative): What I said was that I find it quite easy to conceive of an African representing a European, whereas the question of the representative of the Soviet Union seemed to imply that such a conception was beyond him altogether. It is intended that there should be a common roll for elections to the Legislative Council. I am not quite sure what the representative of India has in mind.

Mr. JAIPAL (India): I thought that, if that were possible now, there should be no need to delay having a common roll. But the special representative has said that that is the Government's intention and that it is a matter of time.

Mr. GRATTAN-BELLEW (Special representative): It has been stated again and again that the elections will be on the basis of a common roll, with appropriate voting qualifications.

Mr. JAIPAL (India): My next question arises out of a news item from the London Times which I saw a few days ago. I read there that the twenty-seven unofficial members of the Legislative Council -- or perhaps the thirty members -- had banded themselves together into an association. Of course, they are free to form an association if they like, but, as things are, they represent the opposition at the moment, and to that extent they already have certain things in common. But what I cannot comprehend easily is that they should have found it desirable to constitute themselves -- all of them -- into a political association. I do not quite know what the implications may be. These thirty members do represent different communities and different interests, and they were nominated by the Governor. We should like to know whether they have any

(Mr. Jaipal, India)

common objective or policy. I wonder whether the special representative has any information about this association -- its aims and purposes, and so on.

Mr. GRATTAN-BELLEV (Special representative): I do not think this is just an association of the twenty-seven members; I think it is the creation of a new political party, which will be much wider and will include many people outside the Legislative Council. As to what the implications may be, time alone can tell us. As regards the rest of it, I know no more than the representative of India, because I have only seen two newspaper cuttings concerning it.

Mr. JAIPAL (India): Perhaps we will know more about it at a subsequent session, when we discuss Tanganyika again.

My next question arises out of a reply given by the special representative yesterday, I think, to a question put to him by the representative of Syria. I think that the special representative, discussing the restrictions on civil servants in regard to political activity, said that two years ago, if his memory served him well, civil servants, in conformity with the recommendation of the Trusteeship Council, were not permitted to join political organizations. I do not readily recall any such recommendation by the Trusteeship Council. I wonder whether the special representative has that available. If not, I should like to ask the Under-Secretary or the Committee Secretary whether they could enlighten us on this recommendation of the Council that civil servants should not be allowed to join political organizations.

Mr. GRATTAN-BELLEV (Special representative): If my recollection is correct, I think it was the report of the Trusteeship Council following on the 1951 Visiting Mission's report on Tanganyika, and I think it arose out of the recommendations of that Visiting Mission.

Mr. JAIPAL (India): I shall be glad to refer to that report of the Council; it must be the 1951 or 1952 report.

I have one other question, on local government. On page 15 of the report, in paragraph 78, dealing with the relationship between local and central government, this statement is made:

"It has not hitherto been practicable to establish a clear dividing-line between the functions of local authorities and those of the central government but present policy aims at a more precise definition of the responsibilities of local government bodies and the building up of their autonomous status."

I wonder whether the special representative could throw some additional light on the absence of this dividing line between the functions of these two parts of administration, and on what the difficulties are.

Mr. GRATTAN-BELLEW (Special representative): In this experimental and transitional stage, I think it is sometimes difficult to make a clear-cut dividing line -- and, of course, we do get a very strong conflict of opinion perhaps from our technical advisers, for example. Take a matter like public health. There may well be a reluctance at this stage of our development in Tanganyika for central government departments to give up their control in public health matters and to hand it over to a local government body, because they do not yet have -- they will have it -- that confidence in the local government body. It is therefore difficult, in cases like that, to draw a line, because some things will be allowed in the case of public health -- some of the powers will be transferred to the local government body -- whereas your technical offices concerning public health may strongly oppose the transfer of certain other powers at the present time.

Mr. JAIPAL (India): I have one or two questions on Part III of the report, headed "International and Regional Relations".

My first question arises out of paragraph 38 of the report, where the following is stated:

"Two geologists were recruited by the United Nations Technical Assistance Administration for employment in the Mineral Exploration Team and were in the field for seven months. It is expected that another geologist will shortly be joining this team."

(Mr. Jaipal, India)

I wonder whether the special representative could tell us something about the work done by this team, what results they have been able to achieve, and what action the Administration proposes to take on their report.

Mr. GRATTAN-BELLEV (Special representative): There is a great deal of work still to be done in the way of mineral exploration in Tanganyika, because it is, of course, a very vast area, large parts of which are uninhabited and completely undeveloped. If one result springs to mind that has been accomplished by these mineral exploration teams, I think it is probably this one: the finding of a pyrochlore deposit in the southern highlands which is now being developed. Arrangements have been made for that to be mined. It is going to be very important. In connexion with it, a nearby coal mine can now be opened up and made into a commercial proposition. I believe that pyrochlore is one of the minerals which must be mined quickly or not at all: they are afraid, I understand, that the market for pyrochlore may come to an end in the near future. The Government therefore got onto it very quickly and got the mine working in order to have the deposits mined.

Mr. JAIPAL (India): My last question arises from paragraph 42 of the annual report, which is headed "Regional Relations". The paragraph states that "There were also discussions with the Belgian Congo authorities, on the question of the water level of Lake Tanganyika ...". I wonder if that matter of the water level of Lake Tanganyika could be elucidated. How does it affect Tanganyika Territory? Is the water level too low or too high? What is it hoped to obtain from this discussion of the question of the water level?

Mr. GRATAN-BELLEW (Special representative): I hope that the representative of Belgium will correct me if I say anything that is incorrect on this matter, but the question of the level of Lake Tanganyika has been discussed now, I believe, for a good many years, in the same way as has the level of Lake Victoria. I believe that it is a proposition put up by the Belgian authorities for the benefit of Ruanda-Urundi and one that is not of very great importance from the point of view of Tanganyika. I believe that Lake Tanganyika is one of the low lakes with very high banks, and no detriment will be done to Tanganyika by raising the water level, whereas benefit may be conferred upon the people on the other side of the lake. Although I am not sure, I have no doubt that we shall be demanding compensation from the Belgian Government even though we do not suffer any detriment.

Mr. CIAEYS BOUUAERT (Belgium) (interpretation from French): I think that I may be able to give the Council some additional information on this project which the special representative has explained as having no very great importance for Tanganyika. As he has pointed out the water level of Lake Tanganyika is subject to fluctuations, the causes of which are not very well known although they are being studied. Hydrological missions, both on the British and Belgian sides, have been considering the problem. In the practical field the problem is this. On the banks of Lake Tanganyika -- especially on the Belgian side, but on the United Kingdom side also -- there are certain installations, such as those of the port of Albertville, the accessibility of which depends on the water level.

(Mr. Claeys Bouuaert, Belgium)

The difference, as is well known, is caused by a river which is entirely in Belgian-administrated territory. Plans have been drawn up for the construction of a dam which would regulate the level of the water in order to provide an optimum slope, which as far as possible would be governed by the action of the dam. Of course, as the Council knows, Lake Tanganyika is partly situated in Tanganyika Territory, and naturally consultations have been carried out between the Belgian and United Kingdom authorities on this problem.

Mr. JAIPAL (India): I should like to thank the representative of Belgium for this additional information. While we are on the subject of waters, I think that it was yesterday or the day before that the special representative said that, unfortunately for Tanganyika, the waters of Lake Victoria ran the other way. I know there have been discussions about the utilization of the waters of Lake Victoria. Could the special representative tell us what stage those discussions have reached, and what the prospects are of being able to use those waters for the development of Tanganyika, and particularly Central Tanganyika?

Mr. GRATTAN-BELLEW (Special representative): These negotiations about the waters of Tanganyika have been going on now for some four or five years -- certainly since before I arrived in Tanganyika. Their course has been an exceedingly difficult one and, as far as I know, although we on the Tanganyikan and British Government side were very active in trying to get them going, they have for the moment at any rate come to a standstill, I am afraid, partly as the result, I imagine, of other projects which are being considered further down the Nile. Because of those it may be that there is not so much interest now in the level of Lake Victoria, but I do not know.

Mr. JAIPAL (India): I knew that it had something to do with the flow of the river Nile, and that is why I wanted to ascertain what stage these discussions had reached.

I have no further questions, and I should like to thank the special representative for his replies.

Mr. Grattan-Bellew, special representative for Tanganyika under United Kingdom administration, withdrew.

ATTAINMENT BY THE TRUST TERRITORIES OF THE OBJECTIVE OF SELF-GOVERNMENT OR INDEPENDENCE [GENERAL ASSEMBLY RESOLUTION 946 (X)] (A/RES.369; T/L.640, 641, 642, 643 and 644) [Agenda item.9] (continued)

Mr. DORSINVILLE (Haiti)(interpretation from French): My delegation wishes to make clear, with regard to draft resolution T/L.642, that it will be unable to vote in favour. The reason is a simple one.

The delegation of Haiti voted in favour of the resolution of the Trusteeship Council adopted in connexion with the examination of the petition from the people of the Marshall Islands. Paragraph 7 of that resolution, as representatives will recall, reads as follows:

"Recommends that if the Administering Authority considers it necessary in the interests of world peace and security to conduct further nuclear experiments in the Territory, it take such precautions as will ensure that no inhabitants of the Territory are again endangered, including those precautionary measures requested by the petitioners." (1082 (XIV))

The Haitian delegation sees no reason to alter its attitude. We adhere to the former resolution, and that is why we shall vote against draft resolution T/L.642.

Mr. Krishna MENON (India): My delegation, in intervening on this item yesterday, said that we were not prepared to vote on it yesterday or to make any observations on the merits, and agreed to do so today.

This subject is not new to the Trusteeship Council. We are in some difficulty because it appears under the heading "Attainment by the Trust Territories of the objective of self-government or independence". The relation which one can find, apart from everything else, is that if these explosions go on on these islands for a long time, there will be no place to give self-government to, and no inhabitants probably. But apart from that, the Government of India, while retaining its views in regard to atomic explosions, and continuing its endeavours to obtain the stoppage in respect of all countries -- mainly, at the present time, the United States, the USSR and the United Kingdom, which are what I call "hydrogen powers" -- has not felt that it could make demands in this regard on this particular item.

At the same time, however, we are unable to take up the position taken either by the United States or by the United Kingdom that the subject is now out of order. This Council is the master of its own procedure and that procedure is in the custody of its President. The President rules that a discussion is in order. The only way of putting it out of order is to challenge his ruling. No one has challenged that ruling and, by your action, Mr. President, you have sanctified this item and the character of it as being in order. Furthermore, the observations that have been offered, particularly by the representatives of the United States and the United Kingdom, go far afield into the regions which go beyond the Marshall Islands and beyond atomic explosions, and we, as a country that has been intimately associated with these debates, would be misunderstood if we did not do our duty in offering our observations.

First of all, I want to deal with what are alleged to be the implications of resolution 1082 (XIV). It is contended by the representative of the United Kingdom -- and now by the representative of Haiti -- that paragraph 7 has laid down some decision in regard to the title to explode bombs in Trust areas. My submission is that it still remains undecided. What the resolution says is this: in the event of the Administering Authority doing something, then it should take certain precautions. So the operative part of this resolution is in regard to the precautions that can be taken; and we were all happy to hear from the representative of the United States yesterday that his Government proposes to take such precautions -- and, indeed, they said that such precautions had been taken on the last occasion. So that, so far as the United States is concerned, the operative part of the resolution it is the intention of its Government to implement.

But having gone so far, and the subject having come under discussion, we have the obligation to consider whether the precautions that are likely to be taken will have the effect of safeguarding the safety, the lives and the interests of the inhabitants, and the submission of my delegation is that this, in the present circumstances and on the evidence of reputable United States authorities, would not be possible. We heard Dr. Libby of the Atomic Energy Commission say, some six months ago, that an area of some 7,000 square miles would be affected. Then he went on to modify his statement and said: "Well, of course, it depends on the wind, and if the wind was bad it might be 100,000 square miles, or it might be more".

(Mr. Krishna Menon, India)

Of the representatives sitting round this table, the representative of the United States alone knows -- if he does -- what the power of the next explosion will be. We do not know, and we are not prepared to accept what the newspapers say about it. But, assuming that the explosion would be of a new character and of greater power, or even of the same power, the effect would be considerable. It is quite true that the area of the Marshall Islands is somewhere about 3,000 square miles. We read in the press this morning -- again I do not claim that the statement is authoritative, nor do I place any responsibility for the statement on the United States delegation -- that an area of 500,000 square miles was going to be -- how do you call it, you cannot fence the sea -- protected in some form or another, that shipping would be warned off, and so on.

We have to take into account the fact that whether it be 100,000 square miles or 500,000 square miles, the area covers a lot of sea. It is a fishing area, and usually fishermen do not read communiques of Governments. Probably the times will be kept secret, and men of that kind would probably take risks. Therefore, we are not satisfied that any kind of precaution that will be taken will be a precaution against radiation.

Since we discussed the matter in this Council in 1954, the General Assembly has had very detailed and elaborate discussions on the effects of atomic radiation. We have had statements, again from United States authorities, that the explosions that have already taken place in sea water have increased its radioactivity by 10 per cent. We have an authoritative statement, again from American sources, about the last explosion:

"Sixty-four people on the island of Onlape, where the fall-out was said to be like snow, were the worst affected. They absorbed an average of 175 R each, 400 R being believed to be a dose that would kill 50 per cent of any group exposed. A group of eighteen members of this community happened to be away on a fishing trip. Therefore, the fall-out was described as missed, and they escaped with an average exposure of sixty-nine."

(Mr. Krishna Menon, India)

It also goes on to say:

"Thorough tests were made, and dust from all the four islands showed that the pulverized coral particles emitted both beta and gamma radiation. The proportion of beta was much higher, but in the case of Onlape, the gamma radiation was sufficient to bring about during the first ten days some of the known symptoms of radiation sickness. During the first two days about three quarters of these people became nauseated, and a few vomited and had diarrhea. Many complained of itching and burning of the skin and so on."

This is not a debate on atomic radiation, otherwise I could quote an enormous amount of material which has since appeared, thanks to free discussion on this matter, from this country, the United Kingdom, Japan and elsewhere. The Japanese fishermen who were fishing on their unfortunate ship called the "Fortunate Dragon" suffered from the effects of this radiation, and any assurance that is given that the people will be warned off these places would not be of a character to ensure to these personnel of shipping or other enterprises that may be visiting the seas at that time immunity from the effects of radiation. It is quite true that there are thousands of islands in the Marshall Islands, covering three million square miles, and surely there must be islands within the perimeter of this arbitrary limit of 500,000 square miles.

The United Nations committees are still investigating the results of this radiation, and that is why my Government has asked those who explode these horrendous weapons to stay their hand until we have some reliable knowledge that they will not be the ruin of humanity. My delegation will not take up the position of using this Council for the purposes of promoting the abolition of hydrogen tests, but since the matter has come under discussion, holding the views we do, and being committed to these procedures in regard to them, it would be wrong for us to remain silent on this matter.

Further, there were some observations made yesterday by the representative of the United States which are totally in conformity with the policy of his country but which, equally, are ones to which we do not subscribe. Since that

statement has been made, we have to make our reservations. The representative of the United States said that:

"..... we of this Council must continue to hope that those organs of the United Nations which are working to bring about an effective plan of armaments control will reach a basis of agreement so that the testing of such weapons, now being carried on by the United Kingdom and the United States, and which were conducted within the last four months by the Soviet Union, will become unnecessary."

(T/PV.673, page 2)

We agree with the first part of that statement. We all hope that the end efforts of the Disarmament Commission will lead to something in the way of armaments control. But my Government does not agree that, even if progress is not made on disarmament, it is necessary to continue these tests. There is a sharp difference of opinion with regard to these matters, and in spite of the risks, if they are risks, of being misquoted by the press, I will repeat what I have said before in the General Assembly, that the hydrogen Powers have now in their possession all the powers of destruction that are necessary to blow this planet to pieces. Therefore, we do not think that the statement made by the United States representative can remain unanswered.

We agree with him that when these organs of the United Nations are successful, then we can hope that, according to the resolutions of the United Nations, we will abandon the use of these weapons of mass destruction. But we do not agree that even if that agreement is not reached, the hydrogen Powers cannot come to an agreement to suspend these explosions, because they are no longer necessary even for destruction. That is our position.

The representative of the United States went on to say:

"Let me repeat what everyone knows, that in the absence of effective international agreement, safeguarded by adequate inspection to limit or control armaments, preparations must still be made to develop methods of self-defence against nuclear attack and for the maintenance of international peace and security." (Ibid.)

(Mr. Krishna Menon, India)

My country and our people certainly will never agree that the explosion of atomic weapons is a defence weapon. You cannot shield people from atomic attack by attacking somebody else with the same weapon. Therefore, the case for continuing these experiments in order to improve -- I do not mean this in an ethical sense -- the quality of these weapons and their striking power cannot be defended. If the debate has taken us into fields which are not strictly within the competence of the Trusteeship Council, it is because of the initial statements of this character which were made.

The United States representative went on to say that when disarmament does come, nuclear testing "will become unnecessary". Our view is that it has become unnecessary, if it ever was necessary.

I will now return to paragraph 7, and then I will submit to the Council the position of my Government in regard to this problem in so far as it concerns the Trusteeship Council. We want to place on record our view that paragraph 7 of resolution 1082 (XIV) does not lay down that the use of these islands for this purpose is justified. It does not say it is not justified. In fact, it leaves it very open. It states:

"that if the Administering Authority considers it necessary in the interests of world peace and security to conduct further nuclear experiments in the Territory"

It can be argued that the implication is that they may be so used. On the other hand, it may be that the implication is that if they want to do so, even if it is not legitimate, it may be done. But the operative part is that the Administering Authority "take such precautions", and I have no doubt that the intention of the United States Government is that more precautions will be taken. But let me remind the Council that on the last occasion the calculations made, even with regard to the rate of the wind, proved to be wrong, even in spite of the scientific ability there was. Humanity has not yet reached the stage, presumably, when it controls the wind. Therefore, with the greatest will in the world, with all the vigilance that can be commanded, the explosion of these weapons and, if the reports are correct at all, of weapons of many times the size of the previous weapons, can do nothing but damage to the prestige of the United Nations, to the cause of peace, and, what is more, to what this Trusteeship Council is interested in, the welfare of these populations.

(Mr. Krishna Menon, India)

How in the world anyone can argue that it is part of the trust duties to destroy a Trust Territory or to endanger its inhabitants is totally incomprehensible to me.

Secondly, there is reference here to world peace, security, etc. I cannot understand how the inhabitants of these islands are involved in this. It is true that one side or the other, in the general world relationship of armaments, may be interested. But it certainly cannot be of any concern to the people of these islands.

There has been a considerable amount of material printed off and on by American officers in these islands with regard to the effect of these explosions on the populations. This material has come out much later. In passing -- and this will come up at the next session -- I wish to say that I think that it is incumbent on the Secretariat and the Trusteeship Council section of it to have at hand the reliable evidence in this matter emanating from sources relating to the Administering Authority because the time will come when we will be able to look at it more objectively.

Let me state the position of our Government in regard to the draft resolution itself. The draft resolution in substance deals with the problem somewhat in the way that the draft resolution submitted by my Government in 1954 posed it, but not quite in the same way. Our view, however, is that this matter ought to be considered at the next session of the Council when the Pacific Islands are discussed. So far as we are concerned, if the Administering Authority, either on its own or by granting permission to anybody else, exposes these Islands to nuclear explosions, we shall then be obliged to draw to attention to this matter and revert to this position. But we are not satisfied that, in spite of the President's generous ruling to admit this item and thereby making it competent for discussion -- and no one can say that the discussion hereafter is irregular -- we could cast a vote for this draft resolution.

We agree with the substance of it; that is to say, that these explosions must be stopped whether they be in Russia, whether they are carried on by our friends in the United Kingdom or whether by new aspirants to hydrogen glory. These things are dangerous to humanity and they stand in the way of the advance of civilization. Therefore, we would offer such resistance and

(Mr. Krishna Menon, India)

opposition everywhere as we can. However, we are working in the context of the Trusteeship Council and the items of the agenda. Since the item has been admitted and since speeches have been made, we make these observations. We agree with the substance, that is, that these tests must be stopped, whoever is doing it, not only in the Marshall Islands but anywhere else. Some people may be lucky enough to have countries large enough to try their explosions in their back yards; others take the open seas. Because I do not have a large back yard, I have no right to occupy somebody else's house. That is our position.

There is another aspect of it apart from these Islands: whether these seas are a domestic sphere of the Administering Authority. They are the property of mankind and there is a world hygiene to be respected in this matter. For all those reasons, if the United States embarks on these tests before the next Trusteeship Council session or permits its allies or its opponents or whoever it may be who has hydrogen weapons to explode them in the place, then my Government will submit its own proposals. Those proposals will not be of the character of what is submitted in the draft resolution before us. They will be on the determination of this question: whether the Administering Authority is competent to use what is a United Nations Trust Territory for its own purposes, however much it may be persuaded -- I am sure that it is -- that this is in the interest of humanity, freedom and everything else. That is all we asked for the last time. The very fact that the Metropolitan Powers in the main voted the resolution down carries its own implications.

We only want the World Court to tell us whether the right to destroy Trust Territory property is vested in the Trusteeship Agreement. I submitted at that time that it was not, as I submit now it is not. At that time, the resolution was rejected by 7 votes against, with 2 abstentions.

The policy of my Government has been to state our position in regard to hydrogen explosions and in regard to the obiter dicta in all these speeches, and to say what we shall do in the future. Our opposition to this will, as before, be expressed by requesting the Trusteeship Council to have the generosity and the courage to examine this position, because this is not a determined position. The Administering Authority has no right to sovereignty

(Mr. Krishna Menon, India)

over the place. We said that in connexion with French Togoland the other day. It has no right to destroy the place. It has no right to do anything against the inhabitants. Supposing an Administering Power -- I do not say anyone will do so, but I give this as an example -- were to take it into its head to perform some medical experiments on these unfortunate inhabitants in the argument that it was in the interest of humanity. We are doing it on animals today, and some people may do it in other ways. Of course, if they volunteer it is another matter and we would be forced to protest against it. This position is just the same. Therefore, at the next session of the Trusteeship Council, if the Disarmament Commission has not followed up the resolution of the General Assembly by initiating negotiations between the hydrogen Powers, all of whom we hold equally responsible in this matter, and if explosions are going to take place, my Government will at that time again request the Council not to issue instructions to the United States or to any of the other Powers but simply to say that we should go to the World Court and ask: what is the position of a Trust Territory, and the competence of the Administering Authority to do anything that would destroy its existence?

U THAN HLA (Burma): My delegation wishes to make its position clear on the draft resolution contained in document T/L.642.

My delegation is opposed to the testing of atomic and hydrogen weapons not only in the Trust Territories but also in any other part of the world because we consider that these tests do not contribute to the efforts towards the attainment of world peace. We recognize the fact that the Trusteeship Council is not concerned with the broad issues of this matter. However, we still think that the Council, at its fourteenth session, did not go adequately into the question of whether or not the testing of hydrogen or atomic bombs was compatible with the basic objectives of the Trusteeship System. That was the main issue before the Council at its fourteenth session, as it is now in considering the present draft resolution of the Soviet Union.

This matter raises the question of whether or not the Administering Authority has a right to make the test in the areas under its administration. We take the view that the question of the legality of those tests should be decided after referring it to the International Court of Justice.

The draft resolution now before us would require us to rule on the admissibility of the tests. We feel that the tests are not compatible with the basic objectives of the Trusteeship System, but we should like to know the opinion of the International Court of Justice in this matter. My delegation will reserve its future position on this question of atomic tests but will at present abstain on this draft resolution.

Mr. ASHA (Syria): Mr. President, I believe that you yourself will recall the position of the Syrian delegation which was taken at the time of the consideration of this problem in the Standing Committee on Petitions. Despite the little misunderstanding which you, as the representative of the United States, and I had, we were able to reach a friendly understanding after that unfortunate incident.

You have been extremely generous, Mr. President, in allowing members of the Council to discuss the substance of the matter. I must admit that I am not prepared to take part in the discussion today, but I see that the President is interested in expediting the work of the Council and I should like to state the position of my delegation on this matter.

The representative of India, followed by the representative of Burma, have said all that could be said on the substance of the matter. I come from a very small country. We are not a hydrogen country; we do not possess either atomic or hydrogen elements, but we are afraid of this weapon. Therefore, we must say in all frankness and good consciousness that we detest any test, whether carried on in islands in the Pacific or in the Sahara Desert or in Eskimo country.

The representative of India said what I said two years ago: that in spite of all the scientific methods, in spite of every precaution taken by the Administering Authority, some people had to suffer. If these weapons, either hydrogen or atomic, were in the interests of peace, I think the peace of the world should not depend on them because we believe that a common understanding between the great Powers should be arrived at or otherwise none of us would exist.

I am in no position to cast a favourable vote on the draft resolution submitted by the delegation of the Soviet Union, not because we do not believe in the prohibition of tests, whether on Trust Territories or otherwise, but I think the representative of India made it very clear that this item belongs to the discussion in our next session when we discuss the Marshall Islands.

Having made the position of my Government very clear, I must say that I can only abstain when the draft resolution is put to the vote.

Mr. WALKER (Australia): The view of the Australian delegation on this matter is that it is not really appropriate for the Trusteeship Council to consider it under the item on the agenda on which it has been raised. The representative of the Administering Authority concerned with the Marshall Islands has of course waived any procedural objections, and the President is therefore allowing the matter to be dealt with. I should like to make it quite clear that I would not accept the interpretations I thought I read into the remarks of the representative of India that, in proceeding with the matter in this way, that we are -- at any rate as far as this delegation is concerned -- accepting the propriety of raising matters of such enormous extent under the heading of this item of the agenda on the attainment of the objectives of the Trusteeship System.

It seems to me that from the speeches that have been made by several of the representatives they have made it quite clear that the subject is one that goes very much beyond the general problem covered by this item on our agenda, and indeed that it goes far beyond the normal sphere of competence of the Trusteeship Council. We have taken a resolution in the Trusteeship Council previously upon this matter, and on that occasion the matter was of course raised correctly in connexion with a petition from the inhabitants of the Trust Territory affected. However, since the matter is being dealt with, the Australian delegation will vote against the draft resolution on this occasion while reserving our right to discuss any aspect of the matter if it will be raised in another context.

Mr. Krishna MENON (India): I want to make the position of our delegation clear with regard to the observations just made by the representative of Australia. We regard matters of order as a matter for the President. My delegation, in all of the period of time it has spent in the United Nations, has not so far challenged the ruling of the chair. I do not say that we will not do it in the future, but we have not done so. We accept the ruling of the President and once it is ruled that it may be discussed, it is within the competence of this Council. What action we take in regard to that draft resolution will depend on our view or the appropriateness of the occasion.

(Mr. Krishna Menon, India)

The reason why we stated that it was sanctified by authority is out of our respect for the ruling of the President in this matter. If you had ruled it out of order, we would not have challenged it.

The PRESIDENT: The Chair will have to reply to the representative of India that he has made no ruling. It has not been raised on the floor. We have no objection to its discussion, but there has been no ruling whatever. If he wishes to include it in the attainment item, it is his perfect right to do so.

Mr. GERIG (United States of America): I think from the remarks that have been made this afternoon that it is evident that the Council as a whole does not wish to go into the wider aspects of this question any more than is necessary. My delegation does fully appreciate the spirit of understanding that has been expressed, I think, by all speakers here in regard to this very difficult problem.

I think that the Council will wish perhaps to proceed very promptly to the vote. I should just like to say that I think that all the countries that are conducting such experiments are not doing it because they like to do it, but because there is a world situation -- and here there are perhaps differences of opinion -- and they feel that it is necessary for them to do this. In this connexion in our case, I should like to repeat again that the precautions that we are taking are very extensive. You have seen some of them in the press. Those precautions are being carried very far. Indeed, reference was made this afternoon to an area of some hundreds of thousands of square miles of the high seas, and that just illustrates again the extra care and precaution that my Government feels it necessary to take in conducting these tests.

As to the legal aspects of the question, as to whether countries have the right to extend temporarily such controls to such vast areas, that of course would be a very interesting debatable question, and the day may come when we will want to debate it. In fact I would be prepared myself, if necessary, but I am sure that the Council this afternoon perhaps does not want to go into that. But there are many precedents and the legal positions -- although we may differ on this -- are very extensive for temporary uses for carrying on various kinds of tests of this nature over pretty vast areas.

But the precautions, as I have said, are very extensive, and they are common knowledge to anyone who has been reading the newspapers on this subject during the past day or two.

I should like to add that, as to the right of a Trust Power, in this case the United States in relation to the Pacific Trust Territory, to conduct such experiments within the area bounded by the Trust Territory, I wish to recall one historical point that I think will be of interest to all members of the Council. Before the United States entered into this Agreement on 2 April 1947 with the Security Council, there had been a previous test during the previous year, and every member of the Security Council then knew that such tests had been made. The Agreement was made in the full knowledge that such tests had been made, and it was also known that perhaps further tests would be made. I believe that the Agreement was adopted by the Security Council unanimously in full knowledge.

However, as to the additional point, the development since the reference that was made to paragraph 7 of the Council's resolution, there again perhaps there would be differences of opinion, but we cannot help but read that language to mean that it gives the Administering Authority discretion. It states that if the Administering Authority considers it necessary in the interests of world peace and security to conduct further tests -- of course it does lead up to this precaution -- they should take all necessary precautions.

I think that the representative of India is accurate in stating that no one can be absolutely certain that all the precautions that may be taken will not inconvenience and perhaps even endanger certain people. But again this is not a new thing. Such contributions to peace and security by any country can never be made without certain hardships upon citizens of that country. A Trust

Territory which, under the Charter and under the Trusteeship Agreement, is supposed to play its part in the maintenance of peace and security, might have its people called upon, I imagine it could be argued, in the interests of wider peace and security, to make such contributions also.

However, if we go into this any further it could lead us far afield. I am quite content to rest the case right there and, if the Council wishes, to proceed to the vote on the draft resolution submitted by the Soviet delegation.

Mr. GRUBYAKOV (Union of Soviet Socialist Republics) (interpretation from Russian): My delegation has listened with interest to the statements made yesterday and today by members of the Trusteeship Council. Inasmuch as the Soviet delegation has submitted a draft resolution, we consider it proper to offer some answers to the questions that were raised in the statements of various delegations.

The Soviet delegation cannot share the view that consideration of the question of the inadmissibility of nuclear experimentation in Trust Territories goes beyond the competence of the Trusteeship Council inasmuch as, as all members of the Trusteeship Council know full well, supervision over conditions in these Territories has been delegated by the Security Council to the Trusteeship Council. Reservations which could serve as a reason for not discussing such questions in the Trusteeship Council were not included in the decision of the Security Council under which that body delegated supervision over these Territories to the Trusteeship Council.

We cannot share the view that consideration of the broad question of the prohibition of nuclear or hydrogen weapons in other forums would deprive this Council of the power to discuss the prohibition of atomic or nuclear tests or hydrogen weapons tests in Trust Territories, Territories with which the Trusteeship Council is supposed to deal after all.

Reference has been made to a resolution adopted unanimously at the fourteenth session of the Trusteeship Council. We are aware of that resolution. During the consideration of that resolution and when that resolution was adopted the question of the compatibility of this experimentation or the admissibility of such experimentation in Trust Territories was not fully considered. The issue was not then resolved, whereas we propose that the Trusteeship Council resolve that the holding of such experiments and explosions is incompatible with the purposes and principles of the Trusteeship System.

We know of the danger of such explosions to the life and well-being of the indigenous populations of these Trust Territories. I should like to remind members of the Council of a statement published in volume XII, No. 2, of the Bulletin of Atomic Scientists, of an interview with a member of a scientific medical institute who took part in the care of the victims of the 1954 explosions. The grievous consequences of those experiments were pointed out in that interview. It would appear that the fall-out presented a particular danger for the inhabitants of the Marshall Islands owing to the conditions of their life. The fall-out easily penetrated the light huts of the population; their habit of covering their heads with coconut oil also increased the danger. In a number of instances the water which they used became contaminated.

The interview indicates that months or years may have to elapse before complete information can be obtained. But the information available at the moment already indicates that the population of the area involved suffers from the 1954 explosions.

The Melbourne Weekly Guardian, which is published in Australia, has also pointed out that the children of the Pacific Islands who have been subjected to atomic radiation have been subjected to great danger. According to that publication, the children in the Marshall Islands who were subjected to radiation in the course of the United States atomic bomb experiments may die in the future

(Mr. Grubyakov, USSR)

owing to malignant alterations in their organisms. Test explosions of atomic and hydrogen bombs therefore constitute a threat to the life and well-being of the indigenous population of the Territories.

The representative of India has pointed out that even scientists can be mistaken in judging the nature of the precautions that should be taken. The Soviet delegation is profoundly concerned about the indigenous inhabitants in those areas, and that is why we have submitted the present draft resolution.

The Soviet delegation regrets that a number of delegations have found it proper and fitting to object to so eminently a humanitarian act as the discontinuation of atomic test explosions in Trust Territories. At the same time, we note that a number of other delegations have in principle endorsed the ideas which underlie the Soviet draft resolution. They made it clear that in their view and in principle this was in accord with the policy of a number of States which felt that atomic or nuclear test explosions should not take place in any Territories or anywhere.

(Mr. Grubyakov, USSR)

The Soviet delegation, as is well known, has submitted concrete proposals for the prohibition of the atomic weapon, for control over that prohibition, and for cessation of test explosions as a first step towards such prohibition. The Soviet Union proposes to continue its active struggle for the attainment of agreement on such prohibition and cessation of test explosions and, of course, prohibition of atomic weapons in general. We trust that, as a result of joint efforts by members of the United Nations, agreement on this vitally important topic will eventually be reached.

My delegation notes that a number of delegations that spoke today expressed some misgivings owing to their view that this question should rather be dealt with in connexion with our discussion of the periodic report of the Administering Authority concerning this Territory at the next session of the Trusteeship Council -- in other words, when such a report, as I understand it, will be forthcoming from the United States delegation and will be discussed by the Council. In a spirit of co-operation with the views of various delegations that have spoken here, and in order to conform with the views of those who object to consideration of this question now, the Soviet delegation feels that the matter should certainly come up at the proper time because this problem touches upon the most vital interests of the inhabitants of Trust Territories. Since a number of delegations have had doubts as to the propriety of dealing with this question now, since they have felt that the question ought not to be dealt with on this occasion, since they feel that consideration of the question at the present time would not be as comprehensive as would be desirable, the Soviet delegation wishes to announce that it will not press for a vote on resolution 642 on the present occasion.

Mr. GERIG (United States of America): I do not wish to take very much of the Council's time to reply, but I feel that a few of the remarks that have just been made by the representative of the Soviet Union do need to be replied to in order to keep the record straight.

The force of his remarks, as I understood them, seemed to be that my Government is particularly disregarding of the welfare and vital interests of the inhabitants of the Trust Territory, and he made a number of allegations

(Mr. Gerig, United States)

as to injuries that had been sustained by various people. That whole matter was before this Council two years ago. In fact, members of this Council who were present then will remember that one of the petitioners, Mr. Dwight Heine, was assisted by us to come here to present the case. He came here with the help of the United States in order to present his complaints. We wanted the whole case to be laid properly before the Council.

I should only say that no person has ever lost his life or was even seriously injured as a result of those previous tests. No homes were ever destroyed. All the Marshallese and Americans who were exposed to radiation in the test two years ago are now, fortunately, restored to health. I just thought that this sort of information really ought to be put on the record.

Mr. Krishna MENON (India): All of us hold to the view that we need say only as much as the circumstances of the item before us warrant, and I therefore regret very much that the representative of the United States should have gone into the merits of the question of the damage in this matter. Speaking from memory, I think that what he has just stated will be contradicted by the facts submitted to this Council in 1954. Since he has spoken for the record, I want to say that my delegation is unable either to accept or reject his statements. They are contrary to reports from American sources on this subject. In a sense, it is very unfortunate for the Council to have to discuss the question of the degree and extent of damage in that area without adequate notice and without all the facts being marshalled.

I am not in any sense trying to enter upon an unnecessary debate on this matter, but we do not wish to have it said afterward that this statement was made by the United States delegation and was accepted by the Council without demur. I therefore want to enter our caveat: that, with great respect for the statement made, we do not have the evidence before us to accept it as an entirely accurate statement of facts, especially in view of all the material that my delegation produced in 1954 and, as I recollect, a statement by an Associated Press correspondent who was there -- an American himself -- and the statements of the American Commander of these islands. I should therefore like to have it recorded that we are happy to hear the statement by the representative of the United States, but that statement is not to be regarded as having been accepted so far as my delegation is concerned.

The PRESIDENT: Am I to understand that the representative of the Soviet Union, following this discussion, has now decided to withdraw his resolution?

Mr. GRUBYAKOV (Union of Soviet Socialist Republics) (interpretation from Russian): I do not know exactly what the procedure is, but it would appear to me that, when a delegation does not press for a vote on a resolution, as I said my delegation did not, then ordinarily that draft resolution is not put to the vote. That is the ordinary practice in United Nations organs.

The PRESIDENT: Let me repeat my question: Following the various points which have been raised in the past half-hour, does the Soviet Union representative now desire to withdraw his resolution?

Mr. GRUBYAKOV (Union of Soviet Socialist Republics) (interpretation from Russian): As I stated a moment ago, and as I am prepared to repeat, the delegation of the Soviet Union does not press for a vote on this draft resolution. We have stated why it is now unnecessary, in our opinion, to put this question to the vote on this occasion.

Mr. PRESIDENT: I should like to inform the representative of the Soviet Union that what he has said leaves his position in mid-air. His resolution is on the agenda, it has not been withdrawn, and it will be voted on unless he wants to withdraw it.

Mr. GRUBYAKOV (Union of Soviet Socialist Republics) (interpretation from Russian): The Soviet delegation construes its statement that it does not press for a vote as follows: that this question should be closed now but that the Soviet delegation retains the right to raise the question again at another session or at any other time when the necessity should arise to do so.

The PRESIDENT: The Chair is left in the position of having to construe what the Soviet representative has said to mean that, following the discussion of this item, he has decided to withdraw his draft resolution, but that he may always re-present it at another session. There is nothing else we can do about it.

Mr. GRUBYAKOV (Union of Soviet Socialist Republics)(interpretation from Russian): The position is just as the President puts it, with the reservation that the Russian word for "withdraw" would suggest that the question has never even existed. But the question was brought up, it was discussed, and for the time being my delegation does not press for a vote on its draft resolution, considering, therefore, that at its present stage the question is finished with. I wonder whether any further clarification is required in order to assist the President to meet the difficulty which the procedural question raises?

Mr. CLAEYS BOUUAERT (Belgium)(interpretation from French): The rule of procedure which seems to be relevant is rule 59, which says:

"Draft resolutions, motions or amendments may be withdrawn by the representative who introduced them at any time prior to the vote."

It would appear to me that what is required is an interpretation of this paragraph, and the statement by the representative of the Soviet Union can well be construed as being tantamount to withdrawal.

Mr. GRUBYAKOV (Union of Soviet Socialist Republics)(interpretation from Russian): The representative of Belgium is well advised. I think that rule 59 is applicable.

The PRESIDENT: I suppose that the Chair could have been more explicit in the beginning, but according to rule 59 the Soviet Union representative has withdrawn his draft resolution.

Mr. BARGUES (France)(interpretation from French): In the opinion of my delegation there is no other procedure provided for in the rules of procedure except that outlined by rule 59. There is no other procedure except for a vote to be taken on a draft resolution, or for that draft resolution simply to be withdrawn. Paragraph 2 of rule 59, however, states:

"In a case where a representative withdraws a draft resolution, motion or amendment prior to the vote, any other representative on the Trusteeship Council may require that it be put to the vote as his draft ... under the same conditions as if the original mover had not withdrawn it."

The French delegation formally requests that a vote be taken on the USSR draft resolution which has just been withdrawn by the USSR delegation under the conditions provided for by paragraph 1 of rule 59.

Mr. Krishna MENON (India): I should like to know the President's interpretation of rule 59 (2). If the draft resolution is going to be put to the vote on the motion of some other delegation, does not the rule imply or indicate that that delegation must adopt the draft resolution? Do we understand that the representative of France is willing to adopt this draft resolution as his own?

The PRESIDENT: I first have to rule before calling on the representative of France, who has indicated his desire to speak. The representative of India is entirely correct. If the draft resolution is brought up here again it will have to be as the draft resolution of the representative of France.

Mr. BARGUES (France)(interpretation from French): I leave the decision to the President's discretion, but I should like to allay the fears of the representative of India that the draft resolution might be presented by the French delegation or any other delegation. The French delegation would vote against it, and that of course is not forbidden by the rules of procedure.

The PRESIDENT: We have a French draft resolution which is exactly the same as the Soviet Union draft resolution.

Mr. BARGUES (France) (interpretation from French): On that point I must enter a reservation. Rule 59 says:

"... any... representative on the Trusteeship Council may require" that a vote be taken upon the "draft resolution, motion or amendment under the same conditions as if the original mover had not withdrawn it".

That is to say, at the express request of a delegation the Council may decide that a draft resolution has not been withdrawn.

The PRESIDENT: I think that we are becoming somewhat involved in the semantic aspect here. The rule of procedure does include the word "his", which we cannot eliminate. It all comes to the same thing in any case, and if the representative of France has no objection I shall now put the draft resolution to the vote.

Mr. Krishna MENON (India): There is a further point. If I am not mistaken, I heard the President say a while ago that, after all the speeches and observations which had been made, he had now decided that rule 59 (1) applied. If that was so, it was a ruling, and the French intervention came afterwards. Can one invoke paragraph 2 of rule 59 after the President has decided that the matter comes under paragraph 1 of that rule? Firstly, is not the attempt by the French delegation to invoke rule 59 (2) out of order, and, secondly, the expression "his" draft resolution would mean that it would be a French draft resolution, and it would be a very strange state of affairs if a representative voted against his own draft resolution.

The PRESIDENT: In reply to the representative of India I would say that the Soviet representative time and again gave the Chair to understand that under rule 59 (1) he was going to withdraw his draft resolution. But that does not vitiate paragraph 2 of rule 59, so that the representative of France had a perfect right to take the Soviet draft resolution and present it as his own under the same conditions as if the original mover had not withdrawn it, as indicated in the rule.

Mr. ARENALES CATALAN (Guatemala)(interpretation from Spanish): My delegation realized when the representative of India was speaking that the President had taken a decision to the effect that the position of the representative of the Soviet Union with regard to this draft resolution was covered by paragraph 1 of rule 59 of the rules of procedure. But this is not incompatible with the motion made by the representative of France. What my delegation wants to say, in other words, is that the President's decision is not incompatible with the motion of the representative of France.

Mr. Krishna MENON (India): I understood, subject to what will be found in the verbatim record, that the President had given a ruling on this matter. It was that no vote need be taken, and the French intervention came after that. If it had come before it would have been totally in order. Now it is the same as trying to move an amendment after voting has begun. I think that the President had ruled in the way I have described, but if his recollection is different I shall not press the matter, for it is not my battle.

The PRESIDENT: The representative of India, with his great knowledge of the language, could keep this up all night long, and in view of the fact that my delegation has an interest in the outcome of this issue I now propose to retire and to let the representative of Haiti, the Vice-President, take the Chair.

Mr. Dorsinville (Haiti)(Vice-President) took the Chair.

Mr. CLAEYS BOUUAERT (Belgium) (interpretation from French): My impression is that all the controversy and the difficulties facing us arise from different draftings as to substance between the French text and the English text of rule 59 (2). From reading the English text it is clear, I think, that when a representative withdraws a draft resolution, any other representative may require that it be put to the vote as his draft resolution. After the withdrawal of a draft resolution, then, another representative makes that draft resolution his own and calls for a vote upon it.

The French text does not provide for that condition. It simply says that when a representative withdraws a draft resolution, any other representative sitting in the Trusteeship Council may ask that a vote be taken upon the draft resolution when the author of the draft resolution has withdrawn it.

Mr. GRUBYAKOV (Union of Soviet Socialist Republics) (interpretation from Russian): It would seem to me that these are somewhat artificial difficulties. The question is really perfectly clear. The representative of France has taken our draft resolution and submitted it as his own. Therefore, I shall request the President to have this draft resolution published as a draft resolution of the delegation of France. I could even offer to be a co-sponsor. If the representative of France would agree, I could, as I say, be a co-sponsor, and then a situation other than that in rule 59 would arise, inasmuch as such unexpected support is suddenly coming to us.

Mr. BARGUES (France) (interpretation from French): It may be considered normal that when I make a proposal I simply base myself on the French text. The French text of rule 59 says that any other representative on the Trusteeship Council may require that it be put to the vote, and "the draft resolution" can refer to a draft resolution withdrawn by another representative. What I asked the Council to do was to vote upon the Soviet Union draft resolution. It is only incidentally and in order to reply to an objection by the representative of India that I said that whether this draft was mine or that of another, I would vote against it. That did not mean that I had myself submitted a draft resolution, for I had not actually done so.

Mr. Krishna MENON (India): In the first place, we should have an authoritative translation of the French text from the Secretariat, and if the Secretariat presents two different English translations, then we should refer them to the Staff Committee, or something of that kind where these matters are taken up, so unless we get an authoritative translation from the Secretary-General as to the French version not meaning what the English version says, I suppose one half of the Council would be guided by this and the other half by the other. We are in a difficult position because you are a French-speaking representative, Mr. President.

I should like to say that it is not possible to have a draft resolution which is not sponsored; there must be an author of a draft resolution. The President cannot call for a vote upon a draft resolution that belongs to nobody, and therefore, whether the word appears in the French text or not, it is in the construction of the document. It is there, and that position is corroborated by the fact that it appears in the English text. The English text, at any rate in any construction of this document, is corroborated evidence because the substance of the position is, you cannot have a floating draft resolution. There must be some sponsor, and if, thereafter, rule 59 (2) is invoked, there is no alternative but for those who are invoking it to adopt the draft resolution as their own and vote for it.

The PRESIDENT (interpretation from French): The experience which I have had of the interpretation of rule 59 of the Council's rules of procedure is the following. According to rule 59 (1), the representative of the USSR was quite entitled to withdraw his draft resolution and, in accordance with rule 59 (2), the representative of France was fully entitled to take this draft resolution up again, but on his own account. These are the precedents of which I have had experience during the work of the Council. The representative of the Soviet Union having withdrawn his draft resolution, the representative of France wishes to take up this draft resolution again on behalf of his own delegation.

Mr. BARGUES (France) (interpretation from French): It is understood, of course, that, as usual, I shall accept the President's ruling. I think, however, that this incident may be instructive since it has brought out a radical difference in meaning between two versions of the same text. Your interpretation, Mr. President, is fully in accord with the English version. You yourself, however, are a French-speaking representative and you will realize, of course, that my position was based on the French text. The English text says that any other representative may require that it be "put to the vote as his draft resolution". It must now, therefore, be the draft resolution of the new mover; whereas the French text says that if a representative withdraws a draft resolution, any other representative may require that it be put to the vote; "it" is the old draft resolution, the withdrawn one. It is on that that a new vote can be requested, according to the French text.

I think that it would be only proper if the Secretariat would revise one of the versions. There is a difference as to substance, and the matter, I think, should be examined by the Council itself, and I shall request that it be placed on the agenda as soon as possible. Quite different interpretations may emerge, but an important question of substance is involved.

Mr. COHEN (Under-Secretary, Department of Trusteeship) (interpretation from French): It is extremely difficult for the Secretariat to meet the wishes of the representative of France because the Secretariat does not remember whether the rules of procedure were originally drafted in English or in French. We simply do not know from what language they were originally translated into what other language.

I am now advised that at meetings of the Council when these rules were drafted, the two languages were used simultaneously.

Mr. BARGUES (France) (interpretation from French): The comment just made by the Under-Secretary supports what I have said. Inasmuch as there is a discrepancy between the two versions, it raises not only a formal question, but also a question of substance. Therefore, I think that it is worth while to submit the matter to the Council for discussion when the Council has the opportunity to do so.

Mr. SEARS (United States of America): I do not know why the representative of India was so frightened about having this put to a vote. He brought it up; he spoke at length about it. But, in view of the fact that the Council is now tied up in a procedural wrangle, the United States delegation would be very happy if the offer of the Soviet Union representative to withdraw his draft resolution, in the light of this debate, were accepted.

Mr. Krishna MENON (India): I must say that the last statement of the President, who now sits in the seat of the United States representative, is rather incomprehensible to me. I do not think that fear is one of the characteristics of myself or my country. A President can be provocative, but a representative, if he is provocative, will have to be replied to. I did not ask for the withdrawal of the draft resolution. I am one of the fourteen representatives on the Council as interested in the rules of procedure there are being carried out as anybody else, and all that my delegation did was to point out that if rule 59 (2) was invoked, it must be invoked as it is written down, because it might make a precedent.

(Mr. Krishna Menon, India)

I have not the slightest objection if, because of the willingness of a representative to sponsor this resolution or of the representative of the Soviet Union not to withdraw it, to vote as I said I would vote. The idea that the representative of India has any fears about this matter would be entirely unreal, in view of the fact that I expressed my opinions very fully. I do not think my colleague and friend from the United States could really seriously mean that I was afraid of him.

Mr. SEARS (United States of America): In the first place, I have many friends in the Indian delegation and elsewhere. In the second place, I am fully conscious of the bravery of the Indian troops in all kinds of action. The term "fear" applied to the Indian people would be perfectly absurd. However, when I heard the representative of India talking so long, so hard and so fast, I had the idea he was either fearful or apprehensive. I now take back the word "fearful" and use the word "apprehensive".

Mr. Krishna MENON (India): It means the same thing, in English, at any rate, I do not know what it means in American.

The PRESIDENT (interpretation from French): The Chair gave an interpretation of rule 59 of the rules of procedure. If any representative would like to present another interpretation of this rule, then I will put it to the vote.

Mr. BARGUES (France)(interpretation from French): So far as I am concerned, I yield to the ruling of the Chair, with the understanding that the problem subsequently will be studied and the Council will make up its mind as to the actual meaning of paragraph 2 of rule 59, since the texts in English and French do not mean the same thing.

The PRESIDENT (interpretation from French): I thank the representative of France for the explanation he has just given. The representative of France, of course, is entitled to submit an item for inclusion in our agenda so as to dispose of this textual problem. I shall now put to the vote the French draft resolution.

Mr. BARGUES (France)(interpretation from French): But I made it perfectly clear that I did not endorse that draft resolution. According to the French version of the rules of procedure, a draft resolution does not have to be taken up by the second mover. It is still the original draft resolution, and any representative can ask that it be put to the vote. According to the precedents which the President has invoked, and of which I was not cognisant, it is true that when a representative wishes to put a draft resolution, previously withdrawn by another member, to the vote, it is his obligation to take up that resolution as his own draft resolution; in other words, to present it as his own. The French text of the rules of procedure is quite different. The French text states that the original draft resolution, the one which had been withdrawn by its sponsor, shall be put to the vote. The French text does not require that the second mover should endorse the draft resolution as his own. Since I have yielded to the views of the Chair, and since I now rely on the English text, I will not take up the draft resolution of the Soviet Union as my own. I do not wish to endorse it in any way, shape or manner.

If the French text were regarded as the authoritative text, I would ask that the Council vote on the draft resolution presented by the Soviet Union as such. I will not press the point, because I feel that the representative of the Soviet Union quite properly raised the problem of this discrepancy. I am perfectly satisfied, under the circumstances, that the resolution is withdrawn.

The PRESIDENT (interpretation from French): After this explanation, we seem to be back to where we started. The Soviet Union has withdrawn its draft resolution in accordance with paragraph 1 of rule 59.

Mr. ARENALES CATALAN (Guatemala)(interpretation from Spanish): My delegation would like to point out that it has not taken part in the discussion on the draft resolution which has now been withdrawn because we felt that it was out of order in the context of the item under which it was submitted. We understand and respect the other delegations which formed a different opinion, but in our view, the context of the item concerning the attainment by Trust Territories of the objective of self-government or independence is perfectly clear, and this is confirmed by the resolutions of the General Assembly, by two resolutions of this Council, and also by the concept of this item which is shown by the previous discussions of this Council.

The Soviet delegation has presented another draft resolution under this item, that contained in document T/L.641, which shows exactly what the nature of the item is, namely, the attainment of self-government or independence.

For these reasons, my delegation considers that the resolution which has been withdrawn was out of order because of its context, and we did not take part in the debate, nor did we present a point of order. We did not present a point of order because the delegation most intimately concerned did not make use of that right.

The PRESIDENT (interpretation from French): There will be two meetings on Monday, at 10.30 a.m. and 2.30 p.m. The agenda will be the same as today's agenda.

The meeting rose at 5.45 p.m.