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COMMITTEE ON INFORMATION FROM NON-SELF-GOVERNING TERRITORIES

Twelfth Session

SUMMARY RECORD OF THE TWO HUNDRED AND THIRTIETH MEETING

Held at Headquarters, New York
on Thursday, 4 May 1961, at 10.45 a.m.

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PRESENT:

<u>Chairman:</u>	Mr. SCHURMANN	(Netherlands)
<u>Rapporteur:</u>	Miss KAMAL	Iraq
<u>Members:</u>	Mr. ROS	Argentina
	Mr. HOOD	Australia
	Mr. WIJEGONAWARDENA	Ceylon
	Mrs. BERNARDINO CAPP	Dominican Republic
	Mr. de CAMARET	France
	Mr. YOMEKPE	Ghana
	Mr. VELLODI	India
	Miss BROOKS	Liberia
	Mr. MERCADO	Mexico
	Mr. GOEDHART)	Netherlands
	Mr. de BRUYN)	
	Mr. EDMONDS	New Zealand
	Mr. PEREZ RUIZ	Spain
	Mr. THOM)	United Kingdom of Great
	Mr. CHINN)	Britain and Northern
		Ireland
	Mr. BINGHAM)	
	Mr. POOL)	United States of America

Representatives of specialized agencies:

	Mr. JLOYD	International Labour Organisation
	Mr. AKRAWI	United Nations Educational, Scientific and Cultural Organization
	Mr. MORSE) Mrs. MEAGHER)	World Health Organization
<u>Secretariat:</u>	Mr. PROTITCH	Under-Secretary for Trusteeship and Information from Non-Self-Governing Territories
	Mr. KUNST	Secretary of the Committee

SOCIAL ADVANCEMENT IN NON-SELF-GOVERNING TERRITORIES (ST/TRI/B.1960/1, 2 and 4; A/4760) (continued)

- (a) ASPECTS OF URBAN DEVELOPMENT (A/AC.35/L.335)
- (b) ASPECTS OF RURAL DEVELOPMENT (A/AC.35/L.336)
- (c) COMMUNITY DEVELOPMENT (A/AC.35/L.337)
- (d) LEVELS OF LIVING (A/AC.35/L.345)
- (e) ASPECTS OF LABOUR PROBLEMS (A/AC.35/L.330-L.333, L.339)
- (f) RACIAL DISCRIMINATION IN NON-SELF-GOVERNING TERRITORIES (resolution 1536 (XV)) (A/AC.35/L.334 and Corr.1)
- (g) JUVENILE DELINQUENCY (A/AC.35/L.329 and Corr.1)
- (h) PUBLIC HEALTH (A/AC.35/L.335, L.336, L.338)

Mr. VELLODI (India) said that the Secretariat report on the social aspects of rural development (A/AC.35/L.336) was fairly comprehensive and contained a good deal of useful information. Much had been said on that subject in the past and he would comment only on certain aspects of the problem which in the view of his delegation merited special consideration. The first was the problem of land tenure legislation and policy. It was recognized that under the impact of modern conditions customary tenure would necessarily undergo certain changes. Under that system land had been regarded not as individual property but as part of the tribal area in which the individual enjoyed rights only as a member of his community. Those rights had been governed by indigenous law and custom and based on concepts of equity. Land tenure and land usage had been an essential part of the general social and religious environment. Some of those positive aspects should be carefully borne in mind when attempting to change systems of land tenure to adapt them to changing social conditions.

The problem was obviously one that needed careful and sympathetic handling. There was no doubt that the customary land usage and land tenure had serious drawbacks. The increase in population, particularly in heavily populated areas, had led to the use of all available land and that had affected adversely the customary tenure, which depended for its efficiency on the availability of extra land to meet the subsistence and grazing needs of the people and their cattle. A new system of land usage had the advantage of stopping further deterioration,

(Mr. Vellodi, India)

increasing production and giving personal security and social contentment. Those were fundamental issues on which there could be no disagreement. His delegation, however, had always taken the position that no changes of that nature, however beneficial, could succeed without the co-operation of the people. There were undoubted social advantages in communal ownership of land; apart from keeping together the community which practised it, the system gave the individual farmer a recognized position in society. Customary land tenure was not only a system of usage but a system of law which affected the whole society and unless all possible repercussions were taken into account changes might have undesirable and perhaps dangerous consequences.

The success of a land reform policy would ultimately depend entirely on the people's understanding of the motives for it and on their willingness to co-operate, but there were circumstances which appeared to make such understanding and co-operation more difficult. The first and perhaps the most important factor was the alienation of land, which had undoubtedly caused an almost pathological mistrust of the intentions behind the policy. It might be argued that alienated land formed a very small percentage of the available total, but that land, on which most of the European farms were situated, consisted of the most fertile and productive areas. A case in point was that of the Highlands in Kenya, referred to in paragraph 19 of the Secretariat report. In that connexion, he asked whether it was true that land in the Highlands was "almost entirely held on 999-year leases", or whether the figure should be ninety-nine.

As had been repeatedly stressed in the past, land was to the vast majority of indigenous population something essential to their actual physical survival, and the Indian delegation felt that the authorities should refrain from doing anything which would in any way antagonize the people, who were basically the owners of the land. Unfortunately in some cases there appeared to have been delays and hesitations in accepting the need to rectify the mistakes of the past. Paragraph 23 of the report stated that the question of ownership or occupation of land by Africans in the Highlands of Kenya remained pending. He trusted that the proposals referred to in paragraph 24 would be implemented to the satisfaction of the indigenous inhabitants. The alienated land should be returned to the people

(Mr. Vellodi, India)

of the Territory as far as possible and as soon as possible. He was glad to note that the authorities concerned realized that a new approach to the whole problem was necessary.

The shortage of water still placed very serious limitations on the economic use of land. As early as 1952, the East Africa Royal Commission had found that in Kenya two-thirds of the territory was lacking in water. The authorities were alive to the situation and had tried to remedy it, but much remained to be done and increased expenditure for the purpose was necessary in the interests of general development. That applied also to the infestation of large parts of the area by the tse-tse fly, and he hoped that efforts to eliminate that serious pest would be continued and increased.

His delegation had noted with satisfaction the substantial increase in the number of co-operatives in most of the Non-Self-Governing Territories, but was disappointed to note that the idea of co-operative credit societies had not developed to the same extent. The Committee had been told that the matter had not been considered seriously owing to lack of demand from the indigenous inhabitants for such credit schemes. According to paragraph 81 of the Secretariat report, however, African farmers were often unable to increase productivity because of their limited resources and ordinary commercial credit agencies were prepared to lend money only against security of a kind which they did not possess. Obviously credit facilities should be made available to African farmers, and his delegation regarded the matter as urgent. He hoped that the authorities concerned would consider without delay the establishment of co-operative credit societies and a central co-operative bank which would assist in satisfying the demands for agricultural credit. Provision of credits by marketing societies against the proceeds from the following year's crops could also assist considerably. No doubt the specialized agencies, and particularly the Food and Agriculture Organization, could render valuable assistance in that respect.

(Mr. Vellodi, India)

Neither the information given in the "green books" nor the Secretariat report gave a clear picture of the extent of participation by indigenous inhabitants in the economic life of the Non-Self-Governing Territories. The various documents gave the impression that even today the contribution of the indigenous inhabitants to the economy of the Territories was negligible, particularly when compared with that of the European communities. The figures indicated that non-Africans worked on very insignificant proportions of the available land, but his delegation would have liked to have clearer statistical data on the subject. It was well known that the European farmers still produced the bulk of the marketed crops; in fact in some areas crops such as tea and tobacco were entirely European enterprises.

Turning to the question of community development, he observed that the Secretariat report (A/AC.35/L.337) did not assist the Committee very much; that was not a reflection on the competence of the Secretariat, since it could not have produced anything better with the scanty information transmitted by the Administering Members. The same difficulty had arisen the previous year. It almost appeared that the Administering Members had lost some of the enthusiasm which had marked the earlier discussions of the item. His delegation was convinced, especially in the light of India's own experience, that the community development movement could contribute substantially to the general improvement of conditions in the Non-Self-Governing Territories.

At the Committee's 228th meeting the Special Adviser to the United Kingdom delegation had made a statement on the problem of community development. He did not wish to enter into a controversy regarding the philosophy of community development; the concept had been accepted and the Committee was concerned only with initiating and fostering it. While in complete agreement with much of what Mr. Chinn had said, he was not clear about the meaning of his remark that community development must grow from the communities and the people themselves rather than be imposed from above as part of a Government plan. Mr. Chinn himself had admitted that it might not always be possible for the initiative to come from the communities and the peoples. In India community development was certainly a part of the Government plan, but that did not mean that the programmes were being

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imposed on the communities. India could not afford to throw away large sums of money on plans that did not benefit the people and the increased funds provided for the programmes indicated the success that had been achieved in that work. The community development programme in India, which had been launched in October 1952, was expected to cover the entire rural area by October 1963.

Mr. Chinn had also said that success could not be measured by adding up the material projects completed. The Indian delegation could not entirely agree with that statement. It was true that the object of community development was not limited to digging a few wells or constructing a few miles of road, but unless there was some tangible evidence by which to assess the success or failure of any movement it was difficult to see how the problem could be dealt with seriously. That point had been stressed by the Committee in its report to the fifteenth session of the General Assembly. Even in 1958 the Committee's report had stated that the practice of community development required frequent reappraisals in the light of the large body of experience that had been gained. In that connexion he referred to the report of the First Workshop on community development organized by the Economic Commission for Africa, held at Addis Ababa in September 1959. The general meeting had specifically recommended that a comprehensive study of community development in Africa should be carried out periodically by the Commission and that in addition special studies should be undertaken on various aspects of community development in Africa which might contribute to a solution of practical problems. His delegation had therefore been disappointed to hear Mr. Chinn say that it was hoped that money and effort which might more usefully be spent in community development itself would not be dissipated in too many studies of a subject which by its very nature did not lend itself to statistical measurement. The Indian delegation was convinced that the success of the movement depended considerably on the physical achievements which alone could give the necessary incentive to the peoples and communities to participate.

(Mr. Vellodi, India)

He would not go into the details of community development in the various Territories covered by the Secretariat report. Since, however, Mr. Chinn had referred to the inquiry conducted by the Economic Commission for Africa into community development in Uganda, he drew attention to document E/CN.14/81, of 1 December 1960, which contained a report on community development in Uganda based on that inquiry. That was a very informative report and in some ways met the suggestion made by the Committee on Non-Self-Governing Territories regarding project study. The first impression gained from reading the report was that the community development movement in Uganda had not been successful.

A study of that nature helped to bring out clearly the main elements to be dealt with in successfully carrying out community development programmes in the Non-Self-Governing Territories. One important aspect which must not be neglected was the financial one; so large a movement could not succeed without substantial monetary assistance from the Government. The Committee had been told that in Uganda the provision for the Community Development Division was less than 1 per cent of the Territory's budget and that half of that went towards salaries. It was further told that the Division was now faced with economy cuts. He hoped that the authorities would see to it that the movement did not suffer unduly from lack of finances.

In conclusion, he commended the authorities in the Non-Self-Governing Territories for the steps taken to foster the growth of the community development movement, particularly in regard to the training of qualified personnel. He hoped that his observations would be received in the spirit in which they had been made; they reflected the seriousness and enthusiasm with which the Government and the people of India had supported the movement for the past eight years.

Mr. WIJEGOONAWARDENA (Ceylon) welcomed the co-operation shown by all the Administering Powers in transmitting information on their Non-Self-Governing Territories. The change in the title of the agenda item from "Social conditions in Non-Self-Governing Territories" to "Social advancement in Non-Self-Governing Territories" reflected a change in attitude towards the problem rather than any actual progress. The new outlook was heartening, but an enormous task had to be faced and the situation was likely to deteriorate, unless there was careful planning to meet current social problems.

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(Mr. Wijesoonawardena, Ceylon)

One of the most obvious causes of disruption was the social changes taking place in all the Non-Self-Governing Territories as a result of increasing urbanization. The dangers inherent in the period of transition to city life, with the changed values which that implied, had been underlined in the documents before the Committee, in particular in the passage quoted in paragraph 26 of document A/AC.35/L.335, referring to Africa. The people who remained in the rural communities preserved their tribal associations, and were thus part of a more tightly knit social unit than those members of the family who have moved to the cities; but that was an inevitable process in the twentieth century.

Similarly, urban living conditions in most of the Non-Self-Governing Territories in Asia left much to be desired. Crowded cities such as Singapore and Hong Kong had created social problems, arising from the disintegration of family life and the difficulty of living in over-populated urban communities with very little stress on the true values of human existence. The importance of the preservation of the family unit as a cohesive force in a changing society was illustrated by the Territories administered by New Zealand. The social stability in the islands of the Pacific was based on the stability of family ties.

The conditions and problems in the Caribbean territories were succinctly described, in particular in paragraphs 254 and 258 of document A/AC.35/L.335, which indicated the numerous problems to be faced not only in the Caribbean area, but also in almost all of the Non-Self-Governing Territories. The United States was to be complimented on its progressive approach towards its dependent territories both in the Caribbean and in the Pacific regions.

In conclusion, he said that the problems involved were not new, and the accumulated collective experience of all countries could be used in solving them.

Mr. de BRUYN (Netherlands) stressed that the measurement of changes in levels of living was a complex problem, which had no completely adequate solution. The Committee of Experts on International Definition and Measurement of Standards and Levels of Living had adopted certain definitions, according to

(Mr. de Eruyn, Netherlands)

which "levels of living" related to the actual living conditions of a people, while "standards of living" related to the aspirations or expectations of a people with regard to their living conditions.

In Netherlands New Guinea, the statistical services were still in the process of being developed; it was fully realized that a well organized statistical service was indispensable for planning. In that Territory, the level of living of the indigenous population had risen considerably in the past ten years, owing to the unremitting efforts of the Administration. The contribution of the Netherlands Government towards the development of the Territory was increasing each year; in 1964, it would be more than five times the figure for 1950. The higher level of living could also be measured by the various "components" suggested by the Committee of Experts.

The first component was health. The budget of the Public Health Department of the Territory had increased considerably, as had the number of doctors and nurses. More and better equipped hospitals had been built and the satisfactory results of preventive and curative health care were shown in the birth, death and infant mortality rates in those areas where the Public Health Department had launched campaigns against malaria, yaws, and tuberculosis and promoted maternal and child welfare. In the administered part of the Territory, yaws had practically disappeared; nearly half of the population was protected by residual indoor spraying with insecticides; and 40 per cent of the population had been examined for tuberculosis. By 1963, 75 per cent of the population would be protected by ECG vaccination.

Another component of the level of living was nutrition. Famine was practically nonexistent in Netherlands New Guinea, but in most areas the diet was poorly balanced and suffered from a lack of protein. A nutrition council in which various services, such as the agricultural service, the health education service, the information service and the educational department, were represented, had been founded in 1955 to draft practical measures to improve the diet of the population. In addition, research studies had been carried out in various

(Mr. de Bruyn, Netherlands)

areas. Furthermore, protein-rich food crops had been introduced and fish ponds had been constructed in inland areas; more attention had been paid to the growing of green vegetables and food crops of a higher nutritional value in school gardens; balanced school meals had been made compulsory. Attention was also devoted to infant feeding and to the diet of expectant and nursing mothers. However, the task of abolishing age-old food taboos was a difficult one.

Education, including literacy and skills, was another important component of the level of living, and there, too, progress had been made during the past ten years, in that the number of schools with advanced curricula and qualified teachers had considerably increased.

With regard to the component "consumption and savings", he stressed that figures for the total and per capita national income did not provide an appropriate measure of the level of living in a country whose economy operated primarily on a non-monetary basis, as was generally the case in Netherlands New Guinea. A tentative calculation of the national income of the Territory, based on estimates, showed that the per capita national income was approximately Fl. 400, or about \$100. Of the total expenditure in the territorial Government's budget for 1961, 9 per cent was spent on public health and 11 per cent on education. The total amount of wages paid to indigenous workers in 1960 had been over Fl. 20 million. In 1960, 30 per cent of the total imports had been capital goods and 70 per cent consumer goods.

Mr. THOM (United Kingdom) wished to reply to two points raised by the representative of India, concerning the problem of discrimination in land tenure in the Highlands of Kenya, and the fact that European farmers still produced the bulk of the marketed crops. The United Kingdom Government had adopted a policy of non-racial land tenure. The Kenya Highlands Order in Council of 1939 had been revoked in 1960, and all ordinances and covenants containing restrictive clauses and conditions relating to land were now void.

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(Mr. Thom, United Kingdom)

In reply to the second point, he said that the information contained in paragraphs 55 to 61 of document A/AC.35/L.336 was not fully up to date, but even before 1958 there had been signs of an increase in the production of marketed crops by African co-operatives. In 1958, coffee valued at nearly £1,000,000 had been marketed by those co-operatives jointly with a European marketing concern, the Kenya Planters Co-operatives Union; that arrangement was advantageous to the African co-operatives.

Mr. VELLODI (India) asked whether the revoking of the Order on the Kenya Highlands meant that some or most of the fertile areas were to be transferred to Africans, or merely that no further land would be alienated.

Mr. THOM (United Kingdom) replied that the measure meant that all land was now on the open market, and that there was no restriction whereby it could be owned only by Europeans.

Miss BROOKS (Liberia) asked what was the position regarding land held by Europeans under long leases, such as those mentioned in paragraph 19 of document A/AC.35/L.336.

Mr. THOM (United Kingdom) said that there was nothing in the legislation to invalidate the existing leases, but that land offered for sale could be purchased by any buyer.

Mr. Chinn would now address the Committee.

Mr. CHINN (United Kingdom) said that he did not expect to be able to reconcile completely the Indian and the United Kingdom application of the philosophy of community development. He was in complete agreement, however, with the importance and value of the community development movement. The Indian Government was to be congratulated on the success which it had achieved in that regard. The Indian representative's assessment of the inquiry into community development in Uganda did not agree with his own, since he believed that the report had demonstrated the difficulties inherent in evaluating community development at a time when the political future of the country was uppermost in the people's minds. He was, however, certain that the foundations for community development in Uganda had already been laid and he sincerely hoped that the new

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(Mr. Chinn, United Kingdom)

Uganda Government, when it came into power, would carry the process further. What was required now was not an over-all appraisal but case studies in depth which could be used as training material for workers in this field.

Turning to the subject of the treatment of juvenile offenders, he said that paragraph 1 of document A/AC.35/L.329 provided a true statement of the United Kingdom Government's intentions and of territorial government practice. Some of the statistical material in that document, however, required elucidation.

No practical conclusions on juvenile delinquency could be drawn merely by compiling tables of the offences committed, the persons found guilty and the methods of treatment. Much additional information was required about the type of the offence, the application of the law, the activities of the police in enforcing it, and the results of various methods of treatment. Accurate statistics on juvenile delinquency were not available in the Non-Self-Governing Territories administered by the United Kingdom. Some time would elapse before staff could be trained to compile and interpret such statistics on the basis of internationally valid criteria. The difficulties involved in discovering trends from tabulations of offences could be demonstrated by comparing the numbers of juveniles found guilty in Hong Kong in 1954/1955 and 1957/1958 given in table 1 annexed to document A/AC.35/L.329: the dramatic drop in convictions had been due not to a change of heart among the juveniles or to the efficiency or the deterrent effect of the reformatory measures, but to the fact that the police had discontinued the practice of prosecuting juvenile hawkers before the courts.

He was glad to be able to say that in the Non-Self-Governing Territories administered by the United Kingdom juvenile delinquency had not assumed the serious proportions common to the more highly industrialized countries and that, despite the processes of industrialization and urbanization, there had been no alarming increase in the number of offenders over the past few years. The authorities were more concerned at the number of children whose home circumstances, environment and lack of disciplinary control predisposed to anti-social behaviour. The United Kingdom Government was pressing territorial governments to establish preventive services. The Secretary of State for the Colonies Advisory Committee on the Treatment of Offenders would soon send out a circular on suggested methods for dealing with children and young persons in need of care and protection and on the treatment of young offenders; a comprehensive model ordinance on that subject was in preparation.

(Mr. Chinn, United Kingdom)

In the United Kingdom Territories existing legislation for the treatment of offenders was based on United Kingdom law and practice: no juvenile under the age of fourteen could, according to statute, be sent to prison, while in most Territories, including those in Africa, young persons - i.e., those aged between fourteen and sixteen or seventeen - could be committed to prison only in exceptional circumstances and when no other method of treatment was considered suitable.

He was glad to be able to assure the Committee that more up-to-date figures than those on which document A/AC.35/L.329 was based showed a considerable reduction in the number of young persons sent to prison. Two training centres for young offenders were now open in Hong Kong and it was very exceptional for any young person to be committed to prison in that Territory. The reference to Aden in paragraph 12 of the document needed some explanation since fourteen of the thirty-one young persons admitted to prison in 1959 were not delinquents in the accepted sense of the term but illegal immigrants awaiting deportation; they were detained in complete segregation from adult offenders.

Paragraph 13 of the report suggested that the African Territories were not as advanced as other Territories in their methods of dealing with juvenile offenders. In fact, the statutory provisions were the same as elsewhere, but the implementation of the law presented difficulties in view of the vastness of the areas, the differences in their development and the existence of two distinct systems of judicial procedure. It had not yet proved possible to establish juvenile courts throughout the Territories, and many young offenders were still brought before African Courts. The latest figures for the African Territories did, however, show an improvement on those quoted in the report. In Uganda, for instance, only eight juveniles under fifteen had been sent to prison in 1959. As a result of the establishment of a remand home at Kampala no boys were any longer remanded in prison while awaiting trial or transfer to an approved school, and after the forthcoming promulgation of new legislation the same would become true of young persons.

The statement in paragraph 16 of the report (A/AC.35/L.329) that boys were on occasion transferred from the Reform School to prison was true, but the Reform School was a Borstal type institution for older boys and not an approved school.

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(Mr. Chinn, United Kingdom)

Such boys were sent to a separate establishment in the Central Prison for young prisoners. The comparatively large number of young offenders sent to prison in Kenya gave a misleading impression of what actually happened, since the boys underwent special training in an entirely separate institution for young prisoners. Borstal-type legislation had been prepared in Kenya and in Uganda. There were now three approved schools in Kenya, with provision for two or three more.

He could give the Committee no information on the number of juveniles detained in labour and detention camps (A/AC.35/L.329, paragraph 13); since, however, most of the inmates in such camps were tax defaulters and the minimum age for the payment of taxes was eighteen years, there could not be very many juveniles among them.

Approved schools for young offenders had been established in all the major United Kingdom Territories and in most of the smaller ones. It was difficult to give the actual number of offenders in such institutions because, following United Kingdom practice, they were used for children and young persons brought before the courts as being in need of care or protection as well as for offenders against the law. The reason why there were no approved schools for girls in United Kingdom African Territories - a fact to which the Indian representative had drawn attention - was that there were very few girl offenders. In some Territories alternative arrangements were made by using voluntary institutions for the very few cases requiring approved school type of treatment.

Paragraph 30 of the report (A/AC.35/L.329) stated quite correctly that the United Kingdom considered the use of the probation system to be the most promising and flexible method of treating young offenders. The probation system had expanded fairly rapidly in all the United Kingdom Territories, the rate of expansion being slower in parts of Africa because of the scattered nature of the population and, especially, of the difficulty involved in selecting and training suitable officers. To remedy the situation, officers from the Territories were given training in the theory and practice of probation work at courses arranged by the United Kingdom Government. In 1957 the Secretary of State for the Colonies had sent a memorandum to the authorities in all the Territories under United Kingdom administration drawing their attention to the importance of rehabilitation methods in the treatment of offenders and pointing out that increasing attention should be paid to the offender rather than to the

(Mr. Chinn, United Kingdom)

offence. The memorandum also stated that it was unrealistic to hold up the extension of the probation system on the ground of expense because the cost of dealing with offenders on probation was very substantially lower than that of detaining them in an institution. The memorandum had been accompanied by a model Probation of Offenders Ordinance which had been very favourably received by the overseas Governments, many of which were now amending their legislation to give effect to its proposals.

The last sentence of paragraph 30 of the report to the effect that only 2 per cent of the juveniles sentenced by the courts in Hong Kong had been placed on probation in 1958/59 was misleading in that the vast majority of the boys brought before the courts were charged with minor offences and were not in need of rehabilitation or supervision. The number of juvenile delinquents in Hong Kong was in fact remarkably low - proportionately lower than in any other country about which he had information.

The condition of residence in a hostel as part of a probation order was often an effective way of ensuring supervision in freedom. There was, indeed, an increasing tendency to provide hostel accommodation not only for young offenders but also for young people living and working in the towns.

Although juvenile courts existed in some Territories, none of them was properly equipped to deal with children and young persons according to modern methods of treatment. Some Territories, notably in the Caribbean, were, however, well under way to providing enlightened and progressive services for delinquent and neglected children and some of the urban areas in Africa were not far behind.

The United Kingdom was in entire agreement with the views expressed by the Indian and Mexican representatives on the subject of corporal punishment. In the United Kingdom itself such punishment had been abolished as a judicial measure several years previously and all the overseas Governments had been urged to provide alternative methods. Several difficulties had, however, to be overcome before corporal punishment could be completely abolished. The introduction of other sanctions was, of course, a prerequisite; it should also be remembered that modern reformatory measures required not only legislation but also trained personnel and appropriate institutions. Again, corporal punishment, particularly by the local courts, having become the accepted practice in some areas, a process of education of the judicial authorities and of public opinion which now accepted

(Mr. Chinn, United Kingdom)

swift retributive justice as preferable to other methods, would be required in addition to legislative enactments. It was significant in that respect that corporal punishment was rarely, if ever, imposed by courts served by probation officers. He was sure that with the establishment of properly constituted juvenile courts, corporal punishment would become a dead letter even if it temporarily remained on the statute book.

Mr. VELLODI (India) said that he experienced some difficulty in reconciling Mr. Chinn's statement that legislation for the treatment of offenders in the Non-Self-Governing Territories was based on United Kingdom law and practice with the unsatisfactory penalties still imposed on juvenile delinquents by the African courts. Furthermore, he asked Mr. Chinn to explain the discrepancy between his statement that offenders were rarely sentenced to corporal punishment where alternative methods of treatment could be imposed and the information given in paragraph 35 of document A/AC.35/L.329.

Mr. CHINN (United Kingdom) replied that, although legislation in the Non-Self-Governing Territories was based on United Kingdom law and practice, it also included provision for corporal punishment. Corporal punishment was now used but rarely in courts which were served by probation officers. The information on Northern Rhodesia in paragraph 35 of the document should be viewed in the light of the fact that special services were not yet available in the vast rural areas. That was true of most African Territories where a large number of petty offences committed in the rural areas were dealt with in African courts. The authorities in Kenya had recently persuaded the African courts to accept probation officers. Appointments would be made as and when officers became available. He hoped that juvenile courts would be set up in the Non-Self-Governing Territories wherever the need arose.

The meeting rose at 12.40 p.m.